## UK Council on Tribunals Report

# Admin Review

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The United Kingdom Council on Tribunals' Report 'Model Rules of Procedure for Tribunals' was published in March 1991. The Council is concerned with Tribunal performance, among other matters, and has produced this report as part of its continuing attempt to standardise just and fair rules of procedures for the large number and diversity of administrative tribunals operating in the United Kingdom. The report is designed to provide a comprehensive collection of model procedural rules for use by government departments and by tribunals engaged in drafting or amending tribunal rules. The report considers

- rules aimed primarily at applicants or appellants
- rules to ensure that tribunals provide guidance
- rules which provide tribunals with all necessary powers, and

• general considerations.

The report annexes a set of model tribunal rules assuming the following elements to be essential:

Tribunals should

- have sufficient power to establish the facts
- be able to adapt their procedure to each case
- be able to decide each case expeditiously and efficiently, and
- be able to correct mistakes.

Applicants who come to tribunals should

- be aware of their rights and how the proceedings will develop
- have a simple means of invoking the tribunal
- have a full opportunity to put their own cases and know their opponent's case
- have fears and ignorance concerning the procedures of the tribunal dispelled, and
- have a right to receive reasons for decisions.

## RECENT PUBLICATIONS

#### Arrowsmith, S

Government contracts and public law: *Legal Studies* Vol 10, No 3 (December 1990): 231-244

#### Baker, P

Caveat - for Administrative Law Practitioners: Law Institute Journal Vol 64, No 12: (December 1990) 1155-1157

#### Barnes, J

Standing: environment groups get the green light: Australian Business Law Review Vol 18, No 5 (October 1990): 338-342

#### Barnes, J

Judicial review of fee-setting bodies: reflections on the chemists' dispute: *Australian Business Law Review* Vol 18 No 4 (August 1990): 254-260

#### Barnes, J

Natural justice enters 'the political field': *Australian Business Law Review* Vol 18 No 1 (February 1990): 48-52

#### Bayne, P

Freedom of information and access for privacy purposes: *Australian Law Journal* Vol 64 No 3 (March 1990): 142-146

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Aggrieved public sector workers and judicial review: *Modern LawReview* Vol 154 (1991): 129-137

#### Herberg, J

The right to a hearing: breach without fault?: *Public Law* (Winter 1990): 467-475

#### Jones, T H

Mistake of fact in administrative law: *Public* Law (Winter 1990): 481-489

#### Katz, L

A lacuna in the Federal Court's powers: Australian Bar Review Vol 6 No 3 (September 1990): 210 Lanham, and Maher,

Applications for orders for review under the AD(JR) Act: *Law Institute Journal* Vol 64 No 10 (October 1990): 954-955

### Lonie, I

Challenging decisions of local government: Law Institute Journal Vol 64 No 11 (November 1990): 1079-81

## McDonald, G

The Australian Banking Industry Ombudsman - can a level playing field be created?: *Law Institute Journal* Vol 65 No 3 (March 1991): 190-191

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The swamp, the moat, their wall and our pedestal: *Freedom of Information Review* (1990) 28 FOI Review: 38-42

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Judicial review and substantive unfairness: *Australian Law Journal* Vol 64 No 10 (October 1990): 670-674

McNaughton, B

Justice for Whom?: *Legal Services Bulletin* Vol 15 No 4 (August 1990): 175-177

## Mason, Sir Anthony

Twelve years of administrative law in Australia: *Commonwealth Law Bulletin* Vol 16 No 3 (July 1990): 1011-21

### Munro, C

Judicial Review and the media Journal of Media Law and Practice Vol 11 (1990): 86-90

### New Zealand Law Commission Report No 17, A new Interpretation Act to avoid prolixity and tautology, 1990

## O'Brien, D

Statements of reasons for administrative decisions: ex post facto or pars rei gestae: *Public Law Review* Vol 1 No 3 (September 1990): 217-222

## O'Neill, A

Social Security Appeals Tribunal: On the Record Vol 13 (July-August 1990): 5-6

## Plotnikoff, J

The future of court technology lessons from North America: *Computers and Law* Vol 2 No 1 (February 1991): 5-6

### Sadler, R

Reviewing an adjudicatory tribunal decision: the costs: *Law Institute Journal* Vol 64 No 10 (October 1990): 938-941

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The development of administrative law: obstacles and opportunities: *Public Law* (Winter 1990): 490-5

### Schuck, P and Elliot, D

Studying administrative law: a methodology for, and report on, new empirical research *Administrative Law Review* Vol 42 No 4 (Fall 1990): 519-543

### Sorensen, G

Fitzgerald reform agenda under way in Queensland: *Public Law Review* Vol 1 No 3 (September 1990): 205-216

### Taggart, M

Corporatisation, Privatisation and Public Law: New Zealand Legal Research Foundation, 1990

### Taggart, M

Courts, Ombudsmen and Freedom of Information: the Empire Strikes Back: (1990) 20 Victorian University of Wellington Law Review: 1-47

## University of Toronto Law Journal

Special Issue on Administrative Law : Vol XL No 3 (Summer 1990), University of Toronto

### Wilson, K

FOI and Local Government - a question of accountability *Law Institute Journal* Vol 69 No 12 (December 1990): p.1129-1130



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### PERSONALIA



## Administrative Review Council

#### Appointments

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Mr Iain Ross (pictured above) has been appointed to the Council. He was recently appointed Assistant Secretary of the Australian Council of Trade Unions (ACTU). He has been employed by the ACTU since 1986 and has had important industrial and policy responsibilities. He was previously a legal officer with the ACTU and prior to that had held positions with a number of industrial organisations. Mr Ross was appointed because of his extensive experience in industrial relations.

Mr David (Sandy) Hollway, a Deputy

Secretary in the Department of the Prime Minister and Cabinet has also been appointed to the Council. He recently completed a two year period as Principal Advisor in the Prime Minister's Office. Prior to that he had worked in the Departments of Foreign Affairs and Trade and Prime Minister and Cabinet, holding senior positions both in Canberra and at overseas posts. Mr Hollway was appointed because of his extensive experience at a high level in public administration.

Mr Stuart Hamilton, Secretary to the Department of Community Services and Health was recently reappointed to the Council for a term of three years.

### **Administrative Appeals Tribunal**

#### Appointments

There have been three new appointments to the AAT in New South Wales.

- Ms Margaret Teresa Lewis as a Senior Member of the AAT. She is the first non-lawyer to be appointed as a senior member and has been a part time member of the Tribunal since 1986.
- Mr Trevor William Haines, as a part time member. He was previously Secretary to the New South Wales Attorney-General's department.
- Ms Patricia Audrey Moore as a part time member. She is a barrister of the Supreme Court of New South Wales and a part time member of the Social Security Appeals Tribunal.

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