
R E G U L A R R E P O R T S

Administrative Review Council

COUNCIL PUBLICATIONS

Annual Report

The Council's Annual Report for 1983-84 aims to inform members of the public as well as the Government of developments in administrative review during that year. As well as reporting fully on the Council's activities, it includes

- . an informative and succinct assessment of the major developments in administrative review during the year;
- . general guidelines concerning administrative review - a detailed summary, collected from previous reports of the Council, of the principles which have guided the Council in advising the Government on the development of the new administrative law;
- . summaries of developments during the year affecting the operations of the AAT, the Ombudsman and the courts;
- . a comprehensive bibliography of recent publications relating to administrative law and public administration; and
- . a listing of the AAT's jurisdiction as at 30 June 1984.

Subscriptions to 'Admin Review'

This bulletin may now be purchased on a subscription basis from the publisher, the Australian Government Publishing Service, at an all-inclusive cost of \$7.20 per annum. Details of the subscription service are set out in AGPS' September monthly catalogue. Any enquiries concerning subscriptions to the bulletin may be made at your local AGPS bookshop.

CURRENT WORK PROGRAMME

Progress on currently active Council projects is as follows:

- AD(JR)Act. The Council is reviewing the operation of the Administrative Decisions (Judicial Review) Act 1977 with a view to determining whether revision of any of its provisions is required. In July and August the Council conducted several well-attended public hearings in Sydney, Melbourne and Canberra. A draft report is now being prepared for the consideration of the Council.
- Customs and Excise. An examination of the extent to which decisions under customs and excise legislation should be subject to review on the merits is being conducted in several stages. The current examination involves separate studies of discretions under
 - the Customs Act and regulations (other than censorship and anti-dumping matters); and
 - the Customs Tariff (Anti-dumping) Act and related legislation.

A discussion paper has been distributed on the first-mentioned topic and submissions are requested by 16 November 1984. Persons wishing to make late submissions should contact the Council's Director of Research. In relation to the study of rights of review under anti-dumping legislation, a separate discussion paper is currently being prepared.

- Damages in Administrative Law. Two Honorary Consultants to the Council, Mr David Mitchell of the University of Newcastle, and Mr Michael Pickering, a Melbourne solicitor, are preparing a discussion paper on this matter for the consideration of the Council.
- Impact. This project aims to assess the institutional and community impact of recent reforms in administrative review. Preparation of a draft report has been postponed because of insufficient staff resources.
- Migration. This project deals with the review of decisions under the Migration Act 1958 and related legislation. A draft report has been considered by the Council and is currently being revised.
- Notification of Review Rights. This project examines whether, and if so what, provision should be made requiring decision makers to notify affected persons of rights of review. The current examination relates to notification of review rights where a

right of review ultimately lies to the AAT.

- . Ombudsman/AAT. This project examines the relationship between the Ombudsman and the AAT. A draft report has been prepared and it is hoped that a final report will be transmitted in the near future.

UPDATE ON COUNCIL RECOMMENDATIONS

Citizenship

As reported in the last issue of Admin Review, most of the Council's recommendations made in its 7th Report, Citizenship Review and Appeals System, were adopted in the Australian Citizenship Amendment Bill 1984. The Bill has since been enacted into law.

Australian Broadcasting Tribunal

The Minister for Communications, Mr Duffy, announced on 10 September 1984 that the Government would implement virtually all of the recommendations made by the Council in its 12th Report, Australian Broadcasting Tribunal Procedures. The ABT's procedures are to be streamlined, including the establishment of a two-tiered inquiry procedure, elimination of specific licence inquiries in certain cases, and reduction in the number of members required to sit on an inquiry.

Repatriation

As reported in the last issue of Admin Review, the Repatriation Legislation Amendment Bill 1984 substantially adopted recommendations made by the Council in its 20th Report, Review of Pension Decisions under Repatriation legislation. The Bill was assented to on 9 October 1984.

Administrative Appeals Tribunal

NEW JURISDICTION

The following recent legislation confers jurisdiction on the AAT:

- . Air Navigation (Aircraft Noise) Regulations
- . Air Navigation (Charges) Amendment Act
- . Australian Citizenship Amendment Act 1984