

- . 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.

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#### Overseas Developments

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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

by the Tribunal is more narrow than that conducted by the AAT.

Canada. Most migration decisions in Canada are subject to a single tier of external review on the merits conducted by the Immigration Appeal Board. Refugee determinations are subject to a two-tiered structure of review constituted by the Refugee Status Advisory Committee within the Immigration Department, and the Immigration Appeal Board.

U.S.A.. Deportation and exclusion cases are heard before Immigration Law Judges ('ILJs') and these and other appeals may also be taken before the Board of Immigration Appeals. The Immigration and Naturalisation Service brings a person before an ILJ who, rather than reviewing the primary decision on the merits, determines whether legal grounds exist for deporting or excluding that person.

#### Current Administrative Law Reform Projects

United Kingdom. A report on administrative law is currently being prepared by the Justice/All Souls Committee. The review was commenced by the Committee in 1978 and covers a wide range of matters relating to administrative law, including such matters as judicial review, Ombudsmen, tribunals and inquiries, standing, the giving of reasons, the need for an Administrative Court, compensation, accessibility, and the need for an advisory body similar to the Australian Administrative Review Council.

Canada. The Canadian Department of Justice is at present working on a number of administrative law projects, including ones relating to: procedures in use by Boards and Tribunals and the desirability of establishing a code of procedures; crown law, e.g. ex gratia payments, statutory claims and liability in tort and contract; social security appeals; review of the Federal Court Act; and the desirability of establishing a Council on Administration similar to the Australian Administrative Review Council. As well as working with the Department of Justice on the first two above-mentioned projects, the Canadian Law Reform Commission has undertaken an Administrative Law Project which is currently examining the subject of compliance with administrative policies and decisions, and the need for a general administrative appeals tribunal.

U.S.A.. The Administrative Conference of the United States has undertaken a number of projects, some of

which are: the operation of the Merit Systems Protection Board; the adjudication procedures of the Immigration and Naturalization Service; alternative techniques of agency adjudication; the scope of judicial review; the feasibility of uniform rules of administrative procedure; and the operation of the U.K. Council on Tribunals.

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R E C E N T   P U B L I C A T I O N S

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

Australian Government Publishing Service,  
Commonwealth Government Directory, Vol.2:  
FOI Statements, 1984

Bayne, Peter  
Freedom of Information, Law Book Co., 1984

Bradley, A.  
'The European Convention on Human Rights and  
Administrative Law - First Impressions' (1983)  
21 Osgoode Hall Law Journal 609

Clark, David  
'The Ombudsman in Britain and France: A  
Comparative Evaluation' (1984) 7 (3)  
West European Politics 64

Cohen, John  
'Possibilities of Judicial Review Act'  
Business Review Weekly 24-30 November 1984,  
126

Coleman, R.  
'Inside the Broadcasting Tribunal' Good  
Weekend (supplement to Sydney Morning Herald)  
8 December 1984, 10

Dodson, L.  
'Industry Treads Warily Into Era of  
Information' Financial Review  
29 January 1985, 13