



PUBLIC SECTOR NEWSLETTER - VICTORIA

It is not surprising COVID-19 has dominated the news of the last fortnight given it has permeated every aspect of our lives.

The Government and the public service has done pretty much everything imaginable (except sleep) to keep Victorians and our health system safe in unprecedented circumstances, and this newsletter provides a forum to thank them and Victoria's health and emergency services workers for their enormous and ongoing efforts.

From a legal perspective, the Government has given Victoria Police the power to issue on the spot fines to those individuals or corporations who do not abide by social distancing requirements.

Meanwhile, Courts, Committees and Commissions have issued a series of Practice Notes and Bulletins in response to the pandemic. The Supreme Court also considered the issue of jury trials in light of COVID-19 in the decision of *Mulquiney v Reynolds & Anor*.

In other news, the Government has expanded the Drug Court to regional Victoria.

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

COVID-19 USEFUL LINKS

[Department of Health & Human Services Website](#)
[FAQs - 'Stay at home' and 'Restricted activities directions'](#)
[Information and advice for the business and industry \(non-healthcare\) sector](#)
[COVID-19 Plan for the Victorian Aged Care Sector](#)
[Information and advice for early learning centres, schools, TAFE and training providers](#)

IN THE MEDIA

Coronavirus Update for Victoria - 2 April 2020

The total number of coronavirus (COVID-19) cases in Victoria is 1036. <https://www.dhhs.vic.gov.au/coronavirus-update-victoria-2-april-2020>

Federal Government update on COVID-19 measures

Australian governments have met as the National Cabinet to take further action to slow the spread of coronavirus to save lives, and to save livelihoods. <https://www.liberal.org.au/latest-news/2020/03/30/update-coronavirus-measures>

Premier announces the commencement of Stage 3 Restrictions

These stage 3 restrictions came into effect at 11:59pm Monday 30 March 2020. They will be in place for 4 weeks and reviewed as required. <https://www.vic.gov.au/coronavirusresponse>

On The Spot Fines to Keep Victorians Safe

The Victorian Government is working to protect our health system and those at most risk of contracting coronavirus, with Victoria Police being given the power to issue on the spot fines of up to \$1,652 for individuals and up to \$9,913 for businesses who don't follow the rules. (28 March 2020) <https://www.premier.vic.gov.au/on-the-spot-fines-to-keep-victorians-safe/>

Government partnership with private health sector

The Australian Government has partnered with the private hospital sector to ensure the full resources of our world class health system, are ready and focussed on treating patients as required, through the coronavirus pandemic. <https://www.liberal.org.au/latest-news/2020/03/31/australian-government-partnership-private-health-sector-secures-30000>

Measures to prevent essential goods being exported and price gouged

The Government has implemented amendments to the Customs (Prohibited Exports) Regulations 1958 to stop exploitative exports of essential goods. <https://www.liberal.org.au/latest-news/2020/04/01/measures-prevent-essential-goods-being-exported-and-price-gouged-during-fight>

Prisoners could be given sentence discounts during COVID-19 outbreak, Victorian

During the sentencing of Travis John Willis for manslaughter, Justice Paul Coghlan raises the issue of what "special concessions" might come into effect for prisoners if a COVID-19 outbreak in prison forced a lockdown. (25 March 2020) <https://www.abc.net.au/news/2020-03-25/coronavirus-outbreak-could-see-prisoner-sentences-discounted-vic/12088428>

Drug Court Expanded To Regional Victoria

The Government is expanding Victoria's Drug Court program to improve community safety and reduce the rate of offending. The Justice Legislation Amendment (Drug Court and Other Matters) Bill 2020 will amend the County Court Act 1958 and Sentencing Act 1991 to establish a Drug Court Division. (18 March 2020) <https://www.premier.vic.gov.au/drug-court-expanded-to-regional-victoria/>

IN PRACTICE AND COURTS

Victoria Parliament: Update on parliamentary committee inquiries

Victorian parliamentary committees are continuing work on their various inquiries, but public hearings are being postponed for the time being in response to the Coronavirus disease (COVID-19) and in the interests of community health and safety. Updates on individual parliamentary committee inquiries will be provided on inquiry webpages as further information becomes available (26 March 2020).

IBAC Further update regarding Operation Sandon hearings

IBAC Commissioner, The Honourable Robert Redlich QC said he has decided to defer IBAC's Operation Sandon public hearings until further notice.

Supreme Court of Victoria: Coronavirus information

26 March 2020 - If you have been impacted by COVID-19, and you are required to attend court soon, please notify the Prothonotary by emailing as soon as possible to discuss the options available to you. For further information and guidance, please visit the DHHS page: <https://www.dhhs.vic.gov.au/coronavirus>

Supreme Court of Victoria: changes in response to COVID-19

The Supreme Court of Victoria is changing the way it operates in response to the coronavirus (COVID-19) pandemic. To ensure the Court can continue to deliver core and vital services during the coronavirus (COVID-19) pandemic, the Court is introducing a suite of changes to its processes and procedures. The following changes came into effect the week beginning 23 March 2020 apply for the following Courts: Court of Appeal; The Commercial Court; The Common Law Division; Common Law Division; The Criminal Division; Mediations. (20 March 2020)

Consumer Affairs Victoria: Know your rights as Victoria adapts to coronavirus (COVID-19) - News alert

Consumer Affairs Victoria has compiled information about how the pandemic affects areas we regulate. The new webpage covers: evictions; renters in crisis; inspections and auctions; owners corporation annual general meetings; products and services; price gouging and resellers; event cancellations and refunds; sports memberships; scams relating to coronavirus (COVID-19). (25 March 2020)

PUBLISHED - ARTICLES, PAPERS, REPORTS

Ravenhall Prison: Rehabilitating and Reintegrating Prisoners

In this audit, we examined if Corrections Victoria and GEO Group have developed best practice prisoner management at Ravenhall to rehabilitate offenders and reduce recidivism. We also assessed if there are effective performance and evaluation frameworks in place to measure these outcomes.

CASES

Wilson Parking Australia (1992) Pty Ltd v Roads Corporation [2020] VSC 135

ADMINISTRATIVE LAW – Judicial review – Magistrate refused application for preliminary discovery under r 32.03 Magistrates' Court General Civil Procedure Rules 2010 (Vic) – Whether magistrate misconstrued or misapplied r 32.03 – No error established – Road Safety Act 1986 (Vic), s 90R – Magistrates' Court General Civil Procedure Rules 2010 (Vic), r 32.03 – Magistrates' Court Act 1989 (Vic), s 109.

Jacobs Group (Australia) v Commonwealth of Australia [2020] VSC 127

ARBITRATION – Application for leave to appeal under s 34A of the Commercial Arbitration Act 2011 (Vic) – Whether agreement not to modify rights of appeal under prior Act constituted agreement to appeal under s 34A – No agreement to appeal.

STATUTORY INTERPRETATION – Whether agreement to appeal under s 34A of the Commercial Arbitration Act 2011 (Vic) must expressly or implicitly refer to the section – Principles of statutory interpretation considered – Not necessary for agreement to reference s 34A.

Mulquiney v Reynolds & Anor (Ruling No 1) [2020] VSC 119

CIVIL PROCEDURE – Mode of trial – Where trial fixed for trial by jury – Where Court has suspended all new jury trials until further notice due to COVID-19 pandemic – Whether to dispense with jury and proceed as a cause or adjourn hearing for later jury trial – Where plaintiff had been granted an expedited hearing – Rule 47.02 of the Supreme Court (General Civil Procedure) Rules 2015 (Vic) – *Birti v SPI Electricity* [2011] VSC 566 considered – Civil Procedure Act 2010 (Vic) s 7 – Overarching obligation to facilitate just, efficient, timely and cost-effective resolution of the real issues in dispute – Trial to proceed as a cause.

LEGISLATION

Bills

Date of second reading speech: 19 March 2020
[Justice Legislation Amendment \(Drug Court and Other Matters\) Bill 2020](#)

Date of second reading speech: 18 March 2020
[Constitution Amendment \(Fracking Ban\) Bill 2020](#)

Date of second reading speech: 18 March 2020
[Crimes \(Mental Impairment and Unfitness to be Tried\) Amendment Bill 2020](#)

Statutory Rules

Reminder: 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



[Emma-Jane Stevens](#)

Partner
+61 3 8535 3510
+61 414 371 361
estevens@tglaw.com.au



[Bruce Crosthwaite](#)

Partner
+61 3 9641 8618
+61 408 372 104
bcrosthwaite@tglaw.com.au

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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.

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.

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