

of the Federal Court under section 10 of the Act provides a sufficient mechanism for dealing with potential problems of overlapping remedies. Nonetheless, it suggests the rationalisation of certain appeal and review provisions to improve the overall coherence of the Commonwealth review system.

Another issue raised in the draft report is whether decisions of judges of the Family Court and of members of the Conciliation and Arbitration Commission should be excluded if the Act is expanded to apply to 'decisions of an officer of the Commonwealth' (paras 109, 113 and 150).

The Council has invited submissions on the issues and proposed recommendations in the draft report to be forwarded to the Council Secretariat by Friday 9 September 1988. Those who are unable to respond by that date should contact the Secretariat on (062) 434696.

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

Administrative Review Council

LETTERS OF ADVICE

Since the May 1988 issue of Admin Review the Council has provided the Attorney-General with several letters of advice. They addressed the following issues:

- . referral of matters between the Ombudsman and the AAT;
- . the appropriate body to conduct review on the merits of decisions under the proposed Commonwealth companies scheme (see also Admin Review 16:25);
- . the proposed transfer of functions of the Publications Review Board of the ACT to the AAT.

CURRENT WORK PROGRAM - DEVELOPMENTS

Access to administrative review. In the May 1988 Economic Statement the government announced that the Department of Social Security's review officer system was to be abolished and replaced with a new system of full-time area review officers. Since this pre-empted the Council's project on the existing review officer system, the Council decided to discontinue the project as it stood but to incorporate some of the material it had obtained in its monitoring of the new system.

Review of the AD(JR) Act Stage 2. The AD(JR) Act Committee's draft report on review of the AD(JR) Act has now been released (see Focus, pp.46-9). The Council met with practitioners in Melbourne to discuss the report, prior to the Council meeting on

5 August 1988 which was also held in Melbourne.

Decisions under research and development legislation. The submissions received are being evaluated in the light of proposed changes in this area announced by the government and in the light of recent legislative changes to one of the relevant schemes.

Community Services and Health. The Council's committee met with the Secretary of the Department of Community Services and Health in June to discuss the most appropriate approach for the Council's project.

Migration. At the invitation of the Secretary, Department of Immigration, Local Government and Ethnic Affairs, the Council is currently considering the recommendations of the Committee to advise on Australia's immigration policies (CAAIP) with regard to review, and the design of an appropriate review system.

Broadcasting. In July 1988 the Council provided a submission on this subject to the Parliamentary Inquiry into the Australian Broadcasting Tribunal.

Administrative Appeals Tribunal

NEW JURISDICTION

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

Child Support Act 1988
Commonwealth Employees Compensation Act 1988
Heard and McDonald Island Environmental Protection
Ordinance 1988
Public Rental Housing Program (ACT)
Sea Installations (Miscellaneous Amendments) Act 1987
Taxation Laws Amendment Act (No. 2) 1988
Transport Legislation Amendment Act 1988

KEY DECISIONS

Anxiety state for compensation purposes

In Commonwealth of Australia and Dingwall (22 April 1988) the Tribunal set aside the decision of a delegate of the Commissioner for Employees' Compensation and remitted the matter to the Commissioner with directions that the respondent's anxiety state did not entitle him to compensation. Mr Dingwall had worked in the Army from 1955 to 1968, during which time he had been a mess supervisor and had spent 5 months at Maralinga. He was discharged as medically unfit due to chronic obstructive airways disease, hypertension, obesity, hearing loss, right knee injury and epigastric pain. He had claimed compensation for anxiety state, which had been determined, and many other conditions, which had not. He was reported as suffering from