



PUBLIC SECTOR NEWSLETTER - VICTORIA

The past fortnight saw the release of figures evidencing an increase in complaints to IBAC and an increase in investigations by IBAC and the Victorian Ombudsman.

The past fortnight also saw new laws pass to protect emergency service workers. The Government also tabled a Law Reform Commission review of the Victims of Crime Assistance Act.

Finally, the past fortnight saw appointments to the Coroners' Court and the Office of Chief Examiner.

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

IN THE MEDIA

Complaints to IBAC increase this year, and more investigations commenced

Victoria's independent anti-corruption commission commenced 27 investigations and completed 14 investigations (including preliminary inquiries), including two major operations, Tone and Lansdowne, that exposed serious corruption in Victoria's public sector <https://www.ibac.vic.gov.au/media-releases/article/complaints-to-ibac-increase-this-year-and-more-investigations-commenced>

New laws pass Victorian Parliament to protect emergency workers

The Government has passed new laws that crack down on people who attack and injure emergency workers on duty by making sure they are given a custodial sentence, as well as further limiting the use of community correction orders <https://www.premier.vic.gov.au/new-laws-pass-parliament-to-protect-emergency-workers/>

Investigations up for Victorian Ombudsman

Victorian Ombudsman Deborah Glass completed 41 formal investigations – which can use Royal Commission-like powers – in the last financial year, an increase of 40 per cent on the previous year. In her annual report released today, Ms Glass said it was encouraging that of the 119 recommendations she made to state and local government over the 12-month period, 98 per cent were accepted <https://www.ombudsman.vic.gov.au/News/Media-Alerts/Investigations-up-for-Victorian-Ombudsman>

Review of Victims of Crime Assistance Act tabled

The Government has tabled the Victorian Law Reform Commission's review of how state-funded financial assistance is provided to victims of crime under the Victims of Crime Assistance Act 1996 (Vic) <https://www.premier.vic.gov.au/review-of-victims-of-crime-assistance-act-tabled/>

IN PRACTICE AND COURTS

New Court Appointments

[New Appointment To Office Of Chief Examiner](#)

September 25, 2018 - The Government today announced the appointment of Sally Winton as an examiner with the Office of the Chief Examiner

[New Appointment To Coroners Court](#)

September 25, 2018 - The Government today announced the appointment of barrister Simon McGregor as a new coroner of the Coroners Court of Victoria

CASES[Healy v RSPCA \[2018\] VSCA 245](#)

JUDICIAL REVIEW – Instrument of delegation – Delegation to Chief Operating Officer of respondent – Whether only named individuals or holders of public offices can be delegates – Prevention of Cruelty to Animals Act 1986 s 38(2).

JUDICIAL REVIEW – Instrument delegating authority to Chief Operating Officer of respondent authorised grant of written 'approval' to inspector to apply for search warrant – Authorisation instrument 'allowed' inspector to make application – Whether inspector properly authorised.

JUDICIAL REVIEW – Application for search warrants under ss 24G and 24K of Prevention of Cruelty to Animals Act 1986 – Whether affidavit in support satisfied preconditions for issue of warrants.

JUDICIAL REVIEW – Search warrants under ss 24G and 24K of Prevention of Cruelty to Animals Act 1986 – Whether warrants too wide – Whether s 24K warrant specified its object by reference to specific offence – Whether magistrate failed to consider terms of warrants – Appeal allowed.

JUDICIAL REVIEW – Inspector obliged to give owner of animal opportunity to arrange veterinary treatment before inspector arranged such treatment – Whether opportunity must be given to owner prior to application for search warrant authorising seizure of animals – Prevention of Cruelty to Animals Act 1986 s 24C.

[Mirboo Ridge & Ors v Minister for Resources \[2018\] VSC 557](#)

STATUTORY INTERPRETATION – Construction – Reconciliation of conflicting provisions – Amendments to Petroleum Act 1998 introduced by enactment of Resources Legislation Amendment (Fracking Ban) Act 2017 – Provision creating statutory moratorium to prohibit onshore petroleum activities – Declaratory relief refused.

ADMINISTRATIVE LAW – Wednesbury unreasonableness – Purported variation contains obligation to carry out work illegal under the conditions of permit – Order made quashing variations.

ADMINISTRATIVE LAW – Implementation of executive policy – Non-statutory moratorium prohibiting onshore petroleum activities – Whether alleged decisions made by the Minister in an administrative capacity to implement the moratorium until March 2017 were unlawful - Discretionary nature of declaratory relief - Declaratory relief refused on the basis relief lacked utility

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.