

Reporter

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Including Student Assistance Decisions

## Opinion

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## Review

The Minister for Social Security, Senator Jocelyn Newman has released a press notice dated 20 December 1996 advising that Dame Margaret Guilfoyle will be conducting a Review of the Social Security Review and Appeals System. The terms of reference of that review are:

- The number of levels of review within the social security portfolio;
- The operation of internal review;
- The impact of appeals and review decisions on the quality and efficiency of decision making by the DSS staff;
- The operation of the SSAT's review processes, including the number of members required to hear an appeal, the requirement to use paper records, basis of proof for evidence rendered and the issue of representation for appellants;
- Whether the DSS/(or the agency) should appear at the SSAT;
- The SSAT's membership arrangements;
- The SSAT's powers of review; and
- Whether there should be a right of appeal to the AAT or whether an appeal to the AAT should be by leave.

Written submissions are to be forwarded by 7 February 1997, which is after the publication of this edition of the Reporter. An interim report will be provided to the Minister by April 1997.

Unfortunately, because of the timing of this review (announced just after Christmas),

and the short time provided for written submissions, there may be momentous changes made to the external appeals structure with little input from those who would be most affected by the changes. The Minister has already advised that the DSS will be totally reorganised so that most employees will be transferred to a new organisation, called the Agency, headed by a CEO who is not a public servant. The Agency will provide the services formerly provided by the DSS, the CES and the DEETYA. There is a possibility that the Administrative Law section of the DSS (the section which conducts external appeals on behalf of the DSS) will be closed, and the Attorney-General's Department will be briefed to conduct external appeals.

It is not clear whether this review of the external appeals structure will tie in with the report prepared by the Administrative Review Council on Merits Review Tribunals, which included the SSAT and the AAT. Rumours abound, of course. One particularly disturbing rumour is that the Authorised Review Officer and the SSAT will be amalgamated within the DSS.

The Minister appears to be particularly concerned that the SSAT does not believe itself to be bound by Government policy. Of one thing we can be certain: the external review structure will change. It remains to be seen whether such change is for the benefit of all users of the Social Security system.

[C.H.]

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