



## PUBLIC SECTOR NEWSLETTER - VICTORIA

The past fortnight saw the announcement of reforms making it easier for victims of crime to receive compensation through the Victims of Crime Assistance Tribunal.

Meanwhile the Ombudsman is to conduct a pilot inspection of the Dame Phyllis Frost Centre to ensure people held in detention are treated in a humane and dignified way after the Australian Government ratifies an important United Nations Convention.

Finally the Judicial Commission of Victoria commenced on 3 July 2017.

We hope you enjoy this fortnight's Victorian Public Sector Newsletter.

### MEDIA

#### Victims of crime 'wait too long' for compensation

Victims of crime are waiting up to two years to receive compensation and the system needs an overhaul, Victoria's newly appointed Community Safety Trustee says (12 July 2017)

<http://www.abc.net.au/news/2017-07-12/victims-of-crime-wait-too-long-for-compensation-ron-iddles/8699986>

**Ombudsman to conduct OPCAT-style inspection of the Dame Phyllis Frost Centre**  
Victoria must ensure people held in places of detention are treated in a humane and dignified way after the Australian Government ratifies an important United Nations convention. The Ombudsman has decided to conduct the pilot inspection at the Dame Phyllis Frost Centre (DPFC) in July 2017. Submissions close 18 August 2017 (07 July 2017)

<https://www.ombudsman.vic.gov.au/News/Media-Releases/Media-Alerts/Ombudsman-to-conduct-OPCAT-style-inspection-of-the>

#### Improving Access to Victims of Crime Assistance Tribunal

The Government is working to make it easier for victims of crime to access compensation through the Victims of Crime Assistance Tribunal (VOCAT). Attorney-General Martin Pakula today asked the Victorian Law Reform Commission (VLRC) to broaden its current review of the way VOCAT engages with family violence victims to consider all victims of crime (07 July 2017)

<http://www.premier.vic.gov.au/improving-access-to-victims-of-crime-assistance-tribunal/>

#### New Body to Investigate Judicial Complaints

A new independent body established by the Government to investigate complaints and concerns about the conduct of judicial officers and VCAT members began work today (03 July 2017)

<http://www.premier.vic.gov.au/new-body-to-investigate-judicial-complaints/>

### IN PRACTICE AND COURTS

#### Ombudsman seeks public assistance with Whitehead investigation

The Victorian Ombudsman has begun an investigation into several matters involving the Victorian Railways, its successor organisations and associated rail entities, and convicted child sex offender, Robert Whitehead. The investigation will also examine how complaints or allegations about Mr Whitehead were received and handled by these entities. Interested persons can contact the investigation at:

[investigation@ombudsman.vic.gov.au](mailto:investigation@ombudsman.vic.gov.au)  
(12 July 2017) <https://www.ombudsman.vic.gov.au/News/Media-Releases/Media-Alerts/Ombudsman-seeks-public-assistance-with-Whitehead-i>

**Ombudsman: OPCAT-style inspection of the Dame Phyllis Frost Centre**

The investigation will scope the number and type of places of detention in Victoria and how they are monitored. It will also feature a pilot inspection of a closed facility conducted to OPCAT standards where possible. The Ombudsman has decided to conduct the pilot inspection at the Dame Phyllis Frost Centre (DPFC) in July 2017. Make a submission by 18 August 2017 (07 July 2017)

<https://www.ombudsman.vic.gov.au/News/Media-Releases/Media-Alerts/Ombudsman-to-conduct-OPCAT-style-inspection-of-the>

**Inquiry into Civics and Electoral Participation in Victorian State Parliamentary Elections**

The Electoral Matters Committee invites written submissions from individuals and organisations addressing one or more of the issues identified in the [terms of reference](#). To assist with your submission, please see the guidelines for [Making a Written Submission to a Parliamentary Committee](#). The submission closing date is Monday 31 July 2017

**CASES****[MNE v Victoria Police FOI Division \(Review and Regulation\) \[2017\] VCAT 975](#)**

Freedom of Information Act 1982 (Vic)  
– applicant convicted of incest and related sexual offences and breach of Intervention Orders – seeking release of witness statements and DVD Record of Interview obtained in criminal investigation  
– exemptions claimed under sections 33(1), 35(1)(b) and 38 – application for review dismissed

**[Bar v Schneider \(Human Rights\) \[2017\] VCAT 957](#)**

Section 75 of the Victorian civil and administrative Tribunal Act 1998 – application for proceeding to be struck out or dismissed – claim misconceived and lacking in substance. Health Records Act 2001. Health Privacy Principle (HPP) 2.2. The application under section 75 of the Victorian Civil and Administrative Act 1998 is dismissed.

**LEGISLATION****Victoria****Statutory Rules made****No. 38: Judicial Commission of Victoria Regulations 2017**

Commencement: 01/07/2017: reg. 3 Not yet in operation: Regs 1-20: on 01/07/2017: reg. 3 Sunset Date: 06/06/2027

**No. 39: Crimes (Child Abuse Material) Regulations 2017**

Commencement: 01/07/2017: reg. 3 Not yet in operation: Regs 1-7: on 01/07/2017: reg. 3 Sunset Date: 06/06/2027

**No. 55: Witness Protection Regulations 2017**

Commencement: 01/07/2017: reg. 3 Not yet in operation: Regs 1-14: on 01/07/2017: reg. 3 Sunset Date: 20/06/2027

**No. 59: Working with Children Amendment (Reportable Conduct) Regulations 2017**

Commencement: 01/07/2017: reg. 3 Not yet in operation :Regs 1-7: on 01/07/2017: reg. 3 Sunset Date: 27/06/2027

**No. 60: Corrections Amendment Regulations 2017**

Commencement: Regs 1-5, 8, 9, 11 on 28/06/2017: reg. 3(1)

Regs 6, 7, 10 on 01/08/2017: reg. 3(2) Not yet in operation: Regs 6, 7, 10: on 01/08/2017: reg. 3(2)

Sunset Date: 27/06/2027

**Proclamations and Acts Assented to****[No. 4: Children Legislation Amendment \(Reportable Conduct\) Act 2017](#)**

Commencement: Ss 4-16, 18 on 01/07/2017: SG (No. 216) 27/6/2017 p. 1 Ss 1-3, 17 on 01/03/2017: s. 2(1) Not yet in operation: Ss 4-16, 18: on 01/07/2017: SG (No. 216) 27/6/2017 p. 1

**[No. 54: Police and Justice Legislation Amendment \(Miscellaneous\) Act 2016](#)**

No 54/2016; Date of commencement: 1 July 2017

Access Victorian legislation here  
[www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

## KEY CONTACTS

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## HELP DESK SERVICES

Thomson Geer is delighted to offer access to the Victorian Government to its Legal Help Desk on our usual terms of engagement and as set out below.

### Scope

We are pleased to be able to work collaboratively with the Victorian Government to offer the following services (at no charge):

- advice regarding discrete and non-complex legal queries – up to 30 minute teleconference with a Partner, Special Counsel or relevant Senior Associate or, short written advice (max. 1 page);
- the opportunity to 'brainstorm' or discuss topical and complex legal issues with industry specialists – up to 30 minute teleconference with a Partner, Special Counsel or relevant Senior Associate; and
- a dedicated librarian, Warwick Johns, to assist Victorian Government departments and agencies research relevant case law, statutes, regulations and articles.

### (Help Desk Services)

Please note that the Help Desk Services are only available in respect of any matter which is currently unallocated i.e. to this firm or any other firm.

### Key Contact and Help Desk Process

You can access the Help Desk by:

- (a) Calling 03 8080 3604; or
- (b) Emailing legalhelpdesk@tglaw.com.au

Once relevant details are received from you (whether that be by email or over the phone) it will be directed to the appropriate Thomson Geer Partner, Special Counsel or Senior Associate. The Help Desk number and email address will be monitored during normal business hours (9.00 am to 5.00 pm (EST), Monday to Friday).

Thomson Geer will use its best endeavours to provide the Help Desk Services within one business day of the query being logged.

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