

NEW REFERENCES

Review of Health, Housing and Community Services Legislation

The ALRC has been asked to provide a legislative framework for Commonwealth involvement in health, housing and community services to the year 2000 and beyond. Alison Orme, a member of the review team, reports.

The Commission has embarked on a major review of the legislation administered by the federal Department of Health, Housing and Community Services. The review was commissioned by the Attorney-General, Mr Michael Duffy, and the Minister for Health, Housing and Community Services, Mr Brian Howe.

Why have the review?

The aim of the review is to develop five new main Acts which mirror the program structure of the Department. The Acts will cover:

- aged care
- children's services
- health
- housing
- disability services.

The Commission has been asked to review the existing legislation administered by the Department. It has been specifically directed to make recommendations on how Commonwealth legal policies (including administrative law, secrecy, privacy and criminal law), social justice and human rights should be reflected in the new legislation. The Commission has not been asked to make recommendations about the government policy underlying each program area, but will develop a modern and coherent legislative framework which reflects existing policy.

A major focus of the review will be to see that the legislation that underpins the delivery of essential services to the Australian community encourages flexible, accountable and responsive service delivery to all Australians and reflects the advances that have been achieved in public administration over the last few decades. The legislation will follow a logical structure and will be drafted in language that is clear and easy to understand.

What is wrong with the existing laws?

The present Acts were passed at different times over a long period and many have been amended many times. There are a large number of them, with some applying across programs. This means that they are difficult to use and understand by officers of the Department who have to administer them, providers of services funded under the legislation and members of the Australian public.

How will it be done?

The Commission is concentrating on aged care and children's services first. The Commission is working closely with the Department until the release of the discussion papers on aged care and children's services. After that time consultation will broaden to include community groups, industry bodies and interested members of the public.