

It is humiliating and humbling both to be paid inadequately and to lack an effective, respectable mechanism for challenging the inadequacy. If we want quality decision-makers, we must provide quality remuneration and working conditions.

And so the circle closes. Tribunals struggle to maintain credibility through processes and decisions that suit their personality and character. But they are only as credible as the public perceives them to be and the indicia for public approval like independence, tenure, qualified appointments, and equitable remuneration are not yet sufficiently in place to generate the continued recruitment of the quality of person integrity and image require. Towards judicialisation in process: only to the extent our institutions need it to provide fair, expeditious, expert decision-making. But towards judicialisation in character, by all means. Not to do so puts tribunals at great peril.

This paper is about the ecumenism of the courts and the secularism of tribunals, and argues for separation of church and state. The orthodoxy of the courts' principles and the reformism of tribunals each work for their respective followers, but neither is the only paradigm. Tribunals undoubtedly have to try harder, but their quest for legitimacy was won a long time ago. Now they must refine the instrument, keep what is apposite from the orthodox inheritance, but remain true to their reform purpose.

Administrative Review Council

LETTERS OF ADVICE

Since the January 1990 issue of Admin Review the Council has provided letters of advice on the following issues:

- . Customs duty - payment under protest
- . The Migration Legislation Amendment Act (No.2) 1989

PAPERS

The Council has also provided a submission on the Costs of Justice to the Senate Standing Committee on Legal and Constitutional Affairs.

CURRENT WORK PROGRAM - DEVELOPMENTS

Broadcasting. Further work is being undertaken by the Communications Law Centre on a discussion paper on inquiry procedures of the Australian Broadcasting Tribunal and review of its procedural decisions.

Community Services and Health. The Council has engaged a consultant to assist in preparing a discussion paper on decisions under Federal/State funding programs. The discussion paper will cover the Supported Accommodation Assistance Program, the Home and Community Care Program, the Disability Services Program, hospital funding under Medicare, and the

Commonwealth/State Housing Agreement. A second consultant is currently working on review of decisions on assessment of products involving the National Health and Medical Research Council, specifically with regard to the Drugs and Poisons Scheduling functions.

Intellectual property. A discussion paper on review of patents decisions is being prepared.

Informal rule-making. An issues paper is near completion.

Multicultural Australia. The project will concentrate on two communities so that its effect can better be measured. The communities chosen are the Vietnamese in Footscray, Victoria and the Turkish in Auburn, New South Wales. A consultant to the Council has examined material relevant to the problems people of different cultural backgrounds have in dealing with government and using the legal system, with particular reference to government services and to complaints about them. He is now comparing the effectiveness of Commonwealth Access and Equity Plans with their counterparts in the States.

Review of the AD(JR) Act. Submissions on the discussion paper on the furnishing of statements of reasons under section 13 of the AD(JR) Act have been received and are currently being examined. A report is being prepared.

Specialist tribunals. Preliminary meetings of members of the Student Assistance Review Tribunal, the Social Security Appeals Tribunal and the Veterans' Review Board were held in Adelaide on 15 March 1990, in Sydney on 29 March 1990 and in Melbourne on 5 April 1990. Issues arising from the preliminary meetings were discussed at a national conference in Canberra on Thursday 3 May 1990.

Following the conference it has been agreed that future editions of Admin Review should include a regular feature on tribunals, covering:

- . court or AAT cases of general relevance to tribunals;
- . developments in particular tribunals;
- . tribunal practice and procedure;
- . research or other working papers prepared by individual tribunals, of broader relevance; and
- . membership news.

Administrative Appeals Tribunal

NEW JURISDICTION

Since the last issue of Admin Review new jurisdiction has been conferred on the AAT under the following legislation:

- . Aboriginal and Torres Strait Islander Commission Act 1989
- . Air Navigation (Aerodrome Curfew) Regulations 1989
- . Customs Regulations as amended by Customs Regulations (Amendment) Statutory Rules No 8 of 1990
- . Defence (Area Control) Regulations 1989
- . Excise Regulations as amended by Excise Regulations (Amendment) Statutory Rules No.7 of 1990