



PUBLIC SECTOR NEWSLETTER - VICTORIA

Welcome to Issue 65 of the Victorian Public Sector Newsletter.

In this issue, Wicked Campers may soon be wicked in name only, with an agreed national strategy to crack down on vehicles with unsavoury slogans. If an Ad Standards Community Panel finds a sexist, offensive or obscene slogan on a vehicle is in breach of advertising standards, it will have to be removed or the vehicle's registration will be cancelled.

Meanwhile, technology and privacy are key topics in this issue, with the ACCC recommending substantial changes to Australian Consumer Law to address inequalities between digital platforms and consumers on terms of use and privacy.

There are also a few interesting publications to note, with the Australian Cyber Security Centre publishing a guide on dealing with cyber security risks for those undertaking major organisational change and the Australia Council of Learned Academies publishing a report on the safe and appropriate development and implementation of Artificial Intelligence technologies.

Finally, the Courts have considered issues associated with bringing an application for administrative review out of time and the special circumstances that must exist for such an application to be granted.

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

IN THE MEDIA

Ministers agree to national crackdown on vehicles displaying obscene messages

State and federal transport ministers agree on a national strategy to crack down on vehicles, such as Wicked Campers, festooned with rude slogans in SA. (01 August 2019) <https://www.abc.net.au/news/2019-08-02/ministers-agree-to-national-ban-on-obscene-campervans/11379886>

Respected Judge to Lead Victorian Law Reform Commission

The Andrews Labor Government has today announced the appointment of former Justice the Hon. Anthony North as the Chairperson of the Victorian Law Reform Commission. (30 July 2019) <https://www.premier.vic.gov.au/respected-judge-to-lead-victorian-law-reform-commission/>

ACCC points finger at digital giants

The ACCC has published a report of its inquiry into the impact of digital platforms on competition in Australia's media and advertising markets. The ACCC report contains 23 recommendations spanning competition law, consumer protection, media regulation and privacy law. (29 July 2019) <https://www.accc.gov.au/focus-areas/inquiries/digital-platforms-inquiry>
The ACCC's report can be accessed [here](#).

Consumer watchdog calls for new measures to combat Facebook and Google's digital dominance

The ACCC recommends substantial changes to Australian Consumer Law, to address the huge inequalities in bargaining power between digital platforms and consumers when it comes to terms of use, and particularly privacy. (29 July 2019) <https://www.insideretail.com.au/news/consumer-watchdog-calls-for-new-measures-to-combat-facebook-and-googles-digital-dominance-201907>

New security guide for MoG changes

The Australian Cyber Security Centre (ACSC) has developed a new publication to assist Agencies and businesses going through Machinery of Government (MoG) or other changes to manage the increased cyber security risks the changes bring. (29 July 2019) <https://www.cyber.gov.au/publications/mergers-acquisitions-and-machinery-government-changes>
ACSC's guide can be accessed [here](#).

OAIC welcomes privacy law update to protect Australians' personal information

The national privacy regulator today welcomed the Australian Government's recognition that privacy laws must be strengthened to ensure they are fit for purpose in the digital age. (26 July 2019) <https://www.acma.gov.au/theACMA/acma-welcomes-acccs-digital-platforms-inquiry-final-report>

Protocol to provide balanced framework for Legal Professional Privilege claims

A new protocol dealing with legal professional privilege (LPP) being developed by the Law Council of Australia and the Australian Tax Office will help avoid unnecessary and protracted disputes over claims of LLP. (26 July 2019) <https://www.lawcouncil.asn.au/media/media-releases/protocol-to-provide-balanced-framework-for-legal-professional-privilege-claims>

Passing of TEO Bill sets dangerous precedent, undermines PJCIS

The Law Council of Australia is disappointed the Federal Government's Temporary Exclusion Orders (TEO) Bill has passed the Senate, reiterating concerns about its constitutional validity. Providing ASIO with the power to secretly and immediately detain persons whether or not they are suspected of terrorism-related activities is a clear overreach. (25 July 2019) <https://www.lawcouncil.asn.au/media/media-releases/passing-of-teo-bill-sets-dangerous-precedent-undermines-pjcis>

Fall-out from Setka affair could give Coalition easier passage of union bill

One of the Coalition government's first priorities in the new parliament is the passage of its Ensuring Integrity Bill, aimed at tightening regulations on unions and union officials. The bill would give the minister for industrial relations, as well as the Registered Organisations Commission and any party deemed to have "sufficient interest", the power to apply to the Federal Court to deregister a union. (24 July 2019) <https://theconversation.com/fall-out-from-setka-affair-could-give-coalition-easier-passage-of-union-bill-120586>

VLRC calls for submissions for review of committals

The Commission has been asked by the state government to determine whether the process can be made more efficient, while reducing the trauma to victims of crime and ensuring fair trial rights. Options under consideration include reforming the process or abolishing committals completely. (24 July 2019) <https://www.lawreform.vic.gov.au/media/reform-committals-system-serious-criminal-offences-vlrc-calls-submissions>

New CTH Bill to Create Offences for Activists Who Incite Trespass, Damage, or Theft against Farmers

The Criminal Code Amendment (Agricultural Protection) Bill 2019 (CTH) was introduced to the House of Representatives by Attorney-General,

Christian Porter. The Bill aims to deter individuals from sharing personal information of farmers to incite offences against them. Under the Bill, it would be illegal for groups and individuals to promote such events online on any carriage service. (23 July 2019) <https://www.timebase.com.au/news/2018/AT04916-article.html>

PUBLISHED - ARTICLES, PAPERS, REPORTS

[The effective and ethical development of Artificial Intelligence: an opportunity to improve our wellbeing](#)

Toby Walsh, Neil Levy, Genevieve Bell, Anthony Elliott, James Maclaurin, Iven Mareels, Fiona Woods
Australian Council of Learned Academies (ACOLA): 30 July 2019

Placing society at the core of Artificial Intelligence (AI) development, this report analyses the opportunities, challenges and prospects that AI technologies present, and explores considerations such as workforce, education, human rights and our regulatory environment.

CASES

[Russell v Eaton & Anor \[2019\] VSC 464](#)

ADMINISTRATIVE LAW – Application for judicial review of judgment of the County Court of Victoria imposing fines for contravention of ss 9(1)(d) and 23 of the Summary Offences Act 1966 – Application dismissed.

PRACTICE AND PROCEDURE – Application for adjournment of trial – Application for recusal of trial judge on ground of apprehended bias – Applications refused – Crimes Act 1958 ss 71, 322G, 623 – Criminal Procedure Act 2009 s 254 – Summary Offences Act 1966 ss 9, 23 – Supreme Court (General Civil Procedure) Rules 2015 Order 56.

[Martin v Magistrates' Court of Victoria & Anor \[2019\] VSC 493](#)

PRACTICE AND PROCEDURE – Application for extension of time to commence proceeding outside of 60 day period prescribed by O56.02(1) of the Supreme Court (General Civil Procedure) Rules 2015 – Whether special circumstances warrant the grant of extension of time – Special circumstances exist – Extension of time granted.

ADMINISTRATIVE LAW – Application for certiorari quashing orders of Magistrates' Court imposing conviction and passing sentence beyond jurisdiction – Whether abuse of process or improper purpose bringing proceedings by way of Order 56 where appeal pursuant to s 272 of the Criminal Procedure Act 2009 (Vic) available – Discretionary – certiorari granted.

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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

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Thomson Geer will use its best endeavours to provide the Help Desk Services within one business day of the query being logged.

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