

future.

The Department agreed to all of the recommendations, and subsequently asked the Ombudsman to comment on its draft procedures for personnel working in Antarctica. In addition, following protracted negotiations over the amount of compensation, the Department of Finance approved a payment of over \$9 000 for the applicant.

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

Requirement to consult the ARC on review issues

New editions of the Legislation and Cabinet Handbooks bring the role of the Council to the attention of government departments and agencies. The Council discussed with the Department of the Prime Minister and Cabinet the appropriate wording in the handbooks, which remind agencies of the need to consult the Council when considering proposals with major implications for the administrative review system. The Attorney-General in June 1988 wrote to his ministerial colleagues drawing their attention to the requirements to consult both the Council and his Department.

The new Cabinet handbook, recently released, states that 'Particular note should be taken of the Administrative Review Council's role when Cabinet Submissions involving legislation with administrative review implications are being prepared. Consultation at an early stage with the Council should occur through the Attorney-General's Department.'

The Legislation Handbook, due for release shortly, contains further guidelines. These include the advice that where legislation confers discretionary powers these should normally be subject to some form of external review on the merits; that the appropriate body will normally be the Administrative Appeals Tribunal; that strong reasons would need to be advanced to support creation of a specialist review tribunal and that very strong reasons would be needed to support proposed exclusions from the AD(JR) Act.

Legislative changes to the Complaints Act

In late 1987 the Parliament passed several amendments to the Complaints (Australian Federal Police) Act 1981 as part of the Statute Law (Miscellaneous Provisions) Act 1987. Consequential amendments recently were made to the Australian Federal Police (Discipline) Regulations. The main effects of the amendments are:

- . to provide a statutory basis for the procedures developed by the Ombudsman and the AFP to deal with minor complaints;

- . to introduce a cautioning procedure in the disciplinary process. Under this procedure, in cases involving minor breaches of discipline the Commissioner may caution a member as an alternative to charging, where the member indicates a willingness to accept a caution. The Ombudsman is now able to make recommendations to the Commissioner to this effect; and
- . to alter the requirement that the Ombudsman determine that an investigation by the AFP's Internal Investigation Division was inadequate, before the Ombudsman can investigate, so that the Ombudsman may conduct his own investigation following an IID investigation where he considers further investigation is required.

Reports of the Veterans' Entitlements Act monitoring committee

On 23 May 1988 the Veterans' Entitlement Act Monitoring Committee reported to the Minister for Veterans' Affairs on the terms of reference given it in May 1987 and the additional terms provided in July 1987. Of the issues addressed in the reports, some of the more significant are:

- . the standard of proof provisions in section 120 of the Veterans' Entitlements Act;
- . the provisions dealing with the eligibility criteria for the Special (TPI) and Intermediate Rate pensions;
- . the operational impact of the 1986 Guide to the Assessment of Rates of Veterans' Pensions, and the associated lifestyle questionnaire, which introduced a new system for the assessment of General Rate pensions;
- . the possible need for an additional General Rate pension for certain extremely disabled veterans who have retired from the workforce; and
- . the efficiency and effectiveness of the pension determining system constituted by the Repatriation Commission, the Veterans' Review Board and the Administrative Appeals Tribunal.

The Committee recommends the monitoring of the system for 6 months and proposes that the Minister seek submissions on a proposed system of internal review within the Repatriation Commission as an alternative to the Veterans' Review Board. The Committee's preferred view is the abolition of the VRB, mainly with the aim of reducing delays. The Committee also recommends the establishment of a body including representatives of the Administrative Appeals Tribunal and ex-service organisations, to review the practices and procedures of the Veterans' Appeals Division of the Tribunal which, in contrast to the earlier recommendation of the Administrative Review Council, it wishes to retain.