

# Miscellaneous Acts (Further Omnibus Amendments) Bill

## EXPLANATORY MEMORANDUM

### PART 1—PRELIMINARY

- Clause 1 states the purposes of the Bill.
- Clause 2 provides for the commencement of the several provisions.

### PART 2—AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) ACT 1992

- Clause 3 inserts into section 56 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** a requirement for notification of the contamination of stock, land or agricultural produce.
- Clause 4 inserts two new sections into the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

The new section 62A requires the keeping of specified records under that Act and sets out the circumstances in which they may be made available.

The new section 62B prohibits the disclosure of information except in specified circumstances and applies to persons disclosing information as well as to persons to whom information is given.

These provisions are required as part of the establishment of an information system into the **Livestock Disease Control Act 1994**, which is also provided for in this Bill by amendments in Part 14.

### PART 3—ASSOCIATIONS INCORPORATION ACT 1991

- Clause 5 makes the **Associations Incorporation Act 1981** the Principal Act for this Part.
- Clause 6 repeals age restrictions in the Principal Act in relation to persons authorised to apply for the incorporation of an association and persons able to hold office as public officers.

#### **PART 4—BORROWING AND INVESTMENT POWERS ACT 1987**

- Clause 7 amends Schedule 1 of the **Borrowing and Investment Powers Act 1987** so that section 11 applies to the Victorian Plantations Corporation empowering the Corporation to enter into financial arrangements (derivatives) to hedge or manage its exposure to market movements including currency exchange rates.

#### **PART 5—CASINO CONTROL ACT 1991**

- Clause 8 provides that the Principal Act for the purposes of Part 5 is the **Casino Control Act 1991**.
- Clause 9 provides for the insertion of the words "or otherwise calculated by reference to such play" at the end of the definition of "premium player arrangement". This will allow the casino operator to pay commission to a premium player on either of the same bases as it can now be paid to a junket organiser or promoter.
- Clause 10 inserts a new sub-section (8) in section 68 of the **Casino Control Act 1991**. This will allow a casino operator to provide chips on credit to a person who is not ordinarily resident in Australia for that person to use while they are participating in a premium player arrangement with the casino operator or a junket. This is subject to both the casino operator and the person to whom credit is provided satisfying the requirements of any relevant controls and procedures approved by the Victorian Casino and Gaming Authority under section 121 of the **Casino Control Act 1991** in relation to a premium player or a junket player.

#### **PART 6—CROWN LANDS ACTS (AMENDMENT) ACT 1994**

- Clause 11 provides for the re-enactment of section 61(2), (2A) and (3) of the **Land Act 1958**. These provisions were inadvertently repealed in the **Crown Lands Acts (Amendment) Act 1994**. They deal with the registration of encumbrances on Crown Grants and the transfer of registered encumbrances between leases.

#### **PART 7—CROWN LAND (RESERVES) ACT 1978**

- Clause 12 provides for the appointment of members of incorporated committees of management for terms of up to 3 years.

## **PART 8—DECENTRALIZED INDUSTRY INCENTIVE PAYMENTS ACT 1972**

- Clause 13 repeals the **Decentralized Industry Incentive Payments Act 1972**.
- Clause 14 is a savings provision to ensure that the repeal of the Act does not affect the operation, continuity or effect of any agreement made under section 2B of the Act. The agreements relate to loans which are still current.

## **PART 9—DOCKLANDS AUTHORITY ACT 1991**

- Clause 15 amends section 9 of the **Docklands Authority Act 1991** to alter the objectives of the Docklands Authority to provide that it should complete its functions by 31 December 2005.
- Clause 16 inserts a new section 57 into the **Docklands Authority Act 1991** to provide that until publication in the Gazette of an Order in Council approving a plan under section 4(3) of the **Docklands Authority Act 1991** the docklands area must be taken to be the area shown hatched on the plan in Schedule 1 inserted by this Act.
- Clause 17 inserts a new plan of the extended docklands area in to the **Docklands Authority Act 1991**.

## **PART 10—ETHNIC AFFAIRS COMMISSION ACT 1993**

- Clause 18 provides that the **Ethnic Affairs Commission Act 1993** is the Principal Act for the purposes of Part 10.
- Clause 19 alters the name of the Principal Act to the **Victorian Multicultural Commission Act 1993**.
- Clause 20 substitutes section 1 of the Principal Act to alter the purpose of the Principal Act.
- Clause 21 amends section 3 of the Principal Act to alter the name of the Ethnic Affairs Commission to the Victorian Multicultural Commission.
- Clause 22 provides that references in Acts, subordinate instruments or any document whatsoever to the **Ethnic Affairs Commission Act 1993** or the Ethnic Affairs Commission are to be taken to be references to the Victorian Multicultural Commission Act 1993 or the Victorian Multicultural Commission.

- Clause 23 provides that despite the change in name the Ethnic Affairs Commission continues to be the same body.

### **PART 11—FINANCIAL MANAGEMENT ACT 1994**

- Clause 24 amends section 40C of the **Financial Management Act 1994** to empower the Treasurer to give an indemnity to a former officer of a State company or statutory authority.

### **PART 12—FINANCIAL MANAGEMENT (CONSEQUENTIAL AMENDMENTS) ACT 1994**

- Clause 25 is an amendment consequential on the repeal of the **Decentralized Industry Incentive Payments Act 1972** which repeals item 17 in Schedule 1 of the **Financial Management (Consequential Amendments) Act 1994**.

### **PART 13—LAND CONSERVATION ACT 1970**

- Clause 26 defines the Principal Act for this Part as the **Land Conservation Act 1970**.
- Clause 27 amends the definition of "public land" in section 2(1) of the Principal Act, by limiting the exclusion of land within certain municipal districts to land within the municipal district of a metropolitan municipal council specified in the Schedule to the Principal Act.
- Clause 28 amends section 3(1)(h) of the Principal Act, which provides for one member of the Council to be a member of a municipal council, by replacing the requirement that the municipal district of the council be wholly or partly outside the "metropolis" with a requirement that the municipal council be other than a metropolitan council specified in the Schedule to the Principal Act.
- Clause 29 inserts a Schedule at the end of the Principal Act, called "Metropolitan Municipal Councils".
- Clause 30 makes minor amendments to the Principal Act.

### **PART 14—LIVESTOCK DISEASE CONTROL ACT 1994**

- Clause 31 widens the definition of "livestock product" in section 3 of the **Livestock Disease Control Act 1994** to include secretions, excretions, manure and other wastes of livestock.

- Clause 32 inserts into the **Livestock Disease Control Act 1994** new requirements relating to property of birth identification of prescribed livestock and the identification of properties on which prescribed livestock are kept.
- Clause 33 extends the prohibition on entry of diseased livestock in section 10(1) of the **Livestock Disease Control Act 1994** to cover diseased livestock products.
- Clause 34 widens section 15(1) of the **Livestock Disease Control Act 1994** to give an inspector the power to dispose of, or order to be disposed of, any livestock or livestock product which is diseased or which has been in contact with diseased livestock.
- Clause 35 inserts into the **Livestock Disease Control Act 1994** a provision enabling registered veterinary diagnostic laboratories to be required to participate in proficiency testing programs with other laboratories, and to comply with prescribed standards of accreditation.
- Clause 36 reduces the penalty in section 48 of the **Livestock Disease Control Act 1994** relating to the registration of beekeepers, and enables beekeepers who are registered interstate to keep bees in Victoria for 3 months without having to be registered in Victoria.
- Clause 37 amends several sections of the **Livestock Disease Control Act 1994** to enable the Minister administering that Act to have the ability to make payments from the Bees Compensation Fund, the Cattle Compensation Fund and the Swine Compensation Fund.
- Clause 38 amends section 69 of the **Livestock Disease Control Act 1994** to enable the Governor in Council by Order to determine circumstances in which bees compensation will be payable and to determine the maximum amount of compensation payable for any case of destruction or disinfection.
- Section 70 of the Act is amended to include among the functions of the Apicultural Industry Advisory Committee the provision of advice to the Minister about the circumstances where compensation should be payable and the maximum amount payable.
- Clause 39 amends section 72 of the **Livestock Disease Control Act 1994** to allow payments to be made from the capital of the Cattle Compensation Fund for administering the provisions of any other Act administered by the Minister providing for the identification of cattle.
- Clause 40 amends sections 75 and 83 of the **Livestock Disease Control Act 1994** to provide that cattle and swine compensation are to be payable in specified

circumstances where cattle or pigs are destroyed by order of an inspector because they are suffering from or are suspected of suffering from an exotic disease.

- Clause 41 amends section 92 of the **Livestock Disease Control Act 1994** to provide that statements of sale bearing duty stamps are to be given or sent by post to the purchaser of cattle or pigs instead of being given or sent by registered post to the Commissioner of State Revenue.
- Clause 42 amends section 94 of the **Livestock Disease Control Act 1994** to broaden the range of persons who may be approved as agents for the purpose of the stamp duty provisions of the Act.
- Clause 43 inserts into the **Livestock Disease Control Act 1994** a new provision requiring persons who carry on specified businesses relating to livestock and who sell prescribed livestock to keep records of sales.
- Clause 44 amends section 126 of the **Livestock Disease Control Act 1994** to allow infringement notices to be served for additional offences against the Act and for prescribed offences against the Regulations.
- Clause 45 makes an amendment of a technical nature to section 134 of the **Livestock Disease Control Act 1994**.
- Clause 46 amends section 139 of the **Livestock Disease Control Act 1994** to allow the regulations to apply, adopt or incorporate documents as in force from time to time.
- Clause 47 inserts three new sections into the **Livestock Disease Control Act 1994**.

The new section 107A provides for the establishment of an information system which consists of records required to be kept under the **Livestock Disease Control Act 1994**, the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, the **Stock (Seller Liability and Declarations) Act 1993**, the former **Stock Diseases Act 1968** and the former **Bees Act 1971**, and for the analysis and publication of the information.

The new section 107B requires the keeping of specified records under the **Livestock Disease Control Act 1994** and sets out the circumstances in which they may be made available.

The new section 107C prohibits the disclosure of information except in specified circumstances and applies to persons disclosing information as well as to persons to whom information is given.

Clause 48 amends various provisions of the **Livestock Disease Control Act 1994** to make minor technical amendments.

## **PART 15—LOTTERIES GAMING AND BETTING ACT 1966**

Clause 49 specifies that for the purposes of this Part, the Principal Act is the **Lotteries Gaming and Betting Act 1966**.

Clauses 50 and 51 amend the Principal Act to enable the Minister to approve clubs to conduct Calcutta sweepstakes.

Clause 52 amends section 17 of the Principal Act to prohibit the keeping of a house or place for the purpose of taking instructions for the placement of bets on behalf of any person. The clause also exempts from section 17's prohibitions, registered bookmakers who keep a house or place for the purpose of paying or receiving money in settlement of bets lawfully made under the **Racing Act 1958**.

Clause 53 amends sections 18 and 19 of the Principal Act to provide a formal offence provision and penalties in respect to the new prohibition introduced by clause 52.

Clause 54 amends section 38 of the Principal Act to replace the reference to the Victorian Wheelman's League with a reference to Victorian Cycling Incorporated and to enable a fee to be charged for betting permits issued under section 38.

Clause 55 amends section 40(1)(e)(i) of the Principal Act to apply its prohibitions to sporting contingencies in general or any class of sporting contingency. The clause also amends paragraph (b) of the first proviso of section 40(1) of the **Lotteries Gaming and Betting Act 1966** to remove the requirement that betting odds be sourced from places outside Victoria and enables a fee to be charged for authorities issued under section 40(3B).

Clause 56 amends section 42 of the Principal Act to remove the power to issue permits to authorise the communication of bookmakers' betting odds prevailing at a race meeting to the place of printing of a newspaper or to another racecourse on which a race meeting is being held.

Clause 57 introduces a new section 42A into the Principal Act to empower the Minister to approve the communication of bookmakers' betting odds prevailing at a race meeting.

Clause 58 amends section 86(1) of the Principal Act to clarify the Governor in Council's power to make regulations in respect to Calcutta sweepstakes.

Clause 59 makes various statute law revision amendments to the Principal Act.

Clause 60 is a saving provision to recognise permits which have been issued for Calcutta sweepstakes to be held on dates after the commencement of the Principal Act.

### **PART 16—MAGISTRATES' COURT ACT 1989**

Clause 61 enables offences for operating a brothel other than in a building to be dealt with summarily under the **Magistrates' Court Act 1989**.

### **PART 17—MELBOURNE AND OLYMPIC PARKS ACT 1985**

Clause 62 provides for the removal of a superfluous column headed "Extent of revocation" in Part 5 of the Schedule to the **Melbourne and Olympic Parks Act 1985**.

### **PART 18—MISCELLANEOUS ACTS (HEALTH AND JUSTICE) AMENDMENT ACT 1995**

Clause 63 eliminates the duplicated numbering of item 48A in Schedule 4 to the **Magistrates' Court Act 1989** inserted by the **Miscellaneous Acts (Health and Justice) Amendment Act 1995**.

### **PART 19—POLICE REGULATION ACT 1958**

Clause 64 amends section 4 to limit its operation to the appointment of acting Deputy Commissioner.

Clause 65 inserts proposed section 4AA.

Sub-clause (1) provides for the appointment of Acting Assistant Commissioners by the Chief Commissioner in instances where the office is vacant, or in the event of suspension, sickness or absence.

Sub-clause (2) provides for the responsibilities and powers of an Acting Assistant Commissioner.

Sub-clause (3) provides that the Chief Commissioner may revoke the appointment of an Acting Assistant Commissioner.

Clause 66 repeals age qualifications for police reservists.

Clause 67 repeals the compulsory retirement requirement for protective services officers.



## PART 20—PROSTITUTION CONTROL ACT 1994

This Part amends the **Prostitution Control Act 1994** so as to prohibit brothels from operating on premises which are not buildings on land. The effect of the amendments will be to prohibit the operation of brothels from floating vessels, as well as from other mobile alternatives.

There are three principal amendments, first to prohibit these kind of brothels, secondly to enable the premises from which they are operated to be closed, and thirdly to enable the suspension and cancellation of the offender's licence for a breach of the Act.

Clause 68 refers to the **Prostitution Control Act 1994** as the Principal Act.

Clause 69 defines a building to be a permanent structure affixed to land and excludes temporary, mobile or floating alternatives.

Clause 70 contains a prohibition on operating a brothel which is not carried on in a building and for which there is no planning permit, and makes this an indictable offence.

Clause 71 enables cancellation of a licence by the Board where the licensee has committed a serious breach of the Act.

Clause 72 allows a member of the police force to apply to the Magistrates' Court to have a brothel not having a planning permit and being permanently fixed to land to be declared a proscribed brothel, and also provides for the Magistrates' Court to rescind such a declaration.

Clause 73 is a transitional provision stating that amendments made by clause 71 apply irrespective of whether the breaches occurred before or after the commencement of that clause.

## PART 21—RACING ACT 1958

Clause 74 specifies that for the purposes of the this Part, the Principal Act is the **Racing Act 1958**.

Clause 75 amends section 94A of the Principal Act to enable the Governor in Council to determine the amount of the bond the Victorian Bookmakers' Association may lodge with the Bookmakers & Bookmakers' Clerks Registration Committee in respect to payments to satisfy defaults made by bookmakers and to determine the limits of liability the bond may specify for classes of bookmakers and classes of wagers.

- Clause 76 amends section 24 of the Principal Act to enable racecourse licences to be issued for an indefinite period and to empower the Minister to revoke such a licence if a racecourse is no longer required by any licensed racing club for the holding of race meetings.
- Clause 77 amends section 24A of the Principal Act to enable racing-club licences to be issued for an indefinite period and to empower the Minister to revoke such a licence if a club is no longer registered in accordance with the relevant rules of racing.
- Clause 78 amends section 25 of the Principal Act to remove the need to prescribe the scale of plans to be lodged in respect to applications for racecourse licences.
- Clause 79 introduces a new section 18 into the Principal Act to enable the Minister to issue perpetual permits to clubs to conduct picnic race-meetings registered under the rules of the Victoria Racing Club and to empower the Minister to revoke such a permit if the Victoria Racing Club notifies the Minister that a club has no such meetings registered.
- Clause 80 removes references to picnic race-meetings in section 19 of the Principal Act.
- Clause 81 substitutes section 19A of the Principal Act to enable the Minister to issue perpetual permits to clubs to conduct restricted harness racing meetings approved under the rules of the Harness Racing Board and to empower the Minister to revoke such a permit if the Board notifies the Minister that a club has no such meetings registered.
- Clause 82 substitutes section 20 of the Principal Act to enable the Minister to issue perpetual permits to hunt clubs to conduct point-to-point steeplechase races registered under the rules of the Victoria Racing Club and to empower the Minister to revoke such a permit if the Victoria Racing Club notifies the Minister that a hunt club has no such meetings registered.
- Clause 83 substitutes section 52A of the Principal Act to enable the Minister to issue perpetual permits to clubs to conduct plumpton coursing matches approved under the rules of the Greyhound Racing Control Board and to empower the Minister to revoke such a permit if the Board notifies the Minister that a club has no such matches approved.
- Clause 84 substitutes section 52B of the Principal Act to enable the Minister to issue perpetual permits to clubs to conduct greyhound races approved under the rules of the Greyhound Racing Control Board and to empower the Minister to revoke such a permit if the Board notifies the Minister that a club has no such races approved.

- Clause 85 amends section 22 of the Principal Act to remove the need for the Minister to authorise the conduct of harness races at agricultural shows.
- Clause 86 removes references to bookmakers' course agents in Part IV of the Principal Act.
- Clause 87 amends section 87 of the Principal Act to provide that a bookmaker's clerk may, subject to any conditions imposed by the Bookmakers & Bookmakers' Clerks Registration Committee, carry on the business of his or her employing bookmaker where that bookmaker is at the same time carrying on his or her business on another part of the same racecourse or sports ground.
- Clause 88 amends sections 84 and 91 of the Principal Act to enable the Victoria Racing Club, Harness Racing Board and Greyhound Racing Control Board to issue club bookmaker's licences in lieu of clubs.
- Clause 89 introduces a new section 91A to the Principal Act to empower the Victoria Racing Club, Harness Racing Board and Greyhound Racing Control Board to make rules relating to the licensing of bookmakers.
- Clause 90 makes various statute law revision amendments to the Principal Act by replacing references to the now defunct **Public Service Act 1974** with references to the **Public Sector Management Act 1992**.
- Clause 91 contains various transitional provisions.

## **PART 22—STAMPS ACT 1958**

- Clause 92 removes references to bookmakers' course agents in sections 112 and 120(1A) of the **Stamps Act 1958**.

## **PART 23—TEACHING SERVICE ACT 1981**

- Clause 93 inserts a new section 45(1A) which states that an inquiry into an officer's fitness may include matters other than physical fitness, and may have regard to conduct occurring before a person became an officer or occurring before the commencement of the Act.
- Clause 94 is a transitional provision which applies the new section 45(1A) to current inquiries under section 45.

## **PART 24—THE DECENTRALIZATION ADVISORY COMMITTEE ACT 1964**

- Clause 95 repeals **The Decentralization Advisory Committee Act 1964**.

## **PART 25—TRANSPORT ACCIDENT ACT 1986**

Clause 96 inserts a new section 110A in the **Transport Accident Act 1986** which extends the operation of the Transport Accident (Charges) Regulations 1986 until 31 January 2007. These Regulations were due to sunset on 23 December 1996 by virtue of section 5(1) of the **Subordinate Legislation Act 1994**.

Clause 97 is statute law revision.

## **PART 26—TREASURY CORPORATION OF VICTORIA ACT 1972**

Clause 98(1) repeals section 14 of the **Treasury Corporation of Victoria Act 1992** which is no longer required as the Treasurer is empowered to give an indemnity of an officer or former officer of a State company or statutory authority under section 40C of the **Financial Management Act 1994**.

Clause 98(2) is statute law revision.

Clause 99 contains transitional provisions.

## **PART 27—VICTORIAN FUNDS MANAGEMENT CORPORATION ACT 1994**

Clause 100 inserts a new section 9A in the **Victorian Funds Management Corporation Act 1994** which empowers the Victorian Funds Management Corporation to have clear responsibility for the appointment and monitoring of the fund managers and master custodians it engages for its client.

## **PART 28—VICTORIAN MANAGED INSURANCE AUTHORITY ACT 1996**

Clause 101 amends section 25(1) of the **Victorian Managed Insurance Authority Act 1996** to empower the Victorian Managed Insurance Authority to provide an indemnity to a former officer of a State company or statutory authority.

Clause 102 is statute law revision.