

genuinely aggrieved subscribers from questioning their account. In the Ombudsman's experience the majority of such disputes were from people with a genuine concern about the metering of their calls. Telecom has since decided not to proceed with the proposal.

Transfer of sick leave entitlements to Australian Public Service from certain previous employment

The Ombudsman recently considered several complaints that led him to question whether it is reasonable for the Public Service Act (s.47E) to provide for only a 2 month gap in employment for the carry-over of sick leave from certain recognised prior service, with no flexibility for exceptional circumstances. The immutable 2 month period poses a particular problem for permanent officers of the Australian Defence Force seeking to join the Australian Public Service, because of the requirement for them to give an acceptable period of notice before leaving the defence forces. The Ombudsman has recommended to the Department of Industrial Relations that it consider this issue.

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Senate rejects Administrative Decisions (Judicial Review) Amendment Bill 1987

On 20 April 1988 the Senate voted to reject the Administrative Decisions (Judicial Review) Amendment Bill. In the second reading debate on the Bill, reference was made to the recommendation in the report of the Senate Standing Committee on Constitutional and Legal Affairs on the Bill, that the 'reverse onus' provisions in proposed sections 10(2)(c) and 10(2)(d) of the Bill not be enacted (see [1988] Admin Review 17). Reference was also made to the Council's Report No. 26, Review of the Administrative Decisions (Judicial Review) Act 1977 - Stage One and the fact that the provisions in the Bill went further than the Council's recommendations in that report. The amendments contained in the Bill would require the Federal Court to refuse to grant an application unless the applicant satisfies it that the interests of justice require that it should not refuse. Recommendation 1(3) in the Council's report, by comparison, followed the existing section 10(2)(b) by giving the court a discretion to refuse relief where an alternative remedy was available. The proposed provision in the Bill would reverse the effect of Kelly v Coats (1981) 35 ALR 93, in which the Federal Court said that the onus under section 10(2)(b) of the Act is on those seeking to persuade the court that it should not exercise the jurisdiction conferred under the Act to hear the application.

It is understood that the government does not presently have plans to bring forward a fresh Bill dealing with the matters addressed by the Council in Report No. 26.