

In 1989 the Council published Report No.32 'Review of the Administrative Decisions (Judicial Review) Act; the Ambit of the Act'. The Council considered the views of the Senate Committee and recommended that where:

- (i) an application is made under sections 5, 6 or 7 of the AD(JR) Act,
- (ii) an alternative review is available, and
- (iii) the Court considers that it is desirable to refuse to grant the application in order to avoid interference with the due and orderly conduct of the proceedings referred to in (i), or for the reason that, in all the circumstances the balance of convenience so requires, the Court shall refuse to grant the application if it is satisfied, having regard to the interests of justice, that it shall do so. (The underlined words were those suggested by the Council. This recommendation has not yet been acted upon).

As the Chief Justice pointed out in Bond, the decision in that case ought not prevent review during the conduct of administrative proceedings where those proceedings are improperly conducted, for example where there is a denial of natural justice, nor will it prevent review of a 'decision' of a substantive or determinative nature. Such decisions would normally be made at the final conclusion of, or at the end of a distinct part of proceedings. It should also be borne in mind that under section 16 of the AD(JR) Act the Court retains a discretion whether or not to grant any remedy to the applicant. It will be interesting to observe the application of the test formulated by the High Court in Bond in subsequent cases.

Freedom of Information Annual Report

The eighth Annual Report on the Commonwealth Freedom of Information Act 1982 was recently published by AGPS. It costs \$11.95. The Report noted that:

- . The number of FOI requests continued to fall. In the year to 30 June 1990 there were 23,453 requests bringing the total number of requests since 1982 to nearly 200,000. Of those requests nearly 75% were responded to within 30 days.
- . The overall cost of administration of the Act was about \$10.5 million, FOI charges received were about \$309,000.
- . Of the FOI access requests determined 75% were granted in full, 21% in part and only 3% refused.
- . As in previous years a small number of amendments to personal records were made under the FOI Act.
- . The FOI Act provides for a two tier system of review. There were over 200 applications for internal review, from those 73 applications were lodged with the AAT and for the year ended 30 June 1990 there had been 14 decisions by the AAT and 3 by the Federal Court. The Report notes that the decline in appeals may be attributable to the settling of cases at preliminary conferences in the AAT.

T R I B U N A L W A T C H

Immigration Review Tribunal - Access and Equity initiatives

A large part of the potential client base of the Immigration Review Tribunal will comprise people who do not have English as their first language. While persons receiving an unfavourable decision from the Migration Internal Review Office are automatically informed of their right to apply to the Tribunal, the Tribunal is attempting to ensure that all members of its potential client base are aware of the Tribunal's existence and of the availability of independent merits review of migration decisions.

To that end the Tribunal has had its information pamphlet translated into 12 community language: Chinese, Spanish, Arabic, Greek, Italian, Macedonian, Vietnamese, Turkish, Russian, Polish, Serbian and Croatian. Three additional languages, Tagalog, Bahasa Indonesia and Bahasa Melayu, are to be added in the near future. Copies of the translations are available from all the Tribunal's registries. Steps are being taken to ensure that the local offices of the Telephone Interpreter Service, Migrant Resource Centres and Ethnic Community Councils have copies of all the translations of the pamphlet and that individual community associations have copies of the translations in relevant languages. Tribunal staff are also meeting with groups of community workers to inform them of the Tribunal's functions and how it goes about its work.

The Tribunal's information pamphlet is currently being redrafted to take account of recent changes to the relevant legislation and when it is reprinted it is planned to include a panel indicating in all the languages concerned that copies of a translation of the pamphlet in those languages are available from the offices of the Tribunal. In this fashion the Tribunal hopes to promote equality of access across its potential client base.

Immigration Review Tribunal - Research and Information Bulletin

The Immigration Review Tribunal intends to produce a regular Bulletin providing summaries of its decisions. The primary purpose of the Bulletin will be to assist members of the Tribunal in keeping up to date with the latest Tribunal decisions. However the Bulletin will have a secondary purpose in communicating the Tribunal's decisions to a wider audience: officers within the Department of Immigration, Local Government and Ethnic Affairs, bodies providing advice on migration matters, lawyers specialising in the field, migration consultants and other community organisations with an interest in this area.

The Bulletin will summarise Tribunal decisions (although, as the number of decisions increases, it is intended that many of these summaries will be very brief where the decision in question raises no new questions of law). It will also