



PUBLIC SECTOR NEWSLETTER - VICTORIA

The past fortnight saw amendments to Victoria's birth certificate laws to remove anomalies confronting transgender Victorians, the announcement of a review of Victoria's Contempt of Court Laws and the conclusion of investigations by IBAC and the Ombudsman in relation to St Paul's Prevention Rehabilitation and Goulburn Murray Water.

Tougher counter terrorism laws are now in operation.

Finally, three new Magistrates have been appointed.

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

IN THE MEDIA

HRLC Victoria delivers marriage equality for trans people

Transgender Victorians can now stay married to the person they love when they change their birth certificate to reflect who they are. The Andrews Government eliminated an anomaly in Victoria's birth certificate laws that require anyone wishing to change their gender to be unmarried

<https://www.hrlc.org.au/news/2018/3/27/victoria-delivers-marriage-equality-for-trans-people>

Major review of Contempt of Court Laws in Victoria

The Government has asked the Victorian Law Reform Commission to review contempt of court laws and consider whether they need to be modernised to enhance public confidence in the justice system and allow for clearer enforcement

<https://www.premier.vic.gov.au/major-review-of-contempt-of-court-laws/>

Three new Magistrates appointed in Victoria

The Government has announced the appointment of Alanna Duffy, Timothy Hoare and Constantinos Kiliyas to the Magistrates' Court of Victoria.

<https://www.premier.vic.gov.au/three-new-magistrates-appointed-2/>

Former client of St Paul's Prevention Rehabilitation jailed following IBAC investigation

A former client of St Paul's Rehabilitation Prevention was convicted in the County Court of Victoria yesterday and sentenced to two months and fourteen days imprisonment, followed by a two year community corrections order, after an investigation by Victoria's independent anti-corruption commission, IBAC

<https://www.ibac.vic.gov.au/media-releases/article/former-client-of-st-paul-s-prevention-rehabilitation-jailed-following-ibac-investigation>

Misuse of public funds by former officers at Goulburn Murray Water

The former managing director of Goulburn Murray Water claimed - and the former chair approved - reimbursement to which he was not entitled for items including household furniture and alcohol, the Victorian Ombudsman has found

<https://www.ibac.vic.gov.au/media-releases/article/former-client-of-st-paul-s-prevention-rehabilitation-jailed-following-ibac-investigation>

Tougher Counter-Terrorism Laws now in effect in Victoria

The *Justice Legislation Amendment (Terrorism) Bill 2018*, the bulk of which commenced today, allows for preventative detention of terror suspects by police for up to four days, creates a presumption against bail and parole for those who pose a terrorism risk, and clarifies police powers to use lethal force

<https://www.premier.vic.gov.au/tougher-counter-terrorism-laws-now-in-effect/>

IN PRACTICE AND COURTS

Victoria

[Contempt of Court Laws](#)

Major review of Contempt of Court Laws. The review is expected to be completed by the end of 2019

[IBAC Insights Issue 17, September 2018](#)

Issue 17 of our IBAC Insights e-newsletter features a profile on IBAC's new Deputy Commissioner, IBAC's Annual Report, updates on investigations and prosecutions, our latest research on corruption and misconduct risks in employment practices and regulatory authorities, upcoming events, and more

PUBLISHED - ARTICLES, PAPERS, REPORTS**[Investigation into allegations of improper conduct by officers at Goulburn Murray Water](#)**

Victorian Ombudsman: 03 October 2018

The former managing director of Goulburn Murray Water claimed - and the former chair approved - reimbursement to which he was not entitled for items including household furniture and alcohol, the Victorian Ombudsman has found

CASES**[United Firefighters' Union v VEOHRC \[2018\] VSCA 252](#)**

ADMINISTRATIVE LAW – Judicial review – Ultra vires – Discrimination law – Request to Human Rights Commission to conduct compliance review – Review directed at statutory authorities responsible for fire services – Review of authorities' programs and practices – Whether review requested by person whose compliance was to be reviewed – Request made by executive branch of Government – Separate legal personality of statutory authorities – Review not authorised by request – Whether alternative source of power available – Appeal allowed (by majority) – Equal Opportunity Act 2010 ss 151, 152, 155, 157.

[Roberts v Department of Justice and Regulation \(Review and Regulation\) \[2018\] VCAT 1560](#)

Freedom of Information Act 1982 (Vic), sections 19, 25A(5), 31(1)(a), 33(1), 35(1)(b) and 38 – whether apparent on the face of a request that all documents would be exempt so that the request did not have to be processed.

This proceeding concerns Mr Matthew Roberts' applications for information about the number and geographical locations of sex work providers in Victoria who are registered with the Business Licensing Authority (BLA) under sections 23 and 24 of the Sex Work Act 1994 (Vic) (SW Act).

LEGISLATION**Victoria****[Justice Legislation Amendment \(Terrorism\) Bill 2018](#)**

Commences 01 October 2018 (most provisions)

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.