



PUBLIC SECTOR NEWSLETTER - SOUTH AUSTRALIA

Welcome to Issue 10 of the South Australian Public Sector Newsletter.

This issue contains links to the newly released SA ICAC report 'In Their Own Words' and related articles. The ICAC report summarises the findings of a large 2018 survey of state and local government employees.

We also note that some agencies may find Australia Post's newly launched Workplace Verification system for streamlined identity, police and visa checks for prospective and existing employees useful.

We hope you enjoy this edition of our public sector newsletter.

IN THE MEDIA

Australia Post delivers on ID checks

A new, streamlined system for verifying an employee's identity, police and visa checks has been launched by Australia Post. Workforce Verification aims to make the increasing need for background employment screens such as police checks, more efficient. (26 August 2019) <https://psnews.com.au/2019/08/26/australia-post-delivers-on-id-checks/>

SA: In their own words

'In Their Own Words' is the second report to be published from the Independent Commissioner Against Corruption's Public Integrity Survey 2018. The Commissioner emphasised to public authorities that when receiving reports of inappropriate conduct, their aim at the outset should not be to minimise the seriousness of the conduct, diminish responsibility for inappropriate conduct or camouflage poor systems or procedures. (20 August 2019) <https://icac.sa.gov.au/media-release/in-their-own-words>

Case against prison boss and plasterer includes 23,000 phone intercepts, court told

A senior Corrections executive and a plasterer appear in court following an ICAC investigation, with the pair

accused of corruption offences relating to a planned \$150 million upgrade of South Australia's biggest prison. (21 August 2019) <https://www.abc.net.au/news/2019-08-21/men-face-court-over-alleged-prison-upgrade-corruption/11434348>

Criticising your local council online? You could end up in court

A council in regional Western Australia is the latest to join the list of local governments around the country to allow ratepayer money to fund defamation action against members of the public. (28 August 2019) <https://www.abc.net.au/news/2019-08-28/ratepayers-to-fund-defamation-cases-for-local-council-staff/11454690>

Human element a key factor in data breaches

National figures on data breaches show about one in three data breaches last quarter were caused by compromised credentials, with log in and password information used to gain unauthorised access to personal information. (27 August 2019) <https://www.oaic.gov.au/updates/news-and-media/human-element-a-key-factor-in-data-breaches/>

Anti-terror plan to block online platforms

Online platforms carrying harmful content from terrorists are to be blocked in Australia under new arrangements being put in place by the eSafety Commissioner. (25 August 2019) <https://www.pm.gov.au/media/halting-spread-terrorism-and-extreme-violent-content-online>

Police query 'sensitivities' of removing anti-Adani traditional owners from land

After the Queensland Government extinguished native title over the Adani mine site this week, police are concerned a clash is likely between mine workers and traditional owners who have set up a protest camp. (31 August 2019) <https://www.abc.net.au/news/2019-08-31/adani-native-title-anger-prompts-police-inquiries-protest-clash/11466778>

Ex-gang member considering High Court appeal to stay in Australia

An Adelaide father and former Comancheros motorcycle gang member who moved to Australia as a toddler is considering a High Court appeal after losing a fourth bid to fight deportation. (30 August 2019) <https://www.abc.net.au/news/2019-08-30/paul-burgess-loses-fourth-bid-to-fight-deportation/11465774>

IN PRACTICE AND COURTS

[Practice Directions - High Court of Australia, No 1 of 2019](#)

Reminder: This Practice Direction takes effect in relation to matters set down for hearing after 1 October 2019. In consultation with the respondent and any interveners, the appellant must prepare a joint book of the authorities which reference will be made during the course of oral argument at the hearing of the appeal. (August 2019)

[Draft Religious Freedom Bills](#)

The Australian Government invites submissions on a package of legislative reforms on religious freedom. These are the: Religious Discrimination Bill 2019; Religious Discrimination (Consequential Amendments) Bill 2019 and Human Rights Legislation Amendment (Freedom of Religion) Bill 2019. The draft Bills are available on the Attorney-General's Department website. Submissions on the Bills close on 2 October 2019.

[AAT Bulletin](#)

The AAT Bulletin is a weekly publication containing a list of recent AAT decisions and information relating to appeals against AAT decisions, including immigration and citizenship. Issue No. 34/2019, 26 August 2019.

[SACAT: Equal Opportunity](#)

From 2 September 2019, the Tribunal will have jurisdiction under the Equal Opportunity Act (EO Act) 1984 to determine complaints referred by the Commissioner for Equal Opportunity, make orders exempting persons or organisations from a part of the EO Act, and to review a decision of the Commissioner for Equal Opportunity to refuse to extend the time to lodge a complaint.

PUBLISHED - ARTICLES, PAPERS, REPORTS

[Discussion paper: a model for positive human rights reform](#)

Australian Human Rights Commission: 29 August 2019
This paper outlines what our current system of human rights protections looks like, how it is and isn't effective in ensuring that government respects, protects and fulfils our human rights, why reforming the current system is critical, and options for reform.

[Australia's implementation of the OECD Anti-Bribery Convention](#)

Cat Barker, Foreign Affairs, Defence and Security: 28 August 2019

The recommendations in the two reports provide a useful starting point for consideration of measures to further improve Australia's compliance with the Convention and its broader response to foreign bribery.

[OAI Corporate Plan 2019–20](#)

23 August 2019 - Our Corporate Plan for 2019–20 sets out our vision for increasing public trust and confidence in the protection of personal information and access to government-held information.

CASES

[Uniting Church in Australia Property Trust \(NSW\) v Allianz Australia Insurance Limited \[2019\] FCA 1346](#)

PRACTICE AND PROCEDURE – where claims brought against the Uniting Church arising from alleged sexual abuse in connection with schools run by the Church – where interlocutory application made for non-publication and suppression orders – orders made to prevent prejudice to the proper administration of justice Federal Court of Australia Act 1976, ss 37AF, 37AG

[Roadshow Films Pty Limited v Telstra Corporation Limited \[2019\] FCA 1328](#)

INTELLECTUAL PROPERTY – Copyright – application for injunction under s 115A of the Copyright Act 1968 (Cth) – carriage service providers – whether online locations outside Australia infringed or facilitated the infringement of copyright works – whether online locations has the primary purpose or the primary effect of infringing or facilitating an infringement of copyright – injunction granted.

Copyright Act 1968 (Cth) ss 90, 115A, 126, 184; Copyright (International Protection) Regulations 1969 (Cth) reg 4; Telecommunications Act 1997 (Cth) s 131(3)

[Australian Broadcasting Corporation v Kane \[2019\] FCA 1312](#)

PRACTICE AND PROCEDURE – interlocutory application – application for notice to produce to be set aside – application for leave to file amended originating application – application for order under rules 20.13 and 20.15 of the Federal Court Rules 2011 (Cth) requiring the second and third respondents to give discovery of documents – applicant seeking information on oath when warrant under challenge was issued – notice to produce and application for discovery filed in context of exercise of intrusive law enforcement powers – sufficient definition of the issues required to enable the Court to see a real issue, proof of which would be assisted by the documents and information sought – information sought would not assist the applicant's case as pleaded – notice to produce set aside – order for discovery refused – application for leave to file first proposed amended originating application granted.

[Gold Coast Lifestyle Association and Department of Infrastructure and Regional Development and Cities \(Freedom of information\) \[2019\] AICmr 59](#)

Freedom of Information – Whether documents contain deliberative matter prepared for a deliberative purpose – Whether disclosure would have a substantial adverse effect on the proper and efficient conduct of the operations of an agency – Whether contrary to public interest to release conditionally exempt documents – (CTH) Freedom of Information Act 1982 ss 11A(5), 47C, 47E

The Department must now provide the applicant with copies of the documents edited only to the extent necessary to delete exempt or irrelevant material, within 28 days of this decision. Minister’s letter of approval of the Gold Coast Airport Master Plan.

[KING v OMBUDSMAN & ANOR \(No 2\) \[2019\] SASC 153](#)

ADMINISTRATIVE LAW - JUDICIAL REVIEW
PROCEDURE - CIVIL PROCEEDINGS IN STATE AND TERRITORY COURTS - COSTS - INDEMNITY COSTS
PROCEDURE - CIVIL PROCEEDINGS IN STATE AND TERRITORY COURTS - COSTS - PARTIES AND NON-PARTIES - COSTS IN PROCEEDINGS WHERE MULTIPLE PARTIES

Where plaintiff’s application for judicial review was dismissed – where first defendant seeks its costs of and incidental to the proceedings on a party and party basis – where second defendant seeks its costs of and incidental to the proceedings on an indemnity basis. Held: 1. The first and second defendants are entitled to recover their costs of, and incidental to, the proceedings on a party and party basis.

LEGISLATION

[Same-Sex Relationships \(Equal Treatment in Commonwealth Laws—General Law Reform\) \(Veterans’ Affairs\) Regulations 2019](#)

21/08/2019 - These regulations repeal and remake the Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) (Veterans’ Affairs) Regulations 2009 without amendments and to ensure dependants of deceased Australian Defence Force members continue receiving benefits under the Military Rehabilitation and Compensation Act 2004 and the Veterans’ Entitlements Act 1986.

South Australia

Regulations

[Victims of Crime \(Statutory Compensation\) \(Offender Service\) Variation Regulations 2019](#)

No 203 of 2019 published in Gazette 22.8.2019 p 3109

[Spent Convictions \(Central Assessment Unit\) Variation Regulations 2019](#)

No 205 of 2019 published in Gazette 29.8.2019 p 3156

Proclamations

22.8.2019 p 3106 [Administrative Arrangements \(Transfer of Industry Assistance Contracts\) Proclamation 2019](#)

22.8.2019 p 3106 [Victims of Crime \(Offender Service and Joinder\) Amendment Act \(Commencement\) Proclamation 2019](#)

29.8.2019 p 3138 [Oaths \(Appointments\) Proclamation 2019](#)

29.8.2019 p 3138 [Statutes Amendment \(SACAT\) Act \(Commencement\) Proclamation 2019](#)

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