the costs of a police guard. The Tribunal concluded that the various deductions were either not in the nature of plant or articles, were private in nature or were not incurred in gaining or producing assessable income, and therefore were not allowable.

Deportation: risk of recidivism

In Epiha and Department of Immigration, Local Government and Ethnic Affairs (26 September 1988) concerned an application for review of an order that the applicant be deported. Deputy President Jennings QC remitted the matter to the Department for reconsideration in accordance with a recommendation that the order be revoked. The applicant had received his first conviction for possession of a large quantity of cannabis resin, and had been sentenced to over two years' imprisonment for his involvement, albeit relatively peripheral, in an international operation to import 1000 kilograms of cannabis resin, valued in excess of $6 million. He had only resided in Australia for about two years prior to committing the offence, and had a family in Australia and good employment prospects, but the crucial issue was the risk of recidivism. Tribunal found that in the circumstances there was not a realistic possibility of recidivism. Further, the material as to hardship to the applicant and his family if he were deported strongly supported the finding against any risk of further offences. In his judgment Deputy President Jennings observed that:

> The jurisdiction of this Tribunal to review decisions under the Migration Act does not necessarily require analysis of the reasons which motivated the decision-maker. The Tribunal is simply required to make what it considers to be the correct and preferable decision.

It is not known whether the Minister proposes to accept the recommendation of the Tribunal in this case (see Admin Review 16:33-5).

Freedom of Information

Clearance of appeals before the Administrative Appeals Tribunal

From May 1985, as part of a package designed to reduce the costs of administration of the Freedom of Information Act, all agencies receiving notice of appeals before the Administrative Appeals Tribunal in matters arising under that Act were required to clear them with the Attorney-General's Department. This requirement, designed to screen cases so that agencies did not waste resources defending FOI actions that had little merit, appears to have achieved its purpose, and also to have achieved a significant reduction in the number of defended matters going on appeal.

In September 1988 the Prime Minister agreed that the requirement for agencies formally to clear Freedom of Information appeals with the Attorney-General's Department should be discontinued forthwith.

The Department will continue to be available to provide advice in individual cases and, having regard to the Attorney-General's responsibility as the Minister administering the Act and his right to intervene, will continue to have a role where matters of special difficulty or controversy arise. The Department will also continue to provide input into general service-wide training.

Amendment of personal records

In Jacobs and Department of Defence (5 August 1988) an experienced RAAF pilot had been selected to become the Commanding Officer of an F111 squadron and, since his previous duties had not involved flying the F111 aircraft, he undertook a 16 week conversion course. During the course, however, he made so many errors, despite remedial work, that he was formally suspended. He sought amendment of the record on which the suspension was based.

The Tribunal, after considering the decisions concerning 'information relating to his personal affairs' given in Young v Wicks (1986) 11 ALN 176, Williams and the Registrar of the Federal Court of Australia (1985) 8 ALD 219, Wiseman and Department of Transport (1985) 4 AAR 83 and Department of Social Security v Dyrenfurth (Admin Review 17:55-6), found that the full Federal Court decision in Dyrenfurth left it open to the Tribunal to find that a report of the nature of the one under consideration contained information 'referring to matters of private concern to the individual'. The Tribunal then considered whether the information in dispute was, in terms of section 48 of the Freedom of Information Act 1982, incomplete, incorrect, out of date or misleading. It accepted that it was incomplete but not that it was incorrect, out of date or misleading. The Tribunal ordered that the record be amended.

The Courts

Grounds to be joined as a party to an application for review

United States Tobacco Company v Minister for Consumer Affairs and Trade Practices Commission (14 July 1988) concerned an application by the Australian Federation of Consumer Organisations (AFCO) to be joined as a party to an application for review of the Minister's decision to gazette a notice pursuant to section 65J(1) of the Trade Practices Act 1974 (Admin Review 17:61-2). The application also addressed the respondents' conduct in relation to a conference called by the Commission under section 65J(4) of the Act.