

liability in relation to his or her course of study. In the normal course of events it is discharged by the Commonwealth and is repayable by the student.

DEET has recently finalised guidelines to assist delegates in making decisions under section 63 of the Act. The guidelines elaborate on the term 'special circumstances' and set out various course-related, medical and family reasons which might be accepted as 'special circumstances' for the purpose of section 63. The guidelines will become a section 9 document for the purposes of the Freedom of Information Act.

Conference on rule-making

On 31 August 1989 the Administrative Review Council held a Conference on Rule-making at Parliament House Canberra. Representatives of the Parliament, government departments and agencies, the Office of Parliamentary Counsel, legal publishers, lawyers, legal academics and user groups attended. Mr Jeffrey Lubbers, the Director of Research of the Administrative Conference of the United States, addressed the conference on the operation of the Administrative Procedure Act in the United States. Professor Saunders, the President of the Administrative Review Council, provided an overview of rule-making in Australia.

The Council's interest in the subject stemmed initially from two particular types of rule-making: the use of manuals to structure the exercise of discretions and the use of statutory guidelines to influence or direct tribunal decisions. These led to a range of related issues which required the subject to be addressed more broadly, including:

- . the circumstances in which it is appropriate to use subordinate rather than primary legislation;
- . the distinction between different forms of subordinate legislation;
- . the problems of multiple forms of subordinate legislation, including complexity of the regulatory structure and accessibility of the law;
- . the character of a host of instruments not presently treated as legislation; and
- . the nature and effectiveness of mechanisms for scrutinising rules and enforcing accountability for rule-making, whether through Parliament or otherwise (see also Focus, p.2).

Australian Institute of Administrative Law

In May 1989 a group of interested people met to discuss the possible formation of an organisation to promote knowledge of administrative law and to exchange information about administrative law and administrative practices. The group made it clear that it would seek its membership from a wide range of

professional interests and that it was not intended to be a lobbyist organisation or confined to the legal profession.

The Institute was formally established in July 1989. Mr Geoff Kolts, OBE, QC was elected the inaugural President. Mr Kolts was previously First Parliamentary Counsel and was Commonwealth Ombudsman until he retired from public service in 1987 to become a private legal consultant. He was one of the original members of the Administrative Review Council, and has been closely involved in the new administrative law since its inception. Expressions of interest and inquiries about the Institute should be addressed to the Secretary, P.O. Box 1927, Canberra, ACT 2601.

AAT electoral jurisdiction

The Joint Standing Committee on Electoral Affairs, which had been inquiring into the conduct of the 1987 federal election and the 1988 referenda, has published its report on the federal election.

During the inquiry the Australian Electoral Commission drew attention to the fact that presently in joint roll States the decision of a Divisional Returning Officer to remove a person's name from the electoral roll could be reviewed by both State courts of summary jurisdiction and the AAT, depending on whether the returning officer's actions affected a person's state or federal enrolment. It suggested that all questions of enrolment in joint roll States be reviewed by Magistrates Courts.

The Parliamentary Committee, however, thought that the AAT offered greater potential for uniformity in decision-making and was better equipped to deal with complex applications in a more flexible manner. It recommended that the Minister for Administrative Services approach state governments with a view to having the review of all such decisions undertaken by the AAT.

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