



YOUR
LOCAL GOVERNMENT
LAWYERS

LEGAL EXPERTISE DIRECTORY



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Dear Colleagues

Moray & Agnew is excited to be one of MAV's preferred legal providers for:

- Litigation & Dispute Resolution
- Property, Planning, Environment
- Major Projects
- Workplace & Industrial
- Corporate & Commercial
- Technology & Intellectual Property
- Health Law
- Public Law.

Moray & Agnew is here to help

What we offer Councils is a convenient, on demand access to excellent legal advice, guidance and representation from a team of experienced lawyers who have worked with all of Victoria's Councils for over 25 years.

Moray & Agnew is one of Australia's largest law firms with over 600 staff. In Victoria, we offer Councils a specialist team of 20 partners and over 50 other lawyers practising across the spectrum of legal services relevant to your day-to-day operations and long term strategies.

Morays diverse experience base has been acquired through our work with Government at all levels including the MAV Insurance claims. Our expertise spans: infrastructure, building and construction law and litigation; commercial and corporate and technology & IP; health law; litigation & dispute resolution (including insurance liability, commercial disputes, Coronials and recoveries); property, planning & environment; workplace, industrial and OHS law; public, administrative and government law.

Please call on us

This Expertise Directory provides a brief introduction to Moray & Agnew. It highlights our expertise for each area of law, the types of matters in which we can assist Councils and sets out key lawyers' direct contact details.

We want to deliver real value to local government by working with you collaboratively and where we can, make a substantial difference. One of the best ways to do this is through our 'no charge' telephone advice for simple matters. We offer this ongoing, on demand support to every Council in Victoria.

We hope to visit your Council in person soon. In the meantime, should a legal query or dispute arise I encourage you to call on one of our lawyers listed in this directory for any matters, big or small.

You can be confident that we'll always be delighted to help.

We look forward to establishing a great working dynamic with you, and your Council.

Sincerely



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PS. If you'd like extra copies of this directory to share with your team please let me know so we can arrange to send further booklets.

Our Litigation & Dispute Resolution Team is one of the largest in Victoria and one of the very few with the unique knowledge and expertise to support Councils in all forms of litigated and unlitigated disputes.

For over 25 years we have worked with Councils in all forms of litigated and unlitigated matters ranging from routine disputes to high profile and complex test cases. No claim is too big or small as we act in all jurisdictions from VCAT to the High Court.

We have been instructed via the CMP and LMI schemes and on direct instructions from Councils. We also act for many high profile private and corporate clients.

We are recognised as trusted advisors to local government and are known by all our clients for providing succinct common-sense advice and being able to obtain excellent results on time and on budget.

How we can help your Council

Call on one of our Litigation & Dispute Resolution experts for advice on all forms of disputes involving:

- *Local Government Act, Road Management Act* and *Wrongs Act* claims
- Bike paths, car parks, drownings, footpaths, infants / children, roads, roadsides, road and non-road infrastructure, 'slip and trips', trees, tree roots, water and property damage
- Building and construction disputes
- Coronial inquests and police investigations (e.g. infants, maternal / child health care, fallen trees, drownings)
- Debt recoveries (e.g. all forms)
- Defamation
- Employment
- Fraud
- Historical sexual abuse / assaults (e.g. youth workers / minors)
- Major projects and contracts (e.g. developments, leasing, planning, subdivisions and related disputes)
- Medical Negligence
- Motor vehicle damage claims and fatalities
- Planning / subdivision / property issues
- Professional negligence (e.g. contamination, planning and *Water Act* claims)
- Property damage / recoveries (e.g. recovery of damage to Council buildings, bridges, roads and other assets)
- Under and over-excess public liability / insurance claims
- WorkCover (s.138 recovery) and TAC claims.



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Our Property, Planning & Environment Team is a recognised leader in Victoria for real estate transactions, developments and leasing. We advise on landmark projects in the CBD, inner city, suburban centres and regional areas.

We aim to become a seamless part of your management team; identifying challenges, setting strategies and providing cost effective outcomes for you.

A key hallmark is our delivery of outcomes as quickly and cost-effectively as possible; we work closely with our Major Projects & Construction, Projects and Corporate & Commercial teams to achieve this.

We can provide your Council with start to finish 'front end' and 'back end' advice needed across the entire life cycle of local government property, planning, development and construction activities. Our work on Victorian and Commonwealth government panels on property transactions also means that we know how to deliver services to you in a meaningful way.

How we can help your Council

We can support your Council in all areas relating to real estate, construction and development.

Call on one of our Property, Planning & Environment experts for:

- Legal due diligence investigations
- Land acquisitions and disposals
- General and bulk conveyancing including e-conveyancing and customised reporting
- Commercial, industrial, retail and residential leasing and licensing
- Landlord & tenant disputes
- Development, including development structuring
- Compulsory acquisitions
- Adverse possession
- Creation and drafting of easements and title restrictions
- Crown land transactions under the *Lands Act 1958* and *Crown Land (Reserves) Act 1978* and regulations
- Land and strata sale and purchases
- Land options
- General property litigation and dispute resolution
- Planning advice, preparation of s173 Agreements, VCAT applications and appearances
- Land subdivisions; urban and rural land redevelopment
- Property financing
- Property management and maintenance
- Owners Corporation matters
- Social and affordable housing
- Stamp duty and other property-based taxes.



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Our Major Projects & Construction team is one of the leading teams in Australia in this area of law.

The team has significant experience in building and construction law, infrastructure law, PPPs and associated transactions, waste management services, general property, transactional property, planning environmental and natural resources, statutory land acquisition processes and litigation relevant to local government backed by practical legal skills.

In addition to the front-end drafting, negotiating and reviewing of all agreements associated with major projects the team is also renowned for successfully resolving building and construction disputes. Our lawyers have acted in thousands of major project / construction disputes and arbitration processes, hundreds of which have been on behalf of Victorian Councils.

Our extensive experience with local government goes beyond advice and litigation extending to all forms of dispute resolution including: arbitration, mediation, specialist tribunals such as the building appeals board, expert determination and adjudication in relation to major projects.

How we can help your Council

Call on one of our Major Projects & Construction experts for advice and support in:

- Drafting, negotiating and reviewing all agreements associated with major projects, including: building contracts based on the Australian Standard suite of agreements; design and construct contracts, construct only contracts, consultancy agreements for engineers, architects and other major project consultants, project management agreements, landscaping agreements, civil works contracts, infrastructure agreements, agreements with utility and other service providers, development agreements, finance agreements, concession deeds and other ancillary documents
- Identification, management and allocation of risk
- Advice, drafting and running expressions of interest (EOI), tenders and early contractor involvement (ECI) arrangements
- Major transport, water, health and social infrastructure projects
- Policy advice and drafting, including legislation, quasi-legislation, regulations, secondary consents and other approvals
- High value building and civil engineering projects
- Property development including those with special complexities
- Negotiating and drafting agreements that include differing project deliveries including PPPs and managing contractor arrangements
- Developing and running efficient procurement and offer processes
- Full range of dispute resolution and litigation services for contractual matters, disputes, defaults, insolvencies and terminations
- Managing responses to planning and environmental approvals, land acquisition and property law issues
- Native Title and cultural heritage issues
- Special Charge Schemes (road or drainages schemes)
- Contract dispute advice, for construction contracts and management.



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Our Workplace & Industrial Team is skilled and experienced in providing workplace-related advice and representation to the public sector.

Our team members have a comprehensive understanding of the entire spectrum of workplace relations, including employment, industrial relations, discrimination and equal opportunity, occupational health and safety, workers compensation and privacy law. Our practical services are offered to assist you throughout the employment lifecycle – from recruitment, to on-boarding, workforce management, exiting and post-termination disputes.

We are also pleased to provide a range of value-added services, including regular legal updates, complimentary contract reviews and professional development opportunities.

How we can help your Council

Call on one of our Workplace & Industrial experts for advice and support in:

Workplace and Industrial matters including:

- Employment litigation including unfair dismissal, general protections, discrimination and underpayment claims
- Workplace related agreements for employment, contracting and other commercial labour arrangements
- Industrial relations advice and representation including collective bargaining
- Performance management and disciplinary procedures
- Discrimination / equal opportunity concerns
- Managing bullying, sexual harassment, and discrimination complaints
- Workplace policies and training
- Workplace investigations
- Privacy policies, managing complaints and critical incident response including notifications
- Advice and representation in relation to discrimination and equal opportunity.

Work Health and Safety matters including:

- Managing ill or injured workers
- Compliance: development, documentation and review of OHS strategies, policies, plans and procedures
- Advice and representation in enforcement and regulatory action including WHS investigations
- Defence of WHS prosecutions
- Workers Compensation, WorkCover and injury management
- Support for regulatory and legal OHS compliance
- Conduct of and advice on audits and risk assessments
- Review of OHS / WHS incidents, including assistance with incident response.



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Our Corporate & Commercial team is known for proactive delivery of commercially sound advice and solutions that align to our clients' operations and organisational goals. The team's ability to negotiate robust agreements is valued by clients who rely on our legal and commercial insights to achieve optimal outcomes.

We appreciate the key risks facing Councils in an increasingly fast-paced and complex operating environment. Our team develops streamlined contracting processes to support and protect your position and the value (monetary or otherwise) to be realised from your commercial contracts and dealings.

The team can expertly advise and support the commercial requirements of Councils, advise and negotiate terms and prepare commercial documentation, including sale, management, joint venture and other agreements relevant to the sector. We also have expertise in advising Councils on tendering, procurement and outsourcing issues.

How we can help your Council

Call on one of our Corporate & Commercial law experts for:

- Advice on strategies to minimise disputes and manage risks including regulatory compliance, risk management, asset protection and legal audit
- Contract procurement strategic advice, including contracts for works and services and documenting MOUs and other agreements
- MOUs for construction projects ranging from low to high value
- Commercial contracts, including preparing, negotiating, drafting and reviewing a range of commercial, joint venture, development, supply and procurement arrangements, project and transactional agreements
- Commercial contracts covering administration, supply, distribution, agency, licensing, marketing, hygiene, security, management, sponsorships, media, donations and gifts
- Legal due diligence on commercial transactions
- Preparing, negotiating and advising on funding, fundraising, financing and securitisation arrangements, including loan agreements, general security agreements and guarantees
- Structuring and reorganisation of various entities and bodies
- Registrations for public, private and not-for-profit organisations
- Preparing terms and conditions for events, promotions, participations and attendances, and associated disclaimers
- Preparing website terms and conditions and disclaimers and privacy policies
- Corporate governance including governance of meetings and decision making responsibilities
- Advising on obligations and liabilities under the Australian Consumer Law
- Assisting in the establishment of joint ventures, including legal services for both incorporated and unincorporated joint ventures.



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Moray & Agnew's Commercial Law team members have extensive experience in providing comprehensive intellectual property and information technology law services to a broad range of clients.

By identifying, protecting and exploiting intellectual property and/or technology rights at each stage of the innovation lifecycle, we can provide Councils strategic advice spanning all aspects of intellectual property and technology law.

We work alongside private and government clients to ensure that their extensive intellectual property and technological advancements are protected and commercialised. For government clients we work to ensure that our legal solutions and documentation are compliant and responsive to strategic goals and the expectations of regulators, stakeholders and the public.

We assist clients across a broad range of e-business applications including by assisting with the development of platforms, collaboration agreements to capture co-ownership of intellectual property and ongoing licencing arrangements, acquiring hardware and software solutions.

We build and manage our clients' intellectual property portfolios and advise on the commercialisation of intellectual property assets including commercial and corporate transactions in relation to the acquisition and development of intellectual property or information technology assets, products and services.

We will add value to Councils' operations through accessible, responsive and efficient service delivery so they can fulfil their key commercial, organisational and social objectives in the areas of Technology and Intellectual Property.

How we can help your Council

Call on one of our Technology & IP experts for advice and support in:

- Structuring and drafting agreements for information and communication technology services and systems
- Structuring and drafting agreements for telecommunications services
- Management and protection of intellectual property
- Information and communication technology (e.g. broadband systems)
- Information security, privacy and data security
- Protection of copyright, trademarks, domain names, business get-ups, logos, business goodwill and business names
- Legal treatment of confidential and commercially-sensitive business information including IP and moral rights in employment and other forms of contracts
- Commercialisation of intellectual property assets
- Drafting commercial documentation for the joint development and ownership and commercialisation of intellectual property, including research and development projects and collaboration agreements
- Drafting of commercial documentation for the licensing and assignment of trade marks, copyright and data, and other forms of intellectual property rights
- Due diligence enquiries for intellectual property rights, advice on the sale of intellectual property assets
- Management of IP portfolios (including renewals) and audits of portfolios
- Negotiation, drafting and advice on IP licence agreements
- Negotiation, drafting and advice on IT agreements and software development agreements
- Copyright litigation and disputes.



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Our Health Law team's experience has been gained through acting for medical practitioners, private hospitals, Council-run clinics, and allied health providers.

Our work has involved defending medical negligence claims, appearing at Coronial Inquests and at commissions of inquiry and advising generally as to all aspects of Health Law. Team members have successfully managed everything from medical and nursing malpractice through to large-scale, complex, media-sensitive disciplinary matters.

We are fully conversant with practice and procedure in the various administrative tribunals including VCAT and the Australian Health Practitioner Regulation Agency (AHPRA). The team members regularly appear at such tribunals and in the superior Courts.

How we can help your Council

The scope of legal services we deliver encompasses the full spectrum of public health law matters likely to confront local government, from routine matters through to complex, high value and ultra-sensitive matters.

Contact one of our Health Law experts for:

- General advice on legal implications of clinical service delivery, policy or procedure
- Representation in complaints and procedure with regulatory authorities including Coronial inquiries
- Assistance with prosecution matters involving health issues
- Licensing issues and insurance matters
- Public health matters including Council-run disability service providers
- Regulatory investigations and disciplinary proceedings
- Medicare investigations and reviews as well as Professional Services Review hearings
- Public liability, privacy, freedom of information and anti-discrimination claims.



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Our Public Law team works with all levels of government and statutory bodies on Public Law matters arising at both the 'front end' (legal advice, risk management advice, training on sound administrative decision-making processes and legal reviews of decisions) and 'back end' (defending the review of administrative decisions in courts and tribunals).

Our Public Law Team can expertly advise Councils in this area and will identify the implications of significant public law issues from the outset, while remaining conscious of all relevant risks and the need to avoid reputational damage.

Our comprehensive public law expertise has been developed over a period of more than 25 years in acting for and working closely with the State of Victoria and the Australian Government in everything from routine matters to some of the most complex, sensitive and precedent setting matters in recent times. We help manage the day to day practical challenges flowing from lawfully exercising decision making powers. We strongly defend decisions and the process of decision making all the way to the High Court. As trusted advisers to government we think creatively to assist with effective solutions to difficult problems.

How we can help your Council

Call on one of our Public Law team members for advice on:

- Administrative law obligations including making sound and proper decisions
- Human rights and privacy issues including legal representation at VCAT
- Discrimination / equal opportunity issues
- General statutory interpretation
- Judicial reviews
- Merits reviews and related appeals
- Privacy and data protection
- Subpoena compliance
- Freedom of Information:
 - processing requests, representation in defence proceedings and FOI legal interpretations
 - advice on application of exemptions
 - advice on preparations of decisions responses
 - handling Commissioner Complaints and VCAT appeals.
- Preparation and / or review of Council policy and /or procedures.

The team also has the requisite skills to assist Councils in consideration of evidence and then bringing enforcement, regulation or prosecution matters.



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Moray & Agnew is a national firm and is one of Australia's top 10 largest law firms with a focus on serving government at all levels.

We offer Councils access to 20 partners and over 50 other lawyers practising across the full spectrum of legal services relevant to local government. Many of our team members have worked alongside Councils throughout Victoria for over two decades.

Our diverse experience base includes: infrastructure, building, and construction law and litigation; commercial and corporate and technology & IP; health law; litigation & dispute resolution (including insurance liability, Coronials and recoveries); property, planning & environment; workplace, industrial and OHS law; public, administrative and government law.

Moray & Agnew Melbourne fields one of the Victoria's largest cohorts of litigators, many of whom possess a relevant blend of hybrid expertise that combines two or more categories of law.

With Moray & Agnew, your Council's matter can be efficiently managed start to finish without the need to engage and instruct further external legal resources.

Please feel free to contact one of our lawyers directly on the numbers in this directory; or if your enquiry is more general, please contact our Melbourne Managing Partner, Bill Papastergiadis on 03 8687 758.

Learn more at moray.com.au



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