

PUBLIC SECTOR NEWSLETTER - SOUTH AUSTRALIA

Welcome to Issue 36 of the SA Public Sector Newsletter.

South Australians will be given a further opportunity to provide feedback on the State's new Planning and Design Code when the State Planning Commission provides an additional six week period to comment on the revised draft Code. This additional period of public consultation will give community, industry and local government the chance to see how their feedback has been incorporated and consider any further submissions before the Code is submitted to the Minister for consideration.

In this issue, we also see new legislative developments in the State, with laws reducing discounts available to serious criminal offenders for early guilty pleas going before Parliament and the passage of the Teachers Registration Bill which reforms the Teachers Registration Board and associated matters.

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

COVID-19 - USEFUL LINKS

[Cleaning and disinfection in the workplace - non-health care settings](#)

[Home isolation and self-quarantine information](#)

[Latest SA Health Updates](#)

[South Australian COVID-19 response](#)

[South Australian Government COVID-19 website](#)

IN THE MEDIA

IP Australia's new approach to quality

IP Australia has implemented a quality framework that takes a principles-based approach to quality, recognising the skills, capability and judgement of its staff. A new Customer Service Charter outlines IP Australia's commitment to quality measured through customer feedback in its annual Customer Satisfaction Survey. (22 October 2020) <https://www.ipaustralia.gov.au/about-us/news-and-community/news/ip-australias-new-approach-quality>

Bribery Prevention Network launches in Australia to protect business community

The Australian Federal Police (AFP) and Attorney-General's Department have joined with some of the nation's biggest companies to help businesses prevent, detect and address bribery and corruption. (22 October 2020) <https://www.afp.gov.au/news-media/media-releases/bribery-prevention-network-launches-australia-protect-business-community>

New committee to guide cyber strategy

The Department of Home Affairs has set up an Industry Advisory Committee to help guide the implementation of Australia's Cyber Security Strategy 2020. The 2020 Cyber Security Strategy was firmly focused on protecting families and businesses, especially as they spent more time online both at home and in their workplaces. (20 October 2020) <https://minister.homeaffairs.gov.au/peterdutton/Pages/new-industry-advisory-committee-to-support-national-cyber-security-priorities.aspx>

Legislative reforms to provide greater privacy protections for participants in Disability Royal Commission

The Morrison Government is taking further measures to ensure that people with disability and their supporters will be able to recount their experiences and fully participate in the Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability. (20 October 2020) <https://www.attorneygeneral.gov.au/media/media-releases/legislative-reforms-provide-greater-privacy-protections-participants-disability-royal-commission-20-october-2020>

Defence policies updated after 2020

The Department of Defence's Science and Technology (DST) Division has updated the National Security Science and Technology Policy and Priorities to strengthen Australia's national security. (19 October 2020) <https://www.minister.defence.gov.au/minister/lreynolds/media-releases/updated-national-security-science-and-technology-priorities>

Harassment inquiry into SA legal profession “unnecessary”: Law Society

A parliament-instigated inquiry into the prevalence of sexual harassment in South Australia’s legal profession is “unnecessary” and would hinder work already underway to address the issue, the SA Law Society claims, despite agreeing to cooperate with the investigation. (19 October 2020) <https://indaily.com.au/news/2020/10/19/harassment-inquiry-into-sa-legal-profession-unnecessary-law-society/>

Passenger travel card to go digital

The Department of Home Affairs has announced plans to replace the Incoming Passenger Card completed by Australia-bound travellers, with a new digital system which will support the quick and secure collection of incoming passenger information. (17 October 2020) <https://minister.homeaffairs.gov.au/alantudge/Pages/preparing-australia-for-reopening-to-the-world.aspx>

SAPOL bust offenders using fingerprints

Crimes against people and property plummeted in South Australia during August, with 4,559 fewer offences committed in comparison to the same 12-month period over 2019/20. (16 October 2020) <https://www.premier.sa.gov.au/news/media-releases/news/sapol-bust-offenders-using-fingerprints>

Planning Code to be made available for further comment

South Australians will be given a further opportunity to provide feedback on the State’s new Planning and Design Code when the State Planning Commission provides an additional six week period to comment on the revised draft Code. (16 October 2020) <https://www.agd.sa.gov.au/newsroom/planning-code-be-made-available-further-comment>

Queen’s men appointed as Counsel

Four senior Australian Public Service lawyers have been appointed Commonwealth Queen’s Counsel. Appointment as Commonwealth Queen’s Counsel recognises advocates and practitioners with significant experience at high levels, and outstanding skills and expertise in a field of Commonwealth law. (15 October 2020) <http://www.calc.ngo/sites/default/files/documents/20201015%20Commonwealth%20QCs.pdf>

OAIC: Protecting and promoting privacy and information access rights in sharp focus in 2019–20

The COVID-19 pandemic has focused attention on privacy and created opportunities for greater transparency through the proactive release of government information, according to the OAIC’s 2019–20 annual report. (15 October 2020) <https://www.oaic.gov.au/updates/news-and-media/protecting-and-promoting-privacy-and-information-access-rights-in-sharp-focus-in-2019-20/>

Teacher Registration Bill passes parliament

The Teachers Registration and Standards (Miscellaneous) Amendment Bill 2020 has been passed by the Parliament, modifying the Board’s size and expanding its functions. (15 October 2020) <https://www.premier.sa.gov.au/news/media-releases/news/teacher-registration-bill-passes-parliament>

MPs and judges subject to the same sexual harassment laws as everyone else

The Marshall Government has passed amendments to the Equal Opportunity Act to ensure parliamentarians are covered by sexual harassment laws in their dealings with other parliamentarians. (14 October 2020) <https://www.agd.sa.gov.au/newsroom/mps-and-judges-subject-same-sexual-harassment-laws-everyone-else>

Modernising South Australia’s abortion laws

The Attorney-General has moved to modernise South Australia’s abortion laws, ensuring the procedure is treated as a health issue, not a criminal one. (14 October 2020) <https://www.agd.sa.gov.au/newsroom/modernising-south-australias-abortion-laws>

Sentence discount legislation to pass

Laws that will significantly reduce the discounts available to serious criminal offenders for early guilty pleas will go before the Upper House of State Parliament. (13 October 2020) <https://www.premier.sa.gov.au/news/media-releases/news/sentence-discount-legislation-to-pass-today>

IN PRACTICE AND COURTS

Un-redacted Royal Commission reports released

Two un-redacted reports and a third previously unreleased report from the Royal Commission into Institutional Responses to Child Sexual Abuse have been made public. (20 October 2020)

ACMA NBN consumer experience rules

ACMA has enhanced NBN consumer experience rules to protect Australians during the final phase of the NBN migration. The enhancements have been made to the following rules: Service Continuity Standard; Service Migration Determination; Consumer Information Standard; Complaints Handling Standard. The enhancements to the Service Continuity Standard and Service Migration Determination will start on 14 December 2020, while most enhancements to the Complaints Handling Standard and Consumer Information Standard will start on 1 April 2021. (20 October 2020)

AAT Annual Report 2019-20

The AAT Annual Report 2019–20 is now available. (20 October 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. Issue No. 20/2020. 19 October 2020.

[Consultation on Financial Products and the Personal Property Securities Act 2009](#)

The Attorney-General's Department has released its consultation paper on the *Personal Properties Securities Act 2009* and Financial Products. This consultation process will inform the Attorney-General's policy considerations and help ensure the law regarding financial property and intermediated securities is clear and fit for purpose in the PPS Act. Consultation closed on 30 October 2020.

[Office of the National Data Commissioner: Exposure draft open for comment](#)

The Office of the National Data Commissioner are [seeking submissions](#) on the exposure draft of the [Data Availability and Transparency Bill](#) and explanatory materials, and an [Accreditation Framework](#) discussion paper. Submissions are open between 14 September and 6 November 2020.

[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.

South Australia

The Judicial Conduct Commissioner (the Commissioner) 14/10/2020 [2019-2020 Financial Statements tabled](#)

Courts Administration Authority (CAA)

14/10/2020 [November 2019 'Yorketown Bushfire' - Notice of a Class Action](#)

[CAA Disability Access and Inclusion Plan \(DAIP\)](#)

The Courts Administration Authority (CAA) has drafted a Disability Access and Inclusion Plan (DAIP) 2020-2023 that supports the State Disability Inclusion Plan. The draft plan sets out the actions the CAA will take over the next three years to improve the accessibility and inclusiveness of our services. Consultation closed on 25 October 2020.

PUBLISHED - ARTICLES, PAPERS, REPORTS

Australian Bureau of Statistics

23/10/2020 [Assessing admin data quality to enhance the Census](#), 2020 (cat no. 2300.0)

19/10/2020 [Australian Statistics Advisory Council - Annual Report](#), 2019-20 (cat no. 1002.0)

12/10/2020 [Public Consultation Census Supporter Resources](#), Oct 2020 (cat no. 1650.0)

The [report](#), focussed on funding for the ICAC, the NSW electoral Commission, the NSW Ombudsman and the Law Enforcement Conduct Commission, as well as the role played by NSW Treasury and the Department of Premier and Cabinet in making funding decisions.

[Policy making in a digital world](#)

Lewis Lloyd; Institute for Government: 23 October 2020

Drawing on interviews with policy experts and digital specialists inside and outside government, the report argues that better use of data and new technologies, such as artificial intelligence, would improve policy makers' understanding of problems like COVID-19 and climate change, and aid collaboration with colleagues.

[Energy Security Board data strategy: Consultation paper](#)

Energy Security Board (ESB); COAG Energy Council: 20 October 2020

The Energy Security Board is attempting to drive reforms to increase transparency across the energy sector and even the playing field between energy companies and consumers. This consultation paper outlines ways to close energy sector data gaps through improved access, protection, sharing, integration.

[Tech-xit: Can Australia survive without Google and Facebook?](#)

Jordan Guiao; Centre for Responsible Technology: 19 October 2020

In the wake of threats by Google and Facebook to scale back or close services in Australia should the federal government proceed with plans to charge them for news content, this report identifies serious risks to Australian businesses, government services and consumers if services are...

[2019-20 Annual report from the Office of the Australian Information Commissioner](#)

OAIC: 15 October 2020

The OAIC has continued to deliver on its purpose to uphold and promote privacy and information access rights throughout the pandemic. The OAIC's annual report also highlights its success in addressing a backlog of privacy cases created by sustained increases in complaints over recent years.

[Commonwealth Ombudsman's activities in monitoring controlled operations: 2018-19](#)

Ombudsman: 13 October 2020

This report presents the results of the Office of the Commonwealth Ombudsman's (the Office) inspections of the Australian Commission for Law Enforcement Integrity (ACLEI), the Australian Criminal Intelligence Commission (ACIC) and the Australian Federal Police (AFP) under Part IAB of the Crimes Act 1914 (Part IAB), between 1 July 2018 and 30 June 2019.

CASES

['VX' and Australian Taxation Office \(Freedom of information\) \[2020\] AICmr 53](#)

Freedom of Information — Whether disclosure would have a substantial adverse effect on the proper and efficient conduct of the operations of an agency — (CTH) Freedom of Information Act 1982 s 47E(d)

[COLLINS v THE QUEEN \[2020\] SASCFC 96](#)

CRIMINAL LAW - APPEAL AND NEW TRIAL - PARTICULAR GROUNDS OF APPEAL - MISDIRECTION AND NON-DIRECTION

CRIMINAL LAW - EVIDENCE - PROPENSITY, TENDENCY AND CO-INCIDENCE - DIRECTIONS TO JURY

CRIMINAL LAW - PARTICULAR OFFENCES - PROPERTY OFFENCES - OTHER FRAUDS AND IMPOSITIONS - OBTAINING PROPERTY BY DECEPTION

CRIMINAL LAW - APPEAL AND NEW TRIAL - MISCARRIAGE OF JUSTICE - DISMISSAL OF APPEAL WHERE NO SUBSTANTIAL MISCARRIAGE OF JUSTICE - APPLICATION OF PROVISIO TO PARTICULAR CASES

LEGISLATION**Commonwealth****Bills****[Aged Care Legislation Amendment \(Financial Transparency\) Bill 2020 \[No. 2\]](#)**

Second reading moved 19 October 2020

Amends the: Aged Care Act 1997 to require residential aged care providers to disclose their income, costs of food and medication, staff and staff training, accommodation, administration and monies paid to parent bodies in annual financial transparency reports to the Aged Care Quality and Safety Commissioner; and Corporations Act 2001 to ensure residential aged care providers include detailed financial information in annual financial statements.

[Services Australia Governance Amendment Bill 2020](#)

HR Third reading agreed to 20 October 2020

Amends: 17 Acts to make consequential amendments as a result of the establishment of Services Australia as an executive agency under the Public Service Act 1999 on 1 February 2020; and the Child Support (Registration and Collection) Act 1988, Human Services (Centrelink) Act 1997 and Human Services (Medicare) Act 1973 to make governance changes in relation to Services Australia.

[Family Law Amendment \(Risk Screening Protections\) Bill 2020](#)

House of Representatives Introduced and read a first time 19 October 2020

Amends the Family Law Act 1975 to provide that: family risk screening information is confidential and cannot be disclosed except in limited circumstances; family safety risk information is inadmissible in court, except in limited circumstances; and court workers (such as registrars and family counsellors) have immunity when involved in family risk screening procedures.

South Australia**Proclamations**

15.10.2020 p 4848 [Railways \(Operations and Access\) \(Application of Access Regime\) \(Tram Track\) Variation Proclamation 2020](#)

Acts

2020-31 [State Procurement Repeal Act 2020](#)

2020-32 [Legal Practitioners \(Senior and Queen's Counsel\) Amendment Act 2020](#)

2020-33 [Sentencing \(Serious Repeat Offenders\) Amendment Act 2020](#)

2020-34 [Statutes Amendment \(Attorney-General's Portfolio\) Act 2020](#)

2020-35 [Statutes Amendment \(Sentencing\) Act 2020](#)

2020-36 [Equal Opportunity \(Parliament and Courts\) Amendment Act 2020](#)

2020-37 [Statutes Amendment \(National Energy Laws\) \(Penalties and Enforcement\) Act 2020](#)

2020-38 [Teachers Registration and Standards \(Miscellaneous\) Amendment Act 2020](#)

Regulations

2020-283 [Development \(Designated Day\) \(COVID-19\) Variation Regulations 2020](#)

2020-284 [Return to Work \(Exclusions\) Variation Regulations 2020](#)

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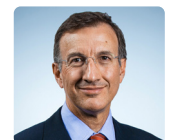
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