

- The new Administrative Review Tribunal should not operate under a single case management model but should utilise a range of practices and procedures adapted to suit its different review jurisdictions.

## **OFFICE OF THE PRIVACY COMMISSIONER**

The Privacy Amendment (Office of the Privacy Commissioner) Act 2000 received Royal Assent on 29 February 2000. The purpose of the Act is to separate the Privacy Commissioner from the Human Rights and Equal Opportunities Commission and create a statutory Office of the Privacy Commissioner, with a view to further increasing the profile and effectiveness of the Privacy Commissioner.

## **PRIVATE SECTOR PRIVACY LEGISLATION**

The Privacy Amendment (Private Sector) Bill 2000 was introduced into Parliament on 12 April 2000. It was referred by the Attorney-General to the House of Representatives Standing Committee on Legal and Constitutional Affairs for inquiry and report. The Committee's report was tabled in June 2000, and recommended a number of changes, including:

- that otherwise exempt small business be allowed to opt-in to the coverage of the Bill;
- that changes be made to the provisions concerning employee records;
- that the Government encourage all relevant parties to reach an agreed position on the major issues raised in the evidence to the inquiry, such as the harmonisation of privacy principles applicable to the public sector, as a matter of urgency;
- that health information be included in the Bill, in a similar fashion to the ACT *Health Records (Privacy and Access) Act 1997*; and
- that tenancy databases be subject to the provisions of the Bill immediately and not be governed by the small business exemption.

The Government's response to the Report was tabled in Parliament on 7 September 2000. The Government will be moving amendments to the Bill. Changes include:

- that small businesses that handle health information will be required to comply with the legislation from its commencement;
- that small businesses generally will be able to voluntarily opt in to the privacy scheme; and

- that media organisations will be required to commit publicly to published privacy standards before they can have the benefit of the media exemption.

## **FEDERAL MAGISTRATES SERVICE**

The *Federal Magistrates Act 1999* received Royal Assent on 23 December 1999, and on 31 January 2000 the Attorney-General announced the intention to appoint Ms Diana Bryant QC as the first Chief Federal Magistrate. She was sworn in on 11 May 2000. A number of magistrates for cities and regions around Australia have since been appointed and were sworn in on 28 June 2000.

## **MIGRATION AMENDMENT BILL (No. 2) 2000**

The above Bill was introduced into the House of Representatives on 14 March 2000. It has been referred by the Minister for Immigration and Multicultural Affairs to the Joint Standing Committee on Migration for inquiry. The Administrative Review Council has made a submission to that inquiry.

One of the purposes of the Bill is to amend the *Migration Act 1958* to prohibit class actions in migration matters. The Bill also introduces a strict 28-day time limit for applications to the High Court in its original jurisdiction under the Constitution for judicial review of decisions under subsections (1), (2) or (3) of section 475 of the *Migration Act 1958*, in order to ensure that the High Court and the Federal Court have the same time limit on applications for judicial review.