

REGULAR REPORTS

Administrative Review Council

Reports, submissions and letters of advice

Since the last regular issue of *Admin Review*, the Council has provided:

- a report to the Attorney-General: Report No 35 *Rule Making by Commonwealth Agencies*;
- letters of advice to the Attorney-General on
 - the Review of the Administrative Appeals Tribunal;
 - the Review of the Office of the Commonwealth Ombudsman;
 - the draft Broadcasting Services Bill; and
 - proposed conscientious objection decision appeal provisions; and
- letters of advice to the Australian Law Reform Commission on
 - customs and excise matters; and
 - administrative penalties.

Current work program – developments

Community Services and Health

The Council has recently redirected this project towards investigating the scope of merits review of decisions made under Commonwealth funding programs.

Intellectual property

A draft discussion paper on review of patents decisions is being prepared by a consultant, Dr Margaret Allars of Sydney University.

Specialist tribunals

It is expected that the Council will circulate a draft report on tribunal procedures late in 1992. Preparations are under way for the second Conference of Commonwealth Review Tribunals, to be held in Sydney in October.

Government business enterprises

The Council is working on a draft report on the extent to which GBEs should be subject to administrative review. This is expected to be available towards the end of this year. Anyone interested in obtaining a copy of the draft report should contact Robyn Johansson, the responsible Project Officer at the Council, phone number (06) 257 6115.

Environmental decisions

The Council is currently arranging the engagement of a consultant to examine the issue of merits review of environmental decisions.

Administrative Appeals Tribunal

New jurisdiction

Since the last issue of *Admin Review* jurisdiction has been conferred on the AAT, or existing AAT jurisdiction has been amended, by the following legislation:

- Australian Horticultural Corporation (Export Control) Regulations
- Australian Wool Corporation Regulations
- Customs and Excise Legislation Amendment Act 1992
- Defence Legislation Amendment Act 1992
- Development Allowance Authority Act 1992
- Federal Court of Australia Regulations
- Health, Housing and Community Services Legislation Amendment Act 1992
- High Court of Australia (Fees) Regulations
- Industrial Chemicals (Notification and Assessment) Regulations
- Insurance Laws Amendment Act 1991
- Law and Justice Legislation Amendment Act (No 2) 1992
- Life Insurance Policy Holders' Protection Levies Collection Act 1991
- Ozone Protection Amendment Act 1992
- Pooled Development Funds Act 1992
- Taxation Laws Amendment (Self-Assessment) Act 1992

AAT decisions

Order of giving evidence

Re Department of Social Security and Spoolder (5 September 1991) involved an application to the AAT, constituted by Deputy President Forgeie, for a direction that Mrs Spoolder, the respondent, give evidence prior to the applicant Department presenting its case. The principal matter was an application for review of a decision by the Social Security Appeals Tribunal to the effect that Mrs Spoolder was not a de facto spouse and thus was qualified to receive an invalid pension as a single person.

The essence of the Department's submission was that Mrs Spoolder's credibility was a vital