

nal report on Contracting Out is expected early next year.

If you would like to receive a copy of the Discussion Paper when published or the Issues Paper, please contact the Council Secretariat on tel (02) 6247 5100.

Further information on this project can be obtained from the Council's Director of Research, Philippa Lynch on tel (02) 6247 5100.

### *Internal Review*

Taking up the interest expressed in this subject during its inquiry into merits review tribunals, the Council has commenced a project to assist Commonwealth agencies by developing a best practice guide for internal review.

Internal review is a review on the merits of a Commonwealth government agency's primary decision that is undertaken by another officer within the same agency (usually a more senior officer). Internal review can take a number of forms and agencies may have more than one system of internal review – for example, an agency may administer a number of statutory schemes (eg Tariff Concessions and Freedom of Information schemes) as well as having systems for review of various non-statutory decisions. The Council's project is not concerned directly with how agencies handle complaints generally but is restricted to review of decisions. The Council's project will not cover internal review of an agency's own personnel matters.

The first stage of the project will be a pilot study that would look at a range of internal review systems in five agencies. The Department of Social Security and Centrelink (in relation to the Social Security Act matters), the Department of Veterans' Affairs, the Department of Health and Family Services and the Australian Customs Service have all kindly agreed to participate in the pilot study. The agencies concerned undertake a broad range of functions and programs and have in place a variety of statutory and non-statutory internal review mechanisms ranging from the more common

FOI arrangements to decisions on rights and entitlements.

To help clarify the methodology to be used for the pilot study, the Council invited a number of persons and organisations to tender for development of a methodology paper. Professor Spencer Zifcak from La Trobe University was the successful tenderer and has produced a paper which is now under consideration by the Council.

It is expected that the pilot study would also be undertaken by an external consultant, possibly working together with the Secretariat of the Council. The Secretariat will also be supporting the project through research and the production of papers to assist the Council and consultants in furthering the project.

The contact officer for this project is the Council's Deputy Director of Research, Sue Bromley on tel (02) 62475100.

## **Administrative Appeals Tribunal**

### **New jurisdictions**

The following legislation, which has been passed since the last edition of *Admin Review*, conferred jurisdiction on the AAT, or altered existing AAT jurisdiction:

*Aged Care Act 1997*

*Aged Care Income Testing Act 1997*

*Agricultural and Veterinary Chemicals Code Regulations (Amendment)*

*Airports (Building Control) Regulations (Amendment)*

*Airports (Control of On-Airport Activities) Regulations*

*Airports Regulations (Amendment)*

*Australian Wool Research and Promotion Organisation (Postal Ballots) Regulations*

*Communications Legislation Amendment Act (No.1) 1997*

*Fisheries Legislation Amendment Act 1997*

*Health Insurance (Pathology Services) Amendment Act 1997*

*Hearing Services Administration Act 1997*

*Private Health Insurance Incentives Act 1997*

*Primary Industry Levies and Charges Collection (Wine Export) Regulations*

*Retirement Savings Accounts Act 1997*

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*Superannuation Contributions Tax (Assessment and Collection) Act 1997*

*Telecommunications Act 1997*

*Termination Payments Tax (Assessment and Collection) Act 1997*

This report on legislation is based on material provided by the Principal Registry of the Administrative Appeals Tribunal. The Tribunal also advises that, as at 30 June 1997, the number of enactments that confer jurisdiction on the Tribunal is 292 (up from 284 as at 30 June 1996).

The following legislation, which provided for merits review by the Tribunal, has been repealed:

*Federal Airports Corporation Regulations*

*Insurance (Deposits) Act 1932*

and the *Export Market Development Grants Act 1974* has been replaced by the *Export Market Development Grants Act 1997*.

## Workload Trends 1996/97

Some significant features reported by the Tribunal, for the year ending 30 June 1997, are

- a 7% rise in applications lodged during the year, which is largely attributable to a dramatic increase of applications (37%) in the Social Security jurisdiction
  - the Tribunal now receives 32% more applications than it did 3 years ago

- a 12% rise in the number of applications completed – this means that an additional 618 cases were completed which is the Tribunal's best performance in recent years
- a continued rise in summonses in the Compensation jurisdiction and stay applications in the Social Security jurisdiction
- a reduction in the proportion of applications completed without a hearing; Veterans' matters continue to have the highest settlement rates (82% of applications) while Compensation cases (with a settlement rate of 63%) are still the most likely to go to a hearing
  - in the General and Veterans' Divisions, 71% of applications are completed without a hearing (down 2% from last year)
  - in the Taxation Division, 72% of applications are completed without a hearing (down 8% from last year)
- in the General and Veterans' Divisions, 75% of cases are completed within 365 days of lodgment – this is the lowest figure for some years and a 4% drop on 1995/96 figures; in the Taxation Division, 67% of cases were completed within 365 days, which is 8% short of the 75% target in this Division and 6% below the 1995/96 figures
  - the Northern Territory and Western Australian Registries met the respective targets for both divisions
- 50% of cases in the General and Veterans' Divisions met the Tribunal's standard of 280 days from receipt of application to first day of hearing – the average is now 313 days with all major jurisdictions having an average in excess of 300 days (the slowest being the Taxation Division which recorded an average of 425 days) except Social Security which averaged 223 days. Western Australia (241 days) and South Australia (277 days) are performing better than the 280 day standard.