

compliance will establish a precedent; and it is not necessarily true that the precedent, if it were to be established, would be undesirable.

The Commonwealth Government enjoys a position of special strength in the commercial community. It should therefore be prepared to accept additional responsibilities ...

A government response to the Committee's report is awaited with interest. In any case, Admin Review welcomes the involvement of the Committee with special reports of the Ombudsman and believes that its interest in these matters will benefit both the Ombudsman and public administration generally.

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

Inter-departmental report on costs
of freedom of information

The report of the Senate Standing Committee on Constitutional and Legal Affairs on the operation of the freedom of information legislation is awaited with interest. An inter-departmental committee has also recently considered the FOI legislation and, in particular, has examined the costs of the legislation. The IDC has reported to the government and a copy of its report has been provided to the Senate Standing Committee. Amongst the recommendations made in the IDC report are the following:

. That, in limited circumstances, direct agency access upon the receipt of a request be provided to the AAT to obtain directions as to further processing (eg where there is a more appropriate avenue, vexatious applicant, etc) including 'no further action' direction (cf s.6 Ombudsman Act).

. That the review functions of the Federal Court, the AAT, the Ombudsman and the proposed Data Protection Agency be clarified to minimise duplication and overlap of external review functions.

. That appropriate action be taken to encourage the AAT to place more emphasis on investigation and conciliation and to conduct hearings with less formality, for example:

- . greater use of preliminary conferences;
- . no counsel without leave of AAT;
- . telephone hearings wherever convenient;
- . less duplication of oral and documentary evidence.

Student assistance

Legislation was passed by the Parliament during the 1986 budget sittings which had the effect of significantly increasing the number of students who have a statutory right of appeal. The Student Assistance Amendment Act 1986 was proclaimed to come into effect from 1 January 1987. Until that date there were two schemes covered by the Student Assistance Act 1973 - the Tertiary Education Assistance Scheme (TEAS) and the Postgraduate Award Scheme (PGA). The Amendment Act places two new schemes on a statutory basis, namely, the Adult Secondary Education Assistance Scheme (ASEAS) and the Secondary Assistance Scheme (SAS). It is proposed that TEAS, ASEAS and SAS will be known as AUSTUDY.

The effect of these changes will be the extension of appeal rights under the Student Assistance Act to an estimated additional 113000 students. The Department of Education estimates that over 90% of student assistance applicants will be covered by the Act from the beginning of 1987. The main persons who remain excluded from coverage under the Act are aboriginal students and isolated children. They will continue to be covered by non-statutory grants schemes. Informal internal review of decisions operates in respect of these non-statutory schemes.

SSAT statistics

The Annual Report of the Department of Social Security shows a significant decline in the numbers of medical appeals to the Social Security Appeals Tribunals during 1985-86. During the year, 1787 new medical appeals were lodged (down from 2082 in 1984-85) and the number of medical appeals processed during the year was 2147 (down from 2678 in the previous year). The number of medical appeals which the SSATs had on hand at the end of 1985-86 was 670 compared with 1027 in 1984-85. New procedures for processing medical appeals at regional office level are possibly the main reason for these changes.

The Annual Report also shows a marked increase in the proportion of SSAT recommendations being rejected by the Department. In 1985-86 the figure increased to 14.56% compared with 3.4% in 1984-85, 3.7% in 1983-84 and 2.5% in 1982-83. (This matter is the subject of comment in the December 1986 issue of the Social Security Reporter.)