

Diversion of Resources

The AAT has held that access should be refused to documents where compliance with the request for access would substantially and unreasonably divert the resources of the agency from its other operations: Re Shewcroft and Australian Broadcasting Corporation (27 February 1985). The Tribunal stated that the applicant's motivation in requesting access to the documents (the papers, minutes and recordings of 8 Board Meetings) was a relevant factor in considering the element of 'unreasonableness' required under the Act to claim exemption from access.

Business Information Exemption

Business information supplied by commercial television stations to the Australian Broadcasting Tribunal is exempt from access according to the AAT: Re Actors' Equity Association of Australia and Australian Consumers Association and Australian Commercial Television Stations (29 March 1985). The Tribunal held that disclosure of such information to a television station's competitor would have an unreasonably adverse effect on its business, commercial or financial affairs.

A D M I N I S T R A T I V E L A W W A T C H

The New System of Repatriation Appeals in Operation

The Repatriation Legislation Amendment Act 1984 substantially implemented recommendations made by the Administrative Review Council in its 20th report, Review of Pension Decisions Under Repatriation Legislation. The Act, which came into operation on 1 January 1985, established a Veteran's Review Board ('the VRB') and created a right of review by the AAT of the Board's decisions. As referred to above (page 25), a number of applications for review of VRB decisions have been lodged with the AAT.

Statistics are now available for the first month of operation of the VRB. For the four weeks preceding 1 March 1984, the VRB was operating at only 40% of its listing capacity. Reasons for under-utilisation of the VRB have been:

- . the large number of hearings adjourned or postponed (37% in the case of assessment applications and 20% in the case entitlement applications); and
- . delays in awaiting section 107VE reports from the Department of Veterans' Affairs and advices from the parties required under section 107VS (i.e. whether parties wish to appear or be represented at a VRB hearing).

There has been a high percentage of Repatriation Commission decisions set aside since the new system has come into operation - 93% in the case of entitlement applications and 80% in the case of assessment applications. This high level of overturned decisions is primarily due to the litigation in the O'Brien case which culminated in the High Court's decision referred to above (page 32).

R E C E N T P U B L I C A T I O N S

The following recent works relating to administrative law may be of interest:

Attorney-General

Freedom of Information Act 1982: Annual Report 1983 - 1984, A.G.P.S., 1985

Amerasinghe, J.

'Termination of Permanent Appointments for Unsatisfactory Service in International Administrative Law' (1984) 33(4) International and Comparative Law Quarterly 85

Bowman, M.J. and Bailey, S.H.

'Negligence in the Realms of Public Law - a Positive Obligation to Rescue?' (1984) Public Law 277