

- . 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.

Proposals for the new Australian Telecommunications Authority (AUSTEL)

Among the proposals recently considered by government concerning the operation of the telecommunications industry was a recommendation to establish a new regulatory body, AUSTEL, with the capacity to investigate consumer complaints. In the original proposal AUSTEL was to take over the Ombudsman's jurisdiction with regard to complaints about Telecom. After discussions between the Ombudsman, the Department of Transport and Communications and the Minister, Senator Gareth Evans, the government decided that:

'AUSTEL will have a capacity to refer to the Ombudsman complaints it receives which are more appropriately dealt with by the Ombudsman. As a general principle, the Ombudsman will deal with matters affecting individuals while AUSTEL will be concerned with complaints which raise wider regulator policy considerations. Arrangements will be developed between the Ombudsman and AUSTEL to avoid duplication of effort and to minimise confusion over responsibility for responding to complaints. Arrangements will also be developed between the Ombudsman and AUSTEL to ensure that, subject to confidentiality provisions, AUSTEL is advised of complaints that may raise regulatory implications. AUSTEL will report to the Minister on the overall regulatory implications of consumer complaints'.

The Minister agreed to recommend to Cabinet that a Parliamentary review examine the effectiveness of the complaint handling procedures two years after the establishment of AUSTEL.

ACT self government

The government has announced proposals for ACT self government which provide that the ACT Assembly have power to enact its own administrative law but that, in the interim, the Commonwealth will hand over laws in terms similar to the Administrative Decisions (Judicial Review) Act, the Freedom of Information Act and the Ombudsman Act, which will apply as ACT Assembly laws to the decisions of the ACT Government. The Administrative Appeals Tribunal Act is to be amended to permit ACT laws to confer jurisdiction on the Tribunal.

R E C E N T P U B L I C A T I O N S

Bates, F.

'The effects of misleading and inadequate information given to Australian social security applicants', Journal of social welfare law, March 1987:109-22