

- many decisions relating to the movement and disposal of goods.

In proposing that decisions relating to the import or export of prohibited goods be subject to review, the Council recognised that some such decisions might contain such a sensitive political element that they are unsuitable for external review by a politically non-accountable body such as the AAT. But since it was not possible to identify such decisions in advance, the Council recommended that the decisions should, as a class, be amenable to AAT review subject, however, to a power in the Minister to table in the Parliament a certificate stating that on specified grounds the Minister is of the opinion that responsibility for a particular decision should remain with the Government. The effect of such a certificate would be to exclude the particular decision from review.

The proposed power with regard to Ministerial certificates represents an attempt by the Council to reconcile the sometimes conflicting principles of administrative review and Ministerial responsibility. The proposal is likely to have implications for future developments in administrative review affecting other areas of Commonwealth administration which involve classes of decisions which raise politically sensitive issues periodically.

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R E G U L A R   R E P O R T S

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Administrative Review Council

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CURRENT WORK PROGRAM

Access. The Access Committee of the Council met in October to consider an early draft of the report on Stage One of the Access project: Notification of Review Rights.

The Council's Secretariat is holding discussions with Professor R.D. Eagleson, Special Advisor on Plain English to the Australian Government, concerning the drafting of plain English notifications.

At its meeting in September 1985 the Council also decided to commence work on Stage Two of the Access project. The Access Committee subsequently decided to examine the Social Security, Student Assistance and Isolated Patients Travel and Accommodation Assistance Scheme jurisdictions by a quick process of consultation to identify issues relating to access which might be further considered by the Council. The Council sees 'access' as relating to impediments or barriers in the way of people finding out about, or exercising, their administrative review rights. Persons or organisations wishing to be involved in the preliminary consultation process should contact the Council's Director of Research immediately, as this preliminary stage of the project is to be completed by the end of 1985.

Customs and Excise. Report No. 24, Review of Customs and Excise Decisions, Stage Four: Censorship was transmitted to the Attorney-General on 5 September 1985. Preparation of the draft discussion paper on Stage Three (Anti-dumping) is continuing.

Migration. A revised draft Report will be considered by the Council at its December meeting.

AD(JR) Act. The Council recently advised the Government on a proposal to exclude from the AD(JR) Act decisions taken in the course of extradition proceedings. Preparation of a draft report on the overall review of the AD(JR) Act is continuing.

Damages in Administrative Law. Preparation of a draft discussion paper is continuing.

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Administrative Appeals Tribunal

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NEW JURISDICTION

The following recent legislation confers jurisdiction on the AAT: