

LIV COVID-19 HUB & PRACTICE RESOURCES

- To view up-to-date information & updates relating to the Courts click [here](#)
- For LIV Services & Support click [here](#)
- For general information for the profession click [here](#)
- Legal Practice Contingency Planning [here](#).

DHHS – Directions from Deputy Chief Health Officer (Communicable Disease) in accordance with the emergency powers arising from declared state of emergency (*Public Health and Wellbeing Act 2009* (Vic) s.2000)

1. [Stay at Home Directions](#) (VGG S.177 of Friday, 3 April 2020)
2. [Restricted Activity Directions](#)
3. [‘Stay at home’ and Restricted activities’ directions – FAQ’s](#)

PM announces rent relief package for commercial tenants affected by coronavirus 7 April 2020.

The arrangements will be overseen by binding mediation and a mandatory code will be rolled out in each state and territory. [Read the full story](#)

ATO – GST at settlement – what to do during COVID-19 closedown

We understand it’s a difficult time for you, your office and your clients and want to update you about GST at settlement procedures during COVID-19 for buying or selling new residential property or land:

- purchasers must continue to lodge GST at settlement forms, withhold and pay the required withholding amount at settlement
- suppliers must continue to provide written notification to the purchaser if they have a withholding obligation or not and report the sales information in the period the sale was finalised even if their activity statement has a different due date.

If settlement has fallen through or the settlement date has been changed, please ensure you contact us to cancel or amend your forms, see [How to amend or cancel your forms](#).

See also:

- [GST at settlement](#)
- [GST at settlement - a guide for suppliers and their representatives](#)
- [GST at settlement - a guide for purchasers and their representatives](#)

Vic Government [Crisis Council of Cabinet Set up to Combat Coronavirus](#)
[State Control Centre Activated to Oversee COVID-19 Response.](#)
[Hotline Help for Businesses Dealing with COVID-19](#)
[Economic Survival Package to Support Businesses and Jobs.](#)
[VGG S.145 of 23 March 2020 – Ministers of the Crown.](#)

LUV - [Customer Information Bulletin 199](#)

- Advice to all Subscribers and LUV customers - coronavirus (COVID-19) related impacts
- Notices of Action and new Court proceedings

ARNECC – [Client Authorisation and Verification of Identity as a result of COVID-19](#)

CAV – [Coronavirus \(COVID-19\) and your rights.](#)

VCAT – [Coronavirus \(COVID-19\) response](#)

COVID-19 Factsheet – [changes at the Federal and State Level.](#)

LPLC – [Cyber Security Guide](#)

VSBC – [eNews From the Commissioner](#)

EPA – [Local Government Bulletin March 2020](#).

- [Illegal waste dumping by contractors](#)
- [Additional guidance tools for businesses and community](#)
- [Plastic bag ban](#)

ABCC: [Industry Update - 12 March 2020](#)

Update features the latest activities of the ABCC: Phoenixing, Security of Payments, New Court Matters, Court Outcomes and more. ...

PEXA - [Clicks & Mortar COVID-19 and property market update](#) | [PEXA Key FAQs](#)

SRO – [Tax Relief measures for Victoria's State of Emergency](#)

NOTEWORTHY NEWS

PROPERTY & CONSTRUCTION LAW

[The use of electronic signatures in a remote working Australia](#)

With many Australian and international businesses shifting to remote working arrangements in light of the government's COVID-19 response, companies...

[ABCC audit campaign: Mandatory reporting obligations](#)

The Australian Building and Construction Commission is set to conduct an audit campaign of code covered entities that have failed to report disputed or delayed payments to the ABCC. How will this affect the construction industry?

[Land tax deferral – a relief for land owners during COVID-19](#)

In a bid to support businesses in the current climate, the Victorian Government is now giving eligible land owners the option to defer their 2020 land tax payment until after 1 January 2021...

[COVID-19 and Construction Contracts – how a Contractor may claim and how to draft for COVID-19 risks moving forward](#)

Pursuant to the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 (31 March 2020), a person must not, without 'reasonable excuse', leave a person's place of residence. A 'reasonable excuse' includes (relevantly) travelling for the purpose of work if the person cannot work from the person's place of residence...

[COVID-19 and your domestic building contract – what does this mean for you owner and builder.](#)

In accordance with the "[Advice to Victorians on Transmission Avoidance](#)" released on 20 March 2020, "construction sites" (where it is necessary for their normal operation) are deemed an "essential activity". That is good news for Builders and Owners, who wish to continue with their build and get paid.

[Prudent Planning when considering a response to a show cause notice.](#)

A recent case confirms that prudent planning to take over construction work from another contractor is 'okay' when considering a response to a show cause notice

[Are your contracts crisis ready?](#)

Force majeure, frustration and termination for convenience clauses have been brought into the spotlight as entities consider available options if they are unable to perform their contractual obligations due to impacts of the coronavirus.

[Force majeure and COVID-19 – what you need to know now](#)

So what do businesses need to know now and do immediately to manage this issue? Five crucial questions businesses need to ask when reviewing their contracts against COVID-19 issues

[Canberra pressures all states to reform e-conveyancing laws as PEXA monopoly looms](#)

The federal government has stepped up pressure on the states to reform the rules governing electronic conveyancing to ensure solicitors and conveyancers are not forced to deal with a company that enjoys a near-monopoly over e-conveyancing network services

[E-conveyancing choices backed.](#)

The federal government's pressure on states and territories to reform the rules governing e-conveyancing has revealed that none of them is opposed to a competitive market for e-conveyancing network services

RETAIL & COMMERCIAL LEASING

Prime Minister, Scott Morrison MP, Media Statement (3 April 2020)

Commercial Tenancies

National Cabinet made further progress on the issue of commercial tenancies. They have agreed that a mandatory code of conduct guided by certain principles will be developed and subsequently legislated by State and Territory Governments to apply for tenancies where the tenant is eligible for the Commonwealth Government's JobKeeper assistance and is a small- or medium-sized enterprise (less than \$50 million turnover).

The principles that guide the code will be:

- a. Where it can, rent should continue to be paid, and where there is financial distress as a result of COVID-19 (for example, the tenant is eligible for assistance through the JobKeeper program), tenants and landlords should negotiate a mutually agreed outcome
- b. There will be a proportionality to rent reductions based on the decline in turnover to ensure that the burden is shared between landlords and tenants
- c. There will be a prohibition on termination of leases for non-payment of rent (lockouts and eviction)
- d. There will be a freeze on rent increases (except for turnover leases)
- e. There will be a prohibition on penalties for tenants who stop trading or reduce opening hours
- f. There will be a prohibition on landlords passing land tax to tenants (if not already legislated)
- g. There will be a prohibition on landlords charging interest on unpaid rent
- h. There will be a prohibition on landlords from making a claim to a bank guarantee or security deposit for non-payment of rent
- i. Ensure that any legislative barriers or administrative hurdles to lease extensions are removed (so that a tenant and landlord could agree a rent waiver in return for a lease extension)

For landlords and tenants that sign up to the code of conduct, States and Territories have agreed to look at providing the equivalent of at least a three month land tax waiver and three month land tax deferral on application for eligible landowners, with jurisdictions to continue to monitor the situation. Landlords must pass on the benefits of such moves to the tenants. In cases where parties have signed to the code of conduct, the ability for tenants to terminate leases as mentioned in the National Cabinet Statement on 29 March 2020 will not apply. Mediation will be provided as needed through existing State and Territory mechanisms.

The proposed code of conduct will be discussed at the next meeting of the National Cabinet on Tuesday 7 April. (Copy of **Code of Conduct** available [here](#)).

PM's press release on the commercial tenancies (7 April 2020)

Blog – Sam Hopper Barrister.

Property plays a dog-eat-dog game

The Prime Minister hoped that in the commercial property market landlords and tenants would work on compromises....

Scott Morrison tells landlords to share retail pain

Landlords have been told to face up to tough conversations with their tenants about sharing the pain caused by the...

PM's plea falls on deaf ears in dog-eat-dog commercial property world

Save Log in or Subscribe to save article Share Ben Neumann, the founder and boss of Liquid Infusion, fears the...

Coronavirus Australia: Retirement villages 'can't properly protect residents', lawyers warn

Leading law firm Minter Ellison is warning the Queensland government that retirement villages are unable to...

VSBC - VSBC Calls on landlords and tenants to do the right thing where tenants can't pay rent because of COVID-19.

Commercial leasing during COVID-19

A moratorium on evictions over the next six months for commercial and residential tenancies will take effect shortly. It will be available for...

Rent Relief arising from COVID-19

Are you a commercial Tenant or Landlord seeking to negotiate temporary arrangements in response to the impact of the coronavirus? On 29 March 2020...

Tenants shielded in latest moratorium

On 29 March 2020, the Federal Government announced its intention to place a six-month moratorium on landlords' rights to evict residential and...

Emergency measures for commercial leases take shape

As concerns continue to grow for the protection of tenants and the viability of many retailers and other businesses in the face of the COVID-19...

Flexibility under the Corporations Act and Corporations Regulations

The Coronavirus Economic Response Package Omnibus Bill came into effect on Wednesday 25 March 2020 as part of the Federal Government's response to.....

Uncertainty on costs of essential safety measures under the Retail Leases Act 2003 (VIC) soon to be resolved

The Retail Leases Amendment Bill 2019 aims to increase certainty in retail leasing arrangements about who pays for costs relating to the installation...

Lock-down your rights: practical tips for administering construction contracts during COVID-19

Australia is presently grappling with some unprecedented changes brought on by the COVID-19 outbreak: personnel in quarantine, borders closing and...

Effects of Covid-19 on Commercial Tenancies.

This article covers the current legislative position, Eastern Bridge's recommendations to tenants and landlords and includes details of free deed of variation being made available to anyone who needs it

Against the law to claw (back)? Leasing incentives and claw back provisions in the spotlight in Victoria.

VCAT has recently applied a decision by the Queensland Supreme Court regarding clawback clauses which has the potential to affect how the clauses are applied in Victoria.

Tribunal rules retail landlords cannot claw back fit-out costs from defaulting tenants.

A recent decision of the Victorian Civil and Administrative Tribunal (VCAT) has clarified the legal position in Victoria with respect to a landlord's ability to claw back a fit-out contribution paid to a tenant upon the early termination of a tenant's lease.

PLANNING & ENVIRONMENT | LOCAL GOVERNMENT LAW

DELWP Planning Panels Victoria – existing and future hearing matters

“In response to the COVID-19 pandemic, Planning Panels Victoria (PPV) is exploring a number of options to progress current and new matters, but we will need to change our practices. Primarily we are seeking to minimise face to face contact and gatherings of people. This will require the cooperation of all involved in the PPV process.

We will be consulting with all submitters and parties in relation to alternative arrangements for hearings, and any arrangements that are put in place will be consistent with the requirements for procedural fairness.

For the time being, it is unlikely that new face to face hearings will be scheduled. Directions Hearing for all new matters will be undertaken on the papers.

Options for hearings on the papers, or using technology such as teleconferencing or video conferencing are being explored. Each Chair/Panel will review its current matters and will provide advice on a process going forward direct to its submitters. Some imminent hearings with multiple submitters and parties are likely to be postponed in the short term while options are explored. We thank you for your patience and understanding during this challenging time for our community.

Kathy Mitchell, Chief Panel Member, Planning Panels Victoria”

Federal Court allows Telstra payphone rollout without a planning permit

The Federal Court has given Telstra the green light to install new payphones with digital advertising screens across Australia without the need for a.....

Amendment VC161: Changes to Victoria Planning Provisions

Arising from the Victorian Government's broad support for renewable energy and transition to a low-carbon economy.....

Coronavirus (COVID-19) information for licensees.

We are working with licensees, government departments, agencies and industry to implement a range of measures in response to Coronavirus...

2020 Liquor licensing fees refunds and waivers

Businesses that have paid the 2020 renewal fee for their liquor licence or BYO permit will be reimbursed this fee, and those yet to pay will have their fee waived...

Banning notice issued for Facebook promotion.

Social media promotions encouraging the irresponsible consumption of liquor has resulted in regulatory action against a regional licensed venue

Ratepayers want 'urgent structural overhaul' of councils

Property giant Leighton offered the Andrews government a \$10 million site for a public hospital to sweeten its bid

Andrews government offered \$10 million sweetener for Casey rezoning

Property giant Leighton offered the Andrews government a \$10 million site for a public hospital to sweeten its bid

COVID-19: What does it mean for planning matters?

As the State of Victoria enters its second week under Stage 3 Restrictions, we thought it would be useful to provide a summary of the alternative measures being implemented by our relevant decision-making bodies in a time when face-to-face encounters are being strongly discouraged, and in some circumstances altogether prohibited

COAG supports plastics ban.

COAG has announced it will progressively ban the export of plastic, paper, tyres and glass waste from July, representing an historic change for the recycling industry...

Envirojustice Australia – Supreme Court update: WOTCH vs Vicorests

Supreme Court case for Wildlife of the Central Highlands (WOTCH), continues to progress. Earlier this month, WOTCH was granted an interlocutory injunction by the Victorian Supreme Court to halt logging in 13 areas of unburnt threatened species for the duration of the case. Just last week, we were back in court seeking to extend the interlocutory injunction to cover an additional 13 areas.

Envirojustice Australia – Legal proceedings at VCAT

challenge the Victorian Environment Protection Authority's decision to heavily redact information contained in reports about the electrostatic dust precepitator at EnergyAustralia's Yallourn coal-fired power station. EJA received reports from community members that claim their houses have been covered in coal ash and are concerned that the power station's pollution controls may not be working properly.

Morrison government faces legal challenge over Adani pipeline plan

The Morrison government's failure to activate the so-called "water trigger" when assessing the proposed Adani coal...

Protecting Victoria's marine and coastal environments

The new *Marine and Coastal Policy* guides the planning and management of marine and coastal environments so that ecosystems, communities, industries and built assets are as resilient as they can be in the face of future challenges such as natural hazards, climate change and population growth (06 March 2020).

Whittlesea City Council Dismissed.

The *Local Government (Whittlesea City Council) Bill 2020* provides for the dismissal of the council and appointment of administrators, who will act as the council in the best interests of residents and ratepayers until the October 2024 Local Government elections are held. Municipal monitor Yehudi Blacher's report found clear evidence that governance had collapsed in the City of Whittlesea and recommended its dismissal.

Former Casey Mayor failed 16 times to declare links to Woodman

The former mayor of Casey council, Susan Serey, failed to declare a conflict of interest on up to 16 separate...

Farmers seek \$1.5bn for water 'blunders'

A class action involving more than 500 irrigation farmers against the Murray-Darling Basin Authority for allegedly...

LIJ

Property: Identification rules to tighten (ARNECC MPR & MOR)

The draft Model Participation Rules Version 6 contains important changes for solicitors and conveyancers. The Australian Registrars' National Electronic Conveyancing Council has responsibility for advising on the Electronic Conveyancing National Law and developing and maintaining a national set of Model Operating Requirements and Model Participation Rules.

Cybercrime risk heightened for home-based practitioners

Lawyers working from home due to COVID-19 are being urged to take immediate action to secure their computer systems, especially now it could give access to your firm's servers and databases.

Relief against forfeiture: Forfeiture of non-proprietary interest.

Equity may intervene to prevent the unconscionable exercise of a right to terminate a commercial contract. Whether equity will intervene to prevent the loss of a non-proprietary interest is controversial. Recent Victorian decisions have created greater uncertainty.

LATEST CASES

PROPERTY & CONSTRUCTION LAW

Stewart v White [2020] VSC 116

LAND LAW — Sale of Land Act 1962 (Vic) s 31 – Contract of Sale – Cooling off provisions – Whether contract of sale was terminated – Whether legal effect of giving a cooling off letter can be suspended by giving it as an escrow

EQUITY — Equitable Estoppel — Whether deposit could be retained by purchaser if detrimental reliance upon assumption induced by vendor that contract remained on foot — Difference between a contractual promise and an equity arising from an estoppel.....

Harvey v Emery & Ors [2020] VSC 153

CAVEAT – Application for removal – Claim by defendants of interest in property arising from a constructive or resulting trust – Whether caveat ought to be removed and proceeds held pending resolution of issues in proceeding – *Transfer of Land Act 1958* (Vic) s 90.

Colakoglu v Ozcelik [2020] VSC 139

CAVEAT – Summary removal – No point of principle involved.

Sully v English (Civil Claims) [2020] VCAT 378

Misleading and deceptive conduct s 18 ACL; misleading representation made with the intention to induce sale of land contrary to s 12 *Sale of Land Act 1962*; contravention of s 32 *Sale of Land Act 1962*; application of *Australian Consumer Law and Fair Trading Act 2012* s 48A

Kestenberg v Kestenberg [2020] VSC 84

TRUSTS – family based discretionary trusts – Trustee company controlled by parents – various claims by beneficiary against parents for exclusionary conduct and breach of trustees' duties – allegation of trustees' wrongful payment of plaintiff's distribution entitlements over to parents – serious dispute whether plaintiff had gifted her beneficiary entitlements to parents – quantum of distributions not in dispute – Plaintiff's application for particular discovery of trust financial statements and source documents – separation between right to information under trust law and discovery of information on relevant question in proceeding – application as sought refused – limited particular discovery ordered for trustees' documents showing accounting for effectuation of alleged gifts

Chan v Chan [2020] VSCA 40

LAND – recovery of possession – whether summary procedure for recovery of land under Order 53 *County Court Civil Procedure Rules 2018* available or appropriate – dispute between sister and brother about ownership of land – whether brother a tenant at will or a licensee – significant issues of fact in dispute – proprietary estoppel – whether sister held property on constructive trust for brother – leave to appeal granted – appeal allowed

162 Tucker Pty Ltd v SPG Tucker Pty Ltd & Ors [2020] VCC 284

CONTRACT OF SALE - Nomination of purchaser – Whether contractual relationship existed between nominee and vendor – Whether there was a repudiation of contract by purchaser by persistent inability or unwillingness to settle – Whether there was a repudiation of contract by vendor – Whether vendor's Notices of Default were valid - Whether vendor's purported termination of contract vendor was valid – Whether the contract was abandoned by one or both parties.....

(ARTICLE) VBA v Andriotis [2019] HCA 22 (“Andriotis”)

the basis of the mutual recognition system between building authorities was reaffirmed by the High Court

RETAIL & COMMERCIAL LEASING

Tasman Logistics Services Pty Ltd v Seaco Global Aust Pty Ltd & Ors [2020] VSC 100

PERSONAL PROPERTY – disposal of uncollected goods – whether pt 4.2 of the Australian Consumer Law and Fair Trading Act 2012 (Vic) applies – effect of contract between provider and receiver of goods – Jurisdiction of Courts and VCAT to make orders for the disposal of goods – Jurisdictional facts – disposition of proceeds of sale – disposal of uncollected goods to landfill – priority as between receiver of goods and owner –

Corry v Rolfe (Building and Property) [2020] VCAT 325

Contract formation, whether offer and acceptance. Found, counter-offer made resulting in no acceptance and no contract. Importance of best evidence where failure to produce original documents and where those documents under close scrutiny. Insufficient evidence to support a finding of a written retail premises lease. Note or memorandum signed by party to be charged..... ..

Nowrozi v Plains Properties Pty Ltd (Building and Property) [2020] VCAT 322

Option to renew – applicants did not notify in writing after option no longer exercisable – s.28(1) of *Retail Leases Act 2003* – lease remains on foot – costs – reimbursement of fees.

Finetea Pty Ltd v Block Arcade Melbourne Pty Ltd (Building and Property) [2019] VCAT 1529

Australian Consumer Law - s.21 – Retail Leases Act 2003 – s. 77 - Unconscionable conduct – what amounts to – s.54 – inhibiting access or disrupting tenant’s business – what amounts to – s.57 – damage to premises – abatement of rent – renovation works by tenant not “damage” - no abatement where damage caused by tenant – repudiation of lease – what amounts to – rent-free period and fit-out contribution by Landlord pursuant to lease – provision that proportion be refunded if lease ended early due to tenant’s default – requirement additional to Landlord’s claim for damages - whether provision requiring refund a penalty

PLANNING & ENVIRONMENT | LOCAL GOVERNMENT LAW

WOTCH v VicForests (No 2) [2020] VSC 99

PRACTICE AND PROCEDURE – interlocutory injunction – whether serious question to be tried – whether balance of convenience favours granting injunction – timber harvesting of State forests – whether bushfires affect application of Code of Practice – threatened species of greater glider, powerful owl, sooty owl, smoky mouse and alpine tree frog – conservation, Forests and Lands Act 1987 (Vic) – Flora and Fauna Guarantee Act 1988 (Vic) – Sustainable Forests (Timber) Act 2004 (Vic)

Rizzo v Head, Transport for Victoria [2020] VSC 89

VALUATION AND COMPENSATION – amendment to Hume Planning Scheme – imposition of Public Acquisition Overlay for Outer Metropolitan Ring/E6 Transport Corridor – referral of disputed claim for compensation for loss on sale under Pt 5, Planning and Environment Act 1987 (Vic) – claim made before completion of contract for sale of land – proceeding held to have no real prospect of success as presently framed – whether applicants can amend notice of claim – whether applicants can amend referral notice – Court’s jurisdiction limited to determining ‘disputed claim’ under Land Acquisition and Compensation Act 1986 (Vic) – application for leave to amend notice of claim and referral notice refused – Planning and Environment Act 1987 (Vic) ss 98(1), 99(b), 105, 106(1) – Land Acquisition and Compensation Act 1986 (Vic), ss 37, 80, 89 – *Plunkett v Roads Corporation* [2019] VSC 39

Annat v Commissioner of State Revenue [2020] VSC 108

TAXATION – Land Tax – exemption for primary production – whether Land used primarily for the business of primary production – whether a beneficiary of the appellant was normally engaged in a substantially full-time capacity in the business of primary production – whether part of the Land should be regarded as a separate parcel – evidence not reliable – appellant has not discharged onus of proof – assessments confirmed – *Abbott v Commissioner of Land Tax* [1985] VicRp 15; [1985] VR 164 applied – Sections 64, 67 and 70(2) Land Tax Act 2005 (Vic)

1043 Melton Hwy Pty Ltd v Commissioner of State Revenue (Review and Regulation) (Corrected) [2020] VCAT 396.

Review and Regulation List – Duties Act 2000 (Vic), s 20 – Whether pre-settlement ‘interest’ paid forms part of the consideration which ‘moves’ the transfer of land – Relevance of ruling by Commissioner of State Revenue in relation to interest paid under a terms contract.

Raso v Owners Corporation PS 638800J (Owners Corporations) [2020] VCAT 211

Application for consent for building works; owners corporation consent not unreasonably withheld; whether s12(2) Subdivision Act 1998 easements exist; encroachments on common property; whether s14 lease or licence required; meaning of special rules relating to building works

LEGISLATIVE UPDATES

[Petroleum Legislation Amendment Bill 2020](#)

EPA – [Local government powers under the new Act.](#)

[Local Government Act 2020](#)

RECENT SUBMISSIONS

LIV advocacy in response to COVID-19

In response to the effect of COVID-19 on the legal profession, the LIV has written to the Commonwealth and Victorian Attorney-General about the need for support in the legal and justice sector. The letters discuss the need for more funding for court and community legal centres, impacts to RRR (Rural, Regional and Remote) areas and difficulties surrounding the electronic witnessing of signatures.

Read the letter to The Hon. Christian Porter, Attorney General for the Commonwealth of Australia [here](#).

Read the letter to The Hon. Jill Hennessy, Attorney General for Victoria [here](#).

Inquiry into Australia's Waste Management and Recycling Industries

The LIV has urged the House of Representative's Standing Committee on Industry, Innovation, Science and Resources to adopt the polluter pays principle as the most appropriate way to deal with the growing demands on the industrial, commercial and domestic waste industry...

Inquiry into Homelessness in Victoria

The LIV, informed by lawyers practising across a range of sectors, calls for systemic changes to prevent and protect vulnerable Victorians from falling into insecure housing and homelessness...

Expressions of Interest:

For those seeking to contribute to the following submissions, please e-mail PELS@liv.asn.au by the deadline specified:

[Integrating Environment Protection Reforms in response to the new Environment Protection Act 2017](#). Consultation on draft changes to the Victoria Planning Provisions and Ministerial Direction No 1 begins on Friday 3 April 2020. You are invited to view draft documents and make a submission by **Tuesday 5 May 2020**. The documents include an amended State policy for contaminated land, Environmental Audit Overlay and Ministerial Direction Potentially Contaminated Land.

[Review of the Lands Acquisition Act 1989: Discussion paper](#)

Details of how to make a submission are available on the Department of Finance's [website](#). Submissions close on 17 April 2020

[Have your Say on Goulburn to Murray Trade Rules](#)

Minister for Water Lisa Neville opened community consultation into the rules that manage the trade of water from the Goulburn River to the Murray Valley. A recent review identified that the current rules are not protecting the lower Goulburn River and do not provide a fair system for all water users to trade water. Face to face public consultation will begin this month and will run until **Wednesday, 22 April**. People can also review the government's proposed trade rule options and provide feedback at engage.vic.gov.au.

[Discussion paper addressing a draft national model code of conduct, explanatory statement and compliance policy released for public consultation.](#)

The [Building Confidence Report \(BCR\) Implementation Team](#) has released, for public consultation, a discussion paper to address Recommendation 10 of the [BCR](#). The discussion paper intends to explain how the draft Model Code of Conduct for Building Surveyors (draft model code of conduct) was developed and seeks views from stakeholders on how it can be improved. The draft model code of conduct is supported by

a draft Explanatory Statement and draft Compliance Policy that sets out how it is envisioned that the draft model code of conduct would be interpreted and enforced.

Please note: the discussion paper and its attachments have been drafted by the BCR Implementation Team and may not necessarily represent the views of the ABCB.

Feedback from stakeholders will be used to improve the draft model code of conduct and supporting documents. The discussion paper can be downloaded from the ABCB's [Consultation Hub](#). Responses to questions on the discussion paper, outlined in the consultation form, are invited until 11:59PM AEST **Friday 24 April 2020**. Only comments submitted using the online form will be considered

UPCOMING CPD & EVENTS

9 & 14 April - LIV Live Chat – [COVID-19 Practice Continuity & Contingency Planning](#)

The enforced virtualisation of the legal profession continues to uncover many issues for the legal profession to work with their clients. A key issue is the ability or inability to witness documents electronically – particularly Wills and Powers of Attorney.

This webinar will walk you through the LIV's current position on this issue using the LIV's revised guidance on witnessing documents electronically, while offering you the opportunity to ask questions as this area continues to evolve.

The LIV will be hosting Live Chats and Information Webinars every Tuesday and Thursday at 12.30pm from 31 March 2020

16 April - WEBINAR: [Resilience Rituals & Routines](#) | Michael Licenblat, Resilience Expert.

Resilience Rituals & Routines: establishing habits and patterns to help you stay positive, mentally fit and energised during these tough times

Michael Licenblat is a resilience expert who teaches people how to achieve more in high-pressure environments by bouncing back from pressures and setbacks. Born into a family of entrepreneurial parents, Michael grew up working inside the numerous family businesses and quickly learnt that success often came to those who can ride the bumps, get up and keep going. Drawing on his background in Psychology, Shiatsu therapy and over 25 years of Martial Arts experience, he has helped countless companies become 'pressure proof' and learn how to bounce back from the setbacks and challenges so they can out-achieve their competition

9 Apr: [Section 173 Agreements – when, why and how?](#) Webinar

In this workshop, you will learn the broad principles of drafting and interpreting section 173 Agreements. When and how to use them and when not to use them.

16 Apr: [COVID-19: Contract issues asked and answered](#) Webinar

The global pandemic has resulted in parties to a contract looking to contractual and non-contractual ways to deal with the impacts, including:

- force majeure
- frustration
- suspension, variation or termination of a contract
- other legal issues.

This interactive webinar will discuss what we have learned about how well equipped our contracts are to deal with the impacts of COVID-19, and how we can best make them 'crisis ready' in the future.

23 Apr: [Introduction to DocuSign](#) CLM Live Webinar

Connect and automate your entire contract lifecycle.

30 Apr: [Environmental Impact Assessment LIVESTREAM](#)

This course provides an overview of the Environmental Impact Assessment (EIA) process and explains how the assessment interacts with other statutory decisions

24 Apr: [Did you order the code red? Cross examining witnesses](#) Webinar

In this workshop, you will learn the rules of cross-examination how to prepare to be cross-examined.

29 April: [Seeing the light: Daylight assessment for planners, architects and building designers](#)

Webinar –

This course brings together recognised industry experts to provide participants with the tools, skills and language to understand how daylight quality is measured, what standards can be used to assess daylight quality and how can buildings be designed to improve daylight quality.

14 May: [Restrictive Covenants: their meaning, effect and removal](#) **Webinar**

In this workshop, you will learn how to interpret a restrictive covenant, how to decide whether the grant of a permit would breach a covenant and the processes for removing or modifying

PODCAST: [CORRS HIGH VIS](#) | Ep.41 Security of payment changes in Qld, and two recent NSW Supreme Court Decisions.

BLOG – Sam Hopper – Options for landlords and tenants in a COVID-19 world (see [Part 1](#) | [Part 2](#) | [Part 3](#)).

MISCELLANEOUS

[Complimentary Dark Web Scan - Unified IT](#)

We are excited to announce a new partnership with Unified IT. As a LIV member, you can access a complimentary one-time scan with Unified IT's Dark Web Credential Monitoring. This service will detect if your or your clients' information has been compromised

[LEAP: Coronavirus and working remotely for law firms](#)

In light of the ongoing challenges posed by coronavirus, your firm may find it necessary to implement a work from home policy or similar. To help support you at this difficult time, we've compiled a list of tips to help you prepare your staff and remain productive

[Is it legal to be stood down without pay?](#)

With government-issued business closures becoming increasingly the norm, a huge number of Australian employees are facing an uncertain...

[Australians must brace for a 'Big Brother' intrusion on the personal liberty we all take for granted](#)

Extraordinary times call for extraordinary powers. Parliament had this in mind when it enacted the national...

[Ex-president has a warning for Australia on big tech and cyberwar](#)

On March 15, 2019, extremist gunman Brenton Tarrant stormed two mosques in Christchurch, New Zealand, slaughtering...

[Personal prison visits banned as courts face 'greatest crisis'](#)

Prisons across Australia are banning visits from family and friends in a bid to stop coronavirus spreading rapidly...

[Courts look to remote technology amid virus](#)

As coronavirus clears Victoria's courts, hearings will be held by video link without judges, lawyers or defendants...

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