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EDITORIAL

Legislative drafting: Yet again	127
The dark side	128
“On a question of law”	129

DISCRIMINATION AND REFUGEES – *Dr Paula Gerber*

“Gold-standard” discrimination protections for LGBTI people enter into force in Australia	131
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CASENOTES – *Nathalie Ng*

Wingfoot Australia Partners Pty Ltd v Kocak	136
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WORK AND EMPLOYMENT – *Joo-Cheong Tham and Beth Gaze*

Accountability and transparency under the subclass 457 visa program: Is there cause for concern?	139
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ARTICLES

The watershed for Commonwealth appropriation and spending after Pape and Williams? – *Melissa Hogg and Charles Lawson*

The decisions of *Pape v Commissioner of Taxation* (2009) 238 CLR 1 and *Williams v Commonwealth* (2012) 248 CLR 156 marked an important change in relation to the appropriation and spending powers under the Constitution. This article considers the significant uncertainty still surrounding the Constitution’s financial power and discusses the implications of these decisions in the broader context of appropriations and spending. The article concludes that shifting the focus of constitutional compliance from appropriations to spending may have unintended consequences. 145

Effective ombudsman own-initiative investigations: Ideas from ombudsman own-initiative investigations, auditor-general performance audits and law reform commission projects – *Cady Simpson*

This article considers ways ombudsmen can produce effective own-initiative investigations. It examines ombudsman legislation and practices and compares them with those surrounding performance audits of auditor-generals and law reform commission projects, in Australia and Canada. The latter two activities are similar to own-initiative investigations as they are an investigative/evaluative process, their recommendations are not binding and they are carried out by institutions that are independent of the Executive and have been created and shaped by similar economic and political events. The article considers the meaning of effectiveness and suggests an effective own-initiative

investigation is one that assists the reduction of systemic public administration issues. The article considers ideas for effective own-initiative investigations, supported by case studies of reports of the Victorian Ombudsman, Ontario Ombudsman, Australian National Audit Office and the Victorian Law Reform Commission. The article suggests an effective own-initiative investigation may be achieved if the investigated agency respects the investigation, is willing to implement the recommendations, has the ability to implement the recommendations, and continues to prioritise implementation of the recommendations. Ombudsmen may achieve these goals through engaging in proper dialogue, gathering empirical evidence, directing implementation and carefully selecting investigations. 156

Taking Facebook at face value: The Refugee Review Tribunal’s use of social media evidence – *Emma Wagstaff and Kieran Tranter*

This article argues that the Refugee Review Tribunal (RRT) is placing excessive weight on evidence gathered from social media in reviewing refugee decisions. It will be argued that the RRT is assigning high truth values to information concerning applicants and others from social media. This is despite detailed research that suggests that social media rarely conveys accurate or consistent information about an individual. In taking such evidence at face value the RRT is misunderstanding social media and potentially making errors in its decisions. 172