



Veterans' Review Board

Annual Report 2018–19

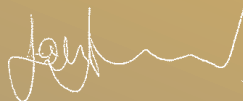


The Hon Darren Chester
Minister for Veterans and Defence Personnel
Parliament House
CANBERRA ACT 2600

Dear Minister

I am pleased to present to you the 2018–19 Annual Report of the Veterans' Review Board, as required by subsection 215(4) of the *Veterans' Entitlements Act 1986*.

Yours sincerely,

A handwritten signature in white ink, appearing to read 'Jane', with a stylized flourish extending to the right.

Jane Anderson
Principal Member

20 September 2019

About the VRB

We are a specialist tribunal that delivers justice to veterans. We listen to veterans and make decisions about their applications for review.

The law that establishes the VRB and governs our operations is the *Veterans' Entitlements Act 1986* (the VEA).

About this report

Each year we must give the Minister for Veterans and Defence Personnel a report, as required under the VEA. It provides an account of our activities from 1 July 2018 to 30 June 2019.

This report is prepared for the Minister for Veterans and Defence Personnel and the Parliament of Australia, the veterans who use our services and the organisations that support them.

VRB Vision and Values

VRB vision

To deliver justice by listening to veterans and making high quality decisions in a timely, cost effective and efficient way.

VRB values

Fairness, professionalism, integrity, impartiality, independence, efficiency, accessibility and respect for the service of all veterans.

Our goal

To be an innovative and responsive tribunal that provides a specialist service to meet the unique needs of the veteran community.

Contents

The year in review	1
Overview of the VRB	9
Delivering justice	17
Management and accountability	45
Appendix 1	57
Appendix 2	67
Appendix 3	68



The year in review

Principal Member's Review



Ms Jane Anderson, Principal Member

I welcome the opportunity to deliver the VRB Annual Report for 2018–19.

2019 is an important milestone, marking 90 years since the first external appeal tribunals were established for veterans seeking review of decisions relating to entitlements and assessment of war pensions.

It is in this important historical context that I am privileged to lead the VRB in my second year as Principal Member. Like the early tribunals, the VRB exists to provide an independent and specialist right of review for Australians who have served, or are serving, in Australia's defence forces. The VRB continues to see a high demand for its services, demonstrating its agility and responsiveness to the changing needs and expectations of veterans and their families.

As this Annual Report indicates, the VRB has had a busy and productive year, resulting in excellent results and achieving its aim of delivering swift and affordable justice to its users.

Expanding Access to Justice

The VRB is committed to improving access to justice. The 2018–19 year saw the VRB extend its Alternative Dispute Resolution (ADR) Program to all locations across Australia. It means from 1 January 2019, all applications for review by the VRB will automatically enter into the VRB's ADR pathway. This provides an opportunity for every veteran or family member seeking external review to have their applications finalised informally, economically, and quickly.

We also expanded the dispute resolution services we offer, with a trial targeting applications by veterans who may be at risk due to financial hardship or poor physical and/or mental health. The 'fast-track' trial involves an expedited ADR conference, and if needed, a hearing the same day. Although the trial is not yet complete, the preliminary results are positive, with the majority of applications being finalised, via a VRB decision, within two months.

Being accessible remains a key priority for the VRB. In 2019, we refreshed a number of our documents, simplifying the way we write to veterans and using plain English in our decisions and reasons.

VRB Hearings

The ability of the VRB to make fair, just and timely decisions has been critical to the success of its ADR program. This includes decisions arising from ADR and those decisions that are made following a VRB hearing.

Indeed, hearings remain an important part of the VRB's justice system. VRB hearings are designed to be informal and to allow veterans to tell their stories in a non-adversarial environment. As observed by Mr Robert Cornall AO, the study lead for the recent Veterans' Advocacy and Support Services Scoping Study:

"when a matter does go to a hearing, the Board treats the veteran with care and respect and decides cases in a way that reflects the spirit of beneficial legislation" .

Consistent with its commitment to continuous improvement, in 2018 the VRB commenced an oral reasons or 'decisions on the day' trial. Following the trial's success, decisions are now being delivered at VRB hearings across Australia. Decisions on the day have seen veterans receiving outcomes up to a month earlier, allowing them to focus on their work and families, and their recovery and wellbeing.

Vulnerable veterans

The VRB is committed to veterans' mental wellbeing, ensuring that its processes do not compound an applicant's distress. In 2019 the VRB published its Vulnerable Veterans' Protocol, which outlines the steps the VRB takes for veterans who may be vulnerable due to mental health concerns. These steps include an initial triage process and a dedicated pathway to assist in the quick and informal resolution of applications, ensuring appropriate methods of communication and ready access to support.

A specialist mechanism of review

In the latter half of 2018, the Australian Government recommended the appointment of 29 VRB members, the majority for a term of five years. As a result of these recent appointments, the VRB had 46 members located across Australia during the 2018–19 year. This is the largest number of members in the VRB's recent history, and also the highest representation of women, who now account for approximately 48% of the VRB's members.

VRB membership comprises extensive legal and military experience; with the majority of members bringing with them a developed understanding of service life. All arms of the Australian Defence Force (ADF) are represented, and service experience includes Vietnam, Middle East and East Timor service, current operations and service in Australian Headquarters Joint Operations Command (HQJOC). As such, the VRB has dedicated subject matter experts in veterans' law and military service, encompassing historical and contemporary operational and peacetime service.

During the year, the Board also welcomed members with health professional expertise, and currently has members who are medical specialists, nurses and psychologists, including those who continue to look after the wellbeing of serving members of the ADF. The expertise of these members has enabled the VRB to broaden its specialist base and better cater for applications involving complex medical evidence.

A number of VRB members, including long-serving members, departed the VRB in 2018–19. Their contribution to the VRB has been significant and we are grateful for their service to the VRB and to the veteran community.

What's next?

Digital innovation

The VRB is committed to delivering high quality merits review to veterans and veterans' families. We are about putting the person who is seeking review at the front and centre of the process, and harnessing technology to help achieve this aim and reach a broad range of veterans and their families.

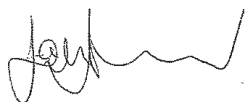
In late 2019, the VRB Justice Portal will be launched, enabling veterans to lodge documents online with the VRB and check on the status of their applications. The VRB Justice Portal will also allow the Department of Veterans' Affairs to more easily and efficiently provide documents for a veteran's application for review.

In the coming months, the VRB will be refreshing its website, providing a more accessible platform for information about the VRB and its work. As well, the VRB will also be trialing hearings by Skype and online dispute resolution to cater for those veterans who prefer for their applications to be resolved using these forms of communication. At the same time, the VRB will continue to offer all forms of participation in its ADR events and hearings, including face-to-face, or by video or telephone conference.

Thank you

In 2018–19 the VRB is proud to be a specialist independent tribunal for veterans seeking to exercise their rights of review. The face of the veteran may have changed in the 90 years since the VRB's predecessor tribunals were established, however, the VRB remains committed to adapting to the needs of its users and meeting its statutory objective of providing an expert mechanism of review that is accessible, fair, just, informal, economical and quick.

This commitment is only realised through the work and dedication of the VRB's staff and members. My sincere thanks and appreciation for the work they do in the VRB Registries and VRB hearing rooms around the country, and for their important role in delivering justice to veterans and their families.



Jane Anderson
Principal Member
Veterans' Review Board

National Registrar's review



Katrina Harry PSM, National Registrar & Chief Legal Counsel

Delivering justice for veterans: your right to be heard

It continues to be a privilege to serve the veteran community and work with the staff and members of the VRB, as we strive to be a centre of excellence and an innovative, responsive tribunal that delivers high-quality justice for veterans. In 2018–19, the VRB gave thousands of veterans, current serving members and their families an opportunity to be heard and have their decision reviewed.

We resolved 19.5 per cent more applications this year, our strongest result in the last three financial years and progressed over 100 per cent of veterans' applications. Importantly, we also met our time targets and operated within the resources provided, achieving a balanced budget with a small surplus. Most importantly, more than 80 per cent of veterans and other individuals who used our services this year were satisfied with their experience at the VRB.

In addition, we made substantial progress in 2018–19 in relation to other strategic priorities. Some of the key achievements are set out below.

Contemporary veteran-centric services

We offer a range of ways to resolve applications through alternative dispute resolution (ADR). We were delighted to expand these services this year, to all veterans across Australia. One of this year's highlights was a new service offered at the VRB: fast-track conferencing and hearing. Along with our 'decisions on the day program', these initiatives have modernised our operations and transformed how we engage with the veteran community putting veterans, current serving members and their families at the heart of our thinking.

This year we also launched a new service commitment to veterans and a protocol to ensure the safety and wellbeing of our most vulnerable veterans. An important feature of our veteran-centric services is our capacity to provide veterans with a dedicated Client Service Officer, as well as personalised scheduling of events. Before any ADR event or hearing, we contact the veteran and their advocate to ensure they are able to participate. We also continue to maintain our strong focus on talking directly with veterans and always prioritise phone contact. It was pleasing to see that in our recent user survey, more than 80 per cent of veterans continue to find VRB staff to be knowledgeable and helpful.

Access to justice

Access to assistance and advocacy improves access to justice for veterans and reduces anxiety. This year our outreach program, which is a critical part of ADR, ensured veterans were connected

with organisations that provide free advocacy and assistance. As result, more than 80 per cent of veterans were represented in their application. The VRB values the many hours of volunteer time advocates spending in assisting veterans with their applications for review.

Additionally, a key indicator of access to justice is whether veterans without representation are able to resolve their applications simply and quickly. The facilitative approach taken by our conference registrars and members during ADR meant that those veterans who chose to remain unrepresented had the best chance of resolving their application without delay or the need for a hearing. Overall the VRB resolved more than 75 per cent of all applications without the need for a formal hearing. These results demonstrate that the VRB is making it easier for all veterans to participate and access justice.

Embracing digital innovation to meet contemporary service expectations

Veterans are able to lodge their applications for review online and this year we launched a new case management system that has streamlined our processes and supports our ADR function. This has allowed us to overcome the limits and technical issues of our legacy system and make efficiency gains. As a part of this work, we reviewed our letters and reduced the number of forms. In response, more than 90 per cent of veterans who used our services reported that they found our correspondence easy to understand.

This year we also continued to provide the majority of our ADR services by digitally (by video and phone). Additionally, we also commenced multi-region video panels for hearings combining members across locations to ensure subject matter expertise for certain types of applications.

Skilled for the future

To deliver on our veteran-centred services, this year we refreshed our learning and development platform for members and staff. This included building responsive and collaborative partnerships with Phoenix Australia Centre for Posttraumatic Mental Health and the Australian Defence Force.

In February 2019, we delivered an induction training program for our newly appointed members and harnessed new technology to create a series of webisodes, which can be viewed by members and staff on an ongoing basis. In June 2019, we also delivered our biennial member and senior staff conference which had a strong focus on veterans' mental health and wellbeing and the skills needed to deliver effective ADR services. Additionally, we were able to provide members and staff with practical Defence familiarisation activities to enhance their understanding of the unique nature of military service in a contemporary context.

We have also engaged the ongoing participation of members and staff in monthly training sessions on emerging issues to ensure we have the fundamental skills to provide our veteran centred services.

What's next: looking ahead 2019-20

In the year ahead, we are determined to improve our services to veterans and continue the transformation that has started, making every effort to deliver improved access to justice for

veterans. A key priority for 2019-20 will be the design of a trial for online dispute resolution and delivering key digital projects including our justice portal, which will make it easier for veterans and their advocates to do business with us.

Katrina Harry PSM
National Registrar & Chief Legal Counsel
Veterans' Review Board



Delivering justice: a snapshot

Our services	2017–18	2018–19
Applications lodged	2923	2791
Applications finalised	2780	3321
ADR resolution rate	82.6%	72.8%
Time targets met	✓	✓

Feedback on our services	2017–18	2018–19
User satisfaction	69%	80%
Complaint rate	0.9%	0.9%

Our People	2017–18	2018–19
Members	34	46
Staff (full time equivalent employees)	28.5	22.4

Our Finances	2017–18	2018–19
The budget we are allocated	6,038	6,004

At a glance

Highlights 2018–19		
Improved access to justice, with all veterans across Australia able to access Alternative Dispute Resolution	Launched the VRB case management system, which streamlines our processes and supports our ADR function	Designed a pilot for fast track resolution of applications involving vulnerable veterans



Overview of the VRB

Overview of the VRB

Delivering justice for veterans: your right to be heard

We deliver justice for veterans, current serving members and their families seeking to challenge decisions that affect their interests and, more broadly, we contribute to improving the quality of government decision-making.

What we do

We are less formal than a court. Where possible, we help veterans or their family members resolve their applications by talking through the issues at an 'outreach' with a Conference Registrar or at a conference with a Commission representative. If an application cannot be resolved, our members will decide the case at a hearing.

We can only hear cases where the law gives us this authority. The types of decisions that we most commonly review relate to:

- Claims to accept liability or entitlement for a service injury, disease or death
- Applications for increase in disability pension
- Compensation for permanent impairment or incapacity for work
- Claims for war widow(er)'s or orphan's pension

Our powers

In reviewing a decision, we take a fresh look at the facts, law and policy relating to that decision. In many cases, new information is provided to us that was not available to the original decision maker. We consider all of the material before us and decide what the legally correct decision is or, if there can be more than one correct decision, the preferable decision. We can exercise all the powers and discretions available to the original decision-maker. We have the power to:

- affirm a decision (the original decision is unchanged)
- vary a decision (the original decision is changed in some way)
- set aside a decision and substitute a new decision (we make a new decision), or
- remit a decision to the decision-maker for reconsideration (we ask the decision maker to reconsider the whole decision again, or some aspect of it).

Our objective

Whilst the VRB is an independent statutory tribunal, we are not a separate Commonwealth entity under the Public Governance, Performance and Accountability Act 2013. Rather, we are considered a Secondary Australian Government Body, receiving our funding and corporate services from the Department of Veterans' Affairs. As a result, we do not have a budget allocation in the Portfolio Budget Statements.



Our objective is set out in law. In carrying out our functions, we must pursue the objective of providing a mechanism of review of administrative decisions that:

- is accessible
- is fair, just, economical, informal and quick
- is proportionate to the importance and complexity of a matter, and
- promotes public trust and confidence in the decision-making of the VRB.

Who we are

Our need for specialist expertise is met by the appointment of appropriately qualified and experienced members in the categories of Senior Member, Member and Services Member. Each member is appointed by the Governor-General on the recommendation of the Minister for Veterans and Defence Personnel. Additionally, to be considered for appointment, Services Members (who have military experience) must be nominated by an ex-service organisation. Members of the VRB are statutory appointees and are not public servants employed by the Department of Veterans' Affairs.

All our members must have:

- a high level of integrity
- sound judgment
- legal, military, health or other professional skills
- excellent communication and interpersonal skills
- the ability to conduct hearings
- a capacity to make fair decisions quickly.

At 30 June 2019, there were 46 members of the VRB. Table 1 shows the breakdown of the membership by category is set out below.

Table 1: VRB membership, 30 June 2019

CATEGORY OF MEMBER	TOTAL (WOMEN)
Principal Member, full time	1(1)
Senior Members, sessional	18(8)
Services Members, sessional	15(5)
Members, sessional	12(8)
TOTAL	46 (22)

Members perform a variety of VRB work, including conducting alternative dispute resolution processes, providing opinions in the form of Case Appraisals and Neutral Evaluations, and sit on panels for VRB hearings.

Principal Member

Our Principal Member is Ms Jane Anderson. Jane was appointed as Principal Member of the VRB on 31 January 2018 for a term of five years. Ms Anderson holds the VRB's only full-time statutory appointment.

National Registrar

Our National Registrar is Ms Katrina Harry PSM. Katrina also performs the role of the VRB's Chief Legal Counsel. The National Registrar's statutory function is to assist the Principal Member in managing the functions of the VRB across Australia.

Staff

The National Registrar is supported by VRB staff, employed under the *Public Service Act 1999* and made available by the Secretary of the Department of Veterans' Affairs. The VRB does not have any Senior Executive Service positions. At 30 June 2019, there were 22.4 full time equivalent staff at the VRB. Staff are organized into two groups: client services and tribunal services.

Client Services teams include:

- South Eastern Registry, headed by Louise Povolny (acting);
- North West and South Australian Registry headed by Andrea Flanagan PSM; and
- Alternative Dispute Resolution team headed by Jane Warmoll

The Tribunal Support team includes member support, financial management and internal communications. Mark Huthnance is the VRB's Finance Manager.

Staff in our client service teams:

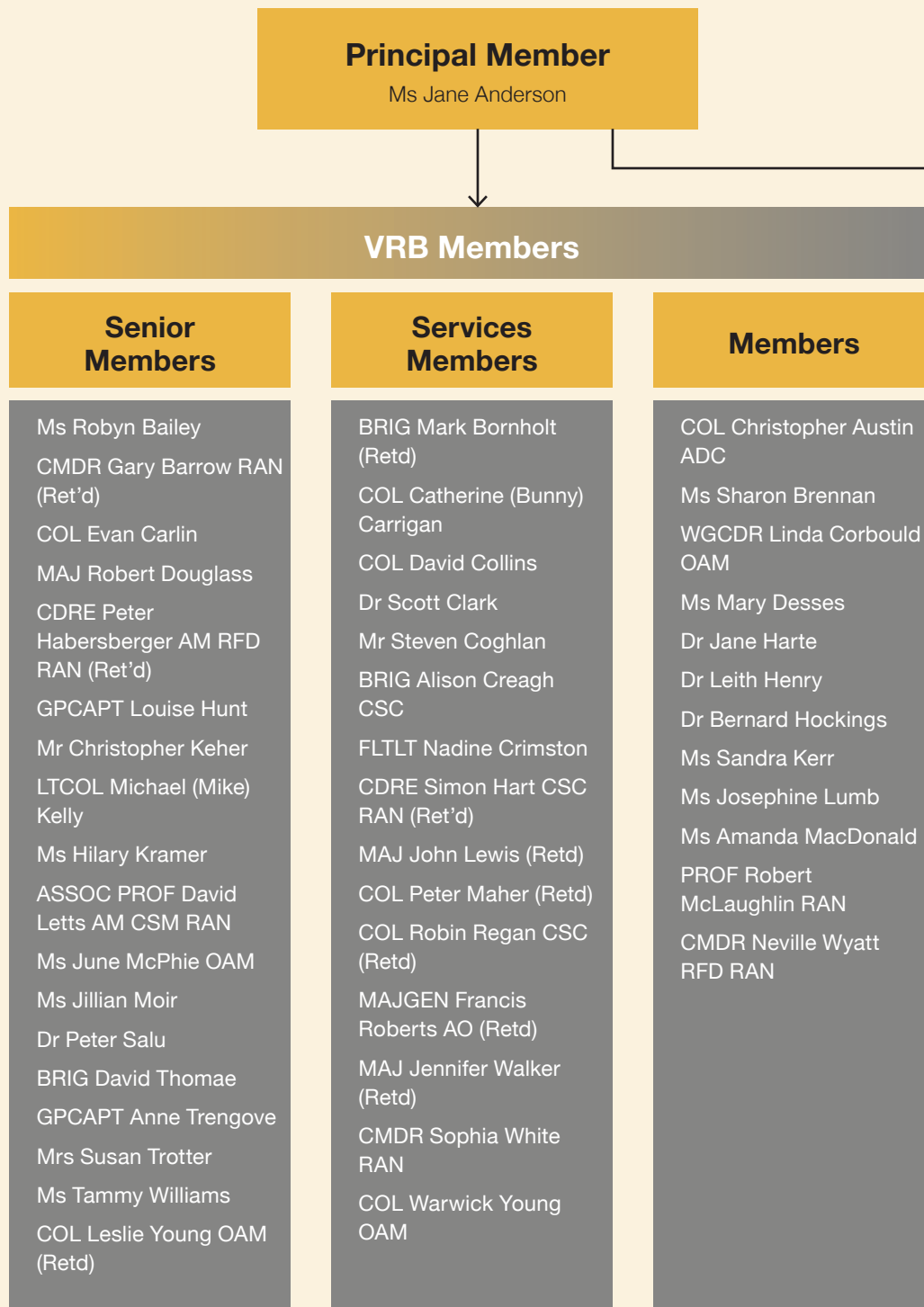
-
- provide a dedicated single point of contact for each veteran, ensure applications are 'event-ready' and facilitate the listing of alternative dispute resolution processes and hearings;
 - liaise with veterans and advocates about their cases and give them information, and
 - provide support services to conference registrars and members.

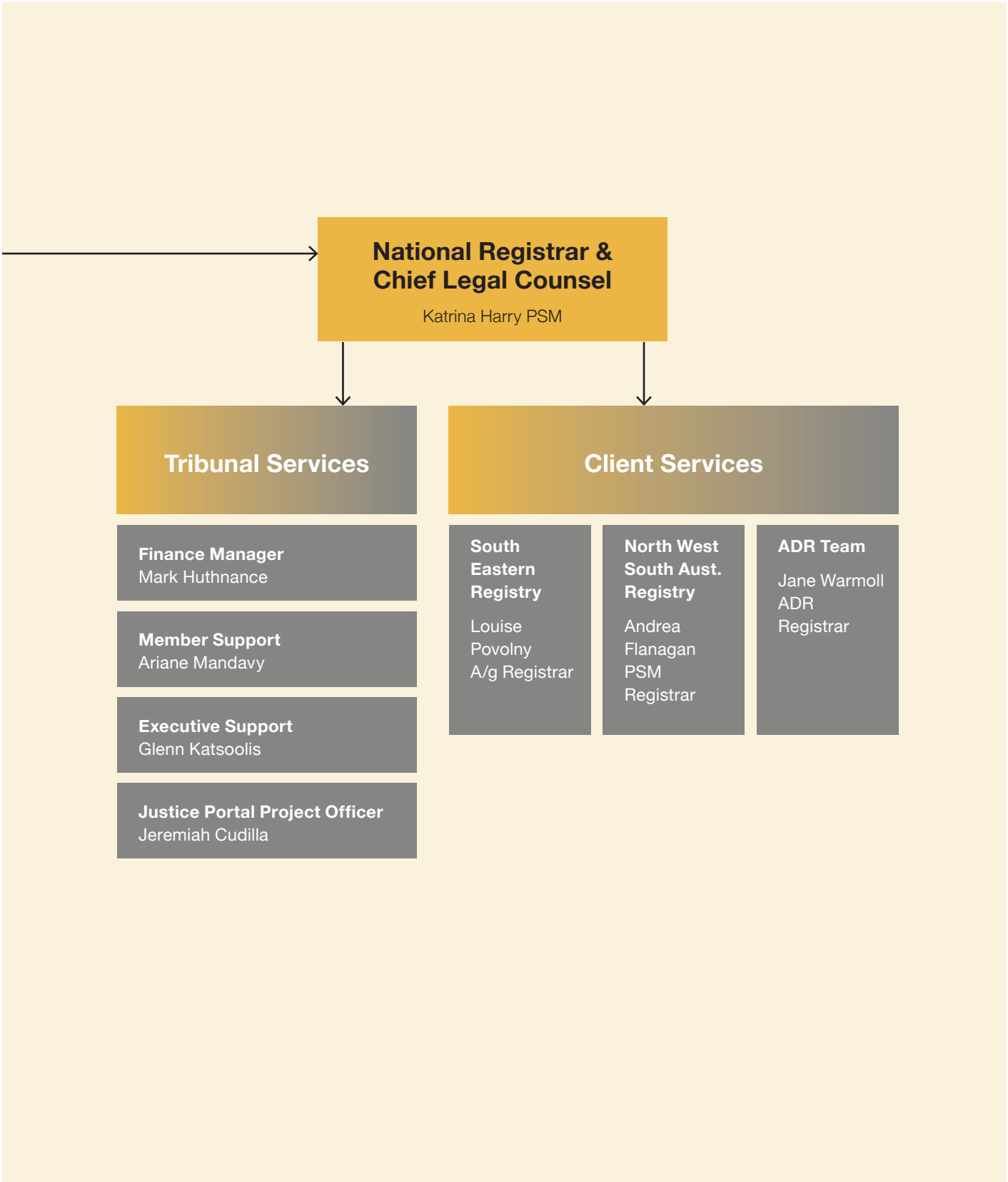
Conference registrars conduct VRB alternative dispute resolution processes.



Figure 1 Organisational structure

VRB organisational chart as at 30 June 2019









Delivering justice

Delivering justice

The VRB serves veterans and their families by listening and making decisions about their applications for review.

In this section of our annual report we provide detailed information about the number of veterans' applications we handled in 2018–19, how quickly we resolved them and the key factors affecting the delivery of these services.

Year in review

Key points		
Achieved a record number of finalisations compared to the last three years	Met all time targets	Achieved more than 100 per cent clearance rate of our case holding

Number of applications finalised

This is an indicator of how the VRB is carrying out its role of delivering justice for veterans, current serving members and their families.

Target	Result
Finalise more applications than received (2791 in 2018–19)	Target exceeded: The VRB finalised 3321 applications in 2018–19, 19 per cent higher than the target. Additionally, the VRB also finalised more than 19.5 per cent of applications received in the previous year.

Applications finalised within time

This is an indicator of how quickly the VRB deals with applications. The VRB measures time taken for the stages which are within its control. It includes applications finalised within the ADR program, as well as applications that proceed to a hearing or were in transition (ie. lodged prior to the introduction of ADR).

Targets	Results
<ul style="list-style-type: none"> • ADR applications: average number of applications finalised within 6 months • All applications: average number of applications finalised within 12 months • Less than 10 per cent of applications adjourned at hearing <p>The time taken to finalise applications can depend on a range of factors including the availability of the parties (particularly volunteer advocates) to participate in ADR events and hearings, the nature and complexity of the applications, and the overall level of VRB resources available. A target based on an average figure takes these variables into account.</p>	<p>Target met: on average applications in the ADR program were finalised within 5.5 months.</p> <p>Target met: on average all applications were finalised in 11.5 months.</p> <p>Target met: 5.5 per cent of applications were adjourned at hearing.</p> <p>A number of applications before the VRB require additional, new information in order to be resolved. These applications can be time-consuming and complex. The VRB can direct the Department to obtain further information (called a section 148(6A) request). However, due to factors including the availability and timeliness of medical specialists or other experts, this process can sometimes take three months or longer. In an effort to reduce the delay associated with section 148(6A) requests, this year we launched a new evidence practice direction. The direction provides that, wherever possible, we will seek to obtain new evidence through streamlined measures such as utilising tele-health or similar, in an effort to avoid the need for a veteran to attend additional medical appointment, and or endure lengthy delays awaiting specialist reports.</p> <p>The VRB is committed to continuing to improve its timeliness. We anticipate further improvement as the totality of our case holding transitions to the ADR program. Our new initiatives, including 'decisions on the day' and the fast track trial will also improve our overall timeliness.</p>

Proportion of appeals to the AAT

This criterion indicates the extent to which the VRB is providing a mechanism of review that is fair and just and that promotes public trust and confidence in its decision-making.

Target	Result
Less than 10 per cent of decisions made by the VRB in 2018–19 appealed to the AAT	Target met: Appeals to the AAT in 2018–19 amounted to 4.5 per cent of decisions made by the VRB in 2018–19. This is a decrease of 2.2% from the previous year.

Accessible to the veteran community

This criterion indicates how accessible the VRB is to the veteran community.

Targets	Results
<ul style="list-style-type: none">• Expand ADR to all veterans across Australia as the preferred option for resolving applications• Provide accessible and welcoming venues across Australia, including regional areas• Enhance digital capability to support ADR events and hearings• Increase the veteran community's awareness of the VRB's role and services	<p>From 1 January 2019, all veterans across Australia could access ADR to resolve their applications.</p> <p>We conducted 1225 hearings in all locations across Australia, including in regional areas.</p> <p>We used digital capability in the majority of ADR events and in 30 per cent of hearings.</p> <p>We provided advocates' forums and training across Australia in 2018–19, as well as participated in a variety of stakeholder events</p>

Budget efficiency

In 2018–19, we finalised a record number of applications, and met our time and other performance targets while operating within the resources provided by the Department of Veterans' Affairs. We achieved a balanced budget, returning a 1.5% surplus.

Summary of our performance

The VRB is a demand-led organisation, and the type and volume of applications we receive can vary. During 2018–19 we continued our transformation to deliver veteran-centric services. Key priorities included the expansion of ADR to all veterans across Australia, the implementation of a new case management system and two trial programs: fast track conferences and 'decisions on the day.' These projects required the engagement of members and staff across Australia. We achieved our strongest result in over three years, finalising more applications within time, while maintaining high-quality decision making. We continued to be accessible to all veterans, current serving members and their families by holding hearings and ADR events across Australia (including regional locations) and have embraced the use of technology. As a result of our work in 2018–19, veterans, current serving members and their families were able to exercise their right to seek review of decisions affecting their interests.

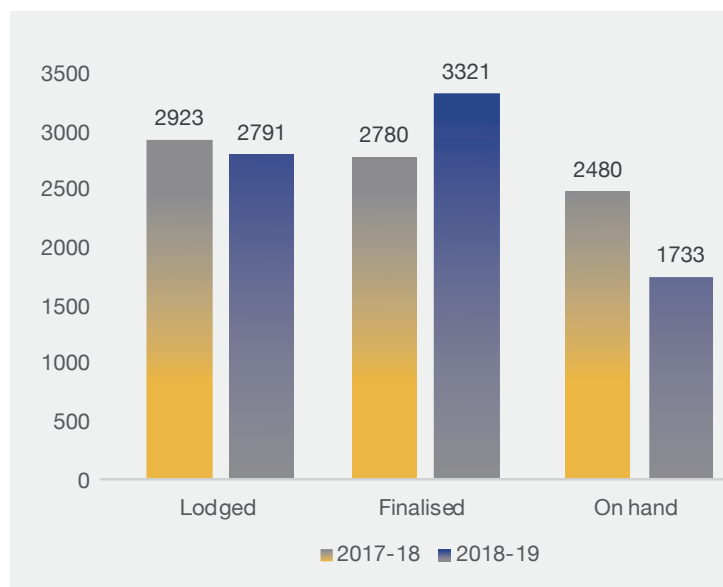


Caseload overview

We resolved 19.5 per cent more applications than in the previous year and met our time targets. While we received around 4.5 per cent fewer applications this year, our applications under the *Military Rehabilitation and Compensation Act 2004* (MRCA) increased significantly (36.7 per cent). The overall number of applications on hand at 30 June 2019 was 30 per cent lower than it was as at 30 June 2018.

Chart 3.1 illustrates the number of applications lodged and finalised in the last two financial years, and the number of applications on hand at 30 June in each year.

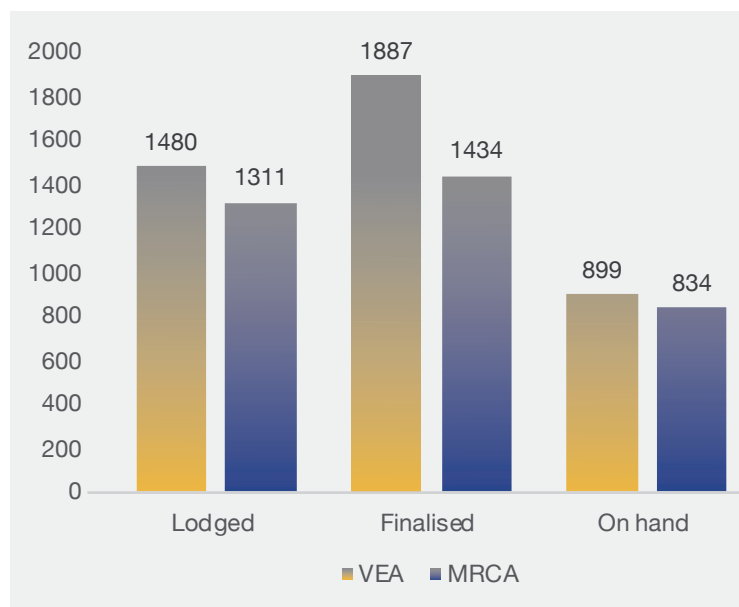
Chart 3.1 Total applications lodged, finalised and on hand, 2017-18 & 2018-19



Our jurisdictions

The size of our workload differs slightly between jurisdictions: 51.9 per cent of applications were made in relation to the VEA and 48.1 per cent in relation to the MRCA. Our clearance rate for both jurisdictions was 119 per cent.

Chart 3.2 Applications lodged, finalised and on hand, 2018–19 - By jurisdiction



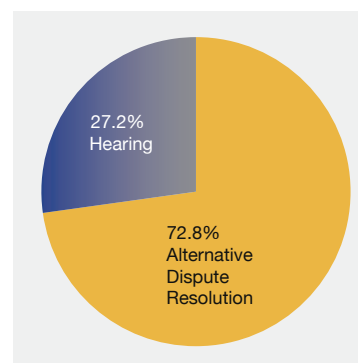
How we resolve applications

We resolve applications in different ways. In 2018–19, we resolved the majority of applications by an Alternative Dispute Resolution (ADR) process. This can include a decision being made on the papers (without a full hearing), a decision being made by the VRB which reflects an agreement made by the veteran and the Commission, or a veteran choosing not to proceed further with an application for review. In 49.8 per cent of applications resolved by ADR an outcome was reached that was favorable to the veteran.

In the remaining applications that could not be resolved by an ADR process (or were transitional cases that had commenced prior to the introduction of ADR) the VRB conducted a hearing and made a decision following the hearing. In 50.3 per cent of these applications, the VRB made a new decision that was favorable to the veteran.

Overall, as a proportion of the number of primary decisions made by the Commissions that could have been reviewed by us, we made a different decision in 1.2 per cent of cases that were resolved in ADR and 0.9 per cent of cases that went to a hearing.

Chart 3.3 Mode of finalisation of applications for review of decisions, 2018–19



External Scrutiny

Our operations are subject to external scrutiny through various mechanisms. Our decisions can be appealed to the Administrative Appeals Tribunal or the courts. We can also receive requests made under the *Freedom of Information Act*, complaints to the Commonwealth Ombudsman and other bodies, audits by the Australian National Audit Office. We can also be called to attend senate estimates hearings.

Appeals

If a veteran is unhappy with a VRB decision, he or she can appeal to the Administrative Appeals Tribunal (AAT) for a review “on the merits.” This means the AAT will take a fresh look at the relevant facts, law and policy and arrive at its own decision.

A veteran may also seek judicial review of certain decisions made in the course of the review process and in respect of certain final decisions under the *Administrative Decisions (Judicial Review) Act 1977*. There were no judicial reviews of VRB decisions in the reporting year.

The table below shows the number of AAT appeals lodged in 2018–19 as a proportion of VRB decisions and the number of cases where the AAT, at hearing, made a different decision to the VRB. This amounted to 0.57% per cent of all VRB decisions which could have been appealed to the AAT.

	AAT appeals lodged	Proportion of total VRB decisions	Finalised	Percentage of cases where AAT at hearing decided differently to VRB*
2018–19	149	4.5%	195	0.57%
2017–18	187	6.7%	220	0.53%

* This measure identifies those appeals heard by the AAT and excludes those cases where a consent agreement was reached by the parties.

Summary of AAT cases

The case summaries below relate to a sample of matters where the AAT made a different decision to us. In the majority of cases, the AAT relied on new evidence that was not available to the VRB.

Graham and Repatriation Commission [2019] AATA 1568 (28 June 2019)

The applicant, Ms Graham, served in the Army from 1979 to 1990 and was seeking to claim a disability pension for her cervical, thoracic and lumbar spondylosis and osteoarthritis of the hips. She applied to the AAT in November 2015 for a review of the VRB's decision which had refused her claim. The AAT heard the application over three days (5, 6 March and 9 May 2018) and a final decision was published on 28 June 2019. At the AAT Ms Graham gave oral evidence and three medical specialists were also called to give oral evidence including an Orthopaedic Surgeon, Practising Dietitian and Occupational Physician. These specialist reports had been prepared for the AAT and had not been available to the VRB when it heard Ms Graham's application in August 2015. Ms Graham was partly successful in her appeal to the AAT in respect of osteoarthritis of the hips and lumbar spondylosis. Specifically, the AAT accepted Ms Graham's contention that being overweight had caused her osteoarthritis of the hips. In respect of a connection with Ms Graham's service, the AAT found:

"...Relevant, in my view, is the abundance of food, the absence of measures to put the Applicant on a calorie restricted diet over an extended period to balance against the Applicant's physical exercise output and such restrictions she may have had on her physical activity."

In respect of Ms Graham's claimed lumbar spondylosis, the AAT accepted her contention that the condition had been caused by extreme forward flexion of at least 1500 hours. The AAT noted:

"... It is known that the Applicant underwent basic training following her enlistment and thereafter participated in exercise and physical training and sports. The Applicant's ability to participate in active activities was somewhat hampered by her ankle injury from November 1980. She often had to bend to pick up bundles of files and at times had to lift and carry pay-boxes. Also, she had to bend at the desk during classroom and other activities. There was also rifle and weapons training requiring her to bend. Morning training involved sit-ups, touching toes and the like. There was also bed making."

The AAT went on to find:

"I would accept her evidence in regard to activities involving forward flexion and accept that her condition of lumbar spondylosis was related to the activities undertaken and performed by her during a relatively long period of service at an age which might be considered to have made a lasting impact on her lumbar spine."

Thurlow and Repatriation Commission [2019] AATA 822 (8 May 2019)

The applicant, Mr Thurlow, was a 94 year old veteran who served during the Second World War. He was seeking pension at the Extreme Disablement Adjustment. Mr Thurlow applied to the AAT for a review of the VRB's decision of September 2015 which had refused his claim. The only issue in dispute before the AAT concerned the veteran's lifestyle rating. The AAT heard the application over three days (21 September 2017, 16 & 17 October 2018) and a final decision was published on 8 May 2019. At the AAT Mr Thurlow was called to give oral evidence and four medical specialists including two occupational physicians and two consultant psychiatrists were also called to give

oral evidence. The AAT accepted the oral evidence of Mr Thurlow and expert psychiatric evidence of Dr Dinnen and made a finding the appropriate lifestyle rating was six.

Quazer and Repatriation Commission [2019] AATA 712 (17 April 2019)

The applicant, Mr Quazer, served in the Navy from 1970 to 1978 and was seeking an increase in his disability pension to the special rate. Mr Quazer applied to the AAT for a review of the VRB's decision of April 2017, which had refused his claim. The AAT heard the application over three days (3-5 July 2018) and a final decision was published on 17 April 2019. At the AAT Mr Quazer, his partner, his former employer, his former employee and an occupational physician all gave oral evidence. The AAT found that none of Mr Quazer's non-accepted conditions prevented him from working. The AAT found that his bankruptcy arose out of the symptoms which he was suffering from his war-caused psychiatric illnesses, and consequently this was not an independent preventative factor. The AAT decided Mr Quazer's disability pension ought to be increased to the special rate.

Dougherty and Repatriation Commission [2019] AATA 706 (16 April 2019)

The applicant, Mr Dougherty served in the Army from 22 April 1970 to 9 December 1971 and rendered operational service in Vietnam from 17 February 1971 to 7 October 1971. He was seeking to claim disability pension for alcohol use disorder and hypertension. Mr Dougherty applied to the AAT for a review of the VRB's decision of May 2016, which had refused his claim. The AAT heard the application over two days (3 & 4 December 2018) and a final decision was published on 16 April 2019. At the AAT Mr Dougherty and two psychiatrists gave oral evidence. These specialist reports had been prepared for the AAT and had not been available to the VRB when it heard Mr Dougherty application in 2016. The AAT was satisfied that Mr Dougherty experienced a category 1A stressor whilst serving in South Vietnam, but that he did not meet the clinical onset requirements of the relevant Statement of Principles (SOP) factor. Therefore, the claim in relation to alcohol use disorder was affirmed. In relation to his claim for hypertension, the AAT found in the veterans' favour and noted:

"...the evidence supports a finding that a mix of environmental and genetic factors contributed to the Applicant's alcohol use disorder. Amongst the environmental factors that contributed to the Applicant's condition are the stressful environment of being in a war zone and the drinking culture prevalent in the Army during the Applicant's operational service in Vietnam. The evidence supports a finding that the Applicant's consumption of an average of at least 300 grams of alcohol per week in the six months before the clinical onset of hypertension 'resulted from an occurrence that happened' during his service."

Bradley and Repatriation Commission [2018] AATA 3660 (28 September 2018)

The applicant, Mr Bradley served in the Navy from 1964 to 1976 and rendered a number of periods of operational service in Vietnam. He was seeking to claim disability pension for alcohol use disorder and post-traumatic stress disorder. Mr Bradley applied to the AAT for a review of the VRB's decision of August 2016, which had refused his claim. The AAT heard the application over two days (16 and 17 July 2018) and a final decision was published on 28 September 2019. At the AAT Mr Bradley and two medical specialists gave oral evidence. The AAT considered that Mr Bradley's account of a category 1A stressor and his history of increased alcohol use raised a reasonable hypothesis, noting:

“...To clarify, the reference to the Applicant’s “story” and “evidence” by the Tribunal in this step are made at face value, without reference to any factual findings, which are to be applied in step four.”

Considering step four of Deledio, the AAT concluded:

“...there is no evidence before the Tribunal to satisfy it beyond reasonable doubt that these conditions were not war-caused. The evidence before the Tribunal, including the evidence of the Applicant, and the expert medical evidence, indicates the opposite.”

Collins and Military Rehabilitation and Compensation Commission (Compensation) [2019] AATA 611 (29 March 2019)

The applicant, Mr Collins, had served in the Air Force since 2002. Mr Collins had an earlier claim for a back injury (L5/S1 disc prolapse) accepted by the Commission and he was seeking to claim liability for his major depressive disorder. Mr Collins applied to the AAT for a review of the Board’s decision of March 2016, which had refused his claim. The AAT heard the application over a day (9 May 2018) and a final decision was published on 29 March 2019. At the AAT Mr Collins and a general practitioner gave oral evidence before the AAT. Additionally, the AAT had available to it a number of specialist reports that had not been available to the VRB. The diagnosis of Mr Collins claimed condition was disputed and the AAT considered that he did suffer from major depressive disorder. Turning to the issue of clinical onset of the condition, the AAT noted:

“...it is appropriate in this application for the Tribunal to carefully analyse the change over time in Mr Collins symptoms and the reports as to his mental state during the course of 2014. For this reason, the Tribunal has set out a detailed account of clinical and rehabilitation notes kept over that period and other evidence...the Tribunal considers that the date of clinical onset of Mr Collins’s “major depressive disorder” was on 6 November 2014. This is broadly consistent with the medical opinion provided by Dr Chambers.”

In considering the connection to Mr Collins’ service, the AAT found that the “persistent pain” factor (which arose from Mr Collins’ accepted back injury) in the relevant Statement of Principles was made out. As such, Mr Collins’ appeal to the AAT was successful.

Freedom of information

In 2018–19, we received 13 requests for access to documents under the Freedom of Information Act. All applications were finalised during the reporting year. Of those decisions, we received one request for an internal review and no requests for review were made to the Information Commissioner.

Information Publication Scheme

Agencies subject to the *Freedom of Information Act* are required to publish information to the public as part of the Information Publication Scheme. This requirement is in Part II of the Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements. Our plan is on our website.

Complaints to external bodies

In 2018–19, no complaints about our operations were made to the Office of the Information Commissioner, the Commonwealth Ombudsman, the Australian Human Rights Commission or any other external body.

Reports on our operations

Our operations were not the subject of any report by the Auditor-General, any parliamentary committee or the Commonwealth Ombudsman in 2018–19.

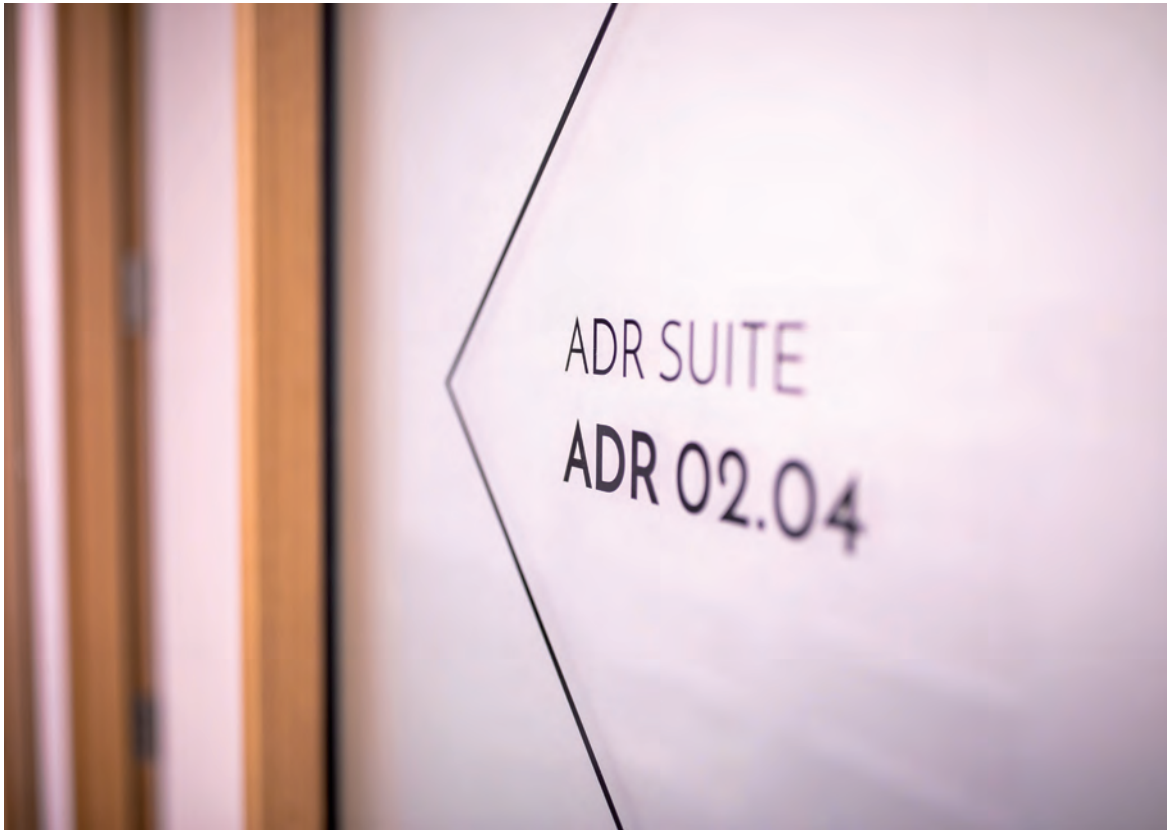
Productivity Commission Inquiry into Compensation and Rehabilitation for Veterans

During the reporting year, the Productivity Commission commenced an inquiry into the veterans' entitlements and compensation system. We made two submissions to the inquiry about our role and procedures. In the reporting year, the Productivity Commission made four draft recommendations in relation to the VRB's operations. At the end of the reporting year, the final recommendations had not been made.

Veterans Advocacy and Support Service Scoping study

Mr Robert Cornall AO conducted a scoping study in relation to veterans' advocacy and support services. We made a submission to the study about our role and procedures. Mr Cornall also observed a number of our hearings and ADR processes. Mr Cornall's review was concluded in the reporting year. In respect of our operations the study found:

"The Veterans' Review Board is doing its job and discharging its statutory functions effectively and with general support from veterans and advocates...Accordingly, the study does not make any recommendations for change to the VRB's current arrangements or processes."



Services to veterans

Alternative Dispute Resolution

Our review processes are designed to resolve applications using Alternative Dispute Resolution (ADR). The processes are also designed to ensure that those matters that are unable to be fully resolved via ADR can be finalised at hearing informally and without undue delay.

We were delighted to expand these services this year to all veterans across Australia. ADR can be faster than a hearing and gives the veteran involved more control over the outcome.

Over the last four years, we have been focused on creating sustainable ADR, and ensuring its continued integration into the review processes. There are five key elements in our framework of sustainable ADR:

- (1) Independence
- (2) Flexibility
- (3) Accessibility
- (4) Certainty
- (5) Economy

Independence is a key element of sustainable ADR. Prior to an application for review being considered by us, a veteran will have had correspondence with the Department of Veterans' Affairs; both in respect of the primary decision made by the Repatriation Commission or Military Rehabilitation and Compensation Commission (the Commission) and the internal review or 'screening' conducted by the Commission. On these occasions, the veteran has been informed that the Commission has made a decision, for example, to refuse his or her claim, and that there are no grounds to overturn that decision.

Often there is a natural progression in the evolution of the veteran's dispute, which can include the invocation of wider complaint mechanisms. By the time the matter reaches us, the involvement of a VRB member or Conference Registrar (who is independent of the parties) can help to address the concerns, give the parties trust and confidence in the process, and an understanding that the application will be considered afresh; objectively and fairly.

During an ADR process, a VRB member or Conference Registrar will assist the parties to understand if their assumptions about the case are right or wrong. Reality testing the parties often allows them to reach a common position and agreement. This approach risks being compromised if there is a perception by a party that the ADR facilitator is not independent.

Furthermore, veterans can be empowered by the private context of the outreach, facilitated by a VRB member who is independent of the parties, to provide further information without the concern that this could be used to their disadvantage at any subsequent hearing.



Flexibility is also a key element in sustainable ADR. Our ADR program recognises that an application for review must be approached in a manner that is both tailored and timely. We are alert to the differing needs of veterans within a diverse community, involving different kinds of matters. In this respect, our ADR program has multiple options to actively facilitate a resolution that is acceptable to both parties, as well as assisting the parties to find their own solutions to their issues. Our ADR program continues to evolve and adapt to the needs of its users, consistent with its broader remit.

Complementing flexibility, ADR procedures need to be **easy to understand and easy to access**. We invest and allocate resources to ensure parties not only are properly informed about available ADR options and outcomes, but can be active participants in the review process.

We continue to ensure ease and access by providing veterans with a dedicated Client Service Officer for their matters. In this respect, every single ADR event, including an outreach, is scheduled one-one-one with the veteran or his or her representative to ensure their participation via an acceptable method (e.g. telephone, video-conference, or face-to-face) at an appropriate date and time. For example, it is not uncommon for us to schedule an ADR event for current serving members on operational deployment; which requires special listing considerations. Importantly, we do not issue notices to attend ADR events without consultation with the veteran or representative. This is a unique service, not generally offered by other courts or tribunals. Whilst resource intensive, it is an essential component of our operations, and is consistent with the specialist nature of the VRB and the specialist mechanism of review it provides.

In addition, we recognise that a veteran's ability to access and participate in review processes will sometimes be affected by mental health concerns. Consequently, we have prioritised and affirmed our commitment to veterans' mental health and individual wellbeing. Recently, we entered into a learning and development partnership with Phoenix Australia Centre for Posttraumatic Mental Health. The expertise of Phoenix Australia will assist VRB staff and members in better understanding veterans' mental health and to engage in best practice in every aspect of VRB work; be it on the reception desk or in the hearing room.

Certainty and finality are also key elements in the VRB framework of sustainable ADR. Resolution of disputes via a decision on the papers or following terms of agreement - avoids the time delays associated with those disputes that progress to hearing. Veterans' participation in ADR allows veterans to have a closer understanding of the issues in dispute, and to have more control over the outcome of their applications.

Economy is a final key element in sustainable ADR. Veterans are not charged any fees to access the VRB. If any costs are incurred in obtaining further material required during the VRB review process, these are usually borne by the Department of Veterans' Affairs. Generally, the costs incurred by the Commission during our review process are also low. For the majority of our ADR events and hearings, a Commission representative is not required to attend. The prohibition of lawyers appearing at VRB hearings means that legal costs are also avoided. On average, applications proceeding through the VRB's ADR program are resolved within 1.5 outreaches, representing approximately 25 to 45 minutes of total time taken in scheduled ADR activity. Similarly, those matters that proceed to hearing are listed for one hour and generally do not involve the attendance of expert witnesses. As such, witness costs are also avoided.

Fast Track Trial

We strive for excellence, and in so doing, continuously seek to improve and refine our review processes and be readily responsive to the needs of our users.

In March 2019, we commenced a 'Fast-Track' trial, utilising the conference mechanism (already offered as a part of the ADR program) in combination with our hearing model. The trial provides a faster and more streamlined approach for a small category of particular disputes, including those which involve vulnerable veterans at risk of self-harm or financial hardship, where undue delay to the resolution of their applications would have a significant negative impact. The trial also focuses on applications involving incapacity payments, which often involve complex calculations requiring additional explanation.

Unlike the majority of VBR ADR events and hearings, applications that fall within the trial require the active participation of a representative of the Repatriation Commission or Military Rehabilitation and Compensation Commission. The Commission's role is not to contest the veteran's application, but to properly inform the veteran and the VRB about the issues in dispute, for example, by providing live calculation tools and material to assist parties to reach agreement.

The trial has been led by VRB members with contemporary service experience, with expertise in conducting both VRB ADR events and hearings. The trial aims to facilitate the parties to reach agreement to resolve the dispute, and where that is not possible, to provide a mechanism to fully finalise the application on the day, without undue delay or expense.

If the parties are able to reach agreement during a conference facilitated by the VRB member, the VRB, after ensuring the agreement is legally correct, will immediately issue a decision that reflects the agreement reached by the parties, thereby effectively concluding the application for review. However, where an agreement cannot be reached during the conference, the VRB will convene an immediate hearing comprising a panel of three members who will determine the veteran's application that day.

There are two critical elements supporting the trial:

- The VRB's determinative powers; and
- The capacity for a full hearing before a panel of three VRB members.

The hybrid ADR and hearing model is used in a number of other jurisdictions to ensure the timely resolution of particular types of disputes. The immediacy of the hearing is conducive to parties focusing on the real issues in dispute, and encourages parties to reach agreement to resolve the application.

Significantly, in the event that the matter is unable to be resolved during the conference, the veteran does not have to effectively 'start from scratch' in presenting his or her case in an entirely new environment. Rather, the issues may well have been narrowed for any subsequent hearing. Importantly, the veteran avoids potential delay and stress by having a result delivered by the same determinative body on the same day.

The Fast-Track trial has the additional benefit of shared learning; with the Commission's active participation in the proceedings enabling a closer understanding of the issues, both factual and legal, direct observation of ADR skills and practice, and direct proximity to the delivery of the VRB's reasons for decision in the event the matter proceeds to full hearing.

A full hearing is a critical element of the Fast-Track trial. VRB hearings are informal, quick and economical. The duration of a hearing is usually no more than one hour, and expert witnesses are

not generally required to attend in person to give evidence. If further medical evidence needs to be clarified, this can be done simply and quickly by telephone. As lawyers and expert witnesses do not attend VRB hearings, party costs are very low as compared to other tribunal and court processes.

The Fast-Track trial is not a departure from the VRB's wider ADR program, and the VRB will continue to provide the full range of ADR options presently available to veterans. In this regard, it is important to note that the ADR program will continue to be centred on the 'outreach'; a 15-30 minute discussion between the VRB and the veteran and/or representative during which issues are identified, options are developed and acceptable outcomes are discussed. The fact that the matters going through the VRB's ADR program are resolved on average after 1.5 outreaches (often by a decision on the papers) is testament to its success.

Finally, the VRB's determinative powers and the capacity for a full hearing are not only critical components of the Fast-Track trial, but comprise the essential framework underpinning the success of the VRB's ADR program. More information on the Fast Track Trial is set out in *Practice Direction 2 of 2019*.

Decisions on the day

In the previous reporting year we commenced a 'decisions on the day' trial. As part of the program, members conducting hearings of matters falling within the trial's scope were encouraged to deliver oral reasons on the day of the hearing. See *Practice Note 2 of 2018*.

At the conclusion of the trial, more than 75 per cent of participants indicated they would like to see the practice of a 'decision on the day' for all applications, regardless of whether or not the outcome was favorable for the veteran.



In the current reporting year, we were pleased to extend the ‘decisions on the day’ program to all current applications for review. The delivery of oral reasons enables veterans to get outcomes much faster and in an environment where they have immediate access to the support and advice of their advocates and/or family members. It enables advocates to explain and assist the veteran with the outcome contemporaneously while the evidence and the VRB’s reasoning are fresh in participants’ minds, and where there is ready access to information about the implementation of the VRB’s decision or, alternatively, options for appeal.

Composition of hearing panels

In most reviews, the VRB is made up of three members. One of the three members is a Senior Member, who generally has legal qualifications and presides over the hearing. Another is a Services Member, who has experience in the Australian Defence Force. The Services Member does not need to be from the same arm of service as the applicant seeking review, but whose general knowledge and experience of military service assists the panel in interpreting the material before it. The remaining panel member is a Member, who has relevant qualifications within the community and/or professional sector, for example, health professional expertise.



The three-member multi-disciplinary panel is one of the most important features of the VRB. The combined knowledge and experience of each category of membership provides an appropriate setting in which veterans, current serving members, or family members are able to tell their stories.

In some less common situations, a veteran (or other applicant) may not wish to attend a VRB hearing to give oral evidence, or participate at all in the VRB hearing. In this circumstance, a hearing may be conducted by a single VRB member sitting alone.

Additionally, if following a hearing, a panel of three VRB members decides to adjourn the hearing to obtain further material (this is called a section 152 adjournment) or at the applicant's request (a section 151 adjournment), any resumed hearing may be conducted by telephone or video, by one single member sitting alone, and preferably the Presiding Member from the earlier hearing.

More information on when the VRB may arrange a single member hearing can be found in *Practice Note 1 of 2019*.

Information about our review process

This year we launched the following guides:

- Our Service Commitment
- Vulnerable Veteran Protocol
- Evidence Practice Direction
- Conduct of representatives
- Section 137 Practice Direction
- Panel Composition

Service Commitment

Our commitment to you

The Veterans' Review Board (VRB) is a specialist, independent tribunal that reviews decisions affecting veterans, current serving ADF members, and their families. The VRB is committed to providing a mechanism of review which is accessible, fair, just, informal, economical, economical and quick.

Our service commitment

We aim for service excellence by being: accessible, respectful, responsive, timely, impartial, consistent, professional and efficient.

What to expect when you contact the VRB

When you contact the VRB you can expect:

- to be greeted in a polite and courteous way
- a dedicated Client Service Officer to manage your application
- answers to your queries from 8:30 am to 5:00 pm on working days
- accurate information about VRB processes

Your rights

The VRB respects your right to:

- fair and helpful assistance, including appropriate arrangements for people with special access needs;
- be represented in your proceedings;
- a fair and just ADR event and/or hearing;
- timely decisions either orally or in writing.

How you can help us provide excellent service

To assist the VRB to provide high quality service to you we ask that you:

- participate in your hearing
- keep hearing or other appointments, or tell us beforehand if you cannot keep an appointment
- provide us with complete and accurate information
- comply with any directions about your application
- treat staff, members and other parties with respect and courtesy
- understand that we cannot give you legal advice about your application

Vulnerable veteran protocol

This protocol addresses the needs of those veterans and current serving members who face particular difficulties in the review process, and whose ability to understand and effectively present their case or fully participate in the review process may be impaired.

Early identification and priority attention

A veteran may be identified as vulnerable at any stage during the review process. There are various ways in which the VRB can identify a veteran who may be vulnerable, or at risk of self-harm or harm to others. These sources include:

- the veteran or his/her family member
- the veteran's advocate
- treating health professionals
- government departments or agencies, including the Veterans' Affairs and Defence Departments, and law enforcement agencies
- VRB members, Conference Registrars or staff.

It is important that vulnerable veterans are identified as early as possible in the review process and that appropriate action is taken by the VRB as soon as possible to manage their applications. Where the VRB identifies a vulnerable veteran, the veteran's application will be immediately triaged for an on-papers review by one of the VRB's subject matter experts. If the application cannot be resolved on the papers, consideration will be given to arranging an urgent hearing with a full panel or a directions hearing, depending on the particular circumstances. If a veteran is unrepresented, the VRB will assist the veteran to appoint an advocate.

Hearing arrangements

All VRB hearings are held in private. In listing a hearing, the VRB will liaise with the veteran's advocate, treating health professional and/or Departmental Liaison Officer. Consideration of a range of factors include:

- the most convenient/appropriate time for the hearing for the veteran and whether the veteran attends in person, by phone or video conference;
- the attendance of support persons including the veteran's advocate, treating health professional or others such as family members or assistance dogs etc;
- the panel composition (e.g. an all-female or male panel or members with specialist expertise).

VRB members conducting a hearing will be specifically informed of any cases scheduled which involve a vulnerable veteran and that this should be properly taken into account in conducting the review. At any hearing, VRB members are committed to creating an open and supportive environment. Questioning of the vulnerable veteran by members is to be done in a sensitive and respectful manner and questions will be formulated in a way that the vulnerable veteran understands. Additionally, the VRB may consider taking evidence from family members or close friends. During the hearing, the VRB will also ensure any vulnerable veteran is provided with breaks as appropriate. In every case the VRB will endeavour to complete the review without delay.

Notification of the VRB's decision

At the conclusion of any VRB hearing involving a vulnerable veteran, careful consideration will be given as to how the decision should be delivered; i.e. orally on the day of the hearing, or in writing following the hearing. The presiding Senior Member will make this decision after consultation with the advocate, treating health professional or other support person.



If a decision is to be given in writing, either following a hearing or on-papers review, Registry staff will contact the veteran's advocate, treating health professional and/or Departmental Liaison Officer to make arrangements for the decision to be conveyed to the veteran. For example, a written decision can be delivered to the office of the veteran's advocate or treating health professional. The aim is to ensure that the veteran has appropriate support persons available and accessible to discuss the VRB's decision, whether favourable or unfavourable.

Generally, Registry staff will seek to ensure that decisions are not delivered on a Friday, or prior to a public holiday (or commemorative events such as ANZAC Day), or any other date that may be significant to the veteran. Similarly, the VRB will ensure that hearings for vulnerable veterans are not listed on or around these days.

Immediate threats

If there is an imminent threat at any point in the review process, Registry staff may contact the relevant arm of emergency services in order that a welfare check be undertaken. Additionally, Registry staff will also notify the Department of Veterans' Affairs security team with a view to an incident assessment being undertaken.

Support services

The VRB will encourage any vulnerable veteran to seek appropriate counselling or other support services after a hearing, or will recommend to the veteran's advocate that such services be sought. In locations where the VRB is co-located near Open Arms, Registry staff, where appropriate, will endeavour to arrange an immediate referral or support.



Obtaining evidence

Applicants' responsibilities in obtaining evidence

There is no onus of proof on veterans in respect of their appeals. However, the legislation does require the parties to use their best endeavours to assist the VRB in meeting its objective of providing a mechanism of review that is accessible, fair, just, informal, economical and quick.

After an applicant lodges an application, the respondent (the Repatriation Commission or Military Rehabilitation and Compensation Commission) is required to provide the veteran and the VRB with a copy of all of the documents relevant to the decision under review. This is called the "Departmental" or section 137 report.

The section 137 report may not contain all of the documents that the applicant expects to be available. However, the VRB welcomes veterans supplementing and adding information to the section 137 report, to ensure that the best case possible is brought forward in the review process.

Types of evidence

The VRB commonly receives the following types of evidence:

- Medical evidence: including service medical records, hospital notes or surgery reports and doctors' expert opinions.
- Documentary evidence: including service records, unit diaries or other published historical or contemporary accounts of events that took place during service.
- Witness statements: including those of fellow service personnel who can confirm the details of incident/s, participation in a sporting activities/occupations, or postings or deployments.
- The veteran's own story that describes the details of the disability, incident, or service event.

The veteran's own personal story is often the most important evidence the VRB receives. It may be new evidence that the Department did not have when it made the primary decision. A veteran's own story is often an important factor in the VRB making a favourable decision for a veteran. As such, the VRB encourages veterans to participate in their appeals by participating in ADR events and attending VRB hearings.

How evidence is obtained

As is the case for many Tribunals, the VRB does not apply the strict rules of evidence. Rather, the VRB encourages the parties to obtain relevant and probative material in a manner that is informal, economical and quick. In order to avoid unreasonable costs to the parties and reduce the risk of unreasonable delay to the finalisation of veterans' applications, the VRB requests the parties to consider:

- Where appropriate, obtaining oral evidence from a doctor or specialist (who has reviewed the veteran) over the telephone during a hearing or ADR conference, rather than requiring the veteran to undergo a further medical assessment and obtain a full medical report. The oral evidence can be confirmed in a follow up email following an ADR outreach event;
- Where a medical report is required, the examination of the veteran is conducted by video or telephone conference, to avoid unnecessary travel, expense or delay;
- Witness statements provided by colleagues or other persons by email;
- The parties agreeing to obtain reports jointly, using a collaborative approach.

A veteran or representative is welcome to ask a Conference Registrar in an ADR event (or Registry staff prior to a hearing) if evidence can be obtained via one of the ways noted above.

Assistance in obtaining your own evidence

Rather than asking the respondent to obtain material, it may be quicker and more economical for veterans to obtain their own medical evidence. It also gives the veteran more control over the choice of health professionals, location and timing of appointments, including the option of using tele-health where appropriate.

A veteran or representative is welcome to ask a Conference Registrar in an ADR event for help in drafting a schedule of questions for a health professional. The schedule of questions can be included in the direction that is issued following the ADR event.

Reimbursement for veterans

If a veteran chooses to obtain his or her own material for the purposes of the application, the Department of Veterans' Affairs will reimburse the costs of obtaining medical evidence up to a maximum amount of \$1000.00 per claimed condition.

Additionally, reimbursement of reasonable travelling expenses incurred in obtaining such medical evidence (and travelling expenses for those of an attendant) to a maximum of \$500 may also be paid.

Complaints to us

During 2018–19, 0.9 per cent of complaints were made for every application we resolved. The rate of complaints remained the same as compared to the previous year.

	2017–18	2018–19
Applications finalised	2780	3321
Percentage of complaints per applications finalised	0.9%	0.9%

Compliments about our service

During 2018–19, 0.9 per cent of compliments were made for every application we resolved. The rate of compliments remained the same as compared to the previous year.

	2017–18	2018–19
Applications finalised	2780	3321
Percentage of compliments per applications finalised	0.7%	0.9%

Engagement

We are committed to engaging with the broad range of external stakeholders who use our services. By seeking feedback, we are able to continue to improve our services and build public trust and confidence in our decision-making.

The Principal Member and National Registrar met with a range of people and organisations in 2018–19 to discuss our operations, including the Secretary of the Department of Veterans' Affairs and other members of the Repatriation Commission and Military Rehabilitation and Compensation Commission. Our senior staff worked closely with the Department during the reporting year on matters such as our membership and budget.

In addition, the Principal Member and National Registrar continued targeted liaison with advocates across Australia in relation to our services, and attended and presented at various events hosted by ex-service organisations.



Feedback about our service



User feedback survey

We regularly ask our users to evaluate the level of service we provide and seek their views on how we can improve our services. The most recent survey sought feedback from those users (including advocates, veterans and their families, and Departmental representatives) who had used our services during the reporting year. Responses were received from more than 100 users.

Overall, our services were rated positively by all users, including those persons who did not receive a favourable outcome of their applications. More than 80 per cent of users were satisfied with the services they received from the VRB.

More than 85 per cent of users agreed they were treated with courtesy and respect by members and staff. More than 75 per cent of users also considered that VRB members 'listened to your side of the story before they made a decision'. Similarly more than 75 per cent of users considered the handling of their applications were fair. Additionally, more than 80 per cent of users considered their applications were resolved within a reasonable time frame. Comments from our users included:

"We in Australia have the best system in the world. The VRB has never been inconsistent in its decision making or team member on the board. I am now even more happy to be able to do a case under the new ADR and find the online great. It makes the veterans life and lack of stress much more easy."

"The ADR process is proving very beneficial even when it is necessary to proceed to a full Board hearing. I also appreciate the understanding and compassion shown by the various Board members and staff."

"The ADR process introduced in 2015 has been an outstanding success and the AAT should adopt the processes used by the Board."

As I have dealt with the AAT I'm having no problems with the ADR thanks. I find the time frame is much faster."

"The current process is extremely fair. The board is very approachable and take ALL facts into consideration prior to a determination is made. Love the ADR process."

"Using the ADR has been a very positive experience. I have a great working relationship with the VRB staff and members who I find open, honest and extremely helpful."

"VRB services are good & staff always helpful. ADR & Case Appraisal also excellent."

"VRB went out of their way to make us feel at ease and gave us every chance to make our case."

"VRB/Outreach staff and members do a very good job and are helpful"

"The ADR program was and is an outstanding success. I do not even have a worthwhile critique topic regarding questions in this survey."

"It is a pleasure to deal with the VRB."

"I found the process very positive in all its workings. Flexibility with appt was given which I needed due to the extenuating circumstances that I was dealing with at the same time VRB process was underway. The relaxed manner the meet was undertaken made it less intimidating for me."

"The VRB was a valuable process and the members were across the case. Outreach was also a good way to streamline cases before the board"

Other feedback mechanisms

Decisions on the day

At the conclusion of the 'decision on the day' trial we asked users for their feedback and views. When asked if they would like to approach all hearings with the general expectation that the decision, with supporting reasons, will be rendered orally at the conclusion of the hearing, more than 75 per cent of users agreed. Comments from users included:

"I was surprised the decision did not take longer. I was not aware at the time that the trial was in progress, therefore the surprise I had was actually getting a verbal decision on the day..."

"..it all worked perfectly for me and the veteran."

"..request if it would be possible to have an oral decision for all cases"

"..far better to get a decision on the day of the hearing rather than wait 2 to 4 weeks for the decision."

"...it improves administrative efficiency and it also help the veteran get the decision on the day. I believe that it is better if the veteran can have the outcome on the day of the hearing."

"it saves veteran the anxiety of waiting to find out the result of the appeal"

At the conclusion of our Fast Track Trial, we will invite users to respond to a brief survey to gather feedback on their experience. We will also continue to issue our yearly user feedback survey.

Practice notes and VeRBosity

We continue to issue our journal VeRBosity, along with regular practice notes to promote the availability of information about our decision-making and provide current information about the VRB. Practice notes also include short, plain English summaries of recent decisions from the AAT and the courts. These resources continue to be well received by our stakeholders.



Management and accountability

Our governance

Senior Management

We are established by the *Veterans' Entitlements Act 1986* (Cth). This is the principal law that governs our operations. Under this law, the Principal Member is responsible for ensuring the expeditious and efficient discharge of our business and for managing the administrative affairs of the VRB. The National Registrar assists the Principal Member in managing our administrative affairs.

Risk management

Risk management is an integral part of delivering services to veterans and being accountable. We apply the Department of Veterans' Affairs (the Department) Risk Management Framework to identify and manage strategic and operational risks. Further information in relation to risk management can be found in the Department's Annual report.

Fraud control

We are committed to preventing, detecting and dealing with fraud in relation to our operations. We apply the Department's Fraud Control Plan and fraud policies. Fraud control awareness forms part of the induction program for new staff and members. Staff participate in the Department's online learning module on fraud control.

Certification of our fraud control arrangements

I, Jane Anderson, certify that the VRB:

- has fraud risk assessments and fraud control plans;
- has in place appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the VRB, and
- has taken all reasonable measures to deal appropriately with fraud relating to the VRB.



Jane Anderson
Principal Member
20 September 2019

Maintaining ethical standards

We promote and encourage the maintenance of appropriate standards of ethical behaviour in a range of ways both for members and staff.

A Guide to Standards of Conduct for Tribunal Members, published by the Administrative Review Council provides guidance on appropriate conduct and professional behaviour for members.

Our staff are required to work in accordance with the APS Values, Employment Principles and Code of Conduct. Information relating to the APS ethical framework forms part of our induction process and ongoing awareness-raising activities are also undertaken. During the reporting year, specific APS Code of Conduct training was offered to all staff through the Department.

Our people

Our members and staff are integral to our functions as a specialist, independent merits review tribunal. Our need for specialist expertise is met by the appointment of appropriately qualified and experienced members in the categories of Senior Member, Member and Services Member. We continue to skill our people so that they are able to deliver high-quality, specialised services that meet the needs of the veteran community.

Overview of our members

At 30 June 2019, there were 46 members appointed to the VRB. A list of our members is set out below. The Principal Member is the only full-time member of the VRB.

Name	First Appointment	Appointment Expires	State
Principal Member			
Anderson, Jane Elizabeth	12 Nov 2015	30 Jan 2023	NSW
Senior Members			
Bailey, Robyn	12 Nov 2015	11 Nov 2020	NSW
Barrow, Gary	1 Oct 2007	11 Nov 2020	WA
Carlin, Evan	1 Oct 2014	18 July 2023	QLD
Douglass, Robert	1 Oct 2014	11 Nov 2020	VIC
Habersberger, Peter	1 Jan 2019	31 Dec 2023	VIC
Hunt, Louise	12 Nov 2015	31 Dec 2023	WA
Keher, Christopher	31 Mar 2008	31 Dec 2023	NSW
Kelly, Michael	1 Jan 2019	31 Dec 2023	QLD
Kramer, Hilary	30 Jul 1998	31 Dec 2023	NSW
Letts, David	1 Jan 2019	31 Dec 2023	NSW
McPhie, June	12 Nov 2015	11 Nov 2020	ACT
Moir, Jillian	1 Jan 2011	11 Nov 2020	NSW
Salu, Peter	1 Oct 2014	18 Jul 2023	SA
Thomae, David	1 Jan 2019	31 Dec 2023	QLD
Trengove, Anne	1 Oct 2014	18 July 2023	SA
Trotter, Susan	1 Jan 2019	31 Dec 2023	QLD
Williams, Tammy	12 Nov 2015	11 Nov 2020	QLD
Young, Leslie	1 Oct 1997	11 Nov 2020	NSW
Services Members			
Bornholt, Mark	1 Jan 2011	11 Nov 2020	ACT
Carrigan, Catherine	19 Jul 2018	18 Jul 2023	VIC
Clark, Scott	1 Jan 2011	11 Nov 2020	QLD
Coghlan, Steven	1 Jan 2019	31 Dec 2023	WA

Name	First Appointment	Appointment Expires	State
Collins, David	1 Mar 2013	18 Jul 2023	VIC
Creagh, Alison	1 Jan 2019	31 Dec 2023	NSW
Crimston, Nadine	12 Nov 2015	11 Nov 2020	NSW
Hart, Simon	1 Jan 2011	11 Nov 2020	NSW
Lewis, John	19 Jul 2018	18 Jul 2023	SA
Maher, Peter	12 Nov 2015	11 Nov 2020	QLD
Regan, Robin	28 May 1999	31 Dec 2023	VIC
Roberts, Frank	12 Nov 2015	11 Nov 2020	QLD
Walker, Jenny	19 Jul 2018	18 Jul 2023	QLD
White, Sophia	1 Jan 2019	31 Dec 2023	NSW
Young, Warwick	31 Mar 2008	31 Dec 2023	NSW

Members

Austin, Christopher	12 Nov 2015	11 Nov 2020	QLD
Brennan, Sharon	12 Nov 2015	11 Nov 2020	VIC
Corbould, Linda	12 Nov 2015	11 Nov 2020	TAS
Desses, Mary	1 Jan 2019	31 Dec 2023	NSW
Harte, Jane	19 Jul 2018	18 Jul 2023	QLD
Henry, Leith	19 Jul 2018	18 Jul 2023	QLD
Hockings, Bernard	1 Jan 2019	31 Dec 2023	WA
Kerr, Sandra	12 Nov 2015	11 Nov 2020	VIC
Lumb, Josephine	12 Nov 2015	11 Nov 2020	ACT
McDonald, Amanda	1 Oct 2007	18 Jul 2023	NSW
McLaughlin, Robert	1 Jan 2019	31 Dec 2023	NSW
Wyatt, Neville	12 Nov 2015	11 Nov 2020	NSW



Overview of our staff

At 30 June 2019, 24.5 full time equivalent staff members had been made available to the VRB by the Secretary of the Department of Veterans' Affairs. In the reporting year, we did not have any Senior Executive Staff or APS Level 1 – 3 positions. Our staff are based in our Sydney and Brisbane offices only.



Classification	NSW	QLD
APS Level 4	3	4.4
APS Level 5	3	0
APS Level 6	3	1
Executive Level 1	6	1
Executive Level 2	1	0

Employment agreements and arrangements for staff

At 30 June 2019, all on-going staff were covered by the Department's Enterprise Agreement (2019-2022) and one staff member had an individual flexibility arrangement. Salary ranges available to staff which are set out in the agreement are noted below:

Job Classification	Salary Range (reporting year)
APS Level 4	\$70,236 - \$74,912
APS Level 5	\$78,301 - \$81,601
APS Level 6	\$86,061 - \$97,725
Executive Level 1	\$108,263 - \$118,886
Executive Level 2	\$130,565 - \$146,958

Strengthen workforce diversity

We are committed to reflecting the diversity of the Australian community in our workforce and building an inclusive culture in which employee backgrounds, skills and views enrich our working environment and quality of work. Strengthening workforce diversity includes developing a supportive and inclusive culture. We have contributed to and apply in our recruitment strategies, the Department's *Diversity Action Plan 2016-2020* and *Gender Equality Action Plan 2017-2019*.

In implementing the Diversity Action Plan, we have ensured a range of flexible working arrangements are available to our staff to effectively balance their work, family, caring, other responsibilities and interests. Our flexible working arrangements for staff, including part-time and home based work, have been focused on rethinking how our work can be done in a way that improves service delivery for our users.

We value diversity in the workplace and at the end of the reporting year 69 per cent of the VRB's staff and 48 per cent of our members were women, with strong representation across all classification levels.

Principal Member	Number	%
Female	1	100
Male	0	
Total	1	100%

Senior Member	Number	%
Female	8	44.4%
Male	10	55.6%
Total	18	100%

Services Member	Number	%
Female	5	33.3%
Male	10	66.7%
Total	15	100%

Member	Number	%
Female	8	66.7%
Male	4	33.3%
Total		

Staff	Number	%
Female	15.4	69%
Male	7	31%
Total	22.4	100%



Work health and safety

We are committed to providing and maintaining a safe and healthy work environment through cooperative, consultative relationships. We apply the Department's established work health and safety (WHS) strategies and systems that promote continuous WHS improvement and a positive safety culture.

In the reporting year, we participated in regular workplace hazard inspections conducted jointly by managers and trained workplace health and safety representatives. Our staff were also able to access Department sponsored training programs including Accidental Counselling, Mental Health First Aid, Planning and Managing Change and Domestic and Family Violence Awareness. Staff were also able to access annual flu vaccinations, subsidies for eyeglasses and fitness equipment and ergonomic workstation assessments.

More broadly, members and staff are also able to access VRB specific and external training programs that are designed to promote a healthy culture for mental and physical wellbeing. Some of these external training opportunities have included programs by the Council of Australasian Tribunals and the Law Societies of the various states and territories.

Notifiable incidents, investigations and compensation

No notifiable incidents arising out of the conduct of our operations occurred in the reporting year, nor were there any compensation claims.

Skilled to deliver justice

Ensuring our people are skilled to deliver high-quality, specialised services that meet the needs of the veteran community continues to be a key priority. In 2018–19, we delivered a wide range of activities to meet the needs of members and staff and strengthen the capability of the VRB. During the reporting year, substantial work was undertaken to completely refresh our learning and development platform.

Delivering targeted skills development for staff and members to meet VRB needs

Our biennial national conference in mid-June 2019 brought together members and senior staff from across our locations in Australia to share in learnings and development opportunities. Our conference had a strong focus on veterans' mental health and wellbeing and the skills needed to deliver effective ADR services. Additionally, we were able to provide members and staff with practical Defence familiarisation activities to enhance their understanding of the unique nature of military service in a contemporary context.

In February 2019, we delivered an induction training program for our newly appointed members and harnessed new technology to create a series of webisodes, which can be viewed by members and staff on an ongoing basis.

Members and conference registrars also attended a range of in-house professional development seminars during 2018–19, which included topics such as decision-writing and presentations from leading medical specialists including subject matter experts on the MRCA.

Additionally, our members and conference registrars were able to participate in learnings with their peers at external seminars, workshops and other professional activities, including conferences arranged by the Council of Australasian Tribunals.

Members and conference registrars were also provided with revised decision writing templates and guides. Additionally, a refreshed, regular email update of notable cases from the AAT and court was provided to all VRB staff and members.

We continued to regularly survey our members and staff for their feedback to ensure our learning and development program continues to meet their needs and the needs of the VRB.

Staff performance management program

All of our staff are required to participate in the performance management program established by the Department. The Scheme requires staff to have a performance agreement which sets out capability and behavioural expectations required in their role as well as learning and development priorities. It also covers the processes for reviewing and rating performance, and performance-based salary advancement.

In 2018–19, in addition to the learning activities provided by the VRB our staff were also able to participate in the various training and development programs offered by the Department.

Our staff were also able to access a Studies Assistance Scheme, which offers financial support and/or study leave to develop their own capability, and that of the VRB, through vocational and tertiary education.

Building a united culture to deliver justice

During the reporting year, we strengthened opportunities for greater collaboration and communication across the VRB including weekly senior staff and registry discussions, monthly ADR forums for members and conference registrars as well as regular location based member forums. These meetings have allowed us to engage members and staff in consultation around our transformation journey and harness a shared vision for how we deliver justice to veterans.

Productivity gains

We continued to consolidate and streamline our operations in 2018–19. Our registries are now located in two locations in Sydney and Brisbane. Our co-location, combined with the introduction of our new case management system has allowed us to deal more efficiently with applications and streamline aspects of our client service.

Additionally, our initiatives to improve case allocation, case management practices and support for members and conference registrars has allowed us to clear more than 100 per cent of our case holding.



The ongoing implementation of our digital strategy will allow us to achieve greater efficiencies in the coming year. As our applications fully transition to our new case management system it will minimise the number of systems that must be maintained and the associated manual handling and data entry previously required of staff.

Purchasing

We can access the support provided by the Department's Contract Advisory Unit in relation to procurement and contracting activities in accordance with the Commonwealth Procurement Framework.

Consultants

We may engage consultants where independent research or short-term projects are required; or for specialist knowledge or skills that are not available within the VRB. During the reporting year, we did not enter into any new consultancy contracts.

AusTender

Annual reports contain information about actual expenditure on contracts for consultancies. Information on the estimated value of contracts and consultancies is available on the AusTender website: www.tenders.gov.au.

Financial Information

While we are an independent statutory tribunal, we are not a separate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013*, but are considered a Secondary Australian Government Body, receiving our funding and corporate services from the Department of Veterans' Affairs. As a result, we do not have a budget allocation in the Portfolio Budget Statements

In 2018–19, we were provided an allocation of \$6,004M which was a small decrease in funding compared to the previous financial year.

In the reporting year, the majority of our operating expenditure was related to payroll costs for registry staff, conference registrars and members in the direct delivery of our services. A significant proportion of our travel costs also related to ensuring the availability of members to conduct hearings in particular locations including regional areas, as well as other services such as conducting face-to-face advocates' forums and training. While the majority of our accommodation costs are met by the Department, a small property cost was generated by the hire of hearing and conference rooms in other tribunal premises, where we no longer have a physical registry presence.

Table 14: Veterans' Review Board Expenditure

	2017–18 (\$'000)	2018–19 (\$'000)
Salaries (includes superannuation)		
Members	2,541	2,627
Staff (includes o/time & temps)	2,903	2,795
TOTAL	5,444	5,422
Travel (includes fares, accommodation and allowances)	349	335
Supplies and services		
Printing, postage, stationery and other office expenses	203	128
Communication and couriers	26	2
External training	16	13
Advertising	0	13
TOTAL	245	178
GRAND TOTAL	6,038	5,913

Appendix 1

Membership Biographies

Principal Member of the Veterans' Review Board

Ms Jane Anderson

Ms Jane Anderson was appointed by the Governor-General as Principal Member of the Veterans' Review Board, commencing in the role in late January 2018. For two years prior to her appointment, Ms Anderson had served as a member of the Veterans' Review Board.

Ms Anderson is a lawyer with 20 years' experience, including as a former senior member of the NSW Civil & Administrative Tribunal (NCAT) and a former Deputy President of the South Australian Guardianship Board, where she presided over legal proceedings involving people with impaired decision-making capacity. Ms Anderson was also a Board member of the Mental Illness Fellowship of South Australia, overseeing the management of a not-for-profit organisation providing advocacy and support for people with mental illness, and their families.

As well as her expertise in administrative law, Ms Anderson previously practised in criminal law, enjoying a career as a senior lawyer with the Commonwealth Director of Public Prosecutions, during which she appeared as prosecuting counsel in criminal courts and provided legal advice to government departments and agencies.

Ms Anderson has a strong interest in human rights and international law, and in 1999 she completed a Master of Law degree in international law at Cambridge University, UK. She is currently an officer of the Access to Justice and Legal Aid Committee of the International Bar Association, a global organisation of legal practitioners, bar associations and law societies.

Ms Anderson has a keen interest in the participation and contribution of veterans and current serving members of the Australian Defence Force, and has family members who are serving, or have previously served, in the Australian Army, the Royal Australian Navy and the Royal Australian Air Force.

Colonel Christopher Austin, ADC

Colonel Austin has served in the Australian Army since 1980. He is currently an Active Reservist holding the rank of Colonel and is posted as the Deputy Adjutant General – Army. He also conducts complex inquiries for the ADF within Australia and overseas and is appointed as an Assistant Inspector General of the ADF. He has experienced operational service in East Timor, the Middle East and the Queensland Floods and is an Aide de Camp to the Governor General. Having enjoyed a corporate career within the building industry for over 20 years, Chris now runs his own consulting business and sits on a number of Boards and Committees. He was appointed to the VRB in 2015.

Ms Robyn Bailey

Ms Bailey holds Bachelors of Law and Arts as well as a Master of Laws degree from the University of New South Wales. After working in private practice she was appointed as a Member of the Guardianship Tribunal in 2007 and to the Consumer Trader and Tenancy Tribunal in 2009. She

is currently employed as a Senior Member of the NSW Civil and Administrative Tribunal and also works as a Mediator in the District Court of NSW, the Workers Compensation Commission and for her own company. She is also facilitator for the Defence Abuse Response Taskforce.

Commander Gary Barrow RAN (Ret'd)

Commander Barrow served as a permanent officer in the Royal Australian Navy for 26 years. In 1983 he graduated from the University of Sydney Law School, and also qualified as a Legal Officer in the Royal Australian Navy. He has been in private practice as a solicitor since 1986 and has continued to serve as a Naval Reserve Officer. He was appointed a Member of the VRB in 2007 and a Senior Member of the VRB in 2011.

Brigadier Mark Bornholt (Retd)

Mark Bornholt graduated from Officer School Portsea in 1978. He served in the 3rd and 6th Battalions of the Royal Australian Regiment. He was appointed a Member of the Order of Australia for his leadership of the 1st Battalion and was commended for distinguished service during the war against Iraq. His senior appointments included Chief of Staff Land Headquarters and Commandant Royal Military College of Australia. He retired in 2009 and worked as the CEO of a business unit of a publicly listed company until 2014 when he was appointed to the Defence Honours and Awards Appeals Tribunal. He remains a Chief of Army delegate for Redress of Grievance issues, a Director of the Royal Australian Regiment Foundation and is the Colonel Commandant of the Australian Army Band Corps. He previously served as a Services Member of the VRB in 2010-2011.

Ms Sharon Brennan

Ms Brennan is an Accredited Mediator and graduate in Arts, Education and Business. She has served in the Citizens Military Forces, as an Intelligence Officer for ASIO and in senior HR roles in the public sector. In 2006 she was appointed as a Member of the Veterans' Review Tribunal and has also worked as a Community Member of the Podiatrists' Registration Board and as an Independent Merits Reviewer for the Independent Protection Assessment Office. Since 1995 she has been employed as a Conciliation Officer for the Accident Compensation Conciliation Service. She was employed as a Conciliation Officer for the Accident Compensation Conciliation Service for 23 years.

Colonel Evan Carlin

Colonel Carlin holds Bachelor degrees in Arts and Laws. He joined the Australian Army as a Legal Officer in 1987, and has extensive legal experience with the Australian Defence Force, including postings to the UK (NATO), Iraq, the Balkans and Sumatra. Colonel Carlin was appointed to the VRB as a Senior Member in 2014.

Colonel Catherine Carrigan

Colonel Catherine (Bunny) Carrigan has over 30 years' service in the Australian Army and is a currently serving member of the Army Reserve. She served for 20 years as a logistics officer in the Australian Regular Army before transitioning to the Army Reserve in 2005. She saw operational service in Somalia in 1994. On leaving the full-time Army, Colonel Carrigan established a niche supply chain and business reform consultancy which she still owns and manages. She has been active on several committees and Boards, has been an Honorary ADC to the Governor of Victoria, and is currently the Victorian/ Tasmanian Colonel Commandant for the Royal Australian Corps of Transport. Her qualifications include a Bachelor of Applied Science, a Graduate Diploma

in Transport and Distribution, a Masters of Defence Studies, a Masters of Business (Logistics Management), and she is a graduate of the Australian Institute of Company Directors. She was appointed a VRB Services member in 2018.

Dr Scott Clark

Dr Clark is a Psychologist with a background in both clinical and organisational psychology. He has a particular interest in psychology of old age and has worked in acute, extended care and community services. Dr Clark has served in the Army Reserve since 1990 initially as a Rifleman before becoming a Psychologist in 1997.

Mr Steven Coghlan

Steve served as an Army Signals Officer from 1998 to 2006 during which time he saw operational service in Bougainville and Pakistan. Since transitioning he has held senior management positions within both the telecommunications and broader infrastructure sectors.

He is a graduate of both the Australian Defence Force Academy (ADFA) and Royal Military College — Duntroon (RMC-D) and holds a Bachelor's degree in Politics (UNSW), a Master's degree in International Relations (Macq) and Diplomas in Business, Personnel Management and Administration.

He spends his spare time helping serve the families of our deceased veterans as part of Legacy WA.

Colonel David Collins

Colonel David Collins has served in the Australian Regular Army and the Army Reserve. He holds a Bachelor of Education and Training, Diploma of Law and a Masters of Management and Governance. He has deployed on operations several times. In 2005 he was the Officer in command of the 2nd rotation of the ADF Medical Detachment attached to the US Theatre Hospital, Balad, Iraq. In 2006 the 2nd rotation ADF Medical Detachment was awarded a Meritorious Unit Citation for its efforts in Iraq.

He is currently employed by the Royal Children's Hospital Melbourne and St Vincent's Hospital Melbourne. He is also a member of the Australian Health Practitioner Regulation Agency's, health performance and professional standards panel. He was re-appointed as a VRB Services member in July 2018.

Wing Commander Linda Corbould OAM

Ms Corbould had full-time service in the Royal Australian Air Force from 1981 to 2011 as an Officer and as a Pilot. Since 2011 she has been acting as an Officer in the Royal Australian Air Force Reserve. She completed a Diploma of Military Studies at the Australian Command and Staff College in 2005.

Brigadier Alison Creagh CSC

Brigadier Alison Creagh CSC was appointed to the Veterans' Review Board as a Services Member for a five-year term in January 2019. She also Chairs the ACT Veterans' Advisory Council, the Board of Governors for The Road Home and The Hospital Research Foundation ICT and Cyber Security Committee. She is a Non-Executive Director of The Hospital Research Foundation, an ACT Defence Ambassador and member of the ACT Defence Industry Advisory Board, a member of the AustCyber Canberra Node Industry Advisory Group and Strategic Adviser for the University of NSW Defence Research Institute. Brigadier Creagh is the Representative Colonel Commandant

for the Royal Australian Corps of Signals. Brigadier Creagh retired from the Australian Regular Army in March 2015 after a 30-year career and continues to serve in the Army Reserve. She served on operations in Cambodia East Timor, Iraq and Afghanistan.

Mrs Nadine Crimston

Nadine Crimston holds a Bachelor degrees in Business and Law and Masters in Business Administration and Law. Nadine served in the Royal Australian Air Force in logistics. In addition to her role at the VRB she also works as in-house counsel for a medical devices company.

Ms Mary Desses

Ms Desses has been appointed as a Member of the Veterans' Review Board commencing 1 January 2019 for a period of five years. She holds a Bachelor of Arts from Griffith University, a Bachelor of Laws from the University of New South Wales, a Graduate Diploma of Adult Education, and a Vocational Graduate Diploma of Family Dispute Resolution. She was admitted as a solicitor in 1992.

Mary worked as an Associate for two Federal Court judges, a Mediation Officer at the Retail Tenancy Disputes Unit, an advocate for the Repatriation Commission and a Conference Registrar at the Administrative Appeals Tribunal.

Mary is a nationally accredited mediator with over twenty years' experience as an Alternative Dispute Resolution practitioner.

Major Robert Douglass

Mr Douglass holds Bachelor degrees in Economics and Laws from Monash University and a Masters degree in Arts (Military History) from the Australian Defence Force Academy. He joined the Department of Veterans' Affairs in 1993 and was an Assistant-Director in the Rehabilitation and Compensation Group from 1995 to 2010, before working as a Senior Lawyer in the Legal Services Group from 2010 to 2014. Mr Douglass has served as a Legal Officer in the Australian Army from 2007 and remains an active member of the Reserve. He was appointed a Member of the VRB in 2014 and a Senior Member in 2015.

Commodore Peter Habersberger AM RFD RAN (Ret'd)

Dr Peter Habersberger graduated in medicine from the University of Melbourne in 1965, and subsequently studied overseas in the USA and the United Kingdom. He has been on the staff of the Alfred Hospital since 1966, and presently practices in Cardiology at Cabrini Hospital, Malvern. In 1968 he joined the Royal Australian Naval Reserve as a medical officer, was appointed Principal Health Consultant to the RAN and Director of Reserve Health Support in 1989. In 1998 he was appointed Assistant Surgeon General to the ADF, serving in East Timor as a specialist medical officer in 2000; he was transferred to the RAN retired list in 2006. He continues to see patients for the ADF and the Civil Aviation Safety Authority.

Commodore Simon J Hart CSC RAN (Ret'd)

Simon Hart served in the ADF for 33 years from 1973 until transferring to the Naval Reserve in 2006. Simon's operational background is primarily in guided missile Frigates and Destroyers with extensive Command experience in Destroyers. His two key positions in the Navy Senior Leadership Group were Director General, Navy Personnel and Training Organisation; and Commander, Australian Surface Combatant Force Element Group. He is a graduate of the Royal Australian Naval College; University of NSW; US Navy Postgraduate School (Computer Science);

and Kings College, London (International Relations). He is a Fellow of the Australian Institute of Management and a member of the Australian Institute of Company Directors. Simon was appointed to the VRB as a Services Member in 2011.

Dr Jane Harte

A consultant corporate psychologist in the defence, security, mining, higher education and health sectors in Australia and the UK, Dr Harte has also served in the Australian Army Psychology Corps (Reserve) for nearly 30 years. She has degrees from Australian and Swedish universities and academic appointments with James Cook and Southern Queensland Universities in addition to delivering annual lectures in the Graduate School of Management at St. Andrews University in Scotland. In 2007 Dr Harte was appointed to the Defence Honours and Awards Appeals Tribunal in Canberra as one of the foundation members, with her tenure completing in 2015. Subsequently she has been appointed as a professional member of the Queensland Civil and Administrative Tribunal and as a researcher member on the Defence and Department of Veterans' Affairs Human Research Ethics Committee.

Dr Leith Henry

Dr Henry is a Psychologist with significant leadership experience in workplace health, including work related illness/injury and workers' compensation. She holds a Bachelor degree in Psychology (with Honours) and a PhD in Organisational Psychology. Dr Henry commenced duties in 1995 as an Army Reserve Psychologist, serving periods of full time service and deploying on operations.

Dr Bernard Hockings

Bernard Hockings was an interventional cardiologist and clinical associate professor in medicine at the University of WA until his retirement from clinical practice.

On graduating in medicine he joined the RAAF active reserve later transferring to the specialist reserve; his deployments included East Timor and the Solomon Islands.

Before retiring he was the Director of Health Reserves(WA) for the RAAF.

In addition to his medical qualifications, he is a graduate of the Australian Institute of Company Directors.

Group Captain Louise Hunt

Ms Hunt is a graduate in Law and holds a postgraduate Master of International Law. She entered private practice as a Solicitor in 1983 and joined the Royal Australian Air Force Reserve Legal Panel in 1984. She is currently a Panel Leader for the Royal Australian Air Force Specialist Reserve Legal Panel. Ms Hunt leads teams conducting military justice audits at Australian Defence Force establishments for the Inspector General of the Australian Defence Force. She was appointed a Services Member in 2015 and a Senior Member in 2019.

Mr Christopher Keher

Mr Keher is a lawyer and experienced tribunal member. He has served as a full-time member of the Refugee Review Tribunal — Migration Review Tribunal, and Administrative Appeals Tribunal, and a part-time member of the Consumer, Trader and Tenancy Tribunal as well as a Senior Member of the VRB from 2008 to 2012 and from 1 January 2019.

Lieutenant Colonel Michael (Mike) Kelly

Lieutenant Colonel Kelly holds Bachelor degrees in Arts and Laws and a Graduate Diploma in Management. He is an admitted legal practitioner and the Director of an incorporated legal practice. He joined the Australian Army in 1986 and has held a range of RAAC regimental, and staff appointments. His service includes operational service in the Middle East Area of Operations.

Ms Sandra Kerr

Ms Kerr has extensive experience as a member of Federal Tribunals having previously been appointed to the Migration Review Tribunal, Refugee Review Tribunal and Social Security Appeals Tribunal. She holds a Bachelor of Laws from the University of New South Wales and a Masters in Law from the Australian National University. Ms Kerr also has qualifications in Medical Imaging and Executive Leadership. She served as a Legal Officer in the Army Reserve and has family members who have participated in various Australian military operations.

Ms Hilary Kramer

She has administrative law experience on the Social Security Appeals Tribunal, Mental Health Review Tribunal, Guardianship Board and in assessing offshore asylum-seeker refugee status claims. She has also undertaken mediation training.

Previously Hilary worked for the Legal Aid Commission representing clients in criminal, prison and mental health law. She has also worked in criminal law research and compiled the report of the Women in Prison Task Force to the Minister for Corrective Services.

Hilary was appointed a member of the VRB in 1998 and senior member in 2006.

Associate Professor David Letts AM CSM RAN

David Letts completed more than 30 years of fulltime service in the RAN at the end of 2012. During his military career David worked as supply officer and a legal officer, as well as holding senior appointments in Navy and Defence. He is now the Director of the ANU College of Law's Centre for Military and Security Law where his academic teaching and research interests centre on the application of the law to all aspects of military legal practice.

Major John Lewis (Retd)

John Lewis is a Barrister & Solicitor in private practice with Lindbloms Lawyers in Adelaide and a graduate of the University of NSW, University of New England and the College of Law. John is a nationally accredited dispute resolution practitioner, an accredited mediator with the Law Society of South Australia, and undertakes pro bono mediations with the Adelaide Magistrates Court. He is also graduate of the Royal Military College Duntroon and his military service included two tours of service with the United Nations in Cambodia. His Unit was awarded a Meritorious Unit Citation in the 2014 Australian Day Honours List.

Ms Josephine Lumb

Ms Lumb holds bachelor degrees in Arts and Law. She has 20 years' plus experience in both legal and policy roles across a range of Commonwealth Government agencies. Ms Lumb worked with the Department of Foreign Affairs and Trade from 1998–2011, including serving on diplomatic posting in Chile from 2001–2004. She also served on the Defence Abuse Response Taskforce in 2014–15. Ms Lumb was appointed to the Defence Honours and Awards Appeals Tribunal as a member in 2017.

Ms Amanda MacDonald

Ms MacDonald has extensive experience working in Commonwealth Administrative Review Tribunals. She was a member, senior member and the Deputy Principal Member of the Migration Review Tribunal and the Refugee Review Tribunal, a member of the Social Security Appeals Tribunal and a Conference Registrar and District Registrar of the Administrative Appeals Tribunal. She is currently a part-time member of the Superannuation Complaints Tribunal. She is also contracted to the Department of Agriculture and Water Resources to implement changes to the Commonwealth biosecurity system. She holds a Bachelor of Science and a Masters in Administrative Law and Policy from the University of Sydney.

Colonel Peter Maher (Retd)

Colonel Maher graduated from the Royal Military College, Duntroon in 1973. He holds a Bachelor of Arts in Military Studies and a Graduate Diploma in Management Studies, and he is a 1984 graduate of the Command and Staff College, Queenscliff. Colonel Maher has overseas service with the United Nations in Kashmir, the British Army in Germany and the United States Marine Corps at Quantico, Virginia. He was the Deputy Chief of Operations, HQ Multi-National Security Transition Command in Baghdad, Iraq in 2006. He completed his Army full-time service in 2007 as the Commander, Land Warfare Centre, Canungra. Colonel Maher was appointed to the VRB in March 2013.

Professor Robert McLaughlin RAN

Prof Rob McLaughlin is Professor of Military and security Law at UNSW Canberra. He researches, publishes, and teaches in the areas of Law of Armed Conflict, Law of the Sea, Maritime Security Law and Maritime Law Enforcement, and Military Law. He routinely engages in research activities, and course development and delivery, with the ICRC, the Australian Red Cross, the International Institute for Humanitarian Law, and the UN Office on Drugs and Crime. Rob joined academia after a career in the Royal Australian Navy as a Seaman officer and a Legal officer.

Mrs June McPhie

Mrs McPhie is a Law graduate with a postgraduate Master of Laws and professional qualifications in Mediation and Physiotherapy. Since 2000 she has been a Director of the University of Sydney Law Extension Committee and Member of the Board for the Faculty of Law at both the University of Sydney and the University of Technology. Having previously served as the President of the Law Society she is currently a Member of their Professional Conduct Committee. She has also been working as the Principal Cost Assessor for the Supreme Court of NSW since 2010.

Ms Jillian Moir

Ms Moir holds a Bachelor of Arts (Hons) and Law from Macquarie University and a Bachelor Science (Psychology) from Wollongong University. She was admitted as a solicitor of the Supreme Court of NSW in 1993. Ms Moir has many years' experience in mediation and conciliation in a number of jurisdictions. In addition to her role at the VRB she is a part-time Senior member (Legal) and mediator at the NSW Civil and Administrative Tribunal (NCAT). She was a part-time Legal member of the Administrative Appeals Tribunal (formerly Social Security Appeals Tribunal) between 2006 and 2017.

Colonel Robin Regan CSC (Retd)

Colonel Robin (Rob) Regan, CSC has over 34 years' service in the Australian Army. He enlisted as a soldier in April 1964, attended the Officer Cadet School, Portsea in 1966 and was

commissioned into the Royal Australian Army Service Corps. He saw operational service with 26 Transport Company in Nui Dat, South Vietnam in 1969/1970. On the disbandment of the Royal Australian Army Service Corps in 1973 he was reallocated to the Royal Australian Corps of Transport and served in a variety of regimental and staff postings including exchanger postings with the British Army and the US Army. He is also graduate of the Australian Command and Staff College and the Joint Services Staff College. In 1988/1989 he commanded the Army School of Transport and in 1990 he was promoted Colonel and served in senior logistics postings until his retirement in February 1998.

In March 1998, Colonel Regan was appointed as a full-time advocate with the RSL Melbourne Branch, representing veterans before the Veterans' Review Board. In August 1999, he was appointed as a Services Member on the Veterans' Review Board, a position he has held since.

Major General Francis Roberts AO (Retd)

Mr Roberts served as an Army Officer from 1970 to 2005. He then held a Senior Executive Service position in the Department of Defence from 2005 until 2013 before undertaking private consultancy work until his retirement in 2014. Mr Roberts has graduated with a Bachelor of Civil Engineering, Master of Science and Graduate Diploma in Management Studies.

Dr Peter Salu

Dr Salu holds a Bachelor of Laws (with Honours) and a Doctor of Philosophy from the University of Adelaide. He commenced legal practice as a solicitor in 1988, and since 2006 he has practised as a barrister. Dr Salu was appointed to the VRB as a Senior Member in 2014.

Brigadier David Thomae

Brigadier David Thomae graduated from the Royal Military College Duntroon in 1988 and was appointed to the Royal Australian Infantry Corps. He has commanded a platoon, company and battalion in the Infantry and is currently the Commander of the 11th Brigade, the reserve brigade in Queensland. His operational service has been with the United Nations in Syria, Lebanon, East Timor and Iraq. Since 2003 he has practised as a barrister in Queensland.

Group Captain Anne Trengove

Group Captain Anne Trengove was reappointed to the Board in July 2018 as a Senior Member, having previously served on the Board from August 2014 to February 2018. She also sits as a member of the Defence Force Honours and Awards Appeals Tribunal.

Group Captain Trengove is a Reserve Legal Officer in the Royal Australian Air Force and has served since 1997. She holds a Bachelor degrees in Arts (Jurisprudence) and Laws from the University of Adelaide, and a Graduate Diploma in Military Law (with merit) from the Australian National University.

Mrs Susan Trotter

Mrs Trotter holds Bachelors of Law and Commerce from the University of Queensland. From 1989 to 1991, Mrs Trotter worked as an Associate with the Administrative Appeals Tribunal and then worked in private practice as a lawyer for 13 years. Mrs Trotter is currently also a member of the Administrative Appeals Tribunal (practising in its Migration and Review, Child Support and Social Security and National Disability Insurance Scheme Divisions) and previously, from 2007, was a member of the Social Security Appeals Tribunal. Further, Mrs Trotter has been a member of the

Migration Review Tribunal/ Refugee Review Tribunal and a reviewer for the Independent Protection Assessment Office. Additionally, Mrs Trotter is an accredited Mediator.

Ms Jennifer Walker

Jennifer served 16 years in the Australian Intelligence Corps (Army Reserve) attaining the rank of Major. She holds a Bachelor of Business and a Diploma of Market Research and is a graduate of the Australian Institute of Company Directors. Jennifer has a varied career in technical, management and organisational development roles, spanning over 30 years, in the private and public sectors, working at all levels of government and in a number of jurisdictions. She also has had extensive experience in consulting including the conduct of board reviews, director recruitment, organization reviews and grievance investigations. She was the CEO of Legacy Australia from 2014 to 2018 and Chaired the Strategic Governance Board of the Advocacy Training and Development Program. Jennifer was initially appointed to the VRB in March 2013 and was reappointed in July 2018.

Commander Sophia White RAN

Sophia White served in the Royal Australian Navy for 16 years, full time, transferring to the Active Reserves in 2018. She has operational experience in Afghanistan, on border protection operations, in Headquarters Joint Operations Command and served as the Fleet Legal Officer in 2017. She is a lawyer and holds postgraduate qualifications including a Master of Laws (Maritime Law) and Master of Military and Defence Studies. She is a member of the Australian Institute of Company Directors.

Ms Tammy Williams

Ms Williams has graduated with a Bachelor of Laws and was admitted in 2002 as a barrister. She began her legal career at the Commonwealth Director of Public Prosecutions in 1997. She has served as a Member of the National Indigenous Council and National Human Rights Consultation Committee before moving into Tribunal work in 2008 with the Children Services Tribunal. She has been a Sessional Member of the Queensland Civil and Administration Tribunal (QCAT) since 2009.

Commander Neville Wyatt RFD RAN

Mr Wyatt served full-time in the Royal Australian Navy from 1981 to 1993. Since then he has continued to serve with the Royal Australian Navy Reserve. He is a graduate in Law and Communications. Since 1993 he has been in practice as a private solicitor. In 1999, he started up his own successful firm now known as Wyatts Lawyers and Advisors, which he continues to run with his legal practitioner wife.

Colonel Leslie Young (Retd)

Colonel Young (Retd) has a Diploma in Law and a Diploma in Criminology. He served in the Australian Army for 22 years holding appointments as Judge Advocate Administrator, Judge Advocate, Defence Force Magistrate and Chief Legal Officer. In his capacity as a Judge Advocate he sat on military trials in Somalia and Cambodia. Prior to his appointment as a Senior Member of the VRB in 1997 he worked as a solicitor advocate which he continues to do on a part time basis as a sole practitioner.

Colonel Warwick Young OAM

Warwick Young has served as an officer in Australian Army since 1991, in both a full-time and part-time capacity. Warwick saw active service in Iraq in 2006 and is currently the Deputy Commander — Training at Headquarters 5 Brigade.

Warwick has a diverse background and is a multi-award winning filmmaker. His films have won multiple awards when screening at several international film festivals.

In 2014 Warwick was instrumental in the design and delivery of the Australian Defence Force Theatre Project, a joint venture between the Australian Defence Force (ADF) and the Sydney Theatre Company.

On Australia Day 2019, Warwick was awarded the Medal of the Order of Australia (OAM) for services to veterans and their families. Warwick has been a Services Member of the Veterans' Review Board since 2008.

Appendix 2

Advertising and market research

We did not undertake any market research and \$13,000 was paid for advertising member vacancies.

There were no other reportable payments made in 2018–19.

Grants

We did not administer any grants programs in 2018–19.

Ecologically sustainable development and environmental performance

The VRB does not develop or administer legislation or policy relating to the environment but takes steps to ensure our operations are environmentally sustainable. We work closely with the Department who provides our accommodation to ensure compliance with a range of Australian Government policies, including the Energy Efficiency in Government Operations Policy and the National Waste Policy. More information can be found in the Department's Annual Report.

We also limit our impact on the environment in day-to-day operations by implementing simple measures such as ensuring lights and electrical devices are switched off when not required, encouraging double-sided printing, providing facilities to support staff who walk or cycle to work, and recycling office waste.

Appendix 3

Glossary

AAT	Administrative Appeals Tribunal.
ADF	Australian Defence Force.
ADR	Alternative Dispute Resolution
ADR processes	Procedures and services for the resolution of disputes, which includes outreach, conferencing, , neutral evaluation and case appraisal.
AD(JR) Act	<i>Administrative Decisions (Judicial Review) Act 1977</i>
Adjournment	Suspension of a hearing.
Applicant	A person or body that has applied for a review (to the VRB or AAT), or applied for an allowance or increase in pension (to DVA).
Applied provisions	Provisions of the VEA that set out the VRB's powers and functions, which are applied by s353 of the MRCA for the purpose of the VRB's review of an original determination under Part 4 of Chapter 8 of the MRCA.
Assessment matter	A case under the VEA concerning the assessment of the rate of disability pension.
Assessment period	Period over which the decision-maker must assess the rate or rates of pension that were payable. It begins on the day the claim or AFI was lodged (the 'application day') and ends on the day the decision-maker determines the claim or AFI, or determines the review.
Attendant Allowance	A fortnightly allowance paid towards the cost of an attendant for a person needing such assistance and who has accepted disabilities involving one of a number of types of amputations or severe types of disability, or an injury or disease similar in effect or severity to a disease of the cerebro-spinal system.
Case Manager	VRB staff member who looks after the administrative matters concerning an application for review.
Case appraisal	The Conference Registrar can request a Case Appraisal be conducted by a VRB member as part of the ADR process. It involves a VRB member examining an application with a view to clarifying the issues, checking that the VRB has jurisdiction and that the applicant has standing, checking sufficiency of information, and readiness for hearing and then providing a non-binding opinion. This is requested to assist the parties to finalise the application.

Certificate of readiness for hearing	A notice to the VRB that all the material on which the applicant wishes to rely has been lodged and the applicant is ready to proceed to a hearing.
Claimant	A person who has made a claim for a pension (to DVA) or claim for acceptance of liability and/or compensation (to the MRCC).
CLIK	Consolidated Library of Information & Knowledge: a computer research tool for decision-makers and pension officers and representatives produced by DVA.
Conference	A meeting conducted by a VRB member or Conference Registrar with the applicant and/or their representatives as part of the ADR program. Conferences allow for discussion and clarification of issues, identification of further evidence that would assist to resolve the application, and consideration of whether the application can be settled without the need for a hearing.
<i>Deledio</i>	<i>Repatriation Commission v Deledio</i> (1998) 83 FCR 82. A Federal Court case that established a four step process by which the beyond reasonable doubt and reasonable hypothesis standard of satisfaction is to be applied in the context of cases to which the Statements of Principles regime applies.
Directions Hearing	A hearing conducted by either the Principal Member or a Senior Member of the VRB for the purpose of clarifying issues that are delaying the progress of an application.
DVA	Department of Veterans' Affairs.
Entitlement matter	A case under the VEA concerning whether an injury, disease, or death is war- or defence-caused.
ESO	Ex-service organisation.
FOI	Freedom of Information: the right to obtain documents from a Commonwealth Department or agency under the <i>Freedom of Information Act 1982</i> .
Liability matter	A case under the MRCA concerning whether an injury, disease, or death is service-related.
Member	A member of the VRB appointed by the Governor-General.
MRCA	<i>Military Rehabilitation and Compensation Act 2004</i> .
MRCC	Military Rehabilitation and Compensation Commission.
Neutral Evaluation	An option under the ADR process for the applicant to request that a VRB member provides a non-binding opinion on the likely outcome of a case.
Original determination	A determination of the MRCC or a service chief under the MRCA that is capable of being reviewed by the VRB or being reconsidered by another delegate of the MRCC or a service chief.

Outreach	The first step in the ADR process is one mandatory outreach. The purpose of outreach is to explain VRB practices to unrepresented applicants and to give them an opportunity to consider representation. For all other cases, the purpose of an outreach is to discuss how the application will proceed before the Board.
Principal Member	The member of the VRB appointed by the Governor-General who is responsible for the national management of the VRB, and who must have legal qualifications.
Reconsideration	A new consideration or review of an original determination under s347 or s349 of the MRCA.
Registrar	VRB staff member who manages a State Registry of the VRB.
Registry	An office of a court, tribunal, or the VRB.
Respondent	A person or body against whom a claim, application, or appeal is brought; the party that responds to an application brought by an applicant.
s31 review	Review by a delegate of the Repatriation Commission.
s37 documents	Documents prepared by the decision-maker for the purpose of an AAT review (also called 'T-documents').
s137 report	Documents prepared by DVA for the purpose of a VRB review.
s148(1) letter	Letter sent to an applicant by the VRB seeking advice concerning how or if the applicant will appear or be represented at the VRB hearing.
s148(6A) request	Request sent by VRB Registrar as delegate of Principal Member to the Secretary of DVA or MRCC seeking further investigation or documents.
s151 adjournment	Adjournment of a hearing by VRB usually at the applicant's request, but can be for any reason.
s152 adjournment	Adjournment of a VRB hearing in order that the presiding member can ask the Secretary of DVA or the MRCC for further investigation or further documents.
s152 request	The request made to the Secretary of DVA or the MRCC by the presiding member of the VRB panel for further investigation or documents.
s347 reconsideration	Reconsideration of an original determination by a delegate of the MRCC or a service chief at their own discretion.
s349 reconsideration	Reconsideration of an original determination by a delegate of the MRCC or a service chief at the request of a claimant. If such a request is made, the person cannot also seek review of the same determination by the VRB.
Senior Member	A member of the VRB appointed by the Governor-General who usually presides at VRB hearings, and who usually has legal qualifications.
Service chief	The Chief of the Army, the Chief of the Air Force, or the Chief of the Navy.

Services Member	A member of the VRB appointed by the Governor-General who was nominated by an organisation representing veterans throughout Australia, and who usually has broad and extensive military experience.
SoP	Statement of Principles determined by the Repatriation Medical Authority.
Special Rate	The highest rate of disability pension (also called the 'TPI' rate). It is paid if the person is blind due to accepted disabilities, or if the person meets certain tests concerning incapacity for work. One of these tests involves being unable to do more than 8 hours of remunerative work a week due to accepted disabilities.
SRCA	<i>Safety, Rehabilitation and Compensation Act 1988.</i>
Telephone hearing	A VRB hearing conducted by telephone between a VRB hearing room and another location.
TIP	Training and Information Program funded by DVA for training pension and welfare officers and representatives, conducted by ESO, DVA and VRB trainers.
VEA	<i>Veterans' Entitlements Act 1986.</i>
Veteran	A person who has rendered eligible war service under Part II of the VEA.
Video hearing	A VRB hearing conducted by video-link between a VRB hearing room and another location.
VRB	Veterans' Review Board.
War-caused death	A death for which liability has been accepted under Part II of the VEA as related to eligible war service.
War-caused disease	A disease for which liability has been accepted under Part II of the VEA as related to eligible war service.
War-caused injury	An injury for which liability has been accepted under Part II of the VEA as related to eligible war service.

Index

A

Access and equity, 2, 5-6, 8, 31

Adjournments, 19

Administrative Appeals Tribunal, 20, 24-27, 44

Alternative dispute resolution, 2, 5, 8, 12-13, 19-21, 23, 29, 32-33, 68-71

Applications

lodged, 8, 18, 22-23

finalised, 5, 8, 18-19, 22-24, 31-34, 40

C

Case appraisal, 12, 43, 68

Case management system, 6, 8, 21, 54

Complaints, 8, 40

Conference, 2, 4, 10, 21, 31-32, 37, 39, 53, 69

Conference Registrar, 6, 10, 13-14, 30, 36, 40, 53-55, 69

D

Directions Hearings, 36

Disability Strategy, 52

E

Employment agreement, 51

Ethical standards, 47

Expenditure, 53-54

F

Fast Track Trial, 32-33

Feedback, 8, 40-43

Fraud control, 55

Freedom of Information, 28

Further evidence

subsection 148(6A) request, 19, 70

H

Hearings, 2-4, 6, 11-13, 19-20, 28, 31-33, 37-39, 55

I

Incapacity for work, 10, 32

Information Publication Scheme, 28

J

Jurisdiction, 10, 23

L

Liability, 10, 69

M

Membership, 3-13, 16, 21, 31-37, 41-49, 51-66

Military Rehabilitation and Compensation, 22, 27, 30, 32, 39, 69

Minister for Veterans' Affairs, ii-iii, 11

N

National Registrar, 5-7, 12, 14, 41, 46

Neutral Evaluation, 12, 69

O

Ombudsman, 24, 28

P

Permanent Impairment, 10

Portfolio Budget Statement, 10

Powers, 10-11, 32-33, 68

Practice Notes, 44

Principal Member, ii, 2-4, 12, 14, 41, 46-48, 51, 57, 69-70

Publications, 44

R

Reasons, 2-3, 32-34, 43

Regional, 20-21, 55

Registrars, 12, 14

Repatriation Commission, 25-26, 30, 32, 39

Representatives, 35, 42

Risk management, 46

S

Section 137 report, 35, 39, 70

Senior management, 14, 46

Staff, 4-8, 12-14, 21, 31, 36-38, 40-42, 46-48, 50-53, 56

T

Training, 53

V

Verbosity, 44

Video hearings, 4, 6, 31, 35, 37-39

Vulnerable Veterans' Protocol, 3, 35

W

Website, 4, 28, 55

Workforce diversity, 51

Work Health and Safety, 53



Veterans' Review Board

Veterans' Review Board Annual Report 2018–2019

Published by the Veterans' Review Board

© Commonwealth of Australia 2019

ISSN 0-818-0679

This work is copyright. Apart from any use permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Commonwealth available from the Veterans' Review Board and inquiries concerning reproduction and rights should be addressed to the Veterans' Review Board by email contact@vrb.gov.au or www.vrb.gov.au.

Publication no. P03965

Photos by Boaz Nothman