

New basis for AAT appeals

The Commonwealth Parliament has amended the *Social Services Act 1947* so that the right to appeal to the AAT is now stated in that Act, rather than in the Schedule to the *Administrative Appeals Tribunal Act 1975*.

By the *Statute Law Revision Act 1981*, s.4(1), Part XXIVA of the Schedule to the *AAT Act* has been omitted. (This part was first added with effect from 1 April 1980 and amended with effect from 9 September 1980.) Section 90 of the *Statute Law Revision Act 1981* inserts s.15A in the *Social Services Act*. This new section re-enacts the terms of the removed Part XXIVA.

Three consecutive sections of the *Social Services Act* now deal with the review of decisions of the Department of Social Security:

Section 14 gives the Director-General of Social Services discretion to **review** a 'decision . . . of an officer under this Act (in-

cluding a . . . decision . . . of the Director-General) [and to] affirm vary or annul it'.

• Section 15 allows a person affected by a 'decision . . . of an officer under this Act (except a . . . decision . . . of the Director-General) [to] **appeal** to the Director-General [who] may affirm, vary or annul the . . . decision'. (It is under this section that the department set up its internal appeals system, the Social Security Appeals Tribunal.)

• Section 15A(1) provides for **appeal** to the AAT against a decision of the Director-General (made under either s.14 or s.15) affirming, varying or annulling a decision of an officer which has been reviewed by an SSAT. Section 15A(2) provides for direct **appeal** to the AAT against a decision of the Director-General (made under either s.14 or s.15) affirming, varying or annulling a decision of an officer if the Director-General certifies 'that an important principle of general application is involved'.

Section 15A(3) declares that the decisions, which may be appealed against to the AAT, include decisions made by DSS of-

ficers under the new provisions of the *Health Insurance Act* relating to health benefits for 'disadvantaged persons'.

AAT Appeals—statistics

The following statistics have been compiled from information supplied by the Department of Social Security.

	May 1981	June 1981
Applications for review lodged	64	63
Decided by AAT	0	5
Withdrawn by applicant	0	3
Withdrawn by DSS	4	1
Awaiting decision at end of month	193	246