

Siebel (ed.)), which contains up to date legislation and notes relating to customs law; and

- . The Public Service Board have devoted two special issues of their regular Bulletin (in November 1984 and January 1985) to recent developments in administrative law relating to public service employment.

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

Administrative Review Council

RECENT ADVICE

Social Security Appeals

Following the Council's 21st Report, The Structure and Form of Social Security Appeals, a number of submissions relating to it was made to the Attorney-General. Copies of some of these submissions were made available by the Attorney-General's Department to the Council with an invitation to comment. One issue raised in a submission of the Welfare Rights Centre (Sydney) concerned the Council's recommendation that a full-time national Chairman of the Social Security Appeals Tribunal ('SSAT') be appointed. The Centre opposed this recommendation and instead preferred the appointment of State Presidents.

The Council subsequently wrote to the Attorney-General on this issue, drawing his attention to the recent establishment in the United Kingdom of a presidential system of social security appeals, a development which was not known to the Council at the time it transmitted its Report, but one which the Council considered to be generally supportive of its proposal that a national Chairman be appointed. The following points were also made by the Council in its letter elaborating upon its proposal:

- . there were currently problems of significant variations in Tribunal procedures both within and between States;

- . it was expected that a national Chairman would:
 - promote uniformity of practice and procedures, and consistency of decisions;
 - provide a central focus, which would in turn facilitate co-ordination between tribunals and communication with other bodies, and foster a sense of unity and loyalty to a corporate entity;
 - monitor the performance of individual tribunals;
 - strengthen the independence of the SSAT by enabling it to deal with matters currently handled by the Department of Social Security, e.g. staff management, compilation of statistics and monitoring the processing of appeals;
 - allocate cases and constitute the Tribunal;
 - prepare Annual Reports; and

- . the appointment of a Deputy Chairman in each State or Territory would ensure that local conditions and requirements were taken account of in the Tribunal's operations.

CURRENT WORK PROGRAMME

Progress on currently active Council projects is as follows:

- . AD(JR)Act. The nature of this project was described in the last issue of Admin Review and there has been no change in its progress.

- . Customs and Excise. Work is continuing on the preparation of a draft Report on rights of review of decisions under the Customs Act and Regulations (other than censorship and anti-dumping matters). Mr Jeff Waincymer of Monash University has been appointed as a consultant to the Council and is preparing a draft Discussion Paper on the review of decisions under the Customs Tariff (Anti-dumping) Act and related legislation.

- Damages in Administrative Law. The preparation of a draft Discussion Paper is continuing.
- Impact. Work in suspension.
- Migration. A draft Report is being prepared for the Council's consideration at its April meeting.
- Access. The Notification of Review Rights project has been subsumed by a broader Access programme which will examine the general issue of access to administrative review. The programme is as yet in its formative stages, but the topic of notification of review rights will form the first stage of the programme.
- Ombudsman/AAT. A Report on the Relationship Between the Ombudsman and the AAT was transmitted to the Attorney-General on 3 January 1985.

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 implemented by the Australian Citizenship Amendment Act 1984. The Australian Citizenship Regulations (Amendment) 1984 have since put into effect all relevant recommendations of the Council relating to the Regulations. They provide for AAT review of decisions of the Minister as to registration of a protected person, and decisions of the Minister or an authorized person as to cancellation of entries made on the basis of false information in the Register of Citizenship by Descent.

Australian Broadcasting Tribunal

The Broadcasting and Television Amendment Act 1984 implements two of the Council's recommendations made in its 12th Report, Australian Broadcasting Tribunal Procedures. The recommendations relate to the constitution of divisions of the ABT, and the continuance of a licence whilst the ABT is conducting an inquiry. The remaining recommendations made by the Council in the Report will be considered when proposed amendments to the principal Act are being drafted during 1985.

Australian Federal Police Act 1979

It is understood that recommendations made in the Council's 15th Report, Australian Federal Police Act 1979 : Sections 38 and 39 will be considered when proposed amendments to the principal Act are made during 1985.

Air Pollution Ordinance

The Air Pollution Ordinance 1984 (A.C.T.) implements recommendations made by the Council, including the conferral of jurisdiction on the AAT in relation to a number of decisions by the Pollution Control Authority (see Third Annual Report 1979, paras 64-68).

Administrative Appeals Tribunal

JURISDICTION

The following recent legislation confers jurisdiction on the AAT:

- . Air Pollution Ordinance 1984 (A.C.T.)
- . Bounty (Computers) Act 1984
- . Bounty (Electric Motors) Act 1984
- . Business Franchise (Tobacco and Petroleum) Ordinance 1984 (A.C.T.)
- . Meat Inspection General Orders 1984
- . Meat Inspection (ACT) Orders 1984
- . Meat Inspection (NSW) Orders 1984
- . Pharmacy (Amendment) Ordinance 1984 (A.C.T.)
- . Registration of Deaths Abroad Act 1984
- . Water Pollution Ordinance 1984 (A.C.T.)