

17 JULY 2020

ISSUE 91



PUBLIC SECTOR NEWSLETTER - NEW SOUTH WALES

Welcome to Issue 91 of the NSW Public Sector Newsletter.

COVID-19 has resulted in a number of regulatory changes in New South Wales (and Australia wide). The Law Council President, Pauline Wright, appeared recently before the Senate Select Committee on Financial Technology and Regulatory Technology to discuss those changes and which changes should be the subject of reform (such as consistency between the states and territories) and which should remain in place post COVID-19 (such as the provisions for the virtual running of company meetings).

In other news, we see a focus on cyber security with the NSW Government announcing the development of a comprehensive, sector-wide cyber security strategy and calling for industry submissions to help shape its final outcome. Further, the Australian Cyber Security Centre has re-launched its website with information to help protect against online threats.

This issue of the Newsletter also provides the usual round-up of practice notes, cases and legislation.

COVID-19 USEFUL LINKS

[Australian Government latest COVID-19 news, updates and advice](#)

[Businesses and employment updates](#)

[Latest NSW Health Updates](#)

[NSW Government COVID-19 website](#)

[Self isolation and mandatory quarantine](#)

[Supreme Court COVID-19 Protocol - Court Operations](#)

[Travel and transport advice](#)

IN THE MEDIA

Law Council expresses concern over the Australian Federal Police referral, calls for legal reform to protect journalism

The Law Council of Australia (LCA) has expressed concern that the Australian Federal Police has provided a brief to the Office of Public Prosecutions over the ABC's 'Afghan Files' report. The LCA has reiterated

the importance of press freedom and public interest reporting as a cornerstone of Australian democracy. (03 July 2020) <https://www.lawcouncil.asn.au/media/media-releases/law-council-expresses-concern-over-afp-referral-calls-for-legal-reform-to-protect-journalism>

Law Council calls for electronic document processes to remain

The Law Council of Australia has called on the government to improve the use of electronic processes in the execution of documents and says consideration should be given to consistency across the states and territories is needed to avoid confusion. (01 July 2020) <https://www.lawcouncil.asn.au/media/media-releases/law-council-calls-for-electronic-document-processes-to-remain>

Funding certainty for legal assistance services

The announcement that the National Legal Assistance Partnership (NLAP) – a five-year funding agreement for the legal assistance sector – is welcomed by the Law Council of Australia. (01 July 2020) <https://www.lawcouncil.asn.au/media/media-releases/funding-certainty-for-legal-assistance-services-from-today>

More protections needed for people of faith

A new position paper examines the prevalence and effects of serious harms experienced by religious communities inside Australia. The Freedom of religion in Australia: a focus on serious harms paper makes several recommendations for how governments in Australia can improve protections for the right to freedom of religion. (01 July 2020) <https://humanrights.gov.au/about/news/more-protections-needed-people-faith>

OAIC to enforce privacy safeguards in new Consumer Data Right

Businesses offering services under the Consumer Data Right (CDR) are required to meet strict privacy and security obligations so consumers can share their data with confidence. (01 July 2020) <https://www.oaic.gov.au/updates/news-and-media/oaic-to-enforce-privacy-safeguards-in-new-consumer-data-right/>

COVID-19 expanded juries for shorter trials in NSW

The Supreme and District Courts can now order up to three additional jurors in criminal trials estimated to run four weeks or longer, under an amended regulation to the Jury Act 1977 to allow trials to continue if a juror falls ill. (01 July 2020) <https://www.dcj.nsw.gov.au/news-and-media/media-releases/covid-19-expanded-juries-for-shorter-trials>

New Chair for Law and Justice Foundation

Attorney General Mark Speakman announced that Sharon Cook, a highly respected lawyer and champion for women in the legal profession, will chair the NSW Law and Justice Foundation, for a three year term. (30 June 2020) <https://www.dcj.nsw.gov.au/news-and-media/media-releases/new-chair-for-law-and-justice-foundation>

\$2 billion partnership to deliver legal assistance services for Australians

A new partnership between the Commonwealth and states and territories will provide a significant boost to legal services available to vulnerable Australians, including people affected by domestic violence. (30 June 2020) <https://www.attorneygeneral.gov.au/media/media-releases/2-billion-partnership-deliver-legal-assistance-services-australians-30-june-2020>

2020 Vision for cyber security

The NSW Government has announced the development of a comprehensive, sector-wide cyber security strategy and is calling for industry submissions to help shape its final outcome. (30 June 2020) <https://www.nsw.gov.au/media-releases/2020-vision-for-cyber-security>

Better access to essential cyber security information

The Australian Cyber Security Centre (ACSC) has relaunched its website providing faster and easier access to essential cyber security information to help protect against online threats. (26 June 2020) <https://www.minister.defence.gov.au/minister/lreynolds/media-releases/better-access-essential-cyber-security-information>

ACMA releases guidance to digital platforms on voluntary misinformation and news quality code

The Australian Communications and Media Authority (ACMA) has released a position paper outlining its expectations for a voluntary code or codes of practice on misinformation and news quality to be developed by digital platforms. (26 June 2020) <https://www.acma.gov.au/articles/2020-06/acma-releases-guidance-digital-platforms-voluntary-misinformation-and-news-quality-code>

Changes to speed up payments to victims of crime in NSW

Changes to the Victims Support Scheme aim to significantly reduce the time it takes to deliver recognition payments to victims of crime, the Department of Communities and Justice (DCJ) announced. (26 June 2020) <https://www.dcj.nsw.gov.au/news-and-media/media-releases/changes-to-speed-up-payments-to-victims-of-crime>

Complaints show more work needed in legal profession to address sexual harassment

The Australian Lawyers Alliance (ALA) welcomes the High Court of Australia's announcement that it will immediately strengthen its policies and training to prevent incidents of sexual harassment, following an investigation upholding complaints against former High Court Judge Dyson Heydon. (23 June 2020) <https://www.lawyersalliance.com.au/news/complaints-show-more-work-needed-in-legal-profession-to-address-sexual-harassment>

Telephone Complaints: Updated COVID-19 hours

The NSW Ombudsman is accepting telephone complaints, with some slight changes to the normal service. (23 June 2020) <https://www.ombo.nsw.gov.au/news-and-publications/news/telephone-complaints-updated-covid-19-hours>

New cyber task force to drive standards

An Australian first collaboration between the NSW Government, AustCyber and Standards Australia has seen the creation of a task force charged with accelerating the adoption of industry standards for cyber security across Australia. (23 June 2020) <https://www.nsw.gov.au/media-releases/new-cyber-task-force-to-drive-standards>

A fairer fines system – protecting NSW's most vulnerable people

From 1 July, the NSW Government will introduce an unprecedented initiative to reduce fine amounts for people facing financial hardship as well as allowing everyone to pay by instalments and providing more time for a fine to be reviewed. (21 June 2020) <https://www.dcj.nsw.gov.au/news-and-media/media-releases/a-fairer-fines-system-protecting-nsws-most-vulnerable-people>

Surveillance Capitalism Interview

In 2014 the ALRC published a report on "Serious Invasions of Privacy". The report included a recommended legislative design for a new tort (a right to seek orders in court) relating to breaches of privacy. In April 2020, ALRC Principal Legal Officer Micheil Paton spoke with broadcaster Toby Halligan about the privacy report as part of a program on "surveillance capitalism". (19 June 2020) <https://www.alrc.gov.au/news/surveillance-capitalism-interview/>

New laws strengthen safeguards against sexual exploitation

Laws to protect young people from being sexually exploited by adults who hold positions of authority over them were passed by NSW Parliament. (17 June 2020) <https://www.dcj.nsw.gov.au/news-and-media/media-releases/new-laws-strengthen-safeguards-against-sexual-exploitation>

LCA: Communications bill will gnaw at privacy

The Telecommunications Legislation Amendment (International Production Orders) Bill, introduced in March, essentially allows Australian law enforcement agencies to go straight to foreign communications providers, such as Facebook and Microsoft, and access your private data. The problem with the international production orders bill as it stands is that it offers very few of the safeguards that exist in comparable nations. (16 June 2020) <https://www.lawcouncil.asn.au/media/news/op-ed-comms-bill-will-gnaw-at-privacy>

IN PRACTICE AND COURTS

[OAIC: Part 9 of the FOI Guidelines \(Internal review\)](#)

The OAIC seeks comment from interested stakeholders on the content, guidance, readability and accessibility of the updated Part 9 of the FOI Guidelines. The closing date for comments is 23 July 2020.

[OAIC: COVID-19 Advice and Guidance](#)

The OAIC has developed advice and guidance on privacy and freedom of information in the context of the COVID-19 outbreak for individuals, Australian Government agencies and organisations covered by the Privacy Act 1988.

Law Council of Australia Submissions

26 June 2020— Law Council

[Inquiry into Financial Technology and Regulatory Technology](#)

16 June 2020— Law Council

[Litigation funding and the regulation of the class action industry](#)

[ACMA position paper: Misinformation and news quality on digital platforms in Australia](#)

A position paper to guide code development—includes a model code framework for consideration, including objectives and outcomes to be achieved for the benefit of Australian users of digital platforms. The ACMA anticipates to have in place a single, industry-wide code by December 2020.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability is [seeking submissions](#) in relation to its [terms of reference](#).

The Queensland Law Society is currently focussing on the [Rights and Attitudes, Education and Learning, Employment, First Nations People with Disability and Emergency Planning and Response](#) Issues Papers.

[Member feedback](#) is welcomed by 8 July.

[New Law Council of Australia Guidelines - Equitable Briefing Policy](#)

The Law Council's portal for the annual reporting by Equitable Briefing Policy adoptees (Policy adoptees) has opened on 1 July 2020. To assist in this process, the Law Council has updated its Equitable Briefing Policy Reporting Template and Guidelines in response to feedback from previous reporting periods. Policy adoptees have until 30 September 2020 to provide their annual report.

[Annual Federal Courts and Tribunals Fee Increases from 1 July 2020 - Amended Notice](#)

The Commonwealth Attorney-General's Department has advised that, due to a number of small errors identified in the Annual Federal Courts and Tribunals Fee Increases Gazette Notice published on 9 June 2020, an amended notice has been published in the Government Notices Gazette on 29 June 2020 setting out the new fees payable from 1 July 2020.

[AAT: Changes to AAT application fees on 1 July 2020](#)

Application fees in the Administrative Appeals Tribunal have increased on 1 July 2020.

[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. 18/2020, 29 June 2020.

[High Court of Australia](#)

High Court of Australia Bulletin [2020] HCAB 04 (17 June 2020)

Current APH Inquiries and Consultations

Legal and Constitutional Affairs Legislation Committee
[Migration Amendment \(Prohibiting Items in Immigration Detention Facilities\) Bill 2020 \[Provisions\]](#)

Federal Circuit and Family Court of Australia Bill 2019 [Provisions] and Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019 [Provisions] Report by 20 November 2020.

[Native Title Legislation Amendment Bill 2019 \[Provisions\]](#)

Legal and Constitutional Affairs References Committee
[Inquiry into domestic violence with particular regard to violence against women and their children](#)

[Nationhood, national identity and democracy](#)

On 23 March 2020 the committee's reporting date was extended to 9 September 2020.

[Intelligence and Security Legislation Amendment \(Implementing Independent Intelligence Review\) Bill 2020](#)

The Parliamentary Joint Committee on Intelligence and Security is calling for submissions on the Intelligence and Security Legislation Amendment (Implementing Independent Intelligence Review) Bill 2020. On 23 March 2020 the Senate extended the committee's reporting date to 14 October 2020.

NSW

[Unacceptable conduct by barristers or members of the judiciary](#)

In order to assist members and anyone working in our profession who may be the subject of unlawful discrimination, sexual harassment or workplace bullying, the Association has prepared a factsheet.

[Jury Amendment \(Additional Jurors\) Regulation 2020 \(NSW\)](#)

The Jury Amendment (Additional Jurors) Regulation 2020 has been published in the Government Gazette. As announced by the Attorney General, the amendment to the Jury Regulation is necessary to address potential increases in juror absences during the COVID-19 pandemic.

NSW Land and Environment Court

[COVID-19 Pandemic Arrangements Policy](#)

The COVID-19 Pandemic Arrangements Policy is replaced by a new Policy effective from 8 July 2020. The new Policy sets out arrangements for the staged return to face-to-face attendances in Court and on-site.

[Court Fee Increase](#)

Effective 1 July 2020 the Civil Procedure Amendment (Fees) Regulation 2020 and Criminal Procedure Amendment (Fees) Regulation 2020 has increased the Court's fees by 1.5%. The fee schedule is now available.

[COVID-19: Information for Attending Court](#)

The New South Wales Bar Association's consolidated guide to COVID-19-related court arrangements has again been updated in terms of recent developments.

[2020 Professional Standards Scheme](#)

The fourth New South Wales Bar Association Professional Standards Scheme commenced 1 July 2020 and will remain in effect until 30 June 2025.

[JUDCOM: Sentencing Trends & Issues No 47 – Navigating the Bail Act 2013](#)

Georgia Brignell, Principal Research Officer (Legal)
Amanda Jamieson, Senior Research Officer (Legal)
Editors: Pierrette Mizzi, Director, Research and Sentencing
Anne Murphy, Senior Editor (Legal)
Judicial officers make important decisions concerning bail

[NCAT: Changes to uncollected goods laws](#)

From 1 July 2020, you can apply to NCAT to resolve a complaint or dispute about uncollected goods. The changes also consolidate the existing uncollected goods provisions in various Acts, including tenancy, social housing, strata, residential communities, holiday parks, and retirement villages.

[NCAT fees and charges from 1 July 2020](#)

NCAT's fees and charges for the filing of applications, appeals and other services will change on 1 July 2020. A general 1.5% increase will be applied to all NCAT fees and charges. Certain application types continue to have no fee including community services matters and Guardianship Division applications.

[ICAC Corruption Matters e-newsletter - latest edition](#)

Explore the latest edition of the NSW ICAC's Corruption Matters e-newsletter.

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

Prosecution briefs that are currently with the Director of Public Prosecutions (DPP), and the outcomes of DPP advice and prosecutions in relation to ICAC investigations over the past five years. Last updated 10 July 2020.

[NSW IPC Bulletin](#)

It includes quarterly updates on the IPC's recent activities, resources and guidance, links to new case notes, information about upcoming events, and other relevant issues and developments in information access and privacy June 2020.

[New ICAC supplier due diligence guide to help public sector take good care when doing business](#)

The ICAC has released a new guide to help the NSW public sector conduct due diligence checks on potential suppliers.

[Decisions of interest](#)

The NSW Court of Appeal has published its latest Decisions of Interest Bulletin on the Judicial Commission's Court of Appeal [webpage](#). The Decisions of Interest bulletin is a regular publication produced by the Court of Appeal, summarising appellate decisions from Australia and internationally.

[Resumption of defended hearings in the Local Court of NSW – information for solicitors](#)

The Law Society is working with the NSW Local Court to assist the profession return to work in defended matters as soon as possible. It is in the interests of the Court and solicitors for this to occur. Solicitors should familiarise themselves with the Chief Magistrate's Memoranda 9, 10 and 11 in this regard.

[NSW Land Registry Services \(NSW LRS\) fees for 2020/2021](#)

The NSW LRS fees for products and services involving land titles, plans, property information and the Water Access Licence Register will change for the 2020/2021 financial year. See [NSW LRS Announcement](#). Note that the 2019/2020 fees will be applied to land title dealings and plans lodged before 1 July 2020 but not finalised until after 1 July 2020.

PUBLISHED - ARTICLES, PAPERS, REPORTS

[Justice Melissa Perry, 'Statements of Reasons: Issues of Legality and Best Practice'](#)

Speech concerning the provision of reasons, interpreters, and unrepresented litigants.

[The economic contribution of Australia's copyright industries – 2006-2018](#)

Australian Copyright Council: 29 June 2020

Using a globally accepted framework, in this study we present an estimation of the scale and importance of the copyright industries within the Australian economy and a point of comparison against other industries and countries.

[Quality Assurance Framework and Plan 2020–21](#)

ANAO: 03 July 2020

The Quality Assurance Plan component of this document identifies the key activities that the ANAO conducts to provide the Auditor-General with comfort that the controls established within the Quality Assurance Framework are implemented and operating effectively.

[ANAO Corporate Plan 2020–21](#)

ANAO: 01 July 2020

The corporate plan is the ANAO's primary planning document. Our strategic planning process allows us to continually improve practices and capabilities to demonstrate value in the delivery of services to the Parliament. The corporate plan is complemented by the annual audit work program, which reflects the ANAO's audit strategy for the coming year.

[Management of the Australian Government's Lobbying Code of Conduct – Follow-up Audit](#)

ANAO: 26 June 2020

The objective of this audit was to examine the effectiveness of the Attorney-General's Department's implementation of the recommendations from Auditor-General Report No.27 of 2017–18, Management of the Australian Government's Register of Lobbyists.

[Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999](#)

ANAO: 25 June 2020

The objective of this audit was to assess the effectiveness of the Department of Agriculture, Water and the Environment's administration of referrals, assessments and approvals of controlled actions under the Environment Protection and Biodiversity Conservation Act 1999.

[Implementation of ANAO and Parliamentary Committee Recommendations – Education and Health Portfolios](#)

ANAO: 25 June 2020

The audit objective was to examine whether selected entities in the Health and Education portfolios implemented the Joint Committee of Public Accounts and Audit and other parliamentary inquiry report recommendations and agreed ANAO performance audit recommendations. Implementation of ANAO and Parliamentary Committee Recommendations – Education and Health Portfolios.

[Management of Agreements for Disability Employment Services](#)

ANAO: 24 June 2020

The audit objective was to assess the effectiveness of the Department of Social Services' arrangements for managing Disability Employment Services provider agreements.

[Audit Insights: Fraud Control Arrangements](#)

ANAO: 24 June 2020

Audit Insights covered nine focus areas: Risk assessment; planning; prevention, awareness and training; third party arrangements; detection; investigation; quality assurance and review; reporting and culture.

ANAO Performance Audits

Due to table: June, 2020 Open for contribution
[Administration of financial disclosure requirements under the Commonwealth Electoral Act](#)

[Gender Equity Insights 2020: Delivering the business outcomes](#)

Rebecca Cassells, Alan Duncan; Bankwest Curtin Economics Centre: 19 June 2020

This 2020 report makes an important contribution to the evidence that increasing the share of women in leadership leads to subsequent improvements in company performance.

[Civil society after COVID-19: On re-building a virtuous civic culture](#)

Peter Kurti; Centre for Independent Studies: 17 June 2020

Australia faces an unprecedented economic and social challenge. In addition to economic recovery, the equally crucial work of civic repair is required as part of the social transition out of the COVID-19 pandemic.

CASES

[Mohamed trading as Billan Family Day Care v Secretary, Department of Education, Skills & Employment \[2020\] FCA 900](#)

ADMINISTRATIVE LAW – purpose and scope of s 15 of the Administrative Decisions (Judicial Review) Act 1977 (Cth) – principles governing the grant of a stay – whether an undertaking as to damages is required

[Dickson v Commissioner, Australian Federal Police \[2020\] NSWCA 125](#)

CIVIL PROCEDURE – summary dismissal – fraud or abuse of process in obtaining restraining order – property suspected of being proceeds of crime – subsequent forfeiture as result of convictions – Uniform Civil Procedure Rules, r 13.4(1) JUDGMENTS AND ORDERS – amending, varying and setting aside – fraud, misrepresentation or suppression of material facts – requirements for setting aside judgment on basis of actual fraud PROCEDURE – judicial review – plaintiff in custody serving sentence for Commonwealth offences – requirement for leave to commence proceedings – whether convicted of a “serious indictable offence” within Felons (Civil Proceedings) Act 1981 (NSW), s 4 – application to federal indictable offences – Judiciary Act 1903 (Cth), ss 79, 80; Interpretation Act 1987 (NSW), s 21

[Ghosh v Medical Council of New South Wales \[2020\] NSWCA 122](#)

ADMINISTRATIVE LAW – Particular administrative bodies – NSW Civil and Administrative Tribunal – Appeal under (NSW) Health Practitioner Regulation National Law s 159 against decision of Council for a health profession under s 150 and 150A – Hearing de novo – The essential task of the Tribunal in such an appeal ADMINISTRATIVE LAW – Hearing rule – Rules of evidence – Examination and cross-examination – Second aspect of the rule in *Browne v Dunn* (1894) 6 R 67 – Whether Tribunal erred in failing to have regard to the circumstance that evidence not accepted by Tribunal went unchallenged by cross-examination ADMINISTRATIVE LAW – Ground of review other than procedural fairness – Irrelevant and relevant considerations – Findings of fact – Where obvious and innocent explanation not considered in circumstances where findings were grave, devastating and infected the whole decision – Error established

ADMINISTRATIVE LAW — Ground of review other than procedural fairness — Decision not authorised — Statutory construction — Hearing and review of decision under (NSW) Health Practitioner Regulation National Law, ss 150, 150A — Whether Council precluded from varying its earlier s 150 decision under s 150A where there is no finding of a change in circumstances by s 150A(4) — Where s 150C(2) authorises the variation of a decision without such limitation

[Commissioner of Police, New South Wales Police Force v Kumar \(OBO National Union of Students\) \[2020\] NSWSC 804](#)

PUBLIC ASSEMBLY — Summary Offences Act 1988 (NSW) — whether an order pursuant to s 25(1) of the Summary Offences Act 1988 (NSW) should be made prohibiting the holding of a public assembly — order made

[Gillies v Legal Aid Commission of New South Wales \[2020\] NSWSC 836](#)

ADMINISTRATIVE LAW — Particular administrative bodies — Legal Aid — decision of Legal Aid Commission not to grant legal aid — whether Court has jurisdiction to review decision — whether error of law or jurisdictional error

[Chetcuti v The University of Sydney \[2020\] NSWCATAD 164](#)

ADMINISTRATIVE LAW — personal information of a person other than the applicant - whether there is public interest against the disclosure of the information sought and on balance, that public interest against disclosure overrides the public interest in favour of disclosure — client privilege — in-house lawyers — independence — reasonable searches

[EBJ v Secretary, Department of Communities and Justice \[2020\] NSWCATAD 166](#)

ADMINISTRATIVE REVIEW — Child Protection — Authorised carers — Where designated agency decided that no further children would be placed with the applicant authorised carers — Whether decision is an administratively reviewable decision

[ECN v Commissioner of Police \[2020\] NSWCATAD 153](#)

ADMINISTRATIVE LAW — public access to government information — Request for information by complainant about a complaint under Part 8A of Police Act 1990 alleging police misconduct — Whether prejudice to the supply of confidential information — Whether prejudice to the effective exercise of an agency's functions — Whether disclosure would reveal a deliberation, consultation, opinion or advice — Whether prejudice an investigation — Whether prejudice the prevention, detection or investigation of a contravention or possible contravention of law — Personal information — balancing public interest considerations

[EFR v Commissioner of Police \[2020\] NSWCATAD 159](#)

ADMINISTRATIVE LAW — privacy — exemption — NSW Police Force - administrative and educative functions

[Hussein v Sydney Trains \[2020\] NSWCATAD 155](#)

HUMAN RIGHTS — discrimination — whether power to dismiss complaint summarily under s 102 of the Anti-Discrimination Act 1977 should be exercised WORDS AND PHRASES — meaning of "misconceived" and "lacking in substance" EVIDENCE — drawing of inferences — permissible inference v conjecture and speculation

[Mewett v Michael Roberts Strata Management Services Pty Ltd \[2020\] NSWCATAD 160](#)

ANTI-DISCRIMINATION — Disability discrimination in the provision of services — Where applicant suffered from a disability which made it hard for him to communicate in writing - Whether service provider refused to communicate with the applicant by telephone — Whether service provider imposed a requirement that the applicant only communicate with it in writing — Whether special circumstances exist warranting an order for costs

[Munt v Workers Compensation Independent Review Officer \[2020\] NSWCATAD 156](#)

HUMAN RIGHTS — equal opportunity — whether leave required for complaint to proceed — principles applying to grant of leave EQUAL OPPORTUNITY — whether impugned falls within s 49M of the Anti-Discrimination Act 1977 COURTS AND TRIBUNALS — whether Workers Compensation Independent Review Officer is "a State" for the purposes of Ch III of the Constitution

[Page v Commissioner of Police \[2020\] NSWCATAD 163](#)

ADMINISTRATIVE LAW — access to government information — access application — public interests in favour of disclosure — public interests against disclosure — whether overriding public interest against disclosure

[Department of Communities and Justice v Zonneville \[2020\] NSWCATAP 126](#)

STATUTORY INTERPRETATION — access to government information — where applicant applied for government information but did not include such information as was reasonably necessary to enable the government information applied for to be identified — whether application wholly invalid - meaning of phrase "the government information applied for" in s 41(1)(e) of Government Information (Public Access) Act 2009

LEGISLATION

Commonwealth

Regulations

[National Disability Insurance Scheme \(Practice Standards—Worker Screening\) Amendment Rules 2020](#)

29/06/2020 - This instrument amends the National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018 to make changes to the transitional arrangements that apply to States and Territories to allow for a new commencement date of national worker screening and update the transitional requirements in some jurisdictions to reflect changes to policy and legislation in those jurisdictions.

[Consumer Data Right \(Energy Sector\) Designation 2020](#)

29/06/2020 - This instrument designates specified National Electricity Market datasets as subject to the consumer data right and applies the consumer data right to generic product information in relation to generic gas offerings (but not customer and usage data for gas offerings which relates to specific customers, except to the extent that this information may be incidental to electricity offerings).

[Australian Sports Anti-Doping Authority Amendment \(Sport Integrity Australia\) Regulations 2020](#)

29/06/2020 - These regulations amend the Australian Sports Anti-Doping Authority Regulations 2006 (renamed Sport Integrity Australia Regulations 2020 on 1 July 2020), Australian Crime Commission Regulations 2018, Customs (Prohibited Imports) Regulations 1956 and the Electoral and Referendum Regulation 2016 to support the implementation of the Sport Integrity Australia Act 2020 and the National Sports Tribunal Act 2019 (NST Act). In addition, the instrument will implement the lower-level athlete reforms as requested by the Government in its response to the Review of Australia's Sports Integrity Arrangements.

Acts

[Crimes Legislation Amendment \(Sexual Crimes Against Children and Community Protection Measures\) Act 2020](#)

25/06/2020 - Act No. 70 of 2020 compilation

[Australian Sports Anti-Doping Authority Amendment \(Enhancing Australia's Anti-Doping Capability\) Act 2020](#)

17/06/2020 - Act No. 51 of 2020 as made

Bills

[Commonwealth Electoral Amendment \(Banning Dirty Donations\) Bill 2020](#)

18/06/2020 - The Bill proposes amendments to the Commonwealth Electoral Act 1918 (the Act) that will prohibit political donations from certain industries, and impose a cap on all other donations. Specifically, amendments are proposed to ban donations from: property developers; the tobacco industry; the banking industry; liquor and gambling businesses; pharmaceuticals companies; the mining industry.

[Electoral Legislation Amendment \(Miscellaneous Measures\) Bill 2020](#)

16/06/2020 - The Bill clarifies the relationship between federal and state and territory electoral finance laws, makes technical amendments to public election funding rules and streamlines electoral processes for the efficient delivery of federal electoral events.

NSW

Regulations and other miscellaneous instruments

[Administrative Arrangements \(Administration of Acts—Amendment No 4\) Order 2020](#)

(2020-368) — published LW 1 July 2020

[Administrative Arrangements \(Administrative Changes—Miscellaneous\) Order 2020](#)

(2020-369) — published LW 1 July 2020

[Jury Amendment \(Additional Jurors\) Regulation 2020](#)

(2020-371) — published LW 3 July 2020

[Public Health Amendment \(COVID-19 Spitting and Coughing\) Regulation \(No 2\) 2020](#)

(2020-372) — published LW 3 July 2020

[Civil and Administrative Tribunal Amendment \(Fees\) Regulation 2020](#)

(2020-302) — published LW 26 June 2020

[Civil Procedure Amendment \(Fees\) Regulation 2020](#)

(2020-303) — published LW 26 June 2020

[Crimes \(Administration of Sentences\) Amendment \(Inmate Mail\) Regulation 2020](#)

(2020-307) — published LW 26 June 2020

[Crimes \(Administration of Sentences\) Amendment \(Uses of Biometric Data\) Regulation 2020](#)

(2020-308) — published LW 26 June 2020

[Criminal Procedure Amendment \(Fees\) Regulation 2020](#)

(2020-309) — published LW 26 June 2020

[Victims Rights and Support \(Victims Support Levy\) Notice 2020](#)

(2020-326) — published LW 26 June 2020

Bills assented to

Crimes Amendment (Special Care Offences) Act 2020 No 11

Assented to 23 June 2020

To strengthen NSW's 'special care' offences which hold to account adults in positions of authority who engage in sexual activity with 16 or 17 year olds under their care.

Law Enforcement Conduct Commission Amendment Act 2020 No 13

Assented to 23 June 2020

The object of this Bill is to amend the eligibility requirements for appointment of the Chief Commissioner and alternate Chief Commissioner of the Law Enforcement Conduct Commission.

For the full text of Bills, and details on the passage of Bills, see [Bills](#).

Reminder: Bills passed by both Houses of Parliament

[Evidence Amendment \(Tendency and Coincidence\) Bill 2020](#)

Enables more evidence about an accused person's sexual interest in children to be considered by the jury in child sexual assault proceedings. The reforms commenced on 1 July 2020.

Bills revised following amendment in Committee – 18 June 2020

[Constitution Amendment \(Water Accountability and Transparency\) Bill 2020](#)

Proclamations commencing Acts

[Fines Amendment Act 2019 No 13](#)

(2020-272) — published LW 19 June 2020

KEY CONTACTS

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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

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

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

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