



PUBLIC SECTOR NEWSLETTER - VICTORIA

In this edition the focus is on the important issues of gender equality and eliminating workplace sexual harassment.

In particular, major law reform will see politicians and judges subject to the same sexual harassment laws as the wider population, employers are being urged to take a more proactive and preventative approach to sexual harassment and Comcare and Safe Work Australia have released updated guides on preventing workplace sexual harassment.

In Victoria, the introduction of the *Gender Equality Act 2020* means that 300 public sector employers, employing some 380,000 employees, must now report on and take steps to close the gender pay gap, improve gender equality and eliminate workplace sexual harassment.

In other news, in person trials have commenced again in some Victorian Courts subject to the availability of Courtrooms and appropriate safeguards.

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

IN THE MEDIA

LCA: Government recognises need for cultural change to sexual harassment laws

The Law Council of Australia welcomes the Federal Government's engagement with the important issue of sexual harassment as a matter for the national agenda. (08 April 2021) <https://www.lawcouncil.asn.au/media/media-statements/government-recognises-need-for-cultural-change-to-sexual-harassment-laws>

Pollies, judges must fall into line under new sexual harassment laws

Politicians and judges will be subject to the same sexual harassment laws as the wider population under major workplace reforms. (08 April 2021) <https://inqld.com.au/politics/2021/04/08/pollies-judges-fall-into-line-under-new-sexual-harassment-laws/>

Australian Government's response to Respect @Work report

In 'A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces' (the Roadmap for Respect), the Government provides its response and sets out its long-term commitment to preventing and addressing sexual harassment. (08 April 2021) <https://www.attorneygeneral.gov.au/media/media-releases/response-to-respect-at-work-report-8-april-2021>

Commission welcomes response to Respect@Work Report

The AHRC welcomes the considered and constructive response to the 55 recommendations made in its 2020 Respect@Work Report on the National Inquiry into Sexual Harassment in Australian Workplaces. The Report and the Federal Government's response, paves the way for globally ground-breaking reform on workplace sexual harassment. (08 April 2021) <https://humanrights.gov.au/about/news/media-releases/commission-welcomes-response-respectwork-report>

LCA: A national response to family, domestic and sexual violence is needed

LCA says many of the report's 88 recommendations aim to address the insidious and ubiquitous problem of family violence on a national level, but it is disappointing that the report did not consider or call for additional funding. (06 April 2021) <https://www.lawcouncil.asn.au/media/media-statements/a-national-response-to-family-domestic-and-sexual-violence-is-needed>

Law reformers cut to the chase

The ALRC has adopted a new approach to consultation as a way of encouraging greater engagement with a wider cross-section of academics, legal professionals and the community. The ALRC will be seeking formal submissions in response to the new law reform proposals and consultation questions set out in the Consultation. (05 April 2021) <https://www.alrc.gov.au/news/new-look-for-consultation-doc/>

Comcare guide to beat workplace harassment

Comcare has released a guidance resource to help employers, managers, supervisors and workers prevent and respond to sexual harassment in the workplace. (05 April 2021) <https://www.comcare.gov.au/safe-healthy-work/prevent-harm/workplace-sexual-harassment>

Defamation Reforms

Attorneys-General have now agreed that New South Wales, South Australia, Victoria and all other jurisdictions that are able to do so will commence the Model Defamation Amendment Provisions 2020 on 1 July 2021, and remaining jurisdictions will commence those provisions as soon as possible thereafter. (01 April 2021) <https://www.dcj.nsw.gov.au/news-and-media/media-statements/defamation-reforms>

Reappointment of Sex Discrimination Commissioner and Age Discrimination Commissioner

Attorney-General Michaelia Cash congratulates Ms Kate Jenkins and the Hon Dr Kay Patterson AO on their reappointment as Commissioners of the Australian Human Rights Commission. (01 April 2021) <https://www.attorneygeneral.gov.au/media/media-releases/reappointment-sex-age-discrimination-commissioners-1-april-2021>

ALRC: New Judicial Impartiality Background Papers Released

Two new background papers for the review into judicial impartiality have now been released. (30 March 2021) <https://www.alrc.gov.au/news/judicial-impartiality-eneews-new-judicial-impartiality-background-papers-released/>

Legal Aid Victoria: Robust law reform is crucial to ensure respect at work

A key recommendation that Victoria Legal Aid and other legal and community services support is a more proactive and preventative approach from employers, that lifts the burden from victims of harassment. This includes an enforceable "positive duty" under the Sex Discrimination Act. (08 April 2021) <https://www.legalaid.vic.gov.au/about-us/news/robust-law-reform-is-crucial-to-ensure-respect-work>

Victoria Leading the Way towards Gender Equality

Victoria has taken a nation-leading step towards achieving gender equal workplaces in the public sector, with the commencement of the Australian-first Gender Equality Act 2020. (31 March 2021) <https://www.premier.vic.gov.au/victoria-leading-way-towards-gender-equality>

Helping renters navigate tenancy rights

Tenants Victoria needed to help people understand and assert their tenancy rights while facing the compound stressors of pandemic uncertainty, changing rules and legislation, and a near overnight shift to remote work. (29 March 2021) <https://www.legalaid.vic.gov.au/about-us/news/helping-renters-navigate-tenancy-rights-covid-19-left-them-reeling>

AHRC: Independent Review into Commonwealth Parliamentary Workplaces

The Commission will not be investigating nor making findings about individual allegations of bullying, sexual harassment or sexual assault as part of the Review. The Commission will report on its findings and recommendations in a report to be tabled in Parliament in November 2021. <https://humanrights.gov.au/sites/default/files/2021-03/Independent%20Review%20into%20workplaces%20of%20Parliamentarians%20and%20their%20Staff%20-%20Terms%20of%20Reference.pdf>

ANAO Consultations

Due to table: April, 2021 Open for contribution Administration of the National Bushfire Recovery Agency The objective of this audit is to assess the effectiveness of the National Bushfire Recovery Agency and its administration of the National Bushfire Recovery Fund. <https://www.anao.gov.au/work/performance-audit/administration-the-national-bushfire-recovery-agency>

Commonwealth and Victorian Courts' COVID updates - Supreme Court of Victoria

From 6 April 2021, civil trials involving the cross-examination of one or more witnesses may be conducted in Court subject to the availability of a courtroom and appropriate safeguards. <https://www.supremecourt.vic.gov.au/law-and-practice/practice-notes/notice-to-the-profession-in-person-commercial-court-and-common-law>

County Court of Victoria – revised court guide for the intermediary pilot program

The County Court has released a revised Multi-jurisdictional court guide for the intermediary pilot program: Intermediaries and ground rules hearings. (08 April 2021) [https://www.countycourt.vic.gov.au/practice-notes?filters\[division\]=2](https://www.countycourt.vic.gov.au/practice-notes?filters[division]=2)

Inquiry into the Use of Cannabis in Victoria - Have your say

The reporting date for this inquiry has been extended to 1 June 2021. Once the report is tabled in Parliament, an electronic copy will be available for download from the Report page. <https://www.parliament.vic.gov.au/lsc-lc/inquiries/article/4264>

Inquiry into Management of Child Sex Offender Information - Have your say

The reporting date for this inquiry has been extended to 30 August 2021. Once the report is tabled in Parliament, an electronic copy will be available for download from the Report page. <https://www.parliament.vic.gov.au/lsc-lc/inquiries/article/4326>

COVID: Magistrates' Court of Victoria - Practice Direction 9 – Diversion on the Papers

The updated Practice Direction is available on the Court's website here. Also, the Chief Magistrate has extended the Modified Access and Procedure Order (MAP) until 25

April 2021 pursuant to section 33D of the Open Courts Act 2013 (Vic). https://www.mcv.vic.gov.au/sites/default/files/2020-10/Practice%20Direction%20No.%209%20of%202020%20-%20Division%20Hearings%20on%20the%20Papers_UPDATED_2.pdf

PUBLISHED - ARTICLES, PAPERS, REPORTS

[What's really at stake with vaccine passports](#)

In this article, the author suggests that rather than thinking about vaccine passports as temporary and isolated public health-related measures, we should view them as just one example of how the pandemic is accelerating the rollout of digital identity infrastructure across the world.

[Criminal justice responses to child sexual abuse material offending: a systematic review and evidence and gap map](#)

This report provides the world's first systematic review of criminal justice responses to child sexual abuse material (CSAM) offending.

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

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

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.