

Victorian FOI Acts and, consequently, the Federal Court's decision in Kavvadias-v-Commonwealth Ombudsman (1984) 54 ALR 285 was inapplicable.

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

Update on Victorian AAT

The Victorian Bill which was described in the last issue of Admin Review has, with some amendments, been enacted as the Administrative Appeals Tribunal Act 1984. The Tribunal will hold its inaugural sitting on 1 February 1985. Judge Alwynne R. O. Rowlands was appointed on 12 December as the President of the Tribunal, and three part-time members were appointed for a period of 12 months from 1 February 1985. They are: Ms Elizabeth H. Curtin, barrister; Mr Michael D. Higgins, solicitor; and Mr Brian P. McCarthy, solicitor. The Registry of the Tribunal is located at 9th floor, 471 Little Bourke Street, Melbourne, Victoria, 3000, G.P.O. Box 4703, Melbourne, Victoria, 3001, ph. (03)606 9584.

The Victorian AAT Act departs from the Bill in the following major respects:

The President. The President must be a Judge of the County Court (sub-s.7(1)), instead of merely being qualified to be appointed as a Judge of that Court.

Statement of Policy. The Tribunal is required under the Act (sub-s.25(3)) to comply with Ministerial statements of policy, to the extent that they are within power, where in the review of a decision:

- the Minister certifies the existence (at the time of making the decision) of the statement of policy;
- the applicant was aware, or could reasonably have been expected to be aware, of the statement of policy, or the statement was published in the Government Gazette; and

- . the reliance on the statement of policy in the making of the decision is communicated in the reasons for decision.

These limitations on the Tribunal's power to review policy decisions are not as strict as those which appeared in the Bill as described in the last issue of Admin Review.

Representation. The Act provides (s.34) that a person may be represented by a legal practitioner before the Tribunal, or, with the consent of the Tribunal, by some other person. The Bill as introduced into Parliament provided that, except in taxing matters, representation could only take place with the Tribunal's consent.

Overseas Developments

Readers may be interested in the following developments in the provision of administrative review in various countries which were noted by the Director of Research of the Administrative Review Council during an overseas visit in September and October 1984.

Social Security Appeals

United Kingdom. In April 1984 a national organisation of Social Security Appeals Tribunals headed by a President was established, replacing Supplementary Benefit Appeals Tribunals and National Insurance Tribunals.

U.S.A.. A two-tiered system of Federal Social Security Appeals operates in the U.S.A. constituted by Administrative Law Judges ('ALJs') and an Appeals Council. ALJs operate as hearing examiners and the Appeals Council conducts supervisory review of the records of proceedings before ALJs.

Immigration Appeals

United Kingdom. A two-tiered system of appeals relating to most migration decisions operates in the U.K. constituted by Immigration Adjudicators and the Immigration Appeal Tribunal. There is a right of appeal from Adjudicators to the Tribunal but leave has to be obtained from either body. The scope of review provided