



## PUBLIC SECTOR NEWSLETTER - NEW SOUTH WALES

Welcome to this fortnight's edition of our NSW Public Sector Newsletter. The key focus is again on the new My Health Record, and in particular steps the Federal Government is taking to improve privacy safeguards.

The purpose of this newsletter is to provide government lawyers with a digestible and relevant snapshot of current news, case law and legislation. We welcome feedback or suggestions for areas of interest at any time.

### MEDIA

**The Government says My Health Record data is safe, but how is a privacy breach defined anyway?**

The Federal Government moved to improve safeguards around the My Health Record system, telling Australians their private data would remain just that - private. But last year's *Information Commission* report reveals there have already been a number of data breaches of the My Health Record system, but the Government maintains no-one's privacy was put at risk. <http://www.abc.net.au/news/2018-08-03/my-health-confusion-how-is-a-privacy-breach-defined-anyway/10069832>

**Department of Health: Strengthening privacy protections for My Health Record**

The Government will strengthen privacy provisions under the My Health Record Act, to match the existing ADHA policy. This policy requires a court order to release any My Health Record information without consent. The amendment will ensure no record can be released to police or government agencies, for any purpose, without a court order. <http://www.health.gov.au/internet/ministers/publishing.nsf/Content/health-mediarel-yr2018-hunt100.htm>

### PUBLISHED - ARTICLES, PAPERS, REPORTS

[NSW Custody Statistics: Quarterly update June 2018](#)

BOSCAR: 30 July 2018

Overall the adult prison population continues to grow, increasing by 4.1 per cent in the last 12 months. As of June this year, the prison population stood at 13,630. The increase is attributable to a steady growth in both prisoners on remand (i.e. unconvicted prisoners awaiting trial or sentence) and sentenced prisoners.

### CASES

[CGU Workers Compensation \(NSW\) Ltd v Department of Planning and Environment \[2018\] NSWCATAD 169](#)

Administrative Law – Government Information – information provided in confidence – personal information – whether disclosure could reasonably be expected to prejudice the effective exercise by an agency of the agency's functions – whether disclosure of the information could reasonably be expected to prejudice any person's legitimate business, commercial, professional or financial interests – whether overriding public interest against disclosure

[Denyer v Commissioner of Police, NSW Police Force\[2018\] NSWCATAD 160](#)

ADMINISTRATIVE LAW – Government Information (Public Access) Act - personal information – weight of information already revealed – whether information known to applicant can still be revealed – access to information about an individual by the individual – whether in those circumstances such information could still prejudice an agency's functions – whether dormant information constitutes a record

[Zonneylle v Department of Justice \[2018\] NSWCATAD 158](#)

ADMINISTRATIVE LAW – access to government information – ability of agency to impose processing charge and advance deposit – time for deciding request for reduction in charge - advance deposit not paid within time – refusal to further deal with access application

**PRACTICE AND PROCEDURE**[Time to talk about a properly resourced “Family Court of Australia 2.0”](#)

The New South Wales Bar Association has released a discussion paper to encourage a national conversation about the benefits of preserving a specialist “Family Court of Australia 2.0” as an alternative to the restructure proposed by the Commonwealth attorney-general on 30 May 2018.

[NSW Justice: Task Force - Terms of Reference](#)

The Task Force is established with the objective of assessing the circumstances and CSNSW’s subsequent investigation and management of a number of inappropriate relationships between CSNSW staff and offenders. The Task Force will also look into any other allegations of such inappropriate relationships that surface during the term of the Task Force.

[NSW Justice: Review of the Crime Commission Act 2012](#)

The Crime Commission Act 2012 is being reviewed to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. Submissions close 20 August 2018.

[Strengthening child sexual abuse laws in NSW](#)

The NSW Government has prepared a discussion paper that identifies issues and poses questions about possible options for child sexual abuse law reform. The paper considers the recommendations made by the Royal Commission and the recommendations of the NSW Parliament’s Joint Select Committee on Sentencing of Child Sexual Assault Offenders.

[ICAC: Operation Skyline public inquiry to resume Monday 6 August 2018](#)

The Operation Skyline public inquiry into allegations concerning the Awabakal Local Aboriginal Land Council will resume from 6 August 2018 for approximately two weeks. Click above for more information and the witness list for week 1. Please note that witness lists are subject to change.

[ICAC: Operation Dasha public inquiry to continue from 6 August at LECC](#)

The Operation Dasha public inquiry into allegations concerning the former Canterbury City Council will continue on Monday 6 August 2018 at the Law

Enforcement Conduct Commission hearing room. Click above for more details and the witness list for next week. Please note that this list is subject to change.

[Prosecution briefs with the DPP and outcomes](#)

Tables summarising information about briefs that are with the DPP, and prosecution outcomes. Last updated 3 August 2018.

**LEGISLATION**

Regulations and other miscellaneous instruments

[Guardianship Amendment \(Corresponding Laws\)](#)

[Regulation 2018](#) (2018-395) - published LW 27 July 2018

## KEY CONTACTS

### PANEL RELATIONSHIP CONTACTS

Your contacts responsible for navigating our firm, connecting you with the appropriate expertise and achieving maximum efficiency.

Instructions may be emailed to [nswgovtlegal@tglaw.com.au](mailto:nswgovtlegal@tglaw.com.au) at anytime.



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## HELP DESK SERVICES

Thomson Geer is delighted to offer access to NSW Government to its Legal Help Desk on our usual terms of engagement and as set out below.

### Scope

We are pleased to be able to work collaboratively with NSW Government to offer the following services (at no charge):

- advice regarding discrete and non-complex legal queries – up to 30 minute teleconference with a Partner, Special Counsel or relevant Senior Associate or, short written advice (max. 1 page);
- the opportunity to 'brainstorm' or discuss topical and complex legal issues with industry specialists – up to 30 minute teleconference with a Partner, Special Counsel or relevant Senior Associate; and
- advice regarding potential transactions – up to 30 minute teleconference with a Partner, Special Counsel or relevant Senior Associate.

### (Help Desk Services)

Please note that the Help Desk Services are only available in respect of any matter which is currently unallocated i.e. to this firm or any other firm.

### Key Contact and Help Desk Process

You can access the Help Desk by:

- (a) Calling 02 8248 5810; or
- (b) Emailing [legalhelpdesk@tglaw.com.au](mailto:legalhelpdesk@tglaw.com.au)

Once relevant details are received from you (whether that be by email or over the phone) it will be directed to the appropriate Thomson Geer Partner, Special Counsel or Senior Associate. The Help Desk number and email address will be monitored during normal business hours (9.00 am to 5.00 pm (EST), Monday to Friday).

Thomson Geer will use its best endeavours to provide the Help Desk Services within one business day of the query being logged.

## SUB-PANEL APPOINTMENTS

Thomson Geer are appointed to the following NSW Government sub-panels:

- 1(c) Major commercial matters (incl. ICT)
- 2(a) Commercial and contractual matters
- 4(a) Employment and industrial relations law

- 4(f) Discrimination
- 6(b) General litigation and dispute resolution
- 6(c) Debt recovery