

review are likely to be handicapped in all their dealings with government agencies.

Note that the focus article in this issue provides a more detailed analysis of the Report's recommendations concerning a new role for the Ombudsman.

Appeals from administrative decisions 1

In July 1991, the Northern Territory Law Reform Committee released its *Report on Appeals from Administrative Decisions*. Among the Report's recommendations were:

- A general appeals tribunal should be established to specialise in appeals from administrative decisions.
- A decision reviewable by the tribunal should include a decision of an administrative character which:
 - alters rights or imposes liabilities;
 - has a real practical effect although not altering rights or imposing liabilities; or
 - is a failure or refusal, for whatever reason, to take a decision or perform an act.
- All decisions under an enactment should be reviewable by the tribunal subject to certain specified exemptions.
- The tribunal should have power to review de novo the whole decision and should not be confined to matters raised before the original decision-maker.
- No special provision should be made in respect of the way the tribunal reviews decisions that involve government policy.
- Any person, group or organisation whose interests are affected by a decision should be able to apply for the decision to be reviewed.
- A decision-maker should be able to apply for an advisory opinion from the tribunal where provision is made for this under an enactment.
- A group of persons or an organisation should be able to act by a representative where similar issues and similar relief would arise if individual actions were taken.
- There should be an entitlement to reasons for an administrative decision.
- Exemption from the requirement to give reasons should only be available:
 - where the decision could be the basis for a claim in a judicial proceeding that the information should not be disclosed; or
 - for security, defence and international relations reasons and for documents of Cabinet, Executive Council and commit-

tees of Cabinet, on certification by the Attorney-General.

- A fee which constitutes a nominal contribution towards administrative costs should be payable on lodging of an appeal.
- Applications should generally be by way of standard form but other methods of application, including oral application, should be accepted.
- The tribunal should have the power to grant interim relief.
- Contempt provisions should apply to the operation of the tribunal.
- The tribunal should be empowered to award compensation but not damages.
- An independent body, to be known as the Administrative Review Committee, should be created by statute to keep under review all of the procedures, including those of the courts and other bodies, by which administrative decisions may be challenged.

From this selection of the report's recommendations it can be seen that the proposed system owes much to the Commonwealth administrative review system but that in many respects it has gone further.

Appeals from administrative decisions 2

In June 1991, Queensland's Electoral and Administrative Review Commission released its fourteenth issues paper, *Appeals from Administrative Decisions*. The Paper considers many matters concerning administrative review, including:

- a comparison of administrative appeals with other measures for redress of grievance against government action;
- the existing arrangements for administrative appeals;
- benefits and costs of merits review;
- the kind of decisions that are appropriate for review;
- the kind of review powers that an appeal body should be given;
- the procedures that an appeal body should follow;
- the institutional framework that should be established, for example one general tribunal or several specialist tribunals; and
- analysis of other models including, the UK system, the Commonwealth administrative review system and the establishment of an administrative law division of an existing court.

Further information on the progress of this inquiry can be obtained from

Electoral and Administrative Review
Commission
PO Box 349
NORTH QUAY QLD 4002

can be obtained from, and comments on the paper should be addressed to

The Secretary
Senate Standing Committee on Legal and
Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Methods of dispute resolution

The Senate Standing Committee on Legal and Constitutional Affairs has recently released a discussion paper entitled, *Methods of Dispute Resolution*. It is the fourth discussion paper arising out of its 'cost of legal services and litigation' terms of reference.

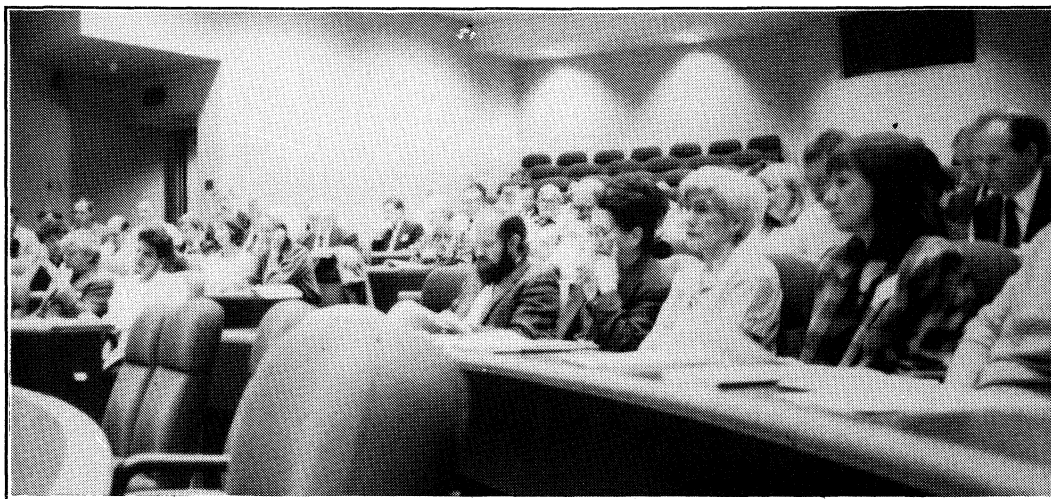
The paper discusses different processes and techniques of dispute resolution, the principles of dispute resolution, the Australian experience, overseas developments, and other issues and concerns about the methods of dispute resolution.

The Committee seeks comments on the discussion paper. Copies of the discussion paper

NSW administrative law

On 20 March 1992, the Royal Institute of Public Administration Australia and the Australian Institute of Administrative Law will jointly sponsor a seminar on the present and future directions of State administrative law in New South Wales. The seminar will hear speakers on the system of parliamentary scrutiny of public administration, the system of tribunals and judicial review, and the future of administrative review in New South Wales. Those interested in attending the seminar should contact Robyn Henderson on (02)228 3705.

TRIBUNAL WATCH



Participants at a plenary session of the Commonwealth Tribunals Conference

Commonwealth Tribunals Conference

On 18 and 19 October 1991, the Council hosted the inaugural Commonwealth Tribunals Conference. It was attended by the Heads and members of the Administrative Appeals Tribunal, the Immigration Review Tribunal, the Social Security Appeals Tribunal, the Student As-

sistance Review Tribunal and the Veterans' Review Board. It was also attended by the President and members of the Council and staff of its Secretariat.

The theme of the conference was 'Procedures of Commonwealth Administrative Review Tribunals'. A paper of the same title was pro-