



## PUBLIC SECTOR NEWSLETTER - VICTORIA

Welcome to the first edition of our Public Sector Newsletter for the new decade.

We hope all our clients and friends enjoyed a relaxing and safe holiday season.

Bushfires dominated the beginning of the year, so it is not surprising this edition of the Newsletter opens with articles on bushfire misinformation and disinformation and the potential liability for climate change failure.

Late last year, IBAC released Issue 22 of its Insights publication, which contained reports on corruption risks associated with procurement in local government. This coincided with an investigation into credit card use at Warrnambool City Council.

Finally, the summer recess also saw the delivery of judgments on judicial review of Magistrates' Court decisions and Medical Panel Determinations.

We hope you enjoy this edition of the Newsletter.

### IN THE MEDIA

#### Bushfires, bots and the spread of disinformation

As fire continues to wreak havoc across large parts of the country, online Australia is battling another crisis: the waves of misinformation and disinformation spreading across social media. (15 January 2020) <https://www.aspistrategist.org.au/bushfires-bots-and-the-spread-of-disinformation/>

#### Governments face a reckoning in the courts over climate change failure

It is only a matter of time before the courts are forced to step in and hold government accountable as they have done with Big Tobacco and Big Pharma. (09 January 2020) <https://www.lawyersalliance.com.au/opinion/governments-face-a-reckoning-in-the-courts-over-climate-change-failure>

### IN PRACTICE AND COURTS

#### [IBAC Insights Issue 22, December 2019](#)

Issue 22 of IBAC Insights includes a message from IBAC's Commissioner, a special feature from the Chief Justice of the Supreme Court of Victoria, new reports on corruption risks associated with procurement in local government and on managing corruption risks associated with conflicts of interest, more information about how Victoria's public interest disclosures legislation is changing, an update on IBAC investigations and prosecutions, new resources and more.

#### [Investigation into credit card use at Warrnambool City Council](#)

Deborah Glass has begun investigating the use and authorisation of corporate credit cards at Warrnambool City Council. The investigation follows media reports that a former Council manager resigned earlier this year after misusing a Council credit card. (16 December 2019)

### CASES

#### [Celsius Fire Services Pty Ltd v Magistrates' Court of Victoria & Anor \[2019\] VSC 835](#)

ADMINISTRATIVE LAW – Judicial review – Appeal from a decision of the Magistrates' Court – Whether a ruling was made by the Magistrate – Whether error of law by failure to give adequate reasons – Whether denial of procedural fairness – Availability of certiorari.

Celsius Fire Services Pty Ltd ('Celsius') conducts the business of providing fire safety system maintenance services. Through a related entity, Domain Aged Care (Services) Pty Ltd ('Domain') operates an aged care centre. Celsius provides fire safety systems maintenance at the aged care centre. While Celsius was carrying out fire maintenance services a fire broke out at the aged care centre.

[Del Ben-Athanasaidis v RMIT & Ors \[2019\] VSC 674](#)

JUDICIAL REVIEW AND APPEALS – Application by a worker to quash the opinion of a medical panel concerning the medical condition of the worker – Adequacy of reasons – Morrison v Melbourne Pathology Pty Ltd [2018] VSC 477, referred to – Whether the medical panel’s reasons showed the path of reasoning to its conclusion that the worker’s symptoms were solely related to her previously asymptomatic constitutional condition – Whether the medical panel’s conclusion open to it on the evidence – Wilson v Liquorland Australia Pty Ltd [2014] VSC 545, referred to – Whether factual error amounts to jurisdictional error – Chang v Neill [2019] VSCA 151, referred to – Reasons inadequate to enable the Court to determine whether the medical panel had fulfilled its statutory function – Remedy of certiorari granted.

**LEGISLATION**

**Statutory Rules**

No 155 [Freedom of Information Amendment Regulations 2019 17 December 2019](#)

These Regulations come into operation on 31 December 2019

No 156 [Local Government \(General\) Amendment Regulations 2019 17 December 2019](#)

These Regulations come into operation on 31 December 2019.

No 157 [Ombudsman Regulations 2019](#) 17 December 2019

These Regulations come into operation on 1 January 2020.

No 158 [Independent Broad-based Anti-corruption Commission Amendment Regulations 2019](#) 17

December 2019

These Regulations come into operation on 31 December 2019.

No 159 [Public Interest Disclosures Regulations 2019](#) 17 December 2019

These Regulations come into operation on 31 December 2019.

No 160 [Victorian Inspectorate Amendment Regulations 2019](#) 17 December 2019

These Regulations come into operation on 31 December 2019.

**Reminder**

No 106 [County Court \(Chapter I Circuit Fees, Expenses and Allowances Amendment\) Rules 2019](#)

These Rules come into operation on 1 January 2020.

No 125 [Supreme Court Admiralty Rules 2019](#)

These Rules come into operation on 28 April 2020.

## 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.



#### Cameron Roberts

Partner  
+61 3 9641 8696  
+61 438 510 885  
croberts@tglaw.com.au



#### Loretta Reynolds

Partner, Markets  
+61 3 8080 3705  
+61 403 069 819  
lreynolds@tglaw.com.au



#### Louise Gehrig

Partner  
+61 3 9641 8908  
lgehrig@tglaw.com.au

## 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.

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](mailto: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.

This Alert is produced by Thomson Geer. It is intended to provide general information in summary form on legal topics, current at the time of publication. The contents do not constitute legal advice and should not be relied upon as such. Formal legal advice should be sought in particular matters. Liability limited by a scheme approved under Professional Standards Legislation.