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Useful information

Role of the Committee

The Scrutiny of Acts and Regulations Committee is an all-party Joint House Committee, which examines all Bills and subordinate legislation (regulations) introduced or tabled in the Parliament. The Committee does not make any comments on the policy merits of the legislation. The Committee's terms of reference contain principles of scrutiny that enable it to operate in the best traditions of non-partisan legislative scrutiny. These traditions have been developed since the first Australian scrutiny of Bills committee of the Australian Senate commenced scrutiny of Bills in 1982. They are precedents and traditions followed by all Australian scrutiny committees. Non-policy scrutiny within its terms of reference allows the Committee to alert the Parliament to the use of certain legislative practices and allows the Parliament to consider whether these practices are necessary, appropriate or desirable in all the circumstances.

The *Charter of Human Rights and Responsibilities Act 2006* provides that the Committee must consider any Bill introduced into Parliament and report to the Parliament whether the Bill is incompatible with human rights.

Interpretive use of Parliamentary Committee reports

Section 35 (b)(iv) of the *Interpretation of Legislation Act 1984* provides –

> In the interpretation of a provision of an Act or subordinate instrument consideration may be given to any matter or document that is relevant including, but not limited to, reports of Parliamentary Committees.

When may human rights be limited

Section 7 of the *Charter* provides –

Human rights – what they are and when they may be limited –

(2) A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including—

(a) the nature of the right; and

(b) the importance of the purpose of the limitation; and

(c) the nature and extent of the limitation; and

(d) the relationship between the limitation and its purpose; and

(e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

Glossary and Symbols

'Assembly' refers to the Legislative Assembly of the Victorian Parliament

'Charter' refers to the Victorian *Charter of Human Rights and Responsibilities Act 2006*

'Council' refers to the Legislative Council of the Victorian Parliament

'DPP' refers to the Director of Public Prosecutions for the State of Victoria

'human rights' refers to the rights set out in Part 2 of the Charter

'IBAC' refers to the Independent Broad-based Anti-corruption Commission

'penalty units' refers to the penalty unit fixed from time to time in accordance with the *Monetary Units Act 2004* and published in the government gazette (as at 1 July 2014 one penalty unit equals $147.61)

'Statement of Compatibility' refers to a statement made by a member introducing a Bill in either the Council or the Assembly as to whether the provisions in a Bill are compatible with Charter rights

'VCAT' refers to the Victorian Civil and Administrative Tribunal

[ ] denotes clause numbers in a Bill

Alert Digest No. 11 of 2015

Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015

Introduced	1 September 2015
Second Reading Speech	2 September 2015
House	Legislative Assembly
Member introducing Bill	Hon. Martin Pakula MLA
Portfolio responsibility	Attorney-General

Purpose

The purposes of the Bill are to:

- amend the *Criminal Organisations Control Act 2012* to prohibit individuals from associating with other individuals who have been convicted of serious criminal offences for the purpose of preventing the commission of offences **[3 to 8]**
- repeal section 49F of the *Summary Offences Act 1966* (the offence of consorting). **[9]**

New part 5A of the Criminal Organisations Control Act 2012

The Bill would insert a new part 5A into the *Criminal Associations Control Act 2012*, containing new sections 124A to 124Q.

New offence of 'unlawful association'

New section 124A(1) creates the offence of 'unlawful association', which provides that an individual who has been served an 'unlawful association' notice (under new section 124D or 124E) must not associate with an individual specified in the notice:

- on 3 or more occasions in a 3 month period (new section 124A(1)(a); or
- on 6 or more occasions in a 12 month period (new section 124A(1)(a)).

The term 'associate with' is defined in existing section 3 as 'to be in company with' or 'to communicate with by any means (including electronic communication)'. (*Refer to Charter report below*)

The offence is punishable by imprisonment for 3 years or 360 penalty units or both.

General exemptions from offence

The offence would not apply if the individuals are family members who associate for a purpose that is not an 'ulterior purpose' (defined in subsection 5) — see new subsection 124A(3)).

The offence would also not apply if the individual served with an unlawful association notice associates with an individual named in the notice in any of the following ways, provided the association is not for an 'ulterior purpose':

- in the course of lawful employment or the lawful operation of a business

- in the course of participating in education or vocational training
- while either of the individuals or both, are being provided with a health service
- when either of the individuals, or both, are being provided with legal advice
- while in lawful custody or in the course of complying with an order, requirement or direction imposed by a court, the Adult Parole Board, or the Secretary to the Department of Justice and Regulation
- for genuine political purposes, or in lawful protest or industrial action
- in compliance with a lawful association authority granted to the individual
- at a gazetted event or gathering (new subsection 124A(4)).

Exemptions by Chief Commissioner of Police

An individual who has been served an unlawful association notice may apply to the Chief Commissioner of Police for authority to associate with a specified individual at an event or gathering, such as the funeral of a mutual acquaintance (new section 124B).

The Chief Commissioner may also specify, by notice published in the Government Gazette, a kind or class of event or gathering that is exempted from the application of new section 124A(1), unless the association is for an ulterior purpose (new section 124C).

Issue of unlawful association notice (initial notice)

An unlawful association notice may be issued by a senior police officer (an officer of or above the rank of senior sergeant) to a person who is 18 years or older if the officer reasonably believes that:

- the individual has, on at least one occasion, associated with an individual convicted of an applicable offence tried on indictment (including individuals convicted before the commencement of the Act); and
- the commission of an offence is likely to be prevented (new section 124D).

Issue of further related unlawful association notice to convicted offender

The senior police officer who issues an initial notice must also issue an unlawful association notice to each convicted offender named in an initial notice, specifying that they must not associate with the individual who is the subject of the initial notice (new section 124E). The Explanatory Memorandum states that the purpose of the section is to ensure that there are 'reciprocal obligations' to avoid associations on both the individual who is served the initial notice and the convicted offender who is named in the notice. However, the senior police officer is not required to issue a related notice if they consider that 'exceptional circumstances' exist.

Content and duration of an unlawful association notice

Section 124F sets out the information that an unlawful association notice must contain, which includes:

- the name and address of the individual on whom the notice will be served and of the convicted offender
- the name, rank and place of duty of the senior police officer who issued the notice (or an identifying reference)
- a statement that the notice remains in effect for 3 years (unless it is revoked sooner)

- information about the exceptions to the offence
- a statement regarding the process for internal review of the decision to issue the notice (see below) and a statement regarding the individual's right to apply for a lawful association authority (see section 124B above).

Amendment and revocation of unlawful association notices

Section 124J provides that a senior police officer may amend an unlawful association notice to correct a clerical or obvious error.

Section 124K provides that a senior police officer may revoke an unlawful association notice (a notice would otherwise remain in effect for 3 years after it is issued – see section 124H).

Internal review of unlawful association notices

An individual served with an unlawful association notice may apply to the Chief Commissioner for a review of a decision to issue or amend a notice (new section 124M).

The decision must be reviewed by a senior police officer (of the same or higher rank as the officer who made the original decision) but cannot be reviewed by the original decision maker or an officer who was 'substantially involved' in making the original decision. The reviewing officer must make a fresh decision within 28 days of the application for review (new section 124N).

Where the effect of the reviewing officer's decision is that the unlawful association notice be revoked, the reviewing officer must also review any related notice (i.e. a notice served on a convicted offender) and, if necessary, must also revoke that notice (new section 124P).

Other amendments to the Criminal Organisations Control Act 2012

Annual report

Victoria Police will be required to report annually on: the number of notices issued; the age of persons who receive notices; the number of Aboriginal and Torres Strait Islander persons who receive a notice; the number of lawful association authorities granted; the number of notices published under section 124C; and the number of decisions of senior police officers that are set aside following internal review (new sections 133(1)(ka) to (kg)).

Review of Act

The Attorney-General would also be required to conduct a review of the operation and effectiveness of the *Criminal Organisations Control Act 2012* during the three years following the commencement of the amendments proposed by the Bill. **[8]**

Content

Offences and associations that predate new part 5A – Future operation based on past events – Whether retrospective application of legislation

Under new section 124D(2)(a), an individual convicted of an applicable offence tried on indictment would include an individual who was convicted of such an offence before the commencement of new Part 5A.

Under new section 124D(2)(b), any association with a convicted offender by the individual on whom the notice is served would include an association that occurred before the commencement of new Part 5A.

Both of the above provisions are relevant to the issue of an unlawful association notice.

The Committee notes that there is a distinction to be made between an enactment that takes into account past facts or conduct as a basis for future operation and, on the other hand, an enactment that alters past rights based on past events. A recent example of an enactment that has future operation based on past facts is the *Working with Children Act 2005.* That legislation takes into account past convictions in assessments of future suitability to engage in child related work.

As the Victorian Full Supreme Court found in *Robertson v City of Nunawading* [1973] VR 819 at 824:

> …[the] principle [of retrospectivity] is not concerned with the case where the enactment under consideration merely takes account of antecedent facts and circumstances as a basis for what it prescribes for the future, and it does no more than that.[1]

Notably, the issue of an unlawful association notice does not, of itself, impose a criminal sanction. Rather, it is the breach of such a notice (on 3 or more occasions in a 3 month period or on 6 or more occasions in a 12 month period) that would result in criminal sanction (see new section 124A of new Part 5A).

The Committee notes the effect of new sections 124D(2)(a) and (b) and considers that they do not operate retrospectively since they do not have a prior effect on past events but instead draw upon past events as the basis for future action.

Charter report

Expression – Offence to 'communicate with' specified people – Group electronic communications

Summary: *The effect of new section 124A is that people who are served with an unlawful association notice face up to three years in prison if they 'communicate with' anyone specified in that notice more than three times in three months or six times in one year, including electronically. The Committee will write to the Attorney-General seeking further information whether or not the prohibition on electronic communication extends to group communications where one of the participants is a specified person.*

The Committee notes that clause 5, inserting a new section 124A into the *Criminal Organisations Control Act 2012*, makes it an offence for a person served with an unlawful association notice to 'associate with' an individual specified in that notice on 3 occasions within 3 months or 6 occasions with 12 months. The offence is punishable by 3 years imprisonment and is subject to exceptions including for family members and genuine political purposes.

The Committee also notes that existing s. 3 provides that:

> "associate with" means—
>
> (a) to be in company with; or
>
> (b) to communicate with by any means (including by electronic communication)

[1] See D C Pearce and R S Geddes, *Statutory Interpretation in Australia*, 5th edition (2001), p. 252.

The Committee observes that the effect of new section 124A, when read with para (b) of this definition, is that people who are served with an unlawful association notice face up to three years in prison if they 'communicate with' anyone specified in that notice (other than family members, for genuine political purposes or various narrow exceptions) more than three times in three months or six times in one year, including electronically.

The Committee considers that new section 124A may engage the Charter's right to freedom of expression.[2] Although the Statement of Compatibility addresses new section 124A's effect on the Charter's rights to movement, privacy, freedom of association and protection of families, it does not address the right to freedom of expression.

The Committee observes that new section 124A's prohibition on 'electronic communication' may cover, not only one-to-one communications (such as personal SMS and email) but also group communications (such as social media.) For example, new section 124A may make it an offence for a person served with an unlawful association notice to:

- send or contribute to an email newsletter with multiple recipients including a person specified in the notice
- post updates, links or photos to his or her Facebook feed if the person's Facebook 'friends' include a person specified in the notice
- post tweets on Twitter if he or she 'is 'followed' by anyone specified in the notice
- post or comment on a blog, if anyone specified in that notice reads that blog

more than three times in three months or six times in a year, other than with family members or for genuine political purposes. By contrast, the existing consorting offence in the *Summary Offences Act 1966* and other equivalent Australian offences only regulate when someone 'consorts by' electronic communication.[3] The High Court has held that the term 'consorts' requires proof of 'some seeking or acceptance of the association' by the defendant.[4]

The Committee notes that a similar offence in South Australia provides that no offence is committed 'unless the person knew that the act or omission constituted a contravention of, or failure to comply with, the notice or was reckless as to that fact.'[5]

The Committee will write to the Attorney-General seeking further information as to the compatibility of new section 124A with the Charter's right to freedom of expression and, in particular, whether or not the prohibition in that section extends to group electronic communications (such as mass emails, social media or webpages) where one of the participants (e.g. a Facebook friend, Twitter follower or blog reader) is a specified person.

The Committee makes no further comment

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2 Charter s. 15(2).

3 *Crimes Act 1900* (NSW), s. 93X(1)(a): *Summary Offences Act 1979* (NT), s. 56(1)(e)(i); *Summary Offences Act 1953* (SA), s. 13(1)(a); *Summary Offences Act 1966* (Vic), s. 49F(1); *Police Offences Act 1935* (Tas), s. 6(1); *Criminal Code* (WA), ss. 557J(2), 557K(4).

4 *Tajjour v New South Wales; Hawthorne v New South Wales; Forster v New South Wales* [2014] HCA 35, [68], [101], [135], [211]-[218].

5 *Summary Offences Act 1953* (SA), s. 66K(2). See also *Summary Offences Act 1979* (NT), s. 55A(6).

Energy Legislation Amendment (Consumer Protection) Bill 2015

Introduced	1 September 2015
Second Reading Speech	2 September 2015
House	Legislative Assembly
Member introducing Bill	Hon. Lily D'Ambrosio MLA
Portfolio responsibility	Minister for Energy and Resources

Purpose

The Bill would make a number of amendments to the *Electricity Industry Act 2000*, including:

- the imposition of new licence conditions on service providers, including:
  - a requirement to provide information to be specified by the Essential Services Commission in guidelines (new section 23A)
  - the publication of a statement in a daily newspaper regarding enforcement action taken in respect of a licensee (new section 23B)
  - a requirement that a licensee offer to sell electricity to a renewable energy customer (for example, customers who have solar or other renewable energy generation) at the same rate and on the same terms and conditions that it would offer for non-renewable energy customers (new section 23C) **[5]**
- an increase in the compensation payable to consumers for wrongful disconnections (from $250 to $500 per day) **[9]**
- the prohibition of 'exit' or 'early termination' fees except where they are linked to a genuine fixed-term, fixed-price contract (new section 40D(1AA). **[10]**

The Bill would also make a number of amendments to the *Essential Services Commission Act 2001*, including:

- provision for the Essential Services Commission to exercise further enforcement powers in relation to the energy industry **[17]**
- an increase in the maximum penalty that may be specified in a civil penalty notice in relation to the energy industry from 120 to 680 penalty units (approximately $17,700 to approximately $100,000) **[16]**
- an expansion of the Essential Services Commission's publication and reporting functions in relation to the energy industry (including the publication of an annual compliance and enforcement report, which would be updated quarterly) **[17]**

The Bill would also make a number of amendments to the *Gas Industry Act 2001*, including:

- the imposition of new licence conditions (new sections 33 and 34 which mirror the provisions in new sections 23A and 23B of the *Electricity Industry Act 2000*) **[20]**
- identical reforms to those proposed for the *Electricity Industry Act 2000* in relation to increased compensation for wrongful disconnections and the prohibition of 'exit' or 'early termination' fees. **[24, 25]**

Charter report

The Energy Legislation Amendment (Consumer Protection) Bill 2015 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment

Local Government Amendment (Improved Governance) Bill 2015

Introduced	2 September 2015
Second Reading Speech	3 September 2015
House	Legislative Assembly
Member introducing Bill	Hon. Natalie Hutchins MLA
Portfolio responsibility	Minister for Local Government

Purpose

The Bill is for an Act to amend the *Local Government Act 1989* to enhance the standards of governance and behaviour across local government by:

- requiring newly elected councillors to make a declaration that they will abide by the council's Councillor Code of Conduct **[4, 5]**
- introducing a mandatory internal resolution procedure within councils for an alleged contravention of the Councillor Code of Conduct **[18]**
- introducing improvements to the councillor conduct panels including the capacity for panels to hear serious misconduct matters **[20]**
- strengthening the powers of the Chief Municipal Inspector ('CMI') **[41]** and allowing the minister to seek an order in council to stand down problematic councillors. **[36]**

The Bill would also amend the *City of Melbourne Act 2001* by:

- providing that the Chief Executive Officer may request that any person or corporation provide information to determine the eligibility of a person to be enrolled **[79]**
- repealing the requirement (in section 11B) for the Registrar to prepare an exhibition roll and introducing new requirements for the amendment of the voter's roll, including certification by the Chief Executive Officer and the Returning Officer. **[85]**

The Bill would also amend the *Electoral Act 2002* to provide that the functions of the Victorian Electoral Commission in the conduct of Council elections include:

- the production of voters' rolls for elections
- assisting the Melbourne City Council with the preparation of the voters' roll
- conducting all elections and polls under the *Local Government Act 1989* and the *City of Melbourne Act 2001*. **[93]**

The Bill would also introduce consequential amendments to the *Victorian Civil and Administrative Tribunal Act 1998*.

Charter report

The Local Government Amendment (Improved Governance) Bill 2015 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment

Prevention of Cruelty to Animals Amendment Bill 2015

Introduced	1 September 2015
Second Reading Speech	2 September 2015
House	Legislative Assembly
Member introducing Bill	Hon. Jacinta Allan MLA
Portfolio responsibility	Minister for Agriculture

Purpose

The Bill is for an Act to amend the *Prevention of Cruelty to Animals Act 1986* (the Principal Act) to provide for:

- the creation of new offences, including:
  - the possession of certain animals (a rabbit, possum, piglet or unregistered cat) on a property used for greyhound racing or training
  - allowing or encouraging an animal to fight with another animal whether or not of the same species (new section 13(1A)
  - being present when 'luring or blooding activities' are occurring for the purpose of blooding a greyhound or in connection with the training and racing of a coursing dog (new section 13(1G))
- increased penalties for most offences relating to baiting, blooding, luring and fighting (a doubling of the maximum penalty to 500 penalty units) and for being present during blooding or luring activities (a maximum penalty of 120 units)
- new court orders, including a 'control order' disqualifying a person from owning or being in charge of an animal for a period of up to 10 years or longer if they have previously been subject to such an order (new section 12(1))
- increased seizure and disposal powers in relation to a 'large scale imminent animal welfare disaster' (new section 24FA)
- enhanced enforcement and monitoring powers, including: the imposition of a court order to authorise monitoring either when a control order is made or on application by an inspector; and in relation to biomedical research
- other related and minor matters.

Content

Right to be presumed innocent – Legal burden to prove defence – Agreement with another person to care for animal

Clause 5 of Bill would substitute section 9(1)(g) of the Principal Act to make it an offence to sell, offer for sale, purchase, drive or convey an animal that appears unfit. Existing section 9(2) of the Principal Act provides that it is a defence to a charge under section 9(1) against an owner of an animal to prove that, at the time of the alleged offence, the owner had entered into an agreement with another person by which the other person agreed to care for the animal. Therefore, section 9(2) places an onus of proof on the accused. Clause 5 of the Bill therefore introduces an offence to which a reverse onus applies.

The statement of compatibility provides:

> The purpose of imposing a legal burden is to ensure the effectiveness of enforcement and compliance with the act, by enabling the offences to be effectively prosecuted and thereby operate as an effective deterrent. The importance of this purpose is to prevent an owner from falsely claiming that another person was charged with taking care of the animal, which would be difficult and onerous for the Crown to investigate and prove beyond reasonable doubt.
>
> Although an evidential onus would be less restrictive upon the right to be presumed innocent, it would not be as effective because it could be too easily discharged by a defendant, leaving the prosecution in the difficult position of having to prove that the defendant had not entered into the alleged agreement. The inclusion of a defence with a burden on the accused to prove the matter on the balance of probabilities achieves an appropriate balance of all interests, bearing in mind, in particular, that the defendants will be owners of animals and reasonably be expected to have taken steps to enable them to discharge their responsibilities of properly caring for their animals.

Charter report

The Prevention of Cruelty to Animals Amendment Bill 2015 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015

Introduced	1 September 2015
Second Reading Speech	2 September 2015
House	Legislative Assembly
Member introducing Bill	Hon. Jill Hennessy MLA
Portfolio responsibility	Minister for Health

Purpose

The Bill is for a new Principal Act which would require that the operators of certain publicly funded health facilities staff certain wards with a minimum number of nurses or midwives.

The publicly funded health facilities that would be covered include public hospitals, health services, publicly operated denominational hospitals and multi-purpose services that are currently covered by the *Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2012–2016*. The Bill is not intended to apply to private and not-for-profit hospitals and residential aged care services that are not covered by the Agreement.

Mental illness wards

Clause 9(2) of the Bill provides that the Act would not apply 'in respect of any ward that is being predominantly utilised for the care of persons being treated for a mental illness within the meaning of the *Mental Health Act 2014*'. (*Refer to Charter report below*)

Nurse to patient ratios

Division 2 of Part 2 of the Bill sets out the numeric nurse to patient ratio requirements that would apply within different types of hospital wards and departments (for example, medical or surgical wards in level 1 to 4 hospitals, aged high care residential wards, emergency departments, high dependency units, neonatal intensive care units etc.). **[15-28]**

Midwife to patient ratios

Division 3 of Part 2 of the Bill sets out the numeric midwife to patient ratios that would apply in: antenatal and postnatal wards; and in delivery suites. **[30-31]**

Variations from ratios

Division 4 of Part 2 of the Bill sets out the provisions under which the operator of a hospital (or in some cases a nurse or midwife) may propose a variation to the nurse to patient or midwife to patient ratios. **[33 to 35]** It also makes provision for the operator of a hospital and a relevant union to vary a ratio by agreement. **[36]**

Compliance and reporting

Under Part 3 of the Bill, the Secretary of the Department of Health and Human Services would have the power to give a written direction to the operator of a hospital requiring that they comply with a ratio or ratio variation, including a requirement arising out of a declaration or injunction of the Magistrates Court under section 42(1) (see below). **[37]**

The operator of a hospital, which is the subject of any finding by the Magistrates' Court under section 42(1) would also be required to report on that matter, and on related matters, in its annual report. **[40]**

Enforcement

Part 4 of the Bill provides for the referral to the Magistrates' Court of a dispute between an operator and a nurse, midwife or union regarding a ratio or ratio variation if the parties are unable to resolve the dispute themselves. The Magistrates' Court may grant an injunction (or interim injunction) against the operator and may also make a declaration that the operator did not comply with a ratio or a ratio variation with an order imposing a maximum penalty of 60 penalty units (approximately $9,100). **[41-43]**

Content

Delayed commencement — commencement by proclamation or by 1 December 2017

Clause 2 of the Bill provides that all clauses in the Bill come into operation on a day or days to be proclaimed or on 1 December 2017 if the Bill is not proclaimed before that day. The Bill therefore provides for commencement by proclamation or on a day which is more than 12 months after the introduction of the Bill.

The Committee notes the following statement in the Second Reading speech:

> The Andrews Labor government looks forward to working collaboratively with the Australian Nursing and Midwifery Federation and public hospitals, public health services, denominational hospitals and multipurpose services to make sure the changes are discussed in a clear and timely manner.
>
> This will enable stakeholders to plan for the introduction of the act and to ensure a smooth transition.

Charter report

Equal protection of the law without discrimination – Discrimination on the basis of mental or psychological disease or disorder – Minimum nurse to patient ratios – Ratio does not apply to mental illness wards

Summary: *The effect of clause 9(2) is to permit wards predominantly utilised for the care of persons being treated for a mental illness to be staffed with fewer nurses per patient than wards predominantly utilised for the care of persons being treated for a non-mental illness, and to exclude mental illness wards from the enforcement provisions in Part 4 of the Bill. The Committee will write to the Minister seeking further information as to the compatibility of clause 9(2) with the Charter's right to equal protection of the law without discrimination on the basis of mental or psychological disease or disorder.*

The Committee notes that clause 9(1)(a) provides that a nurse to patient ratio applies in every ward in each hospital in which it is specified to apply. Clause 9(1)(b) provides that 'a ratio is a minimum requirement only'. However, clause 9(2) provides:

> Despite anything to the contrary in this Act, a ratio does not apply in respect of any ward that is being predominantly utilised for the care of persons being treated for a mental illness within the meaning of the Mental Health Act 2014.

The Committee observes that the effect of clause 9(2) is to permit wards predominantly utilised for the care of persons being treated for a mental illness to be staffed with fewer nurses per patient than wards predominantly utilised for the care of persons being treated for a non-mental illness, and to exclude mental illness wards from the enforcement provisions in Part 4 of the Bill.

The Committee considers that clause 9(2) may engage the Charter's right to equal protection of the law without discrimination on the basis of a mental or psychological disease or disorder.[6]

The Statement of Compatibility does not address clause 9(2). The Explanatory Memorandum remarks:

> The staffing arrangements for health professionals working within mental health areas and wards (including nurses) are not intended to be covered by this Bill, but rather by an enterprise agreement where ratios are not utilised.

The Committee notes that similar Californian legislation provides that '[t]he licensed nurse-to-patient ratio in a psychiatric unit shall be 1:6 or fewer at all times'.[7]

The Committee will write to the Minister seeking further information as to the compatibility of clause 9(2)'s provision that minimum nurse to patient ratios do not apply to wards predominantly utilised for the care of persons being treated for a mental illness with the Charter's right to equal protection of the law without discrimination on the basis of mental or psychological disease or disorder.

The Committee makes no further comment

6 Charter s. 8(3). See *Equal Opportunity Act 2010*, ss. 3 (definition of 'disability', para (d)(i)) and 6(e).

7 22 CA ADC § 70217(a)(13).

Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015

Introduced	1 September 2015
Second Reading Speech	2 September 2015
House	Legislative Assembly
Member introducing Bill	Hon. Wade Noonan
Portfolio responsibility	Minister for Corrections

Purpose

The Bill is for an Act to amend the *Serious Sex Offenders (Detention and Supervision) Act 2009* (SSODSA) and the *Bail Act 1977*.

Powers of entry and arrest for Victoria Police

The bill would amend the SSODSA to:

- authorise a police officer to enter any premises where an offender is residing if they reasonably suspect that the offender is present at the premises and the entry is reasonably necessary to monitor the offender's compliance with a supervision order. If necessary, a police officer may use reasonable force to enter premises **[4]**
- authorise a police officer, for the purpose of arresting an offender who is reasonably suspected of breaching a supervision order, to enter and search any premises (including any residence or vehicle) where they reasonably suspect that the offender is present. If necessary, a police officer may use reasonable force to enter premises. **[5]**

In both cases, the police officer would be authorised to make an immediate entry to the premises if they reasonably suspect that such entry is required to ensure the safety of any person; that the effective monitoring of the offender's compliance or the prevention or a continuation of a breach of a supervision order is not frustrated; or that the arrest in relation to the breach of a supervision order is not frustrated.

Alcohol and / or drug use testing by Victoria Police

The bill would amend the SSODSA to authorise a police officer to test serious sex offenders for alcohol or drug use if they reasonably suspect that the offender has breached a condition of the order by consuming alcohol or drugs. **[4]**

Specified corrections officers may use certain safety powers when supervising serious sex offenders

The Bill would also amend the SSODSA to provide that a specified prison officer or class of prison officer (i.e. officers in the Security and Emergency Services Group (SESG) who are also community correction officers) can be directed by the Secretary to exercise certain safety powers when assisting in the supervision of a serious sex offender. **[4]**

The specified officers would have the power to order an offender to do, or not to do, anything which they believe on reasonable grounds is necessary for the safety of a person, including the exercise of reasonable force (including batons, and capsicum spray) if they believe it is necessary to prevent the offender or another person being killed or seriously injured. **[4]**

The specified officers would also have the power to garment or pat down search the offender or search a location occupied by the offender and to seize items on safety or welfare grounds or due to a risk of reoffending. The officer would also have the power to alcohol or drug test the offender.

New presumption against bail

There are currently no provisions in the *Bail Act 1977* that deal specifically with people subject to a supervision order under the SSODSA. The Bill would amend the *Bail Act 1977* by adding a person who is subject to a supervision order or interim supervision order and who is charged with any indictable offence, to the list in section 4(4) of the *Bail Act 1977*. Any person in this category will be required to show cause why their detention in custody is not justified before they may be granted bail. This change would reverse the usual presumption in favour of bail that applies for persons charged with an offence. **[40]** (*Refer to Charter report below*)

Additional measures to strengthen the current sex offender scheme

Quicker charges for breach of supervision orders

The Bill would repeal sections 172(2) and (3) of the SSODSA to enable quicker charges for breach of supervision orders. The Explanatory Memorandum states that removal of the requirement that an offender be given at least 14 days' notice of the intention to charge them for an alleged breach has become redundant as most breaches are considered serious. **[33]**

Electronic monitoring conditions

The Bill would insert new section 17(1A) of the SSODSA which would require a court to impose certain conditions when requiring that an offender submit to electronic monitoring of their compliance with a supervision order. The conditions would include 24-hour electronic monitoring, which includes the wearing of a device and the requirements that the offender must not remove, tamper with, damage or disable the device or equipment. **[7]**

Instructions by supervision officers

The Bill would substitute section 16(2)(g) of the SSODSA with a new ‘core condition’ of a supervision order, i.e., that if a court requires an offender to reside at a residential facility, they must obey all instructions given by a supervision officer or a specified officer under section 137. (Section 137 provides supervision officers may give instructions both inside and outside residential facility). **[6]**

Sex offenders transferred into adult prison by the Youth Parole Board

The Bill would amend the current definition of 'custodial sentence' in section 3 of the SSODSA to make it explicit that a sex offender sentenced by the Children's Court to detention in a youth justice centre, but transferred to adult prison by the Youth Parole Board, is an eligible offender for the purposes of the SSODSA. **[29]**

'Intimate image' offences and Schedule 1 sexual offences

The Bill would amend Schedule 1 of the SSODSA to add the offences of distributing or threatening to distribute an 'intimate image' under sections 41DA and 41DB of the *Summary Offences Act 1966*. (Schedule 1 of SSODSA contains a list of 'relevant offences' used to determine eligibility of offenders for SSODSA orders and which also constitute a breach of a supervision order under section 160 by further commission of those sexual offences.) **[39]**

The Bill would also correct an error in cross-referencing of offences made within Schedule 1 to the SSODSA and within schedules 2 and 4 of the *Sex Offenders Registration Act 2004* to clarify that the offences include aggravated burglary and burglary committed with intent to commit sexual

penetration or with intent to commit any sexual assault or any related sex offences listed in subdivision (8A) to (8EA) of division 1 of part 1 of the *Crimes Act 1958*. Schedule 1 would also be updated to reflect new or revised sex offences under the *Commonwealth Criminal Code Act 1995*.

Sharing of information

The Bill would also amend Part 13 (including section 189) of the SSODSA to permit information sharing for the management of offenders across the whole corrections system. Information concerning a sex offender will be able to be shared within the Department of Justice and Regulation and the adult parole board to manage offenders at every point in the corrections system including prison, parole, SSODSA or other community based orders. This amendment would permit sharing of information between Corrections Victoria and Victoria Police, for example, which would support the new operational unit supporting this bill.

The Bill would also explicitly provide that information can be shared with (paid or unpaid) persons advising the Secretary to the Department of Justice and Regulation in relation to serious sex offenders, for example, to assess their suitability for the scheme.

The Bill would also allow the sharing of information under the *Family Violence Protection Act 2008* and the *Personal/Safety Intervention Orders Act 2010*.

The Bill would also make it an offence to share information contrary to the rules set out in section 189 of the SSODSA, with a maximum fine of 120 penalty units. **[34]**

Consequential and minor amendments

The bill also makes a range of other, consequential and minor amendments to improve the operation of the SSODSA.

Charter report

Right not be automatically detained when awaiting trial – Detention of certain sex offenders when charged with an indictable offence – Sex offender must show cause why detention not justified

Summary: *The effect of clause 40 is to require the detention of certain serious sex offenders after they are charged with any indictable offence unless they show cause why detention is not justified. The Committee will write to the Minister seeking further information.*

The Committee notes that clause 40, amending existing s. 4 of the *Bail Act 1977*, extends the operation of s. 4(4). Section 4(4) currently provides that a 'court shall refuse bail unless the accused shows cause why his detention in custody is not justified' where the accused is charged with an indictable offence committed while on bail, a recidivist stalking or family violence offence, aggravated burglary, arson causing death or various drug offences. Clause 40 extends this provision to a person charged with an indictable offence, where the person was subject to a supervision order under the *Serious Sex Offenders (Detention and Supervision) Act 2009*, either when the indictable offence was allegedly committed or at any time during the bail proceeding.

The Committee observes that the effect of clause 40 is to require the detention of sex offenders when they are charged with any indictable offence unless they show cause why detention is not justified (so long as the sex offender was subject to a serious sex offender supervision order either when the indictable offence was allegedly committed or when the charge was laid.) This requirement applies regardless of whether or not the indictable offence has any connection to sex offending and:

- if the person was subject to a supervision order when the charge was laid, even if the indictable offence was committed long ago
- if the person was subject to a supervision order when the indictable offence allegedly committed, even if the supervision order expired long before the charge was laid.

For example, a sex offender charged with a social security fraud allegedly committed a decade ago would have to show cause why he or she should not be detained from the time the fraud charge was laid until the completion of his or her trial, so long as he or she is now, or was subject a decade ago, to a supervision order.

The Committee considers that clause 40 may engage Charter s. 21(6)'s requirement that a 'person awaiting trial must not be automatically detained in custody'.[8]

The Statement of Compatibility remarks:

> While clause 40 introduces a new obstacle in certain circumstances to an accused being granted bail, I am of the view that a reverse onus in this context which requires an accused to show cause why detention in custody is not justified does not limit this right. Clause 40 applies to a narrow range of circumstances, involving a person charged with an indictable offence who is the subject of a supervision or interim supervision order. This is a serious and concerning category of offending, as it involves a person who has served a custodial sentence for certain sexual offences, who has been found by a court to present an unacceptable risk of harm to the community to warrant the imposition of a supervision or interim supervision order, and who has committed a further indictable offence in addition to the offence which has drawn the application of the SSODSA.

The Committee notes that clause 40 applies to a sex offender who has been charged with committing a further indictable offence, rather than a sex offender 'who has committed a further indictable offence', and that it may apply even where a sex offender who was once 'found by a court to present an unacceptable risk of harm to the community' has since been found by a court to no longer present such a risk.

The Committee observes that courts in the A.C.T., the United Kingdom and Europe have held that any law that places an onus on a person charged with an offence to establish why he or she should not be detained while awaiting trial may limit statutory and European treaty rights against 'general' rules requiring the detention of people awaiting trial or defining when a people can be detained.[9] However, Canadian courts have held that such laws for alleged drug traffickers or alleged offences committed while on bail are compatible with a constitutional right not to be denied bail 'without just cause.'[10]

The Statement of Compatibility remarks:

> It is my view that it is reasonable to draw an inference that an accused in such circumstances presents an elevated risk of absconding, a threat to public safety or a likelihood of committing further serious offences while on bail, including further sexual

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8 Charter s. 21(6).

9 *In the matter of an application for Bail by Breen* [2009] ACTSC 172, [51]; *In the matter of an application for bail by Islam* [2010] ACTSC 147, [293]; *O v Crown Court at Harrow* [2006] UKHL 42, [35]; *Ilijkov v Bulgaria* [2001] ECHR 489, [85]. See also M Sheinin, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: Australia: Study on Human Rights Compliance While Countering Terrorism* (United Nations General Assembly, 14 December 2006), [34].

10 *R v Pearson* [1992] 3 SCR 665: *R v Morales* [1992] 3 SCR 711. The Committee notes that the Explanatory Memorandum to the Charter states that Charter s. 21 is modelled on the right to liberty in the *International Covenant on Civil and Political Rights* and is not modelled on the right to liberty in Canada's *Charter of Human Rights and Freedoms*.

> offences, which justifies a reversal of onus requiring the accused to show that he or she should be released on bail. The standard of proof of 'show cause' will allow an accused opportunity to discharge the presumption if the nature of alleged offending and personal circumstances of the offender support a conclusion that detention in custody is not justified.

The Committee notes that a person who has just been charged with an indictable offence may know less about the details of the alleged offending and the evidence supporting the charge than the person who lays the charge.[11] The Committee also notes that a similar NSW provision is limited to indictable offences allegedly committed while the person was subject to a supervision order, rather than to indictable offences allegedly committed before a person became subject to current supervision.[12]

The Committee observes that Victoria's Court of Appeal has not determined whether the reverse onus in existing s. 4(4) applies only to the requirement to 'show cause' why detention is not justified, or whether it also applies to the question of whether or not the release of the accused on bail poses an unacceptable risk under existing s. 4(2)(d).[13] The Victorian Supreme Court has observed that limiting the reverse onus in s. 4(4) to the former requirement is 'more consistent with the presumption of innocence' than extending the reverse onus to the latter requirement.[14]

The Committee will write to the Minister seeking further information as to whether or not the reverse onus in s. 4(4) applies only to the requirement to 'show cause' why detention is not justified, or whether it also extends to the question of whether or not the release of the accused on bail poses an unacceptable risk under existing s. 4(2)(d).

The Committee refers to Parliament for its consideration the question of whether or not clause 40, by requiring the detention of serious sex offenders when they are charged with any indictable offence unless they show cause why detention is not justified (so long as the sex offender was subject to a supervision order either when the indictable offence was allegedly committed or when the charge was laid) is a reasonable limit on the Charter right of people awaiting trial not to be automatically detained.

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11 The Committee notes that clause 33 removes an existing requirement of 14 days advance notice for a charge of breaching a supervision order.

12 *Bail Act 2013* (NSW), s. 16B(1)(i).

13 *Robinson v The Queen* [2015] VSCA 161, [46].

14 *Woods v DPP* [2014] VSC 1, [56].

Ministerial Correspondence

Public Health and Wellbeing Amendment (Safe Access) Bill 2015

The Bill was introduced into the Legislative Council on 18 August 2015 by Ms Fiona Patten MLC. The Committee considered the Bill on 31 August 2015 and made the following comments in Alert Digest No. 10 of 2015 tabled in the Parliament on 1 September 2015.

Committee comments

Charter report

Peaceful assembly – Impeding a footpath – Whether less restrictive alternative reasonably available

Summary: *New section 185B's prohibition on 'impeding a footpath' within 150m of premises at which reproductive health services are provided is not subject to the Summary Offences Act's general requirement that the court be satisfied that there was undue obstruction of the footpath in the circumstances. The Committee will write to the Member seeking further information.*

The Committee notes that clause 3, inserting a new section 185B when read with para (c) of the definition of prohibited behaviour in new section 185A, prohibits 'impeding a footpath' within 150m of premises at which reproductive health services are provided. The offence is punishable by up to 500 penalty units (presently about $75,000) or twelve months imprisonment.

The Committee observes that the effect of new section 185B may be to prohibit people from gathering in a group on any footpath within 150m of premises at which reproductive health services are provided, whether or not doing so affects access to those premises.

The Committee considers that new section 185B, when read with para (c) of the definition of prohibited behaviour in new section 185A, may engage the Charter s. 16(1)'s 'right of peaceful assembly'.

The Statement of Compatibility remarks:

> Section 16(1) is predicated on the word 'peaceful', and the behaviour described in section 185A of the bill (including besetting, harassment, and communication pertaining to private medical services) does not fall within this category. Nor is any such assembly permitted to limit the rights of others through impeding access to health services, or distributing recordings in regards to private medical information.
>
> Preserving order in public places, and protecting the rights of others from infringement, will support the reasonable limitation of this right. I submit that this limitation is reasonable and justified, in that it does not prohibit assembly or association, but rather prohibits a set of behaviours that infringe on the rights of others.

The Committee notes that other Victorian prohibitions on anyone who 'obstructs a footpath' (such as s. 4(e) of the Summary Offences Act 1966, punishable by a fine of up to 5 penalty units) are subject to the following provision (in s. 5 of the *Summary Offences Act 1966*) that is apparently designed to minimise such prohibitions' impact on the right of peaceful assembly:

> Where in a prosecution for obstructing a footpath street or road under—
>
> (a) paragraph (e) of section 4; or
>
> (b) any local law made under section 111 of the *Local Government Act 1989* or any corresponding previous enactment—
>
> the obstruction alleged is by assemblage of persons (not being a procession) or by any person or persons forming part of or connected with such assemblage the court shall not convict the accused unless it is satisfied that, having regard to all the circumstances of the case and to the amount of traffic which actually was at the time on the footpath street or road, there was undue obstruction thereof.

However, new section 185B's prohibition on 'impeding a footpath' within 150m of premises providing reproductive health services is not subject to the requirements imposed by s. 5 of the *Summary Offences Act 1966*.

The Committee will write to the Member who introduced the Bill into the Legislative Council seeking further information as to whether or not applying s. 5 of the Summary Offences Act 1966 (which provides that a court 'shall not convict the accused… in a prosecution for obstructing a footpath… by assemblage of persons.. unless it is satisfied that… there was undue obstruction' of the footpath in the circumstances) to new section 185B's prohibition on 'impeding a footpath' within 150m of premises providing a reproductive health service is a less restrictive alternative reasonably available to achieve clause 3's purposes of preserving order in public places and protecting the rights of others from infringement.

Charter's savings provision for laws applicable to abortion – Safe access to reproductive health services – Whether Charter's provisions on interpretation, declarations and obligations of public authorities apply

Summary: *The effect of the savings provision for laws applicable to abortion in Charter s. 48 may be that the Charter will not affect some or all of new Part 9A's regulation of behaviour within 150m of premises providing reproductive health services. The Committee will write to the Member seeking further information.*

Charter s. 48, a 'savings provision', provides:

> Nothing in this Charter affects any law applicable to abortion or child destruction, whether before or after the commencement of Part 2.

The Committee notes the meaning of 'law applicable to abortion' in Charter s. 48 has not yet been the subject of judicial interpretation. Charter s. 48 may apply to a law such as new Part 9A that aims to provide safe access to premises providing services 'in respect of reproductive health, including the… termination of pregnancy.'

The Statement of Compatibility does not address Charter s. 48. **The Committee observes that the effect of Charter s. 48 may be that the Charter will not 'affect' some or all of Part 9A's regulation of behaviour within 150m of premises providing reproductive health services.**

The Committee notes that the meaning of 'affect' in Charter s. 48 has not been the subject of judicial interpretation. Charter s. 48's possible application to new Part 9A may mean that the Charter's provisions for:

- interpretation and declarations of inconsistent interpretation may not apply to new Part 9A;[1]
- scrutiny of legislation, interpretation and declarations of inconsistent interpretation may not apply to regulations made under new Part 9A, including the provision in para (e) of the definition of 'prohibited behaviour' for regulations to proscribe further behaviour within 150m of a reproductive health service;[2]
- obligations for public authorities may not apply to enforcement of new Part 9A, including the police's seizure of material under new section 185D.[3]

The Committee will write to the Member who introduced the Bill into the Legislative Council seeking further information as to whether or not the Charter's provisions on scrutiny, interpretation, declarations of inconsistent interpretation and obligations of public authorities will apply to new Part 9A, regulations made under it or its enforcement.

The Committee makes no further comment

Member's response

The Committee thanks the Member for the attached response.

Committee Room
14 September 2015

1 Charter ss. 32, 36.

2 Charter ss. 32, 36; *Scrutiny of Legislation Act 1994*, ss. 12A, 12D, 21(1)(ha), 25A(1)(c).

3 Charter s. 38.

Fiona Patten MLC
NORTHERN METROPOLITAN REGION

Response to SARC

Please find below some responses to the two concerns raised in SARC's letter to Ms Patten.

We note that amendments to this Bill have been circulated, and it is the intention that the Bill be subject to these amendments. As such, some concerns may be alleviated.

We further note our ongoing interest in consultation and discussion on this matter, which we will be continuing to undertake.

1 IMPEDING A FOOTPATH

The offence of obstruction and impediment originated in the Tasmanian legislation that provided a framework for this Bill. We note that the VEOHRC have previously stated that:

"impeding a person's ability to access lawful reproductive health services, and intrusive interferences on a person travelling to and from work, and while at work, will engage, and likely limit, the right to privacy."[1]

As such, we believe this component to be a critical part of the Bill. New amendments have been introduced to restrict the clause to those circumstances where such impediment occurs "without lawful excuse". We note that penalties would also be reduced under these amendments, bringing the Act in line with Tasmania.

Our understanding of s 5 of the Summary Offences Act 1966 is that its focus is on an assemblage of persons. Regardless of number, the objectives of this Bill are such that individual "counsellors" would also be captured by 185B, including in impeding a footpath. As such we believe there are gaps in s 5 that may not cover for this intention.

We also note that s 5 includes wording in regards to the obstruction being "undue". Canadian courts explained that a broad "white line" rule that simply prohibits behaviours without needing to prove intention or an impact on the victim is necessary because it is too difficult to attempt to characterise each

[1] Submission to the Supreme Court of Victoria in the matter of Fertility Control Clinic and Melbourne City Council, S CI 2014 01107, para 35

interaction between anti-abortionists and patients as harassing or not harassing.[2]
We do, however, note that the VEOHRC submission to SARC on this Bill including a preference to the Canadian wording. This wording is more tailored, and has previously been found compatible with free expression rights in Canada[3]. The current wording has been drafted to closely reflect Tasmania's approach, which maintains very clear structure around these clauses, and provided the precedent for this legislation.

We will be examining this further.

2 SAVINGS PROVISION

We do not believe this Bill affects any law applicable to abortion. Per the current definition, **abortion** means intentionally causing the termination of a woman's pregnancy by—

(a) using an instrument; or
(b) using a drug or a combination of drugs;
or
(c) any other means.

The Bill does not attempt to discuss manner of termination, registration, time frame of provision, or anything else pertaining to the service itself. As your letter noted, the meaning of "law applicable to abortion" in Charter 48 has not yet been judicially tested. However, we believe the intentions and principles of the Bill are targeted towards protection of medical privacy and access to health services and employment.

This legislation impacts access to premises without harassment or intimidation. That this access zone is targeted to premises offering abortions[4] does not impact the law of abortion or child destruction itself. Rather, it provides for areas in which individuals will not be subject to targeted harassment, intimidation, and interference as they seek medical treatment. The service offered by the premises is relevant only inasmuch as it is the service that has given rise to the decades of interference and harassment by "curb-side counsellors". Had these ongoing issues been tied to vaccination, or blood donation, legislation would be appropriately tailored to those premises.

[2] *R v Watson*, citing US Supreme Court in Hill v Colorado
[3] *R v Spratt* [2011] BCJ No 2450 and on appeal, [2013] BCJ No 828
[4] We note that the amendments will have the impact of changing the Bill's focus from "reproductive health services" to "abortions"

As 9A does not impact the law of abortion, we believe that the Bill will in fact be subject to the Charter's provisions on scrutiny, interpretation, declarations of inconsistent interpretation and obligations of public authorities.

We are happy to answer further questions on these issues.

Fiona Patten MLC

55 St Andrews Place | East Melbourne, 3002 | Victoria | 03 8682 2775 | Fiona.Patten@Parliament.vic.gov.au

fionapattenmlc | Fiona.Patten.SexParty

Appendix 1

Index of Bills in 2015

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Appendix 2
Committee Comments classified by Terms of Reference

This Appendix lists Bills under the relevant Committee terms of reference where the Committee has raised issues requiring clarification from the appropriate Minister or Member.

Alert Digest Nos.

Section 17(a)

(i) trespasses unduly on rights and freedoms

Wrongs Amendment (Prisoner Related Compensation) Bill 2015	5, 6

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

Back to Work Bill 2014	1, 2
Corrections Legislation Amendment Bill 2015	8, 9
Crimes Amendment (Child Pornography and Other Matters) Bill 2015	9, 10
Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015	11
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Public Health and Wellbeing Amendment (Safe Access) Bill 2015	10, 11
Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015	11
Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015	11

Appendix 3
Ministerial Correspondence 2015

Table of correspondence between the Committee and Ministers or Members during 2015

This Appendix lists the Bills where the Committee has written to the Minister or Member seeking further advice, and the receipt of the response to that request.

Bill Title	**Minister/ Member**	**Date of Committee Letter / *Minister's Response***	**Alert Digest No. Issue raised / *Response Published***
Back to Work Bill 2014	Treasurer	24-02-15 *13-03-15*	1 of 2015 *2 of 2015*
Wrongs Amendment (Prisoner Related Compensation) Bill 2015	Attorney-General	26-05-15 *03-06-15*	5 of 2015 *6 of 2015*
Justice Legislation Amendment Bill 2015 – House Amendment	Attorney-General	09-06-15 *19-06-15*	6 of 2015 *7 of 2015*
Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015	Treasurer	10-06-15 *22-06-15*	6 of 2015 *7 of 2015*
Corrections Legislation Amendment Bill 2015	Corrections	04-08-15 *13-08-15*	8 of 2015 *9 of 2015*
Crimes Amendment (Child Pornography and Other Matters) Bill 2015	Attorney-General	18-08-15 *29-08-15*	9 of 2015 *10 of 2015*
Education and Training Reform Amendment (Miscellaneous) Bill 2015	Education	18-08-15	9 of 2015
Public Health and Wellbeing Amendment (Safe Access) Bill 2015	Ms Fiona Pattern MLC	01-09-15 *14-09-15*	10 of 2015 *11 of 2015*
Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015	Attorney-General	15-09-15	11 of 2015
Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015	Health	15-09-15	11 of 2015
Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015	Corrections	15-09-15	11 of 2015

Appendix 4
Statutory Rules and Legislative Instruments considered

The following Statutory Rules and legislative instruments were considered by the Regulation Review Subcommittee on 14 September 2015.

Statutory Rules Series 2015

SR No. 48 – Crime Statistics (Fees and Charges) Regulations 2015

SR No. 87 – Wrongs (Part VBA)(Asbestos Related Claims) Revocation Regulations 2015

SR No. 88 – Safe Drinking Water Regulations 2015

SR No. 89 – Court Security Regulations 2015

SR No. 90 – Sex Offenders Registration Amendment Regulations 2015

SR No. 91 – Dangerous Goods (Transport by Road or Rail) Amendment Regulations 2015

SR No. 93 – Powers of Attorney Regulations 2015

Legislative Instruments 2015

Amendment to Code of Practice – Operation of Breeding and Rearing Businesses

Amendment of Racing Victoria Bookmakers' Licence Levy Rules 2012

Determination of Fees

Determination of Gaming Machine Entitlement Allocation and Transfer Rules