

- ensures administrative certainty without preventing or discouraging an administrative decision maker from taking international obligations into account; and
- complements the recent changes to treaty making procedures.

5.4 The Committee notes, but does not accept, concerns relating to the appropriateness of the bill. In particular, the Committee does not accept that the enactment of the bill is contrary to Australia's international obligations nor will it send the wrong message to domestic decision makers or the international community. The Committee heard no evidence to suggest that the executive statement made on 10 May 1995 had this effect.

5.5 The Committee appreciates amendments suggested by some witnesses to improve the bill. The Committee however considers that these suggested amendments are not of sufficient import to warrant amending the bill."

Senate Committee Inquiry into the Contracting Out of Government Services

On 10 November 1997, the Senate Finance and Public Administration References Committee presented the First Report of its inquiry into contracting out of government services.

The Committee's terms of reference were reported on in *Admin Review* 47. Since that time those terms of reference were added to (see Senate Hansard, 27 May 1997, 3782) and the Committee's report which was tabled on 10 November dealt with those additional terms of reference. The additional terms of reference were as follows:

- (g) all aspects of outsourcing the information technology (IT) requirements of Commonwealth departments and agencies, with particular reference to:
- (i) the range of IT requirements of Commonwealth agencies,

- (ii) the costs and benefits of IT outsourcing,
- (iii) the privacy implications of IT outsourcing and the need for privacy protection for sensitive information held by Commonwealth agencies,
- (iv) the adequacy of measures proposed to ensure public accountability for taxpayers' funds and public scrutiny of service providers,
- (v) the approach being adopted by the Office of Government Information Technology to the outsourcing of IT,
- (vi) the means by which opportunities for in house bids and domestic IT industry can be maximised,
- (vii) the employment implications of IT outsourcing, and
- (viii) the experience of other jurisdictions with IT outsourcing and the international implications for Australia of IT outsourcing.

The Committee's Report on Information Technology expressed the view that agencies should have an option to reject outsourcing if it does not offer genuine benefits to the agency and that contracting out should not diminish public accountability through the Parliament, the Auditor-General and the administrative law. The suggestion that contracting out may improve accountability by requiring services to be defined more precisely and imposing service agreements on providers should be seen as a bonus not an alternative. Coalition members dissented from the majority report on a number of aspects.

The Committee's final report is expected early next year.

Australian Law Reform Commission – Release of Issues Paper : *Rethinking legal education and training*

On 18 August, the Australian Law Reform Commission release its Issues Paper entitled *Rethinking legal education and training*. The