

Statistics are now available for the first month of operation of the VRB. For the four weeks preceding 1 March 1984, the VRB was operating at only 40% of its listing capacity. Reasons for under-utilisation of the VRB have been:

- . the large number of hearings adjourned or postponed (37% in the case of assessment applications and 20% in the case entitlement applications); and
- . delays in awaiting section 107VE reports from the Department of Veterans' Affairs and advices from the parties required under section 107VS (i.e. whether parties wish to appear or be represented at a VRB hearing).

There has been a high percentage of Repatriation Commission decisions set aside since the new system has come into operation - 93% in the case of entitlement applications and 80% in the case of assessment applications. This high level of overturned decisions is primarily due to the litigation in the O'Brien case which culminated in the High Court's decision referred to above (page 32).

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

The following recent works relating to administrative law may be of interest:

Attorney-General

Freedom of Information Act 1982: Annual Report 1983 - 1984, A.G.P.S., 1985

Amerasinghe, J.

'Termination of Permanent Appointments for Unsatisfactory Service in International Administrative Law' (1984) 33(4) International and Comparative Law Quarterly 85

Bowman, M.J. and Bailey, S.H.

'Negligence in the Realms of Public Law - a Positive Obligation to Rescue?' (1984) Public Law 277

- Boyle, A.
'Administrative Justice, Judicial Review and the Right to a Fair Hearing under the European Convention on Human Rights' (1984) Public Law 89
- Clothier, Sir Cecil
'Legal Problems of an Ombudsman' (1984) 81(40) Law Society's Gazette 3108
- Disney, Julian
'Welfare Rights Centre Response to the Administrative Review Council's Recent Report on Social Security Appeals' (1984) 14(3) Australian Social Welfare: Impact 25
- Emery, C.T. and Smyth B.
'Error of Law in Administrative Law' (1984) 100 Law Quarterly Review 612
- Garner, N.
'Judicial Review Today' (1984) 128 (49) Solicitor's Journal 824
- Grbich, Judith E.

'Repatriation Disability Pensions: Reverse Onus of Proof Problems in the Determination and Review System' (1984) 10(2) Monash University Law Review 73
- Griffiths, John
'Judicial Review of Personnel Management Decisions', unpublished paper presented at CSIRO Headquarters, Canberra, 19 April 1985
- Khan, A. and Wolfgarten, A.
'Judicial Review and Public Law' (1984) 3(8) Litigation 322
- Khan, A.N.
'Immigration Appeal Tribunal' (1984) 128 (13) Solicitor's Journal 478
- Keith, R.J.,
Resolution of Disputes Under the Official Information Act 1982, Information Authority (N.Z.), Occasional Paper No.1
- Koch, C.H.
'Confining Judicial Authority Over Administrative Action' (1984) 49 Modern Law Review 183

MacLauchlan, J.

'Some Problems with Judicial Review of Administrative Inconsistency' (1984) 8(2) Dalhousie Law Journal 435

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'Frivolous Appeals: the Uncertain Federal Response' (1984) 5 Duke Law Journal 845

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'Just and Reasonable' - Report of the Working Party on Procedure for Judicial Review of Administrative Action' (1984) 44 Scotts Law Times 290

Page, A.C.

'The Exclusion of Judicial Review' (1985) 45 Scotts Law Times 297

Legal Aid Commission of Victoria

Seminar on Alternative Dispute Resolution, 1983, Melbourne

Shapiro, Martin

'The Next Stage of Administrative Discretion' (1983) 92(8) Yale Law Journal 1487

Smith, L.A.

'Judicial Review of Administrative Decisions' (1984) 7 Harvard Journal of Law and Public Policy 61

Smith, L.A.

'Social Security - Law, Administration and Supplementary Benefit' (1984) 134 New Law Journal 793

Sussking, R. and Madigan, P.

'New Approaches to Resolving Disputes in the Public Sector' (1984) 9(2) The Justice System Journal 179.

Weirsbowski, S. and McCaffrey, C.

'Judicial Control of Administrative Authorities: a New Development in Eastern Europe' (1984) 18 International Law 645

Welfare Rights Centre (Canberra) Ltd.

The Annotated Social Security Act 1947, 2nd Edition,
1985

P E R S O N A L I A

Administrative Appeals Tribunal

New Appointments

Mr W.R. McComas was appointed a Deputy President of the Tribunal on 3 March 1985. Mr McComas, a Sydney barrister with wide business experience, was also appointed chairman of the Trade Practices Commission for three years and has been granted leave of absence from the Tribunal for the term of his appointment as Trade Practices Commissioner.

Ms R.A. Layton of Adelaide was appointed a Deputy President on 21 March 1985. Ms Layton was formerly a Judge of the South Australian Industrial Court, and is a member of the Security Appeals Tribunal and a Chairperson of the Medicare Benefits Review Committee.

Dr D.M. Sutherland of Melbourne was appointed a part-time member on 21 March 1985 for a period of five years. Dr Sutherland is a general practitioner in medicine, has extensive experience in community health programs and is the State Director of the Victorian Family Medicine Program.

Professor R.W. Webster of Melbourne was appointed a part-time member on 21 March 1985 for a period of five years. Professor Webster is the Chairman of the Department of Community Medicine at the University of Melbourne, and was formerly the Deputy Director of the Melbourne Cancer Institute and the Victorian branch President of the Australian Medical Association.