



PUBLIC SECTOR NEWSLETTER - VICTORIA

This edition comments on a number of recent developments relevant to public sector lawyers in Victoria. In particular, we include reference to the major changes to guardianship arrangements recently passed by the Victorian Parliament to better protect the right of adults with a disability.

We hope you enjoy this edition of our Victorian Public Sector newsletter.

IN THE MEDIA

Independent Remuneration Tribunal members appointed

The Government has appointed members to Victoria's first ever independent Remuneration Tribunal, bringing Victoria into line with other jurisdictions and stopping politicians from setting their own pay
<https://www.premier.vic.gov.au/independent-remuneration-tribunal-members-appointed/>

IBAC charges Victoria Police officer

Victoria's independent police oversight body, the Independent Broad-based Anti-corruption Commission (IBAC), has charged a Victoria Police officer with three counts of disclosing a restricted matter
<https://www.ibac.vic.gov.au/media-releases/article/ibac-charges-victoria-police-officer>

ATO whistleblower Richard Boyle to plead not guilty, court told

The Adelaide Magistrates Court heard tax office whistleblower Richard Boyle intends to fight 66 charges laid against him
<https://www.abc.net.au/news/2019-06-04/ato-whistleblower-richard-boyle-appears-in-adelaide-court/11177268>

Commission to develop practical resources on protecting freedom of religion in the workplace Rights and Freedoms

The Australian Human Rights Commission will develop resources to help employers and employees navigate issues on protecting freedom of thought, conscience and religion in the workplace
<https://www.humanrights.gov.au/about/news/commission-develop-practical-resources-protecting-freedom-religion-workplace>

Tackling the causes of crime to keep the community safe in Victoria

The Crime Prevention taskforce will support the Labor Government to come up with new and innovative programs that address key factors of offending, including getting a job and accessing education
<https://www.premier.vic.gov.au/tackling-the-causes-of-crime-to-keep-the-community-safe/>

Guardianship Reform Laws pass parliament

The biggest changes to Victoria's guardianship and administration laws in more than 20 years have passed the Parliament thanks to the government. The *Guardianship and Administration Act 2019* will better protect the right of adults with a disability whose decision-making capacity might be impaired to make and participate in decisions that affect their lives.
<https://www.premier.vic.gov.au/guardianship-reform-laws-pass-parliament/>

A stronger justice system and safer workplaces

The Victorian Budget 2019/2020 will invest \$267.5 million to support and expand specialist courts and programs designed to reduce reoffending, improve community safety, support victims and provide better court services for regional areas
<https://www.premier.vic.gov.au/a-stronger-justice-system-and-safer-workplaces/>

IN PRACTICE AND COURTS

[AHRC: Commission calls for public submissions](#)

The AHRC has released an issues paper for *'Free and Equal': An Australian conversation on human rights* and has called for public submissions. Submissions are open until 12 July 2019. See the [issues paper](#).

[Statement on the Royal Commission into Informants](#)

The reporting time-lines for the Royal Commission into Management of Police Informants will be extended after a request from the Royal Commission. The Royal Commission will now provide a progress report to Government by 1 July 2019

[VLRC - Contempt of Court - Release of Consultation Paper](#)

The Commission's consultation paper on contempt of court was published online on 23 May on the Commission's website together with a summary document.

The closing date for submissions is 28 June. For ease of reference, [click here](#) for a copy of the consultation paper.

PUBLISHED - ARTICLES, PAPERS, REPORTS

[Opinion: Media raids raise questions about AFP's power and weak protection for journalists and whistleblowers](#)

Denis Muller, Centre for Advancing Journalism at the University of Melbourne: June 7 2019

The extensive web of laws passed under the rubric of national security, on top of the secrecy provisions of the Commonwealth Crimes Act, gives the executive wide powers to classify as secret anything it wishes to hide

CASES

[Shen v Hatfield \[2019\] VSC 360](#)

ADMINISTRATIVE LAW – Application for leave to appeal from decision of Victorian Civil and Administrative Tribunal – Damages for breach of contract assessed as at date of breach – Whether Senior Member failed to exercise jurisdiction conferred by s 53(1) of the Domestic Building Contracts Act 1995 by not assessing damages as at date of making orders – Whether Senior Member failed to assess damages in accordance with *Robinson v Harman* [1848] EngR 135; (1848) 1 Ex 850 – No error of law – Application for leave to appeal dismissed. Major domestic building contract

The applicant's case before VCAT was conducted on the basis of a mistaken assumption that, by reason of s 53(1) of the Act, it was not open to the Senior Member to assess damages for breach of a domestic building contract at the time of breach

LEGISLATION

Victoria

Assented

[Audit Amendment Act 2019 No. 12/2019](#)

[Guardianship and Administration Act 2019 No. 13/2019](#)

KEY CONTACTS

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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.