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

Administrative Review Council

LETTERS OF ADVICE

Since the last issue of Admin Review (July 1987) the Council has sent 3 letters of advice to the Attorney-General. One of these was the outcome of the Council's project on the student assistance area. The second related to the Cash Transaction Reports Bill 1987, and the third to the review provisions under the Nursing Homes and Hostels Legislation Amendment Act 1987.

REPORTS

In September 1987 the Council forwarded to the Attorney-General Report No.29, Constitution of the Administrative Appeals Tribunal. Arrangements have been made for the report to be printed and it will be available for purchase from the Australian Government Publishing Service once it has been tabled in the Parliament.

The Council's 1986-87 Annual Report, which as usual includes a report on the Administrative Appeals Tribunal, is due to be tabled on 20 October 1987, following which copies will be available for purchase from AGPS.

CURRENT WORK PROGRAM - DEVELOPMENTS

Access to administrative review. The Council's committee has been engaged in a round of discussions with Social Security Appeals Tribunal members and welfare groups concerning the examination of the Department of Social Security review officer system. Following the Council decision that the unsatisfactory review officer survey should be redone, the Secretariat met with officers of the Department of Social Security and a representative of the consulting firm that has been engaged to carry out the new survey. The Department is joining with the Council in sponsoring the new survey.

Broadcasting. In 1985 the government rejected some of the recommendations made by the Council in its Report No.16, Review of decisions under the Broadcasting and Television Act 1942 (AGPS, 1982), and referred back to the Council the question of review of decisions of the Australian Broadcasting Tribunal with a view to the Council making a further report following the implementation of the uniform inquiry procedures

(see the Council's Report No.12, Australian Broadcasting Tribunal Procedures (AGPS, 1981)). The Council is now proceeding with a reconsideration of the broadcasting area.

Review of the AD(JR) Act, Stage 2. Though this project is still some distance from completion, progress has been made since the last issue of Admin Review.

Administrative Appeals Tribunal

NEW JURISDICTION

Since the July issue of Admin Review new jurisdiction was conferred on the AAT under the following legislation:

Broadcasting Amendment Act 1987
Business Franchise (Tobacco and Petroleum Products)(Amendment) Ordinance 1987 (A.C.T.)
Financial Institutions Duty Ordinance 1987 (A.C.T.)
Payroll Tax Ordinance 1987 (A.C.T.)
Stamp Duties and Taxes Ordinance 1987 (A.C.T.)
Taxation (Administration) Ordinance 1987 (A.C.T.)
Taxation Laws Amendment (Company Distributions) Act 1987

KEY DECISIONS

Student assistance

In Stone and Department of Education (6 August 1987) the Tribunal set aside the decision made by a Student Assistance Review Tribunal (SART) affirming a primary decision that the applicant was not entitled to assistance under the Tertiary Education Assistance Scheme, due to the operation of regulation 34 of the Student Assistance Regulations in force under the Student Assistance Act 1973. Regulation 34 is one of the more complex of a particularly complex set of regulations and one where decisions are most commonly appealed. It relates to eligibility under different circumstances - in Stone's case a transfer between courses. After re-calculating the appropriate formula, the AAT remitted the matter to the respondent for reconsideration in accordance with the direction that regulation 34 did not render the applicant ineligible for assistance in respect of the fourth year of his approved course.

Refusal of pilot's licence

In Father Flynn and Department of Aviation (14 August 1987) the Tribunal reviewed a decision to refuse to grant a private pilot licence. The applicant had a long and chequered history in aviation. His licence and radiotelephone licence were originally cancelled in 1980. That decision was subsequently