

Department has taken no specific action to publicise the changes within the legal profession and others who advise its clients. In addition, subsequent amendments have merely corrected earlier drafting errors. The crucial provisions remain retrospective to May 1987.

Australian Customs Service: procedural change

As a consequence of a complaint about payment of import duty, the Australian Customs Service has instituted a new procedure whereby officers are now required to consult with importers and seek an explanation from them, prior to issuing letters of demand. This is to be normal procedure except under particular circumstances, which the ACS has detailed and which the Ombudsman has accepted as reasonable. In addition, the form of words used in standard letters of demand has been changed; and such letters are to contain a concise statement of reasons when issued without prior consultation.

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

Social Security Appeals Tribunal to be given determinative powers

The Social Security (Review of Decisions) Bill 1988 has been introduced in the Parliament. The Bill, which gives effect to the Council's Report No. 21, The Structure and Form of Social Security Appeals, provides for the setting up of the Social Security Appeals Tribunal (SSAT) on a statutory basis. The Bill provides for the SSAT to exercise determinative powers in a 2-tier appeal system which has the AAT as the second tier. Both applications to the SSAT and the Secretary to the Department of Social Security may appeal to the AAT from decisions of the SSAT.

The second reading debate on the Bill in the House of Representatives (12 October 1988) contains some interesting views about the virtue of 2-tier appeal structures and about the role of administrative review in government administration.

Fees for review

The Minister for Community Services and Health recently proposed the imposition of a lodgment fee of \$500 for all new applications for fee reviews under section 40AE of the National Health Act. In addition, he proposed a processing fee of \$500 per half day for applications already lodged but not yet referred to a Fees Review Committee, and for all new applications.

The National Health Act permits persons to appeal to the Minister against national health fees determinations. The legislation requires that such reviews be first considered by a National Health Fees Review Committee of Inquiry. There is no right of appeal to the Administrative Appeals Tribunal but the AD(JR) Act applies. Legislation to give effect to the proposals is due to be introduced shortly.

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