

17 AUGUST 2017

ISSUE 19



## PUBLIC SECTOR NEWSLETTER - VICTORIA

Without doubt the biggest story of the past fortnight is the appointment of the Honourable Justice Ferguson to replace the retiring Chief Justice Warren as Chief Justice of the Supreme Court of Victoria. We congratulate Her Honour, a solicitor before her appointment to the court, on her elevation.

IBAC has been active over the past fortnight with the culmination of a number of investigations leading to convictions.

The past fortnight saw the introduction of laws to ensure Victoria Police officers can legally use body-worn cameras.

The past fortnight also saw the announcement of increased funding for community legal centres.

We hope you enjoy the latest edition of our Public Sector Newsletter.

### MEDIA

#### New Chief Justice for Victoria

One of the significant appointments around the country for the month of August 2017 includes a new Chief Justice for the Victorian Supreme Court.

<http://www.premier.vic.gov.au/new-chief-justice-for-victoria/>

#### Former principal sentenced for 'bizarre' role in Education Department fraud

An ex-school principal receives a good behaviour bond over a scheme to defraud Victoria's Education Department, after he agrees to give evidence against a former department official accused of pocketing taxpayer dollars.

[Former principal sentenced for 'bizarre' role in Education Department fraud](#)

#### IBAC: Victorian paramedic sentenced following IBAC investigation

A Victorian paramedic has been sentenced following an investigation by Victoria's anti-corruption agency, IBAC.

[Victorian paramedic sentenced following IBAC investigation](#)

#### New Laws To Support Body-Worn Cameras For Police

The Government will introduce new laws in Parliament today to ensure police officers can legally use body-worn cameras in their daily duties.

[New Laws To Support Body-Worn Cameras For Police](#)

#### \$7.1 Million For Community Legal Centres in Victoria

Victoria's 50 community legal centres are encouraged to apply for a share of \$7.1 million over two years from the Government's Community Legal Centre Assistance Fund, the Family Violence Duty Lawyer Fund, and the Community Legal Centre Family Violence Fund.

[\\$7.1 Million For Community Legal Centres](#)

### CASES

#### [Victorian Electoral Commission v Municipal Electoral Tribunal \(Review and Regulation\) \[2017\] VCAT 1156](#)

Appeal from Municipal Electoral Tribunal – local government election – voters' roll for the local government election compiled on the entitlement date, using data from the role of electors for the Legislative Assembly – on the entitlement date the candidate's principal place of residence was within the relevant Ward, but had not been the candidate's

principal place of residence for at least one month immediately before the entitlement date – Local Government Act 1989 sections 11, 12, 28, Schedule 2 clause 6 – Electoral Act 2002 sections 22 – re Hollins, Ex parte Daly [1912] ArgusLawRp 1; [1912] VLR 87 – re Berrill’s Petition [1976] HCA 50; (1976) 134 CLR 470. Victorian Electoral Commission ABN: 46 583 749 552.

[Hill v Councillor Conduct Panel \(Review and Regulation\) \[2017\] VCAT 699](#)

Local Government, Council Code of Conduct, Review of Councillor Conduct Panel, whether applicant breached the Council Code of Conduct.

[APS Group \(Industrial\) Pty Ltd v Carroll \[2017\] VSC 452](#)

ADMINISTRATIVE LAW – Judicial review – Accident Compensation Act 1985 – Workplace Injury Rehabilitation and Compensation Act 2013 – Whether worker’s assertions to the Medical Panel that a work history was a ‘total fabrication’ constituted a denial of natural justice, a failure to accord procedural fairness or a failure to take into account relevant considerations – Whether Medical Panel failed to give adequate reasons for not accepting the accuracy of another version of the worker’s work history.

[S M v County Court of Victoria & Ors \[2017\] VSC 440](#)

APPEAL – Appeal of order of the County Court striking out an appeal from the Family Division of the Children’s Court – Section 430D of the Children, Youth and Families Act 2005 (Vic) – Whether physical attendance of the appellant necessary upon hearing of an appeal against an order of the Children’s Court where legal representation is present – Appearance of counsel in the absence of the party sufficient – Matters of procedural fairness – Appeal allowed – Order of County Court set aside – Appeal remitted to County Court for determination.

## LEGISLATION

### Victoria

#### **Bills Introduced and Second Read in the first House – week ending 11 August**

Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill

### Acts

#### [Working with Children Amendment Act 2016 No 72/2016](#)

Date of commencement: 1 August 2017

#### [Corrections Legislation Amendment Act 2016 No 57/2016](#)

Date of commencement: 1 August 2017

### Statutory Rules made

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

Commencement: 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

#### **No. 82 Magistrates’ Court Criminal Procedure (Amendment No. 7) Rules 2017**

Date of Making: 2/08/2017 Commencement: 07/08/2017: rule 3 Not yet in operation: Rules 1-5: on 07/08/2017: rule 3 Sunset Date: 02/08/2027

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

## KEY CONTACTS

### PANEL RELATIONSHIP CONTACTS

Your contacts responsible for navigating our firm, connecting you with appropriate expertise and achieving maximum efficiency and your Newsletter editors.



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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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