



PUBLIC SECTOR NEWSLETTER - VICTORIA

This fortnight saw the Magistrates Court announce reduced sitting times to ease pressure on Magistrates.

The Government has announced new laws to support victims of family violence and new funding for Community Legal Centres and Health Justice Partnerships. The Government has also appointed a new County Court Judge.

IBAC has announced it has laid charges against a former Corrections Victoria employee and it will investigate Victoria police's falsification of preliminary breath tests.

Finally, the Supreme Court has delivered some interesting decisions in response to applications for judicial review of medical panel determinations.

We hope you enjoy this edition of our Public Sector Newsletter.

IN THE MEDIA

Magistrates' Court makes staff wellbeing a priority

Changes are being made to the times that magistrates hear matters at the Magistrates' Court of Victoria. This is in recognition of the fact that over time magistrates and judicial registrars have been sitting in court for longer periods due to an increasing number of proceedings. <https://www.vicbar.com.au/news-events/brief-issue-868#item-15>

New laws to support family violence victim survivors

Victim survivors of family violence will be able to provide recorded statements via body-worn cameras, under new laws introduced by the Government. The Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. <https://www.premier.vic.gov.au/new-laws-to-support-family-violence-victim-survivors/>

New funding grants for legal assistance services

The Government has announced \$2 million to support community legal centres across the state to help disadvantaged Victorians. <https://www.premier.vic.gov.au/new-funding-grants-for-legal-assistance-services/>

Improved health and justice outcomes for Victoria

The Government has announced \$1.6 million for eight Health Justice Partnerships across the state which will help vulnerable Victorians have better access to justice. <https://www.premier.vic.gov.au/improved-health-and-justice-outcomes-for-victorians/>

IBAC charges former Corrections Victoria employee

Victoria's anti-corruption Commission, IBAC, has charged a 51 year old former Corrections Victoria employee from Loddon Prison with four counts of bribery and one count of misconduct in public office. The charges are the result of an investigation by IBAC following a notification from Corrections Victoria. <http://www.ibac.vic.gov.au/media-releases/article/ibac-charges-former-corrections-victoria-employee>

IBAC requires a thorough and comprehensive investigation of falsified preliminary breath tests

Commissioner of IBAC, Victoria's Independent Broad-based Anti-corruption Commission, the Honourable Robert Redlich QC said that the falsification of the PBTs was deeply concerning to the Victorian community. [http://www.ibac.vic.gov.au/media-releases/article/ibac-requires-a-thorough-and-comprehensive-investigation-of-falsified-preliminary-breath-tests-\(pbt\)-by-victoria-police](http://www.ibac.vic.gov.au/media-releases/article/ibac-requires-a-thorough-and-comprehensive-investigation-of-falsified-preliminary-breath-tests-(pbt)-by-victoria-police)

New County Court Judge appointed in Victoria

The Government has announced the appointment of Michael Cahill SC as a judge of the County Court. Mr Cahill has more than 30 years' experience in the legal profession, including appearing in jury trials in the Supreme, County and appellate courts. <https://www.premier.vic.gov.au/new-county-court-judge-appointed-5/>

CASES**[O'Neill v Holmes & Ors \[2018\] VSC 292](#)**

JUDICIAL REVIEW - Application for extension of time to seek judicial review of opinion of a medical panel - Lengthy delay - Only broad and general assertions to explain the delay - No arguable case for judicial review if the extension granted - Extension refused - Supreme Court (General Civil Procedure) Rules 2015 r 56.02

[Murugesu v Ruban Pty Ltd & Ors \[2018\] VSC 276](#)

ADMINISTRATIVE LAW - Opinion of Medical Panel - Judicial review - Jurisdictional error - Failure to take into account a relevant consideration - Prior low back condition - Consent orders sought by worker and employer quashing opinion - Court satisfied consent order should be made - Opinion quashed - Questions referred to new Panel - Workplace Injury Rehabilitation and Compensation Act 2013 (Vic) - Kovalev v Minister for Immigration and Multicultural Affairs [1999] FCA 557; (1999) 100 FCR 323 - Irwin v Military Rehabilitation and Compensation Commission [2009] FCAFC 33; (2009) 174 FCR 574 - Ward v Corrimal-Balgownie Collieries [1930] HCA 70; (1938) 61 CLR 120 - Walsh v Department of Human Services [2014] VSCA 224.

[RACV Finance Ltd v Formica \[2018\] VSC 271](#)

JUDICIAL REVIEW - Magistrates' Court - Order that garnisheed sum be repaid - Judicial review of order - Stay application - Stay refused.
PRACTICE AND PROCEDURE - Magistrates' Court default judgement on loan agreement - Garnishee order executed - Default judgment set aside by consent - Magistrate's order for repayment of amount garnisheed - Judicial review application of Magistrate's order - Stay application for repayment order - Stay refused.

LEGISLATION**Victoria****[Justice Legislation Amendment \(Family Violence Protection and Other Matters\) Bill 2018](#)**

Date of second reading speech: 7 June 2018

[Legal Identity of Defendants \(Organisational Child Abuse\) Act 2018](#)

Act Number: 18/2018 Date of assent: 5 June 2018

[Justice Legislation Amendment \(Access to Justice\) Act 2018](#)

Date of assent: 29 May 2018 Act Number: 15/2018

Statutory Rules made**[No. 57: Supreme Court \(Miscellaneous Civil Proceedings\) Rules 2018](#)**

Commencement: 23/07/2018: rule 1.03 Not yet in operation: Rules 1.01-23.07L on 23/07/2018: rule 10.3
Sunset Date: 17/05/2028

[No. 58 Supreme Court \(E-Filing and Other Amendments\) Rules 2018](#)

Commencement: 02/07/2018: rule 3 Not yet in operation: Rules 1-41: on 02/07/2018: rule 3
Sunset Date: 17/05/2028

Proclamations**[No. 61 Voluntary Assisted Dying Act 2017](#)**

Commencement: Ss 1-3, 5, 92-102 on 01/07/2018: SG (No. 190) 24/4/2018 p. 1 Not yet in operation: Ss 4, 6-91, 103-143 Ss 1-3, 5, 92-102: on 01/07/2018: SG (No. 190) 24/4/2018 p. 1

Access Victorian legislation at 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

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.