



# **Veterans' Review Board**

## **Section 137 Practice Direction**

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## Introduction

If you make an appeal against a Commission decision, the law requires the Secretary of the Department of Veterans' Affairs to provide you with a copy of all of the documents held by the Department, which are relevant to your decision.

These documents are compiled in a report called 'the Section 137 report.' A copy of that report is also required to be provided to the Veterans' Review Board (Board).

If you need help understanding the documents you have received, there are free advocacy services that can offer help and information.

This practice direction acts as a guide to help you understand Section 137 reports.

### When and to whom must Section 137 documents be provided?

The Department must provide you with a copy of the Section 137 report within 6 weeks of receiving your application for review. A copy must also be provided to the Board.

### How must the section 137 documents be provided?

*To the applicant:* By delivering, posting or sending by electronic communication the section 137 document to your nominated contact address.

*To the Board:* Pursuant to section 148(5A) of the VEA, the Principal Member directs that one hard copy of the section 137 report be provided to:

For NSW, ACT, VIC & TAS applications	Sydney Registry
For QLD, SA, NT & WA applications	Brisbane Registry

An electronic copy of the section 137 report is to be provided in addition to a hard copy. The electronic copy should be forwarded to the relevant registry email box.

### What should the section 137 documents contain?

The section 137 report must contain all of the material the Department holds, which is relevant to your decision.

For example, this may include, but is not limited to:

#### *Entitlement and liability cases*

- Documents establishing eligibility to claim (ie: showing service history)
- Service medical records relevant to the disabilities under review (or related SoP factors)
- Documents showing the diagnosis (Claim form, Diagnostic report, Specialist's report, Radiology/Pathology reports, DMO opinion)
- Documents showing status of SoP factors and/or aetiology
- UV Calculation, Spirometry, Audiogram etc where this is relevant to diagnosis
- Previous decisions relating to the disabilities under review

- MRCA Injury and Disease Details Sheet

### *Death Cases*

- Documents establishing dependent status
- Documents establishing veteran's eligibility (ie: showing service history)
- Service medical records relevant to the disabilities under review (or related SoP factors)
- Documents showing cause of death, and potentially contributing causes, of death
- Documents showing status of SoP factors and/or aetiology
- Previous decisions relating to the death or disabilities relevant to the death
- For MRCA death compensation claims – material relating to financial dependency and EYP.

### *Compensation and assessment cases*

- Current Medical Impairment Assessment (MIA) forms
- MIA forms used in the decision under review
- Audiograms, spirometry, visual fields, and associated reports
- Other medical reports relevant to assessment
- GARP Assessment (CIA + worksheets)
- Lifestyle rating forms and lifestyle Questionnaires
- Reports commenting on lifestyle (relevant to the assessment period)
- Previous decisions and MIAs relating to the assessment period
- Documents showing employment history
- All reports relating to incapacity for work
- Documents related to income (TFN's to be redacted)
- Needs Assessment/Incapacity claim form

### **How should the section 137 documents be presented?**

The Section 137 documents are to be arranged in the following order:

- (a) your application for review;
- (b) any section 31 or 347 reconsideration decision and reasons;
- (c) the relevant Commission's decision and reasons;
- (d) your formal claim and/or application for increase;
- (e) all other documents in chronological order from the earliest to latest date.

Items (a) and (d) must contain a clearly visible record of the date the document was received by the Department.

Each document must be identified with a number, commencing with the application for review as 'T1'. Subsequent documents will bear 'T' numbers in sequence. Each page must be numbered sequentially.

The Section 137 documents must be accompanied by a cover sheet, as set out in Attachment A and an index, which sets out the date of each document and a brief

description of each document. The pagination must be set out in the index. All section 137 documents should be provided as double-sided and secured using a plastic binder.

### **Can supplementary section 137 documents be provided?**

Within the 28 days of being given the section 137 documents you may provide the Department with your comments on the report. This must be done in writing.

The Department may then conduct a further investigation as a consequence of your comments. Any further material obtained must also be sent to you and the VRB. These documents are referred to as 'Supplementary Section 137 documents'.

Additionally, if after the Section 137 report is provided, you or the Department obtain additional documents relevant to your application for review, for example, a new decision is made about further conditions, a copy of those documents is required to be given to the Board. These documents are also referred to as 'Supplementary Section 137 documents'.

### **Departmental files**

In the past, the Board would ask the Department for the original files it held containing your service and medical records, which Board members could review before your hearing.

Recently, the Department has digitised all of its files. As a result, paper files are generally no longer held by the Department. The Board will no longer request your paper files to be provided.

It is therefore important that the Section 137 report provided by the Department is fully complete and includes all of the material relevant to your decision. This includes material which may be favourable or unfavourable to your case.

If you or your representative consider the Section 137 report does not contain material that is reasonably expected to exist, you can ask for this material during an Alternative Dispute Resolution process. You will need to clearly identify the material you seek as the Board will make a direction for specific documents only, and will not request the Department to provide your entire file.

If you would like a copy of your Departmental file, you can make an 'Information access' request to the Department.

Jane Anderson  
Principal Member

VRB no:  
DVA file no:  
UIN:

**SECTION 137 DOCUMENTS**

**Applicant's First Name, LAST NAME**

**and**

**Relevant Commission**

Name	
Date of birth	
Arm of service	
Accepted conditions (and relevant Act)	
Non accepted conditions	



Receipt of AFR by DVA	
Commission decision	
Receipt of claim by DVA	

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