

This arrangement will provide for an increased focus on the financial performance of GBEs, whilst also maintaining attention on non-financial aspects of GBE performance.

The shareholder Ministers may agree to modify the arrangements for GBEs being sold and to agree the timing and application of elements of the arrangements to GBEs that are being reviewed.

The Government has also agreed that the new arrangements not be implemented in respect of the Export Finance and Insurance Corporation (EFIC) at this time.

I appreciate the considerable effort that Mr Humphry had made in consulting with stakeholders and preparing a thorough and useful report. Copies are available from my Ministerial office."

Benchmarks for Industry-based Customer Dispute Resolution Schemes

On 28 August 1997, the Minister for Customs & Consumer Affairs and Minister Assisting the Attorney-General, Senator the Hon Chris Ellison, released the Benchmarks for Industry-based Customer Dispute Resolution Schemes. The text of the Minister's media release (278/97) is set out below.

Consumers To Benefit From Dispute Resolution Benchmarks

Federal Minister for Customs and Consumer Affairs, Senator Chris Ellison, today launched Benchmarks for Industry-based Customer Dispute Resolution Schemes.

Senator Ellison said that dispute schemes are an alternative to the court system, allowing for cost free, accessible and effective resolution of disputes.

"Dispute Resolution Schemes benefit both consumers and businesses and these Benchmarks set the standards for those schemes."

"The voluntary Benchmarks have been drafted in close consultation with industry and consumer groups to guide the development of fu-

ture schemes and improve current schemes," Senator Ellison said.

The Benchmarks contain six main themes:

- accessibility
- fairness
- accountability
- efficiency
- independence
- effectiveness.

Senator Ellison said that each theme contains key practices including having no fee or charge payable by the customer to use a scheme, having a decision-maker who is not selected by the industry, publicising reasons for decisions and setting reasonable time limits for processes within schemes.

"I am pleased to see a trend developing over recent years where industries are setting up dispute resolution schemes to resolve disputes between businesses and their customers."

"I encourage industry to use these Benchmarks when establishing their dispute resolution schemes or when reviewing existing schemes," Senator Ellison said.

Queries about the Benchmarks may be directed to Ms Mandy Doherty, Consumer Policy and Reform Branch, Department of Industry Science and Tourism (Tel 02 62506965).

Commonwealth Services Delivery Agency (Centrelink)

The *Commonwealth Services Delivery Agency Act 1997 & Commonwealth Services Delivery Agency (Consequential Amendments) Act 1997* passed the Parliament during the Autumn Session 1997.

The Second Reading Speech on the Commonwealth Services Delivery Agency Bill (House of Representatives Hansard, 4 December 1996, 7414) explained that the current network of regional offices of the Department of Social Security would form the core of the Agency's

service outlets. It would also take on some offices that are now part of the CES network along with student assistance centres. The Agency is located in the Social Security portfolio, given that the largest component of its activities will be the administration of entitlements under social security legislation.

The Second Reading Speech also stated that

“[A]ll the mainstream legislation for the operation of Commonwealth departments and agencies will apply to this agency. It will be subject to the Audit Act, finance regulations and finance directions. This reflects the fact that the agency will not be a separate entity from the Commonwealth. The Government considers that these scrutiny and accountability arrangements are central to the management structures for the agency given that it will be responsible for the day-to-day administration of large sums of public moneys.”

During debate on the Bill, the Minister for Social Security, Senator the Hon Jocelyn Newman, said (Senate Hansard, 26 March 1997 at 2181):

“The secretary to the Department of Social Security told the Senate Community Affairs Committee that the department had been involved in consultations with the Privacy Commissioner in relation to any privacy issues arising from both the agency bill and the consequential amendments bill. The end result of those consultations is that the Privacy Commissioner has written to the secretary to the department indicating that she has no objection to the bills proceeding in their current form.

As part of the consultation process, however, I have agreed to make a public commitment on the privacy issue, and I am happy to give such a commitment. The government has consistently stressed that the existing privacy regime, including the Privacy Act, will apply to the Services Delivery Agency and there

will be no diminution in the protection that the Privacy Act and the confidentiality provisions of the Social Security Act, for example, affords to customers of the agency. While the agency will be subject to the Privacy Act, I want to ensure that the bringing together of the functions of several departments fully complies with the principles underlying the Privacy Act.

I intend that the agency and the departments involved will consult with the Privacy Commissioner in the development of guidelines. I will subsequently direct the board of the agency to follow these guidelines. The consultations with the Privacy Commissioner will include consideration of: firstly, client registration and record-keeping systems, including the use of any identification numbers and any common core client information; secondly, flows of personal information between the agency and other departments, responsibility for that information and access privileges; and, thirdly, processes for consideration of the privacy implications of the addition of any new functions which may be given to the agency in future.”

Among the areas transferred to the Agency are staff engaged in review of decisions. Authorised Review Officers (AROs) in the Department of Social Security and staff of Administrative Law sections will continue to provide those functions within the Agency. Decisions of AROs will continue to be subject to review by the Social Security Appeals Tribunal.

Ms Suzanne (Sue) Vardon, has been appointed Chief Executive Officer of the Agency. Ms Vardon has held a number of senior positions in the New South Wales and South Australian public sectors. Her recent positions in South Australia were Chief Executive Officer of the Department for Community Welfare (later the Department of Family and Community Services), Commissioner for Public Sector Employment and Chief Executive of the De-

partment of Correctional Services. In 1995 Ms Vardon was awarded the Inaugural Telstra Business Woman of the Year award.

The Agency also has a Board of Directors which provide direction to the CEO and an accountability link between the Minister and the Agency. The Agency was officially launched under the name Centrelink by the Prime Minister in September 1997.

Enforcement of Human Rights Determinations

On 15 September 1997, the Attorney-General and Minister for Justice, the Hon Daryl Williams AM QC MP issued the following News Release in response to concerns about enforceability of determinations made by the Human Rights and Equal Opportunity Commission.

Changes to Human Rights Commission Will Allow Enforcement of Determinations

Legislation now before the Senate – the Human Rights Legislation Amendment Bill – will address problems involving the enforcement of determinations by the Human Rights and Equal Opportunity Commission.

The legislation addresses problems that currently exist where compensation awarded by the Commission cannot be enforced, as highlighted in *The Australian* today (p. 1).

The legislation was introduced in December last year. It seeks to simplify dispute resolution procedures in human rights matters, making them more accessible and userfriendly.

Under the current process the Commission hears disputes. However, the High Court in *Brandy* held that determinations by the Commission are not binding.

Under the scheme proposed by the Government, complaints will continue to be lodged with, and conciliated by the Commission. However, matters which cannot be successfully conciliated may proceed directly to the Federal Court for a binding determination.

In removing the potential requirement to litigate disputes in the commission and then in the court, the proposed scheme will save time and limit the cost, duplication, uncertainty and tension inherent in the current processes.

Elements of the Human Rights Legislation Amendment Bill have their origins in a review of the commission conducted by the previous Government. During the passage of the Bill through the Senate, I trust the opposition will not seek to obstruct or play politics with the rights of Australians and their access to redress.

The legislative package is an indication of the Government's commitment to the promotion and protection of human rights.

Establishment of the Human Rights and Responsibilities Commission

On 23 September 1997, the Attorney-General and Minister for Justice, the Hon Daryl Williams AM QC MP, announced the Government's intention to replace the Human Rights and Equal Opportunity Commission with a new body to be called the Human Rights and Responsibilities Commission. The text of the Attorney's News Release follows.

Human Rights and Responsibilities Commission

The Government's commitment to effective and equitable protection and promotion of human rights will be underlined through the establishment of a new Human Rights and Responsibilities Commission with a streamlined structure and more focused principal functions following a reorganisation of the Human Rights and Equal Opportunity Commission.

The protection afforded to all Australians under Commonwealth anti-discrimination laws will be fully maintained under the reorganised commission.

The structure of the new Human Rights and Responsibilities Commission will consist of a president and three deputy presidents.