

However, the Tribunal believed that, provided Sreckov's motivation for work could be restored, he could be rehabilitated by providing him with training in a new trade and education in the English language.

After the AAT had come to these conclusions, it asked the DSS to check whether suitable rehabilitation treatment was available to Sreckov. The DSS then advised the Tribunal that, because of the limited resources of the Commonwealth Rehabilitation Service, no rehabilitation program could be provided for Sreckov in the immediate future. The Service also expressed some doubts about Sreck-

ov's suitability for rehabilitation partly because of his motivation and partly because of his lack of command of English.

In view of that advice, the AAT 'reluctantly decided' that Sreckov was permanently incapacitated for work and therefore entitled to the grant of invalid pension.

#### Formal decision

The AAT set aside the decision under review and remitted the matter to the Secretary with a direction to treat Sreckov as permanently incapacitated for work since the date on which he claimed an invalid pension.

Yet it does seem that many applicants still have to run through the hoops of the review system to have their rights conceded at the door of the AAT. This does not support the argument that the Act is being interpreted more favourably for the claimant.

Perhaps the explanation lies elsewhere. The long delay in hearing an appeal (up to three years) may have entrenched itself in such a way that claimants do not see the point in appealing. Alternatively, a particular pension or benefit may now be more liberally granted than before, and so may reduce many potential applicants. Sociologists may prefer the former explanation, lawyers and bureaucrats the latter.

In any event, the 'improving' delivery of rights to social security claimants seems more apparent than real.

B.S.

## Statistics

These tables (dealing with AAT reviews) are compiled from information supplied by the Department of Social Security.

	Aug. 84	Sep. 84	Oct. 84	Nov. 84
Applications lodged*	88	77	52	49
Decided by AAT	28	24	33	18
Withdrawn	12	21	24	23
Conceded	66	27	39	27
No jurisdiction	5	9	3	2
Awaiting decision at end of month	853	849	802	781

#### \* Applications lodged : type of appeal

Unemployment B.	15	6	8	12
Sickness B.	5	4	3	2
Special B.	4	2	1	1
Age Pension	8	4	2	3
Invalid Pension	38	39	14	21
Widow's Pension	3	4	3	1
Supp. Parent's B.	3	6	4	2
H.C.A.	6	5	11	5
Family Allow.	1	4	4	0
F.O.I.	4	2	2	2
Other	1	1	0	0

#### State where application lodged

ACT	1	0	0	0
NSW	50	23	13	26
NT	0	2	0	0
Qld	4	2	6	2
SA	7	11	7	2
Tas.	7	0	2	7
Vic.	17	37	13	8
WA	2	2	11	4

### WHERE HAVE ALL THE APPLICANTS GONE?

In (1983) 12 SSR 124 we reflected on the first three years of the AAT's social security jurisdiction. Over the first three years, almost 2000 social security appeals had been taken to the AAT. We then observed that the high success rate (applicants succeeded in 46% of resolved cases) suggested that the internal (and preliminary) DSS review system was not working effectively. What has changed since those comments were made? The backlog of cases has been reduced from a peak of 1234 cases awaiting decision (October

1983) to 781 cases unresolved (November 1984).

Yet, while the AAT has made a deliberate effort to 'shift' the backlog, other factors have contributed to what appears to be a more efficient disposition of cases in the last year or so.

#### DSS concessions 'resolve' more cases than AAT

In March 1983, the AAT had decided 22% of all resolved cases. By November 1984 the Tribunal's share of case resolution had risen to 27%. (Taking the period from January 1983 to November 1984 alone, the AAT decided 550 of 1932 cases resolved or about 28% of these cases.)

In comparison by March 1983, 37% of resolved cases had been conceded by the DSS. By November 1984 this had increased to 40%. (For January 1983 to November 1984 the DSS conceded 761 of 1932 cases, i.e. about 39%.)

Essentially, apart from a marginally more active Tribunal, little has changed. For a high proportion of applicants — particularly in cases conceded by the DSS — there is a long road to travel for the recognition of their rights.

#### Reduction in backlog

The marked reduction in the backlog is probably explained by a reduction in applications combined with a constant rate of DSS concessions and a marginal increase in AAT decision making.

While nearly 2000 applications were lodged between September 1980 and March 1983 and 1143 applications were lodged for all of 1983, only 666 applications were lodged in the first 11 months of 1984.

This reduction during 1984 of nearly 500 applications on the previous year may be largely responsible for the reduced backlog of cases. However, it does not explain why less applications were made.

#### Less appeals

It could be claimed that the appeal system, with an independent AAT, is finally affecting the administration in such a way that less claimants feel aggrieved and so do not appeal.

## Administration

### DEPARTMENT OF SOCIAL SECURITY 'SPLITS'

A new Department of Community Services was formed after the 1984 Federal election with Senator Don Grimes as Minister. The new department will administer several areas which were formerly within the responsibility of the Department of Social Security — the Offices of Aged Care, Child Care and Disability and a Policy Co-ordination Unit (formerly the Social Welfare Policy Secretariat). Also within its responsibility will be the Commonwealth Rehabilitation Service and the Supported Accommodation Assistance Program (this covers women's refuges and crisis accommodation). The new department will also acquire responsibility for nursing homes, home nursing and the Program of Aids for Disabled People from the Department of Health.

The creation of the new department is aimed at allowing greater focus to be placed on the services provided by the Federal Government. The size of the DSS, with its emphasis on the payment of pensions and benefits, was thought to overshadow these services.

The new Minister for Social Security is Brian Howe. While the stated role of the DSS is essentially to be responsible for the payment of pensions and benefits, policy issues will inevitably arise.

The splitting of the income support system from the 'social welfare' area raises some interesting questions. The popular media has portrayed the division as one department (Community Services) being formed to allow more policy development and the other department (Social Security) acting as a 'service' agency — paying of pensions and benefits. This view is a comment on the relative state of policy in the two areas covered by both Departments.

The Reporter will be reporting the more specific details of the new administrative arrangements when they become available.