

under the time limit for refunds prescribed in the Sales Tax Regulations. Eventually, however, it accepted that the refund was payable and it is currently reviewing its interpretation of the refund provisions.

Staff of the Ombudsman also met with senior officers from the Australian Taxation Office to discuss other sales tax problems (Admin Review 20:50-1) which the Ombudsman had raised with the Commissioner. The ATO is now taking measures to improve its administration of the sales tax legislation.

Veteran's service pension: cancellation

A veteran and his wife, who returned to Australia in August 1986 after an absence of four years, were granted a service pension. They subsequently left Australia the following December, and in April 1987 their pension was cancelled with effect from August 1986 because they had left Australia within 12 months of the pension being granted, in contravention of the Veterans Entitlements Act. They appealed unsuccessfully to a principal determining officer and to the AAT, on the ground that their departure had been the consequence of misleading oral advice from the Department of Veterans' Affairs.

After the Ombudsman concluded that they acted on this advice to their disadvantage, the Department agreed to make special arrangements to ensure that the veteran and his wife, who were suffering considerable hardship, would receive money equivalent to the pension plus a lump sum to cover the period since the pension was discontinued.

Compensation for loss of use of money legally owed

After several months of negotiation the Department of Employment, Education and Training has agreed to pay a small sum by way of compensation to a person who had been in a contractual relationship with the now abolished Curriculum Development Centre. Under a 'fee for service agreement', CDC was to have paid the contractor four instalments each of \$250. On each occasion there was a lengthy delay before the due payment was made.

The Ombudsman argued, on the basis of the High Court decision in Hungford v Walker (1988) 84 ALR 119, that the contractor was entitled to compensation for the lost use of the money due to her under the agreement. He suggested that payment could be made pursuant to Finance Direction 21/3, in settlement of her potential legal claim for such compensation. Given the amount of the claim (around \$30), however, and the economic inequalities between the parties, the Ombudsman also suggested that it would be unreasonable to refuse payment pending formal initiation of legal action by the complainant.

A D M I N I S T R A T I V E L A W W A T C H

Child support scheme

The first stage of this scheme was the Child Support Act 1988

which came into effect on 1 June 1988 and which, in general, provides for collection of maintenance payable under court orders and maintenance agreements. The Act covers:

- . the establishment of a Child Support Register, to be administered by the Commissioner of Taxation in his role of Child Support Registrar;
- . the creation of a 'child support debt', whereby maintenance previously payable to the payee of an order or agreement becomes a debt due to the Commonwealth;
- . termination of the liability to pay future maintenance to the payee named in the order or agreement, and removal of the payee's entitlement to enforce that debt;
- . collection of maintenance, as far as practicable, by automatic deductions from the salary or wages of employees; or where this does not or cannot apply, by a direct monthly remittance by the payer;
- . payment of maintenance by the Child Support Registrar, through the agency of the Department of Social Security, to the payee;
- . recovery of unpaid maintenance only during the time the liability is payable to the Commonwealth;
- . penalties for payers and employers for offences such as the late payment of maintenance and failing to provide information to the Registrar; and
- . objection and appeal rights for parties affected by liability to the Commonwealth.

Decisions under the Act are reviewable in general by the Family Court. Decisions with regard to remission of certain penalty amounts, remission of late payment penalties and consideration of objections by the Registrar are reviewable by the AAT.

The Child Support Assessment Bill 1989, introduced as an exposure draft during the Autumn sittings of Parliament, will give effect to the second stage of the scheme, ie administrative assessment of child support by the Registrar of Child Support. It covers eligibility for administrative assessment, the formula for child support and rights of application to the court for variation of the formula. The Bill confers jurisdiction on the courts with jurisdiction under the Family Law Act for these matters.

Legislative Scrutiny Manual

The Department of the Senate has produced a Legislative Scrutiny Manual as a guide to public servants dealing with the operations of the Senate Standing Committee on Regulations and Ordinances and the Senate Standing Committee for the Scrutiny of Bills. The Manual comprises various papers and reports which provide an overview of the operations of the two Committees. It stresses, however, that legislative scrutiny is a dynamic process and the Manual does not purport to be a definitive document.

In addition, the Senate Procedure Office recently published the collection of papers from the seminar on legislative scrutiny held by the Senate earlier in the year.

Second Conference of Australian Delegated Legislation Committees

The Second Conference of Australian Delegated Legislation