



## PUBLIC SECTOR NEWSLETTER - VICTORIA

The biggest story of the past fortnight was the passage of Victoria's Assisted Dying Legislation.

However, the past fortnight also witnessed the appointment of a new Justice of the Court of Appeal and a new solicitor general.

The debate about whether the age of criminal responsibilities ought to be raised was furthered with a contribution from Victoria Legal Aid, and the Law Institute of Victoria expressed disappointment at the continuation of political attacks on the judiciary.

This is our penultimate edition of our Public Sector Newsletter for 2017. We hope you enjoy it.

### IN THE MEDIA

#### Victoria Legal Aid supports raising the age of criminal responsibility

The Federation of Community Legal Centres, the Victorian Aboriginal Legal Service and other organisations have called on the Victorian Government to raise the age of criminal responsibility from 10 to 14 years of age. Victoria Legal Aid strongly supports this move.

<http://www.legalaid.vic.gov.au/about-us/news/victoria-legal-aid-supports-raising-age-of-criminal-responsibility>

#### Concern about routine strip searching and high incidence of force and restraint in women's prison

Female prisoners in Victoria's main women's prison are being routinely strip searched, in what Ombudsman Deborah Glass has described as a "humiliating, degrading and undignified practice". Tabling the Implementing OPCAT in Victoria: report in Victorian Parliament, Ms Glass said the inspection had uncovered some serious issues.

<https://www.ombudsman.vic.gov.au/News/Media-Releases/Media-Alerts/strip-searches-force-restraint-in-womens-prisons>

#### 'Compassionate' Victoria becomes first state to legalise euthanasia

Assisted dying will become a reality in Victoria from mid-2019 as opponents of euthanasia fail in last-minute bid to stop the bill passing Parliament.

<http://www.abc.net.au/news/2017-11-29/euthanasia-passes-parliament-in-victoria/9205472>

#### LIV disappointed by political attacks on judiciary

The Law Institute of Victoria is disappointed by ongoing political attacks on the Victorian judiciary and the questioning of independent expert advice that is given by members of the legal profession.

<https://www.liv.asn.au/Staying-Informed/Media-Releases/Media-Releases/November-2017/LIV-disappointed-by-political-attacks-on-judiciary>

#### New Solicitor-General for Victoria appointed

The Government announced the appointment of Kristen Walker QC as the Solicitor-General for Victoria. Ms Walker replaces outgoing Solicitor-General Richard Niall QC, who was appointed as a Judge of the Court of Appeal.

<https://www.premier.vic.gov.au/new-solicitor-general-for-victoria-appointed/>

#### New Court of Appeal Judge appointed

The Government announced the appointment of Richard Niall QC as a Judge of the Court of Appeal. Mr Niall has been the Solicitor-General for Victoria since 2015.

<https://www.premier.vic.gov.au/new-court-of-appeal-judge-appointed/>

#### IBAC reveals corruption risks faced by Victoria's corrections sector

Victoria's anti-corruption agency, IBAC, has identified key corruption risks associated with the state's corrections sector in a new report released.

<http://www.ibac.vic.gov.au/media-releases/article/ibac-reveals-corruption-risks-faced-by-victoria's-corrections-sector>

**Countering violent extremism to keep Victorians safe**

The Government will strengthen preventative detention laws as part of a suite of measures to counter violent extremism and keep Victorians safe, releasing the second report into Victoria's counter-terrorism laws which made 26 recommendations.

<https://www.premier.vic.gov.au/countering-violent-extremism-to-keep-victorians-safe/>

**CASES****[Bogdanovic v Magistrates' Court of Victoria \[2017\] VSC 696](#)**

JUDICIAL REVIEW - Orders in the nature of certiorari requested pursuant to joint memorandum - Infringement offender's fines partially discharged - Infringement offender ordered to pay remaining fines in instalments and in default of payment be imprisoned - Whether Magistrate considered circumstances prescribed by s 160 in exercise of discretion - Orders granted - Infringements Act 2006, s 160, 161, 161A.

**[Country Fire Authority v Hicks \(Review and Regulation\) \[2017\] VCAT 1880](#)**

Freedom of Information Act 1982 - Country Fire Authority Brigade - a complaint by a brigade member - investigation - complaint seeks documents relevant to the investigation - whether documents exempt under sections 30(1) internal working documents exemption, 33(1) personal affairs exemption and/or 35(1)(b) document provided in confidence exemption.

**LEGISLATION****Victoria****Proclamations****No. 34: Sentencing Amendment (Sentencing Standards) Act 2017**

Assent: 15/08/2017 SG (No. 274) 15/8/2017 p.1  
Commencement: Ss 1-16, 43, 44 on 29/11/2017: SG (No. 406) 28/11/2017 p. 1 Not yet in operation: Ss 17-41, 42

**No. 43: Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017**

Assent: 26/09/2017 SG (No. 324) 26/9/2017 p. 1  
Commencement: Ss 1-3, 30-33, 40, 52-58, 60, 61, 64, 66 on 30/11/2017: SG (No. 406) 28/11/2017 p. 1 Ss 59, 62, 63 on 20/12/2017: SG (No. 406) 28/11/2017 p. 1 Ss 4, 5, 20-22, 28, 29, 34, 35, 37, 39 on 26/02/2018: SG (No. 406) 28/11/2017 p. 1 Not yet in operation: Ss 59, 62, 63: on 20/12/2017: SG (No. 406) 28/11/2017 p. 1 Ss 4, 5, 20-22, 28, 29, 34, 35, 37, 39: on 26/02/2018: SG (No. 406) 28/11/2017 p. 1 Ss 6-19, 23-27, 36, 38, 41-51, 65

**Statutory Rules made****No. 114: Supreme Court (Fees) Interim Regulation 2017**

Commencement: 14/12/2017: reg. 3 Not yet in operation: Regs 1-11: on 14/12/2017: reg. 3 Sunset Date: 01/10/2018: reg. 11

**No. 115: County Court (Fees) Interim Regulations 2017**

Commencement: 14/12/2017: reg. 3 Not yet in operation: Regs 1-7: on 14/12/2017: reg. 3 Sunset Date: 14/12/2018: reg. 7

**No. 122: Charter of Human Rights and Responsibilities (General) Regulations 2017**

Date of Making: 28/11/2017 Commencement: 08/12/2017: reg. 3 Not yet in operation: Regs 1-7: on 08/12/2017: reg. 3 Sunset Date 28/11/2027

**No. 124: Supreme Court (Chapter | Appendices A and B Amendment) Rules 2017**

Date of Making: 28/11/2017 Commencement: 01/01/2018: rule 3 Not yet in operation: Rules 1-4: on 01/01/2018: rule 3 Sunset Date: 28/11/2027

**No. 125: Supreme Court (Chapter | Order 42A Amendment) Rules 2017**

Date of Making: 28/11/2017 Commencement: 04/12/2017: rule 3 Not yet in operation: Rules 1-7: on 04/12/2017: rule 3 Sunset Date: 28/11/2027

**No. 126: Supreme Court (Criminal Procedure) Rules 2017**

Date of Making: 28/11/2017 Commencement: 01/01/2018: rule 1.03(1) Not yet in operation: Rules 1.01-16.02: on 01/01/2018: rule 1.03(1) Sunset Date: 28/11/2027

**No. 127: Supreme Court (E-Filing Further Amendment) Rules 2017**

Date of Making: 28/11/2017 Commencement: 02/01/2018: rule 3 Not yet in operation: Rules 1-7: on 02/01.2018: rule 3 Sunset Date: 28/11/2027

Access Victorian legislation at [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 library resource 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](mailto: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.