



Veterans' Review Board

Annual Report 2010–11





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Veterans' Review Board Annual Report 2010-2011

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Contact Information

The Principal Member is responsible for the VRB's operations. The Registrar in each State is responsible to the National Registrar for arranging the VRB's day to day business. Registry addresses and the names of those who can assist with enquiries or requests for information are:

National Registry

Level 2, Building B
Centennial Plaza
280 Elizabeth Street
Surry Hills NSW 2010

National Registrar

Katrina Harry

Information Officer

Mark Huthnance

Phone: (02) 9213 8636

Fax: (02) 9211 3074

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 <http://www.vrb.gov.au/publications.html>

VRB email: contact@vrb.gov.au

New South Wales & Australian Capital Territory

Level 2, Building B
Centennial Plaza
280 Elizabeth Street
Surry Hills NSW 2010

Telephone:

Local: (02) 9211 3090
City: 1300 550 460
Country: 1800 550 460
Fax: (02) 9211 3074

Victoria & Tasmania

14th Floor
300 La Trobe Street
Melbourne VIC 3000

Telephone:

Local: (03) 9602 8000
Hobart: (03) 6221 6646
City: 1300 550 460
Country: 1800 550 460
Fax: (03) 9602 1496

Queensland, South Australia & Northern Territory

Level 8, Bank of Queensland Building
259 Queen Street
Brisbane QLD 4000

Telephone:

Local: (07) 3221 3772
City: 1300 550 460
Country: 1800 550 460
Fax: (07) 3220 0041

Western Australia Registry

5th Floor, AMP Building
140 St Georges Terrace
Perth WA 6000

Telephone:

Local: (08) 9366 8580
City: 1300 550 460
Country: 1800 550 460
Fax: (08) 9366 8583



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 2011.

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

DOUG HUMPHREYS
Principal Member

1 October 2011

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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. The end of the 2010-11 financial year, marks the first full 12 months of my tenure with the Board. I am very pleased with the Board's achievements for 2010-11.

In relation to the Board's membership, all member positions were advertised in the course of 2010-11 and those appointment processes were complete as at 1 January 2011. I was pleased to note the reappointment of a number of members including Jenny D'Arcy, Chris Keher, Hilary Kramer, Leslie Young, Frank Burt, Jan Hartmann, Roger Tiller, Bruce Wood, Warwick Young, Zita Antonios, Jackie Fristacky, Chris Wray, Rob Regan, Sylvia Winters, Frank Benfield, Rick Main, Morag McColm, Ed Jolly, Robert Black, Stuart Bryce, Garry Barrow and Greg Mawkes.

The Board also welcomed 19 new members in 2011 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. In addition, new members have also been supported by a comprehensive mentoring program, which is the first of its kind seen at the Board. This program has drawn on experience of similar programs conducted by the Administrative Appeals Tribunal. I would like to acknowledge and thank those members who acted as mentors for their efforts and valuable assistance which has been ongoing.

I would like to acknowledge Murray Blake, Gerry Carwardine, Wally Farquhar, Robert Brumm, Julie Cowdroy, Andrea Hall-Brown, Kerrie Laurence and John Cooke who retired from the Board during 2010-11. All were active and valued members of the Board with many years of service. I would also like to thank Graham Barter, Ann Graham, Drew Braban, Sharon Brennan, Frank Brown, Ivan Cahill, Elayne Hayes and Tony Wales for their significant contribution to the Board over the term of their appointments.

I would like to acknowledge and thank Michael Weiss in his role as National Registrar until August 2010, when he left to assume a new position in the Department of Veterans' Affairs. His position has since been filled very capably by Katrina Harry who has brought enthusiasm and new ideas to the position.

Following wide consultation with all staff and members, the Department of Veterans' Affairs and key Ex- Service Organisations, I issued the Board's first General Practice Direction (GPD) on Monday, 3 January 2011. This has had a direct impact on the timeliness of the review process. It is pleasing to note that the Board's average time taken to process an application in 2010-11 was just under 12 months. This outcome demonstrates the acceptance by users of a more case management focused approach by the Board and we will continue to work with users in 2011-12 to implement ways in which timeliness can be improved.

In relation to our workload, the Board finalised more applications in 2010-11 than were lodged, leading to a reduction in the number of applications on hand. I was very pleased to see significant improvements in terms of our old cases on hand. The percentage of applications over 2 years old has dropped significantly in 2010-11, down to 5.6% from 7.7% 1 year ago.

The GPD has also resulted in positive progress in respect of requests for summonses, a reduction in adjournment requests and an increase in matters being dealt with on the papers. This should aid the efficient and economic disposition of applications. In 2011-12 the Board will continue to work with users to employ the use of more ADR processes, where appropriate. The use of ADR process can have significant benefits for the parties as well as for the Board. Our challenge in 2011-12 will be to duplicate the workload results we achieved in 2010-11.

Turning to finance, the Board returned a surplus of \$70,000. This result was achieved through the careful implementation of a number of efficiency measures including the decisions to reduce travel, expenditure on office expenses and a reduction in staffing levels. The capacity of the Board to continue to find efficiencies without affecting service levels will become progressively more difficult in future years.

The past year has seen new arrangements put in place for the continued sharing of resources with the Administrative Appeals Tribunal. The Board is using the Tribunal's premises in Perth, Adelaide and Canberra. These arrangements result in significant savings on a whole of government basis. In Canberra, the refurbishment of the hearing room used by the Board to transform it into a more informal environment is currently underway. The Board is grateful for the positive and productive relationship it enjoys with the Tribunal.

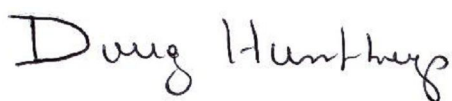
In terms of the information and services we provide to users, in 2010-11 we released a new brochure for all applicants before the Board. In addition to our regular practice notes on recent Federal Court cases, we have also started issuing VRB case notes, dealing with practice and procedure issues, which are published on the website. Late last year, the Board also implemented a revised complaints handling policy, which again is published on the Board's website. We have also continued to provide services such as a quarterly staff and member bulletin and the annual edition of VerBosity.

I believe it is important to seek the views and consider the needs of our stakeholders. To aid in this process, this year has seen the Board establish and conduct regular users (or advocate's liaison) forums in most locations where we sit. By the end of the 2012 calendar year, forums will have been held in all capital cities. The feedback we have received from the forums so far has also been very encouraging.

As Principal Member I have taken on a busy case load sitting in hearings on a regular basis. The benefits of this are two fold, in that I am becoming familiar with the ESO community and advocates who regularly appear before the Board and I am building a strong rapport with members.

In 2010-11, the Board also received the results of the user satisfaction survey which is conducted every six months. The results indicated that applicants and their representatives are very satisfied with the quality of the service they receive from the Board. The results are discussed further in Part 4. This reflects the efforts of all of the members and staff of the Board. I would like to thank them for their contribution to the very positive outcomes achieved this year. I also wish to acknowledge the support the Board receives from the ex service communities, the Minister, the Hon Warren Snowdon MP, and the Secretary of the Department of Veterans' Affairs, Mr Ian Campbell, PSM.

When I was interviewed for the position, I said it would be an honour and privilege to serve the Australian community and the Ex- Service community in particular as Principal Member of the Board. My experience over the last 12 months has confirmed the view I held at the time. I am confident the Board will continue to provide a quality service and I look forward to another productive year in 2011-12 working with and for the community the Board serves.

A handwritten signature in black ink that reads "Doug Humphreys". The signature is written in a cursive, slightly slanted style.

Doug Humphreys
Principal Member
Veterans' Review Board

PART 2

The role of the Board

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:

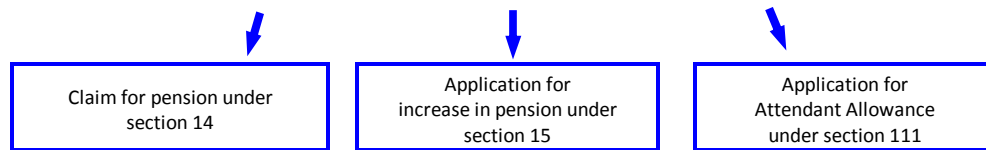
- the Department of Veterans' Affairs;
- the Repatriation Commission;
- the MRCC;
- the VRB; and
- the Administrative Appeals Tribunal.

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

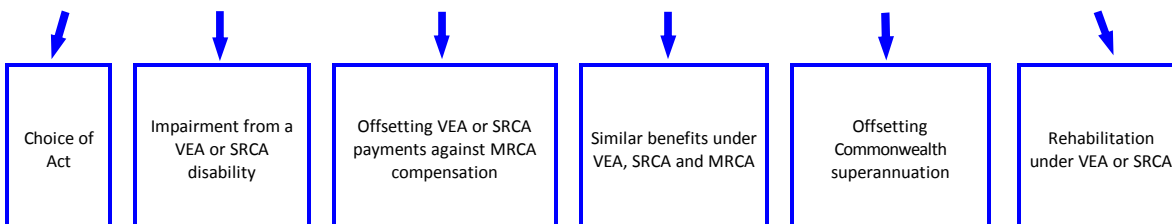
The VRB does not have a general power to review decisions made under the VEA or MRCA. As a statutory tribunal it has only those powers given to it by legislation. The VRB must be able to identify a specific provision that authorises it to make a particular decision or take a particular action. Each decision 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.

Veterans' Entitlements Act 1986



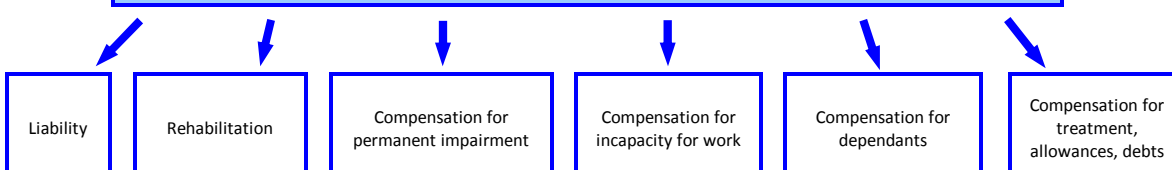
Section concerning the matter	Section under which determined	Matter
14	19	Claim for disability pension for injury or disease
14	19	Claim for war widow(er)'s or orphan's pension for death
15	19	Application for increase in disability pension
98, 111	98	Application for Attendant Allowance

Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004



Section concerning the matter	Section under which determined	Matter
12	12	Decision to send a notice to a person requiring the person to choose between an AFI under the VEA and a claim under the MRCA
13	13	Determining impairment points from a VEA or SRCA injury or disease
14	14	Offsetting VEA and SRCA payments against Special Rate Disability Pension under the MRCA
15	15	Determine whether a benefit under the VEA or SRCA is a 'similar benefit' to a MRCA benefit
16	16	Offsetting Commonwealth superannuation amounts against MRCA compensation
17	17	Determine the weekly compensation under MRCA if the person has redeemed compensation under SRCA
18	18	Determine that a VEA or SRCA rehabilitation program stop being provided and approve instead a new program

Military Rehabilitation and Compensation Act 2004



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

Section concerning the matter	Section under which determined	Matter
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.

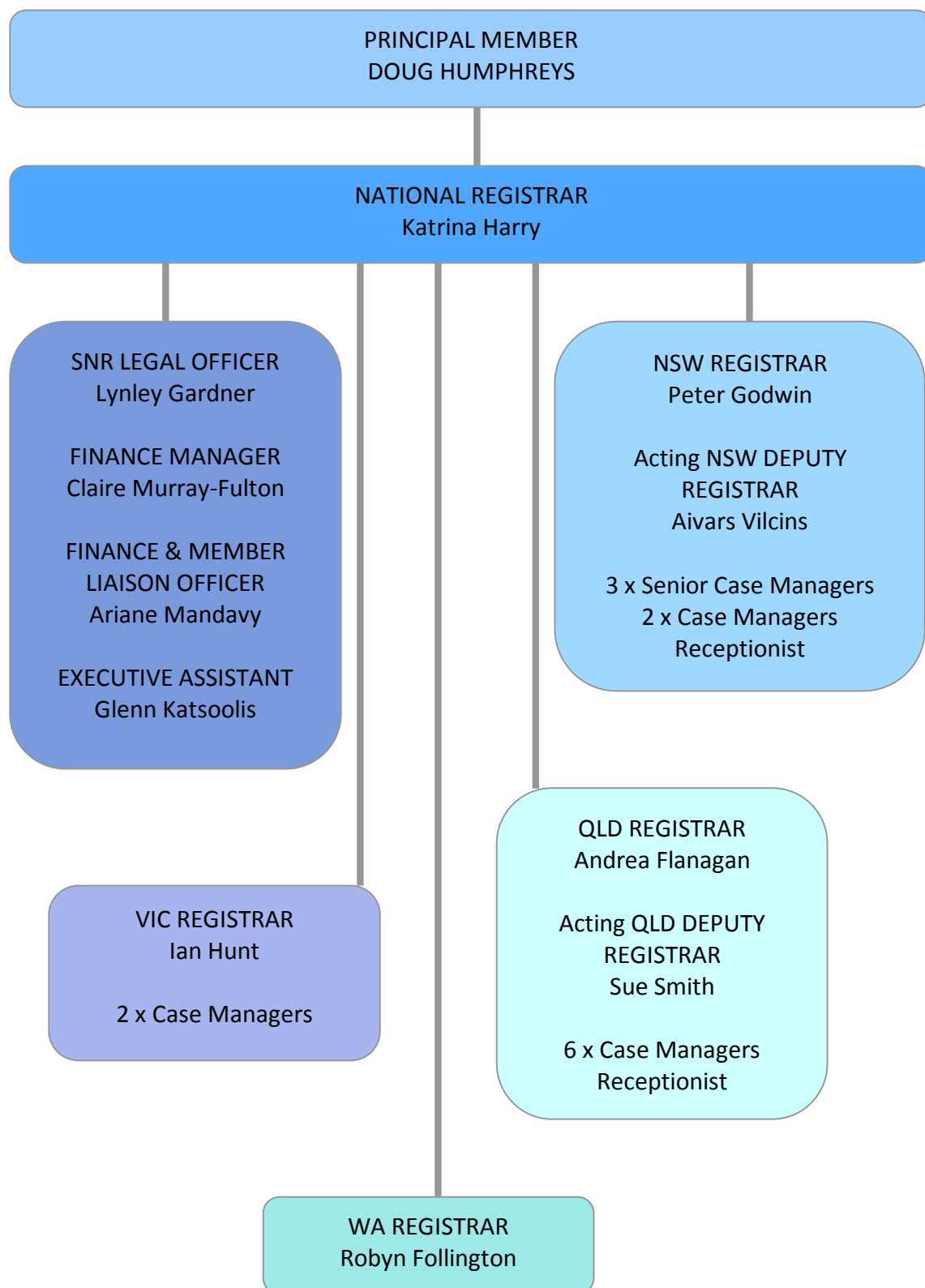
THE VRB AT A GLANCE – 2010/11

Applications lodged	3275
Applications decided	3485
Applications on hand	2859
% of matters Set Aside	43.7%
% of matters Affirmed	56.3%
Average time taken to decide an application (weeks)	51
% of decided cases where applicant represented	86.4%
Hearings arranged	2478
% of decided cases where hearing held	56.8%
% of applications appealed to the AAT	17.2%
Members	40
Staff	27
Cost	\$5.38M

MEMBERSHIP OF THE VRB AS AT 30 JUNE 2011

Doug Humphreys PRINCIPAL MEMBER	
NSW Senior Members Jenny D'Arcy Christopher Keher Hilary Kramer Les Young	QLD Senior Members Alison Colvin Sylvia Winters
NSW Services Members Frank Burt Janet Hartmann Roger Tiller Bruce Wood Warwick Young	QLD Services Members Frank Benfield Rick Main
NSW Members Zita Antonios Moira Brophy Simon Hart Jillian Moir	QLD Members Scott Clark Morag McColm Patrick Murray
VIC Senior Members Jackie Fristacky Christopher Wray	ACT Senior Member Patrick Callioni
VIC Services Members Anne Pahl Rob Regan	ACT Services Member Mark Bornholt
VIC Members Rhonda Galbally Carmel Morfuni Ann Graham	ACT Member Allan Anforth
	TAS Services Member Stuart Bryce
	WA Senior Member Gary Barrow
	WA Services Members Greg Mawkes Grant Walsh
	WA Members Geoffrey Hourn David Cockram

STAFF ORGANISATIONAL CHART AS AT 30 JUNE 2011



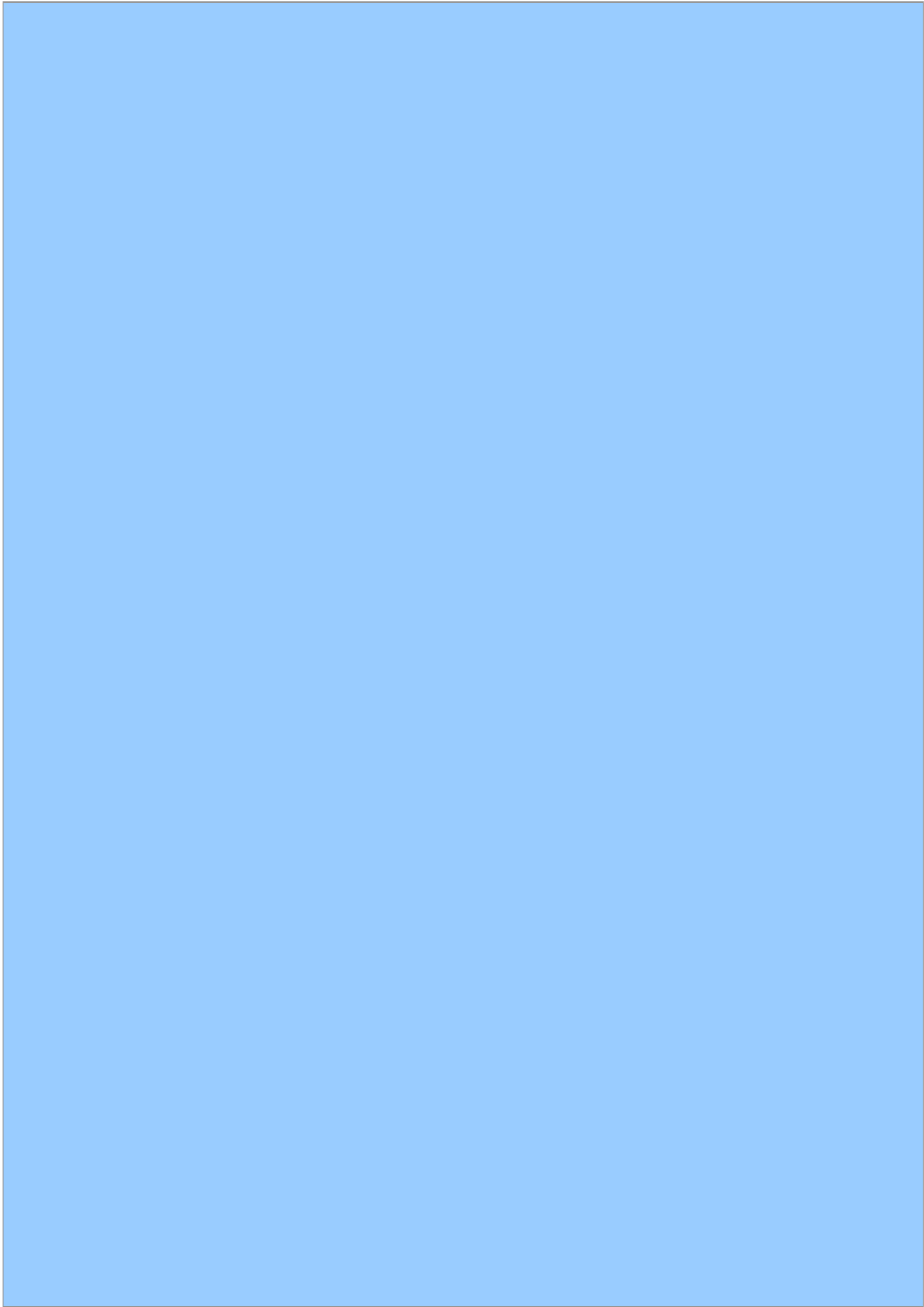
Goals	Strategies	Key targets 2010-11	Outcomes
To finalise a high number of applications for review and provide a high assurance that decisions are correct	<p>Improve case management practices and procedures.</p> <p>Investigate ADR opportunities and introduce the use of ADR powers at the Board.</p> <p>Establish communication processes to ensure our users understand our processes and decisions</p> <p>Respond appropriately to feedback.</p>	<p>Develop a more active case management regime.</p> <p>Increased use of video technology for hearings</p> <p>Develop and implement a communication strategy including review information products, forms (see also below – registry operations manual) and redesign website.</p> <p>Continue to issue annual edition of VerBosity and regular practice notes</p> <p>Continue to revise and improve online submission templates.</p> <p>Develop new VRB case notes.</p> <p>Continue to issue half yearly user satisfaction survey and respond to feedback.</p> <p>Develop and implement complaint handling policy.</p> <p>Establish and conduct user forums and participate in external forums.</p>	<p>Board users have equitable access to fair, just, economical, informal and quick merits review.</p> <p>Board processes and procedures are monitored and improved.</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>

Goals	Strategies	Key targets 2010-11	Outcomes
To promote professional culture and involve all staff in communicating and implementing the Board's vision and outcomes in a safe workplace that values diversity.	<p>Provide and support enhanced learning and development opportunities for members and staff.</p> <p>Make available high-quality resources that assist members and staff to undertake their work.</p> <p>Seek, and respond appropriately to, feedback from members and staff.</p>	<p>Host National Conference in Glenbrook, October 2011 for members and staff.</p> <p>Conduct the new member induction course and mentoring program in early 2011.</p> <p>Develop in-house e-learning programs.</p> <p>Conduct module 1 of the MRCA training program for members and continue to develop module 2.</p> <p>Review and implement revised Registry operations manual including standard forms and letters.</p> <p>Continue to conduct member video-link training sessions in each itinerary.</p> <p>Continue to host quarterly meetings of the members' training committee and members consultative group.</p> <p>Continue to review and add relevant content to the Board's collaborative tools site.</p> <p>Conduct member/staff survey.</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>

Our organisation	Goals	Strategies	Key targets 2010-11	Outcomes
	<p>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>	<p>Ensure accommodation and facilities meet the Board's needs.</p> <p>Improve IT systems including vrbSAM.</p> <p>Improve resources management.</p>	<p>Monitor MoU for use of AAT facilities.</p> <p>Scope new premises for regional hearings, particularly in Townsville and Gold Coast.</p> <p>Continue to enhance IT systems including MRCA upgrades to vrbSAM.</p> <p>Prepare a 3-5 Year Strategic Plan covering organisational outcomes.</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 2010-11	Outcomes
To co-operate with DVA, government, other tribunals, the Ex-Service community and other interested groups	Develop and enhance our links with DVA, government, other tribunals and the Ex-Service community.	<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>Develop an advanced Advocacy Seminar package.</p> <p>Review joint training agreement with TIP.</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>Better understanding of the VRB and its role in the decision-making process.</p> <p>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 3485 reviews. The outcomes of review were favourable to applicants in 43.7 per cent 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 usage

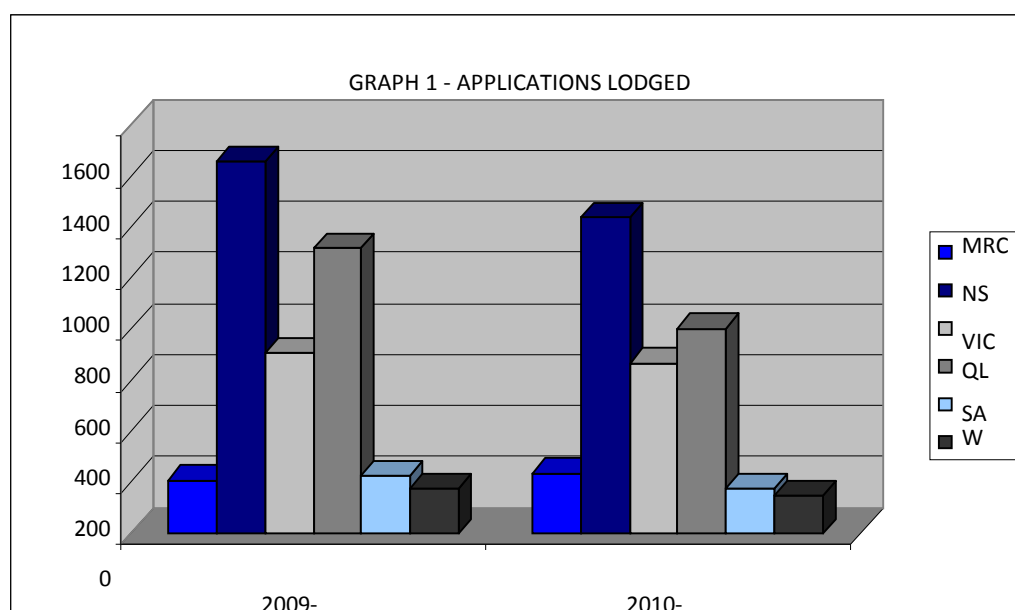
Outcome 5: Accessible and responsive to the veteran community and stakeholders

OVERVIEW OF CASE LOAD

In the reporting year, the VRB received 3275 new applications, finalised 3485 applications and had 2859 active applications at the end of the year.

APPLICATIONS LODGED

In the course of the year, 3275 new applications were lodged. The number of applications lodged has declined by 16 per cent of the previous year's total, continuing a downward trend. MRCA cases comprised 7.2 per cent of new cases lodged at the VRB. The increase in lodgements of MRCA applications, while still strong, has levelled out compared with previous years.



Applications to the VRB tend to be lodged in the larger metropolitan areas. 37.9 per cent of applications were lodged in NSW, 24.5 per cent in Queensland, 20.5 per cent in Victoria, 5.4 per cent in SA and 4.5 per cent in WA. NSW includes ACT figures; Victoria includes Tasmanian figures, and South Australia includes Northern Territory figures. The most significant drop in lodgements in the reporting year has been in QLD by around 28 per cent.

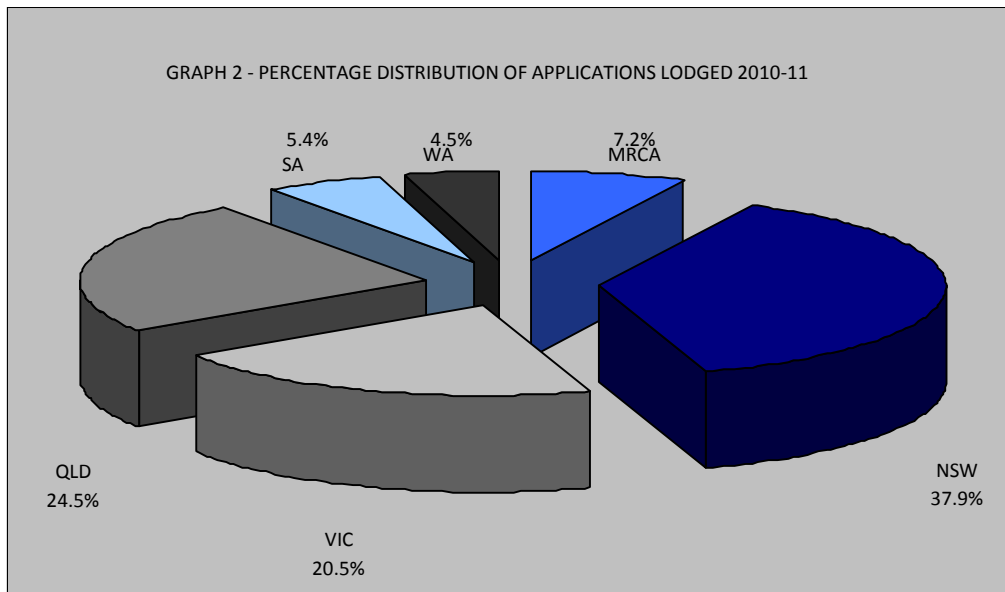


Table 1. provides more details on the applications finalised in the reporting year.

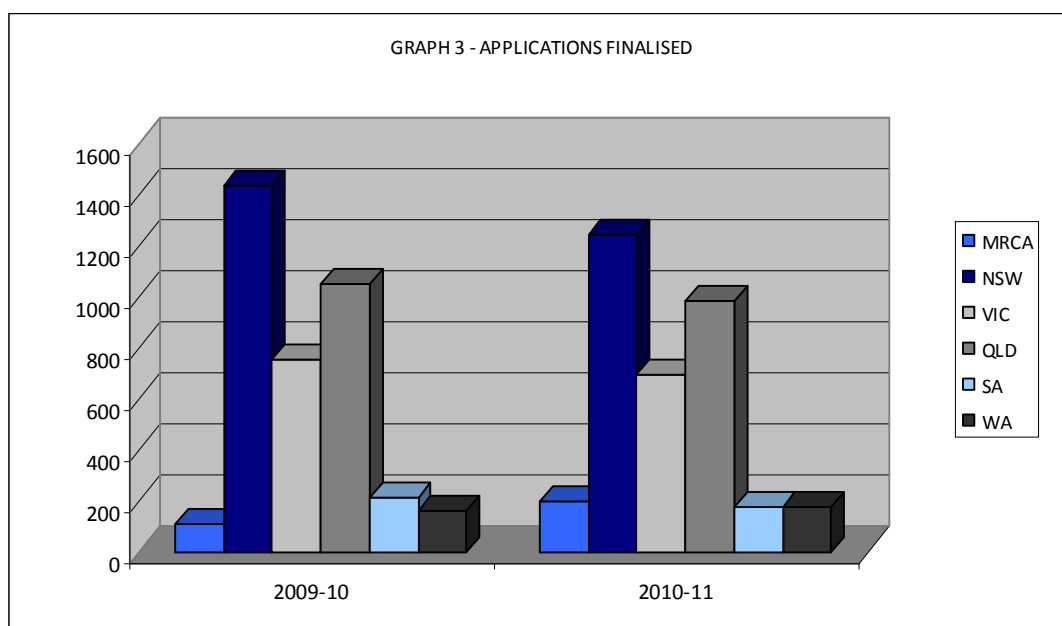
OUTCOME 1: FINALISE HIGH NUMBERS OF APPLICATIONS

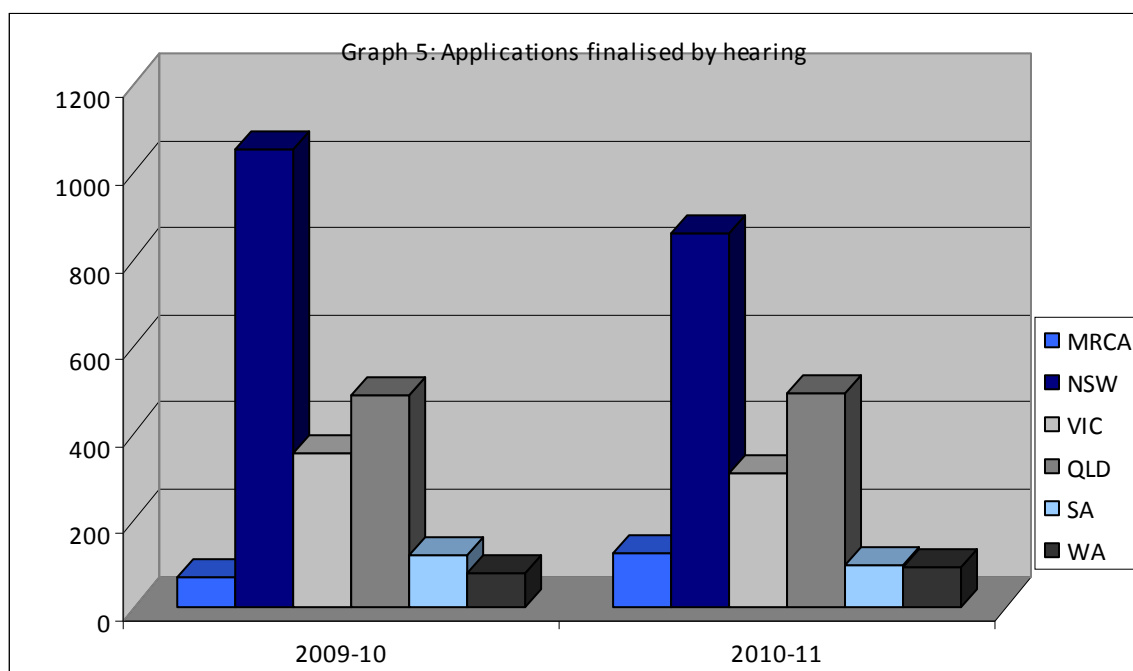
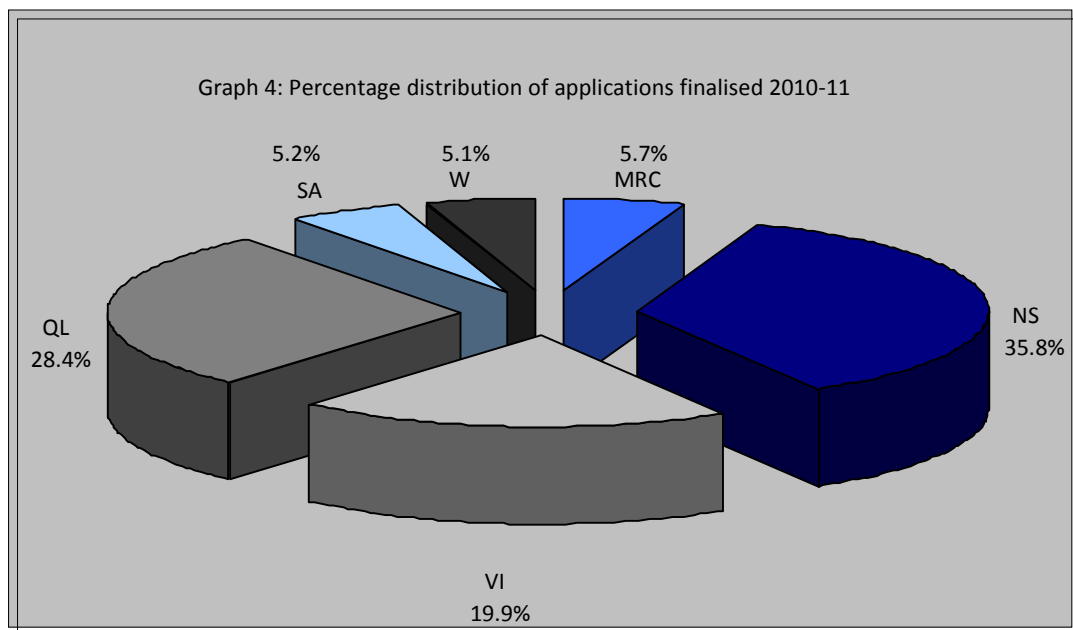
There were 2478 applications heard in the year: 2333 under the VEA and 145 under the MRCA. Applications may be finalised by dismissal, withdrawal, and by decision of the VRB following a hearing.

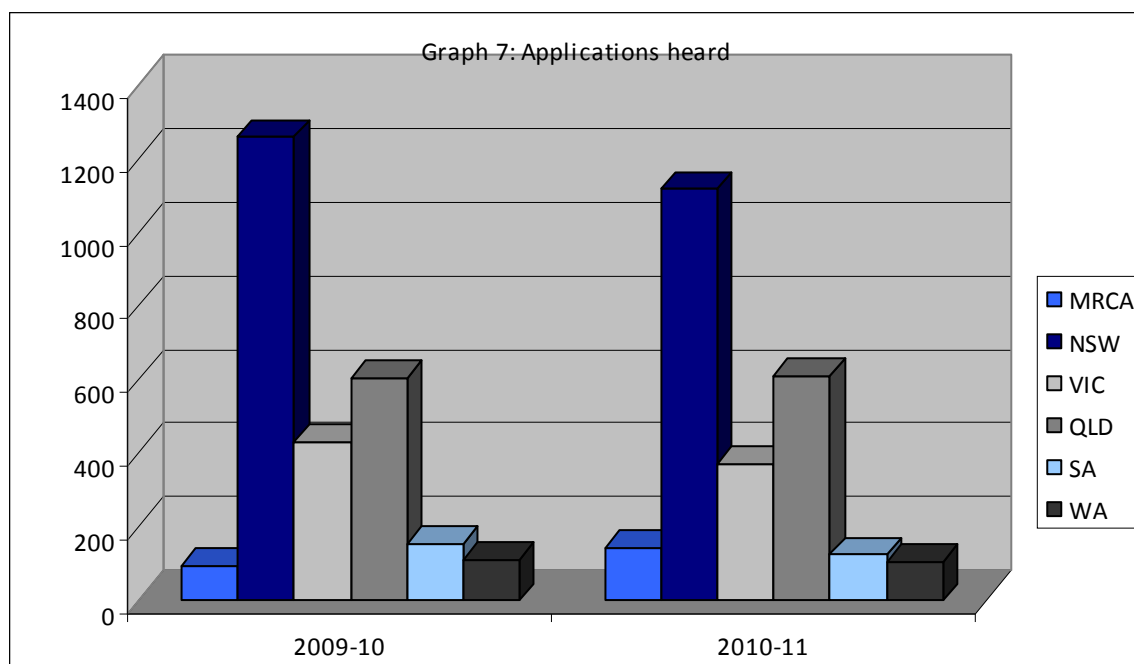
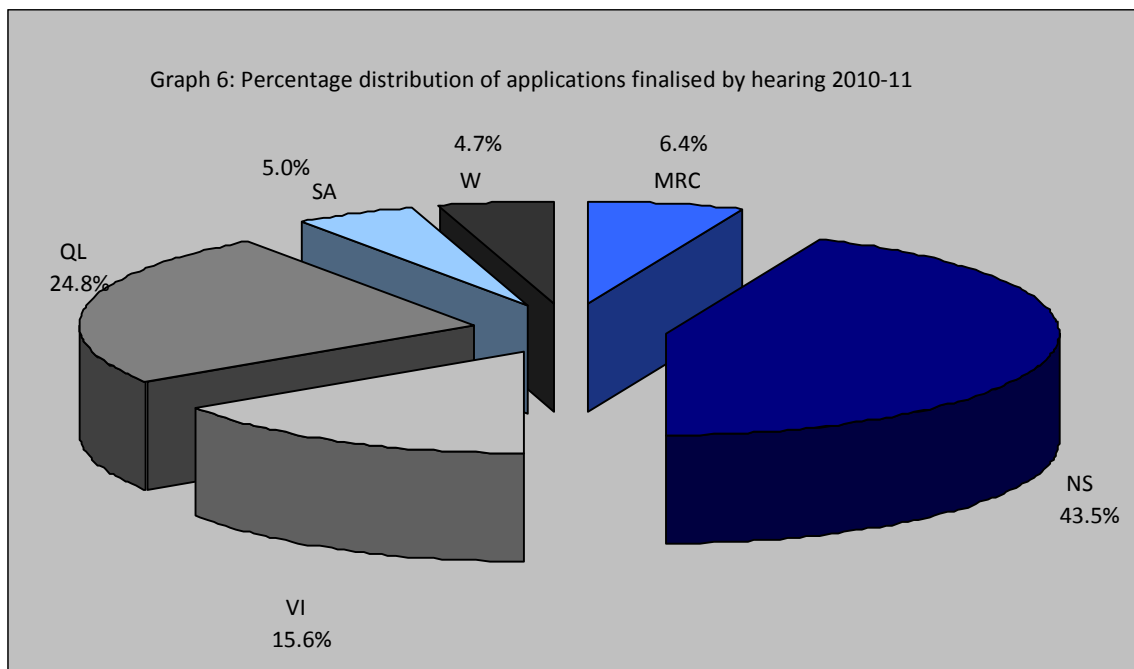
In this reporting year the Board finalised more applications than were lodged. There were 3485 applications finalised during the year: 3288 under the VEA and 197 under the MRCA.

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 5801 matters finalised during the year: 5317 under the VEA and 484 under the MRCA. There were also 4238 matters heard in the same period: 3874 under the VEA and 364 under the MRCA.







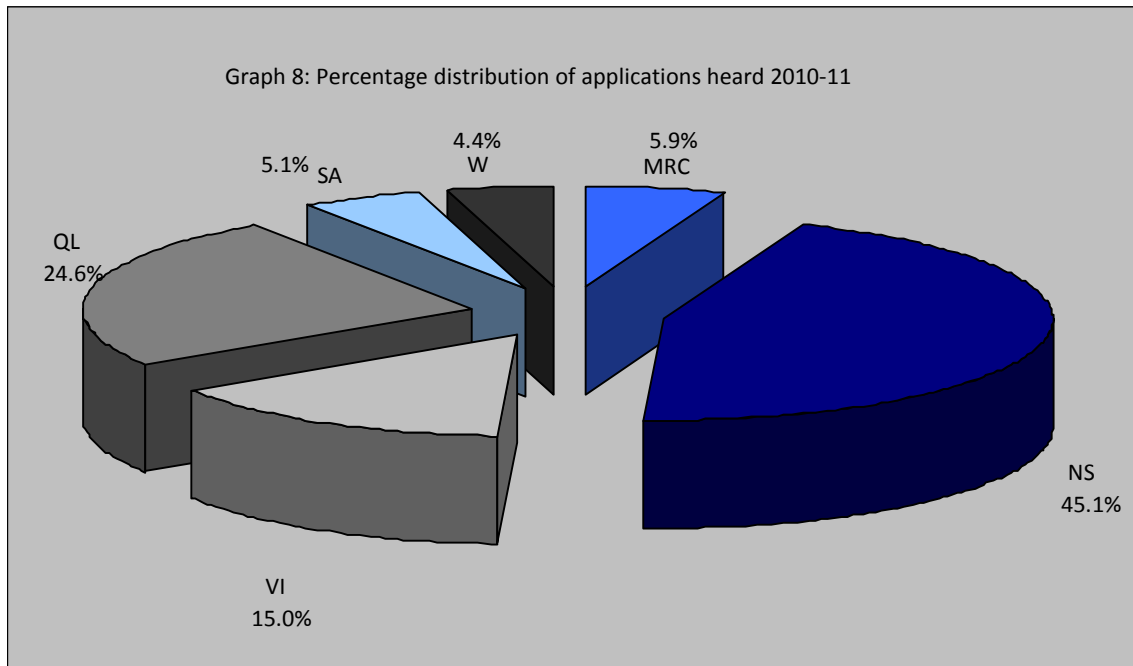
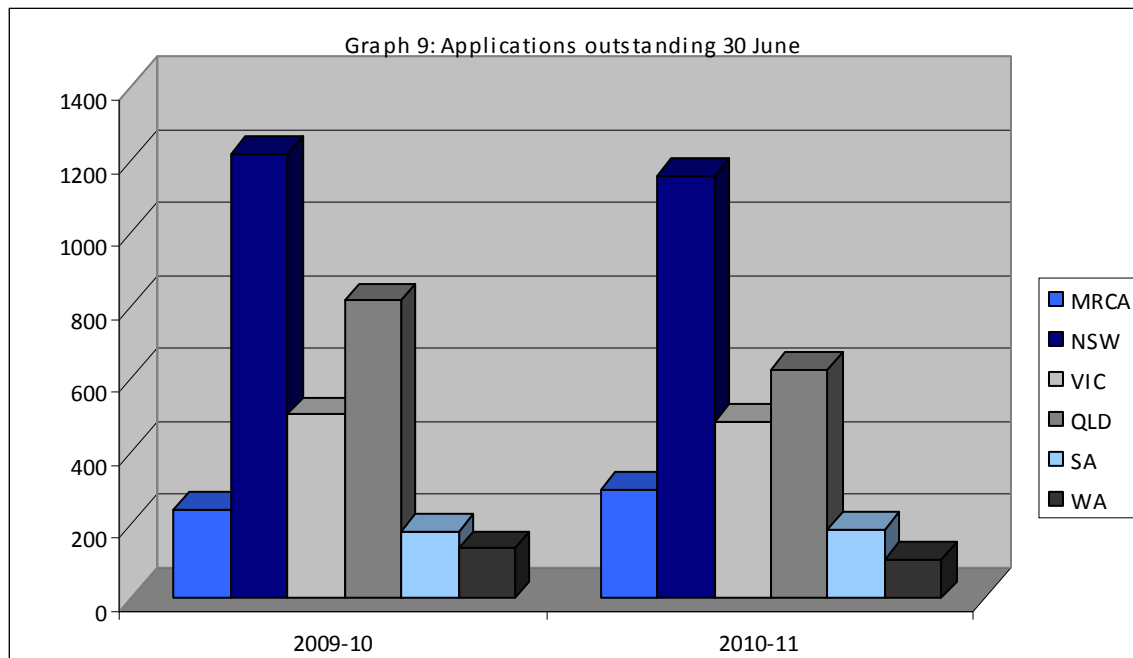


Table 1. provides more details on applications finalised in the reporting year.

CURRENT APPLICATIONS

The number of applications current at 30 June 2011 was lower than the end of the previous reporting period by 8 per cent. At year end, 2859 applications were outstanding: 2562 under the VEA and 297 under the MRCA.

In terms of matters, at year end 5369 were outstanding: 4874 under the VEA and 495 under the MRCA.



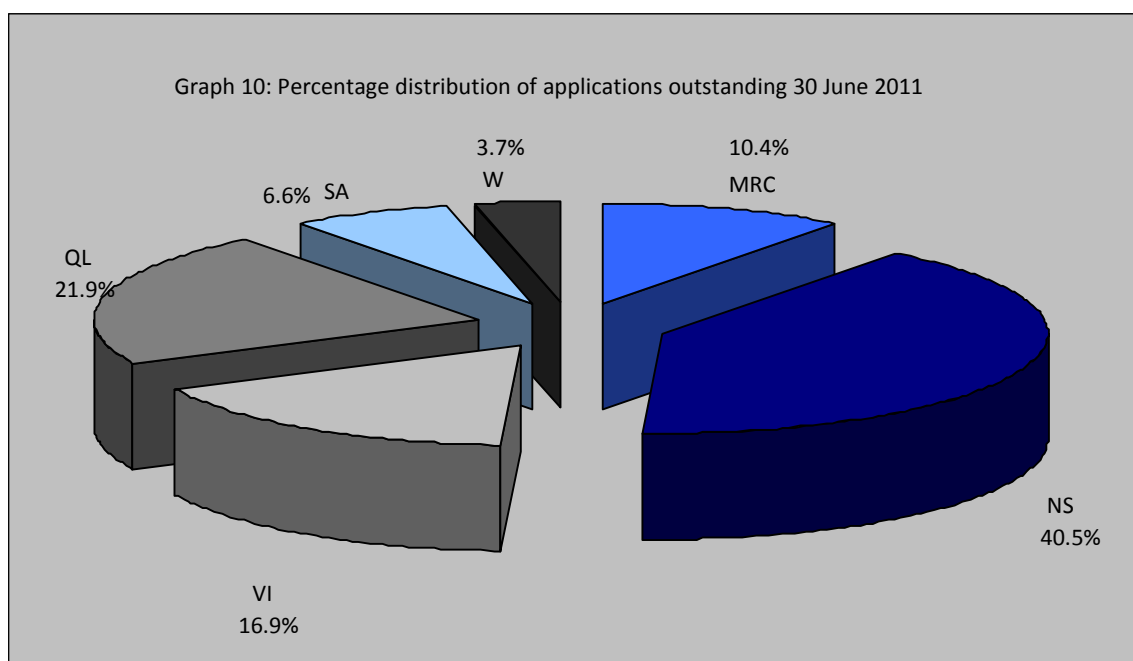


Table 1. provides more details on the current applications in the reporting year.

Table 1: Applications lodged, finalised, heard and outstanding

	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
Applications lodged	2009-10	210	1460	710	1120	229	177	3906
	2010-11	237	1240	670	803	178	147	3275
Applications finalised	2009-10	111	1438	759	1054	216	164	3742
	2010-11	197	1246	694	988	181	179	3485
Matters finalised	2009-10	304	2516	1327	1765	366	290	6568
	2010-11	484	2055	1111	1593	284	274	5801
Apps finalised by hearing	2009-10	69	1053	356	486	120	79	2163
	2010-11	127	860	309	490	99	93	1978
Applications heard	2009-10	95	1258	432	605	156	111	2657
	2010-11	145	1118	371	610	126	108	2478
Matters heard	2009-10	222	2213	808	1073	299	220	4835
	2010-11	364	1865	589	1020	211	189	4238
Applications outstanding	2009-10	244	1218	503	815	185	137	3102
	2010-11	297	1158	483	625	189	107	2859
Matters outstanding	2009-10	495	2092	897	1378	283	224	5369
	2010-11	830	1869	892	957	273	190	5011

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 2010-11, there were 1.7 matters decided by the VRB for each VEA application heard. During 2010-11, decisions concerning 3022 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 2010-11 there were an average of 2.5 matters for each MRCA application heard. In 2010-11, determinations concerning 242 matters were published.

In this reporting year the Board set aside:

- 42.8% of death matters reviewed;
- 55.1% of disability or liability matters reviewed;
- 42.7% of assessment or compensation matters; and
- 39.2% 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:

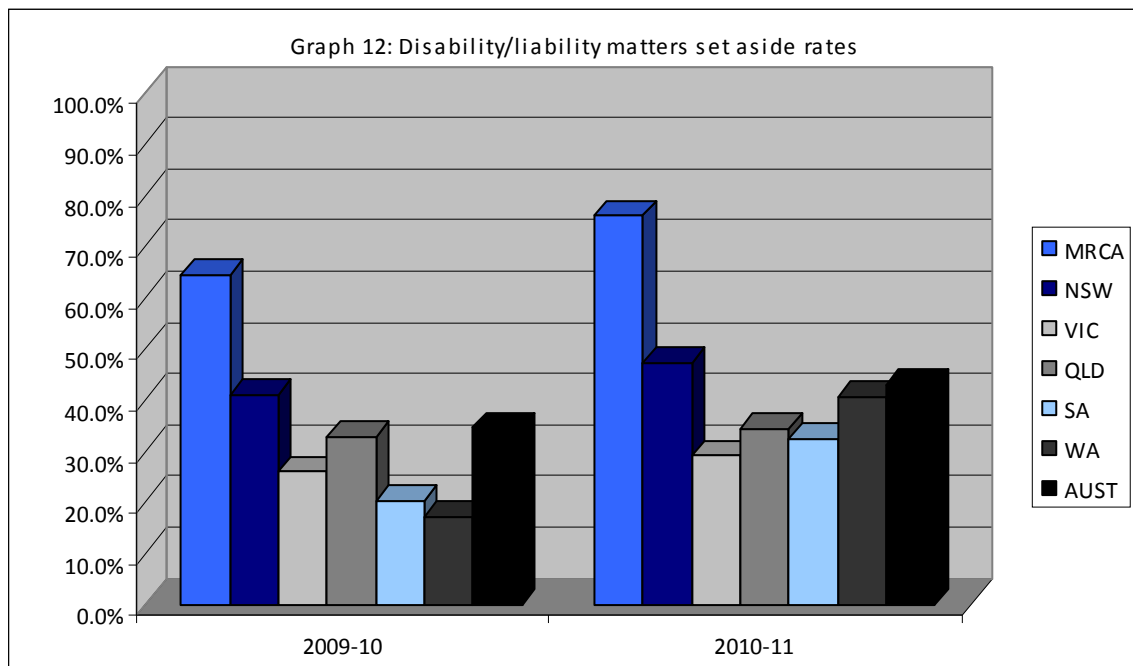
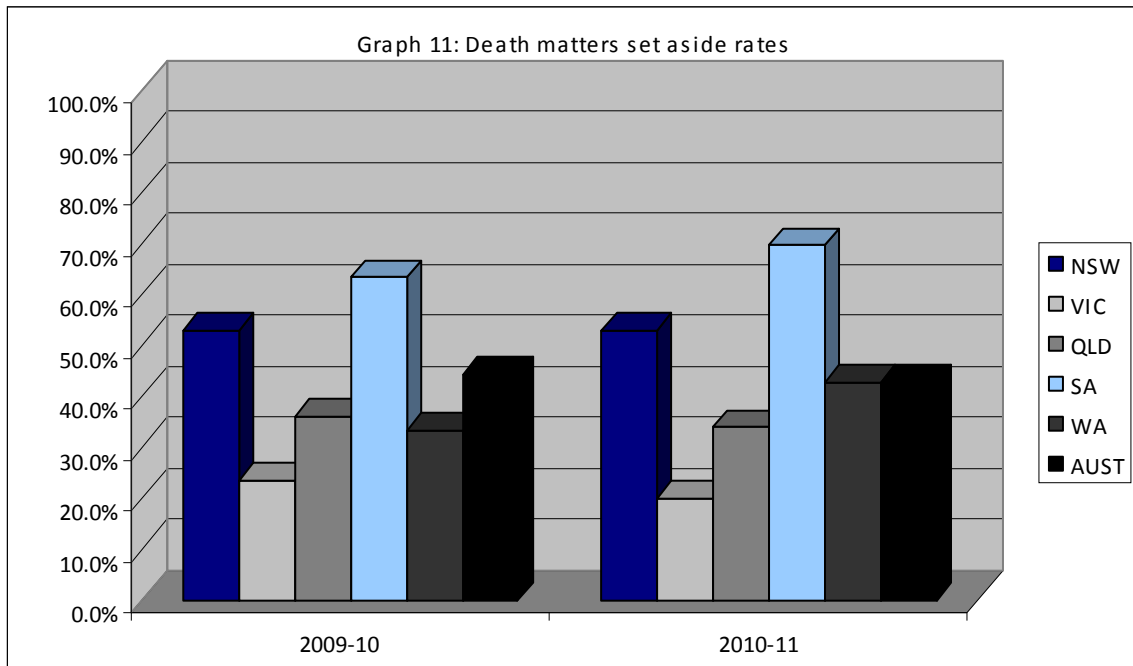
- the approach taken by applicants and representatives as to the matters on which review will be sought;
- the extent to which intervention occurs by the relevant Commission under s31 of the VEA or s347 of the MRCA;
- the adequacy of information presented to primary decision-makers;
- the nature and 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.

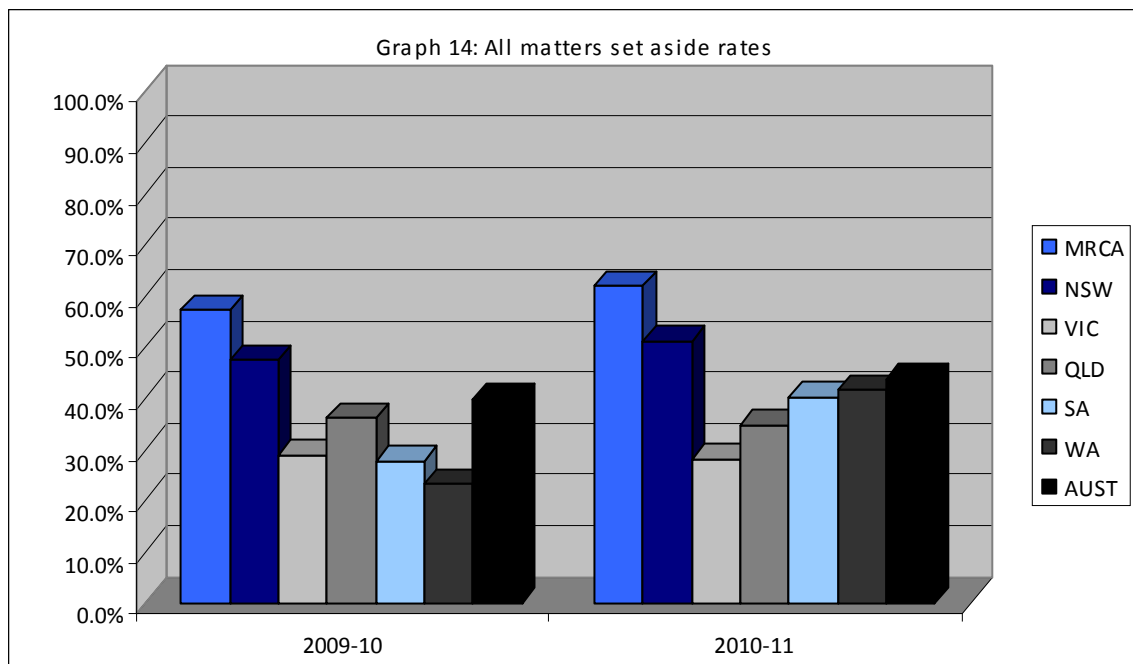
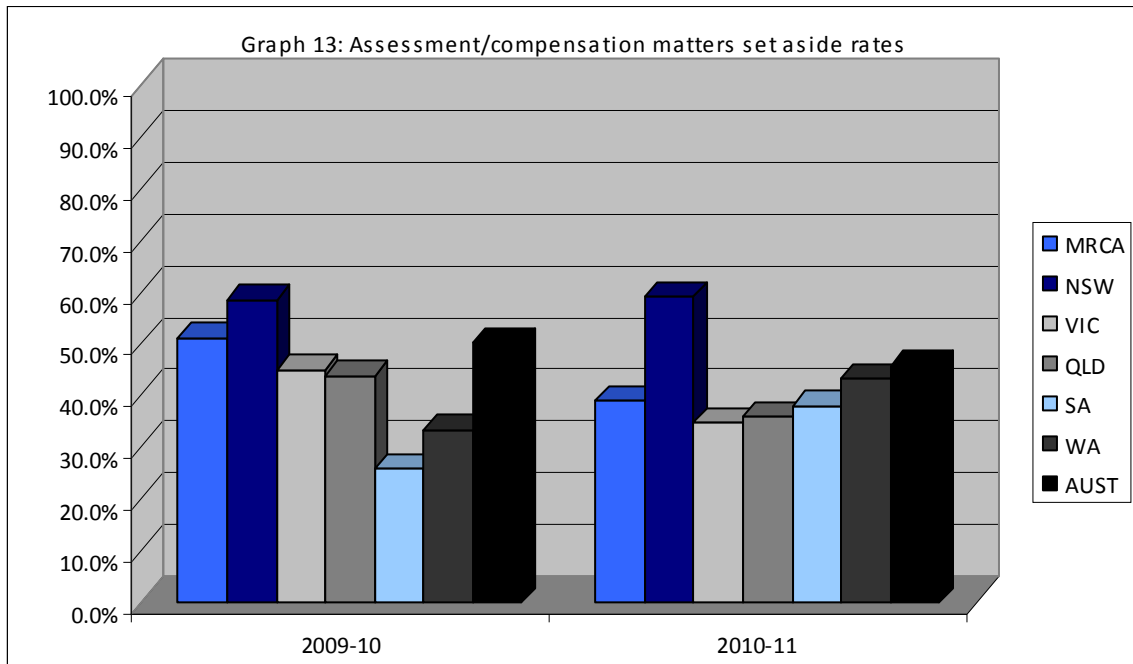
If a VRB panel reviews an application and receives further oral evidence during a hearing, issues might need clarification or further investigation. Alternatively, the applicant might need a further opportunity to, consistent with procedural fairness, assess his or her position. In light of these considerations 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 3 and Graphs 3.1 to 3.4. 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	2009-10	1	268	106	72	30	6	483
	2010-11	1	208	100	50	23	14	396
Set aside death	2009-10	0	142	25	26	19	2	214
		0.0%	53.0%	23.6%	36.1%	63.3%	33.3%	44.3%
	2010-11	0	110	20	17	16	6	169
		0.0%	52.9%	20.0%	34.0%	69.6%	42.9%	42.7%
Affirmed death	2009-10	1	126	81	46	11	4	269
		100.0%	47.0%	76.4%	63.9%	36.7%	66.7%	55.7%
	2010-11	1	98	80	33	7	8	227
		100.0%	47.1%	80.0%	66.0%	30.4%	57.1%	57.3%
Total disability / liability	2009-10	45	895	347	438	133	81	1939
	2010-11	129	699	220	390	77	69	1584
Set aside disability / liability	2009-10	29	368	90	144	27	14	672
		64.4%	41.1%	25.9%	32.9%	20.3%	17.3%	34.7%
	2010-11	98	331	64	134	25	28	680
		76.0%	47.4%	29.1%	34.4%	32.5%	40.6%	42.9%
Affirmed disability / liability	2009-10	16	527	257	294	106	67	1267
		35.6%	58.9%	74.1%	67.1%	79.7%	82.7%	65.3%
	2010-11	31	368	156	256	52	41	904
		24.0%	52.6%	70.9%	65.6%	67.5%	59.4%	57.1%
Total assessment / compensation	2009-10	45	381	100	192	31	42	791
	2010-11	77	291	92	206	29	37	732
Set aside assessment / compensation	2009-10	23	223	45	84	8	14	397
		51.1%	58.5%	45.0%	43.8%	25.8%	33.3%	50.2%
	2010-11	30	172	32	74	11	16	335
		39.0%	59.1%	34.8%	35.9%	37.9%	43.2%	45.8%
Affirmed assessment / compensation	2009-10	22	158	55	108	23	28	394
		48.9%	41.5%	55.0%	56.3%	74.2%	66.7%	49.8%
	2010-11	47	119	60	132	18	21	397
		61.0%	40.9%	65.2%	64.1%	62.1%	56.8%	54.2%
Total all matters	2009-10	91	1544	553	702	194	129	3213
	2010-11	207	1198	412	646	129	120	2712
Set aside all matters	2009-10	52	733	160	254	54	30	1283
		57.1%	47.5%	28.9%	36.2%	27.8%	23.3%	39.9%
	2010-11	128	613	116	225	52	50	1184
		61.8%	51.2%	28.2%	34.8%	40.3%	41.7%	43.7%
Affirmed all matters	2009-10	39	811	393	448	140	99	1930
		42.9%	52.5%	71.1%	63.8%	72.2%	76.7%	60.1%
	2010-11	79	585	296	421	77	70	1528
		38.2%	48.8%	71.8%	65.2%	59.7%	58.3%	56.3%





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 merit review by the Administrative Appeals Tribunal (AAT). The VRB is not a party to the proceedings before the AAT.

During 2010-11 the VRB was notified of the lodgement of 340 applications for review by the AAT of matters involving VRB decisions. During the same period, the VRB lodged 46 section 37 statements with the AAT. The average time taken for preparation and lodgement of those statements was 9.3 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

	2009-10	2010-11
Applications for review from VRB decisions	424	340
Application rate	19.6%	17.2%

In the course of 2010-11 the AAT finalised 481 applications for review of decisions of the VRB. 472 of these had been made under the VEA and 9 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

	2009-10	2010-11
Withdrawn or dismissed	41%	34%
Conceded	33%	38%
Finalised by hearing	26%	28%

Table 5 – Decisions published upon review by the AAT

	2009-10	2010-11
Affirmed	94 (70%)	88 (66%)
Varied or set aside	42 (30%)	46 (34%)

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 2010-11 there were 9 matters finalised in the AAT concerning appeals from the VRB under the MRCA. 3 were dismissed, two were set aside by consent, of the four matters that went to hearing two were affirmed and two were set aside.

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 2010-11, 5.6% of applications were over two years old, with the end-of-month average over the 12 months of the year having been 5.9%. By comparison, at the end of 2009-10 the proportion of such applications was 6.1%, with the end-of-month average over the 12 months of the year having been 6.8%. 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 2010-11 the average time taken from lodgement of an application to receipt of a s137 report was 42.6 days. This compares with 54.2 days in 2009-10.

During 2010-11, 997 requests for further information were completed by DVA, at an average time for completion 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. These figures compare with 945 requests completed in 2009-10, at an average time of 94.4 days. Of these, 686 requests had been made by Registrars, at an average time for completion of 81.1 days; and 259 requests had been made following adjournments, at an average time for completion of 129.5 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 2010-11 the average time to complete the former stage was 28.6 days. In 2009-10 it was 29.2 days. During 2010-11 the average time to complete the latter stage was 240.9 days. In 2009-10 it was 219.1 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 2010-11 the average time for the VRB to complete this stage was 12.3 days. In 2009-10 the average time was 13.1 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 2010-11 the average time for the VRB to complete this stage was 90.9 days. In 2009-10 the average time was 77.3 days.

The slight increase in the time taken to complete this stage has been due to a number of factors. In the 2010-11 financial year there was 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. At Advocates' Liaison meetings during 2010-11, the Principal Member has raised the issue of restrictions on the availability of representatives for discussion and consideration.

Table 5 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 2010-11, 100 applications adjourned under section 151, representing 4% of applications heard. There were 298 applications adjourned under section 152, representing 12% of applications heard. In total, there were 398 adjournments of both kinds, representing 16.1% of applications heard. These figures compare with 104 section 151

Table 6: Adjournments								
	Year	MRCA	NSW	VIC	QLD	SA	WA	AUST
S 151 adjournments	09/10	3	64	17	13	7	0	104
		3.2%	5.1%	3.9%	2.1%	4.5%	0.0%	3.9%
	10/11	1	63	14	8	3	11	100
		0.7%	5.6%	3.8%	1.3%	2.4%	10.2%	4.0%
S 152 adjournments	09/10	34	147	38	71	20	17	327
		35.8%	11.7%	8.8%	11.7%	12.8%	15.3%	12.3%
	10/11	25	139	35	67	17	14	297
		17.2%	12.4%	9.4%	11.0%	13.5%	13.0%	12.0%
Total adjournments	09/10	37	211	55	84	27	17	431
		38.9%	16.8%	12.7%	13.9%	17.3%	15.3%	16.2%
	10/11	26	202	49	75	20	25	397
		17.9%	18.1%	13.2%	12.3%	15.9%	23.1%	16.0%

adjournments in the previous year, or 4% of applications heard; 327 section 152 adjournments, or 12.5% of applications heard; and 431 total adjournments, or 16.4% of applications heard.

The adjournments during the year by kind and state are shown 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 2010-11 the average time for the VRB to complete this stage was 15 days. In 2009-10 the average time was 13.7 days. There was a slight increase in the time taken for decision writing, following the changes to the Board's membership. New members undertook a through mentoring process, which lead to the slight increase in time taken for decision writing.

Table 7: Applications times taken to process								
	Year	MRC A	NSW	VIC	QLD	SA	WA	AUST
Lodgement to receipt of s 137 report	2009-10	86.1	58.3	48.9	30.1	56.4	48.1	54.2
	2010-11	30.8	45	46.7	26.1	47.4	50.9	42.6
Receipt of s 137 report to s 148 notice sent	2009-10	9.7	8.2	1.3	26.2	26.7	5.9	13.1
	2010-11	18.3	9.4	0.8	23.8	20.3	6.7	12.3
S 148 notice sent to its return	2009-10	42.4	32.0	26.6	26.3	24.9	23.3	29.2
	2010-11	41.9	30.8	21.6	27.8	26.8	26.7	28.6
COR sent to its return	2009-10	140.3	227.4	237.7	193.1	242.0	249.8	219.1
	2010-11	172.3	239.4	266.4	246	202.4	286.9	240.9
COR receipt to hearing	2009-10	133.0	84.3	78.1	58.6	71.4	54.3	77.3
	2010-11	133.7	101.2	78.8	78.9	85.4	41.7	90.9
Hearing to publication of decision	2009-10	42.3	14.9	10.2	12.9	7.4	7.8	13.7
	2010-11	28.1	14	10.2	19.5	9.3	8.5	15.0
Lodgement to finalisation	2009-10	418.9	361.8	301.5	297.0	398.7	346.9	334.5
	2010-11	452.4	385.7	300	337.7	384.1	342.2	356.4

Yellow indicates stages primarily within the control of DVA.

White indicates stages primarily within the control of the VRB.

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

On 30 June 2010 the number of applications outstanding was 3102. Of these, 692 applications (22.3%) were primarily under the control of the VRB, 2017 (65.0%) were primarily under the control of the applicants or representatives and not ready to be heard, and 402 (13.0%) were primarily under the control of the Department.

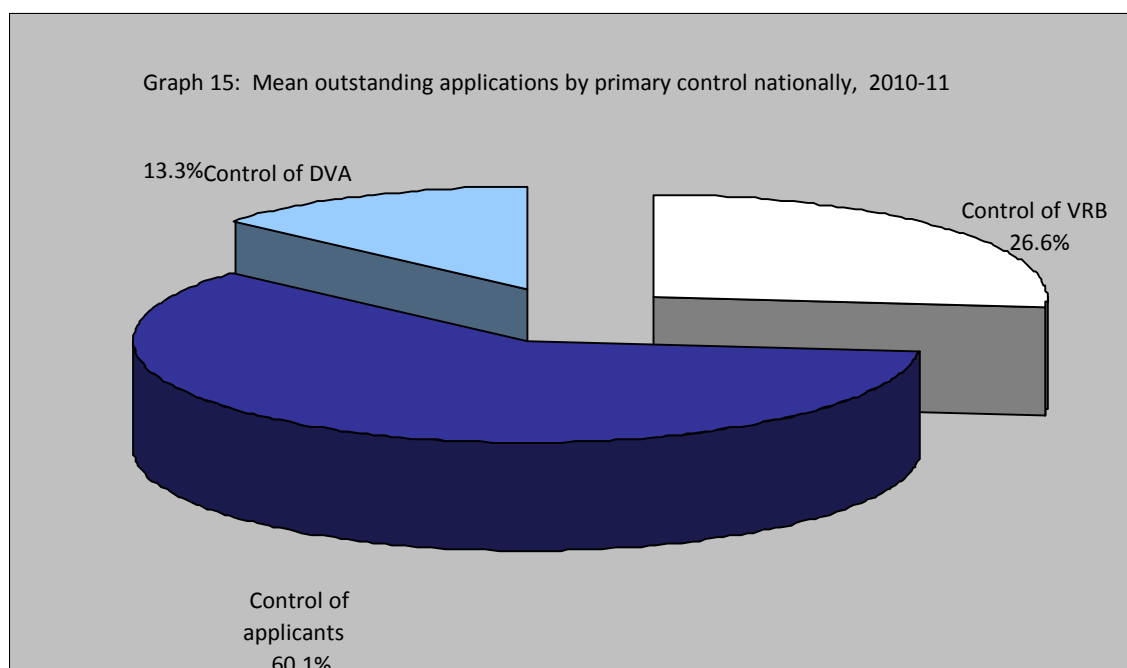
As stated under Outcome 1, during 2010-11, 3275 new applications were received by the VRB, 2478 applications were heard and 3485 applications were finalised.

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.

Table 6 and Graph 6 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	2009-10	59	333	129	131	36	18	707
		30.9%	29.6%	22.8%	17.1%	20.7%	13.6%	23.9%
	2010-11	96	361	112	128	52	20	769
		32.3%	31.2%	23.2%	20.5%	27.5%	18.7%	26.9%
Control of applicants	2009-10	96	694	373	477	100	88	1826
		48.9%	61.4%	65.5%	62.3%	57.1%	65.8%	61.6%
	2010-11	143	676	305	356	97	83	1660
		48.1%	58.4%	63.1%	57.0%	51.3%	77.6%	58.1%
Control of DVA	2009-10	41	102	67	158	39	28.2	434
		21.4%	9.0%	11.8%	20.7%	22.3%	20.9%	14.7%
	2010-11	62	113	66	145	40	4	430
		20.9%	9.8%	13.7%	23.2%	21.2%	3.7%	15.0%



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. 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 the Presiding Member of the VRB panel for consideration and the reason for it would be carefully considered.

During 2010-11, 143 applications listed for hearing were postponed prior to the commencement of the hearing. This represented 5.7% of applications originally listed for hearing that year. Substitute applications were found for 113 (or 79%) of the postponements. While the postponement rate was low and the substitution rate high, it still resulted in about 30 hearing times not being able to be used, or the equivalent of almost three 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 2010-11 the VRB sent a total of 197 letters asking for a written statement from applicants as to why they were not ready to proceed to a hearing. This was an increase of 51 over the previous year. These letters resulted in a total of 68 applications being dismissed, 30 being withdrawn and 68 requests for a hearing. These compare with 38 dismissals, 22 withdrawals and 29 requests for 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 Appendix 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 2010-11 a total of 17 applications were lapsed, 6 of which were under the MRCA. In the previous year there were 19 applications lapsed, 4 under the MRCA.

Withdrawals

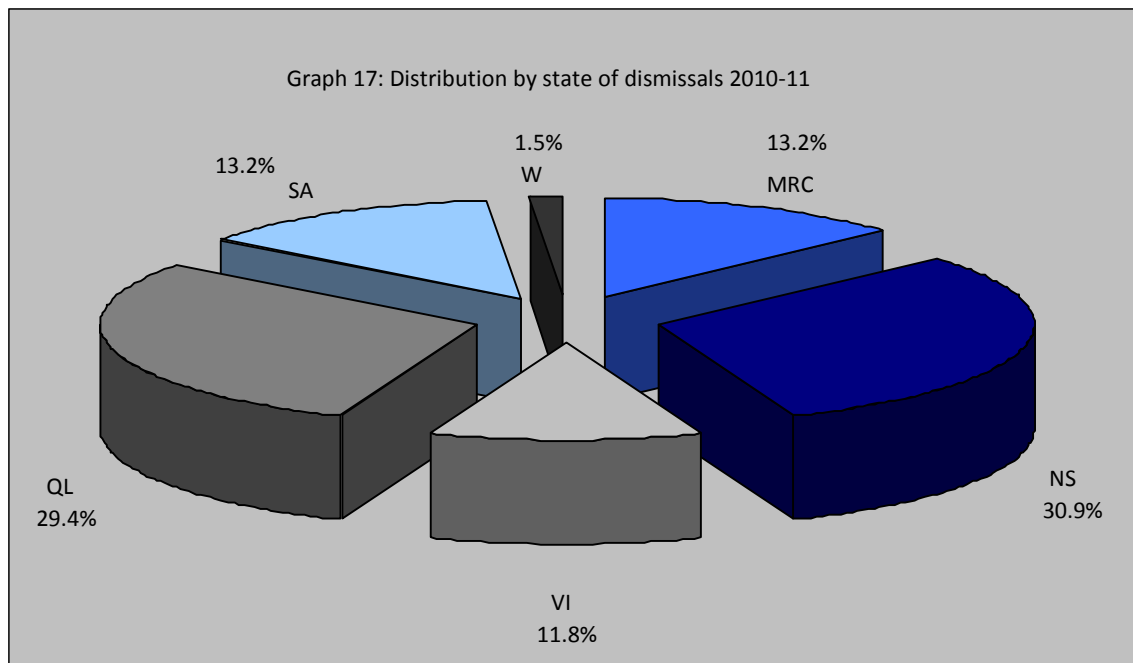
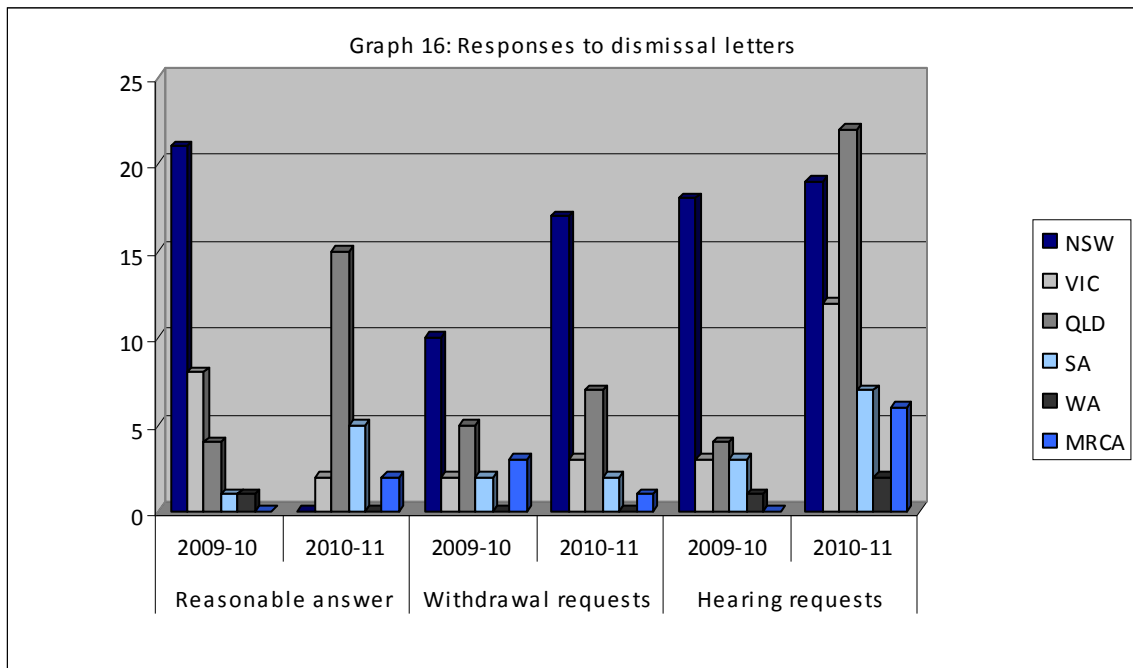
During 2010-11, 1422 applications were withdrawn by applicants; this represents 40.8% of applications finalised during the year. This compares with 1522 withdrawals (40.7% of those finalised) in 2009-10. The VRB is usually not advised of the reasons for withdrawal, but it appears likely that a substantial 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.

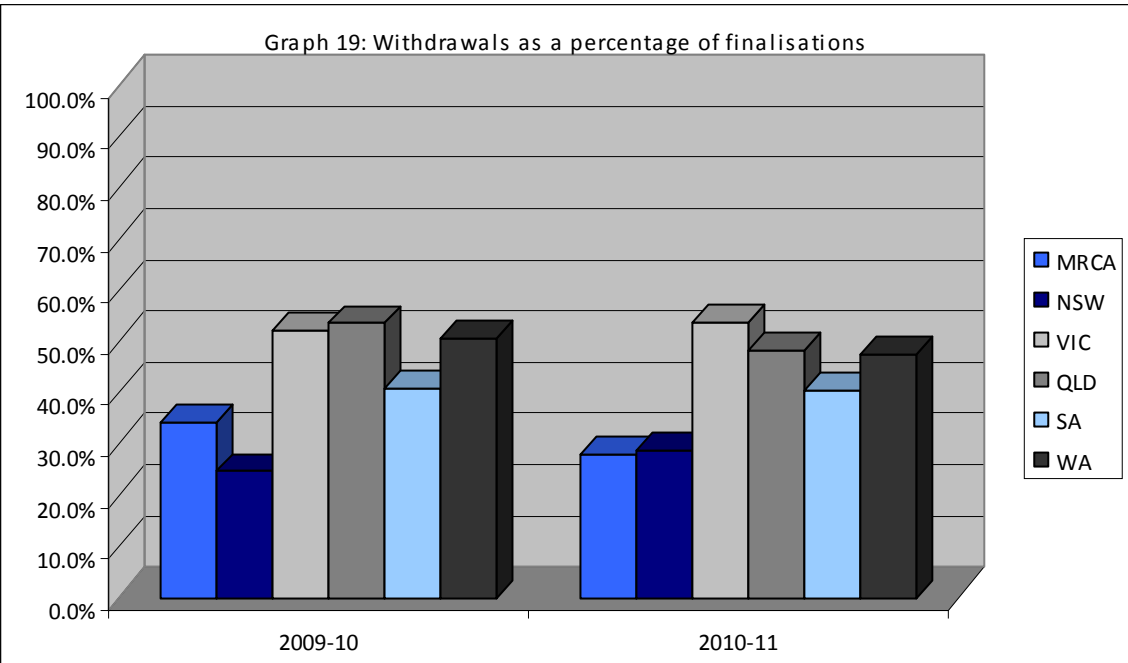
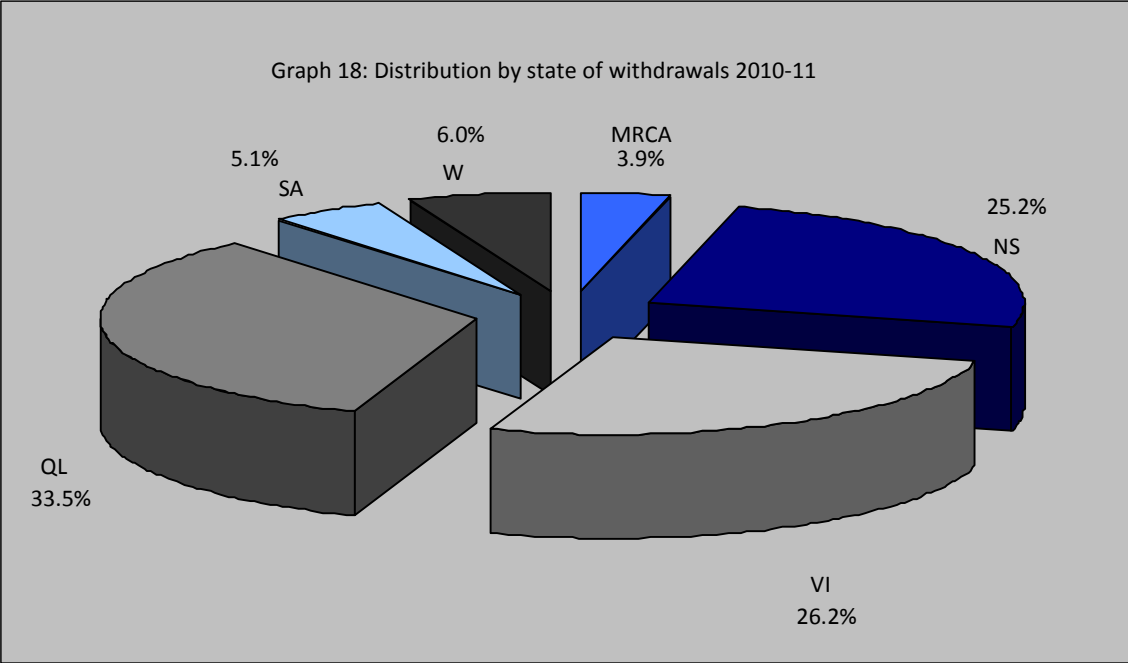
Table 7 and Graphs 7.1 to 7.5 show the applications ready for hearing, postponements and substitutions, dismissal actions and their results, lapsing, and total withdrawals. In the 'Ready for hearing' section, the application numbers and percentages are averages, the latter being the proportion of corresponding 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	2009-10	20	252	106	94	28	12	512
		10.3%	22.4%	18.8%	12.3%	15.9%	9.1%	17.3%
	2010-11	24	167	61	70	22	7	349
		8.8%	13.9%	12.2%	9.7%	13.4%	5.2%	11.8%
Postponements	2009-10	2	97	34	21	4	3	161
	2010-11	2	96	22	16	3	4	143
Percentage substitutions	2009-10	250.0%	76.3%	64.7%	66.7%	75.0%	66.7%	74.5%
	2010-11	0.0%	86.5%	59.1%	81.3%	100.0%	25.0%	79.0%
Dismissal letters sent	2009-10	0	71	31	27	15	2	146
	2010-11	20	65	25	62	22	3	197
Reasonable answer	2009-10	0	21	8	4	1	1	35
	2010-11	2	0	2	15	5	0	24
Withdrawal requests	2009-10	3	10	2	5	2	0	22
	2010-11	1	17	3	7	2	0	30
Hearing requests	2009-10	0	18	3	4	3	1	29
	2010-11	6	19	12	22	7	2	68
Dismissed	2009-10	0	17	7	4	8	2	38
	2010-11	9	21	8	20	9	1	68
Lapsing	2009-10	4	14	1	0	0	0	19
	2010-11	6	6	4	1	0	0	17
Withdrawals	2009-10	38	354	395	564	88	83	1522
		34.2%	24.6%	52.0%	53.5%	40.7%	50.6%	40.7%
	2010-11	55	359	373	477	73	85	1422
		27.9%	28.8%	53.7%	48.3%	40.3%	47.5%	40.8%





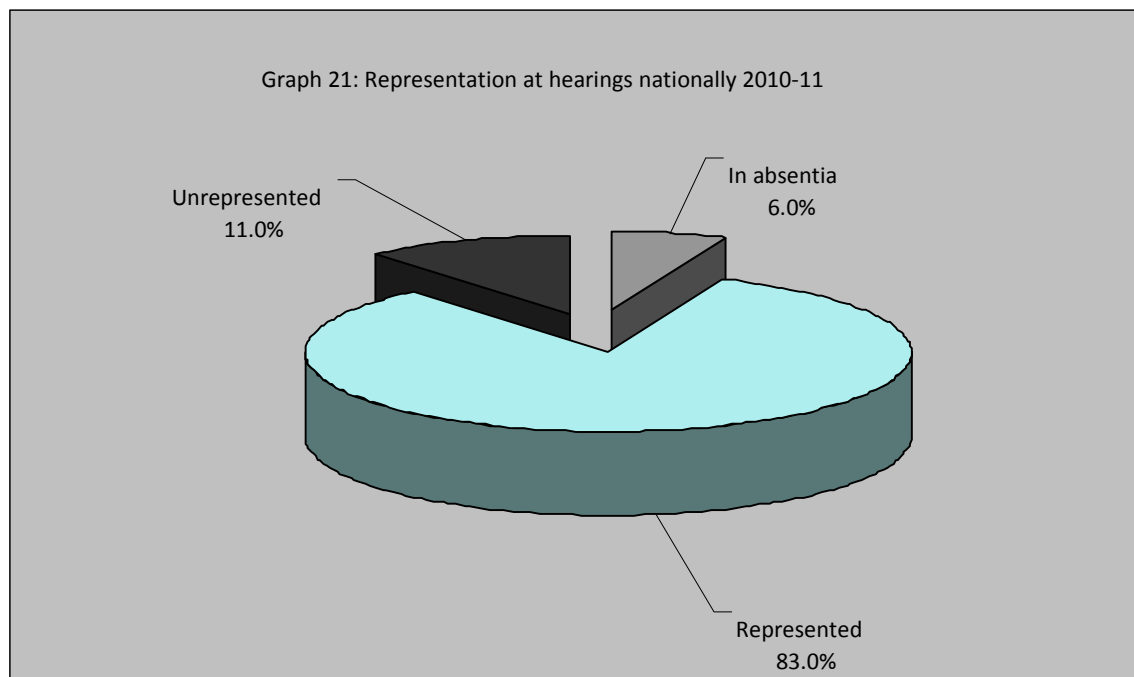
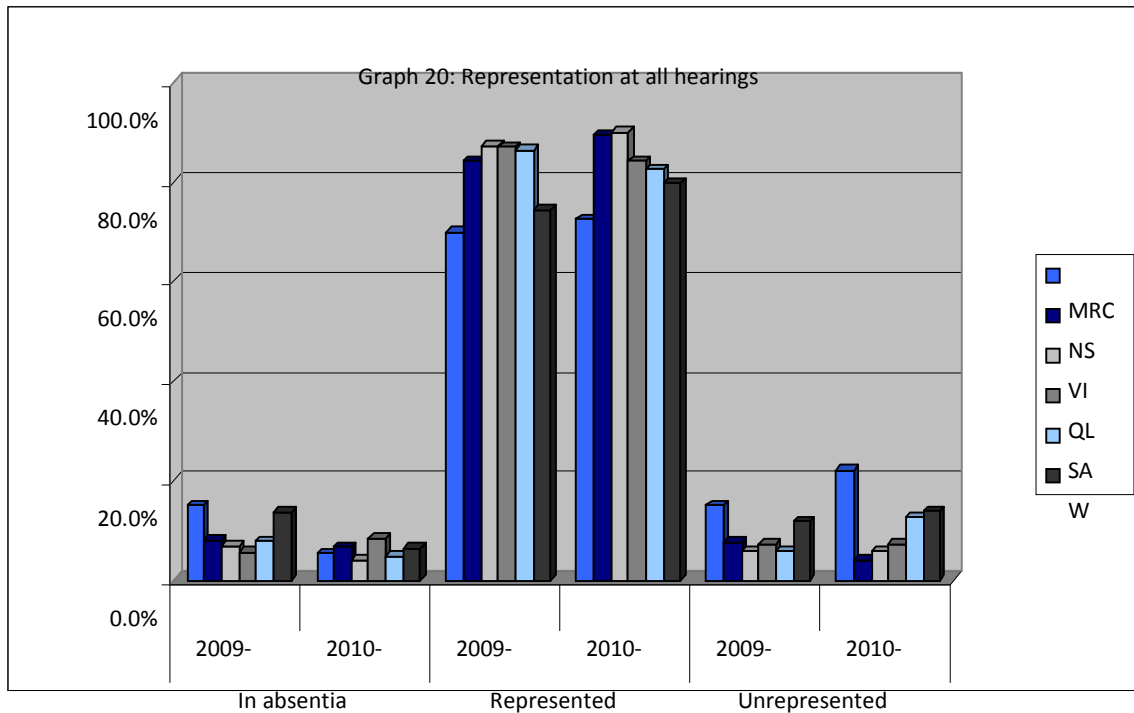
OUTCOME 5: ACCESSIBLE AND RESPONSIVE TO VETERAN COMMUNITY STAKEHOLDERS

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	2009-10	14	101	29	34	12	15	205
		15.1%	8.1%	6.9%	5.7%	7.9%	13.8%	9.6%
	2010-11	8	75	15	52	6	7	163
		5.5%	6.7%	4.0%	8.5%	4.8%	6.5%	6.0%
Represented	2009-10	65	1051	368	518	131	81	2214
		69.9%	84.1%	87.2%	86.9%	86.2%	74.3%	81.4%
	2010-11	105	998	334	513	104	86	2140
		72.4%	89.3%	90.0%	84.1%	82.5%	79.6%	83.0%
Unrepresented	2009-10	14	97	25	44	9	13	202
		15.1%	7.8%	5.9%	7.4%	5.9%	11.9%	54%
	2010-11	32	45	22	45	16	15	175
		22.1%	4.0%	5.9%	7.4%	12.7%	13.9%	11.0%
Total heard	2009-10	93	1249	422	596	152	109	2621
	2010-11	145	1118	371	610	126	108	2478

The great majority of all applicants (83.0%) are represented at hearings in some way. A small proportion (6.0%) 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.

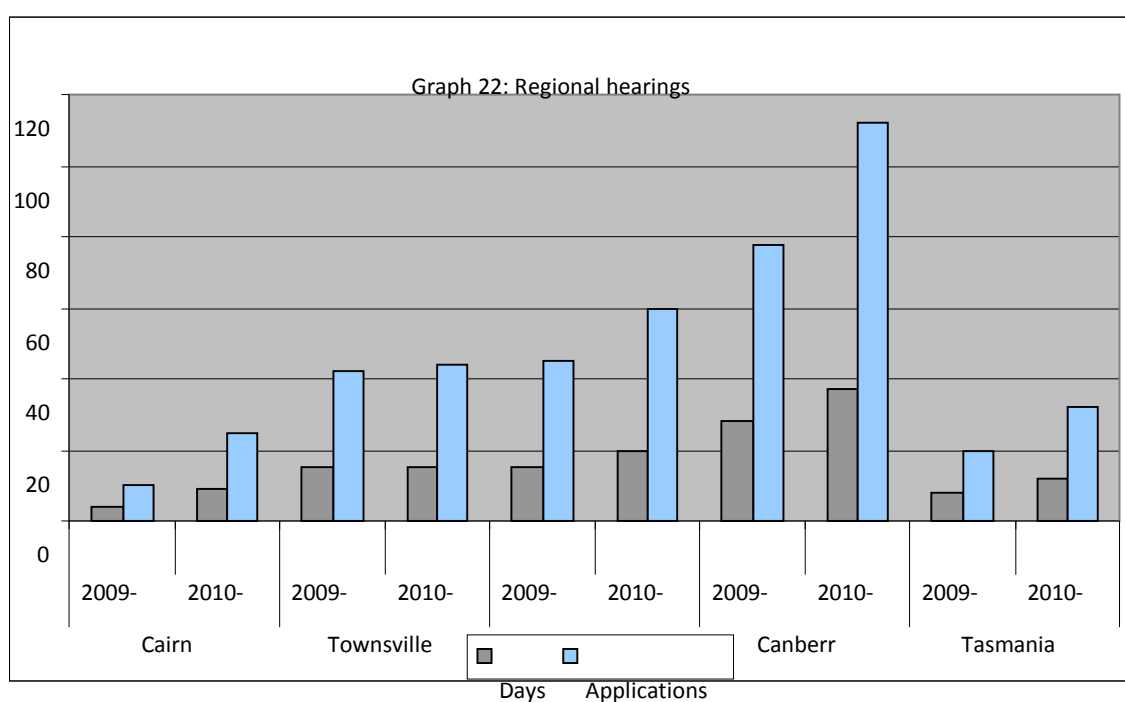


There are several ways that applicants and their representatives can participate at hearings: one or both can have a telephone hearing, or one or both can appear in person. Combinations of applicant and representative participation are also possible. In addition, in 2000-01, the VRB undertook a trial 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 2010-11 regional hearings were arranged in Cairns, Townsville, Gold Coast, Canberra, Hobart and Launceston. Table 14 and Graphs 14.1 and 14.2 show the number of days of hearings, and applications heard in the above locations.

Table 11: Regional hearings			
	Year	Days	Applications
Cairns	2009-10	4	10
	2010-11	9	25
Townsville	2009-10	15	42
	2010-11	15	44
Gold Coast	2009-10	15	45
	2010-11	20	60
Canberra	2009-10	28	78
	2010-11	37	112
Tasmania (Hobart / Launceston)	2009-10	8	20
	2010-11	12	32
Total	2009-10	70	195
	2010-11	93	273



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 2010-11 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 2010-11 year, the VRB launched its inaugural complaints handling policy. Details on how to make a complaint, together with information on the VRB's complaints handling procedures can also be viewed on the VRB's website.

In the course of the year the VRB received 8 compliments and 20 complaints.

The 20 complaints referred involved the following issues: concern about the conduct of a VRB hearing (nine); concern about a VRB or aspects of 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. The Board also started conducting Advocates liaison meetings 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 issued its first General Practice Direction. 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 has established and hosted regular advocate liaison forums in all locations 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 introduction of 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 <http://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.

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

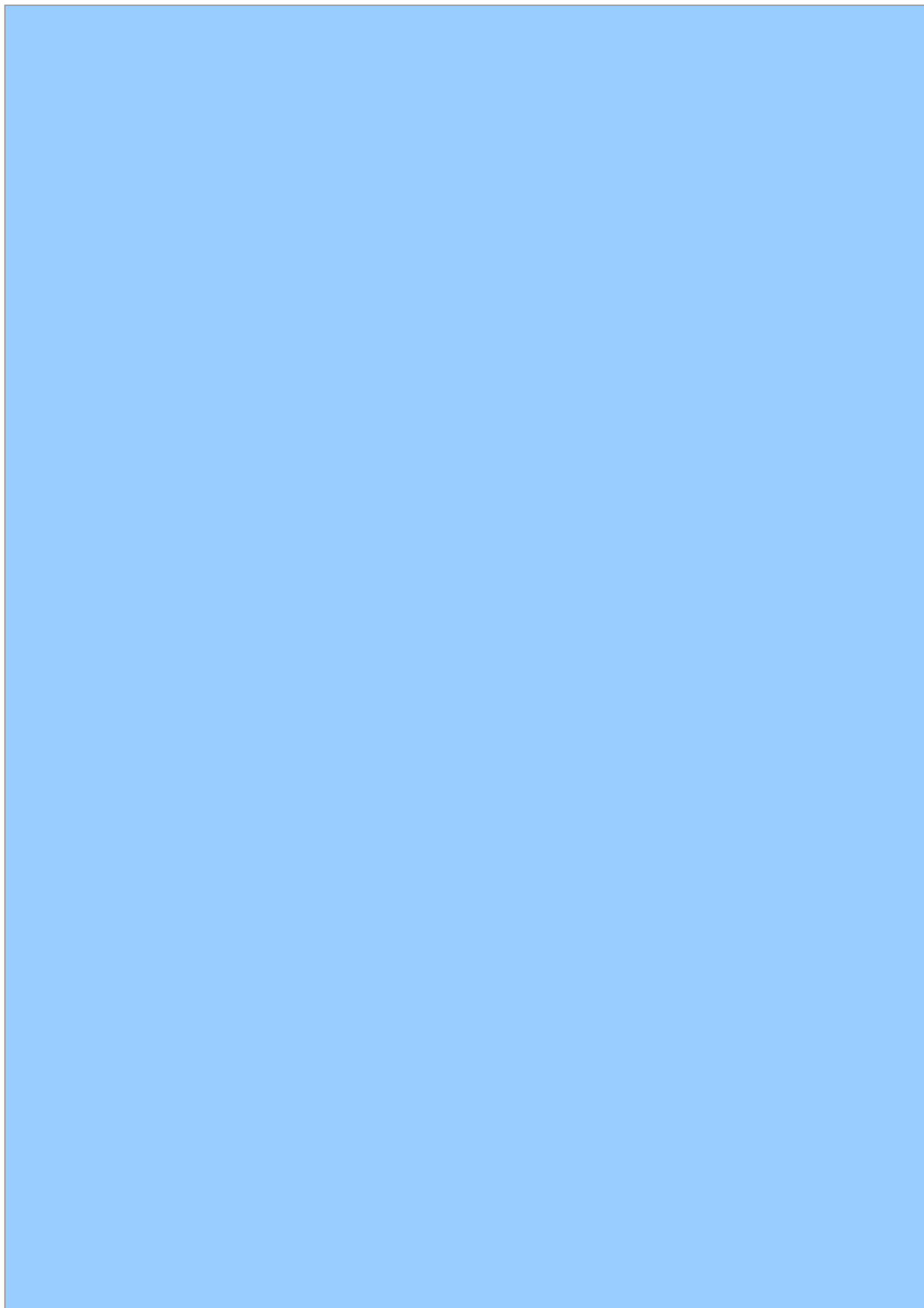
The VRB maintains relationships with other tribunals through the following fora:

- 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 2010-11 the VRB:

- continued the use of a periodic customer satisfaction survey;
- conducted regular 1 hour Members' Training Sessions on a variety of topics via video conferencing.



PART 4

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Management and Accountability

PART 4 – MANAGEMENT, ACCOUNTABILITY & HR

Staff

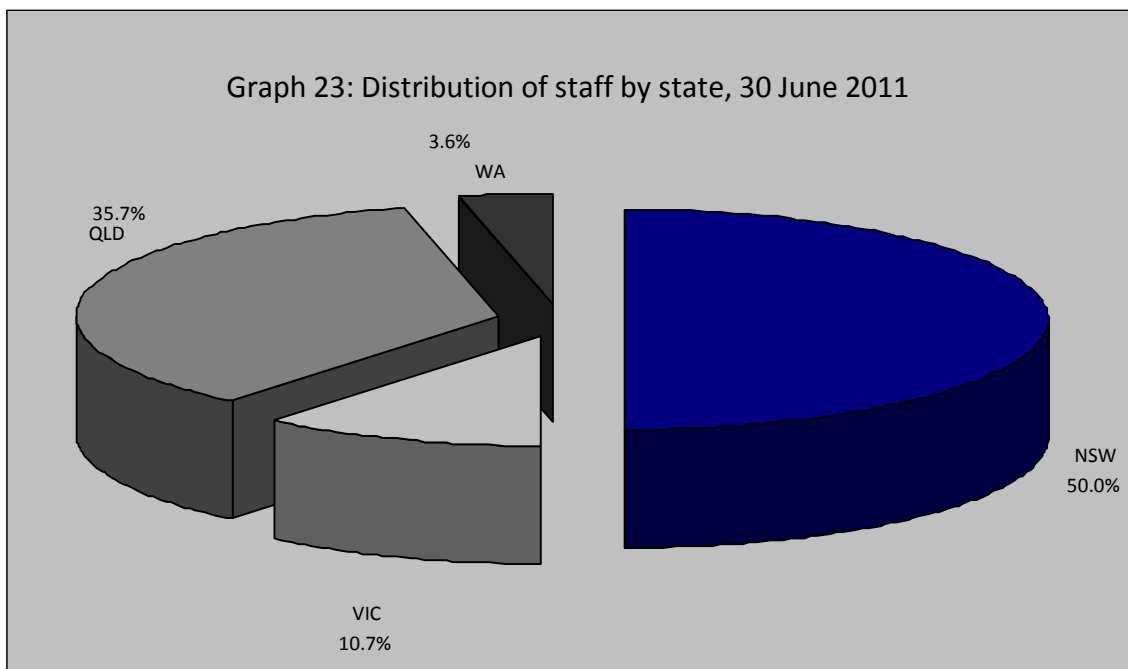
Under section 172 of the VEA, the Secretary of the Department is required to make available any staff required to assist the VRB in the performance of its statutory functions, who are employed under the terms of the Public Service Act 1999 and the DVA Collective Agreement 2009-2011. Information regarding this Collective Agreement and the salaries of officers at various classification levels is contained in the Annual Report of the Department.

On 30 June 2010 there were 31 staff employed by the VRB. That figure had declined to 28 by the end of the 2010-11 financial year.

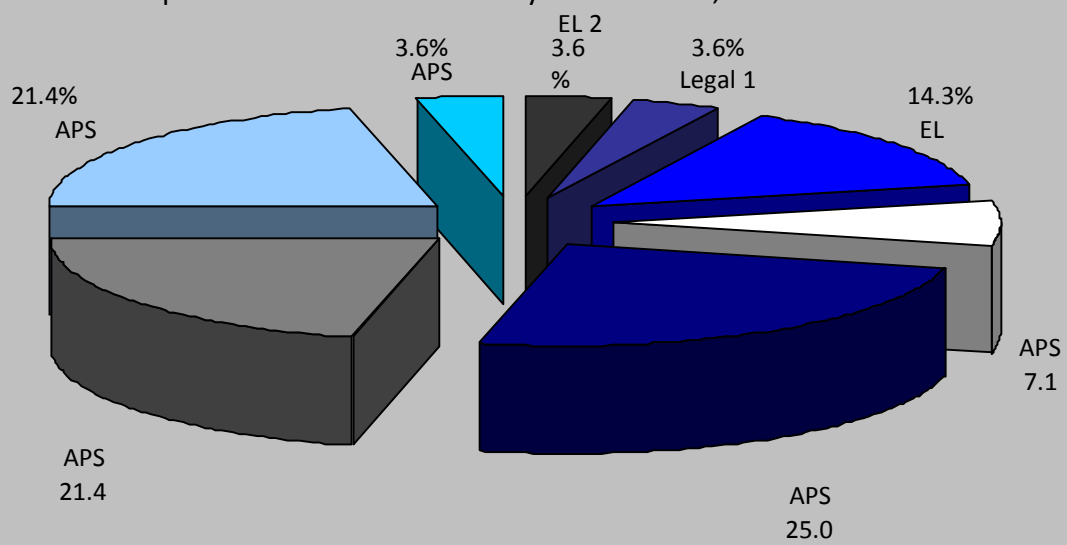
The break-up of staff as at 30 June 2011 is set out in Tables 9 and 10, and in Graphs 9.1 to 9.3. Because the National Registry is situated in Sydney, its staff is shown together with those of the NSW State Registry under NSW.

Table 12: Staff						
	Gender	NSW	VIC	QLD	WA	AUST
EL 2	Male					0
	Female	1				1
	Total	1	0	0	0	1
Legal 1	Male					0
	Female	2				2
	Total	2	0	0	0	2
EL 1	Male	1	1			2
	Female	1		1		2
	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	1		5
	Total	3	2	1	0	6
APS 2	Male					0
	Female					0
	Total	0	0	0	0	0
All staff	Male	5	2	0	0	7
	Female	9	1	9	1	20
	Total	14	3	9	1	27

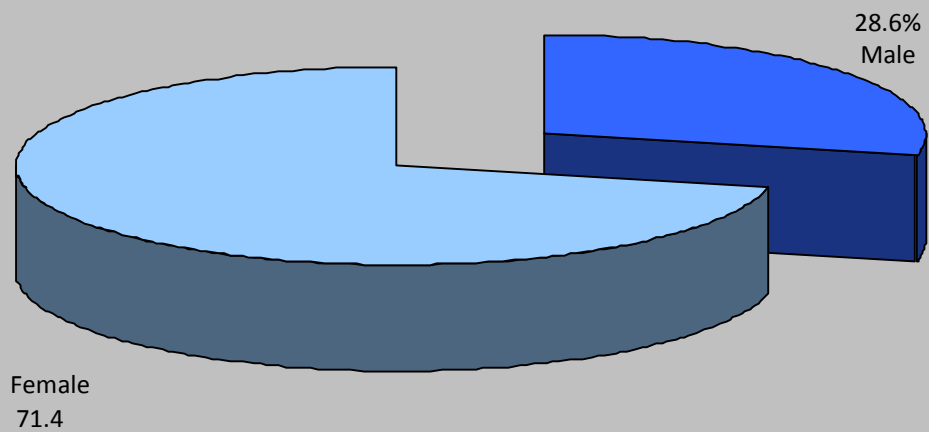
Table 13: Staff full-time and part-time						
	Gender	NSW	VIC	QLD	WA	AUST
Full-time	Male	5	2			7
	Female	9	1	4	1	15
	Total	14	3	4	1	22
Part-time	Male					0
	Female			5		5
	Total	0	0	5	0	0
Total all staff	Male	5	2	0	0	7
	Female	9	1	9	1	20
	Total	14	3	9	1	27



Graph 24: Distribution of staff by classification, 30 June 2011



Graph 25: Distribution of staff by gender, 30 June 2011



Members

In relation to the VRB's membership, all member positions were advertised in the course of 2010-11 and those appointment processes were complete as at 1 January 2011. A number of members were reappointed including, Jenny D'Arcy, Chris Keher, Hilary Kramer, Leslie Young, Frank Burt, Jan Hartmann, Roger Tiller, Bruce Wood, Warwick Young, Zita Antonios, Jackie Fristacky, Chris Wray, Rob Regan, Sylvia Winters, Frank Benfield, Rick Main, Morag McColm, Ed Jolly, Robert Black, Stuart Bryce, Garry Barrow and Greg Mawkes. The Board also welcomed 19 new members in 2011.

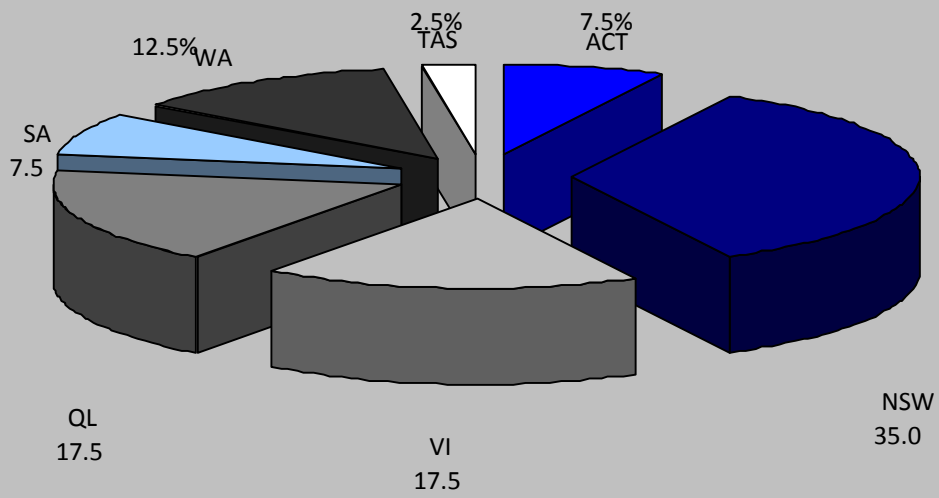
There was also a departure of a number of members of the VRB including Murray Blake, Gerry Carwardine, Wally Farquhar, Robert Brumm, Julie Cowdroy, Andrea Hall-Brown, Kerrie Laurence, John Cooke, Graham Barter, Ann Graham, Drew Braban, Sharon Brennan, Frank Brown, Ivan Cahill, Elayne Hayes and Tony Wales.

At 30 June 2011 there were 40 members of the VRB: the Principal Member, 11 Senior Members, 14 Services Members and 14 Members. Of these, the Principal Member was the only full-time appointee, all others were part-time. The number of women holding appointments was 14.

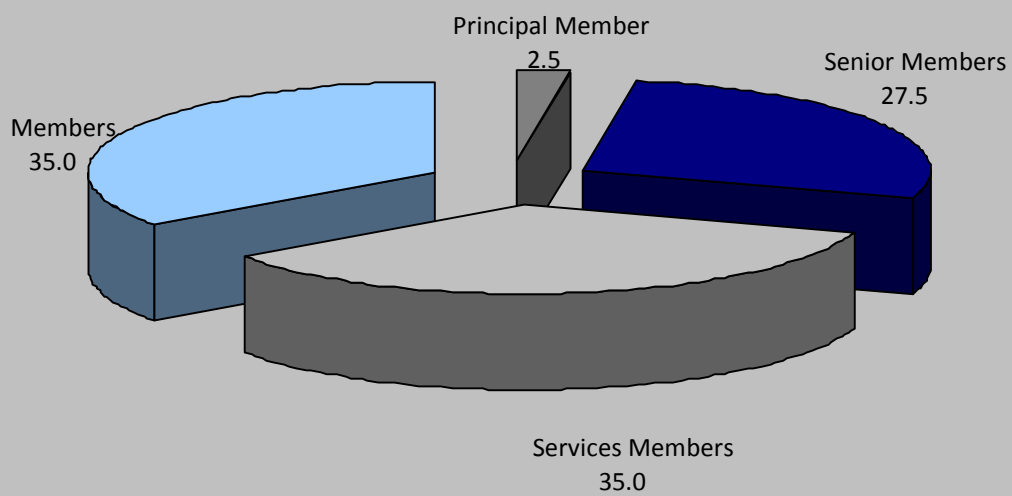
The break-up of membership at the end of the financial year is set out in Table 8 and Charts 8.1 to 8.3. Further details of the VRB membership are provided in Appendices 4, 5 and 6.

Table 14: Members									
	Gender	ACT	NSW	VIC	QLD	SA	WA	TAS	AUST
Principal Member	Male		1						1
Senior Members	Male	1	2	1		1	1		6
	Female		2	1	2				5
	Total	1	4	2	2	1	1	0	11
Services Members	Male	1	4	1	2	1	2	1	12
	Female		1	1					2
	Total	1	5	2	2	1	2	1	14
Members	Male	1	1		2	1	2		7
	Female		3	3	1				7
	Total	1	4	3	3	1	2	0	14
All members	Male	3	8	2	4	3	5	1	26
	Female	0	6	5	3	0	0	0	14
	Total	3	14	7	7	3	5	1	40

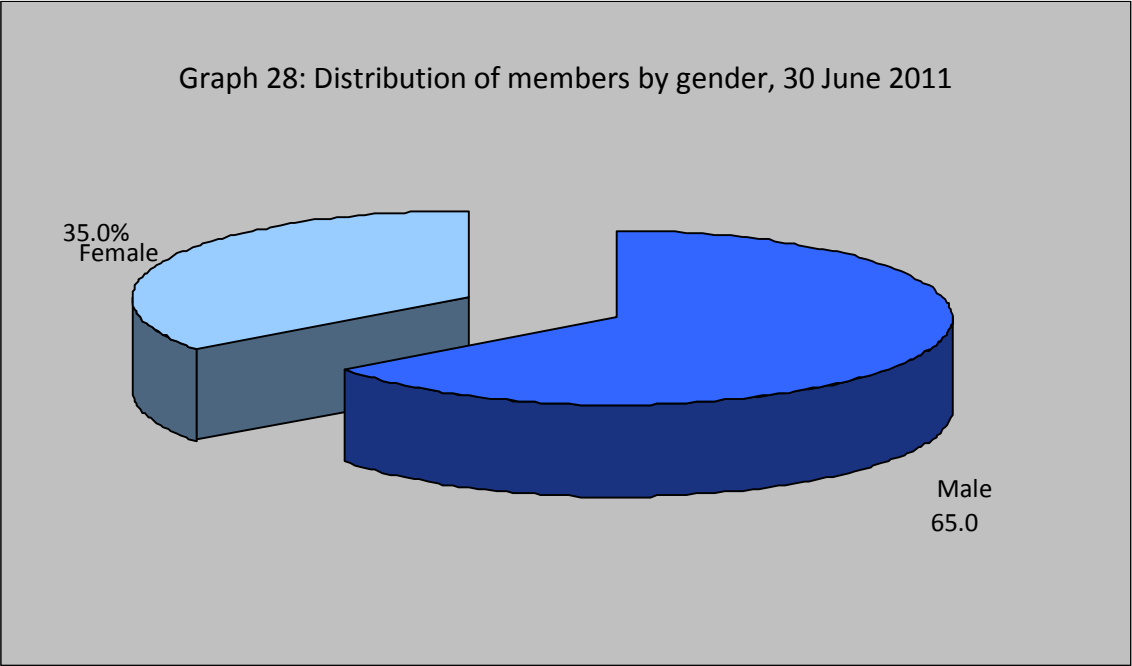
Graph 26: Distribution of members by state, 30 June 2011



Graph 27: Distribution of members by type, 30 June 2011



Graph 28: Distribution of members by gender, 30 June 2011



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.

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.

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 2010-11 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.

2010-11 FINAL REPORT CARD

This document is our final report card on the progress of new initiatives set out in the 2010-11 Business Plan. The Business Plan was developed in September 2010 and this report sets out what we have achieved in the past nine months. It shows that we have successfully implemented 27 new initiatives and have made progress in the implementation of an additional 2 initiatives, which will be carried over into the 2011- 12 Business Plan. The 2011-12 Business plan will be published in July 2011.

✓ Implemented ⌚ In development

OUR USERS		
ACTION	STATUS	COMMENTS
1. Develop a more active case management regime.	✓	New General Practice Direction commenced on 1 January 2011.
2. Increased use of video technology for hearings.	✓	Ongoing, promoted during Advocate's Liaison Forums.
3. Develop and implement a communication strategy including review information products.	✓	Ongoing, new application brochures have been published.
4. Continue to issue annual edition of VerBosity and regular practice notes.	✓	Ongoing, 16 practice notes published and currently available.
5. Develop new VRB case notes.	✓	Ongoing, 2 VRB case notes published and currently available.
6. Continue to issue half yearly user satisfaction survey and respond to feedback.	✓	Ongoing, over 40% response rate and 75% satisfaction rate
7. Develop and implement complaint handling policy.	✓	Implemented and available on the VRB website.
8. Establish and conduct user forums and participate in external forums.	✓	Implemented, first user forum conducted in QLD in November 2010. Forums to be held in Sydney in March and QLD in April.

OUR PEOPLE

ACTION	STATUS	COMMENTS
1. Host National Conference in Glenbrook, October 2011 for members and staff.	✓	Venue has been booked, draft program will be provided to the MTC.
2. Conduct the new member induction course and mentoring program in early 2011.	✓	Completed.
3. Develop in-house e-learning programs.	✓	Obtained software, first program developed and released for the MRCA training.
4. Conduct module 1 of the MRCA training program for members and continue to develop module 2.	✓	Program will be rolled out in all locations as per the training calendar.
5. Review and implement revised Registry operations manual including standard forms and letters.	✓	Final draft being prepared.
6. Continue to conduct member video-link training sessions in each itinerary.	✓	Implemented.
7. Continue to host quarterly meetings of the members training committee and members consultative group.	✓	Implemented.
8. Continue to review and add relevant content to the Board's collaborative tools site.	✓	Ongoing.
9. Conduct member/staff survey.	✓	Done, conducted in April 2011.
10. Continue to issue quarterly bulletin, Discourse, for members and staff.	✓	Ongoing.

OUR ORGANISATION

ACTION	STATUS	COMMENTS
1. Monitor MoU for use of AAT facilities.	✓	Ongoing.
2. Scope new premises for regional hearings, particularly in Townsville and Gold Coast.	✓	Completed, possibility of using DVA facilities in Townsville.
3. Continue to enhance IT systems including MRCA upgrades to vrbSAM.	⌚	Final business case submitted. Consulting with DVA.
4. Prepare a 3-5 Year Strategic Plan covering organisational outcomes.	✓	Tribunal framework for excellence review completed, strategic plan to be developed in July 2011.
5. Continue to review performance monthly and update budget forecast.	✓	Ongoing.

OUR PARTNERS

ACTION	STATUS	COMMENTS
1. Continue resource sharing arrangements with courts and tribunals and seek out further opportunities to share resources.	✓	Ongoing.
2. Continue to provide standardised Advocacy Seminar and training presentations, where invited.	✓	Ongoing. Training presentations delivered in QLD and NSW. Principal Member's speeches and papers now published on the website.
3. Develop an advanced Advocacy Seminar package.	⌚	Consulting with user forums regarding topics and format.
4. Review joint training agreement with TIP.	✓	Agreement continued.

5. Participate in ESO forums and congresses, conferences and other events relevant to the work of the Board. ✓ Ongoing.

6. Maintain and Enhance Relationships with DVA by attending regular senior management forums and events. ✓ Ongoing.

Ethical Standards

Members 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.

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 2011, the Senior Members were Les Young, Hilary Kramer, Christopher Keher, 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 2011, the governance frameworks for the Board were as follows:

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

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. A successful new MRCA training program was introduced which will be expanded further in future.

The Board also created the Members Training Committee (MTC), the Members Consultative Group (MCG) and Senior Member Forums (SMF) to further the professional development of its members. 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 new performance appraisal system will be introduced for members. Member performance will be formally reviewed every 12 months.

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

- meetings of the Staff Training Committee
- fortnightly Registrars' meetings
- fortnightly 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.

Information regarding the VRB's biannual Member and Staff Conference will be made available in the next reporting period.

Client Survey

Client surveys continued to be conducted by the Board every six months to measure their level of satisfaction. Survey responses provided overwhelmingly positive feedback on the experience of dealing with the Board which was consistent with the previous year's results. 79.1% of respondents rated their overall satisfaction level as very satisfied or satisfied.

Staff & Member Survey

The Board also chose to adopt 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 survey were extremely encouraging. We had a very positive response rate and it was pleasing that over 90% of members and staff were proud and happy to work at the VRB. The first survey results also revealed a good satisfaction level amongst members and staff. This survey will be regularly repeated in future.

Occupational Health and Safety and Commonwealth Disability Strategy

The VRB is within the Veterans' Affairs portfolio and although it is an independent body from the Department of Veterans' Affairs, it generally follows Departmental guidelines concerning access and equity issues. The VRB is included within the Department's occupational health and safety strategy, which is outlined in the Department's Annual Report.

Of the 5 roles specified in the Commonwealth Disability Strategy's Performance Reporting Framework (Policy Adviser, Regulator, Purchaser, Provider and Employer), the VRB performs 2 – Provider and Employer. Accessibility to VRB hearings by applicants and representatives with disabilities is covered by the Provider role. Accessibility issues for VRB employees and job applicants with disabilities are covered by the Employer role.

Our commitment to people with a disability

- The VRB Service Charter states the VRB's commitment to ensuring access to services for people in the veteran community with a disability. The policies and practices of the VRB take into account the physical, mental and social well-being of applicants and representatives; and
- VRB staff are provided by the Department of Veterans' Affairs and are covered by the Department's employment policies, procedures and practices. The Department's Enterprise Agreements, Workplace Diversity Strategic Plan, Equal Employment Opportunity Plan, Disability Discrimination Action Plan, People Policies and Managers' Guide indicate the commitment to employees with disabilities and ensure employment practices that do not discriminate against people with disabilities. The same disability strategy policies apply to VRB members.

The following information covers the VRB's current level of performance against the Commonwealth Disability Strategy's Performance Reporting Framework for the Provider role. The Employer role of the VRB is included within the Department's performance reporting in the Department's Annual Report.

Performance indicator 1 — Providers have established mechanisms for quality improvement and assurance

Performance measure

Evidence of quality improvement and assurance systems in operation.

Current level of performance

The VRB liaises with veterans' representatives in relation to access issues. We are able to provide hearings for all applicants. The VRB endeavours to provide a better service by reviewing complaints as they arise to identify priority areas for improvement in meeting the needs of the veteran community. The VRB provides telephone and video hearings, which give easier access for disabled and/or remote locality veterans.

Performance indicator 2 — Providers have an established service charter that specifies the roles of the provider and consumer and service standards, which address accessibility for people with disabilities***Performance measure***

Established service charter that adequately reflects the needs of people with disabilities in operation.

Current level of performance

The VRB has a Service Charter, which specifies the provision of equitable access. The Charter also identifies an avenue for comments, suggestions or complaints.

Performance indicator 3 — Complaints/grievance mechanism, including access to external mechanisms, in place to address issues and concerns raised about performance***Performance measure***

Established complaints/grievance mechanisms, including access to external mechanisms, in operation.

Current level of performance

The VRB has a Feedback Management System in which complaints and grievances are recorded. We use this mechanism to assist in assessing our performance. A customer satisfaction survey mail-out will be conducted periodically.

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 11 outlines actual expenditure for the VRB for the 2009-10 and 2010-11 financial years. Total expenditure for the VRB in the financial year 2010-11 was \$5 380 000 compared to \$5 417 000 in 2009-10. Average expenditure on each application finalised by the VRB during the year was \$1540. In 2009-10 the figure was \$1450.

Table 15: Veterans' Review Board - Expenditure (\$000s)		
	2009-10	2010-11
Salaries (includes superannuation)		
Members	2,448	2,534
Staff (includes o/time & temps)	2,430	2,290
TOTAL	4,878	4,824
Fares		
Members	72	114
Staff	16	19
Cars (includes parking)	35	23
TOTAL	123	156
Accommodation		
Members	63	64
Staff	5	3
TOTAL	68	67
Travelling Allowance		
Members	121	57
Staff	6	7
TOTAL	127	64
Office Requisites		
Stationery and office requisites	32	32
Library	3	7
Printing	21	14
TOTAL	56	53
Postage and Telephones		
Postage	45	49
Telephones/fax/IT	1	6
TOTAL	46	55
Incidental Expenditure		
Freight & cartage	27	25
Advertising	7	7
Training	55	85
Miscellaneous	17	30
Archiving	13	14
TOTAL	119	161
GRAND TOTAL	5,417	5,380

Fraud control

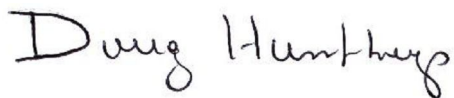
The VRB remains committed to developing and maintaining best practice strategies for the prevention and detection of fraud. The Finance Manager bears responsibility for fraud control and prevention and detection activities within the VRB.

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 2010-11 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
Principal Member
1 October 2011

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 2010-11 there were 15 Federal Court judgments, where VRB had been a part of the appeal path:

- Repatriation Commission v Malady [2010] FCA 798 (30 July 2010)
- Hogno v Repatriation Commission [2010] FCA 1044 (24 September 2010)
- McKerlie v Repatriation Commission [2010] 1127 (19 October 2010)
- Knight v Repatriation Commission [2010] FCA 1134 (22 October 2010)
- Paddon v Repatriation Commission [2010] FCA 1147 (22 October 2010)
- Kaluza v Repatriation Commission [2010] FCA 1244 (15 November 2010)
- Gilkinson v repatriation Commission [2010] FCA 1292 (25 November 2010)
- Border v Repatriation Commission (No.2) [2010] FCA 1430 17 December 2010
- Hopkins v Repatriation Commission [2011] FCA 386 (19 April 2011)
- James v Military Rehabilitation Compensation Commission [2010] FCAFC 95 (28 July2010)
- Kowalski v Repatriation Commission [2010] FCAFC 142 (22 November 2010)
- Kowalski v Repatriation Commission [2011] FCAFC 43 (28 March 2011)
- Kowalski v Military Rehabilitation Compensation Commission [2011] FCAFC 44 (28 March 2011)
- Malady v Repatriation Commission [2011] FCAFC (31 March 2011)
- Rana v Military Rehabilitation Compensation Commission [2011] FCAFC 80 (17 June 2011)

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

Issues dealt with by Court Decisions

The decision in *Malady* emphasised the fact that if there was a SOP in force for a claimed condition, as well as a Sop for a condition that is said to have led to the claimed condition, then all of the relevant SoPs must be met for a claim to succeed: *McKenna v Repatriation Commission*[1999] FCA 323.

In *James*, the Court held that rules for assessing compensation for permanent impairment if a person has conditions accepted under the VEA or SRCA as well as under the MRCA in section 13 of the CTPA and chapter 25 of GARP M were valid. The decision emphasises that the method in chapter 25 seeks to ensure that compensation is paid for impairment for which the Commonwealth is liable but has not previously compensated the person for.

In *Paddon*, the Court emphasised that the meaning of “concerns in the work environment” is not limited to the included examples, and where events are dismissed as “category 1A stressors” a decision maker should also consider whether they fit into the definition of category 2 Stressors. Importantly, where errors of law are found, a concession may be fatal with respect to remittal.

In *Knight* two errors of law were made by the Tribunal. Firstly, the Tribunal misstated the statutory test, asking itself whether Mr Knight’s service materially contributed to his IHD, instead of whether the relevant SoP factor was contributed to in a material degree by his service. Secondly, the Tribunal interpreted the relevant SoP factor to require that the clinical onset of IHD occur within five years of service related exposure, rather than within five years of Mr Knight’s last exposure to the required atmosphere.

In *Kaluza*, all of the questions of law raised in the appeal were answered in the negative. The Court found the Tribunal had correctly limited the scope of its review on remittal. The Court considered the definition of clinical onset in *Lees* and emphasised the need for a determination of the clinical onset by medical evidence.

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 <http://www.vrb.gov.au/publications.html>. More details regarding *VerBosity* is provided on page 60.

Practice notes

The VRB also publishes practice notes in relation to important court decisions, which can be found on the website at: http://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 2010-11 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 2010-11.

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 2010-11. (The Human Rights and Equal Opportunity Commission became the Australian Human Rights Commission on 4 September 2008.)

Auditor-General

During 2010-11 the Auditor-General did not conduct any inquiries or make any reports in relation to the VRB.

Reports by Parliamentary Committees

In 2010-11 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
Mr Christopher Keher	P/T Senior Member	31 Mar 2008	30 Sept 2015	M	NSW
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
Mr Francis Benfield	P/T Services Member	28 May 1999	30 Sept 2015	M	Qld
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 Burt 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
Mrs Anne Pahl	P/T Services Member	1 Jan 2011	30 Sept 2014	F	Vic
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
Dr Grant Walsh	P/T Services Member	1 Jan 2011	30 Sept 2015	M	WA
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 David Cockram	P/T Member	1 Jan 2011	30 Sept 2015	M	WA
Dr Rhonda Galbally AO	P/T Member	1 Jan 2011	30 Sept 2014	F	Vic
Mr Peter Goughwin	P/T Member	1 Jan 2011	30 Sept 2014	M	SA
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
Associate Professor Patrick Murray	P/T Member	1 Jan 2011	30 Sept 2014	M	Qld

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. In 2008, he was elected as a Councillor of the Law Society of NSW. He is 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.

Mr Frank Benfield
Services Member, Qld

Mr Benfield is a graduate of the Army Apprentices School and the University of Southern Queensland. He was appointed to the VRB in May 1999 from Queensland University of Technology where he was working as an academic. He served in the ADF for 20 years including one tour of duty in Vietnam, one in Papua New Guinea and

several tours of duty in Indonesia. As a civilian advisor he was attached to the Royal Thai Navy Air Wing for three years on a Defence Co-Operation Project with the United Nations High Commissioner for Refugees. Mr Benfield is a Services Member based in Brisbane.

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.

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.

Dr David Cockram
Member, WA

David is a Doctor of Clinical Psychology with a private practice in trauma and related conditions. He joined the Australian Army in 1969 and served as an infantry soldier in South Vietnam with 3RAR. He rejoined the Army in 1984 as a chaplain. He then worked for the Australian Federal Police (AFP). He has worked as a psychologist with the Western Australia Police. David has been to Army peace operations, and to AFP operations in Bali, the Solomon Islands, and the tsunami disaster. David's tertiary qualifications include: ThL, Grad.Dip.RE, B.Bus, B.App.Sc, Postgrad.Dip.Psych, and Doctor of Psychology (Clinical). His doctoral research thesis investigated aspects of post traumatic stress disorder in veterans. He is a member of the Australian Psychological Society (APS) and the APS College of Clinical Psychologists.

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).

Mr Peter Gaughwin
Member, SA

Mr Gaughwin has a background in law, education and mental health. He has practised law in independent statutory authorities in SA and WA. Prior to gaining his Law degree he completed the B Social Administration degree and provided psychotherapy to patients in public psychiatric hospitals in South Australia. He is also a trained teacher who taught in primary and secondary schools in several states of Australia. Currently he is an adjunct part time teacher in the SA Psychiatry Training Program, a member of the SA Law Society’s *Bulletin* Editorial Committee and a private consultant. He has published a number of papers on mental health issues, in particular post traumatic stress disorder, and their interaction with the law.

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.

Mr Christopher Keher
Senior Member, NSW

Mr Keher is a solicitor in private practice and is a part-time Member of the Consumer Trader and Tenancy Tribunal. He has previously been a part-time advocate for the Department of Veterans' Affairs and was a member of the Refugee Review Tribunal from 1997 to 2004. He was appointed a Senior Member of the VRB in 2008.

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.

Associate Professor Patrick Murray
Member, Qld

Associate Professor Murray is the Director of the Aerospace Strategic Studies Centre and Head of Postgraduate Aviation studies at Griffith University in Brisbane. He served as a pilot in the Royal Air Force, undertaking a variety of operational flying and staff tours, as well as exchange duties with the Royal Australian Air Force. Subsequently he gained extensive experience both as an international airline pilot and in public service as a senior officer in a government agency. Associate Professor Murray is also an experienced counsellor and mediator. He was appointed to the VRB in 2011.

Mrs Anne Pahl
Services Member, Vic

Mrs Anne Pahl has been a member of the Prime Minister's Advisory Council (PMAC) since 2008. Her particular area of responsibility is Serving and Ex-Serving Australian Defence Force (ADF) members on Veterans' Affairs matters. Anne is also the RSL National Representative and PMAC representative on the new Consultative Forum-Current and Former Members of the ADF-Emerging Issues Forum, a member of the Military Compensation Steering Review committee, co-opted member of the Victorian RSL State Executive since 2003 and chair of a number of other working parties including Veterans Affairs' Aged Care Consultative Committee and Young Veterans Forum, Victoria. Anne has a Navy background, enlisting in 1988 and transferring to the RAN Active Reserve as a Petty Officer Radio Supervisor in 1999. In 2003 she was promoted to Chief Petty Officer, the rank she now holds. She is married, her husband Mark is also a CPO serving at the Bosun Faculty at HMAS Cerberus as their Course Implementation Officer and they have two children Stephanie (11) and William (6).

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.

Dr Grant Walsh
Services Member, WA

Dr Walsh served with the Australian Regular Army for 25 years and the Army Reserve for four years. After graduating from RMC Duntroon in 1983 he served as an Infantry Officer with 1 RAR prior to being selected for SASR in 1988. His remaining service was in a number of command and staff appointments with Australian Special Forces and he is a graduate of Army Command and Staff College. In 2010 he completed a PhD in Natural Resource Management and Indigenous Community Development at the University of Western Australia. He is currently employed as a consultant in community/organisational capacity building. He was appointed a Member of the VRB 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.

Major Warwick Young
Services Member, NSW

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

Appendix 5

FOI 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.

From 1 May 2011 the VRB has been 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 <http://www.vrb.gov.au/ips.htm>

Organisational and functional details of the VRB are set out in the body of this Report – in particular see under Part 2. The following provides the additional details required by section 8 of the *Freedom of Information Act 1982*.

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.

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.

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.

Practice Notes

These are prepared by the Director (Legal Services) to inform and to promote discussion among members and staff concerning topical legal and operational issues.

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.

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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 23 June 2010). The index below refers to mandatory and suggested reporting items.

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Appendix 7

Glossary

AAT	Administrative Appeals Tribunal.
ADF	Australian Defence Force.
AD(JR) Act	<i>Administrative Decisions (Judicial Review) Act 1977</i>
Adjournment	Suspension of a hearing.
Applicant	A person or body that has applied for a review (to the VRB or AAT), or applied for an allowance or increase in pension (to DVA).
Applied provisions	Provisions of the VEA that set out the VRB's powers and functions, which are applied by s353 of the MRCA for the purpose of the VRB's review of an original determination under Part 4 of Chapter 8 of the MRCA.
Assessment matter	A case under the VEA concerning the assessment of the rate of disability pension.
Assessment period	Period over which the decision-maker must assess the rate or rates of pension that were payable. It begins on the day the claim or AFI was lodged (the 'application day') and ends on the day the decision-maker determines the claim or AFI, or determines the review.
Attendant Allowance	A fortnightly allowance paid towards the cost of an attendant for a person needing such assistance and who has accepted disabilities involving one of a number of types of amputations or severe types of disability, or an injury or disease similar in effect or severity to a disease of the cerebro-spinal system.
Case Manager	VRB staff member who looks after the administrative matters concerning an application for review.
Case appraisal	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.
<i>Deledio</i>	<i>Repatriation Commission v Deledio</i> (1998) 83 FCR 82. A Federal Court case that established a four step process by which the beyond reasonable doubt and reasonable hypothesis standard of satisfaction is to be applied in the context of cases to which the Statements of Principles regime applies.
DVA	Department of Veterans' Affairs.
Entitlement matter	A case under the VEA concerning whether an injury, disease, or death is war- or defence-caused.
ESO	Ex-service organisation.
FOI	Freedom of Information: the right to obtain documents from a Commonwealth Department or agency under the <i>Freedom of Information Act 1982</i> .
Liability matter	A case under the MRCA concerning whether an injury, disease, or death is service-related.
Member	A member of the VRB appointed by the Governor-General.
MRCA	<i>Military Rehabilitation and Compensation Act 2004</i> .
MRCC	Military Rehabilitation and Compensation Commission.
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	<i>Safety, Rehabilitation and Compensation Act 1988.</i>
Telephone hearing	A VRB hearing conducted by telephone between a VRB hearing room and another location.
TIP	Training and Information Program funded by DVA for training pension and welfare officers and representatives, conducted by ESO, DVA and VRB trainers.
VEA	<i>Veterans' Entitlements Act 1986.</i>
Veteran	A person who has rendered eligible war service under Part II of the VEA.
Video hearing	A VRB hearing conducted by video-link between a VRB hearing room and another location.
VRB	Veterans' Review Board.
War-caused death	A death for which liability has been accepted under Part II of the VEA as related to eligible war service.

War-caused disease.....A disease for which liability has been accepted under Part II of the VEA as related to eligible war service.

War-caused injury.....An injury for which liability has been accepted under Part II of the VEA as related to eligible war service.

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COVER IMAGES

An Australian sniper monitors potential enemy positions during a fight with the Taliban in the “green zone”

(DEPARTMENT OF DEFENCE IMAGE NO. 20070812ADF8218490_372)

Army and Navy personnel board an Air Force C-17A Globemaster at RAAF Base Richmond before deploying to Queensland for Operation Queensland Flood Assist.

(DEPARTMENT OF DEFENCE IMAGE NO. 20110119RAAF8491974_0045)

Seaman Medic Danielle Dickinson, takes a blood pressure reading from a patient for their annual medical, onboard the RSV Aurora Australis.

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