the AAT to conclude that he met the requirement for 'substantial' involvement, although his experience did not come within the definition of 'relevant employment'. The question then was whether he had been engaged in such other employment and for such time as the AAT would regard as equivalent to 'relevant employment'. The AAT concluded that he had, but that he had only succeeded because of experience gained since the Board made its decision. It ordered that he be registered as a tax agent from the date of the AAT hearing.

Freedom of Information

Obligations under section 8

Section 8 of the Freedom of Information Act 1982 requires agencies to publish information in their annual reports about their structure and operations, and the categories of documents which they maintain.

Section 8 does not apply to the offices of Ministers, and statements under section 8 are not required for those agencies which are exempt from the operation of the Act. Nor are statements required for bodies such as Qantas which are outside the definition of 'prescribed authority'.

The Act also requires agency annual reports to include a statement of any facilities provided by the agency for enabling members of the public to obtain physical access to documents of the agency. The requirement embraces not only documents that an agency might be required to make available under the FOI Act but also documents which are required to be made available in accordance with another enactment (eg. a public register) and documents which an agency makes available for purchase or free of charge.

Amendment of the record

Cox and Department of Defence (2 February 1990) was a request by a Vietnam veteran for amendment of a number of his service medical records.

Mr Cox originally sought the removal of certain documents from his file. Deputy President Todd expressed doubt about whether the AAT had the power to order removal of a document from a record. He concluded that 'the power is to amend the record, not to amend a document. The record may be amended by altering the record or by adding an appropriate notation to the record....I am not of the opinion that any of the documents should be removed even if a power so to direct should be found to exist...To do so would obscure the history of the matter and would in fact obscure a prima facie case that serious errors occurred in some medical assessments of the applicant'. The AAT ordered that the record be amended by placing on each such record a copy of its decision and reasons, the transcript of evidence given at the AAT hearing, and several reports and other documents referred to in the reasons for the AAT's decision. It also ordered specific notations to be added to particular documents on the file.

The AAT accepted that the records were complete and correct records of the opinions held by the person who made them. Nonetheless, it said that they could be incomplete or out of date and, as a result, may now have to be seen as so flawed as to be misleading for the purpose of present resort to them.

The Courts

Broadcasting: meaning of 'advertisement'

Gold Coast Christian & Community Broadcasting Association v Australian Broadcasting Tribunal (28 September 1989) involved decisions by the Australian Broadcasting Tribunal (ABT) that sponsorship announcements by Gold Coast Christian were advertisements and therefore in breach of the Broadcasting Act 1942.

The Act provides that a public licence shall be granted for 'general community purposes' or 'a special interest purpose',and specifically proscribes promotional sponsorship announcements. The ABT had decided that a considerable number of sponsorship announcements by Gold Coast Christian had exceeded the conditions of the licence and were in fact promotional.

Justice Gummow concluded that no error of law was involved. The prohibition on broadcasting advertisements was consistent with the non-commercial nature of public broadcasting services, and qualified by provision for the broadcasting of certain community information, certain promotional material and sponsorship announcements. These qualifications, however, were limited.

Committal hearing: refusal to disqualify

Cheatle & Sturdy v Davey & Prescott (27 July 1989) involved the refusal of a magistrate, Mr Prescott, to disqualify himself for apparent bias from presiding over a preliminary hearing in the Adelaide Magistrates Court.

The applicants were charged with an offence against the Crimes Act 1914. They applied for, and were granted, an order suppressing from publication any information which would tend to identify them, on the ground that publication of their names would cause them undue hardship. Before the preliminary hearing resumed, however, a major amendment had been made to the Evidence Act 1929 (S.A.) in relation to suppression of names. In particular, the amendment removed the power to make an order where publication might cause undue hardship to a party. The new provisions expressly recognise 'the public interest in publication of information relating to court proceedings, and the consequential right of the news media to publish such information'.

At the hearing, Mr Prescott asked whether, in the light of the amendment, either party wished to make an application to vary the previous suppression order. Neither wished to do so. At the luncheon adjournment Mr Prescott requested a member of the