

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-

cern about Commonwealth legal aid expenditure reductions and policy refocusing. . .

The committee has recommended that the Government consider establishing a high level representative task force to advise Governments on the legal aid system and its place in Australia's justice system."

The Committee's public hearings are continuing.

Also on legal aid funding priorities, in answer to a Question Without Notice in the House of Representatives on 6 March 1997 from Mr Slipper expressing concern about funding of proceedings by non-citizens and non-residents challenging Government decisions to deny them entry into Australia, the Attorney-General said (Hansard, 6 March 1997 at p 2211):

"Citizenship is not a criterion in legal aid commission guidelines for assessing eligibility for legal aid. However, the question from the honourable member for Fisher . . . highlights some matters of considerable concern to the government in ensuring that legal aid dollars are appropriately spent.

...

The government has announced that from 1 July 1997 Commonwealth funds for legal aid will be applied to matters arising under Commonwealth law which include immigration matters. The Commonwealth will clearly articulate its priorities for legal aid funding when the new legal aid arrangements are implemented. I can assure the honourable member for Fisher that in the setting of these priorities full account will be taken of the concerns he has expressed."

Parliamentary Inquiry into Criminal Deportation

On 11 February 1997, the Minister for Immigration and Multicultural Affairs, the Hon Philip Ruddock MP, announced that he had

asked the Joint Standing Committee on Migration to undertake an inquiry into and report on the policies and practices relating to criminal deportation.

The terms of reference for the inquiry are

1. the adequacy of existing arrangements for dealing with permanent residents who are convicted of serious criminal offences and whose continued presence in Australia poses an unacceptable level of threat to the Australian community;
2. the appropriateness of existing arrangements for the review of deportation decisions;
3. the appropriateness of the current 10 year limit on liability for criminal deportation;
4. the extent to which effective procedures and liaison arrangements are in place between the Department of Immigration and Multicultural Affairs and State/Territory Governments for the timely identification and handling of all cases subject to the criminal deportation provisions;
5. the extent to which sufficient weight is given to the views of all relevant parties, including the criminals and the victim/s of the crime, and their relatives; and
6. the adequacy of existing arrangements for the removal of non-residents convicted of crimes.

The Committee sought submissions by 4 April 1997.

Parliamentary Inquiry into Competitive Tendering of Welfare Service Delivery

The House of Representatives Standing Committee on Family and Community Affairs is conducting an inquiry into the desirability and feasibility of increased contracting out of welfare services delivery by all service providers, with specific reference to: