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Administrative Law - Staying In Touch

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The new Federal administrative law system has been introduced progressively over the last decade and all its component parts are now in place. Primary objectives of the system are to assure justice and fairness in dealings between government and individuals, and to improve the quality of public administration. Attainment of these objectives depends on several factors, not the least of which is the need for there to be sufficient awareness and understanding of the new system. This requires not only that bureaucrats have a sound working knowledge of the requirements of the new administrative law, but also that individuals and their advisers be aware of the various means by which administrative decisions may be reviewed. However, knowledge of the system is bound to be deficient if there is an inadequate flow of information concerning its operation and development. The challenge to provide such information is a continuing one as the system itself is not static, but is constantly undergoing evolutionary changes with such developments as additions to the AAT's jurisdiction, and a burgeoning caselaw emanating from that Tribunal and the courts.

The information flow has generally not been satisfactory. Some regular publications on administrative review have been established for several years -e.g. Butterworth's Australian Administrative Law Service, D.C. Pearce (ed.) and the Social Security Reporter, Peter Hanks (ed.). However, such publications are written either for a particular readership or are confined to a particular subject matter and, while they provide much valuable information within those constraints, they clearly do not exhaust the field. This bulletin itself was launched by the Council in an endeavour to fill a gap in existing literature by providing a general and non-technical summary of significant developments in administrative law.

While there is still room for improvement in the flow of information regarding administrative law, persons interested in keeping abreast of developments in this area might like to note that the following publications have recently become available:

- . The Law Institute of Victoria has recently published on behalf of the Council a booklet of articles on administrative law which appeared in the July 1984 issue of the Institute's Journal. The booklet contains articles on judicial review, the AAT, freedom of information, the Commonwealth Ombudsman, the Administrative Review Council and administrative law generally. Complimentary copies are available from the Council on request;
- . The Council's Eighth Annual Report, which contains information on developments in administrative review during 1983-84 and includes a chapter setting out general principles and guidelines relating to the Council's advice on administrative review matters, is now available;
- . CCH Australia Ltd have commenced publishing two separate loose-leaf services, one titled Australian Social Security Guide and the other titled Australian Federal Administrative Law Reporter - Business Matters. Both contain copies of relevant legislation and cases, as well as general commentary on their respective subject matters;
- . The Law Book Co. have commenced publication of a loose-leaf service called Federal Administrative Law (G.A. Flick (ed.)) with sections on the Ombudsman, the Federal Court, the AAT, and freedom of information;
- . Decisions of the AAT and appeals therefrom which are not published in the Federal Court Reports or the Australian Law Journal Reports are now published by the Law Book Co. in a new series of reports called Administrative Appeals Reports (Matthew Smith (ed.));
- . Serendip Publications have commenced publication of a loose-leaf service titled Customs Acts Legislation Service (Kingsley

Siebel (ed.)), which contains up to date legislation and notes relating to customs law; and

- . The Public Service Board have devoted two special issues of their regular Bulletin (in November 1984 and January 1985) to recent developments in administrative law relating to public service employment.

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Administrative Review Council

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RECENT ADVICE

Social Security Appeals

Following the Council's 21st Report, The Structure and Form of Social Security Appeals, a number of submissions relating to it was made to the Attorney-General. Copies of some of these submissions were made available by the Attorney-General's Department to the Council with an invitation to comment. One issue raised in a submission of the Welfare Rights Centre (Sydney) concerned the Council's recommendation that a full-time national Chairman of the Social Security Appeals Tribunal ('SSAT') be appointed. The Centre opposed this recommendation and instead preferred the appointment of State Presidents.

The Council subsequently wrote to the Attorney-General on this issue, drawing his attention to the recent establishment in the United Kingdom of a presidential system of social security appeals, a development which was not known to the Council at the time it transmitted its Report, but one which the Council considered to be generally supportive of its proposal that a national Chairman be appointed. The following points were also made by the Council in its letter elaborating upon its proposal:

- . there were currently problems of significant variations in Tribunal procedures both within and between States;