

the Chairman of the SSAT) a medical member.

- . Powers. Unlike SSATs, the new SSAT should have determinative (i.e. binding) powers. It should also be able, in cases of hardship, to order the interim payment of a pension or benefit, and to stay a cancellation, suspension or reduction of a pension or benefit pending the determination of an appeal.
- . Procedures. A balance was sought to be struck between the need to maintain the informality of present SSATs and the need for justice to be done and seen to be done. Accordingly, informality was sought to be preserved by recommending that SSAT hearings should generally be in private, and by requiring the Director-General to seek the Tribunal's permission before being represented before the SSAT. (Where the DSS is represented the Tribunal should be empowered to require the DSS to meet the reasonable costs of providing suitable representation for the appellant). Fairness is promoted by recommendations which aim to ensure that the parties know in advance the case they have to meet at the hearing, and by requiring the Tribunal to give reasons in writing for its decision upon request.

Summing-up. The new SSAT is an evolutionary rather than a radical step in the development of a effective social security appeals system. The recommendations aim to preserve the existing informality of SSATs while at the same time removing their inadequacies as the first tier of external review.

## REGULAR REPORTS

### ADMINISTRATIVE REVIEW COUNCIL

#### Update on Council Recommendations

Citizenship. Most of the Council's recommendations made in its 7th Report, Citizenship Review and Appeals System, have been adopted in the Australian Citizenship Amendment Bill 1984, currently before the Senate.

Repatriation. The recommendations made by the Council in its 20th Report, Review of Pension Decisions Under Repatriation

Legislation, may soon be implemented in large part. The Council had recommended the establishment of a new system of review of pension decisions under repatriation legislation, including new primary decision making procedures and a two-tiered review structure constituted by a specialist first-tier tribunal and the AAT as the final review tribunal. The Repatriation Legislation Amendment Bill 1984 which, if enacted, will substantially implement the Council's Report, has been passed by the House of Representatives and is to be debated by the Senate in the Budget Session.

Student Assistance. The Statute Law (Miscellaneous Provisions) Act (No. 1) 1984 provides for AAT review of decisions of Student Assistance Review Tribunals. The Act implements most of the recommendations made by the Council in its 11th Report.

#### Current Work Programme

Progress on projects authorised by the Council 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. An Issues Paper has been prepared and distributed and is also available on request. It is proposed to hold hearings and seminars on the Act's operation during July and August 1984 in Canberra, Melbourne and Sydney and in other capitals if there is sufficient demand. Expressions of interest in attending are welcome.
- . Air Navigation. Work in suspension.
- . Costs before Administrative Tribunals. Work in suspension.
- . Customs and Excise. Customs and excise appeals are being examined in several stages. The current examination involves discretions under the Customs Act and regulations (other than censorship matters). A discussion paper has been distributed and copies are available on request. Following a request by the Attorney-General in early June, the Council has given priority to a separate study of anti-dumping and countervailing decisions. A discussion document on this matter is expected to be released shortly.

- . Damages. Work in suspension.
- . Immunities, Privileges and Time Limits Affecting Statutory Authorities. Work in suspension.
- . Impact. Considerable work has been done on this project which aims to assess the institutional and community impact of recent reforms in administrative review. Case studies of four selected departments and authorities have been conducted and an integrated report will be prepared as soon as staff time can be made available.
- . Migration. This project deals with review of decisions under the Migration Act 1958 and related legislation. A draft report has been prepared and it is hoped that a final report will be transmitted in the near future.
- . Notification of Review Rights. The Council has begun work on a project examining notification of review rights. In the first instance it is examining notification of review rights where a right of review ultimately lies to the AAT.
- . Ombudsman/AAT. This project examines the jurisdictional relationship between the Ombudsman and the AAT. A discussion paper has been prepared and distributed, and a draft report is currently being written.

#### ADMINISTRATIVE APPEALS TRIBUNAL

##### New Jurisdiction

Meat and Livestock Corporation. The Australian Meat and Livestock Corporation Amendment Act 1984 provides that applications may be made to the AAT for review of decisions made by the Corporation to refuse to enter the particulars of a person upon a register and to remove the particulars of any person from the register.

Sex Discrimination. The Sex Discrimination Act 1984 empowers the Tribunal to review decisions of the Human Rights Commission relating to exemption from provisions relating to discrimination in employment and other areas.

Shipping. The Shipping Registration Amendment Act 1984 extends the existing jurisdiction of the AAT under the Shipping Registration Act 1984. The new decisions subject to review relate to entries in the register, entitlement to registration, and provisional registration.