

Recommendation No. 76

The Joint Committee recommended that the child support legislation be amended to establish an internal objection procedure for all administrative decisions and applications for a departure from formula assessment.

- the Government accepts the recommendation that the child support legislation be amended to establish formal internal review of all administrative decisions which may affect the interests of persons involved in the Child Support Scheme. The review will be conducted by staff of the Child Support Agency who were not involved in the making of the original decision;
- Where a parent is aggrieved by the decision following internal review, recourse would be through the Family Court, which is consistent with the current approach dealing with matters of Family Law.

Recommendation No. 77

The Joint Committee recommended that the child support legislation be amended to establish an external review office, called the Child Support Appeals Office, to determine appeals by custodial parents or non-custodial parents.

- the Government does not consider that it is necessary to establish an external review office. However, the recommendations arising from the Government's "Reform of Merits Tribunal" review, which might improve the proposed Child Support Agency review procedures, will be considered.

Inquiry into extending privacy legislation to the private sector

On 2 April 1998, the Privacy Amendment Bill 1998 was introduced into Parliament. On 14 May 1998, the Senate referred the Privacy Amendment Bill 1998 to the Legal and Constitutional References Committee for inquiry and report by 12 August 1998.

The Bill extends the *Privacy Act 1988* to personal information held by contractors in relation to services provided by the Commonwealth and services provided to people on behalf of the Commonwealth under contract. The Committee's terms of reference do not relate just to the Bill, but are expressed to include the extension of privacy legislation to the private sector generally.

The Committee will examine the need to extend the legislation, with particular reference to:

- relevant international standards and obligations;
- international comparisons;
- current legislative and other frameworks for privacy regulation in the Commonwealth, States and Territories;
- the role, responsibilities and practices of Commonwealth, State and Territory Governments;
- the needs and responsibilities of the private sector; and
- the right of consumers.

The Committee will also examine the effectiveness of any privacy scheme that does not have legislatively-backed complaints, investigation and enforcement mechanisms, the appropriateness of using National Principles for the Fair Handling of Personal Information (discussed below) as a basis for a co-regulatory regime for

the private sector and the best means of implementing such a scheme, and the appropriateness of the provisions of the Privacy Amendment Bill 1998.

Privacy principles

The Privacy Commissioner, Ms Moira Scollay launched the *National Principles for the Fair Handling of Personal Information* in February which will provide a basis for private businesses to develop practices to ensure that the privacy of individuals is protected.

The principles are not intended to be legalistic rules. Rather, they are intended to provide practical assistance to business – the principles will allow business to develop protections that meet privacy concerns.

The principles state that when organisations collect information about individuals, the individuals should know why it is being collected, what it will be used for and to whom it will be disclosed, and the organisation should not use it or disclose it in a way that the individual would not reasonably expect.

The principles also state that individuals should be able to have access to information which organisations hold about them, and have it corrected if necessary.

Use of the principles by business will enable individuals to be confident that their privacy will be protected, while safeguarding the legitimate interests of business in efficient and effective information handling in a changing competitive environment.

The Privacy Commissioner has stated that she intends to review the principles in six to twelve months to ensure any issues which arise in practice are taken into account.

Freedom of Information to apply to government outsourcing

On 3 February 1998, the Attorney-General, Daryl Williams AM QC MP announced that the *Freedom of Information Act 1982* is to apply to requests by individuals for access to and correction of personal information about themselves held by contractors on behalf of the government.

The Attorney-General's press release says:

The Act will apply in such a way that government agencies will ultimately be accountable for compliance with obligations imposed by the Act.

The Government's decision gives practical effect to its earlier decision that the *Privacy Act 1986* should apply to personal information held by contractors on behalf of the government.

Access to information in the hands of contractors will still also be available through contractual provisions under which a government agency has a right of access to documents held by the contractor. The Government has also agreed to a minor clarifying amendment to the *Freedom of Information Act* which will ensure that these contractual rights of access are effective.

This decision, and the earlier decision on the application of the *Privacy Act* will ensure that individuals can be assured that personal information provided by them to the government, or to contractors, on behalf of the government, will continue to be subject to strong privacy protection.

I believe that this measure will assist in preserving accountability in relation to documents held by contractors on behalf of Government without imposing significant burdens on contractors...