
Sarah Byrne

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BACKGROUND

Sarah is a highly qualified and experienced government lawyer, company director and mediator, with an excellent reputation for client-focused and strategic problem-solving.

Sarah has considerable experience as an in-house Counsel specialising in administrative law, statutory interpretation, information law and litigation, including as General Counsel for several agencies, head of the AGS Information Law team, and the ACT senior executive with oversight of legislation and policy for the whole of the Territory.

Sarah has extensive experience in legislative drafting and acting as an advocate in administrative appeals, including negotiating the advantageous resolution of matters before hearing. She is experienced in all types of APS corporate regulation, including employment law, information law, compliance, complaints management and governance.

Sarah has considerable experience in advising on fraud and security and the introduction of new policies and practices to support risk management frameworks. She has regularly conducted compliance inspections on behalf of agencies and has strongly contributed to the establishment of new programmes for the investigation of complaints.

She also has demonstrated expertise in the sensitive and constructive handling of volatile issues in environments of intense public scrutiny.

Clients value her strategic and lateral approach to finding innovative and lasting solutions to complex problems, and her ability to manage difficult stakeholders through the use of her negotiation and mediation skills. They also value her practical and accessible advice and the engaging and useful training she is able to provide.

Since leaving the APS in June 2016 Sarah has focused on governance, administrative and information law and mediation.

Sarah has a current NV1 (Secret) security clearance with AGSVA.

EXPERTISE

- › Administrative law
- › Statutory Interpretation
- › Legislative drafting
- › Litigation
- › Governance and compliance
- › Mediation
- › Employment law
- › Contracting

KEY ADMINISTRATIVE LAW EXPERIENCE

Executive Director, Corporate Services, National Health & Medical Research Council – Responsibilities included leading the Corporate Services Branch, including all matters relating to:

- › corporate governance (audit & fraud, statutory reporting, regulatory compliance, risk management)
- › Legal Services

- › Ministerial & Parliamentary
- › Communications,
- › Council Secretariat (minutes, preparation of papers, organising meetings);
Human Resources (including enterprise bargaining and investigations)
- › Complaints Management
- › FOI & Privacy
- › Public Interest Disclosures
- › Research Integrity and Ethics, including management of research misconduct matters, grants management, accreditation of Human Research Ethics Committees, assessing Administering Institutions against funding criteria and ATO gift recipient status.

Sarah took over the NHMRC Partnership Centres project, which had stalled for 4 years, and within 12 months set up the first Centre, 2 more in another year, and 2 more in negotiations by leveraging external contributions from a wide variety of private and public sector partners; brokering multi-partite agreements, and establishing Boards of Governance for each Centre.

Executive Director, Legislation & Policy, ACT Justice Directorate – Responsible for strategic and specific oversight of justice and social justice policy and legislation, and delivery and management of the whole policy portfolio of the ACT Attorney-General, Minister for Corrections and Minister for Policing, including negotiating and managing the ACT's contract with the AFP for the provision of the ACT Police Service; providing secretariat support for the Minister re his participating in committees such as the Standing Committee of Attorneys-General (where she stood in for him ad hoc when necessary) and serving as the Justice liaison for all SCAG and COAG processes. Sarah was also responsible for regulatory policy (including the legislation governing the legal profession) and ROGS data. Justice representative on ACT Women's Plan, and ACT representative on National Plan for the Prevention of Violence Against Women working group.

Interim ACT Public Advocate – Sarah had specific responsibility for the review and oversight of programmes and services provided to children and vulnerable adults. Examples include the Review of the Treatment of Children in the ACT Magistrates Court Cells, a major submission to the ACT Review of the Provision of Respite Care, and a detailed report into the provision of disability services to a young man who died while in care, with recommendations for improved processes and practices; Sarah also worked closely with ACT Health in relation to the care of psychiatric patients and patients with diminished capacity. Sarah was responsible during this time for the administration and strategic leadership of an independent statutory authority, including financial management and the creation and provision of all statutory reporting, plus regular meetings with the three responsible Ministers and several heads of Department.

General Counsel, Australian Medical Association – Sarah conducted numerous reviews of government programmes and legislation, including a major submission on the proposed Access Card legislation, review of Department of Defence contracts with medical practitioners, review of the AMA Privacy Kit and submissions to government on e-Health and medical records legislation, monitoring and advising on the Informed Medical Consent initiative, advising on legal and ethical obligations of medical practitioners (especially re end-of-life care) and working with disparate factions to reach resolution on ethical and legal policy issues. I provided intensive

support to the CFO on the non-financial aspects of his company secretary role, and represented the AMA as a peak body stakeholder in negotiations with government.

General Counsel for the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs – Sarah delivered a major and very successful change management initiative to bring the Legal Branch forward to a contemporary model of government legal practice. Redeveloped the governance arrangements around programmes transferred into the Department, and introduced and managed compliance with legislation and procurement policies. Significant practice running and advising on workplace investigations and performance/disciplinary processes, ensuring they were compliant with legislation and the requirements of procedural fairness.

Assistant Secretary, Medical Indemnity Task Force, Commonwealth Dept of Health & Ageing – Sarah worked closely with the medical profession and other stakeholders to deliver solutions for the reform of the Medical Indemnity industry and quality improvements in medical practice and continuing professional development, following the collapse of major medical indemnity providers and widespread disruption in the medical profession.

Principal Legal Officer, Department of Health & Ageing - Specialised in pharmaceutical and tobacco litigation, legislation and advice, employment and information law; intergovernmental agreements.

Manager, Policy and Administration, Queensland Administrative Services Department – In this contract role Sarah overhauled the Department's Freedom of Information and records management system, managed administrative appeals and provided secretariat support to the Queensland Board of Architects and the Queensland Board of Engineers.

OTHER
GOVERNMENT
LAW EXPERIENCE

Australian Government Solicitor's Information Law Team – Sarah was head of the team, advising every area of government on privacy, FOI and secrecy law. She was responsible for the conduct of high-profile and sensitive matters, such as the Heffernan/Kirby FOI request, and records relating to the Balibo 5. She drafted privacy-compliant forms for Centrelink and provided advice on systems that were not compliant, including practical advice on how they could deliver the same functionality (alerting Centrelink staff to potentially violent customers) without breaching the Act.

Sarah also successfully represented Centrelink (and other Departments) as counsel in litigation before the Federal Court for alleged breaches of the Privacy Act, and all Departments in FOI matters before courts and tribunals, including the test case of *Sobczuk v ATO*. Sarah also delivered training, facilitated a collaborative community of information law practitioners throughout government, provided input to the AG's policy notes, and maintained a database of case notes and precedents as resources for government clients.

General Counsel/Assistant Secretary Legal Services, Department of Finance & Administration - Established the first legal services branch in a central agency. Worked closely with the Human Resources Branch in relation to disciplinary matters and investigations from claims of sexual harassment, to fraud, to underperformance. Work included advice to the Minister on legal aspects of superannuation policy, including supplementary superannuation payments to low-income earners, and changes to the superannuation entitlements of Members of Parliament; the lease and buyback of State rail networks; asset sales and infrastructure development, information law and the whole range of in-house counsel responsibilities.

Principal Counsel, Australian Government Solicitor – Specialised in information law, policy and litigation, administrative appeals and public law, industrial relations and employment law, and intellectual property (especially Plant Breeders' Rights).

- QUALIFICATIONS**
- › Bachelor of Laws (University of Queensland, 1989)
 - › Bachelor of Arts (University of Queensland 1987) – Classics and History
 - › Solicitor and Barrister - admitted in Queensland (1992) and ACT (2005)
 - › Resolution Institute Mediation Course 2016
 - › Graduate, Australian Institute of Company Directors 2015
 - › ACT Law Society Practice Management Course 2015
 - › LEADR Mediation Course 2010
 - › Public Sector Management Course 1999