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ISSUE 133



PUBLIC SECTOR NEWSLETTER - NEW SOUTH WALES

Welcome to the latest issue of our NSW Public Sector Newsletter.

A New South Wales parliamentary inquiry into NSW's flooding response is underway in Sydney. The state secretary of the Fire Brigade Employees' Union, Leighton Drury, gave evidence to the enquiry, stating that the response to major floods and storms should be led by Fire and Rescue NSW (FRNSW) because it had more experience in incident management than the current lead agency, the State Emergency Service (SES). Mr Drury said there would still be an important role for SES volunteers to provide a surge in support personnel as required.

Mr Michael Berry SC has been appointed as a judge of the Federal Circuit and Family Court of Australia (FCFC) (Division 1). Mr Berry's appointment fills a new position created in the FCWA and funded by the Commonwealth to allow more cases to be reviewed and finalised each year ensuring Australian families can resolve disputes in a timely, effective and efficient manner.

IN THE MEDIA

Australia must address elder abuse

On World Elder Abuse Awareness Day, the Law Council of Australia continues to call for measures that will better protect older Australians. <https://www.lawcouncil.asn.au/media/media-releases/australia-must-address-elder-abuse>

Drug law reform in NSW will save lives: Proposed drug diversion program small step in the right direction

Reforming drug laws in NSW will save lives says the Australian Lawyers Alliance (ALA) in response to the Attorney-General's proposal to trial a pre-court drug diversion program. <https://www.lawyersalliance.com.au/news/drug-law-reform-in-nsw-will-save-lives-proposed-drug-diversion-program-small-step-in-the-right-direction>

Privacy Commissioner statement relating to the privacy Lifting ban on patient testimonials in advertising will risk public safety

Lifting the current ban on patient testimonials being used in health services advertising will expose the public to preventable dangers and risk public safety, says the Australian Lawyers Alliance (ALA). <https://www.lawyersalliance.com.au/news/lifting-ban-on-patient-testimonials-in-advertising-will-risk-public-safety>

Read the June 2022 IPC Bulletin

The IPC Bulletin is produced to support agencies and organisations with compliance of the IPC's administered legislation. It includes 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. <https://enewsletter.ipc.nsw.gov.au/link/id/zzzz62a921158c8f8486Pzzzz622ff3545a4c7699/page.html>

Appointment to the Federal Circuit and Family Court of Australia (Division 1)

Mr Michael Berry SC has been appointed as a judge of the Federal Circuit and Family Court of Australia (FCFC) (Division 1) as a result of his appointment as a judge of the Family Court of Western Australia (FCWA) on 7 June 2022. <https://ministers.ag.gov.au/media-centre/appointment-federal-circuit-and-family-court-australia-division-1-09-06-2022>

NSW parliamentary inquiry: Paid emergency crews should lead flood responses, not SES

The state secretary of the Fire Brigade Employees' Union, Leighton Drury, gave evidence in Sydney to an inquiry into this year's response to major flooding. He said the response to major floods and storms should be led by Fire and Rescue NSW (FRNSW) because it had more experience in incident management than the current lead agency, the State Emergency Service (SES). <https://www.abc.net.au/news/2022-06-14/parliamentary-inquiry-nsw-emergency-reponders-control-vs-ses/101151530>

IN PRACTICE AND COURTS

NSW Bar Association

[Unexplained Wealth Laws Can't Be Rushed](#)

The Bar Association urges the NSW Government and the Opposition not to rush into ill-considered laws to expand police powers to confiscate 'unexplained wealth', without consultation with all stakeholders.

[A brighter beginning for all NSW children](#)

A life-changing package for NSW children and families has been announced today with a \$376.5 million investment over four years in child development and family support as part of the 2022-23 NSW Budget.

BOSCAR

[NSW Recorded Crime Statistics quarterly update March 2022](#)

Law Council of Australia

[Next steps to improve Australia's settlement and integration of refugees](#)

The Law Council welcomes the opportunity to make a submission to the Office of the Coordinator General for Migrant Services in the Department of Home Affairs (Department) in relation to its discussion paper 'Next steps to improve Australia's settlement and integration of refugees' (discussion paper).

[Positioning Australia as a Leader in Digital Economy Regulation - Automated Decision Making and AI Regulation](#)

The Law Council is grateful for the opportunity to make a submission in relation to 'Positioning Australia as a leader in digital economy regulation – Automated decision making and AI regulation – Issues Paper' (Issues Paper), published by the Digital Technology Taskforce in the Department of Prime Minister and Cabinet.

NCAT Legal Bulletin

Issue 2 of 2022

<https://app.getresponse.com/view.html?x=a62b&m=BJSQSf&mc=IC&s=1ntGLE&u=lv02&z=EwOvCO&>

AAT Bulletin

Issue No. 12/2022, 14 June 2022

<https://www.aat.gov.au/AAT/media/AAT/Files/AAT%20Bulletins/12-22.pdf>

PUBLISHED - ARTICLES, PAPERS & REPORTS

APO

[The '80 per cent rule': the Serious Violent Offences Scheme in the Penalties and Sentences Act 1992 \(Qld\): final report](#)

This report presents the Queensland Sentencing Advisory Council's findings and recommendations on its review into the operation and efficacy of the serious violent offences ('SVO') scheme under Part 9A of the Penalties and Sentences Act 1992 (Qld) ('PSA').

[Enhancing the coordination of housing supports for individuals leaving institutional settings](#)

This research developed policy recommendations for enhancing housing assistance for individuals leaving institutional settings of residential treatment for mental health and/or substance use problems, the criminal justice system and out-of-home care. The inquiry also offers recommendations for enhancing the ways Specialist Homelessness Services address the unique support needs of diverse cohorts moving between these institutional settings.

[Safer by design: how can collaboration help design safer gambling?](#)

This briefing paper outlines tools for education policy-makers to assess their confidence in a certain policy, program or initiative, and decide on next steps.

[Evidence decision-making tool for policymakers](#)

A new study by La Trobe University and the Summer Foundation investigates the most important design features to make homes more accessible. It provides evidence to support national implementation of accessibility standards in the National Construction Code (NCC). It provides results from a survey of 145 people with mobility impairments revealing the most essential features, as well as why they are important.

[Tax knowledge and tax manipulation: a unifying model](#)

The authors provide a unified analysis of taxation and taxpayer education when individuals have an incomplete understanding of a complex tax system. The analysis is independent of whether income is earned legitimately, or by avoiding or evading taxes. In this sense, learning about tax minimisation strategies (tax manipulation) is isomorphic to learning about tax rates. The government in this model balances a trade-off - a better understanding of the tax system potentially allows taxpayers to optimise more effectively, but also affects government revenue. Optimal taxpayer education and the optimal amount of redistribution can both be characterised by aggregate sufficient statistics, which do not require information about how biases or behavioural responses vary across the decision margins. The authors provide similarly simple rules for how tax rates on different income-generating activities should be set relative to each other.

CASES[Anicic v Fairfield City Council \[2022\] NSWCATAD 199 \(15 June 2022\)](#)

ADMINISTRATIVE LAW – access to government information – investigation of complaint against staff – request for access to redacted portions of documents – confidential information – whether prejudice to exercise of the agency's functions – whether prejudice to conduct, effectiveness or integrity of any audit, test, investigation or review conducted – whether disclosure reveals personal information – whether disclosure contravenes an information protection principle

[Randhawa v Blacktown City Council \[2022\] NSWCATAD 192 \(14 June 2022\)](#)

ADMINISTRATIVE LAW – access to government information – confidential information that facilitates the effective exercise of that agency’s functions - supply of information from an informant – whether public interest considerations against disclosure outweigh public interest considerations in favour of disclosure

[Gates v Port Macquarie-Hastings Council \[2022\] NSWCATAD 193 \(10 June 2022\)](#)

ADMINISTRATIVE LAW – administrative review - Government Information – whether further information held – adequacy of searches - refusal to deal – relevant factors – aggregation of applications

[Zonneville v Secretary, Department of Education \[2022\] NSWCATAD 187 \(7 June 2022\)](#)

ADMINISTRATIVE LAW- freedom of information- government information public access-request to record hearing on a personal device-request for oral reasons-request for recusal-public interest considerations-Government Information (Public Access) Act 2009 (NSW)

LEGISLATION

Acts (in force) that have been amended

[Agricultural and Veterinary Chemicals Code Act 1994](#)

C2022C00173 • Act No. 47 of 1994 as amended • Registered: 10/06/2022

[Sea Installations Act 1987](#)

C2022C00172 • Act No. 102 of 1987 as amended • Registered: 03/06/2022

[Coral Sea Islands Act 1969](#)

C2022C00171 • Act No. 58 of 1969 as amended • Registered: 03/06/2022

Legislative instruments

As made:

<https://www.legislation.gov.au/Browse/Results/ByRegDate/LegislativeInstruments/Asmade/2022/0/0/all>

In Force:

<https://www.legislation.gov.au/Browse/Results/ByRegDate/LegislativeInstruments/InForce/2022/0/0/principal>

Notifiable Instruments

As made:

<https://www.legislation.gov.au/Browse/Results/ByRegDate/NotifiableInstruments/Asmade/2022/0/0/all>

In Force:

<https://www.legislation.gov.au/Browse/Results/ByRegDate/NotifiableInstruments/InForce/2022/0/0/principal>

NSW Legislation Weekly Updates

[Week beginning: 13 June 2022](#)

KEY CONTACTS

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Thomson Geer is:

- appointed to Sub Panels 1-6 of the NSW Government Legal Services Panel; and

Sub Panel 1: Construction	Sub Panel 2: Commercial	Sub Panel 3: Planning, Property and Environmental	Sub Panel 4: Employment, Work Health and Safety	Sub Panel 5: Government Regulatory and Administrative Law	Sub Panel 6: Litigation and Inquiries
(a) Construction b) Major infrastructure projects (c) PPPs and associated transactions (d) Construction related dispute resolution and arbitration	(a) Commercial and contractual matters (c) Intellectual Property (d) Information Technology	(a) Complex property advice, transactions and accreditation (b) Routine property advice and transactions (c) Planning, environmental, heritage and natural resources (e) Crown land and local government	(a) Employment and industrial relations (e) Discrimination	a) Administrative law, statutory interpretation and governance advice	b) General litigation, dispute resolution and debt recovery

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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 email address will be monitored during normal business hours (9.00 am to 5.00 pm (EST), Monday to Friday).

Thomson Geer will use its best endeavours to provide the Help Desk Services within one business day of the query being logged.

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