



PUBLIC SECTOR NEWSLETTER - SOUTH AUSTRALIA

Welcome to Issue 41 of the SA Public Sector Newsletter.

Privacy and data protection has featured heavily, with the CSIRO developing a new data privacy tool to better protect key datasets, such as those tracking COVID-19. The tool works to identify the risks that sensitive, de-identified and personal information within a dataset could be re-identified. In this issue we also find links to the OAIC's submission to the Government's review of the Privacy Act and the Privacy Commissioner's determination in the first representative action where compensation for non-economic loss has been found payable.

At the State level, an audit of QR code compliance has found more than 100 South Australian businesses are breaching COVID-safe rules.

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

QR code audit finds more than 100 businesses breaching COVID-safe rules

An audit of QR code compliance by South Australian Police has found more than 100 businesses around the state are not following COVID-safe rules. (30 January 2021) <https://www.abc.net.au/news/2021-01-29/qr-compliance-check-finds-more-than-100-businesses-in-breach/13104272>

JobKeeper payments for prisoners, the dead and other fraud cases probed by ATO

Employers claiming JobKeeper on behalf of fictitious employees are being pursued by an ATO investigation. FOI documents show the ATO was investigating 5,974 cases of "inflated employees" as at September. (29 January 2021) <https://www.abc.net.au/news/2021-01-29/ato-probes-jobkeeper-cash-for-prisoners,-dead-and-other-fraud/13096864>

Recommendations following investigation into FOI processing by Home Affairs

The OAIC has made recommendations to ensure the Department of Home Affairs is able to meet the statutory processing periods specified under the FOI Act. (29 January 2021) <https://www.oaic.gov.au/updates/news-and-media/recommendations-following-investigation-into-foi-processing-by-home-affairs/>

Paedophile agrees to assets being frozen ahead of compensation ruling

An Adelaide court hears paedophile Geoffrey Moyle will consent to having his assets frozen as a court considers whether they can be used to compensate his overseas victims. (29 January 2021) <https://www.abc.net.au/news/2021-01-28/paedophile-geoffrey-moyle-consents-to-assets-being-frozen/13099238>

Human factor dominates latest data breach statistics

Data breaches attributed to human error continue to increase according to OAIC's latest Notifiable Data Breaches Report. Australian Information Commissioner and Privacy Commissioner Angelene Falk said 38% of all data breaches notified during the period were attributed to human error. (28 January 2021) <https://www.oaic.gov.au/updates/news-and-media/human-factor-dominates-latest-data-breach-statistics/>

Department to pay for privacy breach

The Department of Home Affairs has been ordered to pay compensation for breaching the privacy of 9,251 detainees in immigration detention. The representative complaint followed the publication of a detention report on the Department's website in error. (28 January 2021) <https://www.oaic.gov.au/updates/news-and-media/information-commissioner-orders-compensation-payable-by-home-affairs-for-breaching-detainees-privacy/>

New CSIRO tool to boost data security

The Commonwealth Scientific and Industrial Research Organisation (CSIRO) has developed a new data privacy tool to help ensure key datasets — such as those tracking COVID-19 — can be publicly shared with an extra layer of security for sensitive personal information. (28 January 2021) <https://www.csiro.au/en/News/News-releases/2021/New-data-privacy-tool-ensures-anonymous-COVID-19-data-remains-secure-and-private>

NSW offers grants for tech solutions to reduce barriers to justice system

The NSW Government is offering \$250,000 in grants for ideas that use technology to reduce barriers to the state's justice system for those who need it the most. (28 January 2021) <https://www.itwire.com/strategy/nsw-offers-grants-for-tech-solutions-to-reduce-barriers-to-justice-system.html>

South Australia's newest Supreme Court Judge

Esteemed District Court Judge Sophie David has been appointed to the Supreme Court. Judge David begins her new role in the General Division of the Supreme Court on January 28. (28 January 2021) <https://www.agd.sa.gov.au/newsroom/south-australias-newest-supreme-court-judge>

eSafety call to tighten online identities

The eSafety Commission has highlighted the need for more rigorous, consistent and transparent verification of online social media accounts in its latest position paper on anonymity and identity shielding online. (22 January 2021) <https://www.esafety.gov.au/about-us/newsroom/anonymity-online-great-balancing-act-digital-age>

Privacy Commissioner calls for law changes

The Australian Information Commissioner is calling for changes to be made to Australia's privacy laws to ensure privacy protections are consistent with the nation's values. Ms Falk said the submission also recommended reforms to ensure it could take proportionate regulatory action through broadening the jurisdiction of the courts to hear privacy matters. (18 January 2021) <https://www.oaic.gov.au/updates/news-and-media/privacy-act-reform-crucial-to-building-public-trust/>

PS Integrity Commission expands its powers

The Australian Commission for Law Enforcement Integrity (ACLEI) has had its powers expanded to include four Australian Government law enforcement Agencies for the first time, to make it more difficult for corruption to occur or remain undetected in the Australian Government law enforcement Agencies which it oversaw. (18 January 2021) https://www.aclei.gov.au/sites/default/files/aclei_media_release_-_expanded_jurisdiction_-_5_january_2021.pdf

Enduring Powers of Attorney reform – a state and federal matter

A report containing a suite of recommendations which aim to prevent the abuse of Powers of Attorney in South Australia, is being considered by Attorney-General Vickie Chapman. SALRI's report comes as a national working group looks to establish a national register for Enduring Powers of Attorney. (18 January 2021) <https://www.premier.sa.gov.au/news/media-releases/news/enduring-powers-of-attorney-reform-a-state-and-federal-matter>

IN PRACTICE AND COURT

CDPP Publications

[Partner Agency Engagement Strategy](#)

18 January 2021

[NLD - Prosecution Services - Partner Agencies](#)

18 January 2021

[OAIC: Commissioner-initiated investigation into the Department of Home Affairs](#)

Report finalised: 11 December 2020;

Department's response: 6 January 2021;

Report published: 29 January 2021

[Family Court of Australia and Federal Circuit Court of Australia—expansion of the COVID-19 List](#)

The Joint Practice Direction 1 of 2021—the COVID-19 List was issued by the Chief Justice Monday 18 January. The expansion of the COVID-19 List is a result of its success throughout 2020 in handling the increase in urgent applications filed as a result of the pandemic.

[Joint Practice Direction 1 of 2021 - The COVID-19 list](#)

Family Court of Australia and Federal Circuit Court of Australia, 1 of 2021

Current Consultations

Legal and Constitutional Affairs Legislation Committee
[Regulatory Powers \(Standardisation Reform\) Bill 2020 \[Provisions\]](#)

[Judges' Pensions Amendment \(Pension Not Payable for Misconduct\) Bill 2020](#)

Legal and Constitutional Affairs References Committee
[Nationhood, national identity and democracy](#)

Select Committee on Foreign Interference through Social Media

[Foreign Interference through Social Media](#)

Standing Committee for the Scrutiny of Delegated Legislation

[Exemption of delegated legislation from parliamentary oversight](#)

Finance and Public Administration References Committee

[The current capability of the Australian Public Service \(APS\)](#)

[CDPP Alert: Hoax CDPP Emails](#)

The Office of the Commonwealth Director of Public Prosecutions is warning members of the community to beware of scammers claiming to be from the CDPP. (15 January 2021)

[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. 1/2021, 1 January 2021.

[Digital Transformation Agency \(DTA\) Consultation: The Digital Identity Legislation Consultation Paper](#)

The paper outlines key issues surrounding the development of the legislation and poses specific questions about its design, scope and content.

Commonwealth Integrity Commission: Consultation draft

The Australian Government has released an exposure draft of legislation to establish the new Commonwealth Integrity Commission (CIC) and make other consequences legislative amendments. A [fact sheet](#) about the key features of the CIC has also been released. The [consultation page](#) includes links to the draft legislation and further information about other issues under consideration. Closing date 12 February 2021.

[ACMA reminder, 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.

South Australia

Court Announcements

Court of Appeal

From 18th January all practitioners must use CourtSA to lodge Court of Appeal proceedings (where the functionality to do so exists). Self Represented Litigants can choose to continue to lodge over the counter or use CourtSA.

Law Society SA Submissions

[Inculcating the 'Pro Bono Ethos' in Law Students](#) (29 January 2021)

[Oaths \(Miscellaneous\) Amendment Bill 2021](#) (22 January 2021)

[Statutes Amendment \(Child Sexual Abuse\) Bill 2020](#) (22 January 2021)

University of Adelaide

SALRI's [report](#), handed to the Attorney General on Tuesday 19 January 2021, makes a suite of recommendations which aim to both promote the use of Powers of Attorney, more formally known as Enduring Powers of Attorney (EPAs), and to prevent their abuse.

PUBLISHED - ARTICLES, PAPERS, REPORTS

[Productivity Commission: Report on Government Services 2021](#)

The annual Report on Government Services (RoGS) provides information on the equity, effectiveness and efficiency of government services in Australia.

20 January 2021 - Part F Community services (includes aged care, disability, child protection and youth justice)

22 January 2021 - Part C Justice (includes police, courts and corrective services)

[Anonymity and identity shielding position paper](#)

eSafety Commission: January 2021

eSafety Commission has highlighted the need for more rigorous, consistent and transparent verification of online social media accounts in its latest position paper on anonymity and identity shielding online.

[Notifiable Data Breaches Report](#)

Office of the Australian Information Commissioner (OAIC): 28 January 2021

The OAIC received 539 data breach notifications from July to December 2020, an increase of 5% on the previous six months (512). 38% of all data breaches notified during the period were attributed to human error.

[2021 State of reconciliation in Australia report](#)

Reconciliation Australia: 18 January 2021

This report assesses the current status of reconciliation and outlines some practical actions that need to be taken in order to continue to progress the reconciliation process.

CASES

[‘WP’ and Secretary to the Department of Home Affairs \(Privacy\) \[2021\] AICmr 2](#)

Privacy — Privacy Act 1988 (Cth) — Information Privacy Principles — IPP 4 — Data security failure — IPP 11 — Unauthorised disclosure of personal information — Breaches substantiated — Compensation awarded — s 52(4)(a) — Manner in which the amount of compensation payable to class members is to be calculated — s 52(5)(b) — Process for determining any dispute regarding the entitlement of a class member to the payment.

[Department of Home Affairs privacy determination](#)

This matter is the first representative action where we have found compensation for non-economic loss payable to individuals affected by a data breach. It recognises that a loss of privacy or disclosure of personal information may impact individuals and depending on the circumstances, cause loss or damage.

LEGISLATION

Commonwealth

[Copyright Act 1968](#)

28/01/2021 - Act No. 63 of 1968 as amended

[Administrative Decisions \(Judicial Review\) Act 1977](#)

27/01/2021 - Act No. 59 of 1977 as amended

[Inspector-General of Intelligence and Security Act 1986](#)

22/01/2021 - Act No. 101 of 1986 as amended

[Foreign Evidence Act 1994](#)

20/01/2021 - Act No. 59 of 1994 as amended

[Privacy Act 1988](#)

20/01/2021 - Act No. 119 of 1988 as amended

Bills

[Regulatory Powers \(Standardisation Reform\) Bill 2020 \[Provisions\]](#)

On 10 December 2020 the Senate referred the provisions of the Regulatory Powers (Standardisation Reform) Bill 2020 to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 February 2021. The deadline for submissions to the inquiry is 13 January 2021.

South Australia

Regulations

2021-3 [Controlled Substances \(Poisons\) \(Serious Shortage Medicine Substitution\) Variation Regulations 2021](#)

2021-4 [National Electricity \(South Australia\) \(Penalties\) Variation Regulations 2021](#)

2021-5 [National Energy Retail \(South Australia\) \(Penalties\) Variation Regulations 2021](#)

2021-6 [National Gas \(South Australia\) \(Penalties\) Variation Regulations 2021](#)

2021-7 [Dangerous Substances \(Dangerous Goods Transport\) \(Miscellaneous\) Variation Regulations 2021](#)

2021-8 [Return to Work \(Royal District Nursing Service\) Variation Regulations 2021](#)

Proclamations and Notices

27.1.2021 p 163 [Statutes Amendment \(Abolition of Defence of Provocation and Related Matters\) Act \(Commencement\) Proclamation 2021](#)

27.1.2021 p 163 [Statutes Amendment \(National Energy Laws\) \(Penalties and Enforcement\) Act \(Commencement\) Proclamation 2021](#)

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