

ADMINISTRATIVE LAW WATCH

GIVING OF REASONS

With the passing of the Acts Interpretation Amendment Act 1984, some government decision makers will now be required to give more detailed statements of reasons. The Act amends the Acts Interpretation Act 1901 to provide that where an Act requires a tribunal, body or person making a decision to give written reasons for the decision, the instrument giving reasons shall also set out the findings on material questions of fact and refer to the evidence or other material on which those findings were based.

PUBLIC SERVICE APPEALS

A new appeals system has been established to settle disputes between the Federal Government and its employees. A new authority, the Merit Protection and Review Agency, will be empowered to review government employment decisions where a right of review is provided in the terms and conditions of employment of staff. The Agency will also have investigative, supervisory and advisory functions. In his Second Reading Speech to the Parliament, the Minister for Finance and Minister Assisting the Prime Minister for Public Service Matters, the Hon John Dawkins, stated that the Bill 'will not provide further avenues of appeal and grievance for staff'. However, he said that it allowed for appeals and grievances to be considered independently of departmental management and the Public Service Board.

The legislation establishing the Agency, the Merit Protection (Australian Government Employees) Act 1984, raises a number of administrative review issues, including -

- . whether sufficient reasons existed to justify the establishment of a new specialist tribunal, rather than use being made of the AAT and the Ombudsman at least in respect of some of the Agency's functions;
- . whether it is desirable to mingle in the one agency review functions as well as investigative, supervisory and advisory functions; and
- . whether the proposed manner of vesting jurisdiction in the Agency (appropriate inclusions in terms and conditions of

employment) was satisfactory having regard to the Chittick decision, explained above (p. 10).

APPEALS TO THE HIGH COURT

Administrative law cases (except applications pursuant to paragraph 75(v) of the Constitution) may now only be heard by the High Court with special leave. The Federal Court Amendment Act 1984 so requires in respect of cases on appeal from the Full Court of the Federal Court of Australia. Previously, a right of appeal had existed from the Full Court of the Federal Court where the appeal involved subject matter of the value of \$20,000 or more.

RECENT PUBLICATIONS

The following recently published works relating to administrative review may be of interest.

Balmford, R.

'The Administrative Appeals Tribunal in Practice' (1984) 58 Law Institute Journal 799

Cavanough, T.

'The Progress of Statutory Judicial Review Through the Cases' (1984) 58 Law Institute Journal 792

CCH Australia Ltd

Guidebook to Commonwealth Freedom of Information, CCH Australia Ltd (1984)

Craig, P.

Administrative Law, Sweet and Maxwell (1984)

Enright, C.

The Administrative Decisions (Judicial Review) Act 1977, Macquarie University (1984)

Ginnane, T.J.

'The Pattern of Reform in Administrative Law' (1984) 58 Law Institute Journal 786

Griffiths, J.E.

'The Administrative Review Council' (1984) 58 Law Institute Journal 822