



PUBLIC SECTOR NEWSLETTER - VICTORIA

Appointments have been made to the Victims of Crime Consultative Committee, the Victorian Law Reform Commission and the Magistrates' Court of Victoria. The Government also appointed a new Chief Examiner and a new chairperson to the Victoria Legal Aid Panel.

IBAC released a report identifying ways Victoria Police can improve complaint handling and the Victorian ombudsman delivered a report in relation to Victorian Railways group and their involvement with convicted child sex offender Robert Whitehead.

The Supreme Court delivered some interesting decisions when asked to review a Medical Panel Determination and County Court orders made on appeal from the Children's Court.

Finally, the judgment in the appeal of Rebel Wilson's damages award has now been published.

We hope you enjoy this edition of our public sector newsletter.

IN THE MEDIA

Appointments to Victims of Crime Consultative Committee

The Government has announced the appointment of seven community members who have been victims of crime to serve as representatives on the Victims of Crime Consultative Committee

<https://www.premier.vic.gov.au/appointments-to-victims-of-crime-consultative-committee/>

Two appointments to Victorian Law Reform Commission

The has reappointed Justice Philip Cummins AM as Chairperson of the Victorian Law Reform Commission (VLRC) and appointed Professor Bernadette McSherry as a VLRC Commissioner

<https://www.premier.vic.gov.au/two-appointments-to-victorian-law-reform-commission/>

Response to puffing billy ombudsman's report

The Victorian Ombudsman handed down her report into Victorian Railway groups and their involvement with convicted child sex offender Robert Whitehead. The damning report outlines atrocities committed by evil men in positions of power and trust

<https://www.premier.vic.gov.au/response-to-puffing-billy-ombudsmans-report/>

IBAC audit identifies ways Victoria Police can improve complaint handling

A report released today by Victoria's anti-corruption and independent police oversight body, IBAC, has identified areas for improvement in Victoria Police's internal investigations of serious complaints concerning allegations such as corruption and assault made about its officers

<http://www.ibac.vic.gov.au/media-releases/article/ibac-audit-identifies-ways-victoria-police-can-improve-complaint-handling>

IN PRACTICE AND COURTS

Victorian Court Appointments

[Three new Magistrates Appointed](#)

June 27, 2018 - of Sharon McRae, Mia Stylianou and Simon Guthrie to the Magistrates' Court of Victoria.

[New Chief Examiner Appointed](#)

June 26, 2018 - Joanne Smith as Chief Examiner.

[New Chairperson Appointed To The Victoria Legal Aid Panel](#)

June 26, 2018 - senior barrister and former Chief Crown Prosecutor Gavin Silbert QC a

CASES[St Luke's Anglicare v Handrinis \[2018\] VSC 356](#)

ADMINISTRATIVE LAW – Judicial review – Opinion of a Medical Panel – Assessment of degree of permanent psychiatric impairment – Unrelated injuries or causes – Whether jurisdictional error – Whether statement of reasons adequate – Proceeding dismissed – Accident Compensation Act 1985 ss 91, 98C – Workplace Injury Rehabilitation and Compensation Act 2013 s 313.

[Department of Health and Human Services v County Court \(No 2\) \[2018\] VSC 354](#)

JUDICIAL REVIEW – Orders of County Court on appeal from Children's Court – County Court orders quashed – Entitlement of defendants to indemnity certificates – Indemnity certificates granted – Appeal Costs Act 1998 s 4

[QXD v Monash Health \(Review and Regulation\) \[2018\] VCAT 997](#)

Freedom of Information Act 1982 – s 39, 41 – whether amendments to records held by Monash Health should be amended

[Bauer Media Pty Ltd v Wilson \(No 3\) VSCA 164](#)

PRACTICE AND PROCEDURE – Judgments – Interest – Repayment of part of judgment sum following successful appeal – Restitutionary interest – Costs – Costs of proceeding at first instance – Costs of appeal – Settlement offer – Whether costs of trial should be on indemnity basis – Both parties succeeding and failing on some issues – Whether costs should be apportioned – Defamation Act 2005, s 40

LEGISLATION

Victoria

Acts

[Serious Offenders Act 2018](#)

Date of assent: 26 June 2018 Act Number: 27/2018

[Labour Hire Licensing Act](#)

Date of assent: 26 June 2018 Act Number: 25/2018

[Voluntary Assisted Dying Act 2017](#)

Date of commencement: 1 July 2018 Sections 1-3, 5, 92-102 of this Act came into operation on 01 July 2018 (SG190 24.4.2018 Act Number 61/2017

[Bail Amendment \(Stage Two\) Act 2018](#)

Date of commencement: 1 July 2018 Sections 3-25 of this Act came into operation on 01 July 2018 (SG218 15.5.2018) Act Number 3/2018

[Advancing the Treaty Process with the Aboriginal Victorians Act 2018](#)

Date of assent: 03 July Act Number: 28/2018

Statutory Rules made

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

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

Access Victorian legislation at 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 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.