

The Council is preparing a final report to the Attorney-General that deals with a number of administrative law implications of contracting out including access to information and complaints handling.

Copies of the Discussion Paper are available, free of charge, by telephoning the Council's Secretariat on (02) 6250 5800. If you would like to receive a copy of the Contracting Out Report when published, please contact the Council Secretariat.

Further information on this project can be obtained from the Council's Director of Research, Philippa Lynch on tel (02) 6250 5800.

### Internal Review

As discussed in the previous issues of *Admin Review* the Council has a project underway to assist Commonwealth agencies by developing a best practice guide for internal review. The pilot study for the project is looking at a range of internal review systems in five agencies. The Department of Social Security and Centrelink (in relation to Social Security Act matters), the Department of Veterans' Affairs, the Department of Health and Family Services and the Australian Customs Service have all agreed to participate in the pilot study. A preliminary study of the background and the practice of internal review within the 5 agencies has been completed.

As discussed in the last issue of *Admin Review*, the Council has been considering the methodology paper prepared by Professor Spencer Zifcak, from La Trobe University. The Council is now developing the second stage of the project which will focus on obtaining information to identify the

needs which agencies are seeking to satisfy in their internal review system and to examine the extent to which the internal review systems being used by those agencies meet these needs and the values and principles of administrative law.

The contact officer for this project is Gabrielle Lewis on tel (02) 6250 5800.

## ADMINISTRATIVE APPEALS TRIBUNAL

### NEW JURISDICTIONS

The Principal Registry of the Administrative Appeals Tribunal advise that, as at 30 June 1998, the number of enactments that confer jurisdiction on the Tribunal is 308. This number is up from 292 at 30 September 1997. The Tribunal notes that the following legislation, as at 30 June conferred jurisdiction on the AAT, or altered the existing jurisdiction of the AAT:

- Air Services Regulations (Amendment) 1998
- Australian Meat and Livestock Industry Act 1997*
- Broadcasting Services Legislation Amendment Act 1997*
- Child Care (Eligible Child Care Centres) Amendment Guidelines (No 1) 1998 [*Child Care Act 1972*]
- Child Care (Eligibility—New Allocations) Guidelines 1998 [*Child Care Act 1972*]
- Child Care (New Allocations) Guidelines 1998 [*Child Care Act 1972*]
- Child Care Legislation Amendment Act 1998*
- Child Care Payments Act 1997*
- Cultural Bequests Program Guidelines (No. 1) 1997 [*Income Tax Assessment Act 1997*]
- Customs and Excise Legislation Amendment Act (No. 2) 1997*
- Customs (Prohibited Exports) Regulations (Amendment) 1997
- Customs Regulations (Amendment) 1997
- Export Control (Hardwood Wood Chips) (1996) Regulations (Amendment) 1998
- Customs Regulations (Amendment) 1998
- Flexible Care Subsidy Principles Amendment (No. 1) 1997 [*Aged Care Act 1997*]

Great Barrier Reef Marine Park Regulations (Amendment) 1997  
 Health Insurance Commission Regulations (Amendment) 1998  
*Health Legislation Amendment Act 1998*  
*Health Legislation Amendment Act (No 2) 1998*  
 Industrial Chemicals (Notification and Assessment) Regulations (Amendment) 1997  
*Migration Legislation Amendment (Migration Agents) Act 1997*  
 Patent Regulations (Amendment) 1998  
 Primary Industries Levies and Charges Collection (National Residue Survey – Aquatic Animal Export) Regulations 1998  
*Social Security and Veterans' Affairs Legislation Amendment (Pension Bonus Scheme) Act 1998*  
*Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997*  
*Superannuation Industry (Supervision) Amendment Act 1997*  
 Superannuation Industry (Supervision) Regulations (Amendment) 1998  
*Taxation Laws Amendment Act (No 1) 1998*  
*Taxation Laws Amendment Act (No 3) 1998*  
*Taxation Laws Amendment (Trust Loss and Other Deductions) Act 1998*  
 Telecommunications Universal Service Obligation (Eligible Revenue) Regulations 1998  
 Therapeutic Goods Regulations (Amendment) 1997  
 Therapeutic Goods Regulations (Amendment) 1997  
*Veterans' Affairs Legislation Amendment (Budget and Other Compensation Measures) Act 1997*  
 Veterans' Entitlements Regulations (Amendment) 1997  
 Wool International Regulations (Amendment) 1997.

The following Acts, which provided for merits review by the Tribunal have been repealed:

*Meat and Livestock Industry Act 1995*  
*Childcare Rebate Act 1993.*

The Family Law Regulations (Amendment) (SR 151 of 1997), notified in the Gazette on 30 June 1997 and which commenced on 1 July 1997,

extended the Tribunal's jurisdiction under the Family Law Regulations to review a decision of a Registrar of the Family Court to refuse to waive payment of a fee for counselling or mediation. The amending regulations were disallowed in the Senate on 24 November 1997.

#### **AAT DECISIONS OF PARTICULAR INTEREST**

#### **Friends of Hinchinbrook Society Incorporated and High Court of Australia (No. N 97/1498; AAT No.12948)**

**Justice Mathews (President)**  
*Statutory interpretation – corporation seeking waiver of filing fees – regulations providing for circumstances of exemption from/waiver of filing fees – whether ejusdem generis rule applies to restrict application of the regulations to natural persons – whether “person” refers only to natural persons because of contrary intention within the meaning of subsection 22(1) Acts Interpretation Act 1901*

The applicant, a corporation, applied for special leave to appeal to the High Court from a judgment of the Full Court of the Federal Court. The application was not accompanied by a filing fee. The applicant's subsequent request for waiver of the filing fee on the ground of financial hardship was refused by the Registrar.

The applicant sought review of the Registrar's decision by the Tribunal. Both parties agreed that the matter could be dealt with on the papers so no formal hearing was conducted.

The power to waive fees is contained in regulation 4 of the High Court of