

[1985] Admin Review 23

- . whether the current procedures and operations of review authorities such as the AAT, the Ombudsman and the Courts raise any unnecessary and significant barriers to access; and
- . whether there are any other ways of facilitating access to administrative review.

Over the next few months the Council will hold discussions with interested groups and persons with a view to identifying possible areas for study as part of the Access programme. Written suggestions are also encouraged.

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

Administrative Review Council

RECENT ADVICE

Administrative Review Implications of Proposals for ACT Self-Government

One of the matters dealt with in the Report of the Task Force on Implementation of ACT Self-Government (A.G.P.S., May 1984) concerns arrangements for review of ACT administrative decisions if proposals for ACT self-government are implemented. A general theme permeating the Report's recommendations on this question is the need to preserve existing rights of review even if the review structures themselves are changed. Among the options open to the ACT Government as noted in the Report are that:

- . the AAT retain jurisdiction in relation to ACT matters (or a new system of review be erected);
- . model legislation on the Ombudsman's powers and functions be prepared for consideration and early enactment by the new ACT Government; and
- . either the Federal Court retain jurisdiction under the AD(JR) Act in relation to ACT decisions, or a similar jurisdiction be vested in the ACT Supreme Court.

The Administrative Review Council has written to the Attorney-General advising him that it favours the creation of an ACT Division of the AAT if the first of the above proposals were adopted by an ACT Government. The creation of such a Division would attract persons of a suitable calibre to be appointed members, enhance the confidence of ACT residents in the Tribunal's decisions and also ensure that resident members were familiar with local conditions. Further, the Council considers that legislation establishing an ACT Ombudsman should confer the functions of that office on the Commonwealth Ombudsman, so that existing machinery may be utilised (as has occurred recently with the conferral on the Ombudsman of the functions of Defence Force Ombudsman).

CURRENT WORK PROGRAM

Progress on currently active Council projects is as follows:

- . Access. Stage One of the Access Programme, the Notification of Review Rights Project, has commenced by sending a detailed questionnaire on notification of review rights practices to a sample number of departments and statutory authorities. The Council will be consulting with interested persons, groups and organisations on what topics should form the later stages of the Access programme.
- . AD(JR) Act. The nature of this project was described in the October issue of Admin Review and there has been no change in its progress.

- . Customs and Excise. A draft Report on rights of review of decisions under the Customs Act and Regulations (other than censorship and anti-dumping matters) is currently being considered by the Council. The preparation of a draft Discussion Paper on the review of decisions under the Customs Tariff (Anti-dumping) Act and related legislation is continuing. Work has commenced on the preparation of a draft Report on censorship decisions.
- . Damages in Administrative Law. The preparation of a draft Discussion Paper is continuing.
- . Impact. A draft integrated Report is being prepared on the basis of four case studies conducted by the Council.
- . Migration. A draft Report will be considered by the Council at its June meeting.

Administrative Appeals Tribunal

NEW DIVISION

A Veterans' Appeals Division of the Tribunal has been created by regulations made on 27 November 1984 and action is currently being taken to appoint members to that Division. The AAT has jurisdiction to hear appeals from the newly-created Veterans' Review Board and several such appeals have already been lodged.