

13 DECEMBER 2021

ISSUE 63



PUBLIC SECTOR NEWSLETTER - SOUTH AUSTRALIA

Welcome to the latest issue of our SA Public Sector Newsletter, our last for 2021.

In this issue we find a focus on children and young people. The children of domestic violence survivors are to receive dedicated, specialist support of their own under a new program from the Department of Human Services (DHS) designed to address the unique needs of young children and adolescents.

The "Safe and Well Kids Program" features a team of experts, including child-focused case managers, Aboriginal family workers and social workers, which provided "wrap around" support to children and adolescents who experience domestic and family violence.

In other news, all 16 of Australia's Children's Commissioners, Guardians and Advocates have come together to call on the Attorneys-General in the country to raise the age of young persons' criminal responsibility, to 14 years.

We would like to take this opportunity to wish all our readers a happy and safe holiday period and a healthy 2022. We will resume again in early February, with an edition summarising any significant news arising over the holiday period.

COVID-19 - USEFUL LINKS

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

[Latest SA Health Updates](#)

[South Australian COVID-19 response](#)

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

IN THE MEDIA

Mental health still a taboo topic in the workplace

More than half of South Australian employees say they would hide a mental or physical health condition to avoid being judged or discriminated against in the workplace, according to a new survey. (03 December 2021) <https://indaily.com.au/news/2021/12/03/mental-health-still-a-taboo-topic-in-the-workplace/>

Lights, camera.... Responsible road action!

Selfish drivers are on notice ahead of the reactivation of a fixed speed camera to protect motorists and hold irresponsible drivers to account for their life-risking behaviour. (03 December 2021) <https://www.premier.sa.gov.au/news/media-releases/news/lights,-camera.-responsible-road-action!>

Report finds Parliament should lift standards

The AHRC Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces has found they do not meet acceptable standards. The Commissioner said the Report set out five key shifts that should be introduced to ensure safe and respectful work environments. (02 December 2021) <https://humanrights.gov.au/about/news/sex-discrimination-commissioner-kate-jenkins-launches-set-standard>

View the Commissioner's Report [here](#).

Ombudsman finds law records scratched

Acting Commonwealth Ombudsman, Penny McKay has inspected several law Agencies' compliance with record-keeping requirements, finding instances where the Australian Commission for Law Enforcement Integrity (ACLEI) failed to keep accurate records. (02 December 2021) https://www.ombudsman.gov.au/__data/assets/pdf_file/0026/113849/Report-to-the-Minister-for-Home-Affairs-on-agencies-compliance-with-the-Surveillance-Devices-Act-2004-1-January-to-30-June-2021.pdf

Reforms to strengthen the electoral system and our democracy

Activists seeking to influence election outcomes will no longer be able to shroud their electoral expenditure in secrecy, and will face tough rules that ban foreign donations from influencing Australian elections. (02 December 2021) <https://www.smos.gov.au/media-release/2021/12/02/reforms-strengthen-electoral-system-and-our-democracy>

New evaluation tools to support APS reforms

Unveiling the Department's Commonwealth Evaluation Policy and Toolkit, the Minister for Finance, Senator Simon Birmingham said the Government expected the APS to deliver for all Australians by setting clear goals and measuring progress towards its achievements. (02 December 2021) <https://www.finance.gov.au/about-us/news/2021/commonwealth-evaluation-policy-and-toolkit>

Australian-first Suicide Prevention Law passes Parliament

Nation-leading legislation on suicide prevention has passed the South Australian Parliament, building on the State Government's strong record on suicide prevention. (01 December 2021) <https://www.premier.sa.gov.au/news/media-releases/news/australian-first-suicide-prevention-law-passes-parliament>

New measures to protect our children

New laws that aim to address past injustices and better protect our children have passed State Parliament. The new measures remove barriers to civil redress identified by the Royal Commission into Institutional Responses to Child Sexual Abuse. (01 December 2021) <https://www.premier.sa.gov.au/news/media-releases/news/new-measures-to-protect-our-children>

Appointment of National Data Commissioner Designate

The Federal Government has announced the appointment of Ms Gayle Milnes as the new National Data Commissioner Designate. The Governor-General will be asked to consider this appointment as a statutory office holder when the Data Availability and Transparency (DAT) Bill passes. (01 December 2021) <https://www.datacommissioner.gov.au/media-hub/appointment-national-data-commissioner-designate>

Federal Government's Payment Times Reports Register open for business

The Federal Government has increased transparency and choice for Australian small businesses launching its Payment Times Reports Register. The Register publishes the time it takes for large businesses and certain government entities to pay their small business suppliers. (30 November 2021) <https://ministers.dese.gov.au/robert/morrison-governments-payment-times-reports-register-open-business>

APS suffering at hands of hired staff

The shift from Australian Public Service (APS) staff to labour hire, consultancies has undermined APS capability, according to a new report from the Senate Finance and Public Administration References Committee. (29 November 2021) https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/CurrentAPSCapabilities/Report/section?id=committees%2Freportsen%2F024628%2F78080

View the report [here](#).

Greater transparency needed for NSW Government's use of machine technology in decision-making

NSW Ombudsman Paul Miller has called for greater visibility of the use of artificial intelligence (AI) and other machine technology by NSW Government agencies. (29 November 2021) <https://www.ombo.nsw.gov.au/news-and-publications/news/greater-transparency-needed-for-nsw-governments-use-of-machine-technology-in-decision-making>

Combatting online trolls and strengthening defamation laws

In a world-leading move, the Federal Government will introduce new court powers to force global social media giants to unmask anonymous online trolls and better protect Australians online. (28 November 2021) <https://ministers.ag.gov.au/media-centre/combating-online-trolls-and-strengthening-defamation-laws-28-11-2021>

DPC unveils new apps to deal with COVID-19

The Department of the Premier and Cabinet (DPC) has unveiled three new digital solutions to make it easier for South Australians to manage their travel, health and proof of vaccinations now that State borders have reopened. (28 November 2021) <https://www.covid-19.sa.gov.au/response>

New DHS program supports at-risk children

The children of domestic violence survivors are to receive dedicated, specialist support of their own under a new program from the Department of Human Services (DHS) designed to address the unique needs of young children and adolescents. (28 November 2021) <https://dhs.sa.gov.au/latest-news/media-releases-2021/new-specialist-support-helping-children-of-domestic-violence-survivors?>

Improved security for MySA GOV app

Service SA has stepped up security in its mySA GOV app, now offering account holders the option to activate two-factor authentication. (28 November 2021) <https://service.sa.gov.au/news?a=956273>

Age of young crime still a crime say experts

All 16 of Australia's Children's Commissioners, Guardians and Advocates have come together to call on the Attorneys-General in the country to raise the age of young persons' criminal responsibility. (28 November 2021) <https://humanrights.gov.au/about/news/media-releases/proposal-raise-age-does-not-go-far-enough>

New campaign to tackle sports gambling

The Department of Human Services (DHS) has partnered with the Adelaide United Football Club to tackle harm from sports betting by launching a new campaign challenging gambling's association with enjoying sporting events. The DHS said sports betting had become the State's fastest-growing form of gambling. (25 November 2021) <https://www.premier.sa.gov.au/news/media-releases/news/a-new-united-campaign-tackling-sports-gambling>

New PS rules to aid people with disability

Public Sector Agencies are to be required to develop action plans to make their communities more inclusive and accessible for people living with disability under a new plan from the Department of Communities and Justice (DCJ). (23 November 2021) <https://www.nsw.gov.au/media-releases/nsw-disability-inclusion-plan-unveiled>

OAIC publishes first Consumer Data Right privacy assessment

An audit of the big four banks has found they are generally handling consumer data under the Consumer Data Right in an open and transparent way with good privacy practices in place. As co-regulator of the Consumer Data Right (CDR) system, Commissioner (OAIC) is proactively assessing privacy practices to ensure providers are meeting their obligations. (23 November 2021) <https://www.oaic.gov.au/updates/news-and-media/oaic-publishes-first-consumer-data-right-privacy-assessment>

Increasing transparency of political campaigners for stronger electoral integrity

The Electoral Legislation Amendment (Political Campaigners) Bill 2021 brings additional actors who are not political parties or candidates but are seeking to influence elections into the AEC's transparency register. (22 November 2021) <https://www.smos.gov.au/media-release/2021/11/22/increasing-transparency-political-campaigners-stronger-electoral-integrity>

Keeping Australia safe from high risk terrorist offenders

The Federal Government has secured passage in the Parliament of legislation to continue to protect the Australian community from the evolving threat posed by convicted terrorist offenders. (22 November 2021) <https://ministers.ag.gov.au/media-centre/keeping-australia-safe-high-risk-terrorist-offenders-22-11-2021>

IN PRACTICE AND COURT

Commonwealth

[High Court of Australia Robing Protocol November 2021 - 24 November 2021](#)

The High Court has issued a robing protocol for the assistance of counsel appearing before the Court.

[High Court of Australia - Video Connection Hearings Protocol](#)

The High Court of Australia has issued a protocol for practitioners participating in Video Connection Hearings.

Update to the profession: Court forms and Lighthouse Project monthly update - Update to the profession: court forms

Grace period for forms ended

The three month grace period provided for filing old Family Court of Australia and Federal Circuit Court of Australia forms, after the commencement of the Federal Circuit and Family Court of Australia (FCFCOA) on 1 September 2021, has ended. From 29 November 2021 only the new, approved FCFCOA versions of court forms can be filed. All FCFCOA forms are available from www.fcfcga.gov.au.

ONDA: Dataplace, a new tool to promote safe and effective sharing of Government data The Data Availability and Transparency (DAT) Bill

Dataplace will facilitate and co-ordinate requests for data across Australian Government agencies. It brings the DATA scheme to life by enabling and encouraging safe data sharing. While Dataplace will manage the process of requesting access to data; it will not be a mechanism to actually transmit or store data. <https://www.datacommissioner.gov.au/media-hub/dataplace-new-tool-promote-safe-and-effective-sharing-government-data>

[Reform of Australia's electronic surveillance framework discussion paper](#)

For more information see [Electronic Surveillance Reform](#). As the first step in public consultation, the Government has released the Reform of Australia's electronic surveillance framework discussion paper which seeks early views from interested stakeholders and members of the public to inform the development of a new framework. The closing date for [submissions](#) to the discussion paper is 11 February 2022.

[National Anti-Racism Framework: AHRC Concept Paper](#)

AHRC is accepting submissions until 15 December on guiding principles for the Framework; outcomes the Framework should seek to achieve; issues the Framework should engage with, including strategies for addressing these; and best practice examples of anti-racism initiatives. Information on how to have a say can be accessed [here](#).

[Review of PBR Act and IPEA Act](#)

The statutory review will consider how the current legislative framework provides appropriate levels of accountability and transparency to the use of taxpayers' money. The Review will report by 31 December 2021. More information on the Review including the terms of reference can be found [here](#).

[Law Council Update](#)

The Law Council produces a fortnightly newsletter which highlights the Law Council's important activities and advocacy, along with any relevant media and events stakeholders would be interested in.

[AAT: Changes to application lodgement and document submission from 31 January 2022](#)

From early 2022, the AAT's preferred method of filing will be through the convenient [online services portal](#). AAT are making this change to streamline the application process for users, so from 31 January 2022, people applying to have decisions reviewed in the General and Other Divisions should lodge and submit their documents online.

[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. 24/2021, 29 November 2021.

Attorney General Appointments

[Appointments to the Federal Circuit and Family Court of Australia \(Division 1\)](#)

Mr Andrew Strum QC and Mr Richard Schonell SC have been appointed as judges of the Federal Circuit and Family Court of Australia (FCFCOA) (Division 1) and will commence on 29 November 2021. (26 November 2021)

[Reappointment of Solicitor-General](#)

Dr Stephen Donaghue QC as the Solicitor-General for a term of 5 years. (26 November 2021)

[Appointments to the Federal Circuit and Family Court of Australia \(Division 2\)](#)

Dr Anna Parker and Ms Dearne Firth have been appointed as judges of the Federal Circuit and Family Court of Australia (FCFCOA) (Division 2) and will commence on 29 November 2021. (26 November 2021)

LCA Submissions

[Statutory review of the Counter Terrorism \(Temporary Exclusion Orders\) Act 2019 \(Cth\)](#)

Australian Human Rights Commission Consultation

[Have your say in a National Anti-Racism Framework](#)

Submissions are open from 21 October to 15 December 2021.

Legal and Constitutional Affairs Legislation Committee

[The adequacy and efficacy of Australia's anti-money laundering and counter-terrorism financing \(AML/CTF\) regime](#)

Report by 2 December 2021.

[Constitution Alteration \(Freedom of Expression and Freedom of the Press\) 2019](#)

Submissions Closed: 20 August 2021. On 22 November 2021 the committee's reporting date was extended to 31 March 2022.

[Religious Discrimination Bill 2021 \[Provisions\]; Religious Discrimination \(Consequential Amendments\) Bill 2021 \[Provisions\] and Human Rights Legislation Amendment Bill 2021 \[Provisions\]](#)

To the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 4 February 2022.

[Statute Law Amendment \(Prescribed Forms\) Bill 2021](#)

On 1 December 2021 the committee's reporting date was extended to 28 February 2022.

[Consultation on review of the Workplace Gender Equality Act 2012](#)

The Workplace Gender Equality Agency (WGEA) has invited feedback on a review of the law covering workplace gender equality in Australia, on an issued consultation paper which covers the current legislation, enshrined in the Workplace Gender Equality Act 2012, as well as gender indicators and continuing employer reporting obligations.

[ACMA Proposal to make Telecommunications Service Provider \(Customer Identity Verification\) Determination 2021 - consultation 39/2021](#)

The ACMA is consulting on proposed new rules to help prevent scammers from targeting high-risk customer interactions with telcos, such as SIM swap requests, changes to accounts and disclosure of personal information. ACMA invite your comments on the proposed new customer identity verification rules. Closes on 15 December 2021.

South Australia

[Consultation: Draft Powers of Attorney Bill 2021](#)

The South Australian Law Reform Institute (SALRI) released a report in 2020 which made 120 recommendations. The SALRI Report indicated that the current [Powers of Attorney and Agency Act 1984](#) (POA Act) is incomplete in a number of areas and recommended a number of legislative changes. Consultation is open to 9 December 2021.

Police vaccinations mandatory

South Australia Police (SAPOL) has announced that from 15 November any person who engaged in work or performed duties in a police setting must have received at least one dose of an approved COVID-19 vaccination or have evidence of a booking to receive a second vaccination dose.

[Civil Liability \(Serious Invasions of Privacy\) Bill](#)

YourSAy are seeking your feedback to help inform the draft *Civil Liability (Serious Invasions of Privacy) Bill 2021*. The draft Bill reflects many of the recommendations made in the SALRI report. The Bill will require the applicant to prove there was a serious intrusion into their seclusion/privacy or a serious misuse of their private information, and sets out the thresholds, defences and a public interest test. This consultation is open until 26 November 2021.

PUBLISHED - ARTICLES, PAPERS, REPORTS[New RMG-130 - Commonwealth Evaluation Policy and Toolkit](#)

The Commonwealth Evaluation Policy and supporting toolkit, which took effect on 1 December 2021. This has been developed as part of the Government's Australian Public Service (APS) Reform Agenda. The policy and toolkit (RMG-130) aim to build evaluation capability and expertise into everyday practice across the APS, and to support better practice evaluation activities across the policy cycle.

[PGPA Newsletter 75](#)

Published Date 02 December 2021

CDPP: Publications and Policies

24 November 2021 [Jury Issues \[NLD\]](#)

[Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces](#)

Kate Jenkins; Australian Human Rights Commission

The report has been tabled on 30 November 2021. This report presents the Commission's findings and 28 recommendations.

[Report to the Minister for Home Affairs on agencies compliance with the Surveillance Devices Act 2004, for the period 1 January to 30 June 2021](#)

Commonwealth Ombudsman: 01 December 2021

[Administration of the Research and Development Tax Incentive](#)

ANAO Report No 10: 25 November 2021

The objective of the audit was to assess the effectiveness of Industry Innovation and Science Australia's, the Department of Industry, Science, Energy and Resources', and the Australian Taxation Office's administration of the Research and Development Tax Incentive program.

[Australian National University's Governance and Control Framework](#)

ANAO Paper No 11: 29 November 2021

The audit objective was to assess the effectiveness of the Australian National University's governance and control framework.

[Gender Balance on Australian Government Boards Report 2020-21](#)

PMC Office for Women Leadership: 03 December 2021

The Gender Balance on Australian Government Boards Report is prepared annually by the Office for Women, and reports on the Government's performance against its gender diversity target.

CASES[Knowles v Secretary, Department of Defence \[2021\] FCAFC 215](#)

ADMINISTRATIVE LAW – appeal from decision of primary judge dismissing applications made under the Privacy Act 1988 (Cth) for access to and correction of certain information – whether Australian Privacy Principles (APP) 12 and 13 require decision by agency within 30 days – where APP 12 and 13 only require response action within 30 days – whether primary judge erred in declining to grant discretionary relief – where no utility in appellant's applications – where appellant was able to access adequate alternative remedies – no House v The King error identified by appellant – whether respondent had engaged in bad faith – consideration of standard of proof for allegations of bad faith – where inference to be drawn is that the respondent acted in good faith – whether APP 13.1 is prescriptive in steps to be taken by an agency – where "correct" can conceivably embrace deletion but not necessitate it – appeal dismissed

COSTS – costs ordered against the appellant by the primary judge that costs follow the event on dismissal – where Court recognises that there are circumstances meriting departure from usual cost outcome – where current proceeding only concerns private interests – where no error of principle in exercise of costs discretion by primary judge demonstrated – costs also awarded against appellant on appeal

[Bibawi v Australian Human Rights Commission \[2021\] FCA 1476](#)

HUMAN RIGHTS – consideration of an application for judicial review of a decision of the Australian Human Rights Commission by which the decision-maker concluded that the applicant had not made a "complaint" that satisfied the requirements of s 46P of the Australian Human Rights Commission Act 1986 (Cth)

ADMINISTRATIVE LAW – consideration of whether a decision-maker on behalf of the Australian Human Rights Commission fell into reviewable error in reaching a decision that an applicant had not made a "complaint" that satisfied the requirements of s 46P of the Australian Human Rights Commission Act 1986 (Cth)

[Dutton v Bazzi \[2021\] FCA 1474](#)

DEFAMATION – publication of a tweet with a hyperlink to an article – whether four imputations alleged by the Applicant were conveyed by the Tweet – consideration of the ordinary reasonable reader's understanding of the statement "the Applicant is a rape apologist" – imputation that the Applicant "excuses rape" found to be conveyed by the publication.

DEFAMATION – defences – defence of honest opinion pursuant to s 31 of the Defamation Act 2005 (NSW) and the common law defence of fair comment on a matter of public interest – whether the impugned statement was a statement of fact or opinion – whether the

opinion was based on proper material – whether the matters relied upon by the Respondent were referred to in the impugned matter or otherwise notorious – lack of rational relationship between the matters relied upon and the opinion the Respondent claimed to have held – whether the Applicant proved the Respondent did not honestly hold the opinion in the publication pursuant to s 31(4) of the Defamation Act.

DAMAGES – s 34 of the Defamation Act – consideration of the relationship between the harm suffered by the Applicant and the damages to be awarded – the extent to which awards of damages in other cases should be considered – consideration of the extent of the publication – claim for aggravated damages rejected.

DEFAMATION – remedies – claim for injunctions to restrain the Respondent permanently from publishing the impugned matter and the imputations the Court has found to be conveyed in the publication – claims for injunctions rejected. Evidence Act 1995 (Cth) s 140(2) Racial Discrimination Act 1975 (Cth) s 9(1) Uniform Defamation Acts ss 4, 6, 25, 26, 30, 31, 34, 36 Defamation Act 2005 (NSW) s 31

[Emanuel Exports Pty Ltd; EMS Rural Exports Pty Ltd and Secretary, Department of Agriculture, Water and the Environment \[2021\] AATA 4393](#)

AGRICULTURE, WATER AND THE ENVIRONMENT
– application 2018/5307 – live export of sheep – cancellation of live-stock export licence

STATUTORY INTERPRETATION – meaning of “integrity” – meaning of “competence” – use of the present tense – temporal element – “person who participates” held to describe the person participating in the management or control of the business at any time. Acts Interpretation Act 1901 (Cth) ss 7(2), 7(2)(c), 7(2)(e); Administrative Appeals Tribunal Act 1975 (Cth) ss 33(1), 33(1)(c), 39, 43(1), 62(4)

[Raiz and Professional Services Review \[2021\] AATA 4360](#)

FREEDOM OF INFORMATION – review of decision of Professional Services Review that documents are partially or wholly exempt – documents relate to investigations of Professional Services Review into applicant’s possible inappropriate medical practice – documents conditionally exempt under sections 47C and 47E(d) of the Freedom of Information Act 1982 – documents exempt under s 42 of the Freedom – consideration of immunity provisions – disclosure of documents would be against the public interest – the decision under review is affirmed

Freedom of Information Act 1982 (Cth); Health Insurance Act 1973 (Cth)

[Lisa Cox and Department of Agriculture, Water and the Environment \(Freedom of information\) \[2021\] AICmr 72](#)

Freedom of Information – Whether disclosure would prejudice lawful methods or procedures – 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 disclosure of personal information unreasonable – Whether contrary to public interest to release conditionally exempt documents – (CTH) Freedom of Information Act 1982, ss 11A(5), 37(2)(b), 47C, 47E(c), 47E(d) and 47F

[‘YQ’ and Airservices Australia \(Freedom of Information\) \[2021\] AICmr 69](#)

Freedom of Information – Whether material in the documents is irrelevant to the request – Whether reasonable steps taken to find documents – Whether disclosure of personal information unreasonable – (CTH) Freedom of Information Act 1982 ss 22 24A and 47F

[‘YR’ and Tertiary Education Quality and Standards Agency \[2021\] AICmr 70](#)

Freedom of Information – Whether reasonable steps taken to find documents – Whether documents contain commercially valuable information – (CTH) Freedom of Information Act 1982 ss 24A and 47(1)(b)

[‘YS’ and The Treasury \(Freedom of information\) \[2021\] AICmr 71](#)

Freedom of Information – Whether reasonable steps taken to find documents – (CTH) Freedom of Information Act 1982 s 24A

[‘YT’ and the Australian Taxation Office \(Freedom of information\) \[2021\] AICmr 73](#)

Freedom of Information – Whether reasonable steps taken to find documents – (CTH) Freedom of Information Act 1982 s 24A

[‘YU’ and Bureau of Meteorology \(Freedom of information\) \[2021\] AICmr 75](#)

Freedom of Information – Whether disclosure would have a substantial adverse effect on the management of personnel – Whether contrary to the public interest to release conditionally exempt material (CTH) Freedom of Information Act 1982 ss 11A(5) and 47E(c)

[‘YV’ and the Bureau of Meteorology \(Freedom of information\) \[2021\] AICmr 76](#)

Freedom of Information – Whether reasonable steps taken to find documents – (CTH) Freedom of Information Act 1982 s 24A

[‘YW’ and Department of Veterans’ Affairs \(Freedom of Information\) \[2021\] AICmr 77](#)

Freedom of Information — Whether reasonable steps taken to locate documents — (CTH) Freedom of Information Act 1982 s 24A

LEGISLATION

Commonwealth

[Commonwealth Electoral Amendment \(Ensuring Voter Choice Through Optional Preferential Voting and the Robson Rotation\) Bill 2021](#)

03 December 2021 – A Bill for an Act to amend the law relating to elections in respect of ballot papers and to provide for optional preferential voting and ensure voter choice.

[Illegal Detention of Australian Journalists \(Free Julian Assange\) Bill 2021](#)

House of Representatives Introduced and read a first time 29 November 2021. Discharged from Notice Paper: In accordance with House Standing Order 116(a) 29 November 2021.

The Bill seeks to clearly define ‘journalism’ to include conduct engaged in the regular course of legitimate journalism, such as publishing and passively receiving information. This includes conduct engaged in for the purpose of journalistic activity that would not be subject to an offence in Australia.

[Crimes Amendment \(Remissions of Sentences\) Bill 2021](#)

Finally passed both Houses 01 Dec 2021

Amends the Crimes Act 1918 to: repeal section 19AA which applies remissions or reductions under state or territory laws to federal sentences; and make consequential amendments. The repeal of section 19AA of the Crimes Act is necessary in order to address the significant risks to community safety as a result of remissions, known as emergency management days (EMDs), being granted in high numbers to federal offenders under Victorian laws since the beginning of the COVID-19 pandemic.

[Electoral Legislation Amendment \(Annual Disclosure Equality\) Bill 2021](#)

Finally passed both Houses 02 Dec 2021

Amends the Commonwealth Electoral Act 1918 to: extend the application of the foreign donations framework to current sitting members of the House of Representatives and Senators; require members of the House of Representatives and Senators who receive gifts for the purpose of incurring electoral expenditure or creating or communicating electoral matter to lodge an annual return with the Australian Electoral Commission; and extend the period for which a person is taken to be a candidate by an additional six months for the purpose of the disclosure period for candidate and Senate group returns and for restrictions on receiving foreign donations.

[Electoral Legislation Amendment \(Contingency Measures\) Bill 2021](#)

Finally passed both Houses 02 Dec 2021

Amends the Commonwealth Electoral Act 1918 to: implement certain recommendations of the Joint Standing Committee on Electoral Matters’ Report of the inquiry on the future conduct of elections operating during times of emergency situations by enabling the Electoral Commissioner to make limited operational modifications by legislative instrument where an emergency declaration has been issued under a Commonwealth law and moving the existing power to adjourn or suspend polling at a polling place or pre-poll voting office from local polling booth presiding officers to the Electoral Commissioner; delay the commencement of the scrutiny for a House of Representatives election for a Division where polling has been adjourned or temporarily suspended; prevent scrutineers and Australian Electoral Commission officers from disclosing the results of a Senate election in a Division where polling has been adjourned; and make minor amendments in relation to the cut-off date for postal vote applications and the format of postal vote certificates.

[Electoral Legislation Amendment \(Candidate Eligibility\) Bill 2021](#)

Registered 29 Nov 2021 Introduced HR 25 Nov 2021

A Bill for an Act to amend the law relating to elections in respect of the checklist for nomination of candidates - Schedule 1 amends Part XIV of the Electoral Act, and Form DB of Schedule 1, to simplify the Qualification Checklist and to clarify when a response to a question is mandatory. The Qualification Checklist is also more streamlined with fewer questions.

[Autonomous Sanctions Amendment \(Thematic Sanctions\) Bill 2021](#)

Senate 24 November 2021 - The Bill makes clear that autonomous sanctions regimes, established under the Autonomous Sanctions Regulations 2011 (the Regulations), can be either country-specific or thematic.

Act Compilation

[Independent National Security Legislation Monitor Act 2010](#)

30/11/2021 - Act No. 32 of 2010 as amended

[Australian Human Rights Commission Act 1986](#)

22/11/2021 - Act No. 125 of 1986 as amended

Regulations

[Competition and Consumer Amendment \(Consumer Data Right\) Regulations 2021](#)

30/11/2021 - This instrument amends the Competition and Consumer Regulations 2010 to exempt the Australian Energy Market Operator (AEMO) from four privacy safeguard obligations, and in circumstances where AEMO provides Consumer Data Right data to a retailer.

South Australia

Proclamations

23.11.2021 p 4121 [Administrative Arrangements \(Conferral of Ministerial Functions and Powers\) Proclamation 2021](#)

25.11.2021 p 4162 [Youth Court \(Designation and Classification of Magistrate\) \(Ancillary Judiciary\) Proclamation 2021](#)

25.11.2021 p 4163 [Youth Court \(Designation and Classification of Magistrate\) \(Principal Judiciary\) Proclamation 2021](#)

2.12.2021 p 4214 [South Australian Multicultural Act \(Commencement\) Proclamation 2021](#)

2.12.2021 p 4216 [South Australian Civil and Administrative Tribunal \(Designation of Magistrate as Member of Tribunal\) Proclamation 2021](#)

2.12.2021 p 4217 [Youth Court \(Designation and Classification of Magistrate\) Proclamation 2021](#)

Acts

2021-45 [Unclaimed Money Act 2021](#)

2021-46 [Sentencing \(Hate Crimes\) Amendment Act 2021](#)

2021-47 [Statutes Amendment \(Spit Hood Prohibition\) Act 2021](#)

Regulations and Rules

2021-175 [Oaths Regulations 2021](#)

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CHIEF EXECUTIVE PARTNER

THOMSON GEER IS INCLUDED ON THE CSO T110 PRE-QUALIFICATION REGISTER UNDER THE FOLLOWING PRACTICE AREAS:

- Employment and industrial (including worker's compensation)
- Regulatory Prosecutions and Occupational / Professional Disciplinary Complaints
- Child Welfare
- Environment and Planning
- Major Projects
- General commercial (non-litigation)
- General property (non-litigation, and including construction)
- Intellectual Property and Information Technology
- Civil Litigation
- Commercial Litigation
- Competition and Consumer
- Costs Assessment and Recovery
- Public and Administrative (including FOI, review of statutory decision-making and State taxation)

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