



PUBLIC SECTOR NEWSLETTER - VICTORIA

The past fortnight saw the passage of new gun laws, the announcement of new protections for whistleblowers, a call for public sector leaders to drive corruption prevention and an appointment to the Coroner's Court.

The Law Council also renewed its push for States and Territories to sign up to a national redress scheme for survivors of child sexual abuse.

This edition also includes an interesting VCAT decision on whether a Body Corporate provides a service for the purposes of the Equal Opportunity Act 2010.

We hope you find this edition of our Public Sector Newsletter of interest.

IN THE MEDIA

State and Territory support urged for National Redress Scheme

The Law Council is encouraging States and Territories to sign onto the Australian Government's National Redress Scheme, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. Today's COAG communique noted that leaders 'acknowledged the work underway to establish a national redress scheme.'

<https://www.lawcouncil.asn.au/media/media-releases/state-and-territory-support-urged-for-national-redress-scheme>

IBAC Commissioner calls on public sector leaders to drive corruption prevention

Victoria's anti-corruption commission, IBAC, today marks five years' operation prompting the IBAC Commissioner, the Honourable Robert Redlich QC, to call on Victoria's public sector leaders to maintain a focus on driving integrity and corruption prevention and to take action when there is wrongdoing.

<http://www.ibac.vic.gov.au/media-releases/article/ibac-commissioner-calls-on-public-sector-leaders-to-drive-corruption-prevention>

New gun laws pass in a win for police and public safety

Victoria Police now have the laws they need to tackle organised crime thanks to the Government's Firearm Prohibition Order regime, which today successfully passed the Parliament. The bill will also introduce powerful new offences to deal with offenders who commit drive-by shootings, as well as cracking down on illegal firearm manufacturing.

<https://www.premier.vic.gov.au/new-gun-laws-pass-in-a-win-for-police-and-public-safety/>

Greater protection for whistleblowers

Victorians who blow the whistle on public sector corruption and wrongdoing are set to be afforded greater protection with existing legislation in the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Bill 2018* set to be overhauled.

<https://www.premier.vic.gov.au/greater-protection-for-whistleblowers/>

New appointment to the Coroners Court

The Government has announced the appointment of barrister Darren Bracken as a new coroner of the Coroners Court of Victoria.

<https://www.premier.vic.gov.au/new-appointment-to-the-coroners-court/>

CASES

[Anne Black v Owners Corporation OC1-POS539033E \(Human Rights\) \[2018\] VCAT 185](#)

Equal Opportunity Act 2010 (Vic) ss 4, 13, 44, 45, 46, 56, 75 - claim of discrimination on the basis of disability in the provision of services - whether owners corporation provides a service - whether other sections besides s 56 apply - whether s 75 provides an exception Disability Discrimination Act 1992 (Commonwealth) ss 13, 31 - effect on operation of Equal Opportunity Act 2010 (Vic); Disability (Access to Premises - Buildings) Standards 2010 (Commonwealth) - incorporation in codes and regulations.

LEGISLATION

Victoria

Acts Assented to

[No. 1: Compensation Legislation Amendment Act 2018](#)

Assent: 13/02/2018 SG (No. 48) 13/2/2018 p.1

Commencement: Pts 1, 2 (ss 1-6), 4 (s.9) on
14/02/2018: s. 2(1) Pt 3 (ss 7, 8) on 01/07/2018: s. 2(2)
Not yet in operation: Pt 3 (ss 7, 8): on 01/07/2018: s.
2(2)

Bills introduced and second read in the first House -
week ending 09 February

[Integrity and Accountability Legislation Amendment \(Public Interest Disclosures, Oversight and Independence\) Bill](#)

Date of second reading speech: 08 February 2018

Acts Commencement

[No. 23: Family Violence Protection Amendment \(Information Sharing\) Act 2017](#)

Commencement: S. 28 on 01/09/2017: s. 2(3)S. 29 on
01/09/2017: s. 2(4) S. 30 on 01/09/2017: s. 2(5) Ss 1-27,
32-36, 38-45 on 26/02/2018: SG (No. 40) 6/2/18 p. 1S.
31 on 26/02/2018: s. 2(6) Not yet in operation: Ss 1-27,
32-36, 38-45: on 26/02/2018: SG (No. 40) 6/2/18 p. 1S.
31: on 26/02/2018: s. 2(6) S. 37

[No. 57: Serious Sex Offenders \(Detention and Supervision\) Amendment \(Governance\) Act 2017](#)

Commencement: Ss 1-54 on 27/02/2018: SG (No.
49) 13/2/2018 p. 1 Not yet in operation: Ss 1-54: on
27/02/2018: SG (No. 49) 13/2/2018 p. 1

Statutory Rules made

[No. 9: Magistrates' Court Criminal Procedure \(Amendment No. 8\) Rules 2018](#)

Date of Making: 8/02/2018 Commencement:
12/02/2018: rule 3 Not yet in operation: Rules 1-7: on
12/02/2018: rule 3 Sunset Date: 08/02/2028

Access Victorian legislation at www.legislation.vic.gov.au

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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

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.