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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 2016 one penalty unit equals \$155.46)

'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. 6 of 2017

Appropriation (2017-2018) Bill 2017

Introduced	2 May 2017
Second Reading Speech	2 May 2017
House	Legislative Assembly
Member introducing Bill	Hon Tim Pallas MLA
Minister responsible	Hon Tim Pallas MLA
Portfolio responsibility	Treasurer

Purpose

The Appropriation (2017-2018) Bill 2017 would provide appropriation authority for payments from the Consolidated Fund for the ordinary annual services of the Government for the 2017/2018 financial year.

Charter report

The Appropriation (2017-2018) Bill 2017 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment.

Appropriation (Parliament 2017-2018) Bill 2017

Introduced	2 May 2017
Second Reading Speech	2 May 2017
House	Legislative Assembly
Member introducing Bill	Hon Jacinta Allan MLA
Ministers responsible	Hon Tim Pallas MLA
Portfolio responsibility	Treasurer

Purpose

The Appropriation (Parliament 2017-2018) Bill 2017 would provide appropriation authority for payments from the Consolidated Fund to the Parliament for the 2017/2018 financial year.

Charter report

The Appropriation (Parliament 2017-2018) Bill 2017 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

The Committee makes no further comment.

Appendix 1

Index of Bills in 2017

	Alert Digest Nos.
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Appropriation (Parliament 2017-2018) Bill 2017	6
Building Amendment (Enforcement and Other Measures) Bill 2016	1, 2
Children Legislation Amendment (Reportable Conduct) Bill 2016	1
Children, Youth and Families Amendment (Youth Offenders) Bill 2016	1, 3
Commercial Passenger Vehicle Industry Bill 2017	3, 4
Corrections Amendment (Parole) Bill 2016	1
Country Fire Authority Amendment (Protecting Volunteer Firefighters) Bill 2016	2
Crimes (Mental Impairment and Unfitness to be Tried) Amendment Bill 2016	1
Crimes Legislation Amendment (Public Order) Bill 2017	5
Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017	2, 3
Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017	4, 5
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Fair Work (Commonwealth Powers) Amendment Bill 2017	2
Family Violence Protection Amendment Bill 2017	4
Family Violence Protection Amendment (Information Sharing) Bill 2017	5
Jury Directions and Other Acts Amendment Bill 2017	3, 4
Justice Legislation Amendment (Parole Reform and Other Matters) Act 2016	1, 2
Land Legislation Amendment Bill 2017	5
Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Bill 2017	5
Ports and Marine Legislation Amendment Bill 2017	4
Resources Legislation Amendment (Fracking Ban) Bill 2016	3
Small Business Commission Bill 2016	1
Statute Law Revision Bill 2017	2
Summary Offences Amendment (Begging or Gathering Alms) Bill 2016	1
Urban Renewal Authority Victoria Amendment (Development Victoria) Bill 2016	1
Victorian Planning Authority Bill 2016	1, 2
Worksafe Legislation Amendment Bill 2017	5
Wrongs Amendment (Organisational Child Abuse) Bill 2016	1

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 upon rights or freedoms

Resources Legislation Amendment (Fracking Ban) Bill 2016 3

(vi) inappropriately delegates legislative power

Building Amendment (Enforcement and Other Measures) Bill 2016 1, 2

Commercial Passenger Vehicle Industry Bill 2017 3, 4

Small Business Commission Bill 2016 1

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

Administration and Probate and Other Acts Amendment (Succession and Related Matters) Bill 2016 1

Building Amendment (Enforcement and Other Measures) Bill 2016 1, 2

Children, Youth and Families Amendment (Youth Offenders) Bill 2016 1, 3

Commercial Passenger Vehicle Industry Bill 2017 3, 4

Corrections Amendment (Parole) Bill 2016 1

Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017 2, 3

Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 4, 5

Family Violence Protection Amendment (Information Sharing) Bill 2017 5

Jury Directions and Other Acts Amendment Bill 2017 3, 4

Justice Legislation Amendment (Parole Reform and Other Matters) Act 2016 1, 2

Urban Renewal Authority Victoria Amendment (Development Victoria) Bill 2016 1

Victorian Planning Authority Bill 2016 1, 2

Worksafe Legislation Amendment Bill 2017 5

Wrongs Amendment (Organisational Child Abuse) Bill 2016 1

Appendix 3

Current Ministerial Correspondence

Table of correspondence between the Committee and Ministers or Members

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
Small Business Commission Bill 2016	Small Business, Innovation and Trade	22.11.16 07.12.16	16 of 2016 1 of 2017
Administration and Probate and Other Acts Amendment (Succession and Related Matters) Bill 2016	Attorney-General	06.12.16 15.12.16	17 of 2016 1 of 2017
Resources Legislation Amendment (Fracking Ban) Bill 2016	Resources	06.12.16 22.02.17	17 of 2016 3 of 2017
Urban Renewal Authority Victoria Amendment (Development Victoria) Bill 2016	Major Projects	06.12.16 23.01.17	17 of 2016 1 of 2017
Wrongs Amendment (Organisational Child Abuse) Bill 2016	Attorney-General	06.12.16 15.12.16	17 of 2016 1 of 2017
Building Amendment (Enforcement and Other Measures) Bill 2016	Planning	07.02.17 17.02.17	1 of 2017 2 of 2017
Children, Youth and Families Amendment (Youth Offenders) Bill 2016	Ms Georgie Crozier MP	07.02.17 20.02.17	1 of 2017 3 of 2017
Corrections Amendment (Parole) Bill 2016	Hon Edward O'Donohue MP	07.02.17	1 of 2017
Justice Legislation Amendment (Parole Reform and Other Matters) Act 2016	Corrections	07.02.17 20.02.17	1 of 2017 2 of 2017
Victorian Planning Authority Bill 2016	Planning	07.02.17 17.02.17	1 of 2017 2 of 2017
Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017	Ms Fiona Patten MP	21.02.17 23.02.17	2 of 2017 3 of 2017
Commercial Passenger Vehicle Industry Bill 2017	Public Transport	07.03.17 20.03.17	3 of 2017 4 of 2017
Jury Directions and Other Acts Amendment Bill 2017	Attorney-General	07.03.17 20.03.17	3 of 2017 4 of 2017

Bill Title	Minister/ Member	Date of Committee Letter / Minister's Response	Alert Digest No. Issue raised / Response Published
Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017	Police	21.03.17 27.04.17	4 of 2017 5 of 2017
Family Violence Protection Amendment (Information Sharing) Bill 2017	Special Minister of State ¹	08.05.17	5 of 2017
Worksafe Legislation Amendment Bill 2017	Finance	02.05.17	5 of 2017

¹ The Committee first wrote to the Attorney-General who introduced this Bill on the 2 May 2016. However, the Committee now understands that this Bill is the responsibility of the Special Minister of State and has readdressed its correspondence accordingly.

Appendix 4

Statutory Rules and Legislative Instruments considered

The following Statutory Rules and legislative instruments were considered by the Regulation Review Subcommittee on Monday, 8 May 2017.

Statutory Rules Series 2016

SR No. 129 – Metropolitan Fire Brigades (General) Interim Regulations 2016

SR No. 130 – Gene Technology Amendment Regulations 2016

SR No. 131 – Drugs, Poisons and Controlled Substances (Drugs of Dependence – Synthetic Cannabinoids and Other Substances) Regulations 2016

SR No. 132 – Drugs, Poisons and Controlled Substances Amendment Regulations 2016

SR No. 133 – Australian Grands Prix (Formula One) Regulations 2016

SR No. 151 – Professional Boxing and Combat Sports Amendment Regulations 2016

Legislative Instruments

Amendment of the Category 1 Public Lottery Licence

Statutory Rules Series 2017

SR No. 2 – Dangerous Goods (Transport by Road or Rail) and (Explosives) Amendment Regulations 2017

SR No. 3 – Victorian Civil and Administrative Tribunal (Amendment No.16) 2017

SR No. 4 – Legal Profession Uniform Law Application (Practising Certificate Fees) Interim Regulations 2017

SR No. 5 – County Court (Chapter II Confiscation Amendment) Rules 2017

SR No. 6 – Rooming House Operators Regulations 2017

SR No. 7 – Residential Tenancies Amendment (Notices to Vacate for Rooming Houses) Regulations 2017

SR No. 8 – Motor Car Amendment Regulations 2017

SR No. 10 – Fisheries Amendment Regulations 2017

SR No. 11 – Fisheries Amendment (Catch Limit for Scallop Dive (Port Phillip Bay) Fishery) Regulations 2017

SR No. 13 – Drugs, Poisons and Controlled Substances Amendment Regulations 2017

SR No. 14 – Supreme Court (Chapter I Recovery of Pro Bono Costs Amendment) Rules 2017

SR No. 15 – Supreme Court (E-Filing Amendments) Rules 2017

Legislative Instruments

Decision-Making Guidelines for Approval of Premises as Suitable for Gaming

Guidelines Issued under Section 100A of the Assisted Reproductive Treatment Amendment Act 2008

Variation to the Protocol for Environmental Management – Domestic Ballast Water Management in Victorian State Waters (EPA Victoria Publication 949)