

LAWS CREATE INFORMATION AND PRIVACY COMMISSION IN NSW

Laws passed by NSW Parliament have created one agency to deal with privacy issues and access to government information.

Attorney General John Hatzistergos said the Office of the Information Commissioner and Privacy NSW will form the one agency to provide the public and the media with a one-stop shop for enquiries about accessing NSW Government documents.

“Bringing the two agencies under the one roof will also improve the efficiency and consistency of decision-making on issues concerning access to information, which will benefit the media and the general public,” Mr Hatzistergos said.

“People will be able to call the hotline to find out the best way of accessing NSW Government documents or to discuss concerns about personal details being made public or incorrectly held.”

The Privacy Commissioner and the Information Commissioner will remain separate positions to ensure there are strong and unbiased advocates for both privacy and for access to information. The Commissioners will work within the one new agency



The Information and Privacy Commission.

Mr Hatzistergos said the reforms follows a report by the NSW Law Reform Commission in 2009 recommending that functions relating to information and privacy be brought together into a single office.

“These reforms deliver on the NSW Government’s commitment to greater openness and transparency with regard to the release of information while protecting the privacy of individuals,” he said.

“When members of the public are seeking information relevant to their

individual circumstances it is not always clear whether those applications should fit under privacy legislation or access to information laws.

“The NSW Information Commissioner will make sure government agencies are aware of their obligations under the new laws and will be able to review decisions agencies make about releasing information.

“The NSW Privacy Commissioner will have the power to investigate complaints about breaches of privacy involving public organisations.”

The state’s first Information Commissioner, Deirdre O’Donnell, was appointed on May 10, as part of the biggest overhaul of freedom of information in New South Wales in 20 years.

Current acting Privacy Commissioner, John McAteer, who has been in the role since July 1, will continue in the role pending completion of a recruitment process for a permanent Privacy Commissioner.

Any member of the public will be able to contact the Information and Privacy Commission on 1800 INFO-COM (1800 463 626).

*Hon. John Hatzistergos MLC
Attorney General
Minister for Citizenship
Minister for Regulatory Reform*



JUDGE AND GADIEL WELCOME LIFE TIME TRADESPEOPLE LICENCES

Fair Trading Minister Virginia Judge today announced life time licence numbers for builders and other tradespeople to cut red tape for businesses and improve consumer protection.

“Life time licence numbers are now available across 46 trade licence classes including building, plumbing, electrical, carpentry, bricklaying and painting,” Ms Judge said.

“The historical records of licensees are retained and linked to the lifetime licence number.

“This means information on class variations, disciplinary actions, prosecutions, insurance claims, administrative cancellations and Consumer, Trader and Tenancy Tribunal orders is retained.”

“So far 823 life time licenses have been issued,” Ms Judge said.

Member for Parramatta Tanya Gadiel confirmed that the statewide introduction follows a Western Sydney trial.

“A trial was held in Parramatta from 1 March – 30 June this year, which has proved so successful it has now been rolled out statewide.

“In the past, when a contractor’s licence expired or was cancelled, the licensee had to apply for a new licence and was issued with a new licence number.

“Traders will now keep their most recent licence number for the term of their lives.

“They will still have to re-apply for their licence, but will no longer have to change licence numbers on stationery and advertising which reduces costs and red tape,” Ms Gadiel said.

Consumers will now be able to check a licensee’s history without the need to check their name and all other associated licence numbers.

NSW Master Builders’ Association Executive Director Brian Seidler welcomed the initiative and said it would save tradespeople time and money as well as support improved compliance in the home building industry.

NSW Housing Industry Association Executive Director David Bare also welcomed the announcement.

“We support any measures that reduce the burden of red tape for our builder and contractor membership,” he said.

For more information visit the Fair Trading website at www.fairtrading.nsw.gov.au

*Minister for Fair Trading Virginia Judge MP
Minister for the Arts*

NEIGHBOUR AGREEMENTS TO BE BOUND BY LAW

People who resolve disputes through the NSW Government’s free community mediation service will soon be able to choose to make their agreements legally enforceable.

“Free community mediation services are fast growing in popularity because they are a faster, more efficient way of resolving disputes without the need to go to court,” Attorney General John Hatzistergos said.

“The growth in demand for the services has corresponded with calls for parties

to be able to make the agreements legally binding.”

The NSW Government will today introduce laws to allow the agreements to be legally enforceable, should both parties agree. Under existing laws, the agreements can only be made in ‘good faith’.

“While the terms of agreements are generally honoured by the parties, Community Justice Centres have reported an increasing demand from parties, particularly in court-ordered mediations, to make an agree-

ment that could be enforced in court if necessary.”

The amendments will remove the current bar in the Community Justice Centres Act preventing enforcement. Parties will now have the option of reaching an agreement which, if necessary, could be enforced in court.

“The new option will improve the effectiveness of Community Justice Centres and broaden their appeal, particularly to parties who are seeking a legally enforceable resolution but

don’t want to go to court,” Mr Hatzistergos said.

Department of Justice and Attorney General figures show the free mediation service, often used by neighbours to resolve disputes, are rapidly growing in popularity.

In 2009/10, NSW Community Justice Centres opened files in relation to almost 5,000 disputes, up more than 60% from 3,000 last year. The centres conducted a total of 1725 mediations in the 2009/10 year, a 7% increase on last year’s figures of 1612. Of those mediations, 81% resulted in an agreement, up from 79% last year. “The settlement rate of more than 80 per cent is exceptional and I would like to commend the professionalism of the staff of the Community Justice Centres around NSW,” Mr Hatzistergos said.

Mr Hatzistergos said the amendments are consistent with the NSW State Plan objective of reducing anti-social behaviour.

*Hon. John Hatzistergos MLC
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\$20 Million Tax Penalty to Greek Australian Nick Petroulias

The Australian Tax Office gave a tax penalty of 20 million dollars to Greek Australian Nick Petroulias. Petroulias was in jail for two years after being found guilty of using his position in the tax office to secure private tax rulings for companies in which he had a financial interest. Petroulias was released in June. He had spent at least \$13 million on his legal defense.

“The ATO is determined to turn me into a social leper. Anyone who helps me or is in any way associated with me will be attacked,” he said. In the beginning, the Petroulias case was presented as the biggest case of deception against the Australian state. After four trials the authorities could not condemn him. The most serious accusations were withdrawn. In the last 2007 trial he was condemned to prison for 38 months. Judge Peter Johnson said that Petroulias’ behavior was illegal and deceitful. “I’m convinced that actions like these are the worst of the kind”.

