

for new levels of fees in respect of applications, an increase in the hourly rate of charges for searching and retrieving documents, and a new charge (of \$20 per hour) in respect of time spent deciding whether to grant, refuse or defer access to a document. As mentioned above, persons seeking personal income maintenance documents are exempted from the fees and charges. In addition, it is proposed that decisions concerning fees be exempted from AAT review, and that the present public interest grounds to be taken into account in considering whether a charge should be remitted be removed. The legislation also proposes strengthening the grounds on which a request for access may be refused on the basis of workload. Section 45(2) is to be amended to ensure that material provided in confidence to agencies by non-government sources will be protected from disclosure even where it has been incorporated in internal working documents. There are other minor changes.

Costs before the AAT

The suggestion that the AAT would be given a power to award costs against unsuccessful parties before the Tribunal was aired in the press following the Budget. Any proposal to give the AAT a general costs power will require an amendment to the AAT Act and at the time of going to press with this issue of Admin Review no such legislation had been introduced.

At present, the AAT has only limited powers in relation to the costs of persons appearing before it. It has power to order the payment of fees and allowances of persons summoned to appear as witnesses before the Tribunal. It also has power in relation to legal costs in two jurisdictions - Commonwealth employees compensation and FOI. In both jurisdictions costs can only be awarded against the Commonwealth, and the FOI 'power' is recommendatory only.

The Council has recently transmitted advice to the Attorney-General on the matter.

Social Security Appeals Tribunals: Potential for problems?

Social Security Appeals Tribunals have no legislative foundation. They were set up by ministerial directive and their jurisdiction was also granted by ministerial directive. Their powers are limited to recommending that primary decisions be affirmed, varied or annulled. Initially, their jurisdiction was confined to hearing non-medical appeals but an appreciable extension of their jurisdiction occurred in 1980 when, by direction of the Minister, their jurisdiction was extended to include medical appeals involving invalid pensions, sickness benefits and handicapped children's allowances.