

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:

- the current levels of welfare service provision by the non-government welfare sector;
- the adequacy of current monitoring of performance standards for services delivered by the non-government welfare sector;
- the costs and benefits provided by increased contracting out of government services;
- the role of government in standards setting and monitoring of accountability standards; and
- the role of government in measuring the efficiency and effectiveness of new service delivery arrangements.

The inquiry will focus particularly on the improved planning and provision of health and related community services, home and community care and aged care and disability services, in the context of continued government responsibility for such services.

The closing date for submissions is 1 August 1997.

Senate Committee comments on Legislative Instruments Bill 1996

In this section of the last issue of *Admin Review* it was reported that the Senate Standing Committee for the Scrutiny of Bills had reported on the Legislative Instruments Bill 1996 in its Alert Digest No 5 of 1996. The Attorney-General's responses to the Committee's comments were discussed in the Committee's Ninth Report of 1996. The Committee reports that the Attorney-General has responded to the concerns expressed in the Committee's Ninth Report.

The Committee's Fourth Report of 1997, dated 19 March 1997, discusses three issues.

- While noting the benefits of national schemes of legislation, the Committee had concerns about the exemption of these schemes from disallowance and expressed the view that the norm should be that all subordinate legislation should be subject to Parliamentary scrutiny. Precluding Parli-

mentary power should occur only where just and weighty reasons warrant such a provision on a case by case basis. The Attorney-General's response (which is reproduced as an Attachment to the Report) notes that subclause 61(7) does not approve a general rule that subordinate legislation relating to national schemes should not be subject to Parliamentary review and disallowance, indicating that this matter should be considered when Parliament enacts the particular national scheme.

The Attorney-General also noted that his Department would be making a submission in response to the Position Paper on *Scrutiny of national schemes of legislation*. This position paper was produced by the Working Party of Representatives of Scrutiny of Legislation Committees throughout Australia and was tabled in the Senate on 16 October 1996.

- The Committee had also expressed concern about the exclusion of instruments dealing with terms and conditions of persons employed by the Commonwealth, for example, determinations under the *Public Service Act 1922* and the *Remuneration Tribunal Act 1973*. The Attorney-General's response noted that this matter had also been raised by the Senate Standing Committee on Regulations and Ordinances. The Chair of that Committee had written to the Minister for Industrial Relations seeking his agreement to withdrawal of the exemption and the Minister would be writing to that Committee about the issue.
- The third concern expressed related to the regulation by Schedule 4 of the interaction between the substantive provisions of the Bill and Rules of Court. While clause 7 provides that Rules of Court are not legislative instruments, Schedule 4 provides that the Bill, with some exceptions, can apply to those Rules as if they were legislative instruments. Schedule 4 also provides that the provisions of the Bill which are to apply to Rules of Court may be modified or adapted by regulations made under the Acts