

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
IN THE COURT OF APPEAL
CIVIL DIVISION

S APCI 2018 0001

BETWEEN:

UNITED FIREFIGHTERS' UNION OF AUSTRALIA

Appellant

- and -

VICTORIAN EQUAL OPPORTUNITY AND HUMAN
RIGHTS COMMISSION

First Respondent

SECRETARY TO THE DEPARTMENT OF JUSTICE
AND REGULATION

Second Respondent

ORDER OF THE COURT OF APPEAL

JUDGES:

The Honourable The President Justice Maxwell
The Honourable Justice Tate
The Honourable Justice Priest

DATE MADE:

4 October 2018

ORIGINATING PROCESS:

Application for leave to appeal.

HOW OBTAINED:

At the hearing of the application for leave to appeal.

ATTENDANCE:

Mr. M. R. Pearce of Senior Counsel with Mr. D. Langmead of
Counsel for the Appellant.

Ms. E. Bennett of Counsel for the First Respondent (Hearing).

Ms. C. Harris One of Her Majesty's Counsel with Ms. E. Bennett
of Counsel for the First Respondent (Judgment and Costs).

Ms. M. Richards of Senior Counsel with Mr J Kirkwood of
Counsel for the Second Respondent (Hearing).

Ms. R. Elyard of Counsel for the Second Respondent (Judgment
and Costs).

OTHER MATTERS:

Not applicable.

THE COURT OF APPEAL ORDERS THAT:

1. The application for leave to appeal is granted.
2. The appeal is allowed.
3. The order made by Ginnane J on 15 December 2017 is set aside and in its place it is ordered and declared as follows:

- (1) The review conducted by the first defendant into the Metropolitan Fire Brigade and the Country Fire Authority (the 'Review') is beyond the first defendant's powers;
 - (2) The first defendant, its officers, employees, servants and agents are restrained from continuing to conduct the Review or from taking any steps whatsoever in the conduct of the Review;
 - (3) The first defendant, its officers, employees, servants and agents are restrained from publishing any report of, arising from, or in connection with the Review;
 - (4) The second defendant pay the plaintiff its costs of and incidental to the proceeding, including any reserved costs.
4. The second respondent pay the appellant's costs of and incidental to the application for leave to appeal and the appeal, including reserved costs.
 5. There be liberty to the first respondent to apply.

DATE AUTHENTICATED: **5 October 2018**



Rjs: 5/10/18