



**SENATE STANDING COMMITTEE**

**FOR THE**

**SCRUTINY OF BILLS**

**FOURTH REPORT**

**OF**

**2007**

**28 March 2007**



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# SENATE STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

## MEMBERS OF THE COMMITTEE

Senator R Ray (Chair)

Senator J Adams

Senator G Barnett

Senator A McEwen

Senator A Murray

Senator S Parry

## TERMS OF REFERENCE

### Extract from **Standing Order 24**

- (1) (a) At the commencement of each Parliament, a Standing Committee for the Scrutiny of Bills shall be appointed to report, in respect of the clauses of bills introduced into the Senate, and in respect of Acts of the Parliament, whether such bills or Acts, by express words or otherwise:
  - (i) trespass unduly on personal rights and liberties;
  - (ii) make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers;
  - (iii) make rights, liberties or obligations unduly dependent upon non-reviewable decisions;
  - (iv) inappropriately delegate legislative powers; or
  - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.
- (b) The Committee, for the purpose of reporting upon the clauses of a bill when the bill has been introduced into the Senate, may consider any proposed law or other document or information available to it, notwithstanding that such proposed law, document or information has not been presented to the Senate.



# SENATE STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

## FOURTH REPORT OF 2007

The Committee presents its Fourth Report of 2007 to the Senate.

The Committee draws the attention of the Senate to clauses of the following bills which contain provisions that the Committee considers may fall within principles 1(a)(i) to 1(a)(v) of Standing Order 24:

Airport Development and Aviation Noise Ombudsman Bill 2007 \*

Higher Education Legislation Amendment (2007 Measures No. 1)  
Bill 2007 \*

Human Services (Enhanced Service Delivery) Bill 2007

- \* Although these bills have not yet been introduced in the Senate, the Committee may report on its proceedings in relation to the bills, under standing order 24(9).

# **Airport Development and Aviation Noise Ombudsman Bill 2007**

## ***Introduction***

The Committee dealt with this bill in *Alert Digest No. 2 of 2007*. Mr Georganas MP responded to the Committee's comments in a letter dated 21 March 2007. A copy of the letter is attached to this report.

### ***Extract from Alert Digest No. 2 of 2007***

Introduced into the House of Representatives on 12 February 2007

By Mr Georganas

#### **Background**

Similar to a bill of the same name introduced in 2006, this bill establishes an Airport Development and Aviation Noise Ombudsman to serve as a point of liaison between the Minister and the public in relation to the impact of airport development and aircraft noise on populated areas.

The bill also makes consequential amendments to the *Airports Act 1996*, the *Air Services Act 1995*, the *Civil Aviation Act 1988* and the *Ombudsman Act 1976*.

#### **Commencement on Proclamation**

##### **Clause 2**

Clause 2 provides that this measure is to commence on Proclamation, without any limit on the period within which such a Proclamation must be made or within which the bill commences in any event. Parliamentary Counsel Drafting Direction No. 1.3 states that:

As a general rule, a restriction should be placed on the period within which an Act, or a provision of an Act, may be proclaimed. The commencement clause should specify either a period, or a date, after Royal Assent after which:

- the Act commences, if it has not already commenced by Proclamation; or
- the Act is taken to be repealed, if a Proclamation has not been made by that time.

If the specified period option is chosen, the period should generally not be longer than 6 months. A longer period should be explained in the Explanatory Memorandum.

As this bill is not accompanied by an explanatory memorandum, the Committee **seeks the advice of the proposer** as to the reason for not defining a time period within which the measure must commence and **inquires whether the proposer** may wish to consider amending the bill to take account of this general rule.

*Pending the Member's advice, the Committee draws Senators' attention to the provision, as it may be considered to delegate legislative powers inappropriately, in breach of principle 1(a)(iv) of the Committee's terms of reference.*

### ***Relevant extract from the response from the Member***

I have considered and accept the Committee's comments in relation to the desirability of placing a restriction on the period within which an Act may be proclaimed, and I will move an amendment to the commencement provisions to this effect, should the bill proceed to the consideration in detail stage.

Thank you again for your interest.

The Committee thanks the Member for this response and for undertaking to move an amendment to the commencement provisions should the bill proceed to the consideration in detail stage.

# Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007

## *Introduction*

The Committee dealt with this bill in *Alert Digest No. 3 of 2007*. The Minister for Education, Science and Training responded to the Committee's comments in a letter dated 27 March 2007. A copy of the letter is attached to this report.

### *Extract from Alert Digest No. 3 of 2007*

Introduced into the House of Representatives on 28 February 2007

Portfolio: Education, Science and Training

### **Background**

This bill amends the *Higher Education Support Act 2003*, the *Higher Education Funding Act 1988* and the *Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003* to:

- provide additional funding to support the implementation of the Research Quality Framework; and
- reflect changes to the *National Protocols for Higher Education Approval Processes*, which were agreed by the Ministerial Council on Education, Employment, Training and Youth Affairs in July 2006 and are to take effect from 31 December 2007.

The bill:

- aligns key definitions with those used in the revised National Protocols and the Australian Qualifications Framework;
- applies the National Protocols to all new and existing higher education institutions;

- makes provision for the approval and regulation of new types of higher education institutions as Higher Education Providers and allows such institutions to apply for approval to operate in the External Territories; and
- includes a number of technical amendments aimed at clarifying eligibility for existing Higher Education Loan Programme and Commonwealth supported student arrangements.

The bill also contains application provisions.

### **Commencement on Proclamation Schedule 1**

Item 2 in the table to subclause 2(1) of this bill provides that Schedule 1 will commence on Proclamation, but must commence within 12 months of Assent in any event. The Committee takes the view that Parliament is responsible for determining when laws are to come into force. The Committee will generally not comment where the period of delayed commencement is six months or less. Where the delay is longer the Committee expects that the explanatory memorandum to the bill will provide an explanation, in accordance with Paragraph 19 of Drafting Direction No. 1.3. Unfortunately, the explanatory memorandum provides no explanation for the delayed commencement.

The Committee **seeks the Minister's advice** as to the reason for this extended delay in commencement and whether it would be possible to include the reason for the delay in the explanatory memorandum.

*Pending the Minister's advice, the Committee draws Senators' attention to the provision, as it may be considered to delegate legislative powers inappropriately, in breach of principle 1(a)(iv) of the Committee's terms of reference.*

### ***Relevant extract from the response from the Minister***

In response to the Committee's concern that the commencement of Schedule 1 to the Bill may be an inappropriate delegation of legislative power, I provide the following comments:

- Schedule 1 to the Bill amends the *Higher Education Support Act 2003* (the HESA) to reflect changes to the *National Protocols for Higher Education Approval Processes* (the revised National Protocols). The National Protocols were first approved by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) in 2000 and regulate the recognition of new universities, the operation of overseas universities in Australia and the accreditation of courses offered by providers of higher education.
- Ministers approved the revised National Protocols in July 2006 to take effect from 31 December 2007. As the National Protocols are a national agreement between the Australian Government and all states and mainland territories, their introduction requires legislative change in all jurisdictions. Legislative changes to the HESA are therefore one element of the amendments required in order to implement the revised National Protocols. The states and territories will also need to make legislative changes.
- The reason for the delayed commencement is that it will:
  - o ensure that the Schedule 1 amendments to the HESA do not take effect before the commencement date agreed by MCEETYA; and
  - o provide a necessary degree of flexibility to determine the precise commencement date closer to the time as it is not clear whether all jurisdictions will have the required legislative changes in place before the due date.

Allowing the Schedule 1 amendments to the HESA to take effect on a date to be proclaimed, but no later than 12 months after the date of Royal Assent, balances the need for a degree of coordination with other jurisdictions, which will assist national consistency in implementation of the revised National Protocols, and recognises Parliament's responsibility for determining when legislation comes into force.

Your Committee has also asked whether it would be possible to include a reason for the delay in the explanatory memorandum. In light of the Committee's concern, my Department will amend the explanatory memorandum to include a reason for the delay.

The Committee thanks the Minister for this response and for her commitment to amend the explanatory memorandum to include the reason for the delayed commencement.

# Human Services (Enhanced Service Delivery) Bill 2007

## *Introduction*

The Committee dealt with this bill in *Alert Digest No. 2 of 2007*. The Minister for Human Services responded to the Committee's comments in a letter dated 27 March 2007. A copy of the letter is attached to this report.

### *Extract from Alert Digest No. 2 of 2007*

Introduced into the House of Representatives on 7 February 2007

Portfolio: Human Services

#### **Background**

This bill establishes a framework for the Health and Social Services Access Card (not to be used as a national identity card). The bill:

- provides for the establishment of a register and specifies what information may be kept on the register;
- establishes eligibility criteria as a process for applying for and issuing an access card, including specifying what information may be included on both the surface of the card and in the 'chip' inside the card;
- allows the Secretary of the Department of Human Services to make decisions about whether a person is listed on the register or issued with an access card; and
- provides for ownership and use of the access card.

The bill also sets out offences against the bill, including offences in relation to applying for registration or an access card and offences relating to the use and misuse of the access card.

## **Legislative Instruments Act—declarations**

### **Subclause 67(3)**

Subclause 67(3) provides that a determination made under subclause 67(1) ‘is not a legislative instrument’. The explanatory memorandum, at page 59, does not acknowledge the existence of subclause 67(3) and, as such, it is not clear to the Committee whether this statement is merely included for the information of readers or is a statement of policy intent. Where a provision states that an instrument is not a legislative instrument the Committee would expect the explanatory memorandum to explain whether the provision is merely declaratory (and included for the avoidance of doubt) or expresses a policy intention to exempt an instrument (which is legislative in character) from the usual tabling and disallowance regime set out in the *Legislative Instruments Act 2003*. The Committee notes that such an explanation is provided in the explanatory memorandum in respect to subclause 65(6), which is in similar terms to 67(3).

The Committee **seeks the Minister’s advice** as to whether subclause 67(3) is no more than declaratory and, if so, whether it would be possible to include this information in the explanatory memorandum.

*Pending the Minister’s advice, the Committee draws Senators’ attention to the provision, as it may be considered to insufficiently subject the exercise of legislative power to parliamentary scrutiny, in breach of principle 1(a)(v) of the Committee’s terms of reference.*

### ***Relevant extract from the response from the Minister***

As you would be aware, on 15 March I announced that it is proposed to bring forward a combined Bill to deal with the framework for the access card in addition to remaining aspects of the access card system, including privacy and security safeguards. It is expected that such legislation will be brought forward during the 2007 Winter Sittings.

The Committee has sought comments on three aspects of the Bill. Whilst I note that the Committee will have the opportunity to review the consolidated bill on its introduction to the Parliament, I set out my response to the particular matters addressed by the Committee as follows:

#### **Subclause 67(3) - Legislative Instruments Act - declarations**

The Committee has asked whether subclause 67(3) of the Bill has been included merely as a statement of the existing legal position that determinations under clause

67 are not legislative instruments or whether the provision expresses a policy intention to exempt the determinations from the usual scrutiny provisions in the *Legislative Instruments Act 2003*.

I can confirm that subclause 67(3) is declaratory of the existing legal position and has been included for the avoidance of doubt. I agree that a statement to this effect should be included in the Explanatory Memorandum.

The Committee thanks the Minister for this response and trusts that this explanation will be included in the explanatory memorandum to the combined bill.

**Wide delegation of power  
Subclauses 68(1) and 70(1)**

Subclause 68(1) would permit the Minister to delegate many of his or her powers or functions under the Act to any Australian Public Service (APS) employee in any of the Departments or Agencies who will be administering the proposed new access card. Subclause 70(1) permits the Secretary to the Department of Human Services to delegate almost all of his or her powers or functions to an even wider group of persons. Subclause 71(1) permits the Secretary to the Department of Veterans' Affairs to delegate his or her powers or functions under clause 65 (which relates to the granting of exemptions from various requirements relating to the proposed new access card) to the same wide group of persons as those to whom the Minister may delegate powers and functions under subclause 68(1).

The only reference which the explanatory memorandum makes to the very wide discretions granted by these provisions is that, in relation to the delegations by the Secretary to the Department of Human Services, under subclause 70(1), the Secretary will be able to delegate some powers and functions to the Chief Executive Officer of agencies such as Medicare and Centrelink, who will in turn be able to subdelegate those powers or functions to officers within the agency. Such a chain of delegation is 'considered to be a more transparent and accountable mechanism for dealing with officers in other agencies from a government perspective.'

The Committee **seeks the Minister's advice** as to whether the various subclauses relating to delegation of power might impose some limit on the type or nature of the powers and functions which may be delegated in any particular instance, along the lines of the limitation in proposed new subsection 95A-11(2) of the *Aged Care Act 1997*, which requires the Aged Care Commissioner, in exercising his or her powers to delegate, to 'have regard to the function to be performed by the delegate and the responsibilities of the APS employee to whom the function is delegated'.

*Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, in breach of principle 1(a)(ii) of the Committee's terms of reference.*

### ***Relevant extract from the response from the Minister***

#### ***Minister's powers***

The Committee states that under subclause 68(1) of the Bill the Minister may delegate his or her powers to any Australian Public Service employee in any of the departments or agencies who will be administering the proposed access card.

Under the Bill the only two powers that the Minister will be able to delegate to a Commonwealth officer of the participating agencies will be the powers under subclauses 27(4) (determining the form of the access card) and 63(1) (consenting to the use of the protected name or symbol). These powers would normally only be delegated to the Secretary of the Department of Human Services (Secretary) and, in the case of subclause 63(1), executive officers of the Department. I propose to reflect that limitation in the delegation of those powers in the legislation.

As clause 68 is drafted, the Minister will not be able to delegate his or her powers under clause 8 relating to policy statements, subclauses 27(1) or (2) determining the name or symbol to be used in relation to the access card, or clause 66 determining identity guidelines. These powers must be exercised personally by the Minister.

The Minister's powers under item 17 of the table in subclause 17(1), paragraph 24(1)(g), item 17 of the table in subclause 34(1) and clause 65 can only be delegated to the Secretary.

#### ***Secretary's powers***

In relation to the Secretaries' powers, the Committee has asked whether those powers might be limited along the lines of the limitation in proposed new section 95A-11(2) of the *Aged Care Act 1997*.

As the Committee has noted, the Secretary's delegation power is not unfettered. The Secretary's delegations are generally restricted to Commonwealth officers in participating agencies (although for the purposes of good governance, delegations can be made to and by Chief Executives of FMA Agencies and a Chief Executive or a director of a CAC body that is prescribed in Regulations).

The Secretary of the Department of Veterans' Affairs (DVA Secretary) will only be able to delegate his or her powers under clause 65 to a Commonwealth officer in a participating agency.

In exercising any powers under the Bill the Secretary and the DVA Secretary would, as part of their care and diligence obligations under the Code of Conduct, apply the commonsense process envisaged in proposed new section 95A-11(2) of the *Aged Care Act 1997*.

However, in order to give greater certainty on this issue, I agree legislative provision should be made similar to that proposed by new section 95A-11(2) of the *Aged Care Act 1997*.

The Committee thanks the Minister for this response and for his assurance that the combined bill will accommodate the Committee's concerns.

### **Lack of Merits Review of Administrative Decisions**

The bill provides for the Secretary of the Department of Human Services to make a range of decisions in respect to the register and access card, including decisions as to whether or not to admit a person to the register (clause 14) and whether or not to issue an access card (clause 24), but remains silent on any appeal mechanisms in respect to these decisions. Page 63 of the explanatory memorandum acknowledges the absence of any mechanisms for reviewing administrative decisions made under the bill and notes that 'appeal mechanisms in relation to the access card and registration system will be included in the second tranche of legislation.' The explanatory memorandum goes on to state that 'appeal rights will not be diminished and will be consistent with those in place for existing cards and entitlements'. The Committee notes, however, that no information is provided in the explanatory memorandum regarding the nature of these existing appeal rights nor whether they are consistent across all cards and entitlements. As such, the Committee remains unclear about what the appeal rights may entail.

The Committee **seeks the Minister's advice** as to whether appeal rights could be included in this bill, along with the decision-making powers.

*Pending the Minister's advice, the Committee draws Senators' attention to the absence of appeal rights in this bill, as it may be considered to make rights, liberties or obligations unduly dependent on non-reviewable decisions, in breach of principle 1(a)(iii).*

### ***Relevant extract from the response from the Minister***

While the Committee has noted that the Explanatory Memorandum to the Bill indicates that appeal mechanisms 'will be included in the second tranche of legislation', the Committee has asked whether appeal rights could be included in the Bill, along with the decision-making powers.

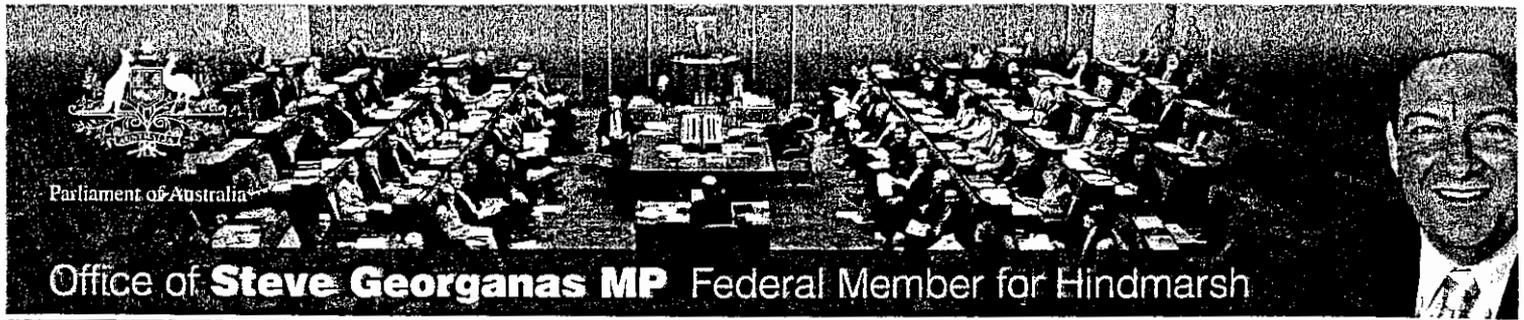
The question of what type of review rights should be included in the Bill is a matter that is currently under consideration by the Access Card Privacy and Consumer Taskforce, chaired by Professor Allan Fels, AO. The Taskforce has been asked to consider how the appeals from administrative decisions under the access card legislation could be most appropriately taken forward with other administrative appeals that might arise under existing legislation relating to health benefits and veterans' and social services. I expect to receive advice from the Taskforce shortly.

On that basis, I propose that an appropriate appeal mechanism will be included in the further combined bill relating to the access card.

Thank you for bring these matters to my attention.

The Committee thanks the Minister for this response and for his assurance that appropriate appeal mechanisms will be included in the combined bill.

Robert Ray  
Chair



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Senator Robert Ray, Chair  
C/- Cheryl Wilson, Secretary  
Standing Committee for the Scrutiny of Bills  
Parliament House  
CANBERRA ACT 2600

**RECEIVED**

21 MAR 2007

Senate Standing C'ttee  
for the Scrutiny of Bills

Dear Senator

Thank you again for your correspondence of 1 March 2007 regarding the Airport Development and Aviation Noise Ombudsman Bill 2007.

I have considered and accept the Committee's comments in relation to the desirability of placing a restriction on the period within which an Act may be proclaimed, and I will move an amendment to the commencement provisions to this effect, should the bill proceed to the consideration in detail stage.

Thank you again for your interest.

Yours sincerely,

Steve Georganas MP  
Federal Member for Hindmarsh

21 March 2007



**The Hon Julie Bishop MP**  
Minister for Education, Science and Training  
Minister Assisting the Prime Minister for Women's Issues

**RECEIVED**

27 MAR 2007

Senate Standing C'ttee  
for the Scrutiny of Bills

Senator Robert Ray  
Chair  
Standing Committee for the Scrutiny of Bills  
Senator for Victoria  
Parliament House  
CANBERRA ACT 2600

27 MAR 2007

Dear Senator Ray

**Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007**

I refer to a letter from the Secretary to your Committee to my office dated 22 March 2007 concerning certain provisions of Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007.

In response to the Committee's concern that the commencement of Schedule 1 to the Bill may be an inappropriate delegation of legislative power, I provide the following comments:

- Schedule 1 to the Bill amends the *Higher Education Support Act 2003* (the HESA) to reflect changes to the *National Protocols for Higher Education Approval Processes* (the revised National Protocols). The National Protocols were first approved by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) in 2000 and regulate the recognition of new universities, the operation of overseas universities in Australia and the accreditation of courses offered by providers of higher education.
- Ministers approved the revised National Protocols in July 2006 to take effect from 31 December 2007. As the National Protocols are a national agreement between the Australian Government and all states and mainland territories, their introduction requires legislative change in all jurisdictions. Legislative changes to the HESA are therefore one element of the amendments required in order to implement the revised National Protocols. The states and territories will also need to make legislative changes.
- The reason for the delayed commencement is that it will:
  - ensure that the Schedule 1 amendments to the HESA do not take effect before the commencement date agreed by MCEETYA; and
  - provide a necessary degree of flexibility to determine the precise commencement date closer to the time as it is not clear whether all jurisdictions will have the required legislative changes in place before the due date.

Allowing the Schedule 1 amendments to the HESA to take effect on a date to be proclaimed, but no later than 12 months after the date of Royal Assent, balances the need for a degree of coordination with other jurisdictions, which will assist national consistency in implementation of the revised National Protocols, and recognises Parliament's responsibility for determining when legislation comes into force.

Your Committee has also asked whether it would be possible to include a reason for the delay in the explanatory memorandum. In light of the Committee's concern, my Department will amend the explanatory memorandum to include a reason for the delay.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie Bishop', written in a cursive style. The signature is positioned above the printed name 'JULIE BISHOP'.

JULIE BISHOP



**SENATOR THE HON. CHRISTOPHER ELLISON**

Minister for Human Services  
Senator for Western Australia

**RECEIVED**

27 MAR 2007

Senate Standing C'ttee  
for the Scrutiny of Bills

Senator Robert Ray  
Chair  
Senate Standing Committee for the Scrutiny of Bills  
Parliament House  
CANBERRA ACT 2600

27 MAR 2007

Dear Senator Ray *Robert,*

I refer to the letter from the Secretary of the Standing Committee for the Scrutiny of Bills dated 1 March 2007 drawing attention to the Committee's comments in its Alert Digest of 28 February 2007 in relation to the Human Services (Enhanced Service Delivery) Bill 2007 (the Bill).

As you would be aware, on 15 March I announced that it is proposed to bring forward a combined Bill to deal with the framework for the access card in addition to remaining aspects of the access card system, including privacy and security safeguards. It is expected that such legislation will be brought forward during the 2007 Winter Sittings.

The Committee has sought comments on three aspects of the Bill. Whilst I note that the Committee will have the opportunity to review the consolidated bill on its introduction to the Parliament, I set out my response to the particular matters addressed by the Committee as follows:

**Subclause 67(3) – Legislative Instruments Act – declarations**

The Committee has asked whether subclause 67(3) of the Bill has been included merely as a statement of the existing legal position that determinations under clause 67 are not legislative instruments or whether the provision expresses a policy intention to exempt the determinations from the usual scrutiny provisions in the *Legislative Instruments Act 2003*.

I can confirm that subclause 67(3) is declaratory of the existing legal position and has been included for the avoidance of doubt. I agree that a statement to this effect should be included in the Explanatory Memorandum.

**Delegation Powers – subclauses 68(1) and 70(1)**

***Minister's powers***

The Committee states that under subclause 68(1) of the Bill the Minister may delegate his or her powers to any Australian Public Service employee in any of the departments or agencies who will be administering the proposed access card.

Under the Bill the only two powers that the Minister will be able to delegate to a Commonwealth officer of the participating agencies will be the powers under subclauses 27(4) (determining the form of the access card) and 63(1) (consenting to the use of the protected name or symbol). These powers would normally only be delegated to the Secretary of the Department of Human Services

(Secretary) and, in the case of subclause 63(1), executive officers of the Department. I propose to reflect that limitation in the delegation of those powers in the legislation.

As clause 68 is drafted, the Minister will not be able to delegate his or her powers under clause 8 relating to policy statements, subclauses 27(1) or (2) determining the name or symbol to be used in relation to the access card, or clause 66 determining identity guidelines. These powers must be exercised personally by the Minister.

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### ***Secretary's powers***

In relation to the Secretaries' powers, the Committee has asked whether those powers might be limited along the lines of the limitation in proposed new section 95A-11(2) of the *Aged Care Act 1997*.

As the Committee has noted, the Secretary's delegation power is not unfettered. The Secretary's delegations are generally restricted to Commonwealth officers in participating agencies (although for the purposes of good governance, delegations can be made to and by Chief Executives of FMA Agencies and a Chief Executive or a director of a CAC body that is prescribed in Regulations).

The Secretary of the Department of Veterans' Affairs (DVA Secretary) will only be able to delegate his or her powers under clause 65 to a Commonwealth officer in a participating agency.

In exercising any powers under the Bill the Secretary and the DVA Secretary would, as part of their care and diligence obligations under the Code of Conduct, apply the commonsense process envisaged in proposed new section 95A-11(2) of the *Aged Care Act 1997*.

However, in order to give greater certainty on this issue, I agree legislative provision should be made similar to that proposed by new section 95A-11(2) of the *Aged Care Act 1997*.

### **Lack of Merits Review of Administrative Decisions**

While the Committee has noted that the Explanatory Memorandum to the Bill indicates that appeal mechanisms 'will be included in the second tranche of legislation', the Committee has asked whether appeal rights could be included in the Bill, along with the decision-making powers.

The question of what type of review rights should be included in the Bill is a matter that is currently under consideration by the Access Card Privacy and Consumer Taskforce, chaired by Professor Allan Fels, AO. The Taskforce has been asked to consider how the appeals from administrative decisions under the access card legislation could be most appropriately taken forward with other administrative appeals that might arise under existing legislation relating to health benefits and veterans' and social services. I expect to receive advice from the Taskforce shortly.

On that basis, I propose that an appropriate appeal mechanism will be included in the further combined bill relating to the access card.

Thank you for bring these matters to my attention.

Yours sincerely



**CHRIS ELLISON**  
Senator for Western Australia

