

# Bill Tilley MP

## Member for Benambra



### THE WEEK IN PARLIAMENT – 6-8 DECEMBER 2011

*The Parliament of Victoria consists of three parts, the **Legislative Assembly** (Lower House), the **Legislative Council** (Upper House) and the **Crown** (represented by the Governor). All three parts must agree to any new law.*

### **NEW BILLS THAT WERE INTRODUCED INTO THE LEGISLATIVE ASSEMBLY:**

#### **Associations Incorporation Reform Bill**

This Bill repeals a 1981 Act and replaces it with a new, modern piece of legislation governing the incorporation of voluntary organisations and the regulation of other bodies known as incorporated associations, and makes provision relating to corporate governance and financial accountability.

#### **Australian Consumer Law and Fair Trading Bill**

This Bill repeals old legislation relating to consumer protection and fair trading and provides for a model Australian Consumer Law to apply in Victoria, for the better protection of consumers and to clarify the rights and responsibilities of businesses. It continues the Government's focus on improving the legislative regime in this area.

#### **Control of Weapons and Firearms Acts Amendment Bill**

This Bill create a new indictable offence for prohibited persons to possess, use or carry imitation firearms and provides for new rules relating to the minimum number of shooting events a person licensed to possess certain categories of handguns must participate in.

#### **Emergency Services Legislation Amendment Bill**

This Bill continues the Coalition Government's reforms of how Victoria's emergency services are governed by continuing to strengthen the accountability chain of command, amends seven other Acts relating to emergency services and increases penalties for certain offences.

#### **Freedom of Information Amendment (Freedom of Information Commissioner) Bill**

This Bill implements an election commitment to establish an independent Freedom of Information Commissioner. The Commissioner will review decisions by public sector agencies in response to request for documents and will handle complaints about how requests are handled. The Commissioner will also provide a public educative function, and guidance for agencies in how FOI procedures should be conducted. The Bill also establishes a new Accountability and Oversight Committee of Parliament which will generally oversee the Commissioner's office but which will not be able to intervene in individual decisions made.

#### **Independent Broad-based Anti-Corruption Commission (Investigative Functions) Bill**

This Bill implements an election commitment by detailing the wide range of investigative powers the new IBAC will have, which will include a broad power to investigate alleged corrupt practices across the public sector, including the Courts, and a separate power to oversight professional police conduct. The Bill also provides for parliamentary oversight of the new IBAC and for the Commission's reporting and accountability obligations.

### **Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill**

This Bill imposes a port licence fee on the Port of Melbourne Corporation, payable each financial year.

### **Road Safety Amendment (Drinking while Driving) Bill\***

See below, under Bills awaiting Royal Assent.

## **OTHER BILLS BEING DEBATED IN THE LEGISLATIVE ASSEMBLY:**

### **Parks and Crown Land Legislation Amendment Bill**

This bill will add additional land to a number of Victoria's parks. It will increase the lease arrangements to accommodate the future of the Arthur's Seat chairlift, streamline the administrative processes around fire prevention and suppression work in parks, and will change the status of the Frankston Natural Features Reserve and the St Arnaud Range National Park.

### **Wills Amendment (International Wills) Bill**

This Bill allows Victorian law to be brought into line with the International Wills Convention signed at Washington in 1973 to which Australia is a signatory, by adopting the convention's uniform law in relation to wills. This will help when cross-country or cross-border issues affect a will.

## **BILLS THAT PASSED THE LEGISLATIVE ASSEMBLY AND WILL NOW BE DEBATED IN THE LEGISLATIVE COUNCIL:**

### **City of Greater Geelong Amendment Bill**

This Bill implements an election commitment to provide for the Mayor of the City of Greater Geelong to be directly elected by the electors of the City, rather than the Council.

### **Planning and Environment Amendment (Schools) Bill**

This Bill implements an election commitment to amend the Planning and Environment Act 1987 to remove the requirement for non-government schools to pay a growth areas infrastructure contribution, commonly referred to as GAIC, on land they currently own in growth areas. This bill implements the government's commitment to ensure a non-discriminatory approach between government and non-government school providers, and to ensure that any person or body establishing or expanding a school in a growth area will not be required to pay GAIC.

### **Public Prosecutions Amendment Bill**

This bill refines the existing arrangements in the Public Prosecutions Act 1994 to clarify the role relationships between the Director of Public Prosecutions, the Chief Crown prosecutor and the Solicitor for Public Prosecutions. The bill also revises the role of associate Crown prosecutor. The bill will also remove the minimum term of reappointment for senior Crown prosecutors in certain circumstances.

## **BILLS PASSED BOTH HOUSES AND AWAITING ROYAL ASSENT:**

### **Business Names (Commonwealth Powers) Bill**

This Bill adopts national laws for the registration of business names, consistent with an agreement between the Commonwealth and the States and Territories. It gives the Commonwealth a referral power to make future changes to those laws and repeals Victoria's business names registration system.

### **Children's Services Amendment Bill**

This Bill responds to changes to Federal legislation to ensure that children's services are not required to operate under two regulatory regimes (State and national). It continues in the tradition of a robust and high quality framework for Victorian children's services, which were used as the model for the national law.

### **City of Melbourne Amendment Bill**

This Bill will allow recommendations from an electoral representation review of the Melbourne City Council to be implemented by orders in council, if necessary, in the same way as for other councils. Orders in council will be able to specify the number of councillors to be elected, whether the councillors will be elected at large or to represent wards and the location of ward boundaries, if required.

### **Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill**

This Bill provides that, in specific circumstances, a person may be tried again in spite of a previous acquittal. Such new trials will be permitted only in three situations: (a) Where there is 'fresh and compelling' evidence against the person (for example, where new DNA evidence links a person to a murder or a person confesses to having committed a murder); (b) Where the original acquittal was 'tainted' (for example, by the commission by the accused person or another person of an 'administration-of-justice offence' such as bribery of a witness or perjury). The acquittal will be tainted if it is more likely than not that, but for the commission of the administration of justice offence, the accused person would have been convicted in the original trial; and (c) Where there is fresh evidence that the accused person has committed an administration-of-justice offence in respect of an acquittal and the prosecution seeks to bring charges for that offence notwithstanding the acquittal.

### **Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters Bill**

This Bill outlaws puppy farms and similar establishment for the intensive breeding of cats. It regulates breeding and rearing establishments and provides for penalties for people engaged in such illegal activities which are cruel to animals.

### **Education and Training Reform Amendment (Skills) Bill**

This Bill will clarify that TAFE institutes and adult education institutions may deliver programs and services outside Victoria, whether interstate or overseas.

### **Leo Cussen Institute (Registration as a Company) Bill**

This Bill updates the corporate structure of the Leo Cussen Institute, which provides professional training for newly graduating lawyers and continuing education for members of the legal profession.

### **Road Safety Amendment (Drinking while Driving) Bill\***

This Bill creates an offence for a person in charge of a motor vehicle to drink intoxicating liquor, bringing Victoria in line with several other States. It also makes it an offence for a commercial driving instructor or a licensed driver accompanying a learner-driver to consume intoxicating liquor.

***\*The above Bill was introduced and passed both Houses this week and will now be presented to His Excellency the Governor for Royal Assent.***

### **Serious Sex Offenders (Detention and Supervision) Amendment Bill**

The main purpose of the bill is to enhance community safety by amending the Serious Sex Offenders (Detention and Supervision) Act 2009, and to make consequential and related amendments to other acts.

## **Transport Legislation Amendment (Marine Safety and Other Amendments) Bill**

This Bill makes amendments to the Marine Safety Act 2010 and other legislation to improve safety on the water and to increase the effectiveness of marine and port regulation generally. Among other measures, it clarifies marine pollution responsibilities and gives the Secretary of the Department of Transport the power to recover costs in marine operations where pollution is prevented. It lifts the three year sunset for regulation of towage at the Port of Melbourne and imposes new duties of care on operators of recreational vessels.

**9 December 2011**