



PUBLIC LAW

PUBLIC SECTOR NEWSLETTER | AUTUMN 2023 ISSUE 17

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It is with excited anticipation that I put pen to paper, looking ahead to a well-earned break this long weekend.



By [Kathryn Howard](#), Partner, Head of Hall & Wilcox Public Sector group and Editor of the *Public Law* newsletter

It is a special time for many with the month of Ramadan, Passover and Easter coinciding and people celebrating with loved ones.

It will be the first Easter I celebrate with my partner, which reminds me of the serendipity of life. There's a wonderful morning meditation by Tamara Levitt on the Daily Calm app, which talks of the possibilities of a brand new day. I have listened to the meditation for many years, and there's a line in it that only rang true for me recently: "we can fall in love in just one day. Anything can happen in just one day."

How true that is. In just one day...

A case is won.

A promotion is earned.

An engagement is announced.

A baby is born.

A connection is made.

Primary school is started.

Secondary school is finished.

The list goes on, of momentous events that can be life-changing. All of which happen in just one day.

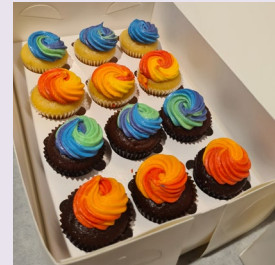
How precious each day is.

Oliver Sacks wrote about gratitude when reflecting on his life:

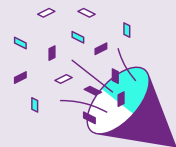
I have loved and been loved; I have been given much and I have given something in return; I have read and travelled and thought and written. I have had an intercourse with the world...

Above all, I have been a sentient being, a thinking animal, on this beautiful planet, and that in itself has been an enormous privilege and adventure.

May we each approach this holiday period grateful for the day ahead, ready to embrace the wonder of life.



CELEBRATING DIVERSITY AND INCLUSION



In March, the world celebrated diversity, equality, equity and inclusion with WorldPride and International Women's Day. Through events and insights, here's how some of our people marked these occasions.

- Melbourne's LGBTQIA+ Interfirm Networking event brought together the LGBTQIA+ and ally community from many organisations. We heard about The Pinnacle Foundation's remarkable work supporting young LGBTQIA+ Australians.
- Across our offices, we held a Picnic for Pinnacle as part of our partnership with The Pinnacle Foundation, a not-for-profit organisation that awards educational scholarships and matches mentors to young LGBTQIA+ Australians to help them reach their full potential and overcome challenges arising from how they identify.
- For International Women's Day, we produced, '[You can't be what you can't see](#)', a podcast with four of our women leaders discussing what's working and what's not and the importance of role models.

EXTREME WEATHER AND THE IMPACT OF CLIMATE CHANGE ON PLANNING AND (RE)BUILDING



By [Meg Lee](#), Partner & ESG Co-Lead

It seems that every month, Australian towns and cities – and all associated levels of government – are managing the impact of extreme weather events and climate change. The Northern Rivers, for instance, just marked one year since the devastating floods. The effects continue. Also, summer temperatures are predicted for autumn, so bushfire risk remains.

Some are preparing for imminent threats, others are coordinating clean-up efforts – many are proactively assessing the resilience of their communities, infrastructure and the built environment.

Aside from the physical and emotional impact of extreme events and climate change, there are legal implications and – more specifically – planning considerations.

THE ROLE OF PLANNING

Planning helps to minimise natural hazards and adapt to climate change. It must be comprehensive: developing new planning policies and statutory controls, responding to urgent rebuilding efforts with efficient decision-making, forward planning (even to next century) and future-proofing.

Planning also brings together the multitude of stakeholders needed to inform and assess decision-making: governments, water/fire authorities, builders, developers, residents and, importantly, First Nations people's knowledge of Country.

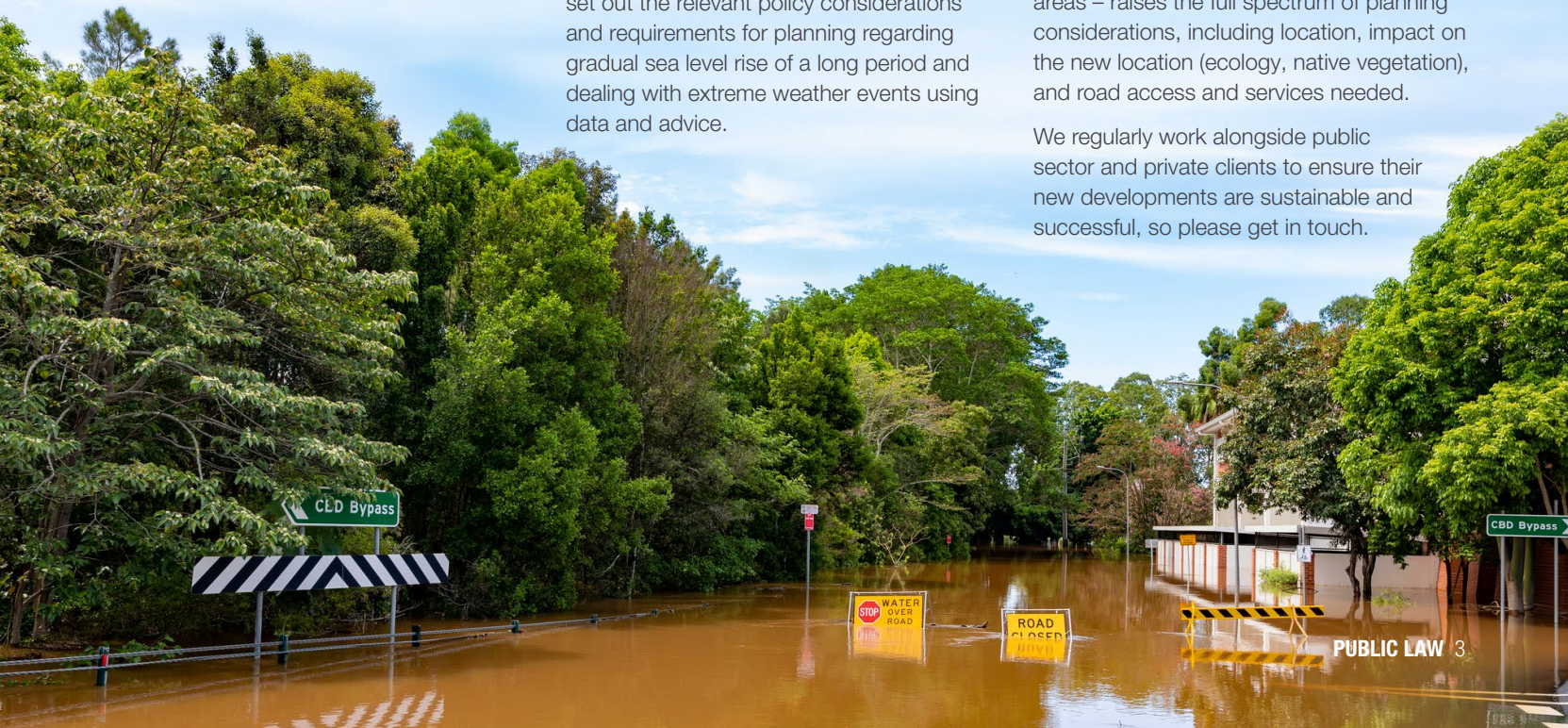
The Department of Transport and Planning just released the *Planning Practice Note 53: Managing Coastal Hazards and the Coastal Impacts of Climate Change*, which seek to set out the relevant policy considerations and requirements for planning regarding gradual sea level rise of a long period and dealing with extreme weather events using data and advice.

Different times: those rebuilding are doing so in a different time with new future-proof standards – often in different locations. What was built fit-for-purpose years ago, may now be considered high-risk given new knowledge and climate change modelling.

Different dynamics: we're operating against changing dynamics with new zoning controls and new building standards. Most obviously, sea-level rise predictions out to 2100 for seaside towns mean that new applications or rezoning proposals are being assessed against new flood requirements with new levels of protection required in the design. Compliance can be costly, often inefficient when imposed on a site-by-site basis with new builds/refurbishments meeting new standards in a precinct with legacy standards. Precinct-wide solutions may be more cost-effective and fairer with a greater net community benefit.

Different locations: planning new suburbs/ estates – or relocating people from at-risk areas – raises the full spectrum of planning considerations, including location, impact on the new location (ecology, native vegetation), and road access and services needed.

We regularly work alongside public sector and private clients to ensure their new developments are sustainable and successful, so please get in touch.



TECHNOLOGY, TRUST, TUNES AND TRAVEL: FROM THE RETIRING HON. VICTOR DOMINELLO MP



Victor Dominello

Towards the end of last year, the Hon. Victor Dominello MP announced he would retire from politics at the recent NSW state election.

Entering the NSW Parliament in 2008 and holding key portfolios, Victor Dominello has been a busy and influential politician who played a crucial role in helping the state navigate the impact of COVID-19. With technology and change being at the core of his portfolios, he has worked and thrived in dynamic environments.

Before his official last day, Victor Dominello sat down with Partner John Gray to talk all things technology, the path to politics and what's next.

'Crafting the vision is key. As a senior minister, I can see into the distance and the storm clouds approaching. I also get to see where the blue sky is...'

WHEN HEARING ABOUT SOMEONE'S CAREER, IT'S ALWAYS GOOD TO START AT THE BEGINNING. WHAT ROLE DO YOU THINK YOUR FAMILY PLAYED IN YOUR CAREER PATH AND DECISION TO ENTER POLITICS?

I can attribute my career to my parents. I always asked lots of questions and was encouraged to do so, especially by my grandparents, aunts and uncles who sat around our kitchen table. They would say: 'You'll end up in the law, journalism or politics'.

In terms of my family's history and influence, my father came out to Australia from Italy when he was 10. After my paternal grandfather was sponsored, he became a market gardener. He quickly saved enough to buy a farm, then a fruit shop. I'd go to his place when I was a young kid, and he always had a newspaper on the table because he loved reading.

SO, WAS POLITICS AN EARLY GOAL?

No, I didn't want to go into politics, but I did join local council. My father passed away unexpectedly, so I withdrew a bit and focused on law. I really had no intentions for politics – let alone state politics.

YOUR PORTFOLIOS ARE ALL IMPACTED BY TECHNOLOGY. TECH IS ALWAYS GOING TO EVOLVE. DO YOU THINK THAT GOVERNMENTS HAVE MORE WORK TO DO TO GET ON BOARD WITH TECH?

There's still more work around the trust perspective as we're underdeveloped with trust architecture. For instance, we've got the Privacy Commission. Do we need a Data Commissioner? An Ethics Commissioner? There are some profound ethical issues.

We have access to so much and, with a little bit of machine learning, we can predict a lot. Like how some groups are more likely to end up disadvantaged. Can we intervene with insights and change life courses? There are many deep questions that I'm not sure government is yet mature enough to tackle.

THINKING ABOUT TRUST, DO PEOPLE NEED TO ACCEPT THAT NO ONE CAN PROMISE COMPLETE DATA SECURITY?

100%. It's why we must build resilience, such as IDSupport NSW. We'll never get it right all the time. So, when there is failure, we must be transparent, hold people to account, own it – and learn from it to get people back on their feet quickly. If you've got those elements in place, I think you build trust.

THINKING ABOUT HOW TO MAKE THINGS HAPPEN IN GOVERNMENT, HOW IMPORTANT IS VISION LEADING?

Crafting the vision is key. As a senior minister, I can see into the distance and the storm clouds approaching. I also get to see where the blue sky is – and build the guard rails to make sure we don't go into the storm.

LOOKING BACK ON YOUR CAREER, WHAT ADVICE WOULD YOU GIVE TO SOMEONE SEEKING A SIMILAR PUBLIC SERVICE LIFE?

Listen. I was fortunate to have the Aboriginal Affairs portfolio, so I was taught a lot by the Aboriginal community. The changes I made were in partnership with the Aboriginal community. I listened more than I spoke. And I learnt from listening. That produces a better outcome.

WHAT'S THE NEXT CAREER MOVE?

Not politics. I've given it my best shot. It's time somebody else had a go.

I am motivated by how technology can improve the quality of life and reduce suffering. And how you can produce change en masse – and at pace. Let's see how that plays out.

A CHANGE OF PACE: HOW DO YOU HAVE FUN?

I love music – my taste is eclectic. My dad would sing arias in the shower, so I love Puccini. I'm right into Radiohead now too – they're having a renaissance.

ANY TRAVEL ON THE CARDS?

Definitely. Before politics, I travelled a lot. I also really love scuba diving. It's entering the subterranean, alien-type world.



[John Gray](#)

Partner, Technology & Digital Economy Co-Lead & NSW Government Co-Lead

THE FUTURE OF GOVERNMENT AND THE PUBLIC SECTOR: A LOOK AT GLOBAL DEVELOPMENTS

Recently, there's been a lot of reflection – and research – on the role of government and key areas for future success. Consistently, it is agreed that success is dependent on how effectively government can build (or rebuild) trust. Global experts, research and summits have focused on what this means at a micro-level to government, its agencies and leaders. We look at some recent developments.

THE OECD'S OUTLOOK

In July 2022, the Organisation for Economic Co-operation and Development (**OECD**) published its report entitled '*Building Trust to Reinforce Democracy: Main Findings from the 2021 OECD Survey on Drivers of Trust in Public Institutions*'. The report followed a study of 22 countries by the OECD Public Governance Committee. The report concluded that to build trust, government and its agencies are required to:

- address long-term challenges, such as climate change;
- evaluate and communicate the effects of reforms on different socioeconomic groups;
- develop better governance models for information ecosystems; and
- regularly monitor public trust in institutions as part of broader assessments of government performance.

A COLLABORATIVE CONFERENCE

In February, the 2023 World Government Summit was held with the theme 'Shaping Future Governments'. Global thought leaders, experts and key decision-makers shared and contributed to the development of tools, policies, and models for shaping future governments.

Sessions included:

- the path to sustainable and inclusive growth.
- public private partnerships to accelerate economic development.
- public service customer experience and equity – how public service leaders around the world can pursue digital innovation while refocusing on equity.

The last session focused on a survey and report prepared by Accenture in 2022 about how government agencies introduced or expanded online channels to access public services (as a response to COVID-19). It was recognised that while it's important to become more modern, personalised and efficient, these developments meant some citizens couldn't access vital services.



ALBERT PONTE'S SPICY PARSNIP SOUP

This is a fragrant and firm favourite for my friends and family – a recipe I started making when I lived in the UK. You must follow every step (especially the last one).

INGREDIENTS

- 1 large white onion
- 1 leek
- ½ kilo of peeled parsnips
- 30g of butter
- 1 tbsp of curry powder (adjust quantity according to taste and potency of curry powder)
- 1 tsp of ground cumin
- 300ml of thickened cream
- 1/3 cup of fresh coriander leaves
- 1¼ litres of chicken or vegetable stock

METHOD

Peel the parsnips and cut off the leafy dark green portion of the leek (leaving the light green and white portion).

Chop the parsnips, onion and leek into small cubes.

Melt the butter in a large pan (big enough to hold all the ingredients) over a medium heat.

Add all the chopped vegetables, cover and cook for about 5-10 minutes, stirring from time to time. The vegetables should start to brown and caramelize.

Add the curry powder and cumin. Stir them in while cooking for a couple more minutes, still over a medium heat.

Add the stock, cover and allow to simmer for another 10 minutes.

Remove pan from the heat and put the mixture through a blender until smooth. I use a hand-held blender in the pan, or otherwise run it through a food processor in batches.

Return it to a low heat and stir in the cream. Hold back some of the cream so that, once plated, you can add some decorative flair using the remaining cream poured over the back of a spoon. Better still, if you are serving it to kids, let them do it.

Garnish with coriander leaves and serve. Receive praise and adulation.

The report revealed four practical actions that, taken together, can help public service agencies to reach their goals:

- embed equity as a performance metric;
- actively engage with underserved communities;
- simplify digital tools and processes; and
- redeploy the workforce and provide training to ensure services are delivered with empathy and designed to centre on diversity, equity, and inclusion.

The global focus on thought leadership in the public sector is welcomed, and provides findings and insights to for the public sector to continue to build trust and to implement meaningful changes.

Sources:

- [OECD 'Trust in Government'](#)
- [World Government Summit 2023](#)



By [Jacqueline McGrath](#),
Special Counsel, Tax



LEGAL LOOKOUT

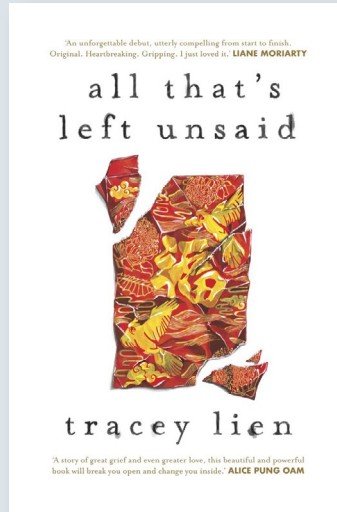
BOOK REVIEW: *ALL THAT'S LEFT UNSAID* BY TRACEY LIEN

This book is set in Cabramatta, 1996, a suburb awash in heroin and violent crime.

Now living in Melbourne, Ky Tran returns home for the funeral of her high-achieving brother, Denny. While out celebrating his high school graduation, Denny was brutally murdered in a local restaurant. But all the witnesses claim to have seen nothing. The local police seem uninterested in another murder within the Vietnamese community and Ky can't get answers about what happened.

Swamped by grief and guilt, Ky tracks down the witnesses herself. As she edges closer to the truth, she is also forced to confront her own history and of those like her, the children of refugees who fled a war and hoped to make a better life in a new country. Is Ky right in feeling the only available choice growing up was to be perfect or to be bad? Or was her estranged high school best friend Minnie right when she argued the system was rigged against them?

This brilliant book combines the mystery of what happened to Denny with blistering insight into inherited trauma, discrimination and the bonds of family, culture and community. Quite simply one of the best books I've ever read.



"Quite simply one
of the best books
I've ever read."



By [Melinda Woledge](#),
Marketing & Communications
Manager

WILL STATE AND TERRITORY GOVERNMENT AGENCIES PLAY A PART IN AUSTRALIA'S PRIVACY ACT REFORM?

Privacy protections extended. More obligations tightened. The *Privacy Act Review | Report 2022* brings together 100-plus proposals for amendments to the Privacy Act 1998 (Cth) (the **Act**). The Act applies to Commonwealth agencies and most private sector businesses, with state and territory government agencies covered by separate legislation. However, there are proposals that could see state and territory government agencies playing a role in ensuring Australia's privacy priorities are a success.

The Attorney-General's Department has published the long-awaited *Privacy Act Review | Report 2022 (Report)*. The proposals – if implemented – will have a significant impact on Commonwealth Government agencies and Australian businesses. But state and territory government agencies may also become involved in the reform process.

HOW WE GOT HERE

Broadening the rights of individuals has been on the privacy reform agenda for years. It's a global issue, with digital footprints – and breaches – traversing jurisdictions.

Commonwealth, state and territory governments are increasingly collaborating on shared information initiatives, but the Report delves deeper.

THE ROLE OF GOVERNMENT AGENCIES

The Report contains 116 proposals in 27 areas. We reviewed some of these in [our article](#), 'Substantial Privacy Act reform: what will this mean for your business?'. [Chapter 29](#) addresses state and territory government agencies' schemes interacting with the Act.

Privacy's a whole-of-country imperative, therefore the Report proposes complementing and streamlining schemes nationally.

In this context, one proposal is for the establishment of a Commonwealth, state and territory government working group (group) to harmonise privacy laws. The group would provide a forum to initially focus on aligning privacy legislation in key areas – ie addressing the complexities of health

information across jurisdictions, particularly acknowledging the increase in telehealth services following COVID-19.

Another consideration relates to contractors bound by multiple privacy statutes where they provide services to Commonwealth, state and territory governments. It's suggested that the group could review/consider aligning Australian laws that require organisations to retain personal information. Further, the group's longer-term goals could be to develop a harmonisation model, ensuring that state and territory privacy protection laws correspond to those under the Act – like mandatory data breach notifications.

WHAT'S NEXT?

While the proposals aren't new legislation and there's more consultation ahead before we have a Bill, the report's feedback was due by 31 March.

Our team stays across developments in privacy legislation, so get in touch to learn more about how the proposals may impact your schemes or future plans.



By Alison Baker,
Partner, Employment
& Workplace Relations



By Eden Winokur,
Partner & Head
of Cyber

TAFE CHANGES LIVES: CHISHOLM INSTITUTE'S STEPHEN VARTY ON HELPING NEW ARRIVALS THRIVE IN AUSTRALIA

Chisholm Institute recently won at the Victorian Multicultural Awards. CEO [Stephen Varty](#) spoke to Partner [Julian Hammond](#) about the winning program, how TAFE can change the lives of migrants, and the power of collaboration.



[Stephen Varty](#)
CEO, Chisholm Institute

YOU RECENTLY WON THE VOCATIONAL EDUCATION AND TRAINING AWARD IN THE VICTORIAN MULTICULTURAL AWARDS. CONGRATULATIONS. TELL US ABOUT THE WINNING PROGRAM.

The City of Casey and the City of Greater Dandenong have the largest number of Afghanistan-born residents in Victoria – both municipalities are within Chisholm's catchment. Since August 2021, Chisholm Institute has enrolled and supported 735 Afghan students in the Australian Government's Adult Migrant English Program (AMEP), for which we are a proud service provider.

Many of these students arrived in Victoria after the withdrawal of international forces from Afghanistan in 2021 and a significant number had experienced trauma in their homeland.

Thanks to the leadership of our teachers and pathways officers, Chisholm provided community support, healing and recovery to assist these students in their transition into Australia during COVID-19.

I'm incredibly proud that Chisholm's extraordinary efforts to support Afghan students were recognised by winning the Vocational Education and Training award.

The AMEP, funded by the Australian Government, provides English language lessons to eligible migrants and humanitarian entrants to support them to gain settlement skills and employment or access further study. Students connect with humanitarian arrivals of similar backgrounds and experiences.



'That's the power of TAFE. We provide skills-based outcomes for students that meet the needs of industry, helping them utilise their skills and secure successful careers.'



[Julian Hammond](#)
Partner, Litigation &
Dispute Resolution

DOES THE AMEP GO BEYOND THE CLASSROOM?

Yes, it goes well beyond the classroom. Our staff recognised the impact past traumatic experiences were having on students and the need for additional support. Staff developed breakout sessions during online classes to allow students time to share, grieve and pray together. Students needing additional support were referred to relevant Chisholm support services and external agencies. Chisholm also loaned hundreds of laptops to students and provided wifi dongles. Support was also provided to students trying to find out about their families in Afghanistan, so we regularly collaborated with other community organisations.

CHISHOLM IS A REMARKABLE SUPPORT NETWORK TO THOSE WHO'VE RECENTLY MADE AUSTRALIA HOME. HOW DO INITIATIVES LIKE THIS AND OTHERS IMPACT THE LIVES OF MIGRANTS?

At Chisholm, we see every day how TAFE changes lives.

Like student Abiba*, who came to Australia as a Northern African refugee. Due to experiences at home, this single mother of four was scared and worried about her daughter's safety.

Unable to speak English, Abiba was referred by her settlement agency to Chisholm where she enrolled in an English language course. At first, Abiba lacked the confidence to use her new language skills outside class and would rely on interpreters.

I'm proud to say that Abiba recently passed her Certificate II in Employment and will soon complete her Certificate III in EAL Further Study. Having also completed the Safe

Food Handling Skill Set – Hospitality Industry course, Abiba is looking forward to getting a part-time job so she can maintain her work, study and family commitments.

Seeing students like Abiba now thriving in Australian society is incredibly satisfying and makes me proud of all our staff involved in this program.

**Name changed for privacy reasons*

HOW DO YOU MEASURE SUCCESS?

We encourage and support all students in these programs to take on further study and/or employment. However, human outcomes are what's most important. We recognise the significant challenges they face and the integral role we play in helping them adjust to a new life.

HOW IMPORTANT IS COLLABORATION BETWEEN PUBLIC EDUCATION INSTITUTIONS, GOVERNMENTS AND THE COMMUNITY FOR ADDRESSING AUSTRALIA'S GROWING NEEDS?

This program is all about collaboration, and the AMEP is just one element of the Australian Government's programs to support eligible migrants and humanitarian entrants while they settle into their new lives.

It's incumbent on Chisholm to work across the entire program. That's why we work with state government representatives like the Adult Migrant Education Service, Workforce Australia and Jobs Victoria to identify additional support services available to new arrivals. It's important to remember that many of these students have no English language skills, no cultural references and Chisholm is part of a whole-of-system approach to support these students.

ANY ADVICE FOR GETTING STARTED WITH PROGRAMS SUPPORTING DIVERSITY?

It's all about listening and employing people with lived experience who really understand the challenges faced by the students. It's so good to see many refugees who've come through the program now working at Chisholm. They provide first-hand insights into the needs of these students and help us refine the systems, policies and structures in place.

AMEP is just one way Chisholm seeks to break intergenerational disadvantage. We also employ Koori liaison officers to help and support our Indigenous students, and we've developed a social justice charter to guide our work in addressing equity and diversity.

WHAT ARE SOME OTHER WAYS HIGHER EDUCATION INSTITUTIONS AND COMMUNITY PROGRAMS CAN BE SUPPORTED BY GOVERNMENTS?

It's vital that there's a shared vision with governments and that there are ongoing conversations about the program, where it's working and where it needs adjusting.

Vocational education is all about developing skills and we must ensure that our training is meeting the needs of students and future employers.

That's the power of TAFE. We provide skills-based outcomes for students that meet the needs of industry, helping them utilise their skills and secure successful careers.

WHAT'S HAPPENING



Public Law Webinar Series

Covering a range of topics – including emergency services, cyber risk, privacy, regulatory investigations and debt recovery – this webinar series, held from March to August, is designed to explore and offer practical insights on a range of key issues facing the public sector.

You can learn more by visiting the [‘2023 Public Law Webinar Series’](#) page of our website.

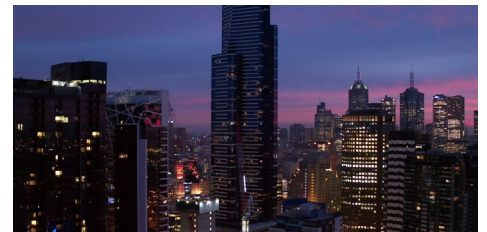
CEO and Government Roundtable: improving lives through affordable housing

The Melbourne office hosted an interactive and insightful CEO Roundtable for PowerHousing Australia. Leaders in the industry and government came together to discuss the outlook for the Housing Australia Future Fund. The initiative is focused on affordable housing, with hopes to provide community housing providers and associations with a much-needed boost to help alleviate housing shortages in the regions.

Guests included our own Partner [Katrina Reye](#) – who introduced the event – with featured presentations from PowerHousing Chair & CEO Nicholas Proud, Minister Julie Collins MP, The National Housing Finance and Investment Corporation (NHFIC) CEO Nathan Dal Bon, Industry Super Australia Deputy Chief Executive Matthew Linden and Super Housing Partnerships CEO Carolyn Viney.



Left to right: PowerHousing CEO Nicholas Proud, Minister Julie Collins MP, Partners – [Katrina Reye](#) and [David Cooper](#).



Spotlight on Financial Services

Hall & Wilcox will proudly host our inaugural [Spotlight on Financial Services](#) week from 8-12 May, across multiple locations.

The series will bring together experts and industry leaders to discuss what's hot in the financial services sector.

You will have the opportunity to hear about the latest issues, including ESG greenwashing risks, cyber risks, insurance for AFSL holders, how property funds can manage a challenging market, digital asset regulation, superannuation and renewable financing, and more.

Places are limited for in-person events, so be sure to [register](#).

**A fresh perspective
and leading expertise:
we are your firm.**