



PUBLIC SECTOR NEWSLETTER - VICTORIA

The past fortnight saw widespread criticism of the Government's inadvertent privacy breach when tabling documents in parliament.

The Government was also criticised for its new anti-association laws.

Meanwhile, the Government announced proposed laws requiring people in religious ministry to report child abuse.

IBAC has charged a former Victorian Corrections officer and a police officer.

Coincidentally, a parliamentary inquiry has released its final report into external oversights of police corruption and misconduct.

The Victorian Auditor General's Office has also released a report into the oversight and accountability of Committees of Management.

Finally, the past fortnight saw new appointments to the County and Magistrates courts and Victorian Legal Aid.

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

IN THE MEDIA

HRLC: Dangerous association laws pass lower house

The Government has pushed divisive anti-association laws through the lower house of Parliament today.

The laws will give police excessive powers to issue 'anti-association notices', telling people – including children as young as 14 – who they can and can't be friends with or spend time with

<https://www.hrlc.org.au/news/2018/9/6/dangerous-anti-association-laws-pass-lower-house>

Victorian Bar calls on State Government to explain serious privacy breach

The Victorian Bar calls on the Government to provide an explanation as to how personal information concerning one of its members came to be tabled in State Parliament and uploaded to the Parliament's website this week

<https://www.vicbar.com.au/news-events/victorian-bar-media-release-victorian-bar-calls-state-government-explain-serious-privacy>

LIV concerned about privacy breach following release of documents

The Law Institute of Victoria is disappointed private medical, personal and legal information has been released to the public in a serious privacy breach by the Government

<https://www.liv.asn.au/Staying-Informed/Media-Releases/Media-Releases/September-2018/LIV-concerned-about-privacy-breach-following-relea>

Protecting children with new religious confession laws

People in religious ministry will face criminal charges if they fail to report child abuse – including when disclosed during confession – under new laws to be introduced by a re-elected Government

<https://www.premier.vic.gov.au/protecting-children-with-new-religious-confession-laws/>

IBAC charges former Corrections Victoria officer

Victoria's anti-corruption Commission, IBAC, today charged a former Corrections Victoria officer from Dhurringile Prison with seven counts of bribery of a public official and one count of misconduct in public office

<https://www.ibac.vic.gov.au/media-releases/article/ibac-charges-former-corrections-victoria-officer>

Government 'in class action territory' over Matthew Guy document privacy breach

Former privacy commissioner says those affected by breach 'would be well-advised to seek legal advice

<https://www.theguardian.com/australia-news/2018/sep/06/victorian-government-in-class-action-territory-over-matthew-guy-document-privacy-breach>

LIV welcomes report into police accountability and external oversight

The LIV welcomes the [final report](#) of the parliamentary inquiry into the external oversight of police corruption and misconduct in Victoria. The LIV calls on the state government to announce its support for the final report, which makes 69 recommendations to improve the transparency, impartiality, effectiveness and efficiency of the system for complaints regarding police misconduct <https://www.liv.asn.au/Staying-Informed/Media-Releases/Media-Releases/September-2018/LIV-welcomes-report-into-police-accountability-and>

IBAC notes Parliamentary Committee report into police oversight

IBAC, Victoria's anti-corruption and police oversight agency welcomes the report of the Parliament's IBAC Committee Inquiry into the external oversight of police corruption and misconduct in Victoria, tabled before Parliament today <https://www.ibac.vic.gov.au/media-releases/article/ibac-notes-parliamentary-committee-report-into-police-oversight>

IBAC charges a third Victoria Police officer over incident in Preston last year

Victoria's independent police oversight body, IBAC, today charged a third Victoria Police officer following an investigation into alleged excessive use of force on a man in Preston last year <https://www.ibac.vic.gov.au/media-releases/article/ibac-charges-a-third-victoria-police-officer-over-incident-in-preston-last-year>

IN PRACTICE AND COURTS

New Court Appointments

04 September 2018 - [Appointment of Victoria Legal Aid Managing Director](#)

11 September 2018 - [Four Magistrates Appointed](#)

11 September 2018 - [New Appointment to the County Court](#)

VAGO Report follow-up

A [follow-up report](#) from VAGO on an audit tabled in 2014 on [Oversight and Accountability of Committees of Management](#) found that the governance of Committees of Management required significant improvement. This follow-up audit report looks at the progress DELWP has made in responding to the 11 recommendations made

CASES

[Michos v Eastbrooke Medical Centre Pty Ltd \[2018\] VSC 517](#)

ADMINISTRATIVE LAW – Application for leave to appeal decision of the Victorian Civil and Administrative Tribunal – Secretary to the Department of Premier and Cabinet v Hulls (1999) 3 VR 331 – Victorian Civil and Administrative Tribunal Act 1998, ss 98, 148 – Health Records Act 2001, ss 5, 25, 34 – Leave to appeal granted on limited grounds. Copy of a medical assessment report from the Transport Accident Commission ('TAC')

[Jafarpoursar v Tancevski \[2018\] VSC 497](#)

JUDICIAL REVIEW AND APPEALS – Application by tenant under s 148 of the Victorian Civil and Administrative Tribunal Act 1998 (Vic) ('VCAT Act') for leave to appeal and appeal from VCAT decision to make possession order – Landlord issued tenant with notice to vacate premises within 60 days pursuant to s 258 of Residential Tenancies Act 1997 (Vic) – Tenant disputed landlord's entitlement to evict her – VCAT Member made possession order on basis that landlord was entitled to evict tenant – Whether Member erred in law by failing to take into account mandatory relevant considerations or misconstruing the terms of the relevant statutory provision – Whether VCAT had jurisdiction to make a possession order and, if so, whether the Member erred in law in making the possession order – Whether any failure to afford procedural fairness – Two out of six grounds of appeal allowed

[Phillips v Marrondah City Council \(Human Rights\) \[2018\] VCAT 1370](#)

Equal Opportunity Act 2010 (Vic), section 75 – allegations of discrimination by municipal council on the basis of disability – alleged bans on attendance at council buildings including library – alleged bans on communications with councillors and staff – alleged discrimination when council officers seized applicant's dogs under search warrant issued under section 81(1) of the Domestic Animals Act 1994 (Vic) – whether allegations of discrimination dealt with in previous proceeding – whether the respondent provided services under the EO Act – application for summary dismissal under section 75 of the Victorian Civil and Administrative Tribunal Act 1998 (Vic) – whether application misconceived or an abuse of process.

LEGISLATION

Victoria

[Liquor and Gambling Legislation Amendment Act 2018](#)

Date of commencement: 13 September 2018 Act Number: 20/2018 Sections 26-28 of this Act came into operation on 13 August 2018 (SG337 17.7.2018)

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.