

ernment will become a purchaser and not a provider of IT infrastructure, with services supplied by providers whose business - and core competency - is IT."

Customer Service Charters for Commonwealth Agencies

On 26 March 1997, the Minister for Small Business and Consumer Affairs, the Hon Geoff Prosser MP, announced that all Government departments, agencies and business enterprises who deal with the public will be required to develop customer service charters under principles which the Minister has released.

Those principles are contained in a guide called *Putting Service First – Principles for Developing a Service Charter*, which was launched by the Minister at a seminar organised by the Society of Consumer Affairs Professionals in Business Australia, the Commonwealth Ombudsman's Office, the Department of Industry, Science and Tourism and the Australian Competition and Consumer Commission.

Mr Prosser said

"...the guide will assist continuous service improvement in the Public Service.

This guide is part of our communication to improve the quality of services to the public and ensure public funds are spent in an efficient and effective manner," he said.

It will place customers squarely at the forefront of public service provision.

I expect to announce a timetable for service charter implementation by June 30 this year, and I have asked the Small Business Division within my Department to implement this initiative by giving practical help in the development of service charters and the development of best practice.

I will be taking a personal interest in cross-agency performance in this area, and am especially keen to ensure that

there is a rigorous but flexible approach to service charters across the APS.

The service charter principles are available on the Internet at

<http://www.dist.gov.au/consumer/charters>

or by writing to the Service Charters Implementation Unit, Small Business and Consumer Affairs Division, Department of Industry, Science and Tourism, Lionel Murphy Building, Blackall St Barton ACT 2600 (ph. (06) 250 6959).

The Ombudsman, Philippa Smith, was a key speaker at the seminar and her speech is a Focus Article in this edition of *Admin Review*.

Law and Justice Legislation Amendment Act 1997

The Law and Justice Amendment Bill 1996 was introduced into the Commonwealth Parliament on 12 December 1996 and passed on 26 March 1997. Most of the provisions commenced on Royal Assent, on 17 April 1997 (Act No 34 of 1997). However the provisions relating to the establishment of the Small Taxation Claims Tribunal (discussed below) will commence on proclamation, probably in July this year.

The *Law and Justice Legislation Amendment Act 1997* amends a number of Acts coming within the Attorney-General's portfolio and two Acts within the responsibilities of the Assistant Treasurer and the Minister for Finance.

The following summary of amendments which will be of interest to *Admin Review* readers has been provided by Deborah Turner from the Courts, Tribunals and Administrative Law Branch of the Attorney-General's Department.

The amendments to the *Administrative Appeals Tribunal Act 1975* (AAT Act) will, when they commence, establish a Small Taxation Claims Tribunal within the Administrative Appeals Tribunal (AAT). Rather than creating a separate structure, the Taxation Appeals Division of the AAT is to be known as the Small Taxation Claims Tribunal when it is exercising powers under the new Part IIIAA of the AAT Act.

It is intended that the Small Taxation Claims Tribunal provide a cheaper and more informal means of resolving disputes between the small taxpayer and the Commissioner of Taxation. There is an emphasis on mediation as a form of dispute resolution. As part of the current AAT structure, the Small Taxation Claims Tribunal will be able to draw on the resources and expertise of the Taxation Appeals Division. All of the powers of the AAT and the Taxation Appeals Division will be able to be exercised by the Small Taxation Claims Tribunal.

At present the jurisdiction of the Small Taxation Claims Tribunal is limited to where the amount of tax in dispute is less than \$5,000. However the Act enables a higher amount to be set in future, by the regulations.

The Small Taxation Claims Tribunal is also able to hear all applications to review decisions refusing a request for an extension of time. This conferral of jurisdiction does not mean that the Small Taxation Claims Tribunal will necessarily continue to deal with the matter, regardless of the amount of tax in dispute, if the objection decision later comes for review by the tribunal. If the amount of tax to be reviewed in the objection decision exceeds the \$5,000 limit, the matter will proceed in the AAT and not the Small Taxation Claims Tribunal.

It is intended that the non-refundable filing fee for small taxation claims matters will be \$50, but the Tribunal will be able to waive this fee in cases of hardship.

Other amendments made by the Law and Justice Amendment Act are as follows.

The *Judiciary Act 1903* has been amended to provide the Federal Court with some of the civil jurisdiction under sections 75 and 76 of the Constitution. Subsection 39B(1A) of the *Judiciary Act 1903* gives the Federal Court jurisdiction to hear matters in which the Commonwealth is seeking an injunction or declaration, matters arising under the Constitution, and matters arising under laws made by the Parliament.

The *Privacy Act 1988* currently extends to a number of private sector credit providers including banks, and building societies, credit unions and other corporations, a substantial part of whose business is providing loans (including by issuing credit cards). The Act also extends to corporations which are within the class of corporations which the Privacy Commissioner determines to be credit providers. The Act has now been amended to give the Privacy Commissioner the power to determine that a Commonwealth agency which carries on a business or undertaking which involves making loans is a credit provider for the purposes of the Act. This amendment is restricted to where the agency provides credit on a commercial basis.

The amendments to the *Privacy Act 1988* also allow a credit reporting agency to list an overdue payment under a guarantee on the guarantor's credit information file. This is only permitted where the credit provider has first satisfied several conditions, including notifying the guarantor and allowing him or her a 60 day period to make the payment, as well as taking steps to recover the amount of the payment. For this purpose, a definition of the term 'guarantee' and a transitional provision to ensure that the amendment does not operate retrospectively had been inserted into the *Privacy Act 1988*.

The amendments to the *Privacy Act 1988* also clarify the Privacy Commissioner's powers in relation to the copying and retention of documents produced to him or her under section 44 of the Act.

An amendment to the *Superannuation Act 1976* widens the pool of Administrative Appeals Tribunal members who are available to hear applications for review of decisions made under the *Superannuation Act 1976*. It extends the requirement that at least one member hearing an application for review be an eligible member or pensioner under the 1976 scheme to include a member who is a member or pensioner of the scheme established under the *Superannuation Act 1990*.

The *Taxation Administration Act 1953* is amended to provide that the hearings of taxation matters in the AAT will be in private where a taxpayer so requests, except if the matter is being heard in the Small Taxation Claims Tribunal. In small taxation claims matters, the normal AAT provisions will apply, so that a hearing will be in public unless the tribunal is satisfied that it should be in private.

Human Rights Legislation Amendment Bill 1996

In the last issue of *Admin Review* it was reported that the Attorney-General, the Hon Daryl Williams AM QC MP, had announced that Cabinet had agreed to the introduction of legislation to reform the functions and structure of the Human Rights and Equal Opportunity Commission (HREOC). The reforms are in response to the High Court's decision *Brandy v Human Rights and Equal Opportunity Commission* (1995)127 ALR 1.

The foreshadowed legislation, the Human Rights Legislation Amendment Bill 1996, was introduced into the House of Representatives on 4 December 1996. On 6 February 1997 the Selection of Bills Committee recommended, and the Senate agreed, to refer the Bill to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 27 May 1997.

The legislation is intended to simplify dispute resolution procedures in human rights matters. Complaints will continue to be lodged with, and investigated and conciliated by, HREOC but HREOC will no longer conduct hearings in relation to matters that cannot be conciliated. These matters will be dealt with in the Federal Court.

The Attorney-General said:

"The amendments avoid the potential that currently exists for parties to have to repeat hearings of disputes before HREOC in the Federal Court. The amendments will save parties time and limit the uncertainty and tension inherent in the process."

It is envisaged that a Human Rights Registry will be established in the Federal Court. The reforms will enable Judicial Registrars to be appointed to handle some cases. User-friendly procedures will be developed to reduce the formality of proceedings in human rights matters.

Parliamentary Inquiry into Legal Aid

The first report of the Senate Legal and Constitutional Affairs References Committee entitled *Inquiry into the Australian legal aid system* was tabled in the Parliament on 26 March 1997.

Senator McKiernan's tabling statement (Senate Hansard, 26 March 1997, at pages 2240 - 2241) advised that the inquiry into the legal aid system in Australia was referred to the Committee on 17 September 1996. The Committee received 157 written submissions and held 8 public hearings around Australia, at which the committee received evidence from 134 witnesses.

The statement noted that the Committee had heard

"that Australia has built a national legal aid system which is recognised internationally as an excellent model. . . .

The Committee heard, however, that the current legal aid system has one major and fundamental downfall. That is, that it is "mean", because it does not have sufficient resources to extend it to many people who need it or would benefit from it. . . .

The strength of feeling . . . is such that the committee decided to prepare this first report concentrating on the current situation. The committee considered that it was important to do this in advance of the 1997-98 Budget due for delivery in May.

The committee considered that, by presenting the evidence provided to it [to] date in a report to the parliament, the Government may be better equipped to understand the degree and nature of con-