



PUBLIC SECTOR NEWSLETTER - VICTORIA

The Review into Sexual Harassment in Victorian Courts has dominated news since its release on 22 April 2021, with the Government, the Law Institute of Victoria and others all commenting on the report. This coincides with the release of a quick guide to the composition of Australian parliaments, and the Australian Government's release of the Women, Peace and Security Plan.

The Government has announced investments in regional courtrooms to enable Criminal Jury Trials to resume in a Covid safe way. The Law Institute of Victoria has also called for an end to the ban on Telehealth consultations in relation to Victoria's voluntary assisted dying laws. We also congratulate former solicitor general, Kristen Walker QC on her appointment as a judge of the Court of Appeal.

In the Courts, the Victorian Supreme Court has been asked to consider the intersection of the laws of defamation and misleading and deceptive conduct under the *Australian Consumer Law*.

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

IN THE MEDIA

Statement on the release of the Victorian Review into Sexual Harassment in Victorian Courts and the Report of the Review of Sexual Harassment in the South Australian Legal Profession

The ABA recognises the devastating impact that sexual harassment can and does have, and has had, on victim-survivors, including causing them to leave the profession. The conduct revealed in the Victorian and South Australian reports released this week also undermines public confidence in the legal profession and the administration of justice. (22 April 2021) <https://austbar.asn.au/news-media/australian-bar-association-statement-on-the-release-of-the-victorian-review-into-sexual-harassment-in-victorian-courts-and-the-report-of-the-review-of-sexual-harassment-in-the-south-australian-legal-p>

Courts not immune from sexual harassment - reforms needed says LIV

Courts must be safe places of work for all those who work in them, as well as those who have to appear before them, according to the Law Institute of Victoria. (19 April 2021) <https://www.liv.asn.au/Staying-Informed/Media-Releases/Media-Releases/April-2021/Courts-not-immune-from-sexual-harassment---reforms>

Tackling Sexual Harassment In Our Courts And Tribunals

The Government has welcomed the report of the Review of Sexual Harassment in Victorian Courts – marking another important step forward in stamping out sexual harassment in the workplace. (19 April 2021) <https://www.premier.vic.gov.au/tackling-sexual-harassment-our-courts-and-tribunals>

Sustained commitment to change is needed following review of sexual harassment in Victorian courts

The review of sexual harassment in Victorian courts presents the legal profession with an opportunity to change harmful practices and move towards safer and more inclusive workplace cultures. (19 April 2021) <https://www.legalaid.vic.gov.au/about-us/news/sustained-commitment-to-change-is-needed-following-review-of-sexual-harassment-in-victorian-courts>

Telehealth ban for voluntary assisted dying needs to end

Victorians are being denied access to Voluntary Assisted Dying because of a ban on telehealth consultations (LIV). (20 April 2021) <https://www.liv.asn.au/Staying-Informed/Media-Releases/Media-Releases/April-2021/Telehealth-ban-for-voluntary-assisted-dying-needs->

Criminal Jury Trials on Track To Resume In Regions

The Government is boosting regional courtroom capacity, enabling criminal jury trials to resume – keeping the justice system moving while improving the safety of communities. (19 April 2021) <https://www.premier.vic.gov.au/criminal-jury-trials-track-resume-regions>

New Appointment to Victoria's Highest Court

The Government announced the appointment of Solicitor-General Kristen Walker QC as a judge of the Court of Appeal. (13 April 2021) <https://www.premier.vic.gov.au/new-appointment-victorias-highest-court>

IN PRACTICE AND COURTS

[Commonwealth and Victorian Courts' COVID updates - Supreme Court of Victoria](#)

The Chief Justice has issued a joint jurisdictional statement on behalf of the Victorian courts and the Victorian Civil and Administrative Tribunal (VCAT). (22 April 2021)

[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).

[New resources: How to work with vulnerable witnesses](#)

The Judicial College has released a suite of resources to help you work with vulnerable witnesses in the courtroom. (16 April 2021)

[Inquiry into Victoria's Criminal Justice System](#)

The Legislative Council Legal and Social Issues Committee is accepting submissions to its Inquiry into Victoria's criminal justice system. Submissions close on 1 September 2021.

[Inquiry into the Use of Cannabis in Victoria](#)

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.

[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.

PUBLISHED - ARTICLES, PAPERS, REPORTS

[Composition of Australian Parliaments by party and gender: a quick guide](#)

This quick guide contains the most recent tables showing the composition of Australian parliaments by party and gender (see Tables 1 and 2 below). It takes into account changes to the Commonwealth and state/territory parliaments since the last update was published on 2 December 2020.

CASES

[Agustin-Bunch v Smith \[2021\] VSC 158](#)

PRACTICE AND PROCEDURE – Interlocutory injunction – Defamation and misleading and deceptive conduct contrary to Australian Consumer Law alleged

STATUTORY INTERPRETATION – Australian Consumer Law – Misleading and deceptive conduct – Whether defendants carrying on a business – Whether conduct is 'in trade or commerce' – Whether publications for educational purpose or have a commercial flavour.

TORTS – Defamation – Interlocutory injunction – Where other causes of action advanced – Whether particular caution in granting interlocutory relief in defamation cases applicable to other causes of action – Application of rule in *Bonnard v Perryman* [1891] UKLawRpCh 69; [1891] 2 Ch 269.

LEGISLATION

Public Interest Monitor Amendment Regulations 2021

S.R. No.29/2021 - 13/04/2021 - Commences 26/04/2021: reg. 3

Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2021

S.R. No.30/2021 – 13/04/2021 - Commences 19/04/2021: reg. 3

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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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