



Australian Government
Veterans' Review Board

VETERANS' REVIEW BOARD ANNUAL REPORT 2011–12



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Information about the VRB is available on the Internet. The VRB's Internet address is: www.vrb.gov.au.

This annual report can be found on-line at www.vrb.gov.au/publications.html

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Australian Government
Veterans' Review Board

The Hon Warren Snowdon MP
Minister for Veterans' Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister

In accordance with subsection 215(4) of the *Veterans' Entitlements Act 1986*, I present my report on the operations of the Veterans' Review Board for the year ending 30 June 2012.

This report has been prepared in accordance with the Requirements for Departmental Annual Reports issued by the Department of the Prime Minister and Cabinet, to the extent that they are relevant to the Board's operations.

Yours sincerely,

A handwritten signature in dark ink that reads "Doug Humphreys".

Doug Humphreys
Principal Member
10 September 2012

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PART 1 – PRINCIPAL MEMBER'S REPORT

PART 1 – PRINCIPAL MEMBER’S REPORT

It gives me great pleasure to provide this report on the Board’s operations. This year has been challenging due to an unexpected increase in applications for review. A total of 3338 applications for review were received between 1 July 2011 and 30 June 2012, representing an increase of 1.9% over the previous year. This is in strong contrast to previous financial years, where generally the VRB’s intake had been steadily decreasing each year by an average of 10%.

I am very pleased with the Board’s achievements for 2011–12. In relation to our workload, the Board finalised 3328 applications, only 10 matters less than what we had received. This is particularly pleasing given the increase in the number of new applications for review, along with the fact that members have continued to report increasing complexity in applications. This outcome was achieved by shifting limited resources into conducting additional hearings as compared to what had originally been budgeted for. In addition, we had a number of members leave the Board in 2011–12 and newer members have taken time to become fully productive.

The Board’s outcomes in terms of time taken to process (TTTP) and the number of cases more than 2 years old are also positive. Our TTTP for 2011–12 was again under the 12 month aim set in the Board’s General Practice Direction, being 355 days. Matters more than 2 years old also remained low in 2011–12, comprising 5.7% of our total caseload, continuing the good work in reducing older matters last year. These figures are positive indications of the work achieved this financial year.

The quality of our decision making remains high and there was a reduction in the number of appeals to the Administrative Appeals Tribunal (AAT). Only 15.6% of Board decisions made in 2011–12 were the subject of review by the AAT, compared with 17.2% in the previous year.

In 2011–12, the Board continued to review its case management practices to ensure that it is offering high quality merits review in reasonable time. A number of initiatives were implemented this year aimed at assisting the Board to manage its caseload better. These included a review of the General Practice Direction and the introduction of an Adjournment Practice Direction and Alternative Dispute Resolution (ADR) process for all Board applications. These ADR processes have been primarily in the form of case appraisals. The benefit of these initiatives were reflected not only in the Board’s TTTP but also in the reduction of numbers of matters that proceeded to a hearing. Of those matters which were referred for an ADR process, over 30% resulted in a decision on the papers being published. This work will continue in 2012–13, particularly in the context of changes resulting from the recommendations made in the “Review of Military Compensation Arrangements”.

Turning to finance, the Board was able to schedule more hearings in 2011–12 (2533 hearings) and return a small surplus of around \$20,000, when the impact of one off redundancies are excluded. I believe this is an extremely positive outcome, especially when the increase in applications to the Board is considered. Without close management of the Board’s finances and further reductions in travel, expenditure on office expenses and staffing levels, this positive result would not have been achieved.

In terms of the Board’s membership, I would like to acknowledge Francis Harding Benfield OAM who retired from the Board and Christopher Keher who resigned from the Board in 2011–12. Francis and Christopher were extremely valued members of the Board, Francis in particular with many years of service. I note the award of an OAM to Francis for his work over many years on behalf of the ex-service community in a variety of roles. I would like to thank both Francis and Christopher for their significant contribution to the Board over the term of their appointments. It was also pleasing to note the award of an OAM to Senior Member Leslie Young for his service to the law and the community over many years.

The Board also welcomed 4 new members in 2012; Iain Whitehouse, Christopher Hamilton and Jay Bruce, and Graham Quinlivan who completed a 3 day induction program in late January. The new members also completed follow up training sessions on more complex topics, including GARP and MRCA. I would like to acknowledge and thank those members who both trained and acted as mentors for our new members. In addition, the Board also welcomed back a very valued and experienced member in NSW, Frank Brown, who I was delighted to see return to the Board in 2012.

A key to the delivery of high quality services is the knowledge and skill of Board members and staff. The National Members and Staff Conference was held in September 2011 at the RAAF Base in Glenbrook. The key note speaker was Professor Robin Creyke, Senior Member at the Administrative Appeals Tribunal. Other speakers included Senior Member Anne Britton, professional editor Michael Wall and Dr Grant Lester. Staff also participated in a training workshop, which was developed by the Council of Australian Tribunals and was facilitated by Dr Meredith Martin and Mary Ellen Burke. Australian Defence Force (ADF) familiarisation training at Holsworthy Base was also a component of the conference. The insight provided by current Service personnel to our members and staff was absolutely invaluable. I look forward to facilitating more ADF familiarisation training for our members and staff in 2012–13.

In 2012, the VRB also conducted its first ever member and staff survey and released a comprehensive Member Appraisal Package and Competency Framework. The package was informed by the appraisal frameworks used by a number of Commonwealth and State Tribunals, as well as the Tribunal Framework for Excellence. The package will closely inform member training and development activities in 2012–13. Members participated in the first round of appraisals in early 2012. A final assessment will be conducted at the end of 2012. Both of these initiatives were implemented in response to the Framework for Excellence, developed by the Council of Australasian Tribunals. In 2012–13, the Board will be appointing two external auditors to assess its progress in meeting the eight areas of tribunal excellence identified in the Framework for Excellence.

In 2011–12, the Board continued to be an active member of the Council of Australasian Tribunals (COAT) and to participate in the meetings of the Commonwealth Heads of Tribunals and Commonwealth Registrars of Tribunals. Our members and staff have attended a number of external conferences facilitated by COAT. This has provided an opportunity for members and staff to discuss issues of mutual interest and participate in professional development, along with their peers from other Commonwealth and State Tribunals.

In terms of the information and services we provide to users, in 2012–13 we released Alternative Dispute Resolution Guidelines, a Fair Hearing Obligation guideline and a practice note “What does the VRB decision mean?”. In addition to our regular practice notes on recent Federal Court cases, we have also continued to issue VRB case notes, dealing with practice and procedure issues, which are published on the website. We have also continued to provide services such as a quarterly staff and member bulletin, Discourse and the annual edition of VerBosity. A revised representatives handbook is due to be published early in the 2012–13 financial year.

The Board also held advocate liaison forums across the country in 2011–12. At the forums, the Board provided reports on caseload and policy or procedural changes, such as the introduction of ADR. The feedback we have received from the forums has been extremely positive. I would like to thank all of the advocates and representatives who attended these forums, along with Board members and staff.

As Principal Member I have continued to take on a busy case load sitting in hearings on a regular basis around Australia. Through sitting regularly, I have developed a sound understanding of the issues important to regular users of the Board. In addition, I have been able to mentor new Board members and continue to develop a strong rapport with our membership across Australia.

I would like to thank all members and staff of the Board for their contribution to maintaining the high quality of its services during the year, as we have sought to manage the increase in our caseload. The Board will face significant financial challenges in 2012–13, particularly as applications for review continue to increase. It may be difficult to maintain current disposal rates and consequently TTTP. Nonetheless, I am looking forward to another productive year, providing quality service to the community the Board serves. It remains both an honour and a privilege to provide this service to Veterans, members of the ADF and their families.

Doug Humphreys

Doug Humphreys
Principal Member
Veterans’ Review Board



PART 2 – THE ROLE OF THE VRB

PART 2 – THE ROLE OF THE VRB

The Veterans’ Review Board (VRB) is a statutory body whose role is to provide independent merits review.

The VRB is not a court, but a specialist high volume tribunal. Merits review means the VRB makes a fresh decision that it considers is the correct or preferable decision in all the circumstances. In doing so, the VRB exercises the same statutory powers, and is subject to the same limitations, as the decision–maker whose decision it is reviewing.

The VRB was established by the *Repatriation Legislation Amendment Act 1984* and began operations on 1 January 1985. It was continued in existence by the *Veterans’ Entitlements Act 1986* (the VEA), which came into effect on 22 May 1986. Since then the VRB’s operations have been governed by the VEA.

In conferring additional jurisdiction on the VRB, the *Military Rehabilitation and Compensation Act 2004* (the MRCA) applies provisions of the VEA with some modifications. This means that the VRB operates under the VEA, as modified, when deciding matters under the MRCA or the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004*.

The VRB is a part of the governmental machinery for the delivery of Repatriation benefits to veterans and their dependants, and rehabilitation and compensation to members and former members of the Australian Defence Force (ADF) and their dependants. The principal components of the system are:

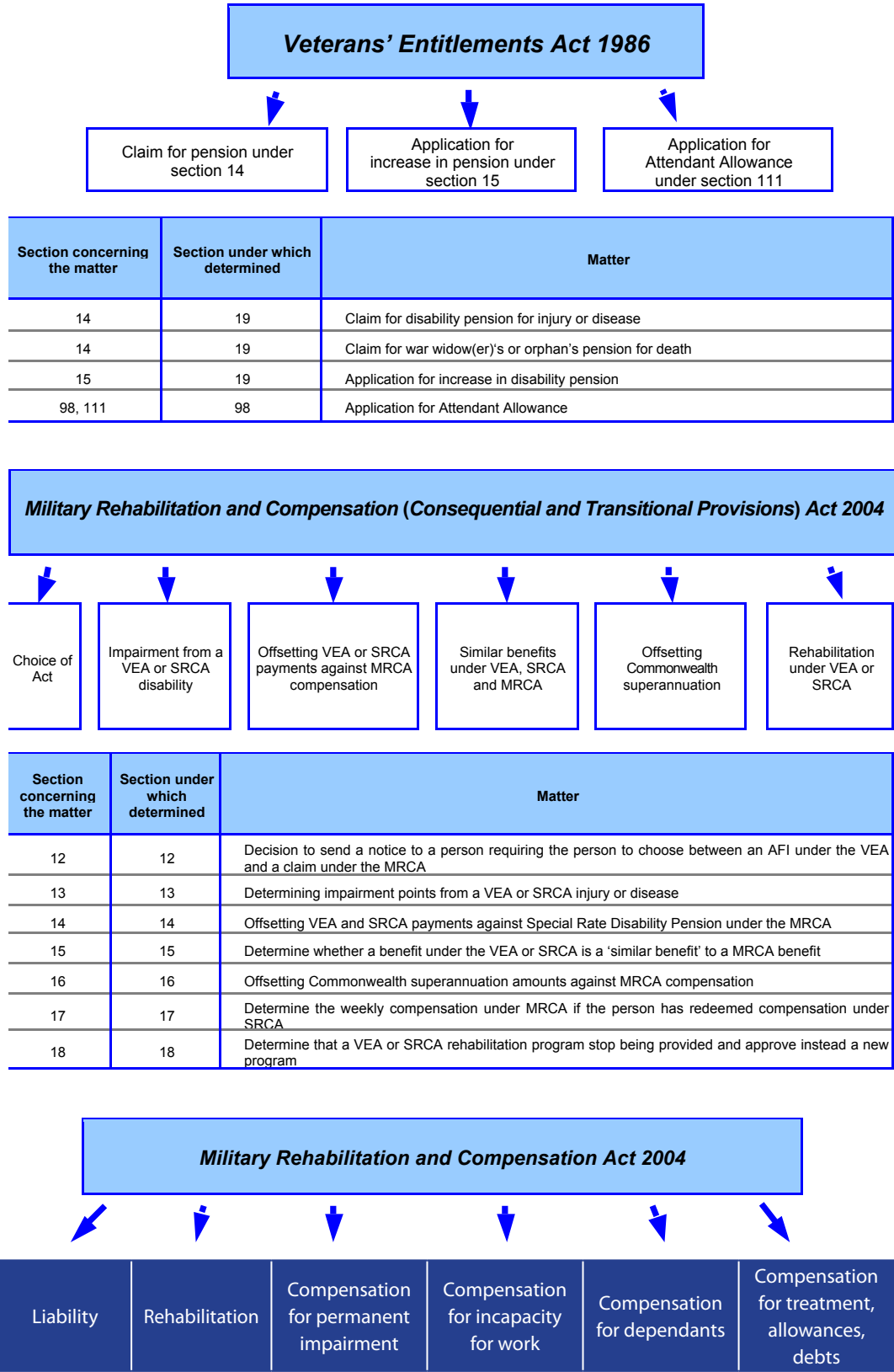
- the Department of Veterans’ Affairs;
- the Repatriation Commission;
- the MRCC;
- the VRB; and
- the Administrative Appeals Tribunal.

Although the VRB comes within the Minister for Veterans’ Affairs portfolio and for administrative purposes is included as a sub–program in the Department of Veterans’ Affairs, it is an independent statutory authority. The Minister has no statutory power of direction over the VRB.

REVIEWABLE DECISIONS

The VRB does not have a general power to review decisions made under the VEA or MRCA. As a statutory tribunal it has only those powers given to it by legislation. The VRB must be able to identify a specific provision that authorises it to make a particular decision or take a particular action. Each decision must relate to a prior decision – the decision under review. The VRB substitutes its own decision for the decision it is reviewing if it thinks the decision should be changed. It makes a new decision in place of the previous decision. In substituting that for the original decision, the VRB may exercise all the powers and discretions that are conferred on the Repatriation Commission, the MRCC or a service chief. The legislative provisions concerning decisions or determinations that the Board has jurisdiction to review are set out below.

Reviewable decisions under VEA and MRCA



Section concerning the matter	Section under which determined	Matter
CHAPTER 2		ACCEPTING LIABILITY
23	333	Liability for service injury or disease
24	333	Liability for service death
CHAPTER 3		REHABILITATION
44	44	Whether to carry out an assessment for rehabilitation
45	45	Require a person to undergo an examination
48	48	Payment of costs reasonably incurred in connection with an examination
51	51	Whether the person is to undertake a rehabilitation program
51	51	Content of a rehabilitation program
53	53	Cessation or variation of a rehabilitation program
58	333	Whether an alteration, aid or appliance is reasonably required
58	333	Amount of compensation for alteration, aid or appliance
61	61	Assist the person in finding suitable work
64	64	Appointment of a case manager
CHAPTER 4		COMPENSATION FOR MEMBERS AND FORMER MEMBERS
68	333	Whether the person suffers an impairment that is permanent and stabilised
68	333	Degree of impairment
68	333	Date on which the person became entitled to compensation under s68
71	333	Additional compensation
74	333	The effect on lifestyle
75	333	Interim compensation
78	78	Whether to extend the choice period
82	333	Amount of compensation for financial advice
89	333	Amount of compensation for incapacity for service or work for members
118	333	Amount of compensation for incapacity for service or work for former members
201	201	Whether to extend the choice period
203	333	Whether to receive special rate disability pension
206	333	Amount of compensation for financial advice
212	333	Compensation under the Motor Vehicle Compensation Scheme
214	333	Compensation for household services
217	333	Compensation for Attendant care services

221	333	Telephone allowance
226	333	Compensation for loss of, or damage to, medical aids
CHAPTER 5		COMPENSATION FOR DEPENDANTS
233	333	Compensation for wholly dependent partners re death
236	236	Whether to extend the choice period
240	333	Amount of compensation for financial advice
242	333	Compensation for wholly dependent partners re permanent impairment and incapacity
244	333	Directions re payment if 2 or more partners entitled to compensation
245	333	Telephone allowance
251	333	Compensation for eligible young person re death
255	333	Compensation for eligible young person re permanent impairment and incapacity
257	333	Directions re payment if 2 or more eligible young persons entitled to compensation
263	333	Compensation for other dependants
267	333	Funeral compensation
CHAPTER 6		TREATMENT
271	276	Compensation for cost of treatment under Part 2
273	276	Compensation for cost of treatment before determination of entitlement under Part 3
291	333	Compensation for cost of accommodation relating to treatment
291	291	Approval of an attendant to accompany the patient
293	333	Compensation for cost of journey relating to treatment
297	333	Compensation for transportation of another person to hospital or mortuary
300	333	Pharmaceutical allowance
315	315	Amount of overpayment to be recovered
316	316	Amount of interest to be recovered
317	317	Reduction of payment because of previous overpayment
CHAPTER 7		CLAIMS
320	320	Approval of person to make claim on behalf of a person
325	325	Needs assessment
328	328	Requiring a medical examination

330	330	Refusal to deal with a claim for failure to comply with obligation notice
333	333	Determination of claim for compensation
340	340	Determination overriding RMA decision concerning a SoP
342	342	Onset date of incapacity for service or work
343	343	Date of death
CHAPTER 10		LIABILITIES APART FROM THE ACT
398	398	Deductions from an award of damages for compensation paid and costs incidental to claim
CHAPTER 11		MISCELLANEOUS
424	333	Special assistance
428	428	Amount of debt that should be written off
429	429	Amount of debt that should be waived

APPLYING FOR REVIEW

An application to the VRB has to be in writing and lodged at an office of the Department. An application under the MRCA or an application concerning an entitlement matter under the VEA must be received by the Department within 12 months of notice to the applicant of advice of the decision he or she wishes to challenge. An application under the VEA concerning an assessment matter or an Attendant Allowance must be lodged within three months of notice of the decision.

THE CONDUCT OF REVIEWS

The parties to a review by the VRB are the applicant and the relevant Commission. If the matter concerns rehabilitation of a serving member of the ADF under the MRCA, the relevant service chief may choose to be a party.

An applicant may appoint a representative to assist with his or her case. However, lawyers cannot present a case at hearing (s147(2) of the VEA).

Within six weeks of receiving an application, the relevant Commission must provide the applicant with a report prepared in accordance with s137 of the VEA. That report contains a copy of those documents from the Department's files that Departmental staff have identified as relevant to the decision or determination under review.

On receiving these documents from the Department or the MRCC, the VRB writes to the applicant and the relevant Commission or service chief requesting written advice about whether they intend to be represented at the hearing. In addition, the applicant is asked whether he or she wishes to:

- attend the hearing of the application;
- discuss the application with the VRB by telephone or video link during the hearing; or
- have the VRB deal with the application in his or her absence.

If neither party wishes to be represented at or participate in a hearing ('in absentia' cases), the application is normally placed before a VRB panel for review without further correspondence with the parties.

The VRB is not bound by technicalities or the rules of evidence. Hearings are informal and normally conducted in private. The presiding member determines who may be present and, if requested by the applicant, may permit a hearing to take place in public. Although not usual, witnesses may be summoned and evidence may be taken on oath or affirmation.

Apart from 'in absentia' cases, all hearings are recorded to provide an accurate record of what is said. Copies of the recordings are made available free of charge to the parties on request, or the original recording may be listened to at the VRB's premises. The recording is retained for two years and then destroyed in accordance with the Archives Act 1983.

Issues are decided according to the opinion of the majority of members constituting the VRB panel. A copy of the decision and reasons of the VRB is mailed to each party, the applicant's representative and, under the VEA the Department of Veterans' Affairs or under the MRCA for currently serving members, the relevant Service Chief.

The VRB decision may affirm, vary or set aside the decision under review. If the decision is to set aside, the VRB must substitute its own decision – it cannot generally remit the decision-making to the relevant Commission.

The VRB may adjourn the hearing of a review, either at the request of the parties or of its own volition. Upon an adjournment the VRB may also request the Secretary of the Department of Veterans' Affairs or the MRCC to seek additional information, reports or evidence for consideration by the VRB.

VISION, PURPOSE AND VALUES

Our Outcome

To provide a means of review that is fair, just, economical, informal and quick in an environment, which ensures respect for the service of applicants and dignity in the conduct of proceedings.

Our Mission

To deliver high quality independent merits review of decisions and determinations in a timely fashion using alternative dispute resolution processes where appropriate.

Our Values

The Board seeks to integrate administrative law values of fairness, openness, accessibility and efficiency with high standards of professionalism reflecting independent and impartial minds, respect for the dignity of others, personal integrity and diligence.

THE VRB AT A GLANCE 2011–12

Applications lodged	3338
Applications decided	3328
Applications on hand	2888
% of matters Set Aside	43.4%
% of matters Affirmed	47.4%
Average time taken to decide an application (weeks)	51
% of decided cases where applicant represented	89.1%
Hearings arranged	2533
% of decided cases where hearing held	59.40%
% of applications appealed to the AAT	15.60%
Members	36
Staff	25
Cost	\$5.752M

MEMBERSHIP OF THE VRB AS AT 30 JUNE 2012

PRINCIPAL MEMBER

Douglas Humphreys

AUSTRALIAN CAPITAL TERRITORY

Part–Time Senior Member:

Patrick Callioni

Part–Time Services Member:

Mark Bornholt

Part–Time Member:

Allan Anforth

NEW SOUTH WALES

Part–Time Senior Member:

Jenny D’Arcy
Hilary Kramer
Les Young

Part–Time Services Member:

Frank Burt
Janet Hartmann
Roger Tiller
Bruce Wood
Warwick Young

Part–Time Member:

Zita Antonios
Moir Brophy
Simon Hart
Jill Moir

VICTORIA

Part–Time Senior Member:

Jackie Fristacky
Christopher Wray

Part–Time Services Member:

Rob Regan

Part–Time Member:

Rhonda Galbally
Carmel Morfuni

QUEENSLAND

Part–Time Senior Member:

Alison Colvin

Sylvia Winters

Part–Time Services Member:

Rick Main
Jay Bruce
Christopher Hamilton
Iain Whitehouse

Part–Time Member:

Scott Clark
Morag McColm

SOUTH AUSTRALIA

Part–Time Senior Member:

Edward Jolly

Part–Time Services Member:

Robert Black

WESTERN AUSTRALIA

Part–Time Senior Member:

Gary Barrow

Part–Time Services Member:

Greg Mawkes

Part–Time Member:

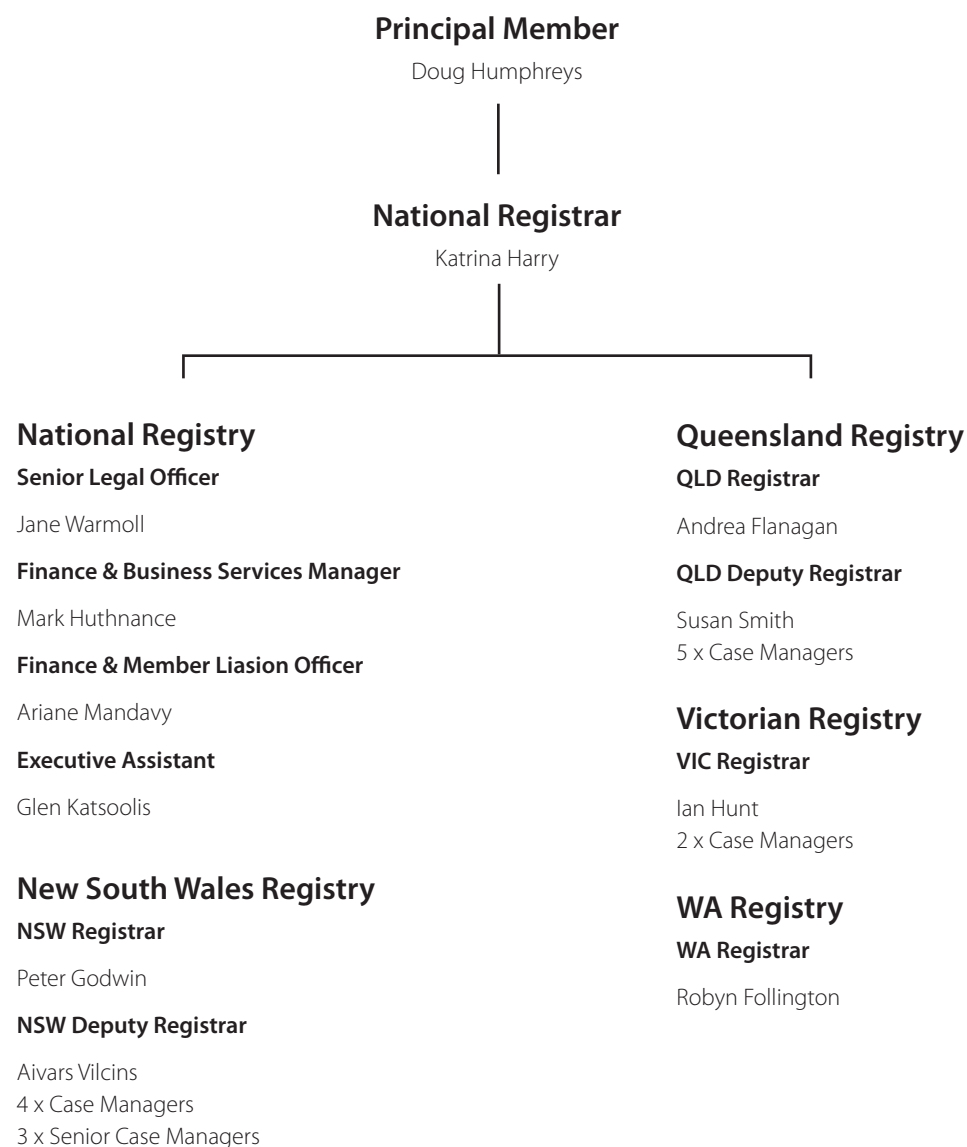
Geoffrey Hourn

TASMANIA

Part–Time Services Member:

Stuart Bryce

STAFF ORGANISATIONAL CHART AS AT 30 JUNE 2012



VETERANS' REVIEW BOARD BUSINESS PLAN 2011–12

ABOUT THE VETERANS' REVIEW BOARD

Our role and purpose

The Veterans' Review Board (VRB) is an independent tribunal that reviews certain decisions of the Repatriation Commission and decisions made under the Military Rehabilitation and Compensation Act 2004. The Board was established by the Repatriation Legislation Amendment Act 1984 and began operating on 1 January 1985. The Veterans' Entitlement Act 1986 preserves the continuing role of the VRB, as does the Military Rehabilitation and Compensation Act 2004.

Our Outcome

To provide a means of review that is fair, just, economical, informal and quick in an environment, which ensures respect for the service of applicants and dignity in the conduct of proceedings.

Our Mission

To deliver high quality independent merits review of decisions and determinations in a timely fashion using alternative dispute resolution processes where appropriate.

Our Values

The Board seeks to integrate administrative law values of fairness, openness, accessibility and efficiency with high standards of professionalism reflecting independent and impartial minds, respect for the dignity of others, personal integrity and diligence.

Our Strategic Agenda

There are four key strategic areas to which our direction, leadership and the management and allocation of our resources need to be directed over the next financial year. These are:

- **Our Users**
- **Our People**
- **Our Organisation**
- **Our Partners**

STRATEGIC CONTEXT

Our Users

Goals	Strategies	Key targets 2011-12	Outcomes
To finalise a high number of applications for review and provide a high assurance that decisions are correct	<p>Improve the extent to which reviews are fair, just economical, informal and quick.</p> <p>Establish communication processes to ensure our users understand our processes and decisions</p> <p>Respond appropriately to feedback</p>	<p>Continually improve guidance, procedures, and information for applicants and representatives in relation to the conduct of reviews including:</p> <p>Continue to issue annual edition of VerBosity, practice & case notes</p> <ul style="list-style-type: none"> Continue to revise and improve online submission templates. Continue to issue, monitor and report on 6 monthly user surveys. Continue to monitor and report on complaint handling policy. Continue to convene user forums and participate in external forums. Revise members manual including guidance on balancing quality decisions and timely outcomes. Conduct a regular forum with the reviews area of the Department to ensure that members, applicants and their representatives have access to all relevant information from the Department. Convene regular meetings of members to canvass issues impacting on decision making and regular meetings of registrars to canvass issues impacting on case management. 	<p>Board users have equitable access to fair, just, economical, informal and quick merits review.</p> <p>The Board communicates effectively with its users to ensure understanding of its work, process and decisions.</p> <p>Board procedure and improved publications are informed by user feedback.</p> <p>Board processes and procedures are monitored and improved.</p>

	Maintain effective case management arrangements and continue to investigate ADR opportunities and introduce the use ADR powers at the Board.	Continue to develop a more active case management regime	
	Improve the overall timeliness of reviews	<p>Articulate clear timeliness expectations and monitor and report on performance.</p> <ul style="list-style-type: none"> Encourage innovation in case management practices through regular review. Increased use of video technology for hearings 	

Our people

Goals	Strategies	Key targets 2011-12	Outcomes
To promote professional culture and involve all staff in communicating and implementing the Board's vision and outcomes in safe workplace that values diversity.	Encourage a culture that values and respects collaboration, innovation, responsiveness, participation and diversity.	<p>Review feedback from the National Conference 2011 and direct into planning process for 2013.</p> <p>Offer secondments opportunities for staff within the Department and explore other opportunities to work collaboratively and encourage cross-skilling</p> <p>Develop and implement Member Competency Framework</p> <p>Celebrate organisational achievements and recognise excellent individual and team performance</p>	<p>Members and staff have the skills, knowledge, commitment and tools to deliver high-quality services.</p> <p>New members participate in a high-quality induction and ongoing training and information sessions.</p> <p>Obtain organisational feedback from staff/ members.</p>
	<p>Ensure communication within the organisation is clear, regular and two way.</p> <p>Seek, and respond appropriately to, feedback from members and staff.</p>	Continue to host regular meetings of the members training committee, members consultative group and senior member forum.	

		Continue to conduct regular member/staff survey. Continue to publish the discourse bulletin, featuring key decisions.	
	Regularly monitor and review the performance of members	Invest in professional development of members including: <ul style="list-style-type: none"> • promote member professional development policy • continue to conduct member training and promote external training opportunities • Develop and conduct module 2 of the MRCA training program • Continue to review and add relevant content to the Board's collaborative tools site. Develop Member Performance Review and Assessment Guidelines and conduct annual performance reviews for all members (and 6 month updates) in accordance with the guidelines.	
	Continue to meet obligations of the Department's performance management framework for staff and ensure it supports effective performance management	Continue to participate in performance management framework and conduct annual performance reviews for all staff (with 6 month updates). Senior staff to attend performance feedback scheme workshops and to familiarise with the Department's guidelines for managing under performance to support effective staff. Liaise with the Department to review and improve recruitment processes to achieve more streamlined outcomes.	

Our organisation

Goals	Strategies	Key targets 2011-12	Outcomes
To be an organisation with processes in place to complete all stages of review under the Board's control on a timely basis and use resources efficiently	<p>Ensure accommodation and facilities meet the Board's needs.</p> <p>Maximise use of technology, including improving IT systems such as vrbSAM to support productivity</p> <p>Ensure we meet our accountability and reporting obligations</p> <p>Ensure the efficient, effective and economical allocation of resources to optimise outcomes for applicants</p>	<p>Monitor MoU for use of AAT facilities.</p> <p>Continue to enhance IT systems including MRCA upgrades and replacement systems for vrbSAM.</p> <p>Prepare a 3-5 Year Strategic Plan covering organisational outcomes.</p> <p>Monitor key reporting arrangements to ensure they fulfil our reporting obligations</p> <p>Allocate available resources to meet key priorities and ensure the capability to meet caseload demands</p> <p>Investigate on-line enquiry, on-line lodgement and e-communication capabilities with the Department.</p>	<p>Planning and organisational decisions are based on timely, accurate and relevant information.</p> <p>IT and other systems allow staff to work more efficiently and provide high-quality service.</p> <p>Ensure budget and activity levels are financially sustainable and make best use of resources.</p>

Our Partners

Goals	Strategies	Key targets 2011-12	Outcomes
To co-operate with DVA, government, other tribunals, the Ex-Service community and other interested groups	<p>Develop and enhance our links DVA, government, other tribunals and the Ex-Service community.</p> <p>Provide clear information to applicants and representatives about our service standards</p> <p>Ensure applicant, representative and stakeholder interests and needs are considered in developing policies and procedures</p> <p>Engage positively and effectively with key agencies and Ex-service organisations and groups</p>	<p>Continue resource sharing arrangements with courts and tribunals and seek out further opportunities to share resources.</p> <p>Continue to provide standardised Advocacy Seminar and training presentations, where invited.</p> <p>Participate in ESO forums and congresses, conferences and other events relevant to the work of the Board.</p> <p>Maintain and Enhance Relationships with DVA by attending regular senior management forums and events.</p> <p>Review the Service Charter and complaints policy every two years.</p> <p>Conduct client and stakeholder surveys every 6 months to elicit feedback on needs and on our performance</p> <p>Maintain and enhance advocates liaison meetings</p>	<p>Better understanding of the VRB and its role in the decision-making process.</p> <p>The Board is viewed as actively engaging in cost saving opportunities while maintaining service delivery.</p>

PART 3 – WORKLOAD AND PERFORMANCE REPORT

PART 3 – WORKLOAD AND PERFORMANCE REPORT

The Board contributed to the delivery of Repatriation benefits to veterans and their dependants, and rehabilitation and compensation to members and former members of the Australian Defence Force (ADF) and their dependants through the provision of quality and timely reviews of decisions, completing 3328 reviews. The outcomes of review were favourable to applicants in 43.4% of cases decided.

OUTCOMES STRUCTURE

The objective of the VRB is to provide a means of review that is fair, just, economical, informal and quick in an environment, which ensures respect for the service of applicants and dignity in the conduct of proceedings. The VRB measures its performance against this objective using a number of reporting mechanisms including:

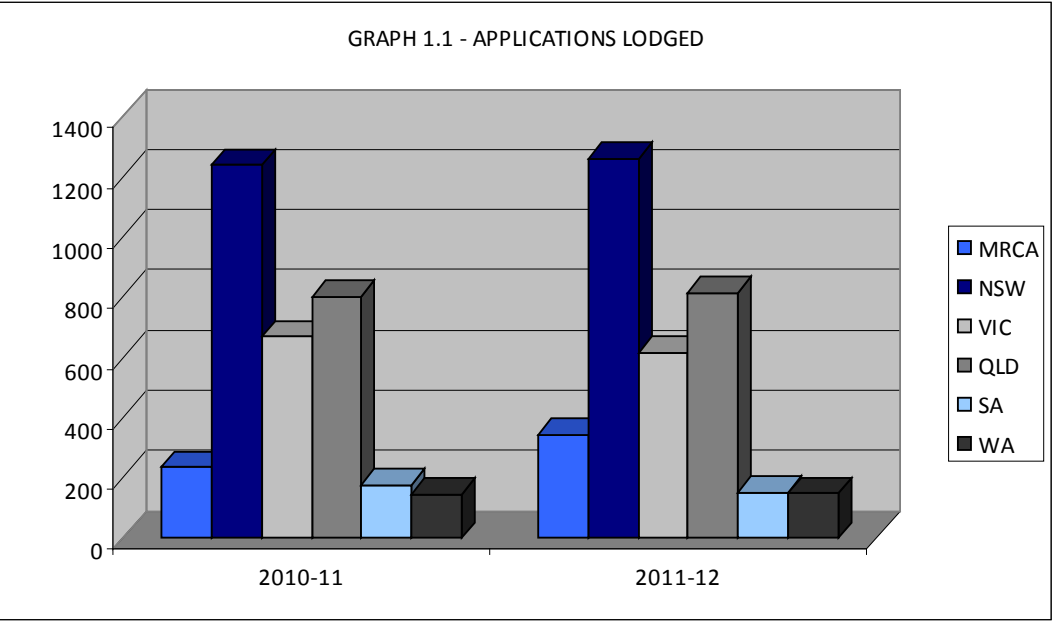
- Outcome 1: Finalise a high number of applications for review
- Outcome 2: High assurance that review decisions are correct
- Outcome 3: Complete all process stages under VRB control on a timely basis
- Outcome 4: Undertake reviews in a manner that is efficient in resource useage
- Outcome 5: Accessible and responsive to the veteran community and stakeholders

OVERVIEW OF CASE LOAD

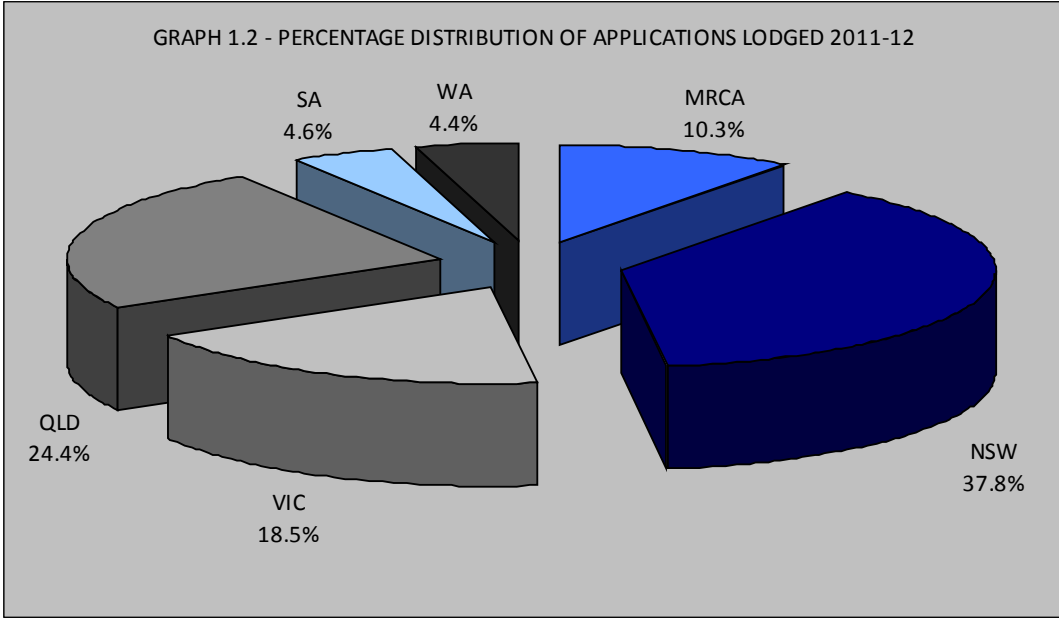
In the reporting year, the VRB received 3338 applications, finalised 3328 applications and had 2888 active applications at the end of the year.

APPLICATIONS LODGED

In the course of the year, 3338 new applications were lodged. The number of applications increased by 1.9% over the previous year's total, reversing a downward trend. MRCA cases comprised 10.3% of new cases lodged at the VRB. This represented a 31.3% increase over the previous year.



Board applications were predominately received from the major urban areas. 37.8% of applications were lodged in NSW, 24.4% in Queensland, 18.5% in Victoria, 4.6% in South Australia and 4.4% in Western Australia. NSW includes ACT figures; Victoria includes Tasmanian figures, and South Australia includes Northern Territory cases.



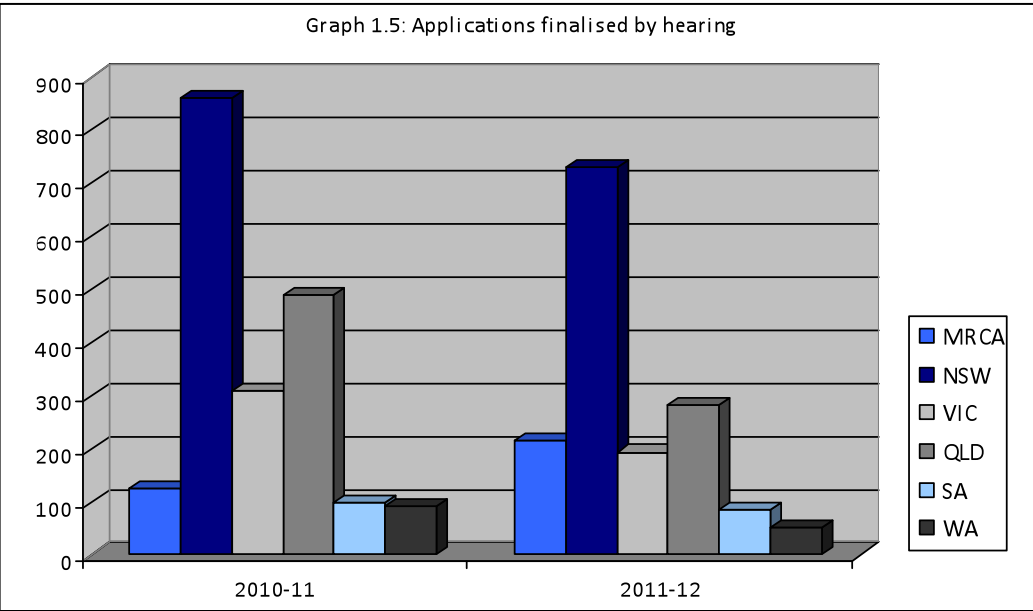
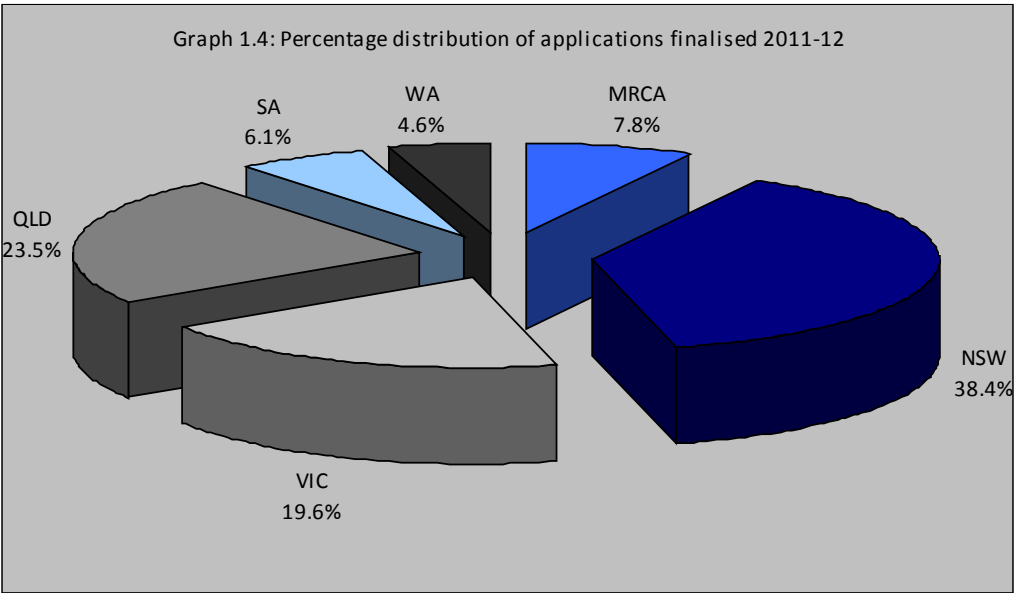
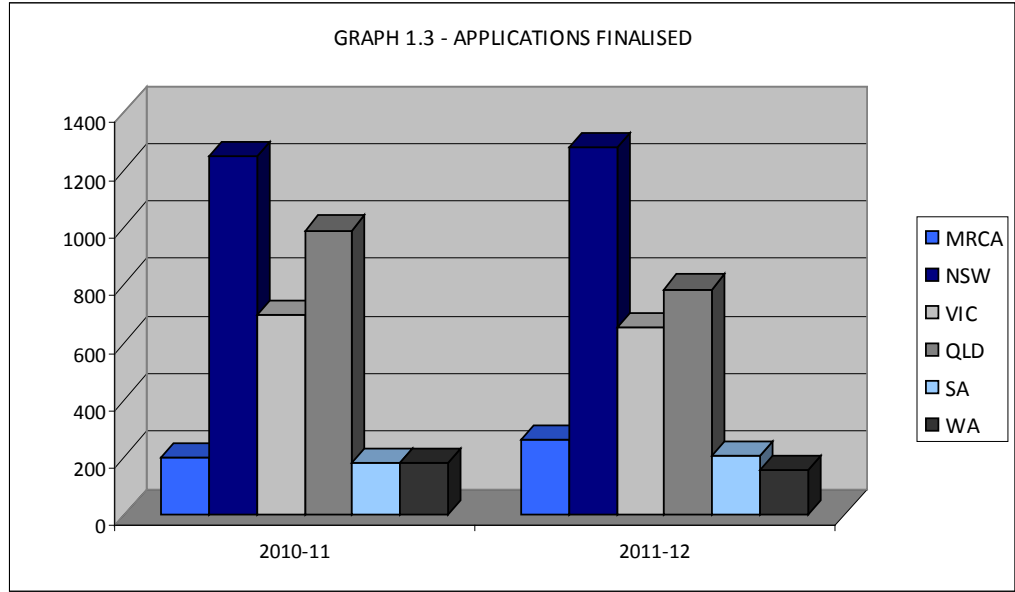
OUTCOME 1: FINALISE HIGH NUMBERS OF APPLICATIONS

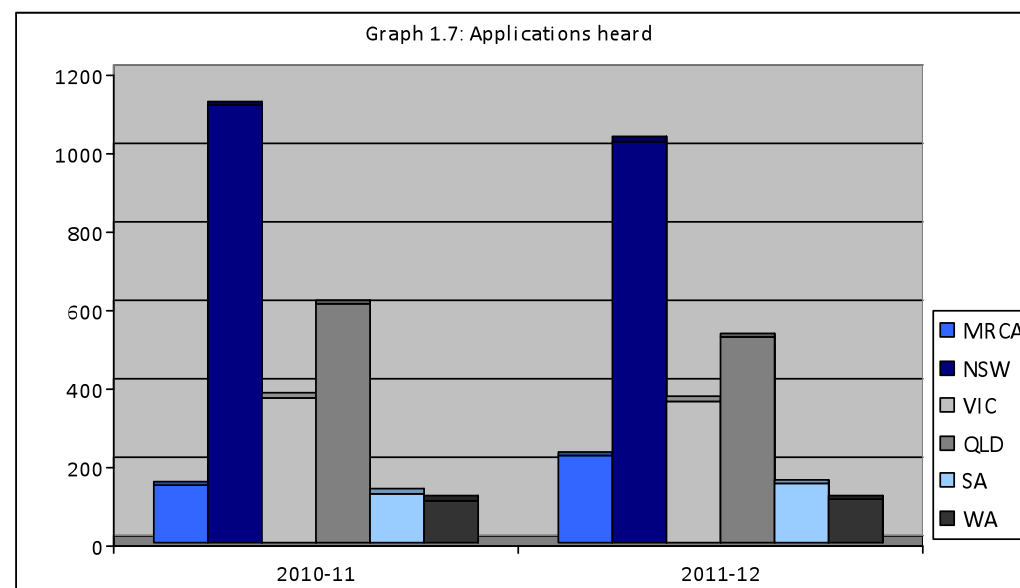
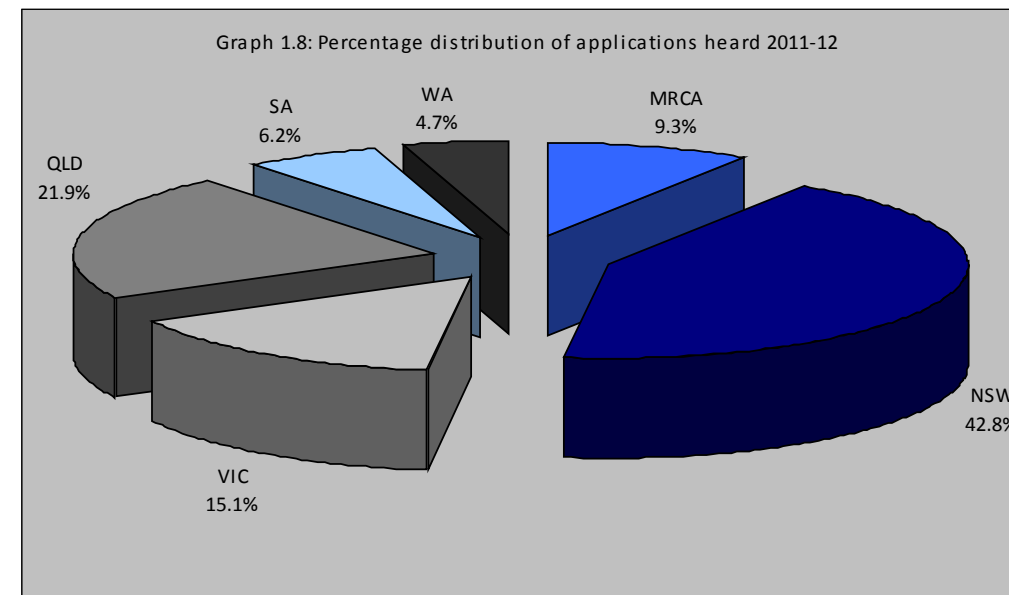
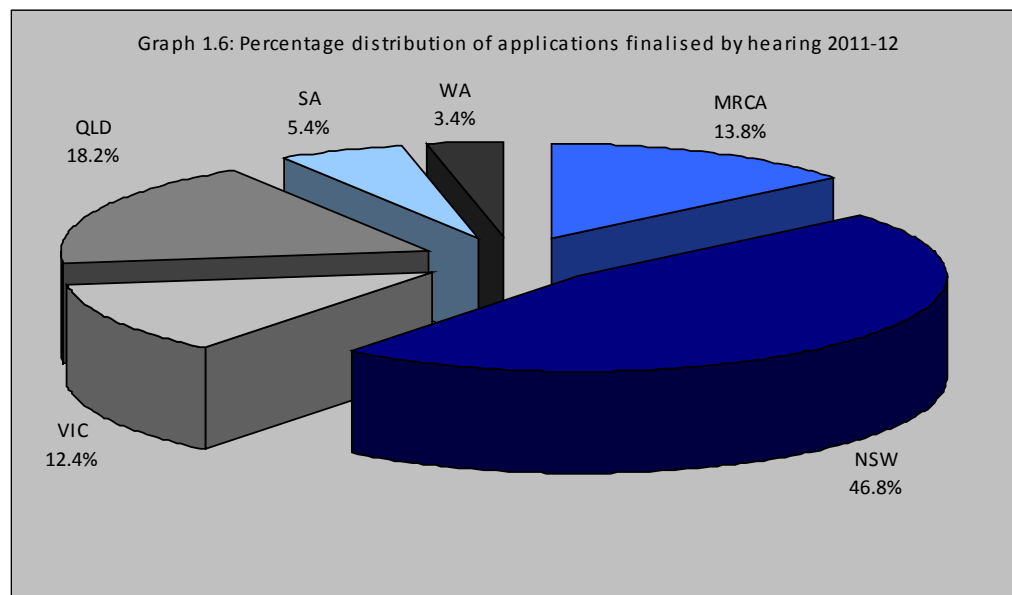
There were 2395 applications heard in the year: 2173 under the VEA and 222 under the MRCA. Applications may be finalised by dismissal, withdrawal, and by decision of the VRB following a hearing.

In this reporting year the Board finalisation and lodgement figures were similar. There were 3328 applications finalised during the year: 3069 under the VEA and 259 under the MRCA.

An application may include more than one ‘matter’ to be decided. For example, a claim for several disabilities might have been refused by the relevant Commission; each of these could be a separate matter within the same application. Because not all matters belonging to a new application are necessarily recorded when it is registered, the numbers of matters lodged have not been reported. However, by the time of the hearing or finalisation of the application, all of its matters are recorded, thus the numbers of matters heard and finalised have been reported.

There were 5582 matters finalised during the year: 4785 under the VEA and 797 under the MRCA. There were also 4478 matters heard in the same period: 3717 under the VEA and 761 under the MRCA.





CURRENT APPLICATIONS

The number of applications current at 30 June 2012 was higher than the end of the previous reporting period by 1 per cent. At year end, 2888 applications were outstanding: 2504 under the VEA and 384 under the MRCA.

In terms of matters, at year end 5021 were outstanding: 3936 under the VEA and 1085 under the MRCA.

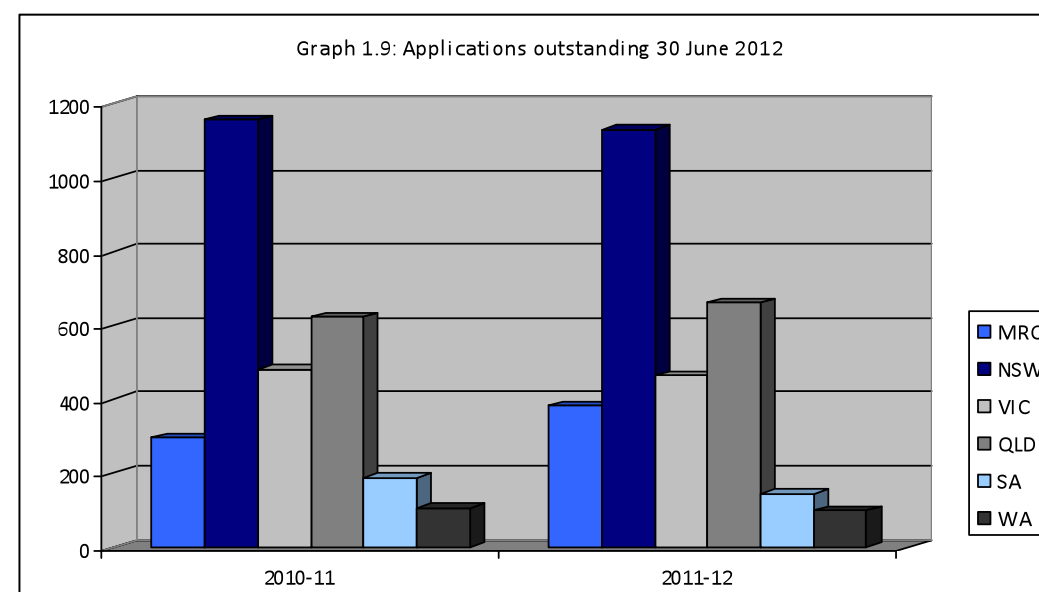


Table 1 below provides more details on the current applications in the reporting year.

Table 1: Applications lodged, finalised, heard and outstanding								
	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
Applications lodged	2010–11	237	1240	670	803	178	147	3275
	2011–12	345	1261	617	815	152	148	3338
Applications finalised	2010–11	197	1246	694	988	181	179	3485
	2011–12	259	1277	652	783	203	154	3328
Matters finalised	2010–11	484	2055	1111	1593	284	274	5801
	2011–12	797	2025	1047	1180	315	218	5582
Apps finalised by hearing	2010–11	127	860	309	490	99	93	1978
	2011–12	215	730	194	284	84	53	1560
Applications heard	2010–11	145	1118	371	610	126	108	2478
	2011–12	222	1025	362	525	149	112	2395
Matters heard	2010–11	364	1865	589	1020	211	189	4238
	2011–12	761	1754	668	860	245	190	4478
Applications outstanding	2010–11	297	1158	483	625	189	107	2859
	2011–12	384	1130	465	663	146	100	2888
Matters outstanding	2010–11	830	1869	892	957	273	190	5011
	2011–12	1085	1706	826	1002	215	187	5021

OUTCOME 2: HIGH ASSURANCE THAT DECISIONS ARE CORRECT

A written statement of decisions and reasons is prepared in each case and these are provided to both the applicant and the relevant commission.

The review of a Repatriation Commission decision may involve deciding more than one substantive matter of entitlement and/or assessment. On average during 2011–12, there were 1.7 matters decided by the VRB for each VEA application heard. During 2011–12, decisions concerning 2290 matters were published.

The review of a MRCC determination also usually involves determining more than one substantive matter of liability, compensation, treatment, rehabilitation or other matter. During 2011–12 there were an average of 3.4 matters for each MRCA application heard. In 2011–12, determinations concerning 297 matters were published.

In this reporting year the Board set aside:

- 53.4% of death matters reviewed;
- 45.7% of disability or liability matters reviewed;
- 53.9% of assessment or compensation matters; and
- 43.4% of all matters reviewed were set aside.

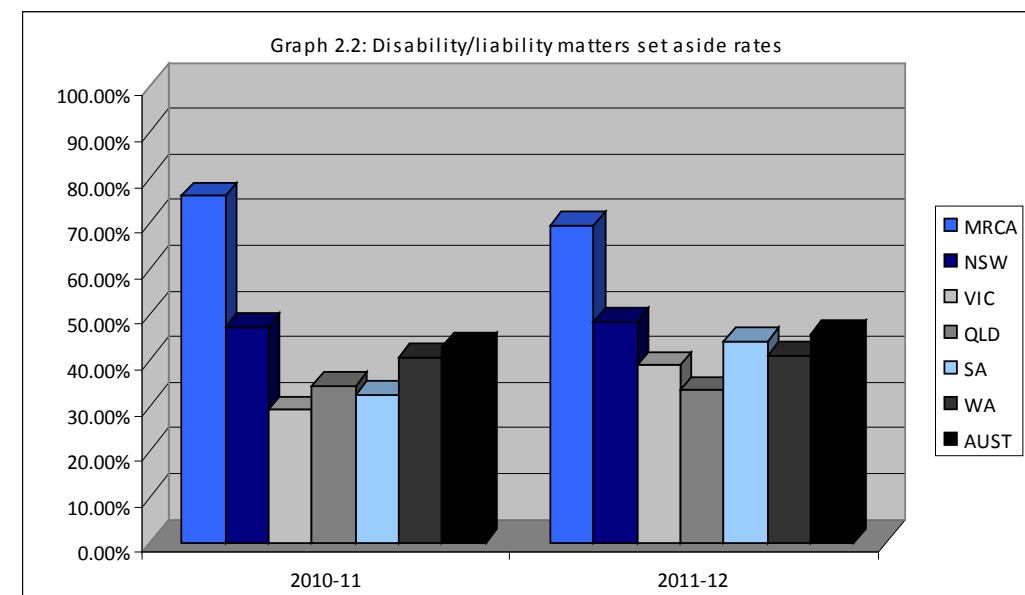
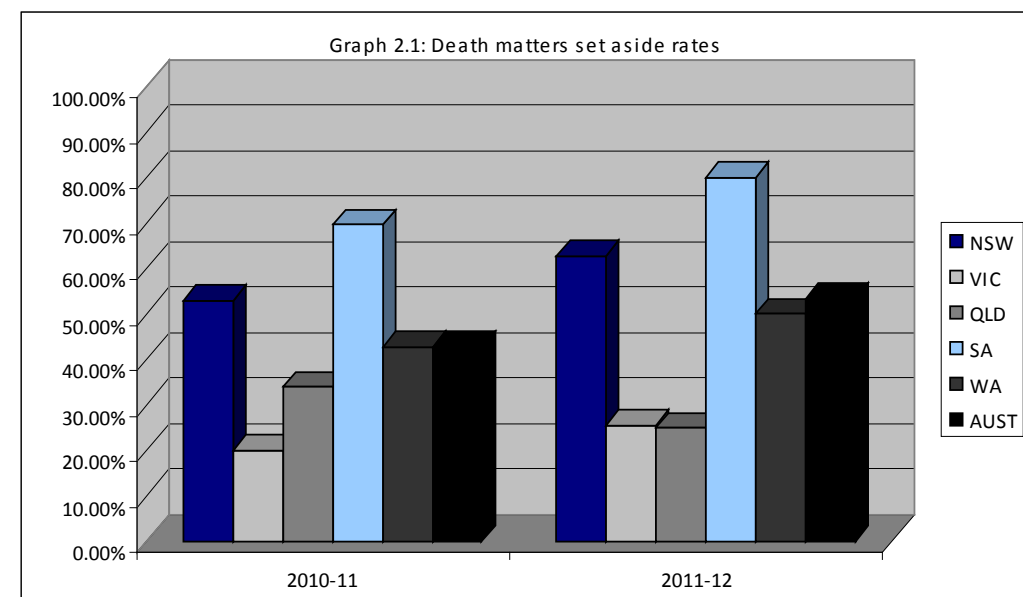
The fact that a decision is set aside by the Board is not necessarily a reflection on the quality of the primary decision. Set aside and affirmation rates may vary for a wide variety of reasons. Some of the factors that may have influenced these results would include:

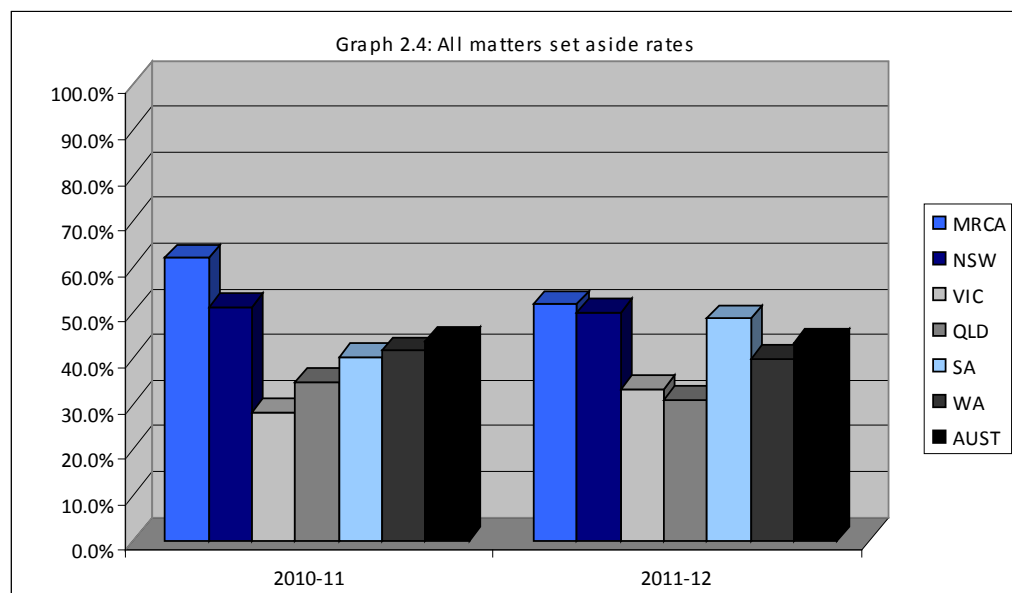
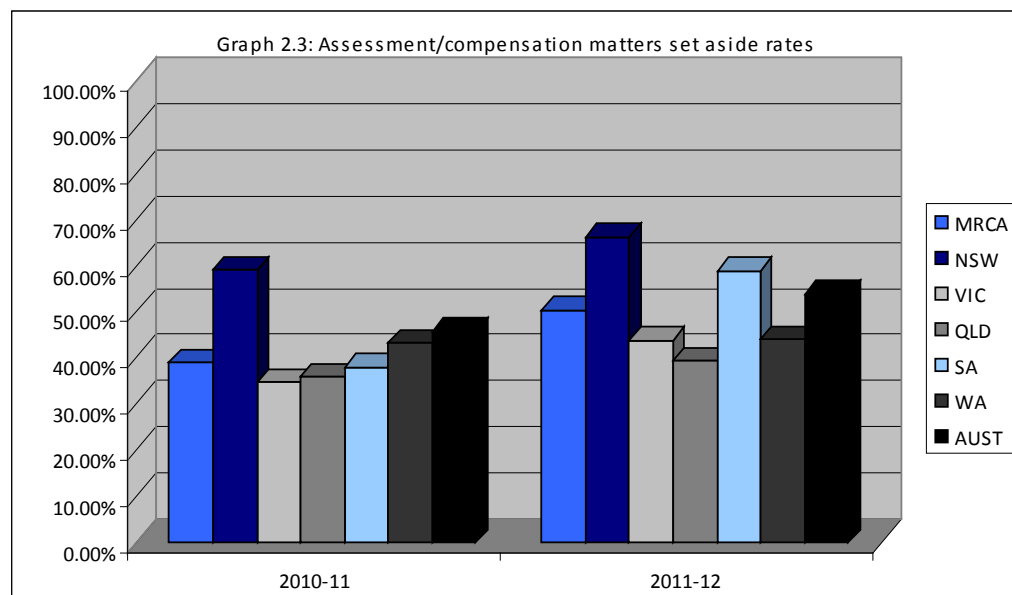
- the approach taken by applicants and representatives as to the matters on which review will be sought;
- the extent to which intervention occurs by the relevant Commission under s31 of the VEA or s347 of the MRCA;
- the adequacy of information presented to primary decision-makers;
- the nature and extent of new material presented on review;
- changes to Statements of Principles between the primary decision and that made by the Board, or a shift in focus by the applicant to a different factor in the Statement of Principles; and
- changes in an applicant's degree of incapacity or impairment between the date of the decision under review and the date of the final hearing at the VRB in an assessment or compensation matter.

If a VRB panel reviews an application and receives further oral evidence during a hearing, issues might need clarification or further investigation. Alternatively, the applicant might need a further opportunity to, consistent with procedural fairness, assess his or her position. In light of these considerations the VRB may adjourn a hearing under review. More information on the Board's adjournments can be found under outcome 3.

The outcomes of the published decisions under the VEA and determinations under the MRCA are shown in Table 2 and Graphs 2.1 to 2.4. In this table 'disability matters' applies to applications under the VEA, while its equivalent under the MRCA is 'liability'; 'assessment matters' applies to applications under the VEA, while under the MRCA matters other than liability, such as permanent impairment, treatment and rehabilitation are referred to as 'compensation'.

Table 2: Outcome of published decisions and determinations (set aside and affirmed)								
	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
Total death	2010–11	1	208	100	50	23	14	396
	2011–12	2	230	51	48	30	10	371
Set aside death	2010–11	0	110	20	17	16	6	169
		0.00%	52.88%	20.00%	34.00%	69.57%	42.86%	42.7%
	2011–12	0	144	13	12	24	5	198
		0.00%	62.61%	25.49%	25.00%	80.00%	50.00%	53.4%
Affirmed death	2010–11	1	98	80	33	7	8	227
		100%	47.12%	80.00%	66.00%	30.43%	57.14%	57.3%
	2011–12	2	86	38	36	6	5	173
		100.00%	37.39%	74.51%	75.00%	20.00%	50.00%	46.6%
Total disability / liability	2010–11	129	699	220	390	77	69	1584
	2011–12	190	638	283	315	95	56	1577
Set aside disability/liability	2010–11	98	331	64	134	25	28	680
		75.97%	47.35%	29.09%	34.36%	32.47%	40.58%	42.9%
	2011–12	132	309	110	105	42	23	721
		69.47%	48.43%	38.87%	33.33%	44.21%	41.07%	45.7%
Affirmed disability/liability	2010–11	31	368	156	256	52	41	904
		24.03%	52.65%	70.91%	65.64%	67.53%	59.42%	57.1%
	2011–12	56	329	173	210	53	33	854
		29.5%	51.6%	61.1%	66.7%	55.8%	58.9%	54.2%
Total assessment / compensation	2010–11	77	291	92	206	29	37	732
	2011–12	107	273	73	150	34	25	662
Set aside assessment / compensation	2010–11	30	172	32	74	11	16	335
		38.96%	59.11%	34.78%	35.92%	37.93%	43.24%	45.8%
	2011–12	54	181	32	59	20	11	357
		50.5%	66.3%	43.8%	39.3%	58.8%	44.0%	53.9%
Affirmed assessment / compensation	2010–11	47	119	60	132	18	21	397
		61.0%	40.9%	65.2%	64.1%	62.1%	56.8%	54.2%
	2011–12	53	92	41	91	14	14	305
		49.5%	33.7%	56.2%	60.7%	41.2%	56.0%	46.1%
Total all matters	2010–11	207	1198	412	646	129	120	2712
	2011–12	360	1270	467	569	177	98	2941
Set aside all matters	2010–11	128	613	116	225	52	50	1184
		61.8%	51.2%	28.2%	34.8%	40.3%	41.7%	43.7%
	2011–12	186	634	155	176	86	39	1276
		51.7%	49.9%	33.2%	30.9%	48.6%	39.8%	43.4%
Affirmed all matters	2010–11	79	585	296	421	77	70	1528
		38.2%	48.8%	71.8%	65.2%	59.7%	58.3%	56.3%
	2011–12	174	507	252	337	73	52	1395
		48.3%	39.9%	54.0%	59.2%	41.2%	53.1%	47.4%





Internal scrutiny of decisions and, in part, reference to the results of applications to the Administrative Appeals Tribunal (AAT) and to the courts, enables some measurement in relation to ensuring the VRB's decisions are correct.

FURTHER REVIEW

VRB decisions are subject to merits review by the AAT. The VRB is not a party to the proceedings before the AAT.

During 2011–12 the VRB was notified of the lodgement of 273 applications for review by the AAT of matters involving VRB decisions. During the same period, the VRB lodged 27 section 37 statements with the AAT. The average time taken for preparation and lodgement of those statements was 12 days.

The table below sets out the number and the percentage of decisions which have been the subject of applications for review by the AAT. The application rate is estimated by comparing the number of applications lodged with the AAT with the number of applications finalised by VRB decisions made at hearings. It should be noted, however, that applications to the AAT are not necessarily made in the same financial year as the VRB decisions although the great majority are.

Table 3: Applications for review by the AAT		
	2010–11	2011–12
Applications for review from VRB decisions	340	273
	17.20%	15.60%

In the course of 2011–12 the AAT finalised 399 applications for review of decisions of the VRB. 392 of these had been made under the VEA and 7 under the MRCA. The tables below set out the outcomes of review by the AAT over the last two years.

Table 4: AAT review outcomes		
	2010–11	2011–12
Withdrawn or dismissed	34%	34.70%
Conceded	38%	35.70%
Finalised by hearing	28%	29.60%

Table 5: Applications for review by the AAT		
	2010–11	2011–12
Affirmed	94	65
	70.00%	55.60%
Varied or set aside	42	52
	30.00%	44.40%

In respect of the VRB decisions that were set aside by the AAT, in the majority of these cases there appears to have been evidence before the AAT that was not before the VRB.

Review of MRCA Decisions

During 2011–12 there were 7 matters finalised in the AAT concerning appeals from the VRB under the MRCA. Five were set aside by consent, one was dismissed with consent and one was finalised on the basis that no application fee was paid.

A summary of relevant court decisions are set out in appendix 1 and other forms of external scrutiny of VRB decisions are outlined in appendix 2.

OUTCOME 3: COMPLETE ALL PROCESS STAGES UNDER VRB CONTROL ON A TIMELY BASIS

Matters more than two years old

At the end of 2011–12, 5.4% of applications were over two years old, with the end-of-month average over the 12 months of the year having been 5.7%. By comparison, at the end of 2010–11 the proportion of such applications was 5.6%, with the end-of-month average over the 12 months of the year having been 5.9%. Thus there has been a steady decrease during this period in the numbers and proportions of applications over two years old. The VRB will continue to find ways of further reducing the number of these applications.

Processing times

Applications for review proceed through a number of stages from lodgement to finalisation. Not all applications necessarily proceed through all stages. While some are primarily under the control of the VRB others fall largely under the control of DVA or the applicant (or representative). Stages largely under the control of DVA are:

- from receipt of the application by the Department to receipt of the s137 report by the VRB;
- while obtaining information requested by the Registrar under s148(6A) of the VEA; and
- while obtaining information requested by the VRB after adjournment of a hearing under s152 of the VEA.

In 2011–12 the average time taken from lodgement of an application to receipt of a s137 report was 61.5 days. This compares with 42.6 days in 2010–11.

During 2011–12, 1182 requests for further information were completed by DVA, at an average time for completion of 88.6 days. Of these, 848 requests had been made by Registrars, at an average time for completion of 74.8 days; and 334 requests had been made following adjournments, at an average time for completion of 123.9 days. These figures compare with 997 requests completed in 2010–11, at an average time of 76.2 days. Of these, 699 requests had been made by Registrars, at an average time for completion of 58.1 days; and 298 requests had been made following adjournments, at an average time for completion of 94.3 days.

Stages largely under the control of the applicant (or representative) are:

- from sending of a s148 notice by the VRB to the applicant to its return; and
- from sending of a Certificate of Readiness (COR) by the VRB to the applicant to its return.

While applications are in these stages, Case Managers regularly follow them up with the appropriate party to ensure that they are progressed as rapidly as possible.

During 2011–12 the average time to complete the former stage was 29.5 days. In 2010–11 it was 28.6 days. During 2011–12 the average time to complete the latter stage was 221.5 days. In 2010–11 the average time to complete the latter stage was 240.9 days.

Stages primarily under the control of the VRB are:

- from receipt of the s137 report from the Department until a s148 notice is sent to the applicant;
- from receipt of a Certificate of Readiness until the hearing; and
- from the hearing until publication of the decision and reasons.

These three stages are considered in more detail below.

From Receipt of s137 Report to s148 Notice

When the s137 Report is received, a Case Manager examines the documents in the report for completeness and accuracy. If it appears that relevant documents are missing or incomplete, the Department is asked to rectify it. Following this preliminary check, a s148 notice is sent to the applicant seeking advice about whether the person wishes to be represented, attend the hearing, and is ready to proceed to a hearing.

During 2011–12 the average time for the VRB to complete this stage was 15.2 days. In 2010–11 the average time was 12.3 days.

From Receipt of Certificate of Readiness to Hearing

The VRB ensures that all stages primarily under its control are dealt with as expeditiously as possible. When the VRB receives a Certificate of Readiness from an applicant or representative, the s137 Report is again checked for completeness and DVA records are examined to determine whether there is further material that should be added to the Report. Depending on the availability of the applicant and his or her representative, the application is listed for hearing in the next available hearing slot, based on order of receipt of the Certificate of Readiness unless there are reasons to treat the application with greater urgency. Generally, the VRB seeks to give applicants and their representatives three or four weeks notice of their hearing date and time. In a significant number of cases there are restrictions on the availability of representatives, with the result that many cases are not available for listing for some weeks from when the Certificate of Readiness is received.

During 2011–12 the average time for the VRB to complete this stage was 98.9 days. In 2010–11 the average time was 90.9 days.

The slight increase in the time taken to complete this stage has been due to a number of factors. In the 2011–12 financial year there was again a slight increase in the number of section 148(6A) requests made by Registrars prior to listing. In addition, the VRB did not hold any hearings during January. In an effort to steadily improve the scheduling of cases, the General Practice Direction, which was published in January 2011 sets out the responsibilities of Advocates, including availability and preparedness for hearing. In 2011 the VRB also introduced an adjournment practice direction in an effort to expedite matters from the receipt of the Certificate of Readiness to the Hearing stage.

Table 7 below shows the average times taken to process the various stages, noted above.

At hearing – adjournments

The VEA confers two powers of adjournment. The first (s151) is a general power exercisable at the VRB's discretion; the second (s152) must be exercised if the VRB decides to seek further information from the Secretary of the Department or the MRCC.

Broadly speaking, the VRB will adjourn a hearing in either of two situations – if it believes in the interests of procedural fairness that either or both of the parties to the hearing should have an opportunity to obtain further evidence or to consider their position in relation to issues or material before the VRB (s151 cases); or if it considers that there is or may be other evidence not then available to it which is relevant to and necessary for a proper determination of the points in issue (s152 cases).

It is accepted that some adjournments will inevitably occur. On occasions, issues previously not recognised by the parties will only become apparent during the course of a hearing, or a witness may cast his or her evidence in a way that places quite a different complexion on the probative nature of the material. The aim of the VRB, and equally of the parties to the hearings, must be to confine adjournments to those that are inevitable – that is, the only hearings that should be adjourned are those where, with adequate case preparation, the representative could not reasonably have foreseen the eventual necessity for such an adjournment. This is particularly important where a representative has signed a Certificate of Readiness for hearing or where a case is certified as ready for hearing following correspondence pursuant to the dismissal legislation. A request for hearing should only be made if a party is genuinely ready to proceed to a hearing. Any subsequent request for an adjournment may suggest in some circumstances that the certification of readiness for a hearing was not genuine. This would be an unacceptable practice.

If an applicant or representative is experiencing difficulties in obtaining relevant material they may approach a Registrar who, if he or she considers it appropriate, may exercise their power under s148(6A) of the VEA to request the Secretary of the Department or the MRCC to conduct an investigation to obtain the relevant material. This is a preferable course to asking the VRB to adjourn under s152 and seek the information – which the VRB may or may not agree to do.

In 2011–12, there was an increase in the number of s151 adjournments granted by the VRB. However, as a consequence of the Alternative Dispute Resolution processes being conducted by the VRB, there continued to be a decrease in the number of s152 requests. This financial year, 153 applications were adjourned under section 151, representing 6.4% of applications heard. There were 281 applications adjourned under section 152, representing 11.7% of the applications heard. In total, there were 464 adjournments of both kinds, representing 18.1% of the total applications heard. By way of contrast there were 100 section 151 adjournments in the previous financial year, or 4% of the applications heard; 297 section 152 adjournments, or 12.0% of applications heard. In total, there were 397 adjournments of both kinds, representing 16.0% of applications heard.

Table 6: Section 151 and 152 Adjournments

	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
S 151 adjournments	2010–11	1	63	14	8	3	11	100
		0.7%	5.6%	3.8%	1.3%	2.4%	10.2%	4.0%
	2011–12	11	66	30	20	14	12	153
		5.0%	6.4%	8.3%	3.8%	9.4%	10.7%	6.4%
S 152 adjournments	2010–11	25	139	35	67	17	14	297
		17.2%	12.4%	9.4%	11.0%	13.5%	13.0%	12.0%
	2011–12	31	99	35	85	17	14	281
		14.0%	9.7%	9.7%	16.2%	11.4%	12.5%	11.7%
Total adjournments	2010–11	26	202	49	75	20	25	397
		17.9%	18.1%	13.2%	12.3%	15.9%	23.1%	16.0%
	2011–12	42	165	65	105	31	26	464
		18.9%	16.1%	18.0%	20.0%	20.8%	23.2%	18.1%

The adjournments during the year by kind and state are shown above in Table 6. The percentages in the table denote the proportion of heard applications where the hearings were adjourned.

From Hearing to Publication of Decisions and Reasons

The VRB aims to publish its decisions and reasons as soon as possible, and at most within 28 days, after the hearing. Each VRB panel hears up to three cases a day. After a hearing the panel discusses the merits of the case and allocates one member to draft the reasons. When this is done they are circulated to the other two members for comment and discussion. After every member is satisfied with the decision and reasons, the document is signed by all and given to the VRB Case Managers for publication.

In finalising an application, the VRB seeks to ensure not only that the applicant receives his or her proper entitlement, but also that the decision is published as soon as possible after the hearing. VRB records are examined each week for all cases heard for which a decision has not been published. Each case more than three weeks old is then followed-up by the Principal Member to effect publication of the decision and reasons.

During 2011–12 the average time for the VRB to complete this stage was 17.3 days. In 2010–11 the average time was 15 days. There was a modest increase in the time taken for decision writing, following changes to the Board's membership. Thorough training and mentoring for the new members led to the increase in time taken for decision writing.

Table 7: Applications times taken to process

	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
Lodgement to receipt of s 137 report*	2010–11	30.8	45.0	46.7	26.1	47.4	50.9	42.6
	2011–12	34.6	81.4	38	45.6	63.4	33.5	61.5
Receipt of s 137 report to s 148 notice sent**	2010–11	18.3	9.4	0.8	23.8	20.3	6.7	12.3
	2011–12	20.3	10.1	1.1	29.1	32	6.8	15.2
S 148 notice sent to its return‡	2010–11	41.9	30.8	21.6	27.8	26.8	26.7	28.6
	2011–12	34.3	27.6	24.5	32	33.4	36.2	29.5
COR sent to its return‡	2010–11	172.3	239.4	266.4	246.0	202.4	286.9	240.9
	2011–12	163.7	246.3	230.5	197.7	226.1	242.3	221.5
COR receipt to hearing**	2010–11	133.7	101.2	78.8	78.9	85.4	41.7	90.9
	2011–12	135.4	102.8	97.1	87.1	101.4	42.8	98.9
Hearing to publication of decision**	2010–11	28.1	14.0	10.2	19.5	9.3	8.5	15.0
	2011–12	20.7	18.5	12	18.7	16	10.7	17.3
Lodgement to finalisation¥	2010–11	452.4	385.7	300.0	337.7	384.1	342.2	356.4
	2011–12	424.2	387.6	287.8	337.5	400.6	276.2	354.7
* Stages primarily within the control of DVA.								
** Stages primarily within the control of the VRB.								
‡ Stages primarily within the control of the applicant/representative.								
¥ Mixture of stages, within the control of DVA, the applicant and the VRB.								

OUTCOME 4: UNDERTAKE REVIEWS IN A MANNER THAT IS EFFICIENT IN RESOURCE ALLOCATION

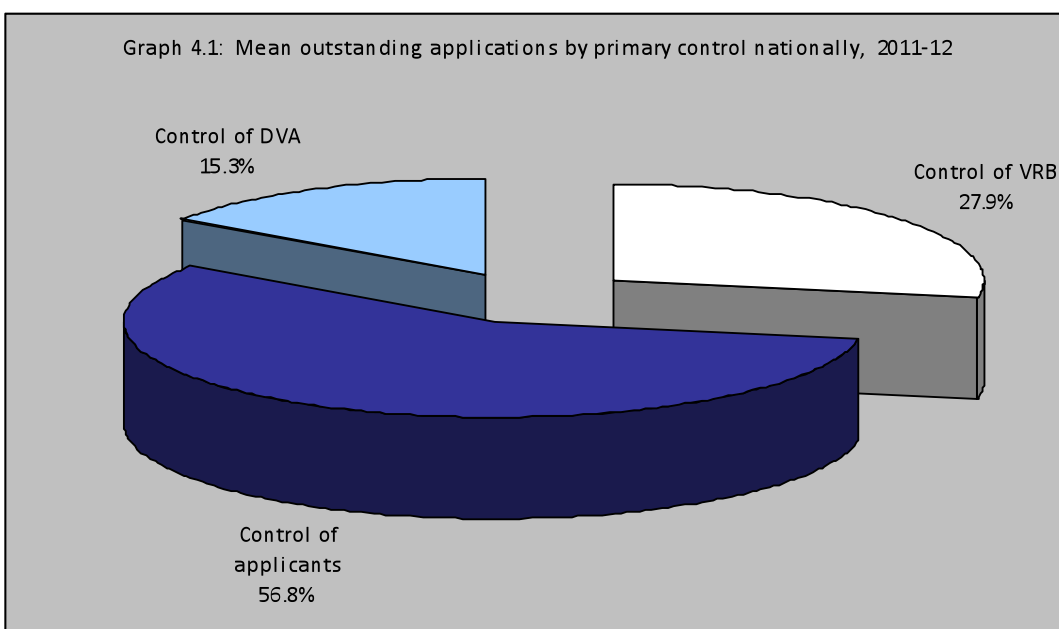
On 30 June 2011 there were 2859 applications outstanding. Of these, 769 (26.9%) were largely under the control of the VRB, 1660 (58.1%) were largely under the control of the applicants or representatives and not ready to be heard, and 430 (15.0%) were largely under the control of the Department.

During 2011–12 3338 new applications were received by the VRB, 2395 applications were heard and 3328 applications were finalised.

On 30 June 2012 there were 2888 applications outstanding. Of these, 786 applications (28.0%) were primarily under the control of the VRB, 1592 (56.9%) were largely under the control of the applicants or their representatives and not ready to be heard, and 428 (15.3%) were largely under the control of the Department.

Table 8 and Graph 4.1 show the average outstanding applications according to who has primary control of them: the VRB, the applicant (or representative) or DVA. The percentages are the average proportion of corresponding applications as percentages of the outstanding for the registry. The figures here are not those at the end of the two financial years shown, but are means of the twelve month-end figures comprising each year; they therefore present a better indication of the typical distribution of applications between the three areas of control. The application numbers have been rounded to the nearest integer. Because they are averages, the sum of the applications for all the registries may vary slightly from the applications for Australia; and the sum of the percentages for each registry may not be exactly 100.0%.

Table 8: Distribution of applications according to control								
	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
Control of VRB	2010–11	96	361	112	128	52	20	769
		32.3%	31.2%	23.2%	20.5%	27.5%	18.7%	26.9%
	2011–12	113	319	119	173	44	19	786
		32.0%	30.2%	25.0%	26.1%	27.9%	18.0%	28.0%
Control of applicants	2010–11	143	676	305	356	97	83	1660
		48.1%	58.4%	63.1%	57.0%	51.3%	77.6%	58.1%
	2011–12	175	620	292	355	77	73	1592
		49.7%	58.6%	61.8%	54.0%	49.2%	70.3%	56.9%
Control of DVA	2010–11	62	113	66	145	40	4	430
		20.9%	9.8%	13.7%	23.2%	21.2%	3.7%	15.0%
	2011–12	70	116	62	135	35	11	428
		19.9%	11.1%	13.0%	20.5%	22.2%	11.0%	15.3%



Listings

During the year, the VRB aimed to list 15 hearing times per panel per week – assuming five sitting days in a normal week – and those applications thought to be particularly complex or lengthy were allocated two or more hearing times. A hearing time lasts for one hour. If an applicant had more than one application they were heard, where possible, at the same time.

Postponements/Adjournments after a case is listed for hearing

A vital factor in the capacity of the VRB to finalise applications is the effectiveness of its listing operations. If the VRB lists applications for hearing at times that subsequently become unsuitable to applicants or their

representatives and the VRB does not receive timely advice of that unsuitability, the allocated hearing time may be wasted. In an effort to steadily improve the scheduling of cases, the General Practice Direction, which was published in January 2011 sets out the policy and procedures of the Board relating to applications for adjournments of hearings, after a case is listed for hearing. The Board also published an adjournment practice direction in late 2011. Obviously there will always be some postponements: a sudden illness or other mishap cannot be avoided. However, it must be the aim of the VRB and those who regularly deal with it to ensure that the adverse effect of postponements is offset wherever possible by the substitution of another application. To this end, the procedures of the VRB provide that requests for postponement on the day of a scheduled hearing may not be granted. Whether to grant the request is at the discretion of the Presiding Member of the VRB panel for consideration and the reason for it would be carefully considered.

During 2011–12, 109 applications listed for hearing were postponed prior to the commencement of the hearing. Substitute applications were found for 70 (or 64.2%) of the postponements. Whilst the postponement rate was low and the substitution rate high, it still resulted in about 40 hearing times not being able to be used, or the equivalent of almost four weeks of hearings for a panel.

The VRB continues to seek the cooperation of all parties in ensuring the effectiveness of its listing procedures – the lower the effective postponement rate, the higher the finalisation rate and, obviously, the shorter the waiting time for other applications in the system. In particular, advocacy organisations should realise that, where they have signed a Certificate of Readiness for Hearing, or have certified that a case is ready for hearing as a result of letters sent pursuant to the dismissal legislation, a subsequent request for an postponement/ adjournment would, apart from exceptional circumstances, be unlikely to be granted.

Dismissals

During 2011–12 the VRB sent a total of 113 letters asking for a written statement from applicants as to why they were not ready to proceed to a hearing. This was a decrease of 84 from the previous year. These letters resulted in a total of 76 applications being dismissed, 12 being withdrawn and 43 requests for a hearing. These compare with 68 applications being dismissed, 30 being withdrawn and 68 requests for a hearing in the previous year.

The remainder of responses from applicants or their representatives provided reasonable explanations or were still being followed up in accordance with the legislation. There were no appeals concerning dismissals lodged with the AAT. For more information concerning AAT appeals see Outcome 2.

Lapsing

A very small proportion of finalised applications are lapsed, mostly because the applicant dies and the legal personal representative does not wish to pursue the matter. It may also occur if an application is found to be more properly regarded as a new claim for pension or an application for increase in disability pension (which are dealt with by the Department). Additionally, if an application for review has been made to the VRB of an original determination under the MRCA and the MRCC reconsiders that determination under s347 and varies or revokes it, the original determination no longer exists; in such a case the application to review that determination lapses. Under s345 of the MRCA a determination made under s347 is a new 'original determination' and so if the applicant is dissatisfied with the reconsideration by the MRCC, a fresh application may be made to the VRB for a review of that new determination.

During 2011–12 a total of 11 applications were lapsed, 1 of which was under the MRCA. In the previous year there were 17 applications lapsed, none under the MRCA.

Withdrawals

During 2011–12, 1681 applications were withdrawn by applicants; this represents 50.5% of applications finalised during the year. This compares with 1422 withdrawals (40.8% of those finalised) in 2010–11. The VRB is usually not advised of the reasons for withdrawal, but it appears likely that a substantial proportion of withdrawals

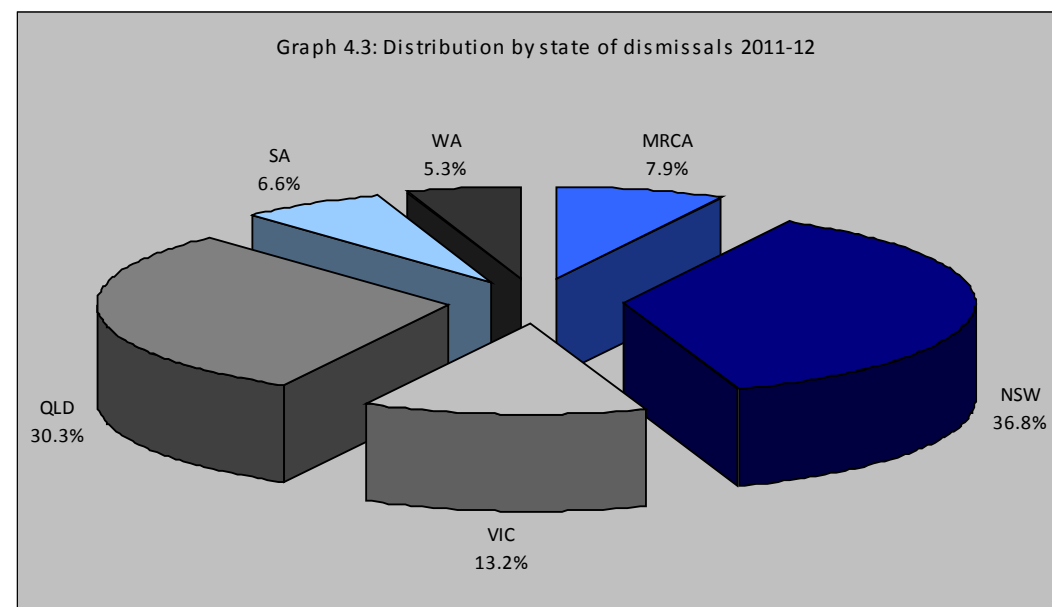
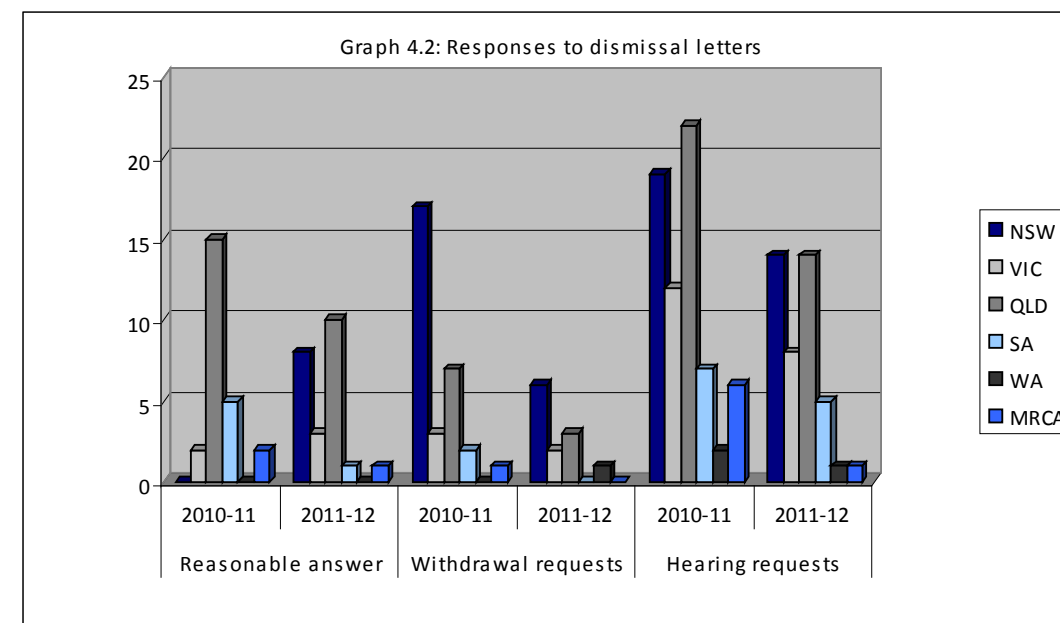
are the consequence of intervention by the Repatriation Commission under s31 of the VEA, a reconsideration under s347 of the MRCA, or the applicant gaining a desired benefit as a result of a new successful primary claim lodged with the Department.

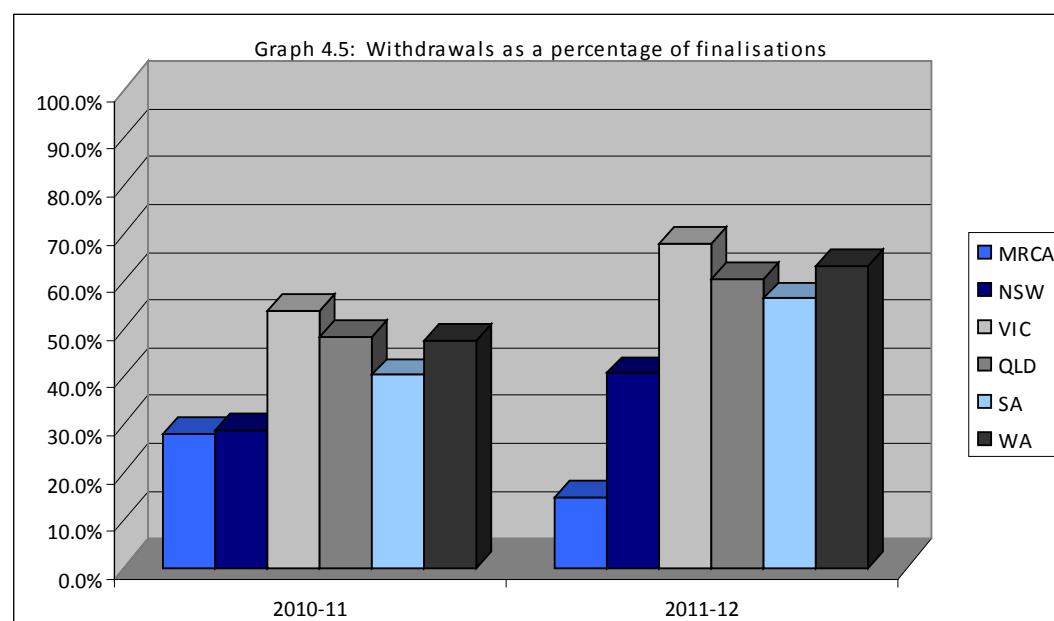
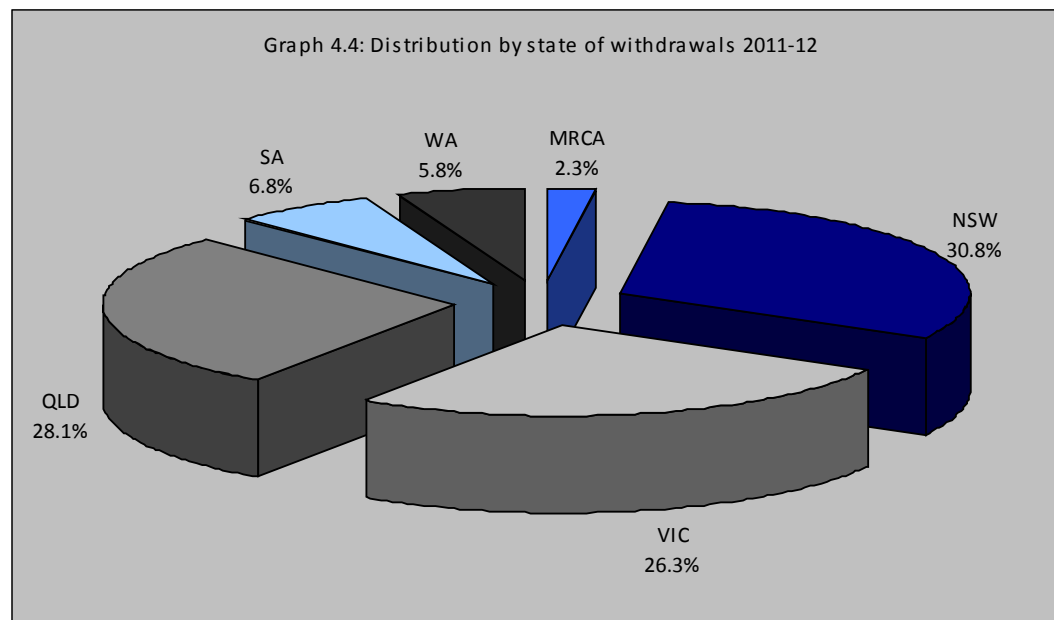
Table 9 and Graphs 4.2 to 4.5 show the applications ready for hearing, postponements and substitutions, dismissal actions and their results, lapsing, and total withdrawals. In the 'Ready for hearing' section, the application numbers and percentages are averages, the latter being the proportion of corresponding applications as percentages of those outstanding for the registry. The figures here are not those at the end of the two financial years shown, but are means of the twelve month-end figures comprising each year; they therefore present a better indication of the typical numbers of applications that are ready to be heard. The application numbers have been rounded to the nearest integer. Because they are averages, the sum of the applications for all the registries may vary slightly from the applications for Australia.

In the 'Total withdrawals' section the withdrawal percentage is the percentage of finalised applications that had been withdrawn.

Table 9: Listings, postponements, dismissals, lapsing and withdrawals

	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
Ready for hearing	2010-11	24	167	61	70	22	7	349
		8.8%	13.9%	12.2%	9.7%	13.4%	5.2%	11.8%
	2011-12	58	210	101	129	35	11	543
		16.3%	20.0%	21.2%	19.3%	23.0%	10.2%	19.4%
Postponements	2010-11	2	96	22	16	3	4	143
	2011-12	8	66	12	20	1	2	109
Percentage substitutions	2010-11	0.0%	86.5%	59.1%	81.3%	100.0%	25.0%	79.0%
	2011-12	62.5%	77.3%	25.0%	45.0%	100.0%	50.0%	64.2%
Dismissal letters sent	2010-11	20	65	25	62	22	3	197
	2011-12	5	46	21	30	7	4	113
Reasonable answer	2010-11	2	0	2	15	5	0	24
	2011-12	1	8	3	10	1	0	23
Withdrawal requests	2010-11	1	17	3	7	2	0	30
	2011-12	0	6	2	3	0	1	12
Hearing requests	2010-11	6	19	12	22	7	2	68
	2011-12	1	14	8	14	5	1	43
Dismissed	2010-11	9	21	8	20	9	1	68
	2011-12	6	28	10	23	5	4	76
Lapsing	2010-11	6	6	4	1	0	0	17
	2011-12	0	1	6	4	0	0	11
Withdrawals	2010-11	55	359	373	477	73	85	1422
		27.9%	28.8%	53.7%	48.3%	40.3%	47.5%	40.8%
	2011-12	38	518	442	472	114	97	1681
		14.7%	40.6%	67.8%	60.3%	56.2%	63.0%	50.5%





OUTCOME 5: ACCESSIBLE AND RESPONSIVE TO VETERAN COMMUNITY STAKEHOLDERS

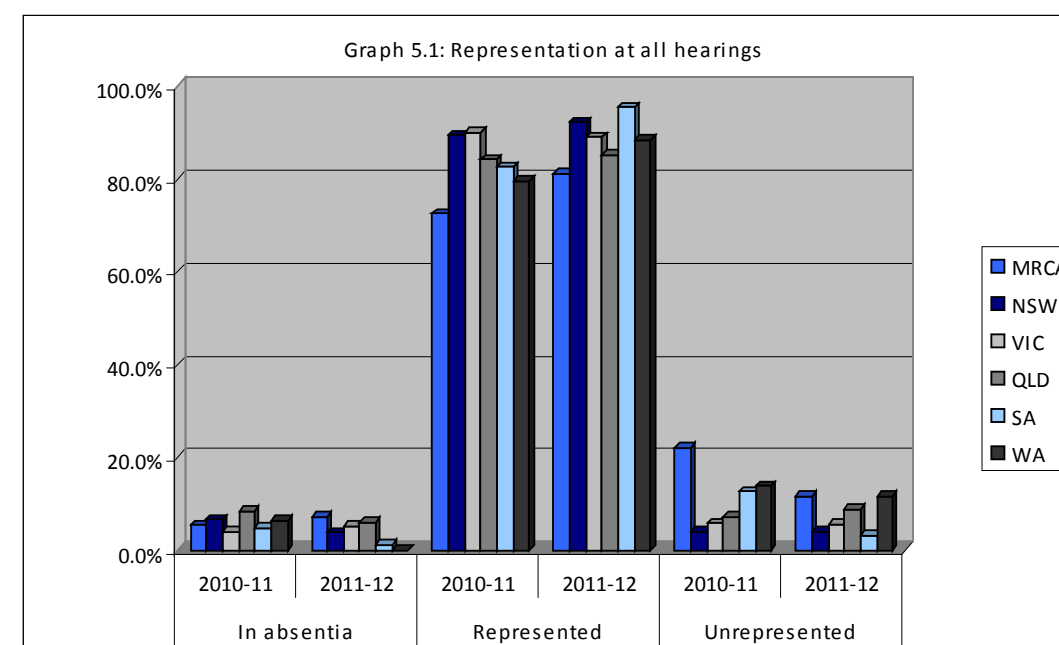
Representation for Applicants

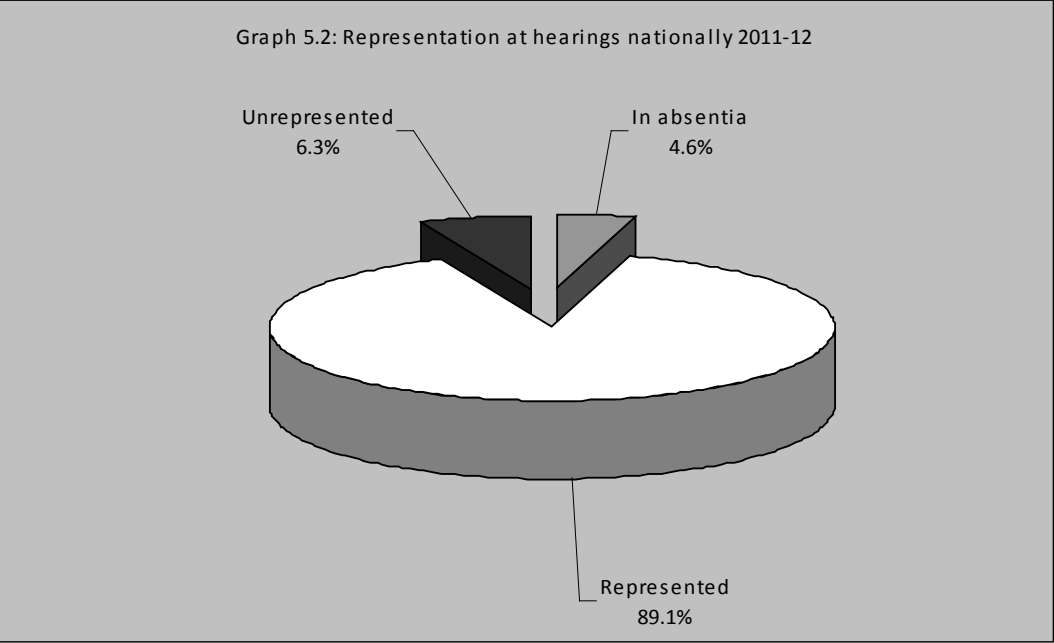
Representation for applicants at VRB hearings is provided by a number of ex-service and related organisations and by some private individuals.

Table 10: Representation at hearings

	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
In absentia	2010-11	8	75	15	52	6	7	163
		5.5%	6.7%	4.0%	8.5%	4.8%	6.5%	6.0%
	2011-12	16	40	19	32	2	0	109
Represented	2010-11	105	998	334	513	104	86	2140
		72.4%	89.3%	90.0%	84.1%	82.5%	79.6%	83.0%
	2011-12	180	944	322	447	142	99	2134
Unrepresented	2010-11	32	45	22	45	16	15	175
		22.1%	4.0%	5.9%	7.4%	12.7%	13.9%	11%
	2011-12	26	41	21	46	5	13	152
Total heard	2010-11	145	1118	371	610	126	108	2478
		11.7%	4.0%	5.8%	8.8%	3.4%	11.6%	6.3%
	2011-12	222	1025	362	525	149	112	2395

The great majority of all applicants (89.1%) are represented at hearings in some way. A small proportion (4.6%) of applicants who have 'in absentia' hearings are represented, but both the applicant and the representative have chosen not to participate at the hearing. The representatives in those cases sometimes provide written submissions to the VRB.



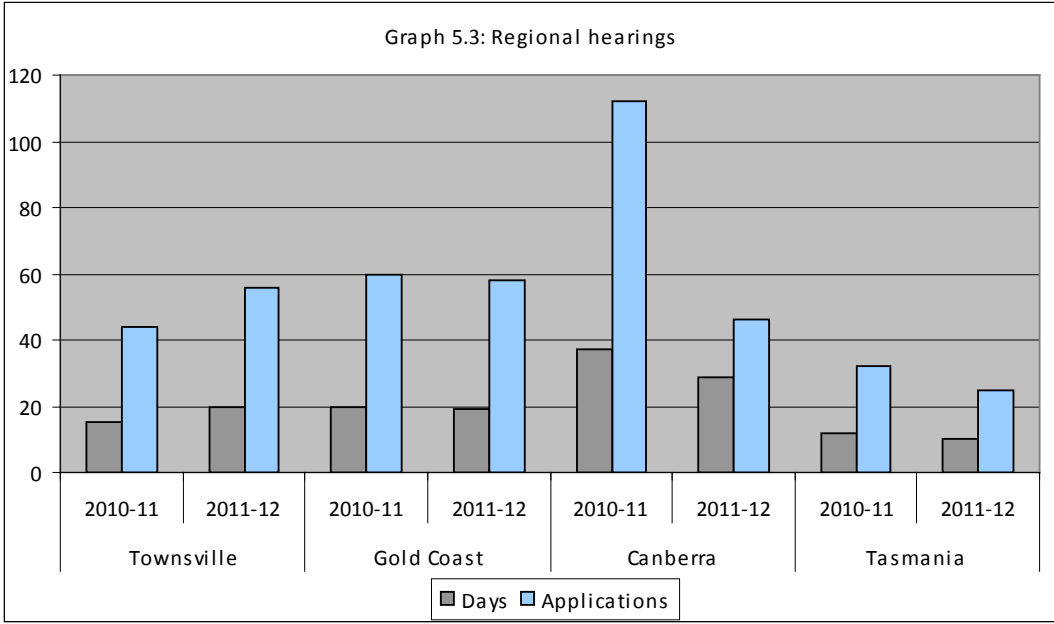


There are several ways that applicants and their representatives can participate at hearings: one or both can have a telephone hearing, or one or both can appear in person. Combinations of applicant and representative participation are also possible. In addition, in 2000–01, the VRB undertook a trial of video hearings to enhance its service to applicants in regional areas. The number of video hearings has varied but has become a popular method of hearing cases with some representatives in Queensland. The provision of video hearings is a useful additional means of providing hearings on a timely basis for applicants in regional areas. The VRB remains committed to conducting regional hearings while there are sufficient cases available in those areas. However, video conferencing enables some applications to be heard sooner as the VRB does not have to wait for other applications in that region to be ready for hearing.

Regional Hearings

During 2011–12 regional hearings were arranged in Townsville, Gold Coast, Canberra, Hobart and Launceston. Table 11 and Graph 5.3 show the number of days of hearings, and applications heard in the above locations.

Table 11: Regional hearings			
	Year	Days	Applications
Townsville	2010–11	15	44
	2011–12	20	56
Gold Coast	2010–11	20	60
	2011–12	19	58
Canberra	2010–11	37	112
	2011–12	29	46
Tasmania	2010–11	12	32
	2011–12	10	25
Total	2010–11	84	248
	2011–12	78	185



Representation at VRB Hearings by the Repatriation Commission, MRCC, and Service Chiefs

The Repatriation Commission and the MRCC are formally parties to all proceedings before the VRB for matters arising under the VEA and MRCA respectively. Additionally, the service chiefs may choose to be a party in applications concerning the MRCA. As a matter of practice, however, they have seldom been represented at VRB hearings. During 2011–12 neither of the Commissions nor a service chief was represented in any VRB hearings.

Service Charter

The VRB’s service charter sets out our commitment of service to you, our clients. It is a public statement regarding the type and quality of services that the veteran community can expect to receive from the VRB.

The VRB is committed to maintaining and improving the quality of its services. We monitor our performance in meeting the commitments set out the Charter. A copy of

the charter can be viewed on the VRB’s website (www.vrb.gov.au).

Compliments and Complaints

In the 2011–12 year, the VRB received 11 compliments and 15 complaints.

The 15 complaints referred involved the following issues: concern about the conduct of a VRB hearing (seven); concern about a VRB or aspects of a decision (four); concern about length of time process takes (two). Other complaints received included ones that concerned access to the VRB hearing (one).

Each of these concerns was examined in detail and responses were provided in a timely manner. The VRB is pleased that the complaints are few relative to the total of matters dealt with. However, the issues raised were significant to the individuals concerned. The VRB continues to aim at improving its client service to reduce the possibility of future complaints.

Other Activities

The VRB worked closely during the year with ex-service and related organisations and the parties to its hearings with a view to ensuring that its procedures worked effectively. Senior VRB staff participated in various workshops and seminars conducted by ex-service organisations and the Department. The VRB took steps to improve the accessibility and quality of information that is provided to parties. Notably, additional information on the VRB website including the General Practice Direction, VRB Case Notes and updated guidelines and factsheets. In 2011–2012, the VRB also introduced New Practice notes on “What Does the VRB Decision mean?” and “Fair Hearing Obligation”. The Board also continued to conduct Advocates liaison meetings, across Australia, to further enhance communication with the ex-service community.

The Principal Member, certain other members and senior staff attended a number of administrative law conferences and contributed to the Training and Information Program (TIP) managed by the Department and ex-service organisations for the training of pension and welfare officers and representatives. The Principal Member and National Registrar attended and addressed a number of State and national ex-service organisation meetings and maintained close contact with the larger advocacy organisations within the veteran community.

Practice Directions

This year the Board reviewed the General Practice Direction in January 2011. The GPD has been accepted by users and it continues to remain in place. The aim of the practice direction is that the Board, wherever possible, will finalise applications for review within 12 months of lodgement. However, the practice direction recognises that the particular steps to be taken in finalising each application will vary and that the Board will determine in consultation with applicants and their representatives what should be done to achieve finalisation in an effective and efficient manner. The practice direction provides guidance on:

- Responsibilities of Representatives;
- Section 137 Documents;
- Obtaining further evidence;
- Lodging submissions, further evidence and certificates of readiness;
- Case appraisal and other forms of alternative dispute resolution; and
- adjournments.

A copy of the practice direction can be viewed on the VRB's website (www.vrb.gov.au).

Regular Advocates Liaison Meetings

This year the Board continued to host regular advocate liaison forums in all locations across Australia to provide an opportunity for information exchange. While the format of the forums varies slightly in each location, they provide a welcome opportunity for the VRB to explain any changes to procedure, such as the General Practice Direction. The VRB also receives very valuable feedback on areas where we are performing well, and areas where we need to improve. Following each forum action item, lists are compiled and the Board reports back to user groups at follow up forums.

Improved information about the VRB

During the reporting year the VRB took steps to improve the quality of information that is provided. This included maintaining a comprehensive Internet site (www.vrb.gov.au) with detailed information and publications for applicants and their representatives, including Practice Notes, material and links concerning jurisdiction and procedures, relevant legislation, case law, and guidance for advocates and representatives.

The VRB also publishes:

- Practice Notes for members, staff and ESO representatives, which is published on the Internet site at www.vrb.gov.au/publications.html;
- VRB Case Notes which are published on the Internet site at <http://www.vrb.gov.au/publications.html>;
- an updated information brochure, which is sent to all applicants prior to their hearing; and
- an Operations Manual, which sets out details of the administrative processing of applications to the VRB.

The VRB also continued to publish a journal called Verbosity. This journal includes information about Statements of Principles, legislative amendments, and decisions by the Administrative Appeals Tribunal and courts in the veterans' and military compensation field together with other items of interest. It is distributed on request to people involved in the jurisdiction and is available online at <http://www.vrb.gov.au/publications.html>.

In order to optimise the quality of VRB decisions, it is important that members, applicants and advocates have access to appropriate library resources to enable research on material not contained in sources such as VerBosity. Some library and source material is maintained in each registry with the larger concentrations in Sydney, Melbourne and Brisbane. These materials can be provided overnight between registries.

The VRB's intermediate role and high-volume jurisdiction mean that members have to deal with their caseload as expeditiously as possible. At the same time, both parties expect the VRB to consistently reach the correct or preferable decision in accordance with the facts and relevant law. In order to accommodate these competing requirements, the VRB has developed research and information services to provide members with a research service on particular problems that arise from time to time, and to speedily provide them with:

- the relevant law as interpreted by the courts and the Administrative Appeals Tribunal;
- legislative amendments;
- relevant research papers; and
- details of significant or interesting VRB decisions.

An internal discourse bulletin and a comprehensive Collaborative Tools intranet site assists in providing members with this material. In 2011–12 members were also provided with a “Quick Guide” for easy reference use at hearing.

Access and equity

In conjunction with the Department of Veterans' Affairs strategy to comply with the Government's social justice policy, the VRB observes the requirements of access, equity, equality and participation.

The VRB serves an identifiable segment of the community. The VRB is aware of its obligations in dealing with elderly persons, people with non-English speaking backgrounds and persons with disabilities. The VRB holds hearings and video hearings in some regional areas to ensure easier access for applicants. All applicants are advised of their right of appeal to the AAT on receiving advice of a VRB decision. Senior VRB staff speak on a regular basis at pensions seminars run by ex-service organisations and the Department of Veterans' Affairs, and visit regional areas to discuss the VRB's operations with ex-service organisation representatives.

In recognition of the fact that its staff are made available by the Department of Veterans' Affairs and operate in a comparable environment, the VRB acts consistently with Departmental policies and initiatives in such matters as occupational health and safety, enterprise bargaining, industrial democracy and equal employment opportunity.

Other Tribunals

The VRB maintains relationships with other tribunals through the following fora:

- Council of Australasian Tribunals (COAT);
- Commonwealth Heads of Tribunals (CHOTS), involving the Administrative Appeals Tribunal, the Social Security Appeals Tribunal, the Migration Review Tribunal, the Refugee Review Tribunal and the National Native Title Tribunal;
- Meetings involving the senior managers/registrars from the above federal review tribunals; and
- General liaison between staff of specific corporate functions (including human resources, finance, training and information technology).

Quality assurance

In order to gauge applicant satisfaction and further develop members, in 2011–12 the VRB:

- continued the use of a periodic customer satisfaction survey;
- conducted Members' Training Sessions on a variety of topics via video conferencing;
- hosted a biannual members and staff conference and defence familiarisation training.

PART 4 – MANAGEMENT AND ACCOUNTABILITY

PART 4 – MANAGEMENT AND ACCOUNTABILITY

STAFF

Under section 172 of the VEA, the Secretary of the Department is required to make available any staff required to assist the VRB in the performance of its statutory functions, who are employed under the terms of the *Public Service Act 1999* and the *DVA Enterprise Agreement 2012–2014*.

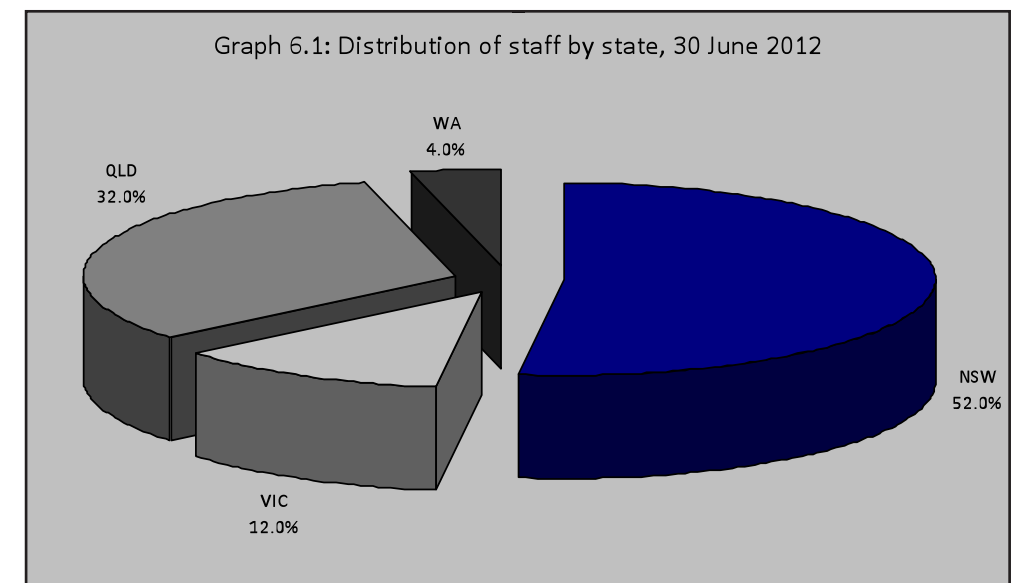
Comprehensive information on the *Enterprise Agreement 2012–2014* is available in the Department's annual report. As at 30 June 2012, no VRB employees were covered by an Australian Workplace Agreement. Performance pay is also no longer available to VRB employees.

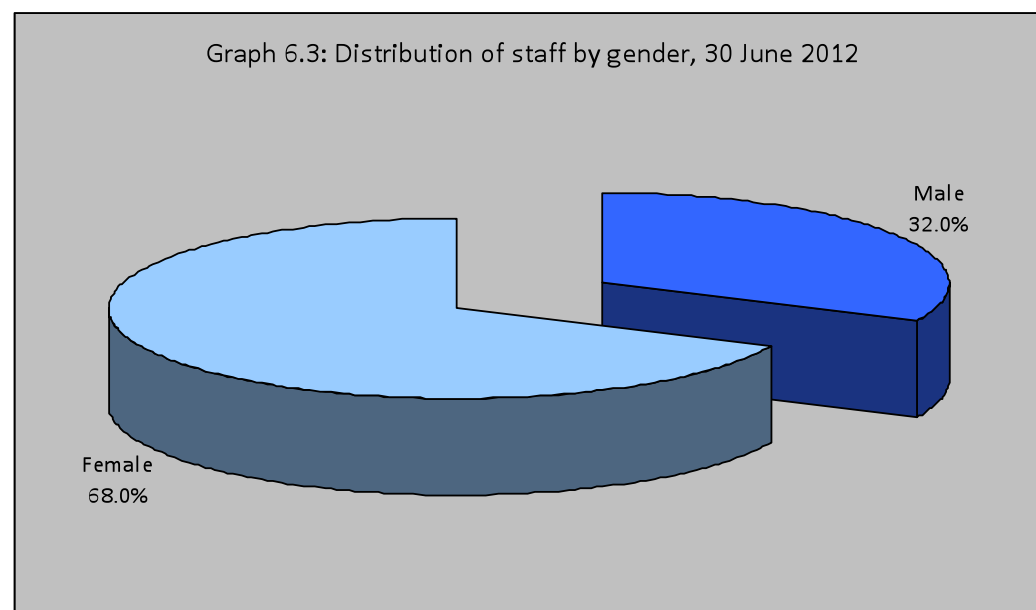
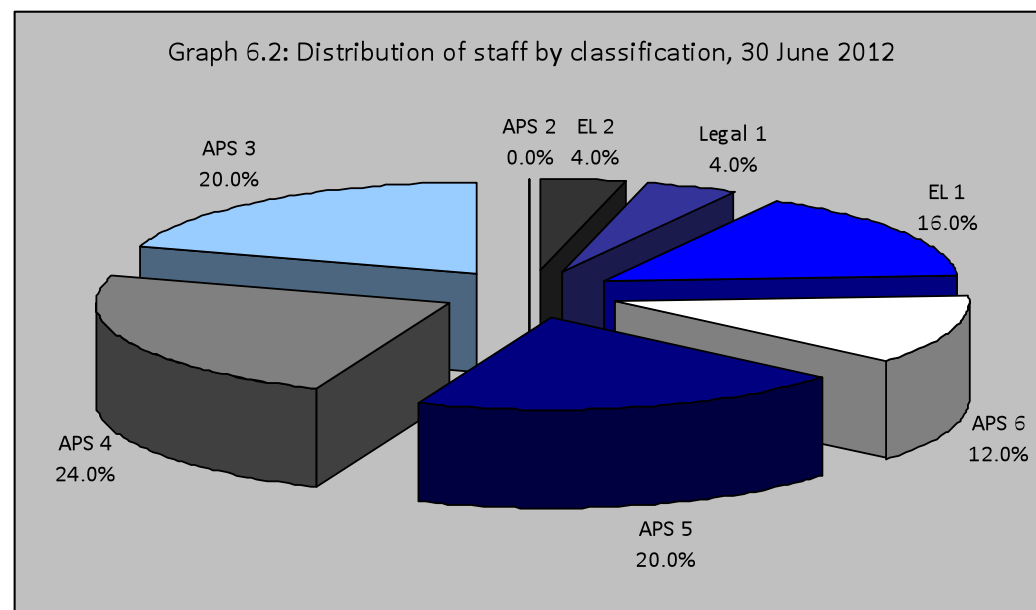
On 30 June 2011 there were 28 staff employed by the VRB. That figure had declined to 25 by the end of the 2011–12 financial year.

The break-up of staff as at 30 June 2012 is set out in Tables 12 and 13, and in Graphs 6.1 to 6.3. Because the National Registry is situated in Sydney, its staff are shown together with those of the NSW State Registry under NSW.

	Gender	NSW	VIC	QLD	WA	AUST
EL 2	Male					0
	Female	1				1
	Total	1	0	0	0	1
Legal 1	Male					0
	Female	1				1
	Total	1	0	0	0	1
EL 1	Male	2	1			3
	Female	0		1		1
	Total	2	1	1	0	4
APS 6	Male	1				1
	Female			1	1	2
	Total	1	0	1	1	3
APS 5	Male	3				3
	Female	2				2
	Total	5	0	0	0	5
APS 4	Male					0
	Female			6		6
	Total	0	0	6	0	6
APS 3	Male		1			1
	Female	3	1	0		4
	Total	3	2	0	0	5
APS 2	Male					0
	Female					0
	Total	0	0	0	0	0
All staff	Male	6	2	0	0	8
	Female	7	1	8	1	17
	Total	13	3	8	1	25

	Gender	NSW	VIC	QLD	WA	AUST
Full-time	Male	6	2			8
	Female	6	1	4	1	12
	Total	12	3	4	1	20
Part-time	Male			1		1
	Female	1		3		4
	Total	1	0	4	0	5
Total all staff	Male	6	2	1	0	9
	Female	7	1	7	1	16
	Total	13	3	8	1	25





Members

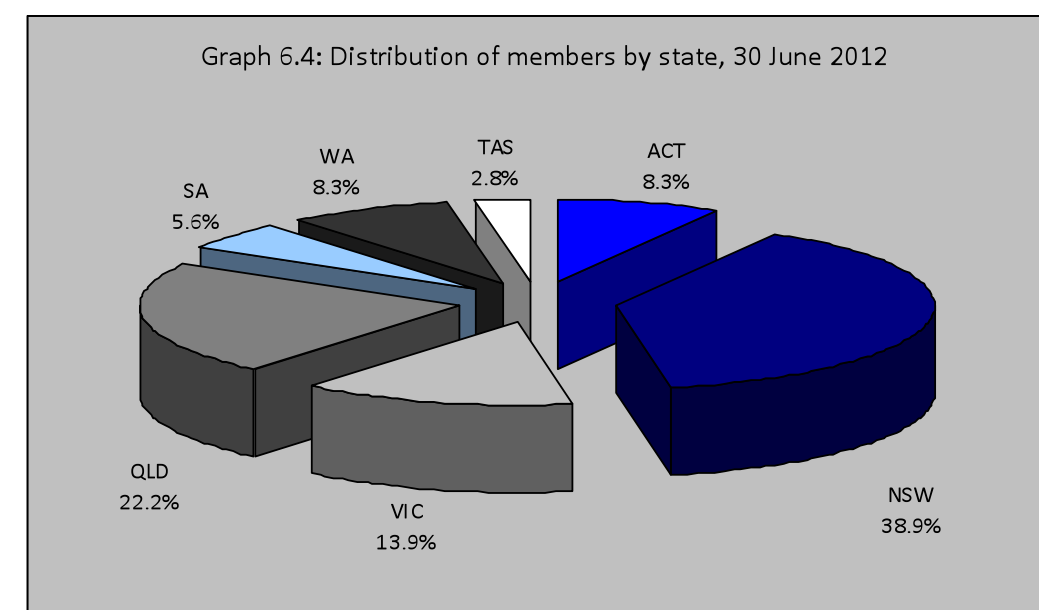
The Board welcomed four new members in 2012: Iain Whitehouse, Christopher Hamilton, Jay Bruce and Graham Quinlivan. Frank Brown was reappointed as a member.

There was also the departure of a number of members of the VRB including Christopher Keher, Francis Harding Benfield OAM, Anne Pahl, Dr Grant Walsh, Dr David Cockram, Peter Gaughwin, and Associate Professor Patrick Murray.

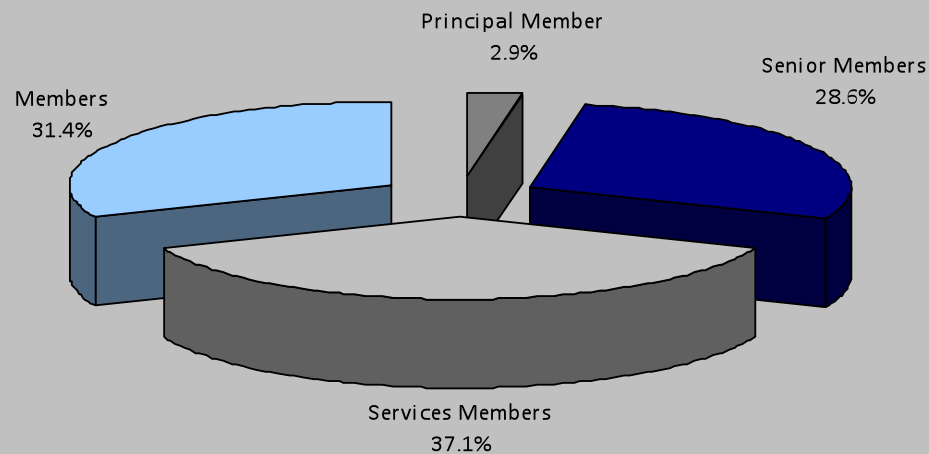
At 30 June 2012 there were 36 members of the VRB: the Principal Member, 10 Senior Members, 14 Services Members and 11 Members. Of these, the Principal Member was the only full-time appointee, all others were part-time. The number of women holding appointments was 12.

The break-up of membership at the end of the financial year is set out in Table 14 and Charts 6.4 to 6.6. Further details of the VRB membership are provided in Appendices 3 and 4.

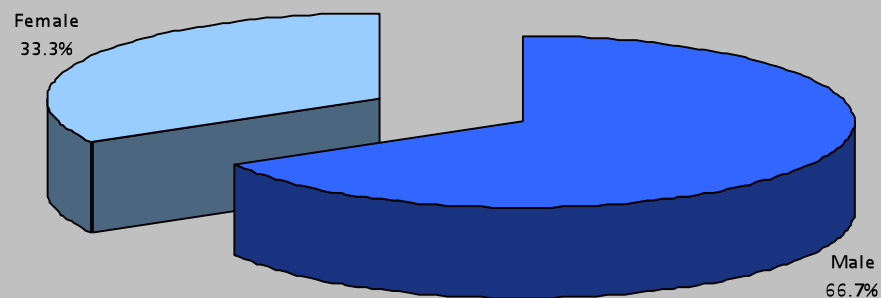
Table 14: Members									
	Gender	ACT	NSW	VIC	QLD	SA	WA	TAS	AUST
Principal Member	Male		1						1
Senior Members	Male	1	1	1		1	1		5
	Female		2	1	2				5
	Total	1	3	2	2	1	1	0	10
Services Members	Male	1	4	1	4	1	1	1	13
	Female		1	0					1
	Total	1	5	1	4	1	1	1	14
Members	Male	1	2		1	0	1		7
	Female		3	2	1				6
	Total	1	5	2	2	0	1	0	11
All members	Male	3	8	2	5	2	4	1	26
	Female	0	6	3	3	0	0	0	12
	Total	3	14	5	8	2	3	1	36



Graph 6.5: Distribution of members by type, 30 June 2012



Graph 6.6: Distribution of members by gender, 30 June 2012



Ethical standards

The VRB is committed to maintaining the highest ethical standards. Its core values are embedded in its Service Charter and underpin its operations.

The VRB is committed to maintaining a culture of trust and integrity among our senior staff and in our decision-making processes. VRB staff attend leadership and development programs facilitated by the Department, and all provide segments or modules focusing on ethics and integrity, including ethical decision making.

In terms of VRB Members, they are required to act in accordance with the Administrative Review Council's Standards of Conduct for Tribunal Members, the Australian Public Service (APS) Values, the APS Code of Conduct and the Board's Service Charter.

Australian Public Service Values and Code of Conduct

All VRB staff are bound by the Australian Public Service Values and Code of Conduct. All staff are encouraged to incorporate these values into their own workplace ethic. References to the Australian Public Service Values and Code of Conduct are also incorporated into core staff training.

Professional Standards for Tribunal Members

In addition to comprehensive guidance given to members in the VRB's Members Handbook, members are guided by the Administrative Review Council's publication, A Guide to Standards of Conduct for Tribunal Members. This document establishes principles of conduct relating to fairness, integrity, accountability and transparency, among others. The Guide is brought to the attention of all VRB members during induction activities and the principles referred to in ongoing member training. It also forms part of the members competency framework; against which members are appraised twice yearly. To ensure that ethical standards are upheld, members, as statutory office holders, are required to complete a private interests declaration form.

Ecologically Sustainable Development and Environmental Performance

The VRB remains committed to minimising the impact of its workplaces on the environment and promoting environmentally supportive work practices. The VRB continues to increase purchases of 'green' energy, recycle waste paper and materials and to implement measures to reduce the amount of energy and resources used. The VRB also ensures it is compliant with relevant environment regulations and that suppliers are aware of our environmental commitments and arrangements. The VRB will continue to improve its awareness of environmental issues and promote awareness in its business practices in all its registries.

The Department of Veterans' Affairs monitors and reports on energy consumption in the buildings occupied by the VRB, and information regarding this is included in the Annual Report of the Department.

Operational Planning

The VRB’s Business Plan covers the period 2011–12 and maps out the vision, purpose and values of the organisation, in achieving its primary purpose of providing a mechanism of review that is fair, just, economical, informal and quick. The following four focus areas provide the strategic direction for the VRB over the life of the Plan:

- 1. Our Users
- 2. Our People
- 3. Our Organisation
- 4. Our Partners

The National Office prepares a six monthly and final year report card against the objectives, goals and strategies laid out in the Business Plan. The final year report card is set out on the following pages. Please refer to Part 2 for a copy of the Business Plan.

2011–12 FINAL REPORT CARD

This document is our final report card on the progress of key targets set out in the 2011–12 Business Plan. The Business Plan was developed in September 2011 and this report sets out what we have achieved in the past nine months. It shows that 34 key targets have been met and that we have made progress in the implementation of an additional 3 initiatives, which will be carried over into the 2012–13 Business Plan.

✓ Implemented ⌚ In development

OUR USERS		
ACTION	STATUS	COMMENTS
1. Continually improve guidance, procedures, and information for applicants and representatives in relation to the conduct of reviews including:		
• Continue to issue annual edition of VeRBosity, practice & case notes	✓	Over 16 practice notes published and available on the website.
• Continue to revise and improve online submission templates.	✓	Ongoing
• Continue to issue, monitor and report on regular user surveys.	✓	Ongoing – survey conducted in late 2011
• Continue to monitor and report on complaint handling policy.	✓	Ongoing – the VRB received 11 compliments and 15 complaints in 2011–12.
• Continue to convene user forums and participate in external forums.	✓	Ongoing – forums held in most locations where the VRB conducts hearings, across Australia
• Revise members manual including guidance on balancing quality decisions and timely outcomes.	✓	Completed – members provided with new “Quick Guide”
• Conduct a regular forum with the reviews area of the Department to ensure that members, applicants and their representatives have access to all relevant information from the Department.	✓	Ongoing
• Convene regular meetings of members to canvass issues impacting on decision making and regular meetings of registrars to canvass issues impacting on case management.	✓	Ongoing – regular update from the Principal Member also provided monthly to the VRB members and staff
2. Develop a more active case management regime.	✓	Ongoing – including ADR processes introduced for all VRB applications
3. Improve overall timeliness of reviews including:		

<ul style="list-style-type: none"> Articulate clear timeliness expectations and monitor and report on performance. 	✓	Ongoing – timeliness expectations identified in General Practice Direction.
<ul style="list-style-type: none"> Encourage innovation in case management practices through regular review. 	✓	Ongoing – staff operations manual currently under review
<ul style="list-style-type: none"> Increased use of video technology for hearings 	✓	Ongoing – promoted at Advocate forums

OUR PEOPLE

ACTION	STATUS	COMMENTS
4. Review feedback from the National Conference 2011 and direct into planning process for 2013.	✓	Ongoing – planning commenced for 2013 conference.
5. Offer secondments opportunities for staff within the Department and explore other opportunities to work collaboratively and encourage cross-skilling	🕒	Pending further consultation with the Department. We are also currently exploring secondment opportunities with other Commonwealth merit review Tribunals via an MoU.
6. Develop and implement Member Competency Framework	✓	Completed – first round of member appraisals conducted between March – May 2011.
7. Celebrate organisational achievements and recognise excellent individual and team performance	✓	Ongoing – staff member awarded an Australia Day Award and member awarded an OAM.
8. Continue to host regular meetings of the members training committee, members consultative group and senior member forum.	✓	Ongoing
9. Continue to conduct regular member/staff survey.	✓	Ongoing
10. Continue to publish the discourse bulletin, featuring key decisions.	✓	Ongoing – survey issued in late 2011.
11. Invest in professional development of members including: <ul style="list-style-type: none"> promote member professional development policy continue to conduct member training and promote external training opportunities Develop and conduct module 2 of the MRCA training program Continue to review and add relevant content to the Board's collaborative tools site. 	✓	Ongoing – development of module 2 of MRCA training carried into 2012–13, due to increased need for member induction training in 2011–12.

Develop Member Performance Review and Assessment Guidelines and conduct annual performance reviews for all members (and 6 month updates) in accordance with the guidelines.	✓	Ongoing – first round of performance reviews conduct in early 2012.
Continue to participate in performance management framework and conduct annual performance reviews for all staff (with 6 month updates).	✓	Ongoing
Senior staff to attend performance feedback scheme workshops and to familiarise with the Department's guidelines for managing under performance to support effective staff.	✓	Ongoing
Liaise with the Department to review and improve recruitment processes to achieve more streamlined outcomes.	✓	Ongoing

OUR ORGANISATION

ACTION	STATUS	COMMENTS
Monitor MoU for use of AAT facilities.	✓	Ongoing.
Continue to enhance IT systems including MRCA upgrades and replacement systems for vrbSAM.	✓	Some enhancements in place and testing taking place on remaining enhancements.
Prepare a 3–5 Year Strategic Plan covering organisational outcomes.	🕒	Pending findings from Framework for Excellence Audit.
Monitor key reporting arrangements to ensure they fulfil our reporting obligations	✓	Ongoing
Allocate available resources to meet key priorities and ensure the capability to meet caseload demands	✓	Ongoing
Investigate on–line enquiry, on–line lodgement and e–communication capabilities with the Department.	✓	Pending – replacement system for VRB SAM.

OUR PARTNERS		
ACTION	STATUS	COMMENTS
Continue resource sharing arrangements with courts and tribunals and seek out further opportunities to share resources.	✓	Ongoing
Continue to provide standardised Advocacy Seminar and training presentations, where invited.	✓	Ongoing
Participate in ESO forums and congresses, conferences and other events relevant to the work of the Board.	✓	Ongoing
Maintain and Enhance Relationships with DVA by attending regular senior management forums and events.	✓	Ongoing
Review the Service Charter and complaints policy every two years.	✓	Ongoing – due for review in 2012–13
Conduct regular client and stakeholder surveys to elicit feedback on needs and on our performance	✓	Ongoing
Maintain and enhance advocates liaison meetings	✓	Ongoing

Senior Management

Mr Doug Humphreys is the Principal Member of the Board. He was appointed from 22 March 2010 for a five year term to 21 March 2015. The Principal Member is appointed by the Governor-General and is responsible for the national management of the VRB.

Senior Members of the Board provide leadership and support for Members and Services Members, by way of mentoring and the quarterly meeting of the Senior Member Forum, as well as informally. Up until 30 June 2012, the Senior Members were Les Young, Hilary Kramer, Jenny D'Arcy, Patrick Callioni, Jackie Fristacky, Christopher Wray, Alison Colvin and Sylvia Winters, Gary Barrow and Edward Jolly.

The National Registrar directs the operations of the VRB at a national level and coordinates the activities of the state registries. The State Registrars are responsible for the administration and operation of their respective registries. All State Registrars report to the National Registrar.

As at 30 June 2012, the governance frameworks for the Board were as follows:

- Members Consultative Group
- Senior Member forums
- Member Training Committee

Risk Management

The Risk Management Framework ensures that all identified risks relevant to the VRB are considered and that a systematic approach to risk mitigation is followed. The approach adopted by the VRB is consistent with the Australian Risk Management Standard (AS/NZS 4360) and considers the following risk areas:

- maintaining a safe work environment for staff, members, clients and visitors;
- safeguarding and maintaining assets;
- managing human resources;
- managing technology and information resources;
- ensuring compliance with environmental obligations;
- achieving established objectives and goals;
- ensuring the reliability and integrity of financial and operational information;
- complying with internal policies and procedures;
- complying with laws and regulations;
- managing change in the VRB's internal and external environments; and
- managing 'significant interruption' to critical business processes.

For each of these areas, the likelihood and consequences of identified risks have been determined and inform the VRB's approach to risk mitigation.

Asset Management

All the assets of the VRB are provided to it by the Department. As such, the Department manages, conducts regular stock-takes, and accounts for those assets.

Professional Development and Performance

The Board has introduced a number of new initiatives this year to assist in the professional development of its members. Drawing upon best practice examples from other Tribunals the Board introduced for the benefit of its new members a 3 day induction program, follow-up specialised training sessions and a mentoring program for them with more experienced Members. New members also attended a comprehensive program of follow up training including both MRCA training, dealing with Special rate applications and advanced GARP and GARP M training.

Training innovations were also introduced to benefit the wider membership. These focused on dealing with MRCA applications for review which are forming an increasing part of the Board's workload. The MRCA module 1 training program was rolled out across Australia and all Board members participated in the training.

Meetings of the VRB's Members Training Committee (MTC), Members Consultative Group (MCG) and Senior Member Forums (SMF) to further the professional development of its members also continued throughout 2011–12. The MTC, MCG and SMF all allow members to provide direct feedback on their professional development needs and issues surrounding their work.

The VRB remains actively involved in the joint Tribunals Learning Development Committee and the Council of Australasian Tribunals as part of its ongoing commitment to professional development.

In January 2012 a comprehensive member competency framework and appraisal package was developed and released. Members performance will be reviewed twice yearly. The first round of appraisals were conducted in mid 2012.

There have also been many initiatives undertaken during the reporting year aimed at maintaining and enhancing the skills of staff. These include:

- regular Registrars' meetings
- regular National Registry meetings
- attendance of members and staff at relevant external conferences, including the Australian Institute of Judicial Administration's Tribunals' Conference and the annual conference of the Australian Institute of Administrative Law
- participation of members and staff in relevant external training courses run by the Australian Public Service Commission and others.

Staff working at the VRB are also covered by the training and development programs and policies of the Department. VRB staff participated in:

- Executive Leadership Program (ELP) for EL 1–2
- Looking Forwards Program (LFP) for APS 3–6 staff
- SES and EL forums
- Understanding Military Culture and Veteran Mental Health

More information on staff training and development can be found in the Department's annual report.

In 2011–12, the VRB also hosted a biannual Member and Staff Conference. The National Members and Staff Conference was held in September 2011 at the RAAF Base in Glenbrook. The key note speaker was Professor Robin Creyke, Senior Member at the Administrative Appeals Tribunal. Other speakers included Senior Member Anne Britton, professional editor Michael Wall and Dr Grant Lester. Staff also participated in a training workshop, which was developed by the Council of Australian Tribunals and was facilitated by Dr Meredith Martin and Mary Ellen Burke. Australian Defence Force (ADF) familiarisation training at Holsworthy Base was also a component of the conference. The insight provided by current Service personnel to our members and staff was absolutely invaluable. I look forward to facilitating more ADF familiarisation training for our members and staff in 2012–13.

Client Survey

The VRB completed the previous veterans satisfaction survey in April 2011 and reported the outcomes in the 2010–11 Annual Report. In 2010–11, 79.1% of clients were satisfied or very satisfied with the service they had received at the VRB.

A second survey was conducted in late 2011. The Board received a response rate of 50.68%. The survey responses again provided positive feedback on the experience of dealing with the Board which was consistent with the previous year's results. Over 73% of respondents rated their overall satisfaction level as very satisfied

or satisfied. Over 93% of clients also agreed that the VRB was independent of the Repatriation Commission/ Military Rehabilitation and Compensation Commission.

A further client satisfaction survey, will be conducted in 2012–13, that will help us to keep abreast of how we can better meet VRB client needs.

Staff and Member Survey

The Board has previously adopted the recommendation of the Council of Australasian Tribunals Framework for Excellence that a formal members and staff survey should be introduced. The results from the latest survey were extremely encouraging. We had a very positive response rate and it was pleasing that again over 90% of members and staff were proud and happy to work at the VRB. The survey results also revealed a good satisfaction level amongst members and staff, positive moral and a strong retention rate. This survey will be regularly repeated in future.

Work Health and Safety, National Disability Strategy and Social Inclusion

As mentioned above, the VRB is within the Veterans' Affairs portfolio and although it is an independent body from the Department of Veterans' Affairs, it follows Departmental guidelines concerning work health and safety, as well as access and equity issues.

The VRB is included within the Department's health and safety arrangements, which provide a flexible framework for proactively managing work health and safety. Information relating to section 74(1) of the Occupational Health and Safety Act 1991 (OHS Act) and Part 4 Clause 4 of the Work Health and Safety Act 2011 (Cth) (WHS Act) is contained in Appendix H Workplace Health and Safety of the Department's annual report. The OHS Act was repealed, and replaced with the WHS Act on 1 January 2012.

The VRB is also included within the Department's Workplace Diversity Policy and Action Plan 2011–15. The VRB is also covered by the Department's systems and processes to provide workplace support for employees with a disability. More information on both of these issues can be found in the Department's annual report.

Resources

In the Department of Veterans' Affairs Portfolio Budget Statement (PBS) and the Portfolio Additional Estimates Statement (PAES) the VRB comes under Outcome 1 and Output 1.3. Detailed financial statements including those relating to the VRB are contained in the Annual Report of the Department of Veterans' Affairs.

Table 15 outlines actual expenditure for the VRB for the 2010–11 and 2011–12 financial years. Total expenditure for the VRB in the financial year 2011–12 was

\$5 752 000 compared to \$5 380 000 in 2010–11. Average expenditure on each application finalised by the VRB during the year was \$1655. In 2010–11 the figure was \$1540.

Please note that the staff salary figure includes the cost of \$242 000 in redundancy expenses. The redundancies did not take effect until the next reporting period. Also note the increase in staff travel allowance and accommodation costs is related to the national conference. Finally, the increased cost in printing is related to the Special rep handbook edition of VerRBosity.

Table 15 – Veterans' Review Board Expenditure (\$000s)	2010–11	2011–12
Salaries (includes superannuation)		
Members	2,534	2,594
Staff (includes o/time & temps)	2,290	2,550
TOTAL	4,824	5,144
Fares		
Members	114	115
Staff	19	13
Cars (includes parking)	23	9
TOTAL	156	137
Accommodation		
Members	64	79
Staff	3	15
TOTAL	67	94
Travelling Allowance		
Members	57	55
Staff	7	11
TOTAL	64	66
Office Requisites		
Stationery and office requisites	32	56
Library	7	
Printing	14	28
TOTAL	53	84
Postage and Telephones		
Postage	49	52
Telephones/fax/IT	6	1
TOTAL	55	53
Incidental Expenditure		
Freight & cartage	25	29
Advertising	7	6
Training	85	99
Miscellaneous	30	28
Archiving	14	12
TOTAL	161	174
GRAND TOTAL	5,380	5,752

Fraud control

The VRB remains committed to developing and maintaining best practice strategies for the prevention and detection of fraud. The Finance Manager bears responsibility for fraud control and prevention and detection activities within the VRB.

There were no incidents of fraud detected or reported for the VRB during the financial year.

Certification of VRB Fraud Control Arrangements

I, Doug Humphreys, certify that I am satisfied that for the financial year 2011–12 the VRB:

- Has had appropriate fraud risk assessments and fraud control plans in place that comply with the Commonwealth Fraud Control Guidelines;
- Has had appropriate fraud prevention, detection, investigation and reporting procedures and processes in place; and
- Has collected and reported on annual fraud data in a manner that complies with the Commonwealth Fraud Control Guidelines.

Doug Humphreys

Doug Humphreys

Principal Member

1 October 2012

APPENDIX 1

Court Decisions

Under the VEA, the MRCA and the *Administrative Appeals Tribunal Act 1975*, decisions of the VRB are subject to review on the merits by the Administrative Appeals Tribunal (AAT). Parties may appeal to the Federal Court on questions of law from decisions of the AAT.

While there is no direct right of appeal to the Federal Court from a decision of the VRB, decisions are subject to review by the Federal Court under the *Administrative Decisions (Judicial Review) Act 1977* (AD(JR) Act), on the grounds set out in that Act or alternatively the Judiciary Act 1903.

Certain matters may be heard in the Federal Magistrates Court, either in its original jurisdiction under the AD(JR) Act or upon transfer from the Federal Court.

Federal Court of Australia

Administrative Appeals Tribunal Act 1975

In 2011–12 there were 14 Federal Court judgments, where VRB had been a part of the appeal path:

- Kaluza v Repatriation Commission [2011] FCAFC 97 (4 August 2011)
- Robertson v Repatriation Commission [2011] FCA 937 (22 August 2011)
- Repatriation Commission v Connell [2011] FCAFC 116 (31 August 2011)
- Rana v Repatriation Commission [2011] FCAFC 124 (21 September 2011)
- Gilkinson v Repatriation Commission [2011] FCAFC 133 (28 October 2011)
- King v Repatriation Commission [2011] FCA 1436 (15 December 2011)
- Summers v Repatriation Commission [2011] FCA (8 November 2011)
- Onorato v Repatriation Commission [2011] FCA 1507 (12 December 2011)
- Dunn v Repatriation Commission [2012] FCA 87 (7 February 2012)
- Farley–Smith v Repatriation Commission [2012] FCA 80 (13 February 2012)
- Bawden v Repatriation Commission [2012] FCA 345 (5 April 2012)
- Willis v Repatriation Commission [2012] FCA 399 (19 April 2012)
- Sleep v Repatriation Commission [2012] FCA 422 (27 April 2012)
- Rayson v Repatriation Commission [2012] FCA 648 (21 June 2012)

There were no relevant judgments handed down by the Federal Magistrates Court.

Issues dealt with by Court Decisions

In *Kaluza*, the Full Court noted the Tribunal acts on the material before it without being limited in the same way in which the Court is limited on judicial review. In *Kaluza*, the court also reinforced that the correct test for clinical onset is set out in *Lees* case. That test is either when a person becomes aware of some feature or symptom which enables a doctor to say that the disease was present at that time; or when a finding is made on investigation which is indicative to a doctor that the disease is present. The test does not require both.

In *Robertson*, the Court discussed the correct test in determining the ‘*kind of death*’. The Court referred to the tests set down in *Collins and Hill*. That identifying a veteran’s kind of death is a question of fact, to be determined by the decision maker on the evidence.

In *Connell*, the Full Court looked at the proper construction of s23(1)(c) of the VEA. The live issue before the court was whether the words “*prevented from continuing to undertake remunerative work that the veteran was undertaking*” has the effect that if the veteran was undertaking a particular type of work such as painting and still continued to perform that type of work albeit on a restricted basis part of s23(1)(c) is not satisfied. This significant decision of the Full Court, provides comprehensive guidance on the issue of whether the considerations in *Haskard* and *Wright* apply to intermediate rate pensions. Previously, the Commission had interpreted the legislation to require that a veteran must have been forced to cease to undertake the type of work they had been undertaking to be eligible for the intermediate rate of pension. Following the Federal Court’s decision in *Connell*, applicants are now entitled to the intermediate rate if the effect of their accepted disabilities is such that they must reduce their hours of work to 20 or less hours per week. Applicants are not required to have ceased to undertake the type of work they had been undertaking to be eligible for the intermediate rate of pension.

In *Gilkinson*, the Full Court looked at the meaning of ‘arose out of, or was attributable to’. The Court noted the decision in *Repatriation Commission v Law* (1980) 31 ALR 140. For the ‘arose out of, or attributable to’ connections to apply, the relevant circumstances of service must have contributed to the cause but need not be the sole, dominant, direct or proximate cause of the injury.

In *Onorato*, the Court looked at the standard of proof required for the existence of a disease in a sub hypothesis. The Court held this was to be decided on the reasonable hypothesis standard.

In *Farley–Smith*, the Court looked at the principles of apprehended bias and denial of procedural fairness. The Court followed the principle as set out in *Ebner v Official Trustee in Bankruptcy; Clenae Pty Ltd v ANZ Banking: where in the absence of any suggestion of actual bias, a question arises as to their independence or impartiality of a judge, as here, the governing principle is that, subject to qualifications relating to waiver, a judge is disqualified if a fair minded observer might reasonably apprehend that the judge might not bring an impartial mind to the resolution of the question the judge is required to decide*.

Verbosity

All Court decisions concerning veterans’ entitlements and relevant military rehabilitation and compensation matters are noted and summarised in the VRB’s publication, *Verbosity*, which is usually published biannually. Electronic versions are available at www.vrb.gov.au/publications.html.

Practice notes

The VRB also publishes practice notes in relation to important court decisions, which can be found on the website at: www.vrb.gov.au/publications.html#_practice

APPENDIX 2

Other Forms of External Scrutiny

Decisions and actions of the VRB may be the subject of complaints to the Ombudsman. In addition, access to documents held by the VRB may be sought under the *Freedom of Information Act 1982*.

Ombudsman

During 2011–12 the Ombudsman did not notify the VRB of any complaints.

Freedom of Information Act 1982

There were two requests to the VRB for access to documents under the *Freedom of Information Act 1982* during 2011–12.

Privacy Commissioner

The VRB is subject to the *Privacy Act 1988*. The VRB continually assesses its compliance with the Information Privacy Principles, which determine the way the VRB deals with personal information.

Human Rights and Equal Opportunity Commission

The VRB is subject to the jurisdiction of the Human Rights and Equal Opportunity Commission. The Commission did not notify the VRB of any complaints during 2011–12. (The Human Rights and Equal Opportunity Commission became the Australian Human Rights Commission on 4 September 2008).

Auditor-General

During 2011–12 the Auditor-General did not conduct any inquiries or make any reports in relation to the VRB.

Reports by Parliamentary Committees

In 2011–12 there were no reports by a parliamentary committee relating to the VRB.

APPENDIX 3

Member	Office	First appointed	Current appointment expires	Gender	Location
Mr Doug Humphreys	Principal Member	22 Mar 2010	21 Mar 2015	M	NSW
Mr Gary Barrow	P/T Senior Member	1 Oct 2007	30 Sept 2015	M	WA
Mr Patrick Callioni	P/T Senior Member	1 Jan 2011	30 Sept 2014	M	ACT
Ms Alison Colvin	P/T Senior Member	1 Jan 2011	30 Sept 2015	F	Qld
Ms Jennifer D'Arcy	P/T Senior Member	1 June 2001	30 Sept 2015	F	NSW
Ms Jackie Fristacky	P/T Senior Member	1 Oct 1997	30 Sept 2015	F	Vic
Mr Edward Jolly	P/T Senior Member	1 Oct 2007	30 Sept 2015	M	SA
Ms Hilary Kramer	P/T Senior Member	30 July 1998	30 Sept 2015	F	NSW
Ms Sylvia Winters	P/T Senior Member	1 Oct 2006	30 Sept 2015	F	Qld
Mr Christopher Wray	P/T Senior Member	1 Oct 2006	30 Sept 2015	M	Vic
Colonel Leslie Young (Retd)	P/T Senior Member	1 Oct 1997	30 Sept 2015	M	NSW
Dr Robert Black AM RFD	P/T Services Member	1 Oct 2006	30 Sept 2014	M	SA
Brigadier Mark Bornholt AM (Rtd)	P/T Services Member	1 Jan 2011	30 Sept 2015	M	ACT
Wing Commander Stuart Bryce (Retd)	P/T Services Member	25 Nov 1991	30 Sept 2015	M	Tas
Air Commodore Frank Burtt OBE (Retd)	P/T Services Member	1 Jan 1998	30 Sept 2015	M	NSW
Major Janet Hartmann (Retd)	P/T Services Member	1 June 2001	30 Sept 2015	F	NSW
Lieutenant Colonel Alexander Main (Retd)	P/T Services Member	1 Oct 2006	30 Sept 2015	M	Qld
Major Gregory Mawkes (Retd)	P/T Services Member	1 Jan 1993	30 Sept 2014	M	WA
Colonel Robin Regan CSC (Retd)	P/T Services Member	28 May 1999	30 Sept 2015	M	Vic

Colonel Roger Tiller AM CSC (Retd)	P/T Services Member	1 Oct 2006	30 Sept 2015	M	NSW
Air Commodore Bruce Wood (Retd)	P/T Services Member	1 Oct 2006	30 Sept 2015	M	NSW
Lieutenant Colonel Warwick Young	P/T Services Member	31 Mar 2008	30 Sept 2015	M	NSW
Mr Allan Anforth	P/T Member	1 Jan 2011	30 Sept 2014	M	ACT
Ms Zita Antonios	P/T Member	1 June 2001	30 Sept 2015	F	NSW
Ms Moira Brophy	P/T Member	1 Jan 2011	30 Sept 2014	F	NSW
Mr Scott Clark	P/T Member	1 Jan 2011	30 Sept 2014	M	Qld
Dr Rhonda Galbally AO	P/T Member	1 Jan 2011	30 Sept 2014	F	Vic
Commodore Simon Hart CSC RAN (Retd)	P/T Member	1 Jan 2011	30 Sept 2014	M	NSW
Lieutenant Colonel Geoff Hourn	P/T Member	1 Jan 2011	30 Sept 2015	M	WA
Ms Morag McColm	P/T Member	1 Jan 1998	30 Sept 2015	F	Qld
Ms Jillian Moir	P/T Member	1 Jan 2011	30 Sept 2014	F	NSW
Mrs Carmel Morfuni	P/T Member	1 Jan 2011	30 Sept 2015	F	Vic
Commander Iain Alexander Whitehouse (Retd)	P/T Services Member	7 Dec 2011	30 Sept 2015	M	Qld
Captain Jay Bruce (Retd)	P/T Services Member	7 Dec 2011	30 Sept 2015	M	Qld
Brigadier Christopher Hamilton	P/T Services Member	7 Dec 2011	30 Sept 2015	M	Qld
Frank Brown, LLB	P/T Member	7 Dec 2011	30 Sept 2015	M	NSW

APPENDIX 4

Membership of the Veterans' Review Board – Biographies

Doug Humphreys, LLB, LLM Principal Member, NSW

Doug Humphreys was appointed as Principal Member of the Board on 22 March 2010. He graduated from UNSW in 1980 with a combined Commerce/Law degree in 1980. Following his admission as a solicitor, he spent 3 years in private legal practice. Between 1984 and 2003, he worked for the Legal Aid Commission of NSW in the criminal law area. Between 1993 and 2003, he was the Director of the Commission's criminal law branch.

In 2003, he was appointed as the Principal Registrar Of the Commonwealth Administrative Appeals Tribunal (AAT). During his time with the AAT he completed a Master of Laws course at Monash University majoring in tribunal procedures. From 2003 to 2009, he was Secretary and then Executive officer of the Council of Australasian Tribunals. From 2008 – 2011, he was elected as a Councillor of the Law Society of NSW. He was Chair of the Society's Licensing and Government Solicitors' committees, a member of the Professional Conduct Committee, and Chair of the Specialist Accreditation Board.

Mr Humphreys joined the Australian Army Reserve in 1976, and was commissioned as an officer in the Royal Australian Infantry in 1979. He remains an active member of the Reserve.

Mr Allan Anforth Member, ACT

Allan Anforth is a barrister in Canberra who practises in federal administrative law. He is currently a Senior Member of the ACT Civil and Administrative Tribunal and a Member of the NSW Consumer Trader and Tenancy Tribunal, a position held for the last 16 years. He is a former Member of the Commonwealth Administrative Appeals Tribunal. Among other publications, Mr Anforth co-authors text on Comcare and social security law.

Ms Zita Antonios Member, NSW

Ms Antonios is a graduate in Social Studies. She is a current part time Member of the Administrative Decisions Tribunal and a former full time Member of the Immigration Review Tribunal. Prior to that she was the Federal Race Discrimination Commissioner and Social Justice Commissioner at the Human Rights and Equal Opportunity Commission. Ms Antonios has an extensive employment history as a mediator and advisor in grievance management and conflict resolution. She was appointed a Member of the VRB in 2001.

Commander Gary Barrow Senior Member, WA

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.

Group Captain Dr Robert Black AM RFD Services Member, SA

Group Captain Black is a Doctor of Medicine and has a Master of Surgery. He is a fellow of the Royal Australian College of Surgeons. He served in the Royal Australian Air Force Reserve for 46 years including duty in Butterworth, Rwanda, Bougainville and East Timor. He was the Senior Visiting Specialist of the Daw Park Repatriation General Hospital for 23 years and has conducted a self employed private surgical practice. He was appointed a Services Member of the VRB in 2006.

Brigadier Mark Bornholt AM (Retd)
Services Member, ACT

Mark Bornholt graduated from Officer Cadet School Portsea in 1978. He served in the 3rd and 6th Battalions of The Royal Australian Regiment. He was appointed as 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 remains a member of the Defence Committee of the RSL, a Chief of Army delegate for Redress of Grievance issues, a Director of the Royal Australian Regiment Foundation and is the Honorary Colonel of the Australian Army Band Corps. He was appointed a Member of the VRB in 2011.

Ms Moira Brophy
Member, NSW

Ms Brophy is currently a part time Legal Member of the Social Security Appeals Tribunal and a part time Member of the Consumer Trader and Tenancy Tribunal. Ms Brophy has previously been a Member of the Fair Trading Tribunal and the NSW Medical Tribunal and has been a community representative on various government boards and advisory bodies.

Captain James (Jay) Bruce (Retd)
Services Member, QLD

Captain James Bruce (Retd) served in the Australian Army for 18 years and holds a Bachelor Degree in Health Science. Jay is a member of the Australian Special Air Service Association and Australian Peacekeepers & Peacemakers Veteran's Association. On entering the private sector, Jay obtained experience in the oil and gas industry eventually setting up his own global offshore exploration company. Jay was appointed to the VRB a Services Member in 2011.

Wing Commander Stuart Bryce (Retd)
Services Member, TAS

Wing Commander Bryce (Retd) has been a Services Member of the Board since 1991. He served in the Royal Australian Air Force for 23 years initially as an aircraft instrument fitter and later as a pilot completing several tours with No 37 Squadron and over four years as a VIP captain with No 34 Squadron. He saw active service in Vietnam as an air support officer with the 1st Australian Task Force at Nui Dat. He retired from the RAAF in 1986 when he was serving in Hobart as the Senior Air Force Officer, Tasmania.

Air Commodore Frank Burt OBE (Retd)
Services Member, NSW

Air Commodore Burt (Retd) served in the Royal Australian Air Force for 33 years including operational service in Malaya and Vietnam. He is a graduate of both the Canadian Forces Command and Staff College and the Joint Services Staff College. He retired in the rank of Air Commodore and was appointed as an Officer of the Most Excellent Order of the British Empire in 1983. He was appointed a Services Member of the VRB in 1998.

Mr Patrick Callioni
Senior Member, ACT

Patrick Callioni is a former senior public servant with the Australian and Queensland governments, having retired in 2008 as a Senior Executive Band 2 in the Department of Finance. Mr Callioni runs his own consulting company and is a senior executive with two other companies. Mr Callioni has degrees in Arts and Law, has studied European law at post-graduate level and is a barrister. Mr Callioni ran the advocacy branch in the Department of Veterans' Affairs, where he held senior executive positions in the 1980s and 1990s. Mr Callioni is a published author, specialising in regulation, public policy, knowledge management and the financial services sector. He is also an experienced trainer, facilitator and presenter, and a member of several professional organisations.

Mr Scott Clark,
Member, QLD

Mr Clark is a Psychologist who has worked in the area of mental health service delivery in both inpatient and community settings since 1998. He is currently a Team Leader for a specialist Mental Health Service. Mr Clark joined the Army Reserve in 1990, transferring to the Australian Army Psychology Corps in 1997, where he continues to serve as a Psychologist.

Ms Allison Colvin
Senior Member, QLD

Ms Colvin holds Bachelor degrees in Arts and Laws (with honours) from the University of Queensland and a Masters in Law from Queensland University of Technology. She has practised as a solicitor in private practice and was a Conference Registrar at the Administrative Appeals Tribunal. She has previously held appointments as a part time Legal Member of the Queensland Mental Health Review Tribunal and as a part time Commissioner with the Queensland Law Reform Commission.

Ms Jennifer D'Arcy
Senior Member, NSW

Ms D'Arcy has been a part-time Senior Member of the Board since 2001 and also is a part-time legal member of the Mental Health Review Tribunal and the Social Security Appeals Tribunal, as well as being a part-time presiding member of the Guardianship Tribunal.

Ms Jackie Fristacky
Senior Member, VIC

Ms Fristacky has Master of Public Policy, Master of Public Policy and Management and Master of Laws degrees. She has been a senior member of the WorkCare Appeals Board, an industrial advocate for the Australian Public Service Board and held senior roles in the Victorian Public Service and in industrial relations and management consulting. She was appointed as a Member of the VRB in 1997. Since 2002, she has held this role concurrently with her role as a municipal councillor of the City of Yarra where she was Mayor in 2006.

Dr Rhonda Galbally
Member, VIC

For over thirty years, Dr Rhonda Galbally has been developing effective solutions for social, health and economic development. A CEO for twenty seven years in business, public sector, philanthropy and community, Rhonda has led the creation and development of a number of cutting edge organisations including the Myer Foundation and the Sidney Myer Fund, the Australian Commission for the Future, VicHealth – the first organisation in the world to use a dedicated tobacco tax for health promotion. In this role Rhonda developed six centres of research excellence and ensured that they became sustainable. In the late nineties Rhonda established the Australian International Health organisation – now the Nossal Institute at the University of Melbourne's Faculty of Medicine. During this time as independent Chair Rhonda undertook the National Competition Policy Review of Drugs, Poisons, and Controlled Substances Legislation (2000). Rhonda is co-founder and from 2000–2009 was Chief Executive of Our Community Pty Ltd. Rhonda is Patron of Compassionate Friends and the Epilepsy Foundation. She is Chair of the Royal Women's Hospital, Chair of the Victorian Disability Advisory Council, Chair of the National People with Disability and Carers Advisory Council and Chair of the International Board of Evaluation for Thai Health.

Rhonda was recognised with an Order of Australia in 1990, and two Doctorates (Honoris Causa) from Latrobe University (1998) and Royal Melbourne University of Technology (2007).

Brigadier Christopher Hamilton
Services Member, QLD

Brigadier Hamilton has over 32 years of service in the Australian Army and Army Reserve. He held command appointments at every rank including battalion command and command of units on operations overseas in Bougainville and East Timor. He holds a Bachelors degree in Applied Science and a Masters degree in both Human resource Management and Marketing. He is currently the Managing Director of the Army and Air Force Canteen Service. Chris is also the honorary Aide de Camp to the Governor General. Chris was appointed to the VRB as a Services Member in 2011.

Commodore Simon J Hart CSC RAN (Retd)
Member, NSW

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.

Mrs Jan Hartmann
Services Member, NSW

Jan Hartmann served in the Australian Army for 22 years, retiring with the rank of Major. She is a former Veterans' Advocate for the Returned and Services League (NSW Branch) and assessor for Veterans' Home Care program. She was appointed a Member of the VRB in 2001.

Lieutenant Colonel Geoff Hourn
Member, WA

Lieutenant Colonel Hourn is a 1987 graduate of the Australian Command and Staff College and served in the Australian Intelligence Corps for 20 years before appointment to the Commonwealth Senior Executive Service. He was a Member of the VRB from 1997 to 2004 and more recently served with the United Nations in Afghanistan, Pakistan, Sudan, the United Arab Emirates and Jordan. Colonel Hourn was reappointed to the VRB in January 2011.

Major Edward Bertram Mark Jolly
Senior Member, SA

Major Jolly has a Masters in Law from Melbourne University, and is currently a Barrister in private practice. He served as a Legal Officer in the Australian Regular Army from 1993–1998 and continues to serve in the Army Reserve. He was appointed a Senior Member of the VRB in 2007.

Ms Hilary Kramer
Senior Member, NSW

Ms Kramer is a graduate in Arts and Law. She is a part time member of the NSW Mental Health Review Tribunal and a former part time Legal Member of the Social Security Appeals Tribunal and the Guardianship Tribunal of NSW. She has practised as a Solicitor in private practice and for the Legal Aid Commission representing clients in criminal, prison and mental health law. She has conducted research with the New South Wales Bureau of Crime Statistics and Research and compiled the final report of the 26–member Women in Prison Task Force to the Minister for Corrective Services. She was appointed Member of the VRB in 1998 and Senior Member in 2006.

Lieutenant Colonel Rick Main (Retd)
Services Member, QLD

Lieutenant Colonel Main (Retd) served for 23 years in the Australian Army including operational service in Vietnam. He graduated from the Army Staff College Queenscliff and the Officer Training Unit Scheyville. His service also included instructional postings at the Royal Military College Duntroon and as an exchange officer at the British Royal Military Academy Sandhurst. Following eight years as an advocate with the RSL Queensland State Branch he was appointed as a Services Member of the VRB in 2006.

Major Gregory Mawkes MBE
Services Member, WA

Major Mawkes served in the Regular Army for 22½ years including two tours of Vietnam with 1 SAS Squadron. He was appointed as a Member of the Order of the British Empire for services to SAS in the 1982 New Years Honours list, specifically for establishing Australia's military counter–terrorist capability. He was appointed Services Member of the VRB in 1993.

Ms Morag McColm

Member, QLD

Ms McColm is a graduate in Social Studies and Adult Education. She is a former Member of the Social Security Appeals Tribunal and was a member of the Legal Aid panel of chair people, Brisbane. She has an extensive history of employment in a wide range of medical, mental health and family work areas. She was appointed Member of the VRB in 1997.

Ms Jillian Moir
Member, NSW

Ms Moir graduated in 1991 with a Bachelor of Laws from Macquarie University. After completing a Graduate Diploma in Legal Practice at the College of Law, she was admitted as a solicitor of the Supreme Court of NSW in 1993. She is currently completing the course requirements for a Bachelor of Science (Psychology) at Wollongong University. Ms Moir worked for ten years for the NSW Anti Discrimination Board, ultimately as the Manager of the Complaint Resolution team, which was responsible for investigating and conciliating all complaints made to the Board. She currently works as a part time Legal Member of the Social Security Appeals Tribunal, part time Legal Member of the NSW Guardianship Tribunal and as a Member of the NSW Housing Appeals Committee. She is also a specialist mediator/conciliator for the NSW Administrative Decisions Tribunal, the NSW Department of Fair Trading, Strata Mediation Panel, the Health Conciliation Registry and is an accredited Family Dispute Resolution Practitioner.

Mrs Carmel Morfuni
Member, VIC

Mrs Carmel Morfuni is a member of the Victorian Bar, a member of its Dispute Resolution Committee and a nationally accredited mediator. She is a Legal Member of the Mental Health Review Board of Victoria and a hearings list member for the Australian Health Professions Regulation Authority, member of the Victorian Legal Aid Independent Review Panel and the Physiotherapists Registration Board of Victoria. Mrs Morfuni is a former Member of the Migration Review Tribunal and other statutory Boards and Tribunals. She also has a background in senior executive management including as Chair of the Suitability Panel (Victoria) and Registrar of the Family Court of Australia. Mrs Morfuni currently chairs the Victorian Ministerial Advisory Committee on Animal Welfare and is a member of the Board of Musica Viva Australia.

Mr Graham Quinlivan
Senior Member, QLD

Mr Graham Quinlivan holds Bachelors degrees in Arts and Laws from the University of NSW and is a senior lawyer with extensive experience form both the private and public sectors. Graham was the recipient of the Department of Justice and Attorney-General Australia Day achiever Award for contribution to the development of the National Professional Development Program for legal practitioners representing children in the Family Court. From 1990 to 2008, he was part of the senior management team at Queensland's Legal Aid Commission. Since 2008 Graham has been a member with the Guardianship and Administrative Tribunal. He is also an adjunct lecturer at the college of law. Graham was appointed to the VRB as a Senior Member in 2011.

Colonel Robin Regan CSC (Retd)
Services Member, VIC

Colonel Regan (Retd) served in the Australian Army for 34 years including active service in South Vietnam. He was awarded the Conspicuous Service Cross and Deputy Chief of Army Commendation. He has previously been an advocate for the Returned and Services League of Victoria. Colonel Regan (Rtd) was appointed a Services Member of the VRB in 1999.

Colonel Roger Tiller AM CSC (Retd)
Services Member, NSW

Roger Tiller was appointed to the VRB as a part-time services member in 2006. Conscripted in 1972 he was commissioned into the Royal Australian Infantry Corps and served in the Australian Regular Army for 33 years. He commanded ADF's Parachute Battalion Group as the Commanding Officer of 3 RAR and was the Commander of the Liverpool Military Area during the period coinciding with the initial deployments into East Timor, the operation in support of Kosovo refugees and the Sydney Olympics. Colonel Tiller has served as a military observer with the United Nations Truce Supervision Organisation (UNTSO) in the Middle East. His last appointment from 2002 to 2005 was as the first Australian Defence Attaché in the Gulf – based in Riyadh, Saudi Arabia. He was cross accredited to Kuwait, Jordan, Bahrain, Oman (and initially Qatar and the UAE) and spent time with ADF elements in Afghanistan, Kyrgyzstan and Iraq. Colonel Tiller was appointed a Member of Order of Australia (AM) in 1999 and awarded the Conspicuous Service Cross (CSC) in 2005. He now has a one-man consulting company facilitating opportunities between Australian industry and business entities including governments of the Gulf region.

Commander Iain Alexander Whitehouse (Retd)
Services Member, QLD

Commander Whitehouse (Retd) served for 27 years in the Royal Australian Navy until transferring in 1998 to the Maritime Safety Queensland as Manager of Maritime Safety (Gold Coast). Iain's sea going appointments include a variety of ships operating in global waters. His operational background is primarily in patrol boats and guided missile destroyers, with command experience of a PNG Patrol Boat based at Manus Island. In 2007 Iain established a maritime consultancy business on the Gold Coast and is involved in advising ship operators on safe material and operational standards. Iain was appointed to the VRB as a services Member in 2011.

Ms Sylvia Winters
Senior Member, QLD

Ms Winters has been a Member of the Board since 2006, and was appointed a Senior Member in 2008. She previously served as an officer in the Australian Army and was a barrister at the New South Wales Bar.

Air Commodore Bruce Wood (Retd)
Services Member, NSW

Air Commodore Wood (Retd) served in the Royal Australian Air Force for 35 years which included a posting in Ubon, Thailand during the Vietnam War flying Sabre aircraft, and later a tour in South Vietnam as a Forward Air Controller working with the US Army 25th Infantry Division. Towards the latter part of his Air Force career he was the Air Attaché in Washington DC and his last posting before retirement was as Combined Air Component Commander INTERFET and Commander of the Australian Contingent, in East Timor. He is still a member of the RAAF Reserve Staff Group and was appointed a Services Member of the VRB in 2006.

Mr Christopher Wray
Senior Member, VIC

Mr Wray is a graduate in Law with a post graduate diploma in Art History. He is a self-employed solicitor and has an extensive history of employment as a senior associate, partner and sole principle in law firms in Melbourne and Perth. He has lectured in legal studies and has authored publications relating to Australian Military History.

Colonel Leslie Young (Retd)
Senior Member, NSW

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.

Lieutenant Colonel Warwick Young
Services Member, NSW

Lieutenant Colonel Young is an Army Officer in the Australian Defence Force and has been since 1992. Lieutenant Colonel Young saw active service in Iraq in 2006. He was appointed a Services Member of the VRB in 2008.

APPENDIX 5

Information Publication Scheme Statement

Section 8 of the *Freedom of Information Act 1982* (FOI) requires the VRB to include within its Annual Report certain information relating to its organisation and function, powers, document holdings and procedures for access thereto, and any arrangements that may exist for persons outside the Commonwealth to participate in policy making or administration of the VRB.

The VRB is subject to the amended FOI Act and will continue to publish information in accordance with the Information Publication Scheme (IPS) provisions of the Act. Details of the Board's compliance with the FOI Act and the IPS provisions are available on its website under www.vrb.gov.au/ips.htm

The VRB had two FOI requests in 2011–2012.

Powers of the VRB

The powers of the VRB are set out in the VEA, and are modified by s353 of the MRCA when the VRB conducts reviews under that Act or the Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004. In conducting a review of a decision, the VRB may, by s139(3) of the VEA, exercise all the powers and discretions of the primary decision-maker. For the purpose of the conduct of a review, the VRB also has the following specific powers conferred on it by the VEA:

- subsection 139(3) – the VRB may affirm, vary or set aside a decision or determination and, if it sets aside the decision or determination under review, it may substitute its own decision or determination;
- subsection 139(4) – if the VRB sets aside a decision and substitutes its own decision to grant a pension, it can assess the rate at which pension is to be paid or remit the matter to the Repatriation Commission;
- subsection 139(4) – if the VRB sets aside a determination and substitutes its own determination to grant compensation, it can assess an amount of compensation to be paid or remit the matter to the MRCC;
- subsection 140A(1) – the VRB may give directions to a Registrar or Deputy Registrar to alter the text of a decision or determination or statement of reasons if it is satisfied that there has been an obvious error in the text;
- subsection 140A(4) – the Principal Member or a presiding member may exercise the powers of the VRB in subsection 140A(1);
- subsection 142(2) – the Principal Member may give directions for the purpose of increasing the efficiency of the operations of the VRB and as to the arrangement of its business;
- sections 143 and 144 – the Principal Member may give directions in writing as to the members who are to constitute the VRB for the purposes of reviews to be conducted by it;
- subsection 148(3) – the Principal Member may defer the hearing of a review until the parties advise that they are ready to proceed;
- subsection 148(4) – where a party fails to advise, within the time specified in the notice served on the party, whether they wish to appear at the hearing of a review, the VRB may determine the application in the absence of that party;
- subsection 148(5) – the Principal Member may give general directions as to the procedure of the VRB with respect to reviews, including reviews the hearings of which have not been commenced;
- subsection 148(6) – the presiding member may give directions as to the procedure of the VRB with respect to a particular review, whether or not the hearing of that review has commenced;
- subsection 148(6A) – the Principal Member may request the Secretary of the Department of Veterans' Affairs or the MRCC to conduct an investigation, arrange a medical examination, or provide additional documents in relation to a review;
- subsection 150(2) – the presiding member may give directions as to the persons who may be present at any hearing of a review;

- subsection 150(3) – the presiding member may permit a hearing, or part of a hearing, of a review to take place in public;
- subsection 151(1) – the VRB may take evidence on oath or affirmation and may adjourn the hearing of a review from time to time;
- subsection 151(2) – the presiding member may summon a person to appear at the hearing of a review, to give evidence or produce documents, and to take an oath or make an affirmation;
- subsection 151(5) – the VRB may take evidence by a person authorised by the presiding member, and may do so within or outside Australia;
- section 152 – the VRB may request the Secretary of the Department of Veterans' Affairs or the MRCC to conduct an investigation, arrange a medical examination, or provide additional documents that the VRB thinks necessary for the conduct of a review;
- section 153 – the VRB may make additional evidence in its possession available to the parties to the hearing of a review;
- subsection 155(1) – the VRB may consent to the withdrawal of an application the hearing of which has commenced but has not been completed;
- subsection 155AA(5) – the Principal Member must dismiss an application if a written statement has not been provided within 28 days;
- subsection 155AA(7) – the Principal Member must dismiss an application if he considers that no reasonable explanation has been provided;
- subsection 155AB(5) – the Principal Member must dismiss an application if a written statement has not been provided within 28 days;
- subsection 155AB(7) – the Principal Member must dismiss an application if he considers that no reasonable explanation has been provided;
- section 157 – the VRB may set the date from which its decision is to operate;
- subsection 165(2) – if the Principal Member becomes aware that a member has a pecuniary or other interest in relation to a particular review, the Principal Member can direct that the member not take part in the review or disclose the interest of the member to both parties;
- subsection 166(1) – the Principal Member may delegate his powers under Part IX to a Senior Member or acting Senior Member;
- subsection 166(2) – the Principal Member may delegate his powers under subsection 148(6A) or section 155AA or 155AB to a Registrar or Deputy Registrar; and
- subsection 171(3) – the VRB may order that the Commonwealth shall pay the fees and allowances of a witness summoned to appear at a hearing before the VRB.

Arrangements for Outside Participation

The only statutory arrangement for external participation exists in the right of organisations representing ex-servicemen and women throughout Australia to submit, when requested to do so by the Minister, lists of names of candidates they recommend be considered for appointment as Services Members. Once appointed, members so selected have the same obligations and take the same oath or affirmation of office as other members.

The Principal Member seeks, through meetings and correspondence, the views of the Department of Veterans' Affairs, the Repatriation Commission, the MRCC, the service chiefs, and ex-service and related organisations on administrative matters of concern to the VRB.

Categories of Documents

The following provides the details required by section 9 of the *Freedom of Information Act 1982*.

The following are the categories of documents maintained by the VRB in its National Registry and in registries in each State.

Operations Manual

This is issued by the Principal Member and includes directions and guidelines from the Principal Member for members and staff concerning the processing of applications to the VRB. The Manual is supplemented from time to time by memoranda issued by the Principal Member or senior staff of the VRB. The Operations Manual was under review in late financial year 2011–12.

Members’ Handbook

This is issued by the VRB’s Director (Legal Services) and concerns technical and legal matters relating to the functions of VRB members.

A quick guide was also issued to the members at the 2011 National Conference.

vrbsAM User Manual

This concerns the procedures for the use and operation of vrbSAM, the computerised System for Application Management used by VRB staff to track and manage applications for review.

Files

Individual VRB files are held for each application for review by the VRB. Policy and operational files are held for various areas of the VRB’s administration and include files on staffing, statistics, procedures, accommodation and furniture, stores, publications, meetings, etc.

Facilities for FOI Access and Initial Contact Points

Requests under the *Freedom of Information Act 1982* for access to or copies of documents held by the VRB may be made to the National Registrar or a Registrar of the VRB. General information about freedom of information matters and facilities for physical access are available at any VRB registry.

Registry addresses and the names of those who can assist with enquiries or requests for information, including the names of the information officers, are listed in Appendix 14.

APPENDIX 6
COMPLIANCE INDEX

This Annual Report has been prepared in accordance with the Requirements for Annual Reports, published by the Department of Prime Minister And Cabinet and approved by the Joint Committee of Public Accounts and Audit (updated 28 June 2012). The index below refers to mandatory and suggested reporting items.

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The annual report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website.	N/A
Absence of provisions in contracts allowing access by the Auditor-General	N/A

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APPENDIX 7

GLOSSARY

AAT	Administrative Appeals Tribunal.
ADF	Australian Defence Force.
AD(JR) Act	Administrative Decisions (Judicial Review) Act 1977
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	Examination of applications 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.
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.
Deledio	Repatriation Commission v Deledio (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.
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 Freedom of Information Act 1982.
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	Military Rehabilitation and Compensation Act 2004.
MRCC	Military Rehabilitation and Compensation Commission.
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.
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.
s155AA notice	Notice sent to an applicant asking whether the case is ready for a hearing, and if not, why not. Failure to respond or failure to provide adequate reasons will result in dismissal of the VRB application.

s155AB notice	Notice sent to an applicant following on from a ‘reasonable explanation’ response to an earlier s155AA notice or a previous s155AB notice asking whether the case is yet ready for a hearing, and if not, why not. Failure to respond or failure to provide adequate reasons will result in dismissal of the VRB application.
s155AC authorisation	Authority to allow someone to represent an applicant for the purpose of responding to a particular s155AA or s155AB notice. A fresh authorisation to represent must be given after each such notice.
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	Safety, Rehabilitation and Compensation Act 1988.
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	Veterans’ Entitlements Act 1986.
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.

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