

The Social Security Act 1947 provides that family allowance will be paid from the date of the birth of the child if the claim is lodged within 28 days. If it is not lodged within that time, the allowance is payable only from the date of the application.

The Ombudsman received several complaints where the persons concerned claimed that they had been misled by the information contained in the form, in that while they applied as soon as they perceived it practicable to do so, this had not been within the 28-day period specified in the Act.

As a result of the Ombudsman's intervention, the Department has altered the form. It has also agreed to pay the persons affected allowance from the date of birth of the child, where it is clear that the delay in the application resulted from reliance upon the information in the old form, rather than from inaction on the part of the applicant.

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

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Report upon freedom of information in Victoria

The Report to Parliament upon Freedom of Information in Victoria (Thirty-eighth Report to the Parliament) by the Legal and Constitutional Committee of the Victorian Parliament was released in November 1989.

The Committee made several recommendations for expansion of the coverage of the Freedom of Information Act 1982, in particular to include local government, school councils, incorporated companies and associations established by government to pursue public purposes.

Among its other recommendations were the recommendations that:

- . there be no exemptions by agency from the FOI Act;
- . the Public Service Board in association with the Department of Management and Budget develop standard procedures for calculating and recording the costs of FOI, that can be applied on a uniform basis by all agencies subject to the FOI Act; and that in doing so care should be taken to ensure that costs are not inflated by including expenditure which would have been incurred regardless of FOI's existence or by debiting to FOI costs which are not properly attributable to it;
- . provision be made for the annual indexation of statutory charges in accordance with a formula which reflects movements in the Consumer Price Index;
- . no application fee apply and the charge for supervision of access be reduced to \$12.50 per hour;
- . provision be made for the Ombudsman to mediate in disputes over voluminous requests and to review within 28 days complaints about refusals to process voluminous requests;

- . provision also be made for applicants to apply to the AAT if mediation by the Ombudsman fails, and for the Ombudsman to provide the AAT with a report with respect to negotiations he or she had conducted;
- . the AAT be given an unfettered discretion to award costs to FOI applicants;
- . the Act be amended to provide that a government agency shall indemnify an FOI applicant who is successful before the AAT against legal costs in subsequent appeals by that agency to a court; and
- . final review of the classification of Cabinet documents be conducted by the AAT rather than by the Government or the Parliament.

Australian Institute of Administrative Law

The Australian Institute of Administrative Law, which was established in July 1989 (Admin Review 22:114-5), is now incorporated under the Associations Incorporation Act 1953 (A.C.T.). Its objects are:

- . to promote knowledge of and interest in administrative law;
- . to provide a forum for the exchange of information and opinions on aspects of administrative law and practices among persons involved in, affected by, or interested in, administrative law or administrative practice;
- . to disseminate information about administrative law and, in particular, current developments in administrative law;
- . to publish and encourage the publication of papers, articles and commentaries about administrative law;
- . to make and disseminate reports, commentaries and submissions on aspects of administrative law and administrative practices; and
- . to cooperate with institutions of academic learning, and with other persons having an interest in administrative law or administrative practices, in promoting its objectives.

The Institute has published several issues of its Newsletter, and has organised a seminar series at which the first two speakers were Ms Pam O'Neill, Principal Member of the new Immigration Review Tribunal, and Mr Alan Rose, Secretary to the Attorney-General's Department. Ms O'Neill spoke on the new Immigration Review Tribunal and Mr Rose on current issues in administrative review. They were followed in May by Professor Dennis Pearce on the role of the Ombudsman.

The Institute is currently examining the need for advocacy training in the administrative area, and is setting up State chapters. In addition, a major seminar will be held in Queensland on 18 May 1990 on the implementation of the Fitzgerald report.

Inquiries about membership and publications can be made to:
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