The Edge

Victorian Government Solicitor's Office

Volume 4, April 2012

VGSO Workplace Relations & Regulatory Compliance workshops for 2012 start in April!

Welcome from Assistant Victorian Government Solicitor, Workplace Relations & Regulatory Compliance

Welcome to an already dynamic new year of Workplace Relations and Regulatory Compliance at the VGSO! The past three months has seen the branch respond to continued expansion in both our own workspace and to the workplace and regulatory compliance legal environment. As we finalise this newsletter, the team are settling into a single space on Level 39 at Nauru House, with previously recruited staff finally on board, including James Schluter, Andrew Bray, and Matthew Minucci.

In the legal space, the public submission process of the federal review of the *Fair Work Act* has concluded, with the Victorian Government submission highlighting the State's interest to pursue better inter-governmental consultation to inform future federal workplace reform, particularly given the concerns of Victorian business groups and employers about the operation of the Act. Bills proposing amendments to the FWA, extending the operation of the Act to contract outworkers in the textile, clothing and footwear industry (Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill 2011 [2012]), enabling increased paid parental and employee bargaining rights have all been introduced by the Government, Senator Hanson-Young and Adam Bandt, respectively. Proposed amendments to the Public Service Act, creating special APS commissioners and technical amendments to whistleblower reporting and to the Equal Opportunity for Women in the Workplace Act, directing certain employers to report on remuneration and other gender equality indicators are also underway federal sphere.

In the Victorian parliament, the submission phase of the Inquiry into Workforce Participation by People with a Mental Illness continues, seeking proposals for effective methods of tailoring education, training, recruitment and employment for the needs of people with mental illness. Two Bills of note, the Water Amendment (Governance and Other Reforms) Bill 2012 and Members of Parliament (Serious Misconduct) Amendment Bill 2011 impact on our regulatory context. The first, if successful will reform the structure, powers and liabilities of state water corporations, including a new right for non-metropolitan Victorians to seek compensation through VCAT for damage caused by spillage of waste during water corporation works. The second will bring the existing regulatory regime for parliamentary member behaviour into tighter alignment with current law governing doctors, nurses, teachers and councillors, establishing a statutory offence of ' misconduct in public office'.

Recent cases of interest include the application of a Code of Conduct whereby the employer avoided vicarious liability for the sexual harassment of an employee against another employee, *Cooper v Western Area Local Health Network [2012] NSWADT 39*, not to mention interesting cases in relation to unfair dismissal, misconduct and serious misconduct. Despite a zero tolerance fighting policy, an employee "fighting" on the port with another worker achieved a reinstatement, *Mr Steven Lambley v DP World Sydney Limited t/a DP World Sydney, [2012] FWA 1250*, while borrowing food without paying when working at a supermarket attracted the right to dismiss with notice, not to summarily dismiss, *Narwal v Aldi Foods Pty Ltd [2012] FWA 2056.*

In amongst such change and potential, I congratulate all staff for drafting a full workshop program which will allow lawyers to gain ALL CPD points from VGSO. I encourage you all to join us on this journey by attending workshops run throughout the year.

Hayley Petrony, Assistant Victorian Government Solicitor

Wongtas - Federal Court $22,000 Adverse Action decision

"Traditional views concerning the… need for rest and protection of pregnant women… cannot prevail over the statutory requirements…"

The Federal Court has recently handed down an adverse action decision seeking compensation and pecuniary penalties of $22,000 against the two directors of former printing company Wongtas.

Ms Ye was employed as an office worker at Wongtas from July 2008 and notified one of the directors that she was pregnant in July 2009. There was a dispute of fact as to whether Ms Ye told her employer that she would resign before the birth of the baby or whether the director told her that she would not be paid during her leave and that her previous position might not be available when she returned.

A replacement employee was subsequently hired in late July 2009 and when Ms Ye complained about this treatment she was told that "many employees resign when they fall pregnant and then stay at home in bed" [at 13].

Ms Ye subsequently suffered a miscarriage and took sick leave in August 2009. When Ms Ye returned from sick leave in late August 2009 she was assigned to packing duties and contact and conversation with the directors reduced. Following unanswered complaints about the change to her role and concerns about underpayments, Ms Ye lodged a complaint with the Fair Work Ombudsman and her employment was terminated.

The dispute of fact about the termination of Ms Ye's employment was not determinative as the directors admitted to the adverse action being motivated by Ms Ye's queries about her pregnancy and her ongoing position with Wongtas. The adverse action included changing Ms Ye's duties, reducing contact with her, making disparaging comments about pregnancy and advising her not to complain about the changes. The actions constituted breaches of s 304 and s351 of the *Fair Work Act.* The directors sought to argue that, as former nationals of the People's Republic of China they had traditional views concerning the importance of pregnancy however the Federal Court found that this constituted "no excuse for the contraventions" [at 63].

The amount ordered was discounted by 10% as the directors submitted a late guilty plea. Penalties were not issued against the company itself as the company was placed in liquidation. However the directors were found liable as they both remained directors of the new entity 'Wongtas' and the court inferred that the winding up of Wongtas "was carried out for the purposes of avoiding any pecuniary penalty for Wongtas breaches under the FWA and the FW Regulations" [at 59].

Katherine Francis, Solicitor

Discrimination Defence Success!

Jennings v Department of Education & Early Childhood Development [2012] VCAT 131

The Workplace Relations team is pleased to announce its successful defence of the State in a recent discrimination claim brought in the Victorian Civil and Administrative Tribunal.

On 6 February, VCAT handed down its decision in the matter of *Georgina Jennings v DEECD*. In her claim Ms Jennings, a teacher in a fixed term position, made allegations that the State, through the school and the principal, discriminated against her by refusing to offer her an ongoing position because she was pregnant.

After a five day hearing, the Tribunal accepted the State's evidence that a restructure at the school meant that there was no vacant ongoing position to offer to the teacher, irrespective of her pregnancy. The Tribunal accepted the principal's evidence that the staffing decisions made at the school were unrelated to the teacher's pregnancy, and that the principal never told her anything to the contrary.

The decision is affirming for schools and principals in that the Tribunal did not entertain allegations to the effect that a position should have been 'found' for the pregnant teacher, despite no suitable position being available.

Watch this space, as the matter is unfortunately now subject to an application for leave to appeal to the Supreme Court.

Eve Bignell, Principal Solicitor

Victorian Government Solicitor's Office

Victimisation despite no discrimination

A complaint of discrimination that is meritless may nevertheless result in adverse consequences for an employer that does not ensure its staff follow appropriate complaint-handling processes.

Despite holding that the complaints of discrimination were unsubstantiated, the NSW Administrative Decisions Tribunal has recently awarded an employee damages and ordered the employer to train its HR specialists and supervisors to deal with workplace complaints on the grounds that the employee was victimised following making discrimination complaints.[1]

In that case, the employee, Mr Zareski, made a complaint of discrimination against his employer on the basis of race, presumed disability and carer's responsibility following a number of alleged incidents in the workplace. Mr Zareski alleged that graffiti relating to his race was written on his locker; that his colleagues and supervisor had a 'cancer party' to celebrate his imminent death when they believed Mr Zareski had cancer; and that his supervisor made a scythe and imitated the Grim Reaper, which Mr Zareski believed alluded to his role as his wife's carer prior to her death. Mr Zareski also alleged that he was subject to victimisation after he made a complaint to the Anti-Discrimination Board.

The Tribunal dismissed all complaints of discrimination on the grounds that Mr Zareski had failed to establish that a substantial reason for the treatment were the attributes alleged.

The Tribunal also dismissed three of the four circumstances alleged to constitute victimisation (continued harassment about his body odour; the employer not initiating discrimination training for supervisors; and the employer taking a harsher approach to him on a disciplinary matter than it did to his supervisors in similar circumstances) on the grounds that Mr Zareski had failed to establish that these alleged incidents occurred because he had made a discrimination complaint.

However, the Tribunal upheld Mr Zareski's claim of victimisation on the grounds that his supervisor ridiculed him about negotiations with the employer concerning his discrimination complaint. He was awarded $5000 for the 'hurt feelings' suffered as a result of the victimisation.

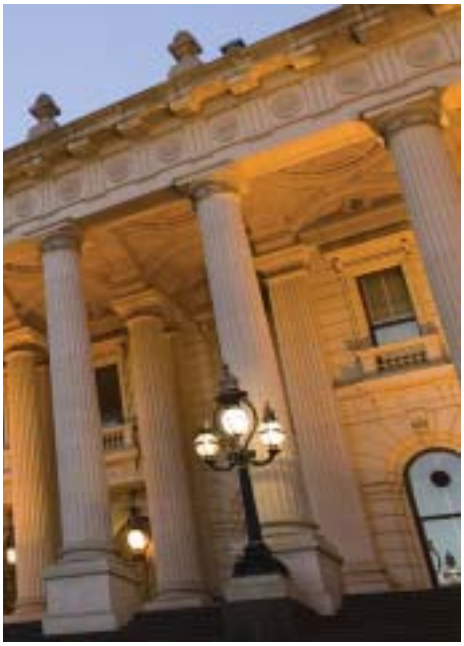
The NSW decision is consistent with Victorian authority. There are a number of cases in Victoria where a victimisation claim has been upheld despite an unsubstantiated discrimination claim. For example, in *Semkowski v Telstra Corporation Ltd*,[2] the Victorian Civil and Administrative Tribunal (VCAT) refused to strike out victimisation allegations in a complaint despite dismissing the rest of the claim on the grounds that it was misconceived. In Yim v State of Victoria,[3] VCAT held that a complainant may pursue a victimisation claim regarding a previously dismissed or withdrawn discrimination complaint, provided that the new claim does not rehash the matters in the previous complaints.

To avoid a successful complaint of victimisation, irrespective of whether the complaint of discrimination or sexual harassment appears to be groundless, employers should carefully consider and investigate all complaints, ensure that only the relevant investigators and support persons discuss the complaint with the complainant, and that the complainant is not otherwise subjected to any detrimental treatment, other than genuine performance management.

A workshop on preventing, and dealing with, a victimisation complaint under equal opportunity and occupational health and safety legislation will be facilitated by the VGSO Workplace Relations team.

Romina Woll, Solicitor

1. *Zareski v Hannanprint Pty Ltd* [2011] NSWADT 283.
2. [2007] VCAT 1485 (16 August 2007).
3. [2000] VCAT 821 (30 April 2000).



Natural Justice, Public Sector Employment and Investigations

Fairness is a concept that has implications across government, statutory authorities and Boards involved in administrative decision making. 'Natural Justice' arises in the course of administrative decision making, and will normally invoke rules such as the rule against bias and the right to a fair hearing. Natural justice also encompasses procedural fairness, requiring that affected parties are notified of adverse information available to the decision maker and are allowed an opportunity to respond before a decision is made.

Additionally, when a statute confers power on a public official to destroy, defeat or prejudice a person's rights, interests or legitimate expectations, the rules of natural justice will apply, unless they are excluded by legislation.[1]

Once the principles of natural justice are invoked, the degree to which they must be afforded will vary depending on the type of decision being made, the circumstances surrounding the decision or administrative action and the facts of the particular case. In an employment law context, natural justice is required in the context of performance management and the termination of employment. A long line of cases has repeatedly stated that when considering termination of employment, an employee is usually afforded substantive procedural fairness.

The position is not so clear when making decisions to investigate or suspend an employee for alleged misconduct. The recent cases of *WM Box, Foster* and *Quinn*, set out some key considerations that employers ought to consider, when investigating alleged misconduct by employees.

WM Box v the Director-General of Qld Dept of Transport 1994 AILR 78

The case of *WM Box v the Director-General of Qld Dept of Transport* 1994 AILR 78 raises challenging issues for government departments in responding to allegations of staff corruption. The Applicant, Mr Box was a long standing employee of the Department of Transport. He was suspended without pay pending an investigation into allegations that he had received corrupt payments in his position as Manager of the Maritime Safety Branch.

The Director-General of the Department notified Mr Box in writing that the Criminal Justice Commission was investigating into his conduct. Due to the seriousness of the conduct he was suspended from duties without pay. The letter directed Mr Box to respond to the allegations and assist the Criminal Justice Commission investigation.

Mr Box alleged that he was denied natural justice on the basis that he had not been informed that he was being investigated prior to his suspension and was not provided an opportunity to respond prior to suspension without pay.

The Department argued that the decision to suspend without pay was made on the basis of information received from the Criminal Justice Commission and after a letter was sent to Mr Box from the Criminal Justice Commission (dated 1 day prior to the suspension).

Further, it was argued that given Mr Box's position as Manager and the access he had to Departmental data, it was best that he was suspended, to ensure proper and efficient management of the Department.

Justice Ryan of the Queensland Supreme Court found that the rulesof natural justice were engaged (to not afford a party natural justice) and that the exceptions in cases of emergency did not apply.

Although there is little discussion of the 'emergency exception' in the *WM Box* case, past case law suggests that this is limited to genuine emergencies where acting promptly is of great importance or where the affected person may engage in obstructive conduct, for example by attempting to destroy evidence of an alleged breach.[2]

In his decision, Ryan J referred to the case of *Lewis v Heffer* (1978) 1 WLR 1061, stating that a "suspension …merely done by way of good administration" does not usually attract the rules of natural justice; His Honour found that the suspension did not afford Mr Box natural justice and on that basis was invalid and ineffective.

Recent Victorian cases also demonstrate the difficulties in conducting investigations into employee misconduct and the complexities that can arise in this area of law.

Foster v Secretary to the Dept of Education and Early Childhood Development (Vic) [2008] VSC 504

The case of Foster related to a teacher who was transferred to non-teaching duties pending an investigation into allegations of misconduct.

In that case, Mr Foster alleged that the decision to transfer him to non-teaching duties was made in breach of the rules of natural justice. On review, Justice Kyrou of the Supreme Court agreed, stating that the decision attracted the principles of natural justice, as the transfer impacted on Mr Foster's reputation and his ability to perform his role.

His Honour held that, at common law, there was a requirement that natural justice be afforded where a decision adversely affects rights, interests or legitimate expectations of a person.

Accordingly, the decision to transfer Mr Foster was quashed and he was reassigned to teaching duties at the School.

Quinn v Overland [2010] FCA 799 (28 July 2010)

Ms Quinn was a Senior Manager of Victoria Police's Forensic Science Lab. The Victorian Ombudsman handed down a report that was critical of aspects of the lab's management. After reviewing the Ombudsman's Report, Victoria Police suspended Ms Quinn on pay, so that it could investigate matters arising out of the Ombudsman's Report.

At the time of the litigation Ms Quinn had been suspended for 7 months and subject to three attempted investigations, she sought an injunction to allow her to return to work, at the commencement of the third investigation.

Justice Bromberg at [80] found that the suspension had likely occurred:

…without due regard to Ms Quinn's legitimate needs; without any or any sufficient regard to the fact that Ms Quinn had already been suspended for over 7 months in circumstances where her prior suspension was arguably invalid; and, in any event, without regard or sufficient regard to the fact that the delay in the processing of the investigation has been very long and largely inexcusable.

The fact that the employer had provided the employee with a salary whist she was suspended did not detract from the common law requirement for natural justice as the decision adversely affected the employee's rights, interests or legitimate expectations and additionally, the requirement to avoid undue delay.

On that basis, the Court issued an injunction restraining Victoria Police from suspending Ms Quinn, pending the outcome of the investigation.

The findings made in the cases of *WM Box*, *Foster* and *Quinn* illustrate how natural justice plays a vital role in decisions that alter an employee's position, pending an investigation into their performance. In the course of the decisions, protection of reputation has dominated these discussions regarding the applicability of the rules of natural justice to investigations.

In affording an employee natural justice, the degree of disclosure of information to an employee needs to be carefully considered. The employer needs to weigh up the competing interests of giving a person an opportunity to respond, while ensuring the integrity of the investigation is not compromised. In some instances, it is possible to remove or reduce that risk by providing only limited material to an employee. But this is a matter that will depend on the circumstances of each investigation. Employers who are concerned about this risk should seek appropriate advice.

Katherine Francis, Solicitor and Udara Jayasinghe, Principal Solicitor

1. See for example *Kiao and Others v Minister for Immigration and Ethnic Affairs and Another (1985) 62 ALR 321* at 345

2. Hodgens v Gunn; Ex parte Hodgens (1990) 1 Qd R 1, p 5

Victorian Government Solicitor's Office

VGSO continues to achieve outstanding results in liquor licensing

The liquor licensing scheme under the *Liquor Control Reform Act 1998* (LCR Act) imposes strict controls over the supply and consumption of alcohol. It is one of the largest licensing schemes in Victoria, with almost 20,000 permanent licences in force throughout the state.

The licensed liquor and hospitality industry plays a valuable role in making Victoria a place where people want to live, visit and invest. However, alcohol-related harm and violence also detracts from the many great qualities which the industry brings. Achieving a balance is a key focus of the Government and industry regulators.

The Regulatory Compliance Team at VGSO provides advice and assistance to key industry regulators including Responsible Alcohol Victoria, the Director of Liquor Licensing, Victoria Police and the new Victorian Commission for Gambling and Liquor Regulation (VCGLR), which commenced on 6 February 2012 and took over the functions of RAV and the DLL.

We advise our clients on a wide range of issues concerning the operation of the LCR Act and industry regulation, as well as conducting criminal prosecutions, disciplinary proceedings, reviews of licensing decisions and a number of high-profile proceedings in the Supreme Court. Some of our recent achievements are set out below.

Magistrates' Court prosecution for unlicensed sale leads to substantial fines

VGSO recently concluded a successful prosecution of an unlicensed company which produced and sold substantial quantities of wine.

Compliance Inspectors from RAV conducted a lengthy investigation after identifying the sale of wine by the unlicensed seller in markets throughout regional Victoria. Through their investigations, Compliance Inspectors uncovered the unlicensed wholesale distribution and sale of wine by the unlicensed seller to several prominent retail outlets.

RAV commenced criminal proceedings against both the company and its sole director. On 20 February 2012, the Ballarat Magistrates' Court found both the company and the director guilty, and imposed fines of $5,000 and $1,000, respectively. The Court also awarded $1,400 in legal costs in favour of RAV.

VGSO provided ongoing advice and assistance to Compliance Inspectors in the course of their investigation. This included identifying lines of enquiry to gather relevant evidence, advising on the use of investigative powers under the LCR Act (including drafting statutory notices to produce documents) for gathering necessary records and documentary evidence, and preparation for interviews, all of which contributed to the successful prosecution.

VCAT inquiry into nightclub results in closure, fines and disqualification

VGSO recently represented the Director of Liquor Licensing in a significant disciplinary proceeding in VCAT against a Geelong nightclub operator.

The inquiry uncovered a number of serious contraventions of the LCR Act and resulted in the closure of the business, substantial fines and lengthy disqualifications.

Compliance Inspectors from RAV, working in conjunction with Victoria Police, were able to identify that the nightclub was being operated by a shadow director with the aid of a 'frontman' who had obtained the necessary liquor licence. RAV and Police conducted a detailed investigation with ongoing advice and assistance from VGSO, uncovering records and other evidence which substantiated the existence of the sham arrangement.

The investigation culminated in an urgent application on behalf of the DLL to VCAT for an inquiry into the alleged contraventions of the LCR Act. The application alleged a number of contraventions, including the obtaining of the liquor licence by fraud. VGSO made a successful application on behalf of the DLL for an interim injunction which effected the immediate closure of the nightclub. We were also able to secure access to the nightclub premises for Compliance Inspectors in order to seize key documentary evidence.

At the conclusion of the inquiry, VGSO were able to negotiate a settlement agreement resulting in VCAT substantiating all of the contraventions alleged by the DLL, the imposition of a fine of $4,000 against the licence holder and a 10 year disqualification against the shadow director of the nightclub from managing any licensed premises or holding a liquor licence.

Matthew Carrazzo, Senior Solicitor

Revision of Leave Entitlements for Rann's 'contract teachers' in South Australia

On 29 February 2012 the High Court unanimously held invalid the practice by successive South Australian Education ministers of appointing a special class of 'contract teachers' to teaching positions outside the ordinary legislative framework for teacher appointments. The decision marks a substantial step in the dispute between the Education Union, acting on behalf of the affected teachers, and the state of SA over access by the teachers to a set of more generous long service leave entitlements ordinarily afforded to temporary teachers appointed under the normal provisions.

The appointments, which may have occurred from the Act's inception in 1972 through to the practice's abandonment in 2005, saw an unknown number of South Australian teachers appointed purportedly pursuant to a general power held by the minister under s9(4) *Education Act 1972* (SA) to 'appoint such officers and employees… as he considers necessary…'. At first instance in the Industrial Relations Commission, and at the later appeal to the Full Court of the Supreme Court, the State successfully argued that this general power existed alongside and in addition to Part III of the Act specifically entitled 'The Teaching Service' which included a teaching only appointment provision, s15. This duplicity in the Act, they argued, provided the State with the 'flexibility' to make teaching appointments under either provision, as required and, at times, unencumbered by the more onerous terms of a s15 appointment.

At the High Court, however, this flexibility argument was rejected. As French CJ and Hayne, Keifel and Bell JJ (with Heydon J concurring in a separate judgement) stated, the purposive and broad reading of s9(4) as a 'flexibility measure' was incorrectly 'elevated to a statutory purpose'[1] and 'lacked a foundation in the text of the Act'.[2]

Instead, the Court held that the proper construction of the scope of both provisions was drawn from textual and contextual indicators in the Act itself. Relying particularly on the specificity of the Part III as a 'Teaching Service' framework, their Honours determined that the Act distinguished and isolated the power to make teaching appointments to s15 only.[3] This distinction was, their Honours argued, supported on interpretive principles as well, citing the rule in *Anthony Hordern & Sons v Amalgamted Clothing and Allied Trades Union of Australia*[4] prescribing a narrowing of general powers where specific powers exist.

While the validity of the teacher's appointments to the roles has been 'saved', their enhanced entitlements remain a pending question. While the employment itself can be authorised by s15, the question of whether the teachers' inclusion as Part III teachers now dictates the access to the long-service leave conditions has been remitted to the Full Court of the Industrial Relations Court of South Australia. The case also offers a pertinent example of current judicial opinion on statutory interpretation and relevantly state powers, particularly with respect to the interplay of textual and purposive approaches.

1. Australian Education Union v Department of Education and Children's Services [2012] HCA 3 at 29 (per French CJ, Hayne, Kiefel and Bell JJ).
2. Ibid.
3. Australian Education Union v Department of Education and Children's Services [2012] HCA 3 at 30-31 (per French CJ, Hayne, Kiefel and Bell JJ).
4. (1932) 47 CLR 1.

Hollie Kerwin, Trainee Solicitor

Bivonas LLP v Bennett [2011] UKEAT 0254 (31 January 2012)

The Employment Appeal Tribunal (EAT) in the United Kingdom has recently upheld a decision that a law firm unlawfully discriminated against a lawyer on the basis of his sexual orientation.

The lawyer's claim centred on a memo written by a partner in his firm that was placed on a file that had been archived. The memo suggested that the lawyer was passing work to a particular barrister because he was gay and, therefore, not on the basis of merit. It stated that he was taking 'our cases to his batty boy mate' and should be dismissed.[1]

The firm appealed the decision of the EAT at first instance on the ground that an insult was not a detriment as required by the relevant UK regulations, the *Employment Equality (Sexual Orientation) Regulations 2003*. In rejecting this argument, the EAT found that the memo was 'a professional slur of the utmost gravity' and that it was not difficult to see that a reasonable worker would have taken the view that, in all the circumstances, the memo was to his detriment.[2] In particular, the EAT noted the wording of the memo, the fact that the lawyer went on sick leave the following day and the effect that finding such a document would have on his trust and confidence in his employers.

The EAT found that there was no evidence that other employees were subject to insults in respect of their personal characteristics. Further, at first instance, the EAT held that the fact that the memo was not given directly to the lawyer, but rather discovered by him when going through an archived file, provided no excuse and this aspect of the decision was not appealed by the firm.

The EAT also confirmed that the firm's conduct of its investigation into the lawyer's grievance was discriminatory. Relevant facts in this regard included that the person conducting the investigation had no awareness training in discriminatory matters and assumptions were made that the partner was not homophobic despite the memo being offensive on its face to gay men.

1. Bivonas LLP v Bennett [2011] UKEAT 0254 (31 January 2012), [9].
2. Ibid [30].

Oscar Bear, Trainee Solicitor

Victorian Government Solicitor's Office

VGSO Workplace Workshops

Public Sector Workplace Relations

Friday 20 April 10:30am - 1:30pm
Level 27, 121 Exhibition Street

The Public Sector presents a unique tapestry of Workplace Relations informed by:

1. *The Public Administration Act 2004*;
2. Specific legislation, such as the *Education & Training Reform Act 2006* and the *Metropolitan Fire Brigade Act 1950* to name just two;
3. VPS Agreement
4. The Code of Conduct;
5. Workplace policies;
6. Government policies such as 'Sustainable Victoria' and 'Fair Work'; and
7. Common Law

The interplay between these creates legal uncertainties that need to be carefully navigated.

This workshop will be of assistance to those dealing with coalface issues as well as people interested in appreciating the many relationships and what they mean for both employees and employers. Examples of issues to be discussed include the *Paras* and *Quinn* decision and the ramification for executive contractors, redeployment, Workcover and the machinery of government transfer to name just a few.

Regulatory Compliance Using Your Investigative Powers Effectively

Monday 28 May 2012, 10:30am - 1:30pm
Level 27, 121 Exhibition Street

Regulators responsible for ensuring compliance with legislation are generally given a range of statutory powers to carry out their functions.

These powerful investigative tools can include the power to enter premises, to search, to seize things, to require information to be produced and to question.

When used effectively, these powers enable investigators to obtain information and evidence that results in good outcomes for the regulator, such as successful prosecutions.

Yet the exercise of these powers is not without risk. Costly civil litigation, inadmissible evidence, failed prosecutions, reputational damage and risks to the health and safety of staff are just some of the potential consequences of inappropriate use of these powers. This workshop is designed to provide those involved in regulation and compliance with an understanding of the various investigative powers available to them, and guidance on how to use these tools effectively to achieve good outcomes, while limiting unnecessary exposure to the risks associated with their use.

There are still places available for the workshops above. Book by specifying which workshop you would like to attend and emailing your details to julie.jeremiah@vgso.vic.gov.au.

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