
R E G U L A R R E P O R T S

Administrative Review Council

LETTERS OF ADVICE

Since the last issue of Admin Review (April 1987), the Council has sent 1 letter of advice to the Attorney-General. The subject of the advice was the operation of the Merit Protection and Review Agency. The advice also recorded the Council's views on the Merit Protection (Australian Government Employees) Act 1984.

REPORTS TABLED ON ANTI-DUMPING AND NOTIFICATION OF RIGHTS OF REVIEW

On 3 June 1987 the following reports of the Council were tabled in the House of Representatives by the Attorney-General:

- . Report No. 27, Access to Administrative Review: Stage One, Notification of Decisions and Rights of Review;
- . Report No. 28, Review of Customs and Excise Decisions: Stage 3, Anti-Dumping and Countervailing Duty Decisions.

CURRENT WORK PROGRAM

Constitution of the AAT. An issues paper and a briefer discussion paper were publicly circulated and open meetings were held in Canberra, Melbourne and Sydney in early July to discuss this matter. A wide range of persons and organisations was represented at the meetings, including AAT members, government departments and agencies, users of the AAT, community legal centres and private practitioners. A draft report is now being finalised.

Access to administrative review. The social security review officer survey, which is stage two of this project, was conducted in May. The outcome was unsatisfactory with fewer reviews reported than had been expected and only a handful of interviews with clients arranged. The Council at its July meeting decided that the review should be conducted again. The Council Secretariat will meet with officers of the Department of Social Security to discuss an appropriate methodology for this survey in an attempt to obtain results which are of greater use to the Council.

Industry research and development and related legislation. The draft report considered by a committee of the Council in April is being prepared for circulation to interested persons.

Submission on AD(JR) Amendment Bill 1986. In response to a request for submissions on the Administrative Decisions (Judicial Review) Amendment Bill 1986 by the Senate Committee on Constitutional and Legal Affairs, the Council wrote to the Committee on 9 July. The Council's views on the issues with which the amending Bill deals are expressed in the report of the Council, Review of the Administrative Decisions (Judicial Review) Act 1977: Stage One (Report No. 26). However, it was thought that some explanation of the issues involved would be of assistance to the Committee in its inquiry into the amending Bill.

Administrative Appeals Tribunal

NEW JURISDICTION

Since the last issue of Admin Review new jurisdiction has been conferred on the AAT under the following legislation:

- Building Ordinance 1972 (A.C.T.)
- Childrens Services Ordinance 1986 (A.C.T.)
- Co-operative Societies Ordinance 1939 (A.C.T.)
- Disability Services Act 1986
- Health Authority Ordinance 1985 (A.C.T.)
- Long Service Leave (Building and Construction Industry) Ordinance 1981 (A.C.T.)
- Income Tax Assessment Act 1936
- Nuclear Non-Proliferation (Safeguards) Act 1987
- Patents Regulations
- Plant Variety Rights Act 1987
- Public Lending Rights Act 1985
- Ships (Capital Grants) Act 1987
- Sugar Cane Levy Collection Act 1987
- Wool Marketing Act 1987

KEY DECISIONS

Veterans' entitlements

In Re Repatriation Commission and John Leslie Bramston (1 May 1987) the AAT was called upon to review a decision of the Veterans' Review Board that a tumour arose from, or was attributable to, eligible war service for the purposes of a claim for a repatriation pension under the Veterans' Entitlements Act 1986. The respondent, a Vietnam veteran, claimed that his disease, the tumour, was attributable to Agent Orange type defoliants used in Vietnam during the period of his service. Due to the concentration by the respondent on this point the Tribunal was not required to consider whether the neurosis or anxiety state suffered by the respondent was attributable to his war service generally. However, the Tribunal said that if he was able to establish this, it would not matter that a condition not attributable to war service also contributed to the development of the neurosis or anxiety. It is not necessary that war service be the sole cause of a physical or mental disability but merely that it contribute in a material way.