

Health Legal Report – November 2023

Welcome to the November 2023 edition of the Health Legal Report.

In this issue of the Health Legal Report we discuss:

- Reforms to the ‘confidential communications’ (sexual assault counselling and medical records) privilege
- Retail Leases Act – Notices on Renewal
- ‘Mental health and wellbeing service providers’ now regulated under the *Mental Health and Wellbeing Act 2022* (Vic)
- New Construction Contracts for the Victorian Public Sector

We also set out some of the Bills we are tracking throughout Australia, as well as some useful information links.



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Reforms to the 'confidential communications' (sexual assault counselling and medical records) privilege

By Chris Chosich, Senior Solicitor

What is changing?

Section 32C of the *Evidence (Miscellaneous Provisions) Act 1958 (Vic)* (**Act**) includes protections for 'confidential communications'.

On 30 July 2023, the *Justice Legislation Amendment (Sexual Offences and Other Matters) Act 2022 (Vic)* (**Amending Act**) introduced amendments to the confidential communications privilege in s 32C Act.

Note that the Amending Act has made many other amendments to sexual offence law in Victoria, including the highly publicised reforms that will introduce an 'affirmative consent' model. This article relates only to the changes to the confidential communications privilege.

The confidential communications privilege

Section 32C of the Act establishes a confidential communications privilege in civil and criminal proceedings that protects 'confidential communications' (and now, protected health information in criminal proceedings – see below).

Before a party can issue a subpoena for confidential communications, they are required to seek the permission (leave) of the Court giving 14 days' notice of their intention to seek leave.

The Court may only grant leave if it is satisfied that:

1. the evidence is of great weight,
2. no evidence of similar or greater weight is available, and
3. the public interest in disclosure substantially outweighs the public interest in confidentiality.

Importantly, documents containing confidential communications must not be produced unless leave is granted (see s 32C(1)(b)).

A confidential communication refers (in short) to communications passing between victim-survivor and counsellor/medical practitioner. Until the reforms implemented by the Amending Act, information falling outside of this definition was not protected by the privilege.

This meant, for example, that documents containing information gathered from other sources (e.g. other support agencies, Department of Families, Fairness



and Housing) may not have been subject to the confidential communications privilege.

Reforms to the confidential communications privilege

On 30 July 2023, the Amending Act amended the Act to make reforms to the confidential communications privilege, primarily in relation to criminal proceedings.

Many aspects of the confidential communications privilege have remained the same, including the test and the notice period.

However, the Amending Act has made significant amendments to the privilege in criminal proceedings to:

1. expand the protection in criminal proceedings only to include 'protected health information'. Protected health information means (in short) any health information as defined in the *Health Records Act 2001 (Vic)* that is about a person against whom a sexual offence has or is alleged to have been committed. In civil proceedings, the protection will remain limited to confidential communications.
2. require the prosecution to give notice of the application to the victim-survivor (who is called the **protected person** in the legislation) – the Court must not grant leave unless the protected person is aware of the application and has had a reasonable opportunity to consider obtaining

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legal advice, the protected person is unable to be located after taking reasonable steps, the protected person has consented to not being notified or the protected person has already been given notice of an earlier application;

3. provide an express right for the protected person to appear and make submissions in relation to the application;
4. allow the protected person to make a 'confidential statement' describing the harm that is likely to be caused if the application is granted. These statements must not be disclosed to any person other than the protected person and their legal representative. However, the Court has the power to grant access to other parties if it considers that it is 'in the interests of justice to do so'.

The position in civil proceedings will be much the same as before.

How will the transition work?

Transitional provisions will apply to proceedings commenced or s 32C applications made before 30 July 2023. In very general terms:

- A. no information will constitute 'protected health information' in criminal proceedings that were commenced before 30 July 2023 – it appears the intention is that only confidential

communications will remain protected in proceedings commenced before 30 July 2023;

- B. the procedural requirements under the Amending Act will apply to new s 32C applications;
- C. the old procedural requirements applying under the Act before 30 July 2023 will continue to apply to any application that had been made, but not determined, before 30 July 2023.

What this means for your service?

Organisations who provide treatment to victim-survivors may wish to consider how these reforms might affect their approach to s 32C applications. These organisations might also wish to consider how they will support the victim-survivors, who will now have the right to participate in objection hearings in criminal proceedings – including by providing a confidential statement.

The Amending Act will have broader implications for health service providers as the health information about victim-survivors will also be handled under this process which requires the Court's permission. The Amending Act provides a significant protection in respect of the health information of victim-survivors, recognising that their health (including mental health) may have been impacted by the alleged offending and these records should be afforded similar protections to the counselling records.

*If you have any questions arising out of this article, or would like any assistance in responding to s 32C applications or subpoenas for the records of victim-survivors, please contact **Chris Chosich** on (03) 9865 1333 or via email at chris.chosich@healthlegal.com.au.*

Frequently Asked Medico-Legal Questions

Health Legal (in conjunction with Austin Health) has developed a Handbook covering all of the medico-legal questions which are frequently asked by health service staff. The Handbook is extensive (more than 100 pages) and focuses on the needs of the Victorian public and private health sectors.

Specifically, the Handbook covers a wide range of topics, including consent, refusal/withdrawal of treatment, patient privacy/confidentiality and dealing with adverse events and patient complaints.

The Handbook is updated every 6 months and is provided in an electronic format so that it can be easily placed on your intranet. The next update is due in February 2024.

*For further information or to receive our Handbook, please contact **Lauren Heyward** on (03) 9865 1300 or email lauren.heyward@healthlegal.com.au.*

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In Brief

- **Adverse incident reporting** – Safer Care Victoria has recently published [guidance on the intersection of the incident reporting obligation in Part 5 of the Occupational Health and Safety Act 2004 \(Vic\) with the serious adverse patient safety event \(SAPSE\) provisions in the Health Services Act 1988 \(Vic\)](#). Relevantly, a health service establishment (which includes public hospitals and private hospitals) must undertake a statutory duty of candour process where a SAPSE occurs. That process must involve a review, which can be conducted by a SAPSE review panel constituted in accordance with the *Health Services Act 1988* (Vic). It is not mandatory to conduct reviews using a SAPSE review panel; however special confidentiality provisions apply where the review is constituted as a SAPSE review panel under the *Health Services Act 1988* (Vic). The Safer Care Victoria's guidance identifies that there are some situations in which an adverse event may be both a SAPSE and reportable under the *Occupational Health and Safety Act 2004* (Vic). Safer Care Victoria's guidance deals with some practical questions that may arise from this interaction, particularly in relation to the flow of information between members of a SAPSE review panel and WorkSafe Victoria investigators. Health services may wish to review their adverse incident and occupational health and safety reporting policies and procedures in light of Safer Care Victoria's guidance.
- **Prohibited benefits (pathology leases)** – In *Commonwealth of Australia v Healius Pathology Pty Ltd* [2023] FCA 981, the Federal Court of Australia ordered Healius Pathology to pay a penalty of \$1.65 million, plus \$200,000 in legal costs, over breaches of the 'prohibited benefits' provisions in Part IIBA of the *Health Insurance Act 1973* (Cth). That Part relevantly prohibits providers of pathology and diagnostic imaging services from offering or providing prohibited benefits to people who are, or are connected to, requesters (e.g. medical doctors) where the benefit is related to the business or pathology or diagnostic imaging services or would induce the requester to request the use of those services. A 'requester' includes employers/principals of authorised practitioners. Similar provisions prevent requesters from seeking or accepting these prohibited benefits. The provisions are intended to ensure that requesters are not induced to request services for non-clinical reasons (i.e. the receipt of prohibited benefits), which would lead to an increased cost on the Medicare system. A prohibited benefit includes leases where the rent payable is 'substantially different from market value', meaning 20% above market value. In this case, Healius had entered into leases for approved collection centres with companies that operated GP clinics where – it was accepted – that the rents were 20% above market value. Clients with pathology/diagnostic imaging leasing arrangements may wish to review rent payments (or indeed, any other benefits) for compliance with Part IIBA of the *Health Insurance Act 1973* (Cth).

Cybersecurity and IT Management

Health Legal and Law Compliance are aware that everyone is constantly aiming to have the highest possible cybersecurity in place from spam and hackers, as we are too. Sometimes, unfortunately firewalls and spam filters are also preventing us from sending emails to our clients.

To ensure you receive all future communications promptly and avoid difficulties with our Law Compliance and Health Legal emails reaching you and/or your team (because of these varied spam filtering services falsely classifying emails as spam or going into junk folders), we ask that you please let your IT team know to whitelist the following addresses:

- healthlegal.com.au;
- info@mailgun.lawcompliance.com.au;
- lawcompliance.com.au;
- our account system accountright@apps.myob.com

Should you or your IT team have further questions regarding this, please feel free to contact us.

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Retail Leases Act – Notices on Renewal

By Sarah Caraher, Associate Legal Counsel

Background

There are a surprising number of notice requirements under the *Retail Leases Act 2003 (Vic)* (**Act**) and *Retail Leases Regulations 2023 (Vic)* (**Regulations**) which need to be complied with on renewal of a retail lease. The consequences for failure to comply can be serious – including extension of the lease term for 6 months after the notice is given and waiver of liability to pay rent.

This article sets out the key notice requirements on renewal of a retail lease where there is an option to renew and where there is no option to renew..



Where there is an option to renew in the retail lease

Notice by landlord to tenant at least 3 months prior to renewal (section 28(1A))

The landlord must notify the tenant in writing, no later than three months before the date that the option to renew is no longer valid, of:

- the last date by which the option to renew the lease can be exercised
- the rent payable for the first 12 months of the renewed lease
- the availability of an early rent review
- the availability of a cooling off period
- any changes to the most recent disclosure statement provided to the tenant other than any changes in relation to rent

We have prepared a template form of notice to cover off these requirements if you require.

Consequences for failure to give notice 3 months prior to renewal (section 28(2))

If the landlord does not give this notice, then the date for exercising the option is extended by three months from when the landlord does give notice. If the extended date is after the end of the lease, then the lease continues until that date on the same terms and conditions as was in place. If the tenant does not wish to extend the lease beyond the expiry date, then they can give notice to the landlord terminating the lease on the expiry date.

Early rent review (section 28A)

If a lease provides for market rent review on renewal, tenant can ask for early review. Notice for early review must be given within 28 days of the landlord giving the above notice.

Notification of market rent review 14 days prior to expiry of option (section 28A(4))

If a specialist retail valuer is appointed as part of the early rent review to determine current market rent, but the tenant is not notified of the rent determination at least 14 days prior to the last date to exercise the option to renew, the option to renew date of extended to 14 days after the tenant is notified of the rent determination.

Cooling off – 14 days after exercising option to renew (section 28B)

If a tenant has exercised its right to renew a lease and has not requested early rent review, the tenant may within 14 days of the day on which they exercise the option, give notice to the landlord that the tenant no longer wishes to renew the lease.

Where there is no option to renew in the lease

Landlord to give 6-12 months' notice of intention (section 64)

Where there is no option to renew in the lease, the landlord must give the tenant notice of its intention concerning renewal not more than 12 months but not less than 6 months before the lease ends. Landlord

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must tell tenant if they are offering a renewal on specified terms or that a renewal will not be offered.

[Offer to renew cannot be withdrawn for 60 days \(section 64\(3\)\)](#)

An offer to renew cannot be revoked without the tenant's consent within 60 days after it is made.

[Consequences for failure to give notice \(section 64\(4\)\)](#)

If the landlord fails to give the notice of intention, the lease continues (on same terms and conditions) until at least 6 months after the notice is ultimately given. The tenant can give notice terminating the lease from a day not earlier than the expiry date.

Disclosure Statements

[Disclosure Statement – Landlord to provide 21 days prior to expiry date and no later than 14 days prior to signing agreement to renew \(section 26\)](#)

The landlord must provide a Disclosure Statement (see form in Regulations - Schedule 3) at least 21 days prior to the expiry date where the tenant has an option to renew the lease and no later than 14 days after agreeing to renew the lease where there is no such option.

Note that if there is no option for renewal but there is agreement to renew on substantially the same terms (except rent), then this is taken to be a renewal and the more simplified form of Disclosure Statement

(see Regulations - Schedule 3) is only required. If the terms are not substantially the same, then the more detailed Disclosure Statement (see Regulations - Schedule 1) is required.

[Consequences for failure to give Disclosure Statement \(section 26\(3\)\)](#)

If the tenant is not given the disclosure statement as required, the tenant may no later than 90 days after the expiration of the relevant period, give the landlord written notice that it has not been given a disclosure statement and withhold the rent until the day the landlord gives the statement, does not need to pay rent for the period where the statement is over due to when it is given and may terminate the lease at any time before the end of 7 days after the landlord gives the disclosure statement.

Conclusion

Failure to comply with the notice requirements on renewal of a retail lease can have serious consequences. This can impact on your ability to end a lease on expiry and lease a space to a new tenant when desired.

Please feel free to contact Sarah Caraher on 9865 1334 or sarah.caraher@healthlegal.com.au for a copy of our template notice for landlords to provide tenants where there is an option for renewal or with any of your leasing queries.

Please contact [Sarah Caraher](tel:98651334) on 9865 1334 or via email at sarah.caraher@healthlegal.com.au for a copy of our template notice for landlords to provide tenants where there is an option for renewal or with any of your leasing queries.

Staff News

Our Law Compliance Team continues to grow.

We are delighted to welcome **Chris Martin**, our new Head of Strategy and Third Party Relations. Chris provides expertise and insight as a Solicitor and Management Consultant and is responsible for crafting and executing our long-term strategic initiatives.

We have also recently recruited Solicitors **Amanda Roberts**, **Lindon Parbery**, **Margarette Natividad**, **Maria Toma** and Law Clerk **Sara Ozrain** as the newest members of our expert Compliance team.

Additionally, we extend a warm welcome back to one of our original Law Compliance team members, **Anne Winter**, Senior Compliance Solicitor.

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Health Legal is 20 years old!

We are really proud and excited to celebrate our 20th anniversary this month.

From the beginning we have been supported by our clients and team and for this I am extremely grateful.

When the VHIA first approached me to lead this firm in 2003 I could not possibly have imagined what we would achieve and what the firm would look like 20 years later. A special thanks goes to the VHIA for their initial vision, and support.

In 2003 we shared a vision to establish a firm which would meet the needs of the health sector in a cost effective way. More than 10,000 files later we have fulfilled this promise (in my – sometimes not so – humble opinion).

Over the last 2 decades it has been my pleasure to work with Victorian, interstate and international organisations who have entrusted us to provide solutions to some of the most complex and significant challenges facing them. We are not in the habit of heavy self-promotion but we have been there, most often, in the background, creating a path through the legal quagmire.

To our clients – thank you. We do not take our relationships for granted and we will continue to do our best for you.

Lastly, to my team – past and present – thank you. I feel incredibly fortunate to know you all and to have worked with you. I am proud of what we continue to achieve and how we truly live our values.

Natalie



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'Mental health and wellbeing service providers' now regulated under the Mental Health and Wellbeing Act 2022 (Vic)

By Chris Chosich, Senior Solicitor

Introduction

On 1 September 2023, the *Mental Health and Wellbeing Act 2022 (Vic)* (**2022 Act**) repealed and replacing the *Mental Health Act 2014 (Vic)* (**2014 Act**). The 2022 Act is intended to 'reset the legislative foundations underpinning the mental health and wellbeing system' in accordance with Recommendation 42 of the Royal Commission into Victoria's Mental Health System. Relevantly, the 2022 Act now regulates a wider range of 'mental health and wellbeing service providers', which includes Victorian Government funded community-based services.

These mental health and wellbeing service providers are subject to obligations and oversight under the 2022 Act, some of which may have implications for service delivery, information sharing and complaints handling mechanisms.

This article outlines the concept of a 'mental health and wellbeing service provider' and the obligations to which they are subject. It does not discuss the additional obligations associated with status as a 'designated mental health service'.

Background

Historically, mental health legislation has primarily regulated what the 2014 Act referred to as 'designated mental health services'. These are health services permitted to compulsorily treat patients under the framework established by the legislation. Under the 2014 Act, a relatively narrow class of community-based services were regulated if they were a 'publicly funded mental health community support service'.

The Explanatory Memorandum for the 2022 Act explains that:

The Royal Commission recommended increased diversity of providers, with a greater emphasis on community-based treatment, care and support and expanded scope of oversight to include all providers funded by the Victorian Government to deliver mental health and wellbeing treatment, care and support.

In line with this approach, the Bill defines a broader set of in-scope services than the Mental Health Act 2014.

Expansion of 'mental health and wellbeing service providers'

To this end, the 2022 Act expands the kinds of entities that are subject to regulation and oversight compared to the 2014 Act. The 2022 Act contains obligations for a broader scope of service providers,

including community-based services, than under the 2014 Act. These obligations apply to a 'mental health and wellbeing service provider', which are defined as an entity (other than an individual) that:

- receives funding from the State for the primary purpose of providing mental health and wellbeing services or from another entity (other than an individual) (the other entity), being funding that:
 - was received by the other entity from the State for the primary purpose of providing mental health and wellbeing services; and
 - is provided to the entity for a purpose that is consistent with the funding arrangement or agreement between the State and the other entity; and
- employs or engages a mental health and wellbeing professional in connection with providing the mental health and wellbeing services.

The *Mental Health and Wellbeing Regulations 2023 (Vic)* provide that certain kinds of entities are **not** mental health and wellbeing service providers. This includes various kinds of educational institutions or entities engaged to provide mental health and wellbeing services at such institutions or entities, the Department of Education, and providers of



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workplace mental health and wellbeing support services.

The terms 'mental health and wellbeing service' and 'mental health and wellbeing professional', which appear in the above definition, are each also defined.

Relevantly, a **mental health and wellbeing service** means:

- a service performed for the primary purpose of:
 - improving or supporting a person's mental health and wellbeing; or
 - assessing, or providing treatment, care or support to, a person for mental illness or psychological distress; or
 - providing care or support to a person who is a family member, carer or supporter of a person with mental illness or psychological distress; or
- a service, or a service belonging to a class of service, that is prescribed to be a mental health and wellbeing service.

Again, the Regulations may exclude services from this definition. Regulation 18 of the Regulations states that a mental health and wellbeing advocacy service is **not** a mental health and wellbeing service. Nor is a service provided in an emergency department of a designated mental health service to a person who is not a patient (i.e. a person who is subject to an order permitting them to be detained or treated without consent) within the meaning of the Act, for the period commencing on 1 September 2023 and ending on 31 March 2024.

A **mental health and wellbeing professional** is a person who performs duties in connection with the provision of mental health and wellbeing services and is a practitioner of a certain kind. These professionals include registered medical practitioners, registered psychologists, registered/enrolled nurses, registered occupational therapists, social workers (if qualified to be a member of the Australian Association of Social Workers), counsellors (if they have completed a Bachelor or Master of Counselling and is a member of the Australian Counselling Association or the Psychotherapy and Counselling Federation of Australia.

What if the organisation receives funding from different sources or for different purposes?

In some cases, community based organisations may be funded to provide a variety of services – some which are mental health and wellbeing services, others which are not. According to [guidance published by the Department of Health](#):

Some services receive funding from multiple sources and for multiple purposes, including funding from the Victorian Government for mental health and wellbeing services. Where a service provider has multiple funding streams, only the mental health and wellbeing services they provide will be subject to regulation under the [2022 Act].

Obligations of mental health and wellbeing service providers

In summary, mental health and wellbeing service providers are required to:

- make all reasonable efforts to comply with the mental health and wellbeing principles (found in Part 1.5 of the 2022 Act) when exercising a function under the 2022 Act
- give proper consideration to the mental health and wellbeing principles when making a decision under the 2022 Act
- provide safe, person-centred mental health and wellbeing services
- foster continuous improvement in the quality and safety of the care and mental health and wellbeing services they provide
- comply with specific provisions of the 2022 Act related to
 - the sharing of health information – noting that the 2022 Act contains its own provisions protecting the information of consumers who receive services from a mental health and wellbeing service provider;
 - supporting consumers, family members, carers, guardians, nominated support people and complainants to understand information when the provider is required under the Act to communicate that information to any of these people.

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- establish procedures for receiving, managing and resolving complaints about the provision of mental health and wellbeing services. These procedures must comply with any complaint handling standards prepared by the Mental Health and Wellbeing Commission.

Additionally, mental health and wellbeing service providers are subject to oversight through the complaints handling, investigation and inquiries powers of the Mental Health and Wellbeing Commission.

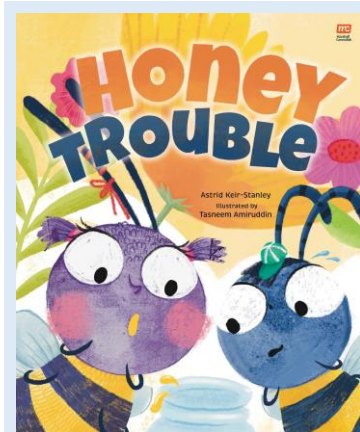
Conclusion

A broader range of services, including services that were not previously regulated, are subject to the 2022 Act. Entities that provide mental health and wellbeing services and receive State funding should

consider whether they fall within the definition of a 'mental health and wellbeing service provider' and to what extent. If so, they should consider whether any policies – particularly those relating to service delivery, confidentiality and privacy and complaints handling.

Health Legal is able to assist in reviewing any relevant funding agreements against the definition of a 'mental health and wellbeing service provider' and also reviewing any policies or procedures that may require revision as a result of that status.

*If you have any questions arising out of this article, please contact **Chris Chosich** on (03) 9865 1333 or via email at chris.chosich@healthlegal.com.au.*



Inspired by legislative compliance!

Very few people get excited (let alone INSPIRED!) when they think about legislative compliance. Yet this is exactly what happened to our Chief Legislative Advisor, turned children's picture book author, **Astrid Keir-Stanley**.

On reviewing the *Livestock Disease Control Amendment (Beekeeping) Regulations 2019* No.42 (Vic) to update our VIC – Livestock Disease Control topic, Astrid came across the term "robber bees", which sparked on her on a wondrous journey of writing a children's picture book called *Honey Trouble*. It's a story that explores how we are all different but each of us have something special to contribute.

Available for purchase at all good bookstores.

Compliance Alert Service

In response to client demand we have developed a compliance alert service which complements our existing legislative compliance products and services.

Our alert service provides your organisation with pro-active advanced warning of the commencement of new significant Acts and Regulations. "Significant" Acts and Regulations means those which will have a significant operational impact on your organisation. As part of this alert, we will provide you with a summary of the legislation and provide you with a link to the relevant Act and/or Regulation.

This alert service will allow you to prepare for new legislation before the Acts and Regulations have commenced.



*If you would like to add this service to your current subscription (or if you have any questions), please contact **Andrew Gill** on (03) 9865 1322 or andrew.gill@lawcompliance.com.au.*

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Law Compliance Update

Law Compliance is a legislative compliance business of Health Legal.

Whilst initially focussed on health care organisations Law Compliance now provides compliance services to hundreds of organisations across Australia and this number grows each month. Our aim is to make compliance easy.

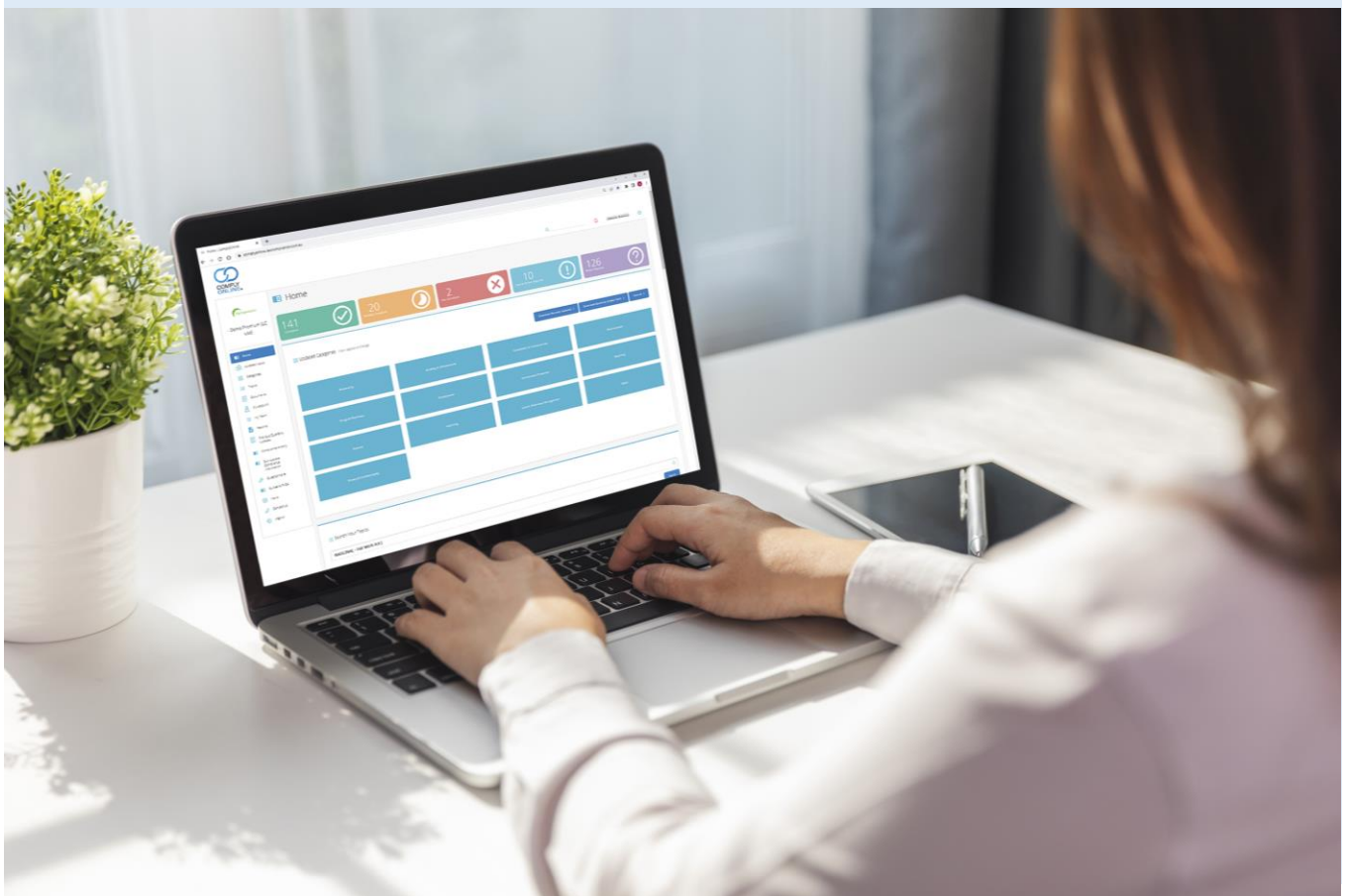
Our clients range from small rural community service organisations to government related entities to some of Australia's largest health care organisations, local councils, universities, charities, community service organisations, aged care providers and child care organisations.

Our online platform, **Comply Online**[®], continues to be successfully rolled out across Australia. With Comply Online[®] our subscribers can easily:

- assign topics to individuals within their organisation
- monitor organisation wide compliance activity
- produce a variety of compliance reports, including audit and risk compliance reports



For more information about Comply Online[®] or to arrange a free demonstration, please go to: <https://lawcompliance.com.au/comply-online/> or contact **Natalie Franks** on (03) 9865 1324 or natalie.franks@lawcompliance.com.au.



New Construction Contracts for the Victorian Public Sector

By Sarah Caraher, Associate Legal Counsel

Background

The Victorian Government Department of Treasury and Finance has recently made significant changes to the form of construction contracts approved for Victorian public sector agencies. Two new “medium works” contracts have been introduced, along with a new short form minor works contract. These new contracts will allow Victorian Government agencies to transition away from using the AS2124-1992 and AS 4300-1995 contracts (with the associated Victorian Public Sector Special Conditions). The new contracts have been developed in response to industry and agency feedback and aim to simplify the process of preparing contracts for tender and execution.



Guidance on when each new contract should be used is set out below:

- **Minor Works Contract (Short Form) (October 2023):** this template should be used for construction (or construction and design) procurements valued at less than \$200,000 (excluding GST).
- **Medium Works Contract (Short Form) (October 2023):** this template should be used for construction (or construction and design) procurements valued between \$200,000 and \$5 million (excluding GST). This template is not appropriate where (regardless of contract value) the procurement is large or complex. The initial version of this template included a guidance note suggesting that this template would not be appropriate for procurement in a sensitive operational environment, such as a hospital. This guidance is no longer included in the current version of the template. We have contacted the Department of Treasury and Finance to confirm whether this guidance still applies.
- **Medium Works Contract (October 2023):** this template should be used for construction (or construction and design) procurements valued between \$1 million and \$20 million (excluding GST). It should be used where the project is low to moderate risk and complexity on a single site. It is not intended to be used for large or more complex procurements.

The new standard form contracts are available in the Victorian Government Department of Treasury and Finance's Practitioner's Toolkit, which is available here: <https://www.dtf.vic.gov.au/practitioners-toolkit/practitioners-toolkit-standard-form-contracts>. Please note that the guidance note on the first page of each of these templates should be deleted before they are attached to any tender.

*If you have any construction contracting queries please contact **Sarah Caraher** on **9865 1334** or via email at sarah.caraher@healthlegal.com.au.*

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Some of the Legislative Changes being tracked



Western Australia

- Aboriginal Heritage Legislation Amendment and Repeal Bill 2023 (WA)
- Abortion Legislation Reform Bill 2023 (WA)
- Climate Change and Greenhouse Gas Emissions Reduction Bill 2021 (WA)
- Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023 (WA)
- Electricity Industry Amendment (Alternative Electricity Services) Bill 2023 (WA)
- Guardianship and Administration Amendment (Medical Research) Bill 2023 (WA)
- Liquor Control Amendment (Banned Drinkers Register) Bill 2023 (WA)
- Retail Trading Hours Amendment Bill 2021 (WA)
- Statutes (Repeals and Minor Amendments) Bill 2021 (WA)

Northern Territory

- Food Amendment Bill 2023 (NT)
- Liquor Legislation Amendment (Offences) Bill 2023 (NT)
- Statute Law Amendment (NTCAT Conferral of Jurisdiction) Bill 2023 (NT)

Queensland

- Body Corporate and Community Management and Other Legislation Amendment Bill 2023 (Qld)
- Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 (Qld)
- Gas Supply and Other Legislation (Hydrogen Industry Development) Amendment Bill 2023 (Qld)
- Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023 (Qld)
- Integrity and Other Legislation Amendment Bill 2023 (Qld)
- Justice and Other Legislation Amendment Bill 2023 (Qld)
- Property Law Bill 2023 (Qld)
- Water Legislation Amendment Bill 2022 (Qld)

New South Wales

- Conversion Practices Prohibition Bill 2023 (NSW)
- Equality Legislation Amendment (LGBTIQ+) Bill 2023 (NSW)
- Explosives Amendment Bill 2023 (NSW)
- ICAC and LECC Legislation Amendment Bill 2023 (NSW)
- Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023 (NSW)
- Residential Tenancies Amendment (Rent Freeze) Bill 2023 (NSW)
- Revenue, Fines and Other Legislation Amendment Bill 2023 (NSW)

Commonwealth

- Biosecurity Amendment (Advanced Compliance Measures) Bill 2023 (Cth)
- Broadcasting Services Amendment (Healthy Kids Advertising) Bill 2023 (Cth)
- Commonwealth Electoral Amendment (Cleaning up Political Donations) Bill 2023 (Cth)
- Commonwealth Electoral Amendment (Stop the Lies) Bill 2022 (Cth)
- COVID-19 Vaccination Status (Prevention of Discrimination) Bill 2022 (Cth)
- Crimes and Other Legislation Amendment (Omnibus) Bill 2023 (Cth)
- Crimes Legislation Amendment (Combating Foreign Bribery) Bill 2023 (Cth)
- Customs Amendment (Banning Goods Produced By Forced Labour) Bill 2022 (Cth)
- Customs Amendment Bill 2022 (Cth)
- Customs Legislation Amendment (Commercial Greyhound Export and Import Prohibition) Bill 2021 (Cth)
- Customs Legislation Amendment (Controlled Trials and Other Measures) Bill 2022 (Cth)
- Electoral Legislation Amendment (Restoring Trust) Bill 2023 (Cth)
- Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022 (Cth)
- Export Control Amendment (Streamlining Administrative Processes) Bill 2022 (Cth)
- Fair Work Amendment (Prohibiting COVID-19 Vaccine Discrimination) Bill 2023 (Cth)
- Fair Work Amendment (Right to Disconnect) Bill 2023 (Cth)
- Family Law Amendment (Information Sharing) Bill 2023 (Cth)
- Family Law Amendment Bill 2023 (Cth)
- Financial Accountability Regime (Consequential Amendments) Bill 2023 (Cth)
- Financial Accountability Regime Bill 2023 (Cth)
- Greenhouse and Energy Minimum Standards Amendment (Administrative Changes) Bill 2023 (Cth)
- Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023 (Cth)
- Human Rights (Children Born Alive Protection) Bill 2022 (Cth)
- Intelligence Services Legislation Amendment Bill 2023 (Cth)
- Legalising Cannabis Bill 2023 (Cth)
- Migration Amendment (Strengthening Employer Compliance) Bill 2023 (Cth)
- National Occupational Respiratory Disease Registry Bill 2023 (Cth)
- Nature Repair Market Bill 2023 (Cth)
- Public Sector Superannuation Legislation Amendment Bill 2022 (Cth)
- Statute Law Amendment (Prescribed Forms and Other Updates) Bill 2023 (Cth)
- Treasury Laws Amendment (2023 Law Improvement Package No. 1) Bill 2023 (Cth)
- Treasury Laws Amendment (2023 Measures No. 3) Bill 2023 (Cth)
- Treasury Laws Amendment (Consumer Data Right) Bill 2022 (Cth)
- Treasury Laws Amendment (Making Multinationals Pay Their Fair Share—Integrity and Transparency) Bill 2023 (Cth)
- Treasury Laws Amendment (Modernising Business Communications and Other Measures) Bill 2022 (Cth)
- Treasury Laws Amendment (Modernising Business Communications) Bill 2022 (Cth)

ACT

- Biosecurity Bill 2023 (ACT)
- Corrections Management Amendment Bill 2021 (ACT)
- Courts Legislation Amendment Bill 2023 (ACT)
- Integrity Commission Amendment Bill 2022 (ACT)
- Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023 (ACT)
- Justice and Community Safety Legislation Amendment Bill 2023 (ACT)
- Modern Slavery Legislation Amendment Bill 2023 (ACT)
- Planning (Consequential Amendments) Bill 2023 (ACT)

Tasmania

- Electoral Disclosure and Funding Bill 2022 (Tas)
- Guardianship and Administration Amendment Bill 2023 (Tas)
- Justice Miscellaneous (Removal of Outdated Sex Terminology) Bill 2023 (Tas)
- Residential Tenancy (Rental Market Reform) Amendment Bill 2021 (Tas)
- Right to Information Amendment (Public Protected Areas) Bill 2021 (Tas)
- Right to Information Amendment Bill 2021 (Tas)
- Vehicle and Traffic (Regulatory Reforms) Amendment Bill 2023 (Tas)
- Work Health Safety Amendment Bill 2023 (Tas)

Victoria

- Children, Youth and Families Amendment (Home Stretch) Bill 2023 (Vic)
- Children, Youth and Families Amendment (Raise the Age) Bill 2022 (Vic)
- Independent Broad-based Anti-corruption Commission Amendment (Ending Political Corruption) Bill 2023 (Vic)
- Justice Legislation Amendment Bill 2023 (Vic)
- Nuclear Activities (Prohibitions) Repeal Bill 2023 (Vic)
- Public Health and Wellbeing Amendment (Health Services Performance Transparency and Accountability) Bill 2023 (Vic)
- Statute Law Amendment (References to the Sovereign) Bill 2023 (Vic)

South Australia

- Aboriginal Heritage (Miscellaneous) Amendment Bill 2023 (SA)
- Advance Care Directives (Review) Amendment Bill 2022 (SA)
- Animal Welfare Reforms) Bill 2020 (SA)
- Cannabis Legalisation Bill 2022 (SA)
- Controlled Substances (Nicotine) Amendment Bill 2022 (SA)
- Disability Inclusion (Review Recommendations) Amendment Bill 2023 (SA)
- Environment Protection (Cigarette Butt Waste) Amendment Bill 2023 (SA)
- Explosives Bill 2023 (SA)
- Fair Trading (Lifespan of Electrical Products) Amendment Bill 2022 (SA)
- Food (Restrictions on Advertising of Junk Food) Amendment Bill 2022 (SA)
- Freedom of Information (Ministerial Diaries) Amendment Bill 2022 (SA)
- Gas (Ban on New Connections) Amendment Bill 2022 (SA)
- Health Care (Ambulance Response Targets) Amendment Bill 2023 (SA)
- Heritage Places (Adelaide Park Lands) Amendment Bill 2022 (SA)
- Planning, Development and Infrastructure (Gas Infrastructure) Amendment Bill 2022 (SA)
- Public Finance and Audit (Auditor-General Access to Cabinet Submissions) Amendment Bill 2022 (SA)
- Statutes Amendment (Animal Welfare Reforms) Bill 2022 (SA)
- Veterinary Services Bill 2023 (SA)
- Work Health and Safety (Industrial Manslaughter) Amendment Bill 2022 (SA)
- Work Health and Safety (Industrial Manslaughter) Amendment Bill 2023 (SA)

If you would like details of these new Bills please contact our team on **1300 862 667** or visit our website www.lawcompliance.com.au

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Contact us

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