



Australian Government
Veterans' Review Board

Veterans' Review Board

Annual Report 2013–14



Veterans' Review Board Annual Report

2013–2014

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National Registrar

Katrina Harry

Information Officer

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

This annual report can be found online at
<http://www.vrb.gov.au/publications.html>

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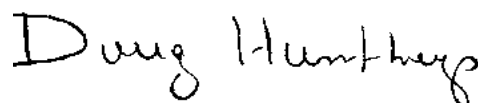
Senator the Hon Michael Ronaldson
Minister for Veterans' Affairs
Parliament House
CANBERRA ACT 2600

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 2014.

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
19 September 2014

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Part 1
Principal Member's Report

Part 1

Principal Member's Report

"I am pleased to report that the Board performed strongly in 2013-14"

It gives me great pleasure to provide this report on the Board's operations. In 2013-14, the VRB continued to improve its performance and undertook a range of initiatives to enhance its operations.

This year the Board completed 3388 reviews and finalised more cases than were received (3264), while reducing the number of heard cases by 7.9%. This was the third consecutive year that the Board managed such a positive outcome within its budget allocation. This excellent result was achieved by the sustained effort of members and staff and the adoption of new work practices.

In terms of new work practices, the Board continued to harness Alternative Dispute Resolution processes, including case appraisal and neutral evaluation. Of those matters referred for a case appraisal, more than 38.5 per cent of VEA matters and 39.3 per cent of MRCA matters resulted in a favourable decision on the papers being published, continuing the trend from the previous year. Additionally, the Board's outcomes in terms of time taken to process (TTTP) and the number of cases more than two years old are also positive. Our average TTTP for 2013-14 was again under the 12 month aim set in the Board's General Practice Direction. Matters more than two years old also remained low in 2013-14, comprising 5.2 per cent of our total caseload, continuing the good work in reducing older matters in previous years.

As the year drew to a close amendments to the *Veterans' Entitlements Act 1986 and the Military Rehabilitation and Compensation Act 2004*, which impact on the Board were introduced and passed by with bi-partisan support by Parliament. The amendments were contained in the *Veterans' Affairs Legislation Amendment (Mental Health and other Measures) Bill 2014*. These amendments will have a great impact on the operations of the Board in the future. They will allow the Board to make significant improvements to service and will enhance the operation of the Board. The changes include the use of modern and effective alternative dispute resolution processes and improved case management powers including the power to hold Directions hearings, administrative and business procedures.

During the year the Board continued a commitment to being open and accessible and building productive working relationships. Regular advocates liaison meetings were held across the country and provided a forum for the Board to update interested parties on significant developments, such as the proposed amendments and to enable them to give feedback to the Board. I was extremely pleased that there was overwhelming support from Ex-Service Organisations for the proposed legislative amendments.

In addition to advocates forums, the Board also continued to issue its user satisfaction survey. These provided very positive feedback on Board services. The most recent survey reported that over 80% of all applicants who had attended a Board hearing and received a published decision were extremely satisfied. This is an impressive level, given that all responders to the survey may not have received a favourable outcome in respect of his or her appeal. In addition, the small number of complaints received by the Board, which reflected less than .6 of applications on hand, continued to reduce and compliments to the Board grew. Wherever possible, suggestions for improvements have been acted upon so we can provide a better service.

As in previous years, there were changes in the membership and staff of the Board during 2013-14. I would like to record my thanks for the contributions made by those members and staff whose time at the VRB came to an end during this period. Jonathan Hyde and James Bruce resigned from the Board and longstanding services members Frank Burt and Gregory Mawkes retired from the Board. There were some significant staff movements, including the departure of Registrar Robyn Follington. I would like to acknowledge Frank, Gregory and Robyn as extremely valued members and staff of the Board, all with many years of service and wish them well for the future.

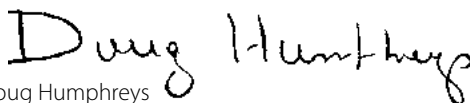
In 2013-14, the Board continued its ongoing assessment against the International Framework for Tribunal Excellence and continued initiatives put in place in response to the framework. In particular, the Board strengthened its commitment to the Member Appraisal Package and Competency Framework, with a further two rounds of member appraisals. New e-learning programs tailored for both members and staff continued to be issued nationally. A significant highlight of 2013-14 was the biannual VRB National Conference for members and staff, which included a number of sessions concentrating on mental health awareness training and military familiarisation. In addition, there were a number of 'membercraft' sessions, including oral language competency and decision writing. Staff enjoyed a dedicated team building workshop. Members and staff also participated in sessions providing strategies for managing stress and challenging behaviour. The final presentation of the conference was an extremely moving address by Major General John Patrick Cantwell AO DSC, concerning his own battle with PTSD.

The Board also visited Enoggera Barracks. Staff and Members of the Board along with some Departmental staff and were given a tour of the Barracks, including rehabilitation facilities for injured soldiers and saw weapons and other displays by 6 RAR. In April 2014, the Board travelled to Garden Island and were taken on a tour of HMAS *Choules*. These familiarisation visits greatly enhance the Board's knowledge of current conditions of service in the ADF.

In 2013-14, the Board also continued to be an active member of the Council of Australasian Tribunals (COAT) and to participate in the meetings of the Commonwealth Heads of Tribunals and Commonwealth Registrars of Tribunals. In terms of the information and services we provide to users, in 2013-14 the Board updated a number of practice directions and guidelines, as well as continuing to issue practice notes concerning Federal Court decisions and VRB case notes, dealing with practice and procedure issues, which are all published on our website. We have also continued to provide services such as a quarterly staff and member bulletin, Discourse and the 2013-2014 edition of *VerBosity*.

The Board starts 2014-15 in a very good position. The key priority for the Board is to build on the very successful ADR trial and implement the legislative changes that will be introduced in early 2014-15, to improve the high quality of services the Board provides to veterans, members of the ADF and their families.

Finally, I would like to acknowledge the very hard work of staff and members during 2013-14, and thank them for their support.



Doug Humphreys

Principal Member
Veterans' Review Board

Part 2
The role of the VRB

Part 2

The role of the VRB

The Veterans’ Review Board (VRB) is a statutory body whose role is to provide independent merits review. The VRB is not a court, but a specialist high volume tribunal. Merits review means the VRB makes a fresh decision that it considers is the correct or preferable decision in all the circumstances. In doing so, the VRB exercises the same statutory powers, and is subject to the same limitations, as the decision-maker whose decision it is reviewing.

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

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

The VEA and the MRCA have now been amended by the *Veterans’ Affairs Legislation Amendment (Mental Health and Other Measures) Act 2014* which received Royal Assent on 30 June 2014. The amendments allow for a full suite of Alternative Dispute Resolution powers as well as improved case management, administrative and business procedures for the Board

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:

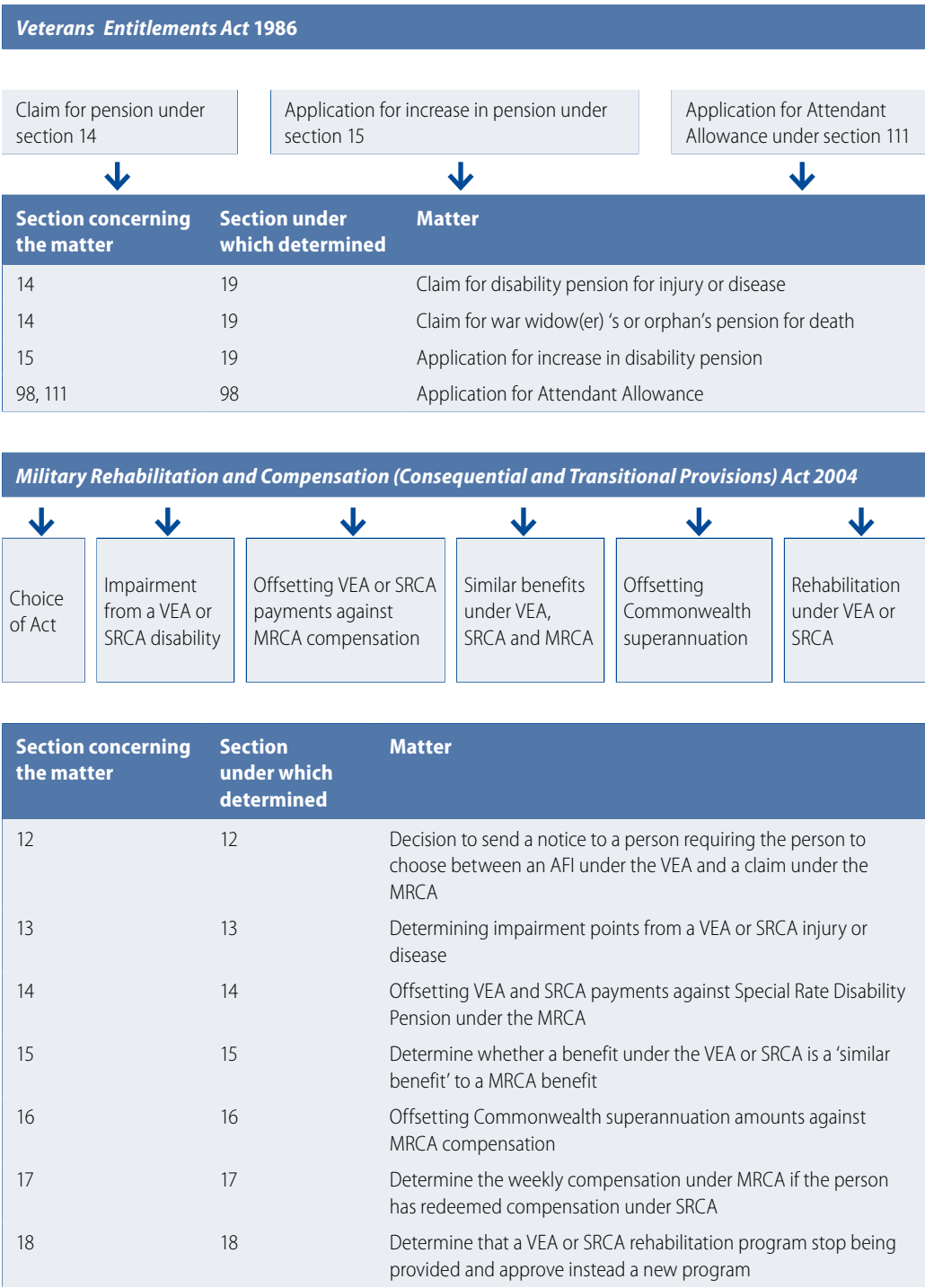
- the Department of Veterans’ Affairs
- the Repatriation Commission
- the Military Rehabilitation and Compensation Commission (MRCC)
- the VRB
- the Administrative Appeals Tribunal.

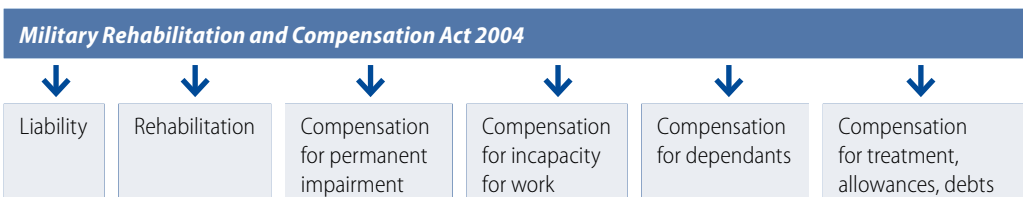
Although the VRB comes within the Minister for Veterans’ Affairs portfolio and for administrative purposes is included as a sub-program in the Department of Veterans’ Affairs, it is an independent statutory authority. The Minister has no statutory power of direction over the VRB.

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 discretion that are conferred on the Repatriation Commission, the MRCC or a service chief. The legislative provisions concerning decisions or determinations that the Board has jurisdiction to review are set out below.

Reviewable decisions under VEA and MRCA





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

Section concerning the matter	Section under which determined	Matter
212	333	Compensation under the Motor Vehicle Compensation Scheme
214	333	Compensation for household services
217	333	Compensation for Attendant care services
221	333	Telephone allowance
226	333	Compensation for loss of, or damage to, medical aids
Chapter 5		Compensation for dependants
233	333	Compensation for wholly dependent partners re death
236	236	Whether to extend the choice period
240	333	Amount of compensation for financial advice
242	333	Compensation for wholly dependent partners re permanent impairment and incapacity
244	333	Directions re payment if 2 or more partners entitled to compensation
245	333	Telephone allowance
251	333	Compensation for eligible young person re death
255	333	Compensation for eligible young person re permanent impairment and incapacity
257	333	Directions re payment if 2 or more eligible young persons entitled to compensation
263	333	Compensation for other dependants
267	333	Funeral compensation
Chapter 6		Treatment
271	276	Compensation for cost of treatment under Part 2
273	276	Compensation for cost of treatment before determination of entitlement under Part 3
291	333	Compensation for cost of accommodation relating to treatment
291	291	Approval of an attendant to accompany the patient
293	333	Compensation for cost of journey relating to treatment
297	333	Compensation for transportation of another person to hospital or mortuary
300	333	Pharmaceutical allowance
315	315	Amount of overpayment to be recovered
316	316	Amount of interest to be recovered
317	317	Reduction of payment because of previous overpayment
Chapter 7		Claims
320	320	Approval of person to make claim on behalf of a person
325	325	Needs assessment
328	328	Requiring a medical examination

Section concerning the matter	Section under which determined	Matter
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
- have the VRB deal with the application in his or her absence.

Applicants have the right to request that their case be referred for Alternative Dispute Resolution (ADR) consideration. The ADR processes currently available are case appraisal and neutral evaluation. Following the recent passage of *The Veterans’ Affairs Legislation Amendment (Mental Health and other Measures) Act 2014* the VRB will be expanding the range of ADR processes it offers applicants.

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 that 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 2013-14

Applications lodged	3264
Applications decided	3388
Applications on hand	2843
% of matters set aside	48.5%
% of matters affirmed	51.5%
Average time taken to decide an application (weeks)	50
% of decided cases where applicant represented	87.8%
Hearings arranged	2276
% of decided cases where hearing held	57.2%
% of applications appealed to the AAT	11.2%
Members	36
Staff	22.2
Cost	\$5.65M

Membership of the VRB as at 30 June 2014

AUSTRALIAN CAPITAL TERRITORY

Part-Time Senior Member:
Patrick Callioni

Part-Time Member:
Allan Anforth

NEW SOUTH WALES

Part-Time Senior Member:
Jenny D’Arcy
Hilary Kramer
Les Young

Part-Time Services Member:
Janet Hartmann
Roger Tiller
Bruce Wood
Warwick Young
Simon Hart
Frank Brown

Part-Time Member:
Zita Antonios
Moir Brophy
Elayne Hayes
Jillian Moir

VICTORIA

Part-Time Senior Member:
Jackie Fristacky
Christopher Wray

Part-Time Services Member:
David Collins
Rob Regan

QUEENSLAND

Part-Time Senior Member:
Allison Colvin
Sylvia Winters

Part-Time Services Member:
Christopher Hamilton
Rick Main
Iain Whitehouse
Peter Maher
Scott Clark

Part-Time Member:
Wayne Lynch
Morag McColm
Jennifer Walker

SOUTH AUSTRALIA

Part-Time Senior Member:
Edward Jolly

Part-Time Services Member:
Robert Black

Part-Time Member:
Deborah Morgan

WESTERN AUSTRALIA

Part-Time Senior Member:
Gary Barrow

Part-Time Member:
Geoffrey Hourn

TASMANIA

Part-Time Services Member:
Stuart Bryce

Staff organisational chart as at 30 June 2014



Business Plan

Our role and purpose

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

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Our Strategic Agenda

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

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

Strategic context

Our Usres

Goals	Strategies	Key targets 2013-14	Outcomes
To finalise a high number of applications for review and provide a high assurance that decisions are correct	Improve the extent to which reviews are fair, just economical, informal and quick. Establish communication processes to ensure our users understand our processes and decisions Respond appropriately to feedback	Continually improve guidance, procedures, and information for applicants and representatives in relation to the conduct of reviews including: <ul style="list-style-type: none">• Continue to issue annual edition of VerBosity, practice & case notes• Continue to revise and improve online submission templates.• Continue to issue, monitor and report on regular user surveys.• Continue to monitor and report on complaint handling policy.• Continue to convene user forums and participate in external forums.• Conduct a regular forum with the reviews area of the Department to ensure that members, applicants and their representatives have access to all relevant information from the Department.• Convene regular meetings and provide information updates for members to canvass issues impacting on decision making and regular meetings of registrars to canvass issues impacting on case management.	Board users have equitable access to fair, just, economical, informal and quick merits review. The Board communicates effectively with its users to ensure understanding of its work, process and decisions. Board procedure and improved publications are informed by user feedback. Board processes and procedures are monitored and improved.
	Maintain effective case management arrangements and continue to investigate ADR opportunities and introduce the use ADR powers at the Board.	<ul style="list-style-type: none">• Continue to develop a more active case management regime and pursue legislative reform via DVA working party.	
	Improve the overall timeliness of reviews	<ul style="list-style-type: none">• Articulate clear timeliness expectations and monitor and report on performance.• Encourage innovation in case management practices through regular review.• Increased use of video technology for hearings	

Our people

Goals	Strategies	Key targets 2013-14	Outcomes
To promote professional culture and involve all staff in communicating and implementing the Board's vision and outcomes in safe workplace that values diversity.	Encourage a culture that values and respects collaboration, innovation, responsiveness, participation and diversity.	Review feedback from the National Conference 2013 and direct into planning process for 2015. Offer secondments opportunities for staff within the Department and explore other opportunities to work collaboratively and encourage cross-skilling. Maintain Member Competency Framework and appraisal process. Celebrate organisational achievements and recognise excellent individual and team performance	Members and staff have the skills, knowledge, commitment and tools to deliver high-quality services. New members participate in a high-quality induction and ongoing training and information sessions. Obtain organisational feedback from staff/ members.
	Ensure communication within the organisation is clear, regular and two way. Seek, and respond appropriately to, feedback from members and staff.	Continue to host regular meetings of the senior member forum. Continue to conduct regular member/staff survey. Continue to publish the discourse bulletin, featuring key decisions.	
	Regularly monitor and review the performance of members	Invest in professional development of members including: <ul style="list-style-type: none">• promote member professional development policy• facilitate member training sessions and defence familiarisation.• Develop and conduct e-learning• Continue to review and add relevant content to the Board's collaborative tools site. Maintain Member Performance Review and Assessment Guidelines and conduct annual performance reviews for all members (and 6 month updates) in accordance with the guidelines.	
	Continue to meet obligations of the Department's performance management framework for staff and ensure it supports effective performance management	Continue to participate in performance management framework and conduct annual performance reviews for all staff (with 6 month updates). Senior staff to attend performance feedback scheme workshops and to familiarise with the Department's guidelines for managing under performance to support effective staff. Staff training focus on align learning and development activity with organisational priorities. Liaise with the Department to review and improve recruitment processes to achieve more streamlined outcomes.	

Our Organisation				
Goals	Strategies	Key targets 2013-14	Outcomes	
To be an organisation with processes in place to complete all stages of review under the Board's control on a timely basis and use resources efficiently	<p>Ensure accommodation and facilities meet the Board's needs.</p> <p>Maximise use of technology, including improving IT systems such as vrbSAM to support productivity</p> <p>Ensure we meet our accountability and reporting obligations</p> <p>Ensure the efficient, effective and economical allocation of resources to optimise outcomes for applicants</p>	<p>Monitor MoU for use of AAT facilities.</p> <p>Continue to enhance IT systems including MRCA upgrades and replacement systems for vrbSAM.</p> <p>Conduct assessment against the Tribunal excellence questionnaire from the Framework for Tribunal excellence.</p> <p>Monitor key reporting arrangements to ensure they fulfil our reporting obligations and review performance benchmarks.</p> <p>Allocate available resources to meet key priorities and ensure the capability to meet caseload demands</p> <p>Investigate on-line enquiry, on-line lodgement and e-communication capabilities with the Department.</p>	<p>Planning and organisational decisions are based on timely, accurate and relevant information.</p> <p>IT and other systems allow staff to work more efficiently and provide high-quality service.</p> <p>Ensure budget and activity levels are financially sustainable and make best use of resources.</p>	

Our Partners				
Goals	Strategies	Key targets 2013-14	Outcomes	
To co-operate with DVA, government, other tribunals, the Ex-Service community and other interested groups	<p>Develop and enhance our links DVA, government, other tribunals and the Ex-Service community.</p> <p>Provide clear information to applicants and representatives about our service standards</p> <p>Ensure applicant, representative and stakeholder interests and needs are considered in developing policies and procedures</p> <p>Engage positively and effectively with key agencies and Ex-service organisations and groups</p>	<p>Continue resource sharing arrangements with courts and tribunals and seek out further opportunities to share resources via the CTCF.</p> <p>Continue to provide standardised Advocacy Seminar and training presentations, where invited.</p> <p>Participate in ESO forums and congresses, conferences and other events relevant to the work of the Board.</p> <p>Maintain and Enhance Relationships with DVA by attending regular senior management forums and events.</p> <p>Review the Service Charter and complaints policy every two years.</p> <p>Conduct regular client and stakeholder surveys and evaluate feedback on needs and on our performance</p> <p>Maintain and enhance advocates liaison meetings</p>	<p>Better understanding of the VRB and its role in the decision-making process.</p> <p>The Board is viewed as actively engaging in cost saving opportunities while maintaining service delivery.</p>	

Part 3

Workload and Performance Report

Part 3

Workload and Performance Report

The Board contributed to the delivery of repatriation benefits to veterans and their dependants, and rehabilitation and compensation to members and former members of the Australian Defence Force (ADF) and their dependants through the provision of quality and timely reviews of decisions, completing 3388 reviews. The outcomes of review were favourable to applicants in 48.5 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

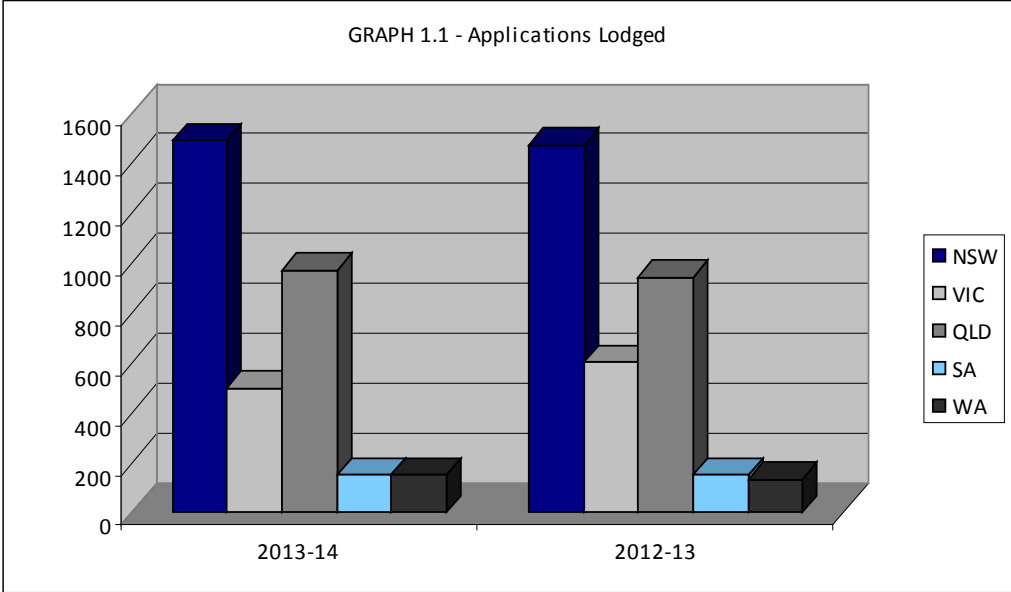
OVERVIEW OF CASE LOAD

In the reporting year, the VRB received 3264 applications, finalised 3388 applications and had 2843 active applications at the end of the year.

APPLICATIONS LODGED

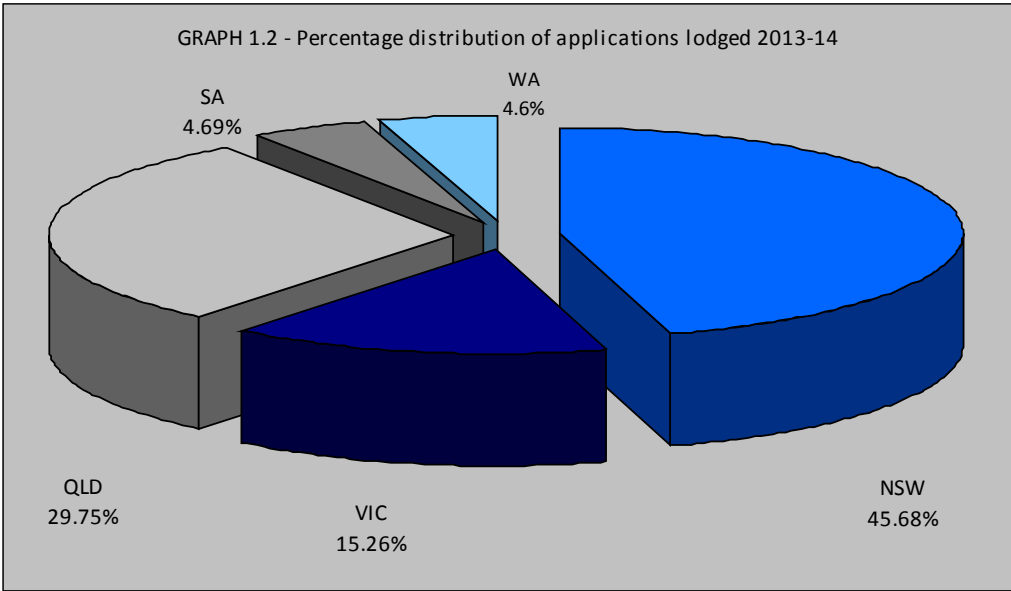
In the course of the year, 3264 new applications were lodged. The number of applications was consistent with the previous year's total, with only a small decrease of one per cent. MRCA cases comprised 11.1 per cent of new cases lodged at the VRB in 2013-14 whereas it was 12.9 per cent in the previous year.

GRAPH 1.1 - Applications Lodged



Board applications were predominantly received from the major urban areas: 45.7 per cent of applications were lodged in NSW, 29.7 per cent in Queensland, 15.3 per cent in Victoria, 4.6 per cent in South Australia and 4.7 per cent in Western Australia. NSW includes ACT figures; Victoria includes Tasmania figures, and South Australia includes Northern Territory cases.

GRAPH 1.2 - Percentage distribution of applications lodged 2013-14



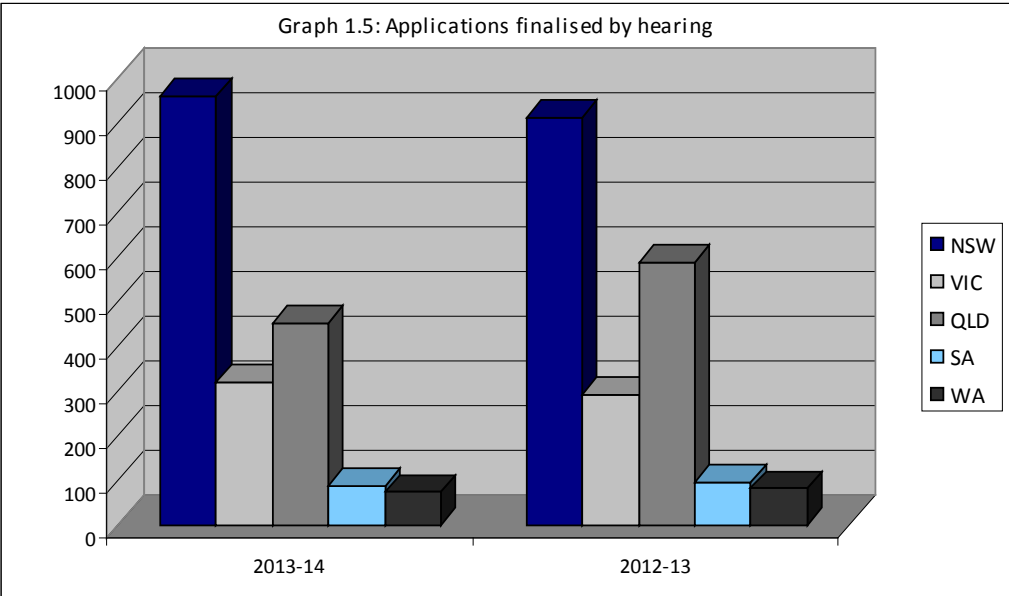
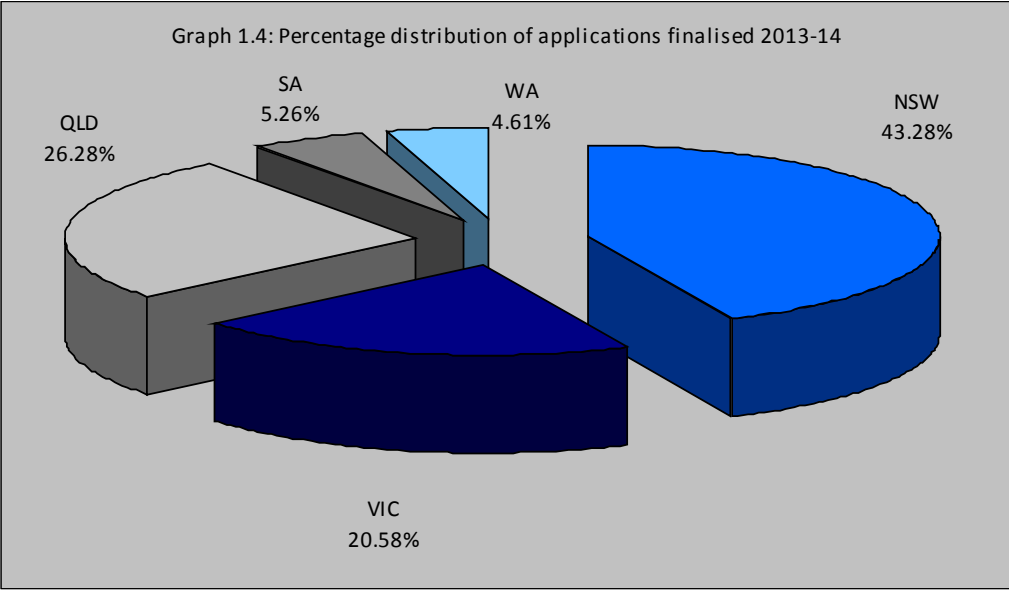
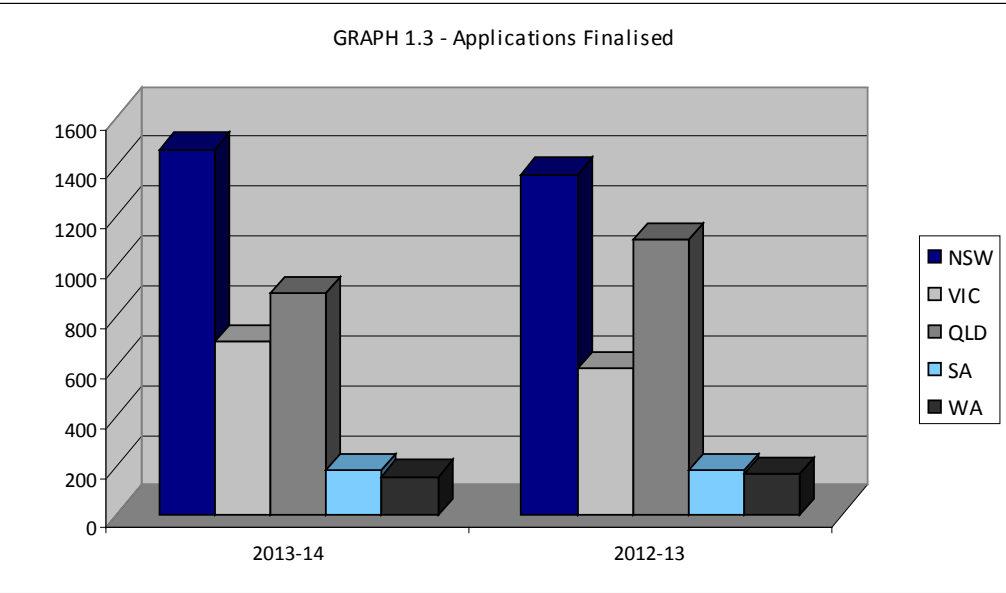
OUTCOME 1: FINALISE HIGH NUMBERS OF APPLICATIONS

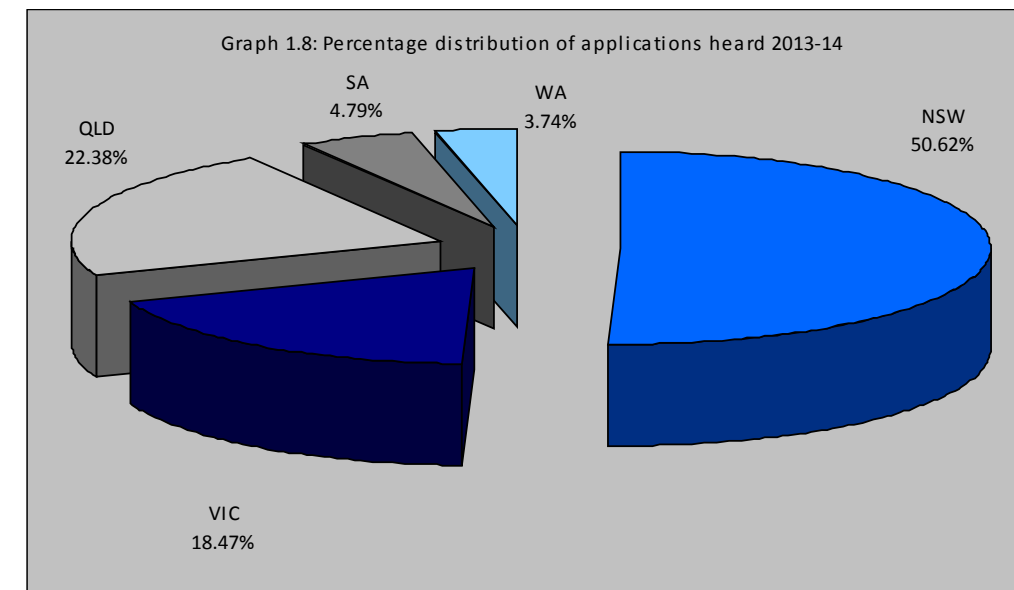
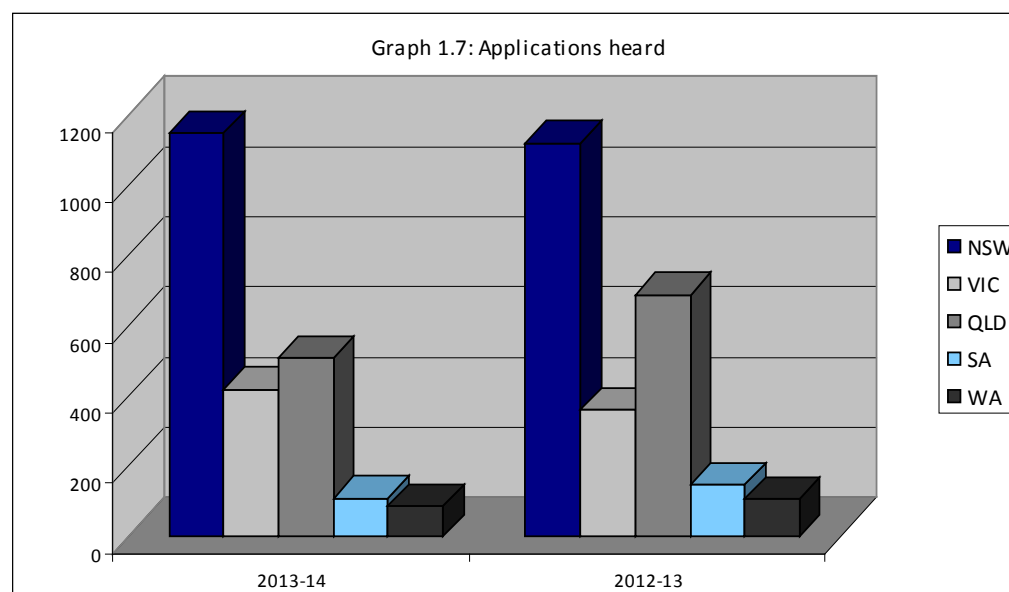
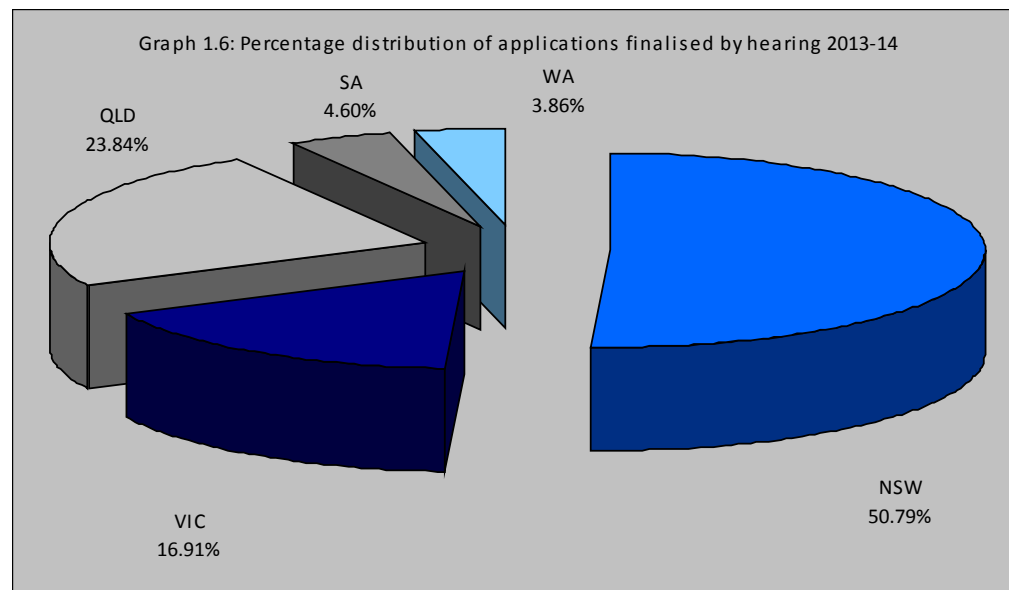
There were 2276 applications heard in 2013-14: 1952 under the VEA and 324 under the MRCA. Applications may be finalised by dismissal, withdrawal, and by decision of the VRB following a hearing or Alternative Dispute Resolution process, such as case appraisal.

In this reporting year the Board finalisation and lodgement figures were similar. There were 3388 applications finalised during the year: 2995 under the VEA and 393 under the MRCA. There were 88 applications finalised by determinations based on the papers following ADR consideration.

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.

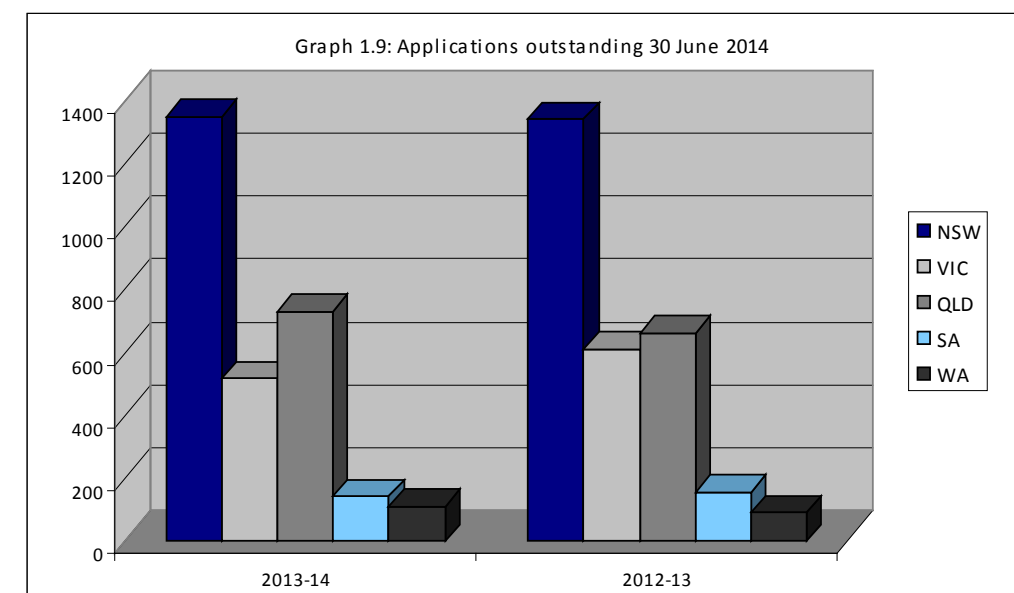
There were 5581 matters finalised during the year: 4589 under the VEA and 992 under the MRCA. There were also 4173 matters heard in the same period: 3430 under the VEA and 743 under the MRCA.





CURRENT APPLICATIONS

The number of applications current at 30 June 2014 was lower than the end of the previous reporting period by one per cent. At year end, 2843 applications were outstanding: 2291 under the VEA and 552 under the MRCA.



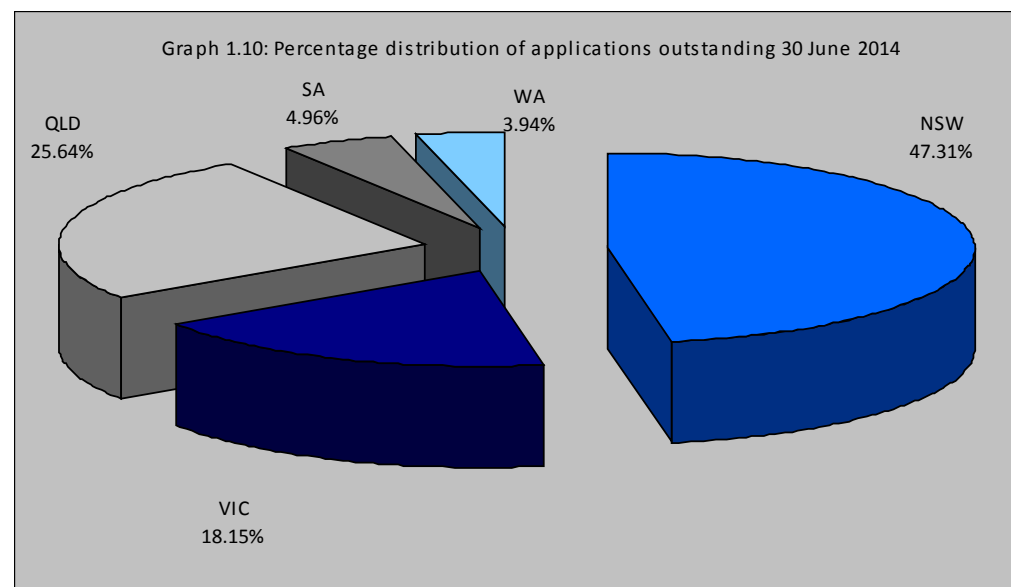


Table 1 below provides more details on the current applications in the reporting year.

Table 1: Applications lodged, finalised, heard and outstanding							
	Year	NSW	VIC	QLD	SA	WA	AUST
Applications lodged	2013-14	1491	498	971	153	151	3264
	2012-13	1474	604	943	152	132	3305
Applications finalised	2013-14	1466	697	890	178	156	3387
	2012-13	1366	587	1106	180	164	3403
Matters finalised	2013-14	2429	1183	1319	413	237	5581
	2012-13	1902	870	1534	213	237	5657
Apps finalised by hearing	2013-14	961	320	451	87	73	1892
	2012-13	914	293	588	95	82	1972
Applications heard	2013-14	1151	420	509	109	85	2274
	2012-13	1121	360	689	148	107	2472
Matters heard	2013-14	2109	774	935	200	155	4173
	2012-13	1754	567	974	206	153	4531
Applications outstanding	2013-14	1345	516	729	141	112	2843
	2012-13	1337	608	659	157	90	2851

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 2013-14, there were 1.8 matters decided by the VRB for each VEA application heard. During 2013-14, decisions concerning 3527 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 2013-14 there were an average of 2.3 matters for each MRCA application heard. In 2013-14, determinations concerning 696 matters were published.

In this reporting year the Board set aside:

- 62.8 per cent of death matters reviewed
- 47.0 per cent of disability or liability matters reviewed
- 52.5 per cent of assessment or compensation matters.

In total, 48.5 per cent of all matters reviewed were set aside.

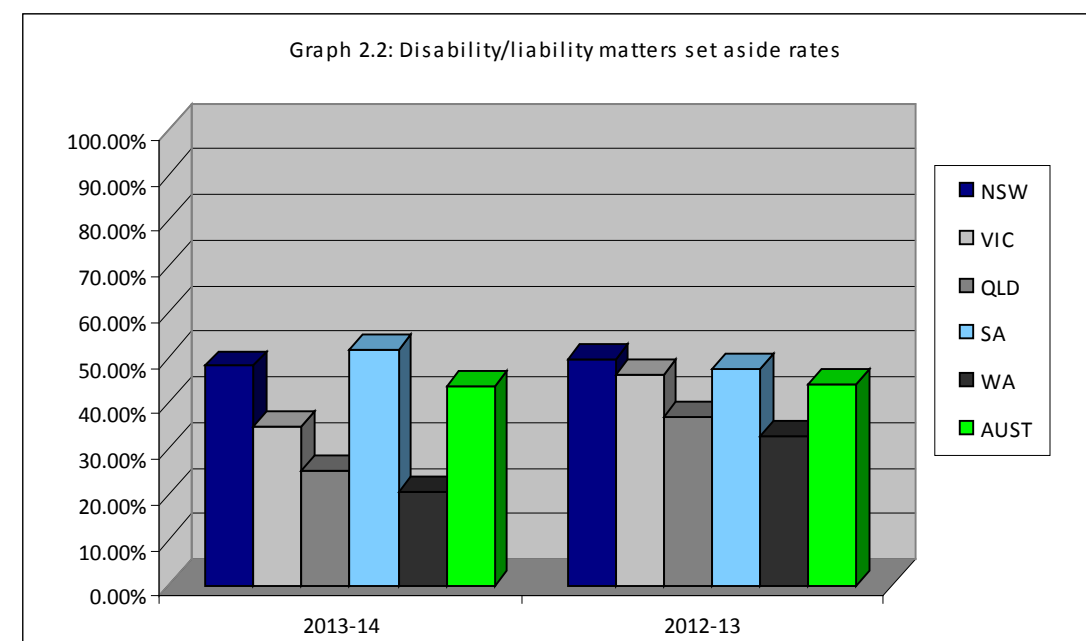
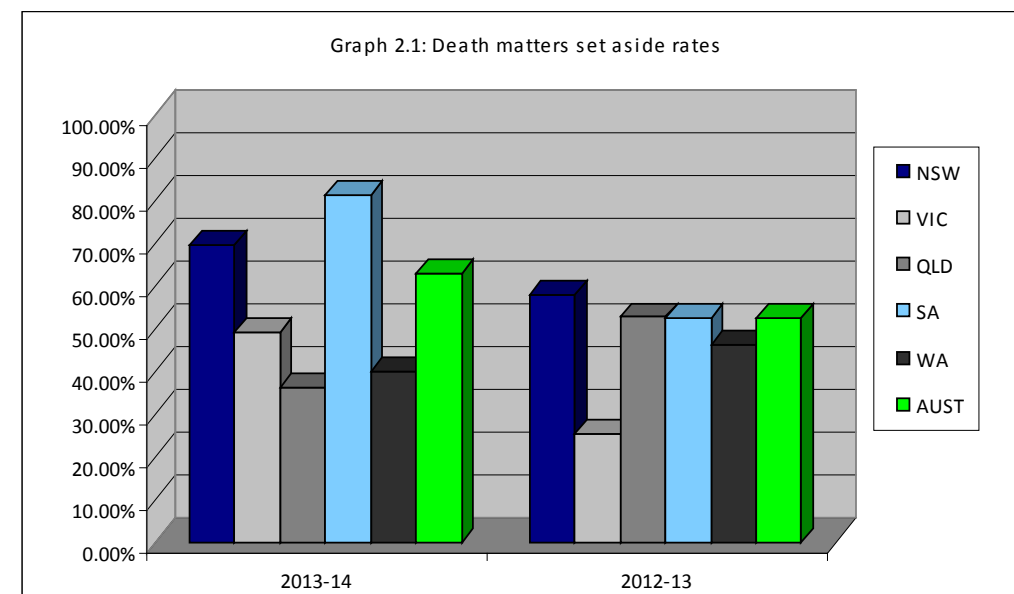
The fact that a decision is set aside by the Board is not necessarily a reflection on the quality of the primary decision. Set aside and affirmation rates may vary for a wide variety of reasons. Some of the factors that may have influenced these results include:

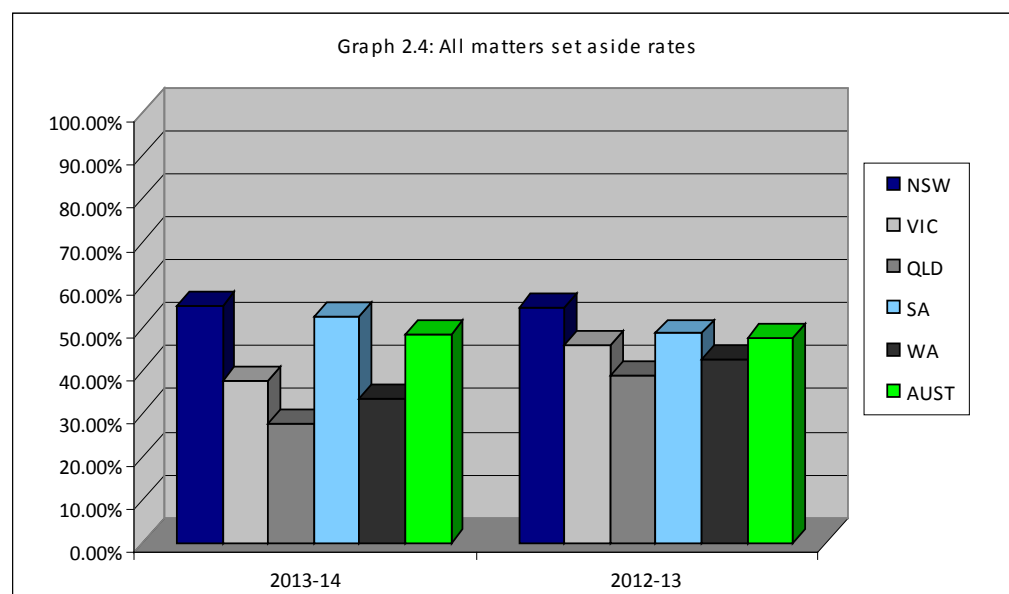
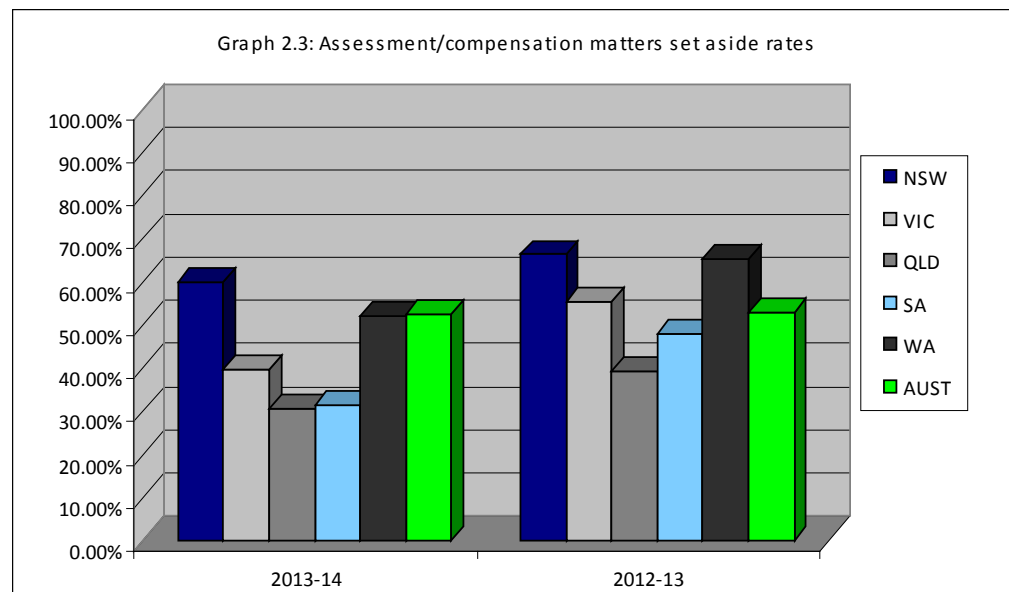
- the approach taken by applicants and representatives to the matters on which review will be sought
- the extent to which intervention occurs by the relevant Commission under s31 of the VEA or s347 of the MRCA
- the adequacy of information presented to primary decision-makers
- the nature and extent 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
- changes in an applicant's degree of incapacity or impairment between the date of the decision under review and the date of the final hearing at the VRB in an assessment or compensation matter.

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

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

Table 2: Outcome of published decisions and determinations (set aside and affirmed)							
	Year	NSW	VIC	QLD	SA	WA	AUST
Total death	2013-14	212	49	33	16	10	320
	2012-13	255	51	55	19	13	393
Set aside death	2013-14	148	24	12	13	4	201
		69.70%	49.00%	36.40%	81.30%	40.00%	62.81%
	2012-13	148	13	29	10	6	206
		58.04%	25.49%	52.73%	52.63%	46.15%	52.42%
Affirmed death	2013-14	64	25	21	3	6	119
		30.30%	51.00%	63.60%	18.70%	60.00%	37.19%
	2012-13	107	38	26	9	7	187
		41.96%	74.51%	47.27%	47.37%	53.85%	47.58%
Total disability / liability	2013-14	767	293	323	70	46	1499
	2012-13	666	261	534	61	67	1589
Set aside disability/liability	2013-14	390	114	100	37	13	654
		48.10%	34.80%	25.20%	51.70%	20.50%	43.63%
	2012-13	331	121	197	29	22	700
		49.70%	46.36%	36.89%	47.54%	32.84%	44.05%
Affirmed disability/liability	2013-14	377	179	223	32	34	845
		51.90%	65.20%	74.80%	48.30%	79.50%	56.37%
	2012-13	335	140	337	32	45	889
		50.30%	53.64%	63.11%	52.46%	67.16%	55.95%
Total assessment / compensation	2013-14	340	112	154	24	27	657
	2012-13	296	94	251	25	26	692
Set aside assessment / compensation	2013-14	212	51	57	10	15	345
		60.00%	39.60%	30.50%	31.60%	52.20%	52.51%
	2012-13	185	52	99	12	17	365
		66.30%	55.32%	39.44%	48.00%	65.38%	52.75%
Affirmed assessment / compensation	2013-14	128	61	97	14	12	312
		40.00%	60.40%	69.50%	68.40%	47.80%	47.49%
	2012-13	111	42	152	13	9	327
		37.50%	44.68%	60.56%	52.00%	34.62%	47.25%
Total all matters	2013-14	1319	454	510	110	83	2476
	2012-13	1217	406	840	105	106	2674
Set aside all matters	2013-14	750	189	169	60	32	1200
		55.00%	37.70%	27.60%	52.60%	33.30%	48.47%
	2012-13	664	186	325	51	45	1271
		54.56%	45.81%	38.69%	48.57%	42.45%	47.53%
Affirmed all matters	2013-14	569	265	341	49	52	1276
		45.00%	62.30%	72.40%	47.40%	66.70%	51.53%
	2012-13	553	220	515	54	61	1403
		45.44%	54.19%	61.31%	51.43%	57.55%	52.47%





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

FURTHER REVIEW

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

During 2013-14 the VRB was notified of the lodgement of 218 applications for review by the AAT of matters involving VRB decisions. During the same period, the VRB lodged 27 section 37 statements with the AAT. The average time taken for preparation and lodgement of those statements was 14 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		
	2012-13	2013-14
Applications for review from VRB decisions	296	218
	19.5%	11.2%

In the course of 2013-14 the AAT finalised 294 applications for review of decisions of the VRB. Of these, 277 had been made under the VEA and 17 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		
	2012-13	2013-14
Withdrawn or dismissed	43.9%	36.4%
Conceded	25.7%	31.3%
Finalised by hearing	30.4%	32.3%

Table 5: Applications for review by the AAT		
	2012-13	2013-14
Affirmed	54	68
	60%	71.6%
Varied or set aside	36	27
	40%	28.4%

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 2013-14 there were 17 matters finalised in the AAT concerning appeals from the VRB under the MRCA. Six were set aside by consent or varied, seven were withdrawn by the applicant, one was affirmed and three were dismissed by the Tribunal.

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 2013-14, 5.6 per cent of applications were over two years old, with the end-of-month average over the 12 months of the year having been 5.2 per cent. By comparison, at the end of 2012-13 the proportion of such applications was 6.4 per cent, with the end-of-month average over the 12 months of the year having been 5.7 per cent.

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
- while obtaining information requested by the VRB after adjournment of a hearing under s152 of the VEA.

In 2013-14 the average time taken from lodgement of an application to receipt of a s137 report was 32.3 days. This compares with 43 days in 2012-13.

During 2013-14, 1057 requests for further information were completed by DVA, with an average time for completion of 87.3 days. Of these, 749 requests had been made by Registrars, with an average time for completion of 73 days; and 308 requests had been made following adjournments, with an average time for completion of 122.2 days. These figures compare with 1233 requests completed in 2012-13, at an average time of 100.5 days. Of these, 859 requests had been made by Registrars, at an average time for completion of 78.4 days; and 374 requests had been made following adjournments, at an average time for completion of 122.56 days.

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

- from sending a s148 notice by the VRB to the applicant to its return
- from sending a Certificate of Readiness (COR) from 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 2013-14 the average time to complete the former stage was 31.8 days. In 2012-13 it was 34.1 days. During 2013-14 the average time to complete the latter stage was 217.9 days. In 2012-13 the average time to complete the latter stage was 220.7 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
- 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, DVA 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 2013-14 the average time for the VRB to complete this stage was 9.4 days. In 2012-13 the average time was 14.1 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 2013-14 the average time for the VRB to complete this stage was 98.8 days. In 2012-13 the average time was 104.3 days.

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

At hearing – adjournments

The VEA confers two powers of adjournment. The first (s151) is a general power exercisable at the VRB’s discretion; the second (s152) must be exercised if the VRB decides to seek further information from the Secretary of DVA 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 DVA or the MRCC to conduct an investigation to obtain the relevant material. This is the 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 2013-14, the overall number of adjournments decreased slightly from 18.3 per cent in 2012-13 to 16.7 per cent in 2013-14. This financial year, 108 applications were adjourned under section 151, representing 4.7 per cent of applications heard. There were 271 applications adjourned under section 152, representing 11.9 per cent of the applications heard. In total, there were 379 adjournments of both kinds, representing 16.7 per cent of the total applications heard. By way of contrast there were 129 section 151 adjournments in the previous financial year, or 5.2 per cent of the applications heard; 324 section 152 adjournments, or 13.1 per cent of applications heard. In total, there were 453 adjournments of both kinds, representing 18.3 per cent of applications heard.

Table 6: Section 151 and 152 Adjournments							
	Year	NSW	VIC	QLD	SA	WA	AUST
S 151 adjournments	2013-14	55	30	12	9	2	108
		4.78%	7.14%	2.36%	8.26%	2.35%	4.75%
	2012-13	62	24	16	18	9	129
		5.50%	6.70%	2.30%	12.20%	8.40%	5.20%
S 152 adjournments	2013-14	144	39	67	15	6	271
		12.51%	9.29%	13.16%	13.76%	7.06%	11.92%
	2012-13	157	42	86	24	15	324
		14.00%	11.70%	12.50%	16.20%	14.00%	13.10%
Total adjournments	2013-14	199	69	79	24	8	379
		17.29%	16.43%	15.52%	22.02%	9.41%	16.67%
	2012-13	219	66	102	42	24	453
		19.50%	18.30%	14.80%	28.40%	22.40%	18.30%

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

From Hearing to Publication of Decisions and Reasons

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

In finalising an application, the VRB seeks to ensure not only that the applicant receives his or her proper entitlement, but also that the decision is published as soon as possible after the hearing. VRB records are

examined each week for all cases heard for which a decision has not been published. Each case more than three weeks old is then followed up by the Principal Member to effect publication of the decision and reasons.

During 2013-14 the average time for the VRB to complete this stage was 16.4 days. In 2012-13 the average time was 17.4 days.

Table 7: Applications times taken to process							
	Year	NSW	VIC	QLD	SA	WA	AUST
Lodgement to receipt of s137 report	2013-14	25.7	47.3	32.8	34.3	40.8	32.3
	2012-13	47.5	41.6	37.6	43.7	34.6	43.0
Receipt of s137 report to s148 notice sent	2013-14	6.6	12.6	12.6	12.2	5.1	9.5
	2012-13	10.6	5.6	21.8	30.2	18.2	14.1
S 148 notice sent to its return	2013-14	35.6	28.1	27.9	28.1	33.3	31.8
	2012-13	37.4	26.6	34.4	34.2	22.4	34.1
COR sent to its return	2013-14	224.6	213	196.5	267.8	225.1	217.9
	2012-13	210	236.7	217.3	251.2	260.9	220.7
COR receipt to hearing	2013-14	96.7	125.5	95.6	90.1	27.1	98.8
	2012-13	106.5	112.3	105.1	102.7	35.6	104.3
Hearing to publication of decision	2013-14	16.4	17.6	15.3	18	16	16.4
	2012-13	17.7	10.9	19.9	13.9	19.9	17.4
Lodgement to finalisation	2013-14	376.6	354.4	323.3	372	254.7	351
	2012-13	396.2	322.4	353.4	393.4	318.9	367.2

- Light-blue row indicates stages primarily within the control of DVA.
- White row indicates stages primarily within the control of the VRB.
- Mid-blue row indicates stages primarily within the control of the applicant/representative.
- Grey indicates a mixture of stages, within the control of DVA, the applicant and the VRB.

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

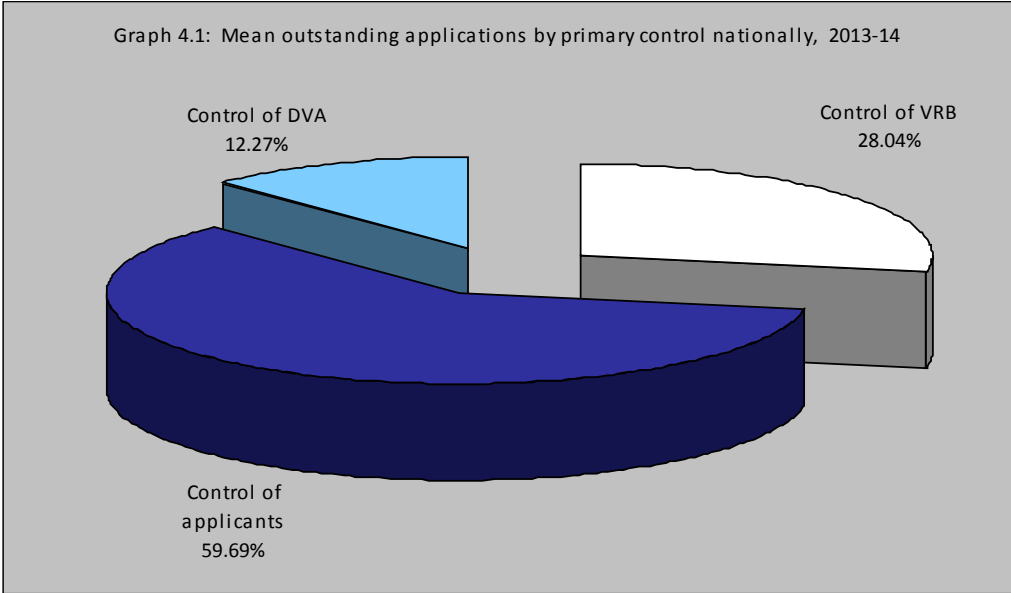
On 30 June 2013 there were 2851 applications outstanding. Of these, 729 (25.5 per cent) were largely under the control of the VRB, 1773 (62 per cent) were largely under the control of the applicants or representatives and not ready to be heard, and 349 (12.2 per cent) were largely under the control of DVA.

During 2013-14 3264 new applications were received by the VRB, 2276 applications were heard and 3388 applications were finalised.

On 30 June 2014 there were 2843 applications outstanding. Of these, 807 applications (28.04 per cent) were primarily under the control of the VRB, 1718 (59.69 per cent) were largely under the control of the applicants or their representatives and not ready to be heard, and 318 (12.27 per cent) were largely under the control of DVA.

Table 8 and Graph 4.1 show the average outstanding applications according to who has primary control of them: the VRB, the applicant (or representative) or DVA. The percentages are the average proportion of corresponding applications as percentages of the outstanding for the registry. The figures here are not those at the end of the two financial years shown, but are means of the twelve month-end figures comprising each year; they therefore present a better indication of the typical distribution of applications between the three areas of control. The application numbers have been rounded to the nearest integer. Because they are averages, the sum of the applications for all the registries may vary slightly from the applications for Australia; and the sum of the percentages for each registry may not be exactly 100 per cent.

Table 8: Distribution of applications according to control							
	Year	NSW	VIC	QLD	SA	WA	AUST
Control of VRB	2013-14	378	190	176	45	18	807
		27.53%	33.99%	25.21%	31.25%	17.31%	28.04%
	2012-13	366	166	139	38	20	729
Control of applicants		28.00%	25.50%	24.70%	29.20%	20.50%	25.50%
	2013-14	853	300	417	79	69	1718
		62.13%	53.67%	59.74%	54.86%	66.35%	59.69%
Control of DVA	2012-13	854	349	423	82	65	1773
		59.80%	59.70%	57.50%	52.80%	63.70%	62.00%
	2013-14	142	69	105	20	17	318
		10.34%	12.34%	15.04%	13.89%	16.35%	12.27%
	2012-13	158	69	88	19	15	349
		10.50%	12.60%	15.00%	14.90%	13.90%	12.20%



Listings

During the year, the VRB aimed to list between 12-15 hearing times per panel per week, depending on complexity - assuming five sitting days in a normal week - and those applications thought to be particularly complex or lengthy were allocated two or more hearing times. A hearing time lasts for one hour. If an applicant had more than one application they were heard, where possible, at the same time.

Postponements/Adjournments after a case is listed for hearing

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

During 2013-14, 115 applications listed for hearing were postponed prior to the commencement of the hearing. Substitute applications were found for 54.8 per cent of the postponements. While the postponement rate was low and the substitution rate high, it still resulted in about 52 hearing times not being able to be used, or the equivalent of almost four weeks of hearings for a panel.

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

Dismissals

During 2013-14 the VRB sent a total of 101 letters asking for a written statement from applicants as to why they were not ready to proceed to a hearing. This was a decrease of 26 from the previous year. These letters resulted in a total of 60 applications being dismissed, 9 being withdrawn and 27 requests for a hearing. These compare with 70 applications being dismissed, 14 being withdrawn and 42 requests for a hearing in the previous year.

The remainder of responses from applicants or their representatives provided reasonable explanations or were still being followed up in accordance with the legislation. There were two appeals concerning dismissals lodged with the AAT. For more information concerning AAT appeals see Outcome 2.

Lapsing

A very small proportion of finalised applications are lapsed, mostly because the applicant dies and the legal personal representative does not wish to pursue the matter. It may also occur if an application is found to be more properly regarded as a new claim for pension or an application for increase in disability pension (which are dealt with by DVA). 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 2013-14 a total of 37 applications were lapsed, two of which were under the MRCA. In the previous year there were 13 applications lapsed.

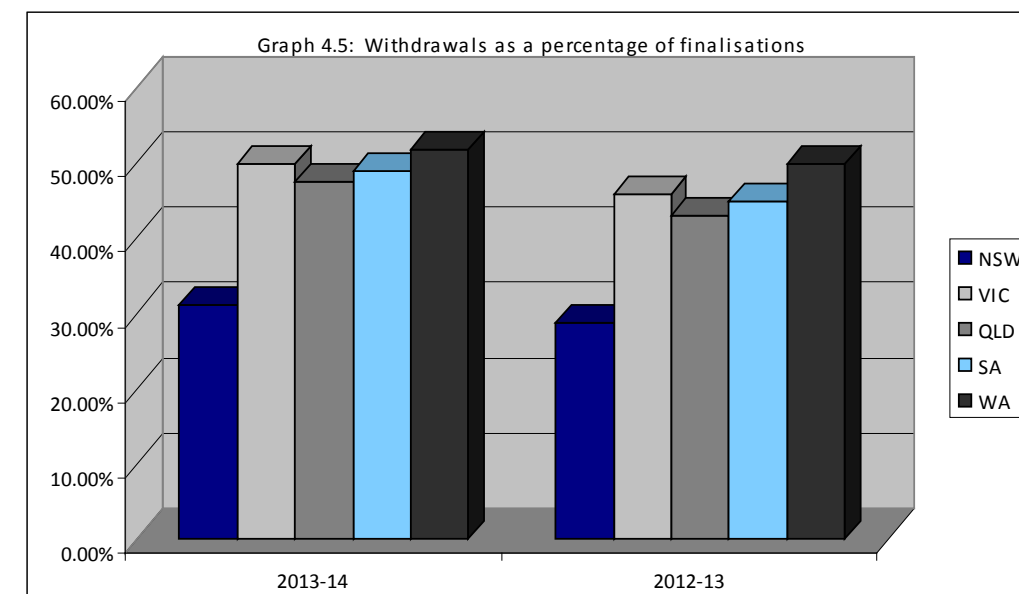
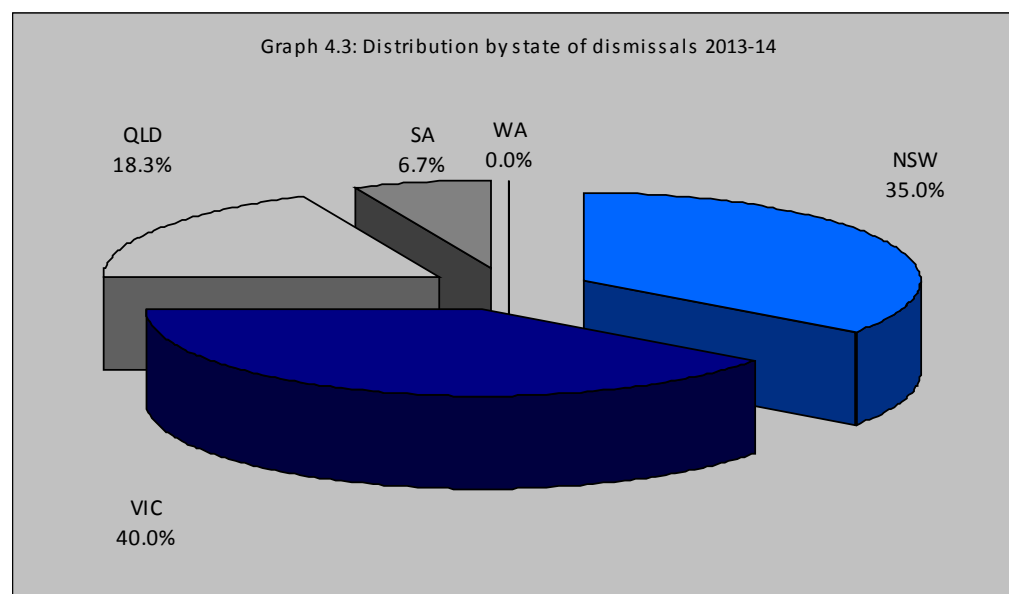
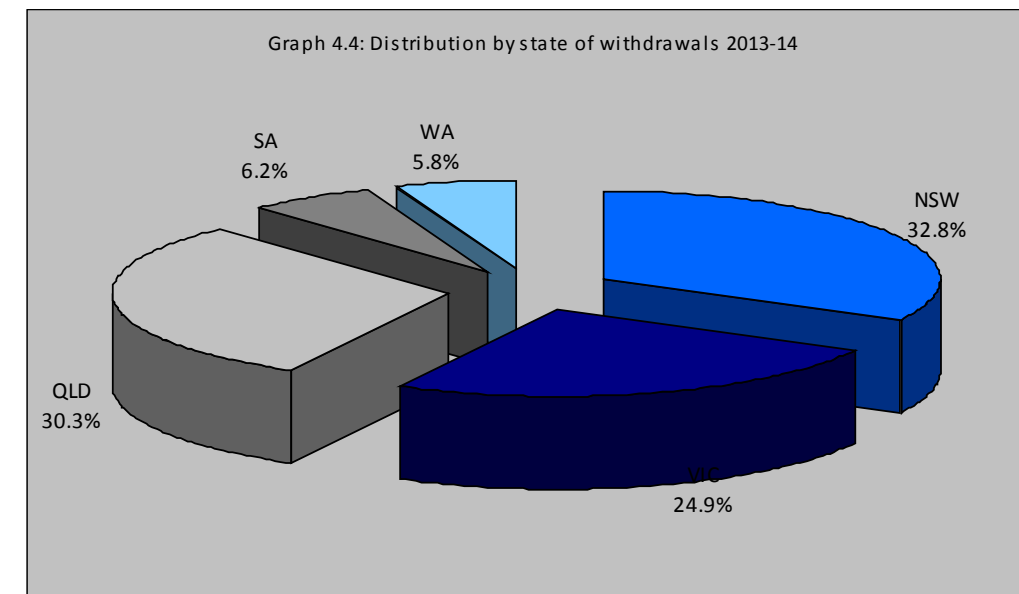
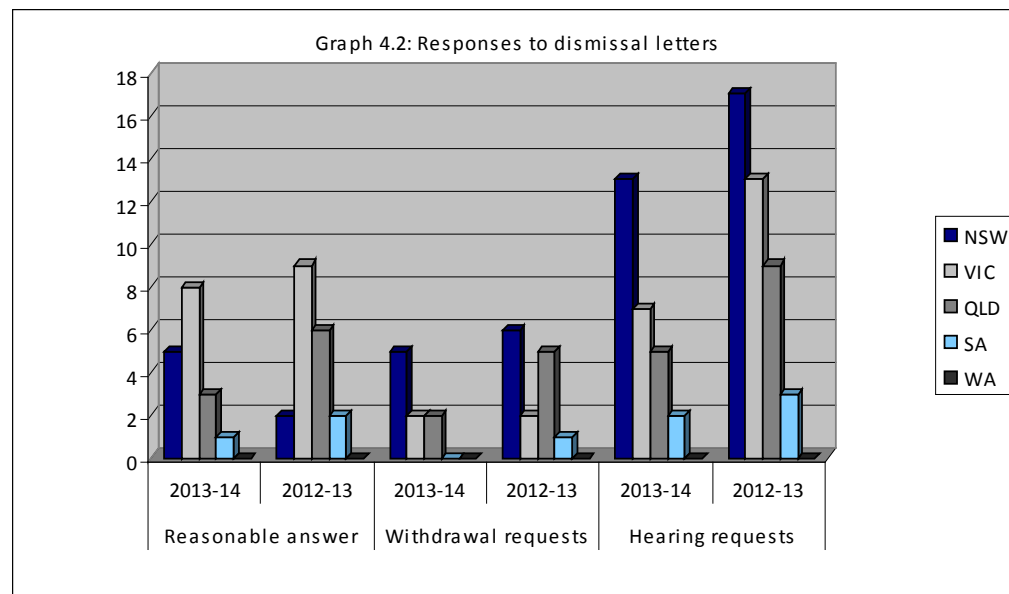
Withdrawals

During 2013-14, 1398 applications were withdrawn by applicants; this represents 41.3 per cent of applications finalised during the year. This compares with 1305 withdrawals (38.3 per cent of those finalised) in 2012-13. 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 DVA.

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

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

Table 9: Listings, postponements, dismissals, lapsing and withdrawals							
	Year	NSW	VIC	QLD	SA	WA	AUST
Ready for hearing	2013-14	93	29	48	9	4	183
		6.80%	5.30%	6.80%	6.30%	3.60%	6.40%
	2012-13	161	86	72	25	3	347
		12.00%	14.10%	10.90%	15.90%	3.30%	12.20%
Postponements	2013-14	62	32	17	1	3	115
	2012-13	60	13	20	1	5	99
Percentage substitutions	2013-14	53.20%	46.90%	76.50%	100.00%	33.30%	54.80%
	2012-13	68.30%	15.40%	70.00%	0.00%	60.00%	42.70%
Dismissal letters sent	2013-14	39	35	23	4	0	101
	2012-13	51	38	34	3	1	127
Reasonable answer	2013-14	5	8	3	1	0	17
	2012-13	2	9	6	2	0	19
Withdrawal requests	2013-14	5	2	2	0	0	9
	2012-13	6	2	5	1	0	14
Hearing requests	2013-14	13	7	5	2	0	27
	2012-13	17	13	9	3	0	42
Dismissed	2013-14	21	24	11	4	0	60
	2012-13	33	18	18	0	1	70
Lapsing	2013-14	25	5	5	0	0	35
	2012-13	10	2	1	0	0	13
Withdrawals	2013-14	459	348	423	87	81	1398
		31.30%	49.90%	47.50%	48.90%	51.90%	41.30%
	2012-13	395	270	477	81	82	1305
		28.90%	46.00%	43.10%	45.00%	50.00%	38.30%



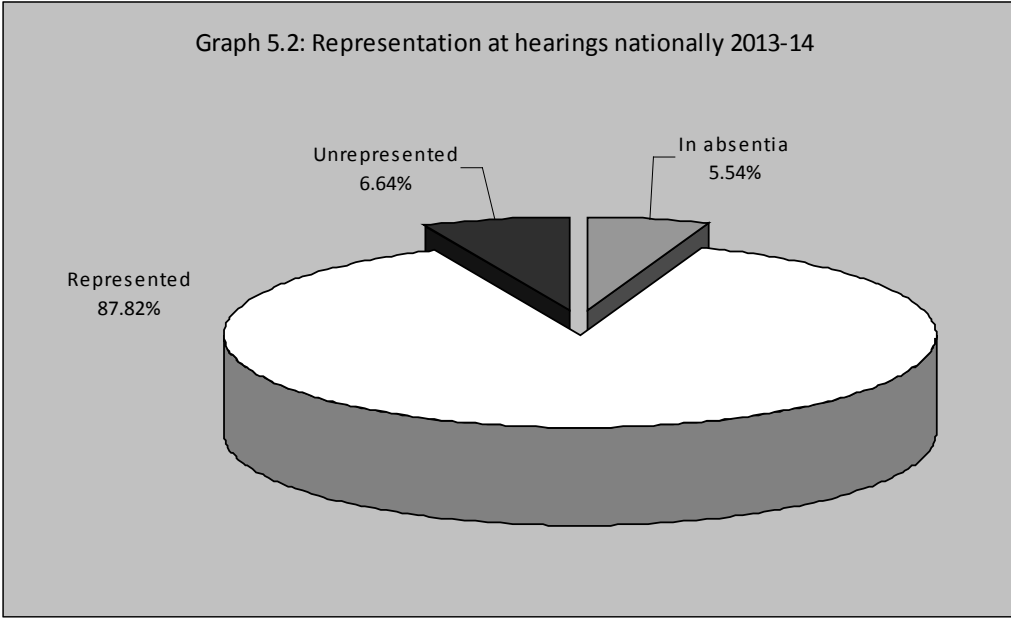
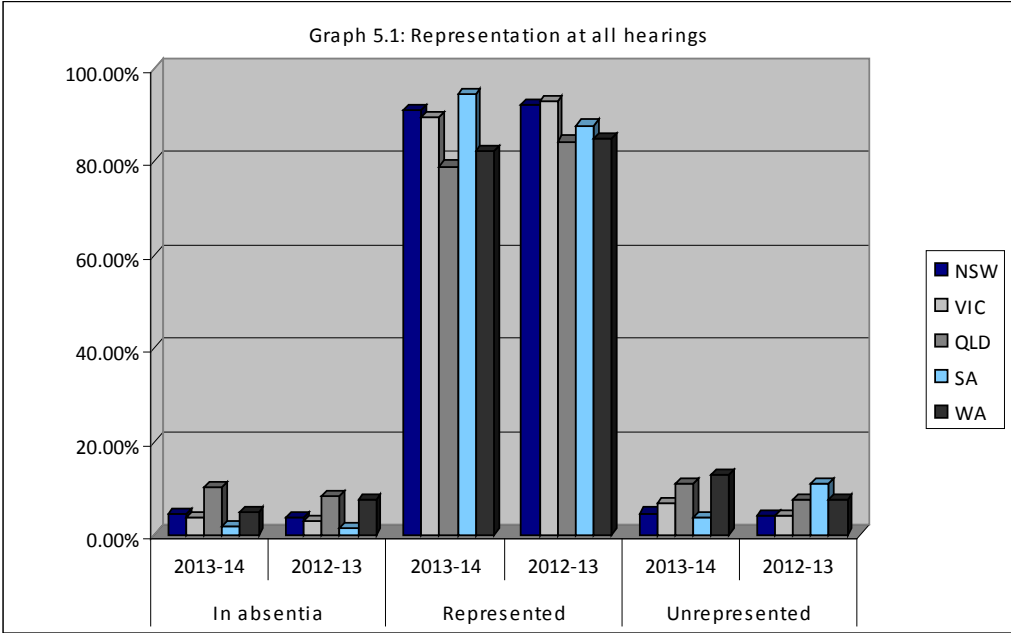
OUTCOME 5: ACCESSIBLE AND RESPONSIVE TO VETERAN COMMUNITY STAKEHOLDERS

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	NSW	VIC	QLD	SA	WA	AUST
In absentia	2013-14	52	16	52	2	4	126
		4.52%	3.81%	10.22%	1.83%	4.71%	5.54%
	2012-13	42	11	57	2	8	120
		3.75%	2.97%	8.36%	1.36%	7.48%	4.95%
Represented	2013-14	1046	376	402	103	70	1997
		90.88%	89.52%	78.98%	94.50%	82.35%	87.82%
	2012-13	1033	344	575	129	91	2172
		92.31%	92.97%	84.31%	87.76%	85.05%	89.57%
Unrepresented	2013-14	53	28	55	4	11	151
		4.60%	6.67%	10.81%	3.67%	12.94%	6.64%
	2012-13	44	15	50	16	8	133
		3.93%	4.05%	7.33%	10.88%	7.48%	5.48%
Total heard	2013-14	1151	420	509	109	85	2276
	2012-13	1119	370	682	147	107	2425

The great majority of all applicants (87.8 per cent) are represented at hearings in some way. A small proportion (5.5 per cent) 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.

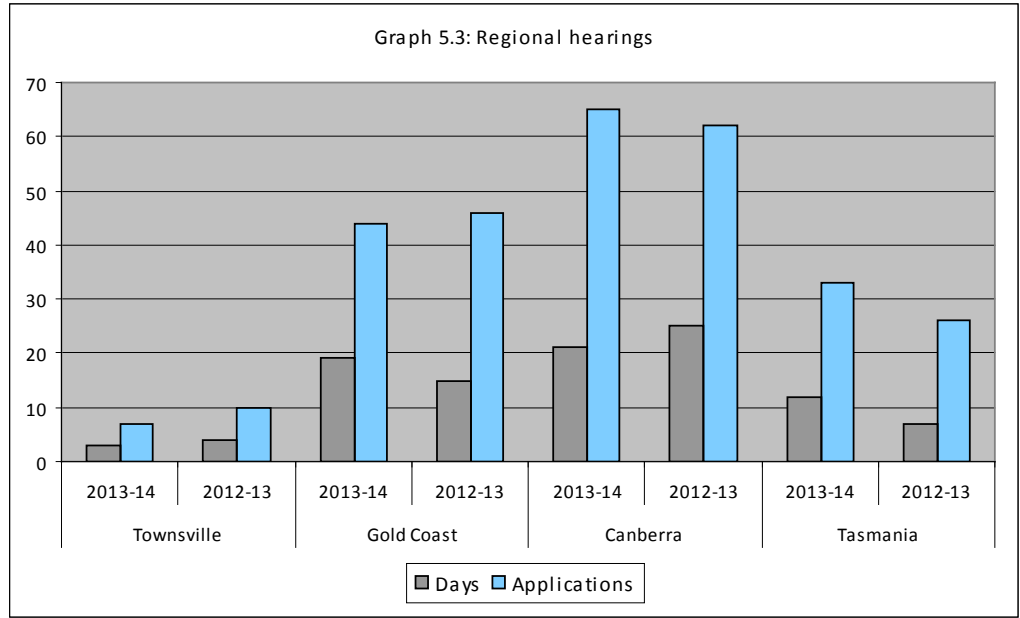


There are several ways that applicants and their representative can participate at hearings: one or both can have a telephone hearing, or one or both can appear in person. Combinations of applicant and representative participation are also possible. In addition, in 2000-01, the VRB undertook a trial 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 2013-14 regional hearings were arranged in Townsville, the Gold Coast, Canberra, Hobart and Launceston. Table 11 and Graph 5.3 show the number of days of hearings, and applications heard in the above locations.

Table 11: Regional hearings			
	Year	Days	Applications
Townsville	2013-14	3	7
	2012-13	4	10
Gold Coast	2013-14	19	44
	2012-13	15	46
Canberra	2013-14	21	65
	2012-13	25	62
Tasmania	2013-14	12	33
	2012-13	7	26
Total	2013-14	55	149
	2012-13	51	144



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 2013-14 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 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 2013-14 year, the VRB received 5 compliments and 18 complaints.

The 18 complaints referred involved the following issues: concern about the conduct of a VRB hearing, the decision or aspects of a decision (ten); concern about VRB member (two); concern about ADR process (two); delay in finalisation (two) sensitive documents (one); and privacy (one).

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

Other Activities

The VRB worked closely during the year with ex-service and related organisations and the parties to its hearings with a view to ensuring that its procedures worked effectively. Senior VRB staff participated in various workshops and seminars conducted by ex-service organisations and the Department. The VRB took steps to improve the accessibility and quality of information that is provided to parties. Notably, additional information on the VRB website including the General Practice Direction, VRB Case Notes and updated guidelines and factsheets. In 2012-2013, the VRB also introduced a new Practice Note on 'When is it appropriate to raise the issue of bias of a Board member?'. The Board also continued to conduct advocates liaison meetings, across Australia, to further enhance communication with the ex-service community.

The Principal Member, certain other members and senior staff attended a number of administrative law conferences and contributed to training programs managed by 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

The Board’s General Practice Direction, Adjournment Practice Direction and Alternative Dispute Resolution Guidelines continue to remain in place. The aim of the GPD 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
- adjournments.

A copy of the GPD and other practice directions can be viewed on the VRB’s website (www.vrb.gov.au).

Regular Advocates Liaison Meetings

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

Improved information about the VRB

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

The VRB also publishes:

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

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 decision in accordance with the facts and relevant law. In order to accommodate these competing requirements, legal officers at the VRB provide members with research on particular problems that arise from time to time, to speedily provide them with:

- the relevant law as interpreted by the courts and the Administrative Appeals Tribunal
- legislative amendments
- relevant research papers
- 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. Members have also been provided with various handbooks and a ‘Quick Guide’ for easy reference use at hearing.

Access and equity

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

The VRB serves an identifiable segment of the community. The VRB is aware of its obligations in dealing with elderly persons, people with non-English speaking backgrounds and persons with disabilities. The VRB holds hearings and video hearings in some regional areas to ensure easier access for applicants. All applicants are advised of their right of appeal to the AAT on receiving advice of a VRB decision. Senior VRB staff speak on a regular basis at pensions seminars run by ex-service organisations and DVA, 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 DVA and operate in a comparable environment, the VRB acts consistently with Departmental policies and initiatives in such matters as work 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
- 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 2013-14 the VRB:

- continued to use a periodic customer satisfaction survey
- issued a member and staff satisfaction survey
- conducted a variety of face to face member training, including induction training and follow up GARP and MRCA training
- issued e-learning programs for member and staff
- conducted its biannual Member and Staff Conference in August 2013.

Part 4 Management and Accountability

Part 4

Management and Accountability

Staff

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

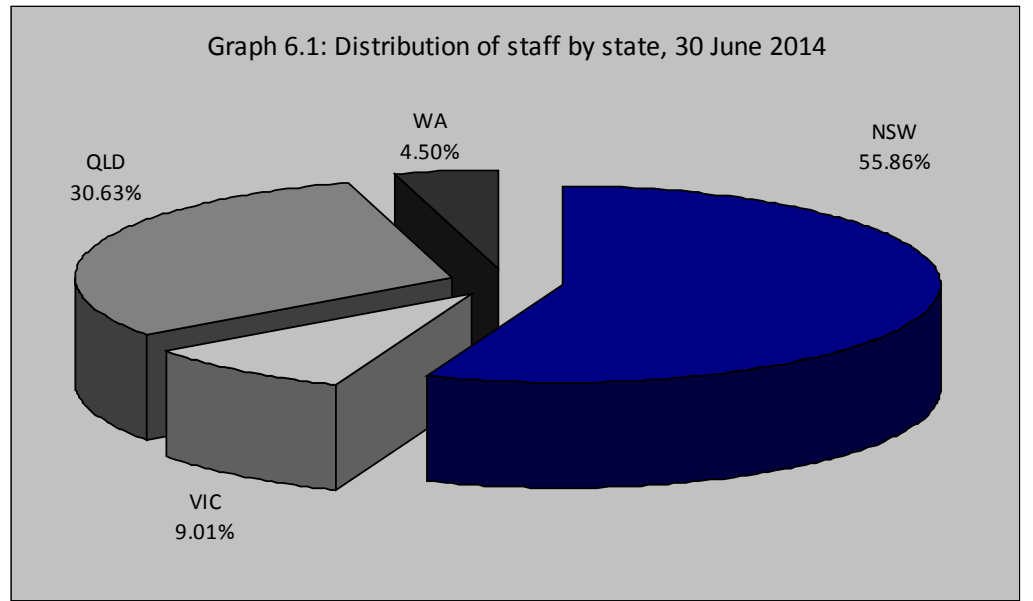
Comprehensive information on the *Enterprise Agreement 2012-2014* is available in DVA's annual report. As at 30 June 2013, no VRB employees were covered by an Australian Workplace Agreement. Performance pay is also no longer available to VRB employees.

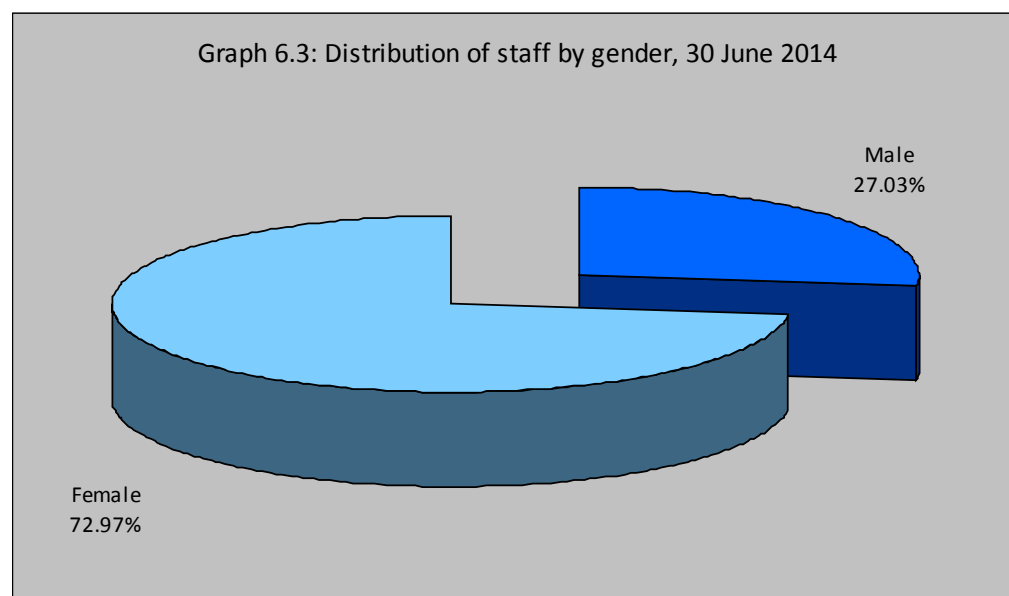
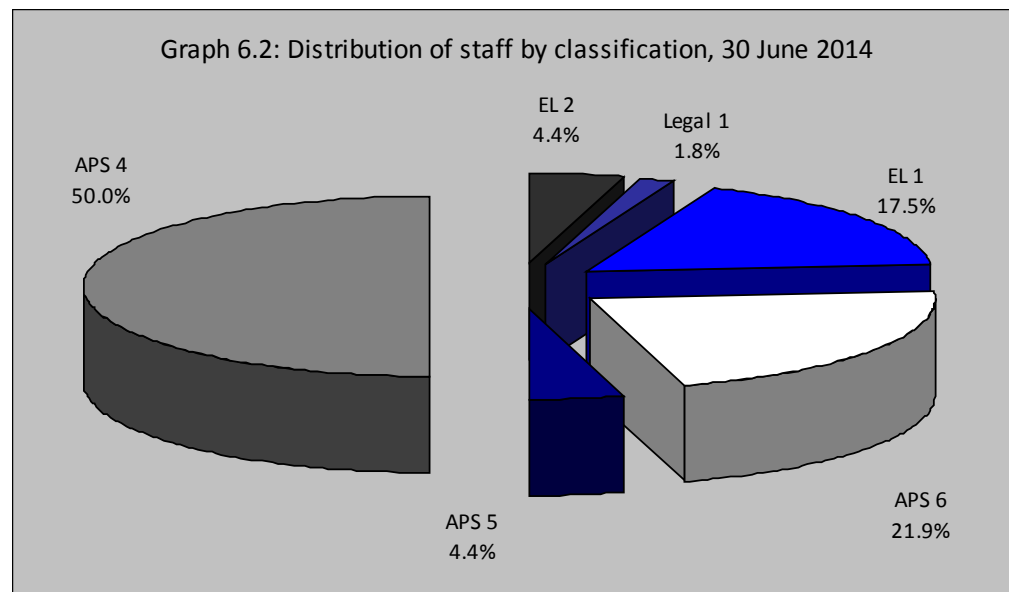
On 30 June 2014 the VRB employed 22.2 staff, the same number as at 30 June 2013.

The break-up of staff at 30 June 2014 is set out in Tables 12 and 13, and in Graphs 6.1 to 6.3. Because the National Registry is situated in Sydney, its staff are shown together with those of the NSW State Registry under NSW.

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	0.4				0.4
	Total	0.4	0	0	0	0.4
EL 1	Male	2				2
	Female	1		1		2
	Total	3	0	1	0	4
APS 6	Male	2				1
	Female	1		1	1	3
	Total	3	0	1	1	5
APS 5	Male	1				1
	Female					0
	Total	0	0	0	0	1
APS 4	Male	0	1	0		1
	Female	4	1	4.8		9.8
	Total	4	2	4.8	0	11.4
All staff	Male	5	1	0	0	6
	Female	7.4	1	6.8	1	16.2
	Total	12.4	2	6.8	1	22.2

Table 13: Staff full-time and part-time						
	Gender	NSW	VIC	QLD	WA	AUST
Full-time	Male	5	1			6
	Female	7	1	5	1	14
	Total	12	2	5	1	20
Part-time	Male	0		0		0
	Female	0.4		1.8		2.2
	Total	0.4	0	1.8	0	2.2
Total all staff	Male	5	1	0	0	6
	Female	7.4	1	6.8	1	16.2
	Total	12.4	2	6.8	1	22.2





Members

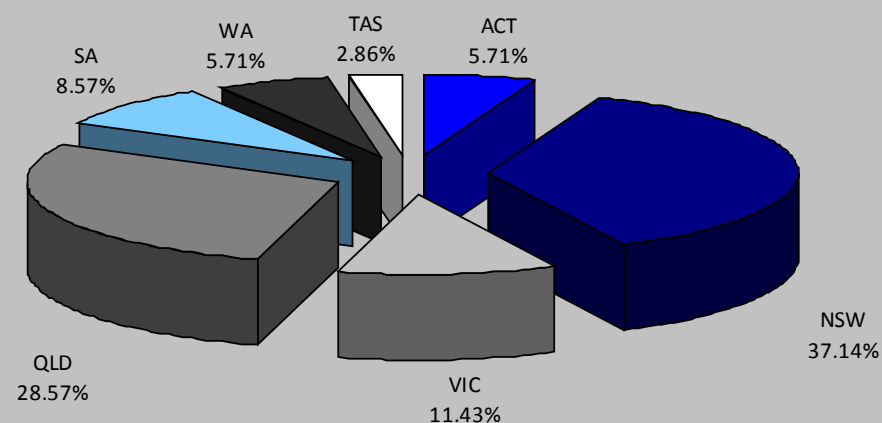
The Board farewelled four members in 2013-14: Frank Burt, Greg Mawkes, Jay Bruce and Jonathan Hyde. Following these resignations there was a shortage of available Services Members. Board Members Simon Hart, Frank Brown, Scott Clark and Peter Maher were all subsequently appointed to act as Services Members until 30 September 2014 to address this problem.

At 30 June 2014 there were 36 members of the VRB: the Principal Member, 10 Senior Members, 15 Services Members and 10 Members. Of these, the Principal Member was the only full-time appointee, all others were part-time. The number of women holding appointments was 13.

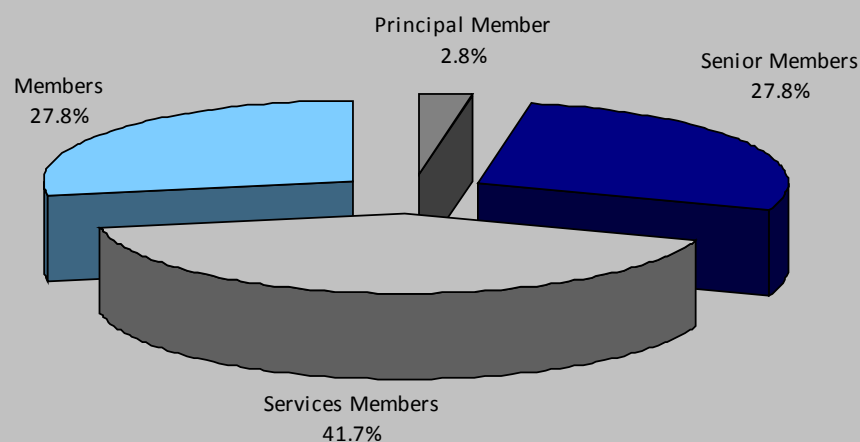
The break-up of membership at the end of the financial year is set out in Table 14 and Charts 5.4 to 5.6. Further details of the VRB membership are provided in Appendices 3 and 4.

Table 14: Members									
	Gender	ACT	NSW	VIC	QLD	SA	WA	TAS	AUST
Principal Member	Male		1						1
Senior Members	Male	1	1	1		1	1		5
	Female		2	1	2				5
	Total	1	3	2	2	1	1	0	10
Services Members	Male		5	2	5	1		1	14
	Female		1						1
	Total	0	6	2	5	1	0	1	15
Members	Male	1			1		1		3
	Female		4		2	1			7
	Total	1	4	0	3	1	1	0	10
All members	Male	2	6	3	6	2	2	1	22
	Female	0	7	1	4	1	0	0	13
	Total	2	13	4	10	3	2	1	35

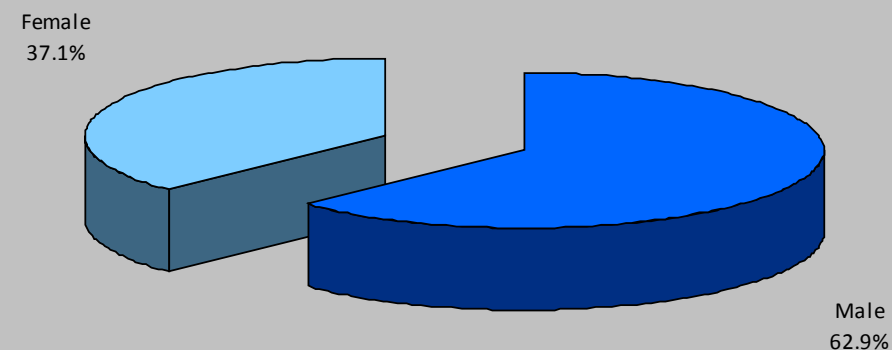
Graph 6.4: Distribution of members by state, 30 June 2014



Graph 6.5: Distribution of members by type, 30 June 2014



Graph 6.6: Distribution of members by gender, 30 June 2014



Ethical standards

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

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

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

Australian Public Service Values and Code of Conduct

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

Professional Standards for Tribunal Members

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

Ecologically Sustainable Development and Environmental Performance

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

DVA monitors and reports on energy consumption in the buildings occupied by the VRB, and information regarding this is included in Annual Report of the DVA.

Operational Planning

The VRB’s Business Plan covers the period 2013-14 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 Registry prepares periodic report cards against the objectives, goals and strategies laid out in the Business Plan.

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 training, as well as informally. Up until 30 June 2014, the Senior Members were Les Young, Hilary Kramer, Jenny D’Arcy, Edward Jolly, Patrick Callioni, Jackie Fristacky, Christopher Wray, Alison Colvin, Sylvia Winters and Gary Barrow.

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 2014, the governance frameworks for the Board were being reviewed in accordance with the recommendations in the Tribunal Framework for Excellence.

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 goal
- 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
- 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 DVA. As such, the Department manages, conducts regular stocktakes, and accounts for those assets.

Professional Development and Performance

Member Professional Development is based on the framework of competencies developed for the VRB. The VRB conducted two rounds of member appraisals. The VRB’s appraisal scheme combines a mid year self assessment with appraisal by another VRB member and then a final year assessment with another VRB member or the Principal Member against the framework of Member competencies.

A range of learning activities was offered to members during 2013-14, including participating in the National Members and Staff biannual Conference, external seminars, workshops and other professional development activities such as the COAT conferences to stay up to date with developments relevant to their work.

Training innovations were also introduced to benefit the wider membership. These focused on rolling out a number of e-learning programs focused on aspects of MRCA and refresher training on common legal issues.

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

- participation in the National Members and Staff biannual Conference
- regular Registrars’ 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 DVA and the Australian Public Service Commission and others.

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.

The National Members and Staff biannual Conference was held in August 2013 in Brisbane. The program had a strong focus on mental health issues and effective communication. The key note speaker was the Hon Justice Duncan Kerr, President of the Administrative Appeals Tribunal. Other speakers included Major General John Cantwell, Major General Gerard Fogarty, Lieutenant Colonel Peter Conroy, Professor Malcolm Hopwood, Dr Anthony Dinnen, Dr Marion Sullivan, Dr Pam van de Hoef and Dr Rosemary Purcell. The program also included a significant military familiarisation component with a highly educational visit to Enoggera Barracks.

Client Survey

The VRB completed veterans’ satisfaction survey in 2012-13 and reported the outcomes in the 2012-13 Annual Report. In 2012-13, 74 per cent of clients were satisfied or very satisfied with the service they had received at the VRB.

Two more surveys were conducted in 2013-14. Overall the Board received a response rate of 42 per cent. The survey responses again provided positive feedback on the experience of dealing with the Board which was consistent with the previous year’s results. Similarly to 2012-13, 75 per cent of respondents rated their overall satisfaction level as very satisfied or satisfied. 74 per cent of clients also agreed that the VRB was independent of the Repatriation Commission/Military Rehabilitation and Compensation Commission.

Further client satisfaction surveys will be conducted in 2014-15 to help us keep abreast of how we can better meet VRB client needs.

Staff and Member Survey

The Board has previously adopted the recommendation of the Council of Australasian Tribunals Framework for Excellence that a formal members and staff survey should be introduced. The results from the latest survey were extremely pleasing. We had a very strong response rate and it was gratifying that again over 90 per cent of members and staff were proud and happy to work at the VRB. No staff or members were dissatisfied with working at the VRB. The survey results also revealed a strong satisfaction level amongst members and staff, positive morale and an excellent retention rate. This survey will be regularly repeated in future.

Work Health and Safety, National Disability Strategy and Social Inclusion

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

The VRB is included within the Department’s health and safety arrangements, which provide a flexible framework for proactively managing work health and safety. Information relating to Part 4 Clause 4 of the *Work Health and Safety Act* 2011 (Cth) (WHS Act) is contained in *Appendix H Workplace Health and Safety* of the Department’s annual report.

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

Resources

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

Table 15 outlines actual expenditure for the VRB for the 2012-13 and 2013-14 financial years. Total expenditure for the VRB in the financial year 2013-14 was

\$5 654 069 compared to \$5 494 781 in 2012-13. Average expenditure on each application finalised by the VRB during the year was \$1669. In 2012-13 the figure was \$1615.

New Consultancy Services Contracts

During the 2013-14 financial year the VRB entered into one new consultancy services contract. The total actual expenditure on this consultancy services contract amounted to \$40,670 (inclusive of GST). More information on contracts and consultancies is available through the AusTender website.

Table 15 – Veterans' Review Board Expenditure		
	2012-13 (\$'000)	2013-14 (\$'000)
Salaries (includes superannuation)		
Members	2,833	2,726
Staff (includes o/time & temps)	1,985	2,239
TOTAL	4,819	4,965
Fares		
Members	119	97
Staff	25	40
Cars (includes parking)	27	10
TOTAL	171	147
Accommodation		
Members	113	92
Staff	25	20
TOTAL	138	112
Travelling Allowance		
Members	75	51
Staff	14	12
TOTAL	89	63
Office Requisites		
Stationery and office requisites	37	50
Printing	21	30
TOTAL	58	80
Postage and Telephones		
Postage	34	45
Telephones/fax/IT	4	5
TOTAL	38	50
Incidental Expenditure		
Freight & cartage	23	30
Advertising	5	5
Training	27	21
Miscellaneous	109	159
Archiving	18	22
TOTAL	165	228
GRAND TOTAL		
	5,495	5,65

Fraud control

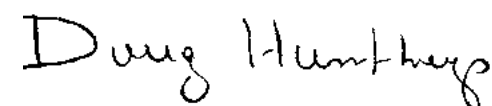
The VRB remains committed to developing and maintaining best practice strategies for the prevention and detection of fraud. The Finance Manager bears responsibility for fraud control and prevention and detection activities within the VRB.

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 2013–14 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
19 September 2014

Appendix 1

Court Decisions

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

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

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

Federal Court of Australia

Administrative Appeals Tribunal Act 1975

In 2013-14 there were nine Federal Court judgments, where the VRB had been a part of the appeal path:

- Forrester v Repatriation Commission [2013] FCA 898 (6 September 2013)
- O’Dowd v Repatriation Commission [2013] FCA 991 (1 October 2013)
- Sharley v Repatriation Commission [2013] FCA 1031 (14 October 2013)
- Vulich v Repatriation Commission [2013] FCA 1370 (17 December 2013)
- Richmond v Repatriation Commission [2014] FCA 272 (25 March 2014)
- Schultz v Repatriation Commission [2014] FCA 387 (22 April 2014)
- Smith v Repatriation Commission [2014] FCAFC 53 (1 May 2014)
- Repatriation Commission v Holden [2014] FCA 605 (12 June 2014)
- Summers v Repatriation Commission [2014] FCA 608 (12 June 2014)

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

Issues dealt with by Court Decisions

In *Forrester*, the appeal to the Federal Court centered on the AAT’s understanding and applications of ss120(1) and (3) of the VEA. The case involved a claim for war widow’s pension, in which the issue before the AAT was whether Mr Forrester’s hypertension could be related to his operational service by way of an increase in his pre-service alcohol consumption. The Federal Court’s decision emphasised the need to evaluate the reasonableness of an asserted hypothesis of connection between operational service and the claimed injury, disease or death. It also highlighted the potential risk resulting from a decision-maker working through the whole Deledio process out of an abundance of caution, even where the decision-maker has reached an adverse conclusion on the first or second stage of that process.

In *O’Dowd*, the Court considered whether the AAT erred in deciding the applicant did not suffer from PTSD. The Court’s decision that the AAT was entitled to read the words “confronted with” in criterion A(1) in the context of the introductory paragraph to DSM-IV was a departure from a strict reading in criterion A(1). The Court preferred the approach of the Court of Appeal of the Supreme Court of NSW in *Seedsman*, over the more expansive view of the Full Federal Court when interpreting the meaning of “being confronted with” in *Woodward*.

In *Sharley*, the Court dealt with procedural issues which arose in the AAT, relating to the adequacy of the AAT’s reasons for its conclusion the applicant did not suffer from PTSD, and the AAT’s omission to make a decision regarding the applicant’s claim for osteoporosis. The Court’s decision spelt out that in the circumstance where the AAT remits a matter to the original decision-maker under s42D of the AAT Act, and that decision-maker affirms the decision, the proceeding resumes in the AAT and the AAT is required to make a decision in writing in accordance with s43(1) of the Act.

In *Vulich*, the Court considered whether the applicant satisfied the criteria for pension at the special rate. This appeal involved a narrow question of law concerning the adequacy of the AAT’s reasons concerning one aspect of Mr Vulich’s work history. The Court considered the question whether, even if the AAT did not apply the proper approach to the first limb of s24(1)(c), did it apply the proper approach to the second limb of that provision? This case clearly demonstrates that both limbs of s24(1)(c) must be satisfied.

In *Richmond*, the main issue in the appeal was whether the AAT erred in holding the applicant was not eligible for a special rate of pension because it misconstrued s24(1)(c) and the *Flentjar* questions. The Court allowed the appeal, as the AAT failed properly to consider the third *Flentjar* question and did not address the fourth *Flentjar* question.

In *Schultz*, the Court outlined the options under the VEA to a veteran who lacks the support of a Statement of Principles (SoP) or a determination under s180A. A person can apply to the Repatriation Medical Authority under s196E for a determination of a SoP or the variation of an existing SoP. If unsuccessful, the person may apply to the Specialist Medical Review Council under s196Y for review. After that process has been completed, the Commission may consider whether or not to exercise its powers pursuant to s180A.

In *Smith*, the Full Court clarified the position in relation to what is required when demonstrating a genuine effort to obtain employment in order to gain the benefit of s24(2)(b). The Full Court considered the earlier Federal Court judgments in *Smith v Repatriation Commission* [2012] FCA 1043 and *Richmond v Repatriation Commission* [2014] FCA 272 erred on this point of law. Those cases indicated that the genuine effort to obtain employment can only be during the assessment period. In this case the Full Court clearly stated that efforts to obtain employment before the commencement of the assessment period could also be taken into account. The Full Court also noted that s24(2)(b) was not confined in its operation to veterans who did not or could not work following military service.

In *Holden*, the Commission appealed against the AAT’s decision to grant a war widow’s pension. The appeal succeeded on the point that there was only partial, and insufficient compliance by the AAT with its statutory obligations to give reasons pursuant to ss43(2) and 43(2B) of the AAT Act. The Court directed the AAT to provide further reasons for its findings at paragraph 48 of the AAT’s decision and make a fresh decision under s43(1), together with those further reasons.

In *Summers*, the applicant originally made a disability pension claim for post traumatic stress disorder (PTSD) and alcohol dependence, and sought an increased rate of pension. This claim has been dealt with by the AAT, the Federal Court, the Full Court of the Federal Court, and again by the AAT. It returned for a second time to the Federal Court, and involved quite narrow issues about the diagnostic factors for alcohol dependence, statutory interpretation of s24(1)(c) and s24(2) of the VEA, and compliance with ss43(2) and (2B) of the AAT Act.

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>.

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 2013-14 the Ombudsman did not notify the VRB of any complaints.

Freedom of Information Act 1982

There were four requests to the VRB for access to documents under the *Freedom of Information Act* 1982 during 2013-14.

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.

Australian Human Rights Commission

The VRB is subject to the jurisdiction of the Australian Human Rights Commission. The Commission did not notify the VRB of any complaints during 2013-14. (The Human Rights and Equal Opportunity Commission became the Australian Human Rights Commission on 4 September 2008).

Auditor-General

During 2013-14 the Auditor-General did not conduct any inquiries or make any reports in relation to the VRB.

Reports by Parliamentary Committees

In 2013-14 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	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
Dr Robert Black AM RFD	P/T Services Member	1 Oct 2006	30 Sept 2014	M	SA
Wing Commander Stuart Bryce (Retd)	P/T Services Member	25 Nov 1991	30 Sept 2015	M	Tas
Lieutenant Colonel David Collins (Retd)	P/T Services				
Member	1 Mar 2013	28 Feb 2018	M	Vic	
Brigadier Christopher Hamilton	P/T Services Member	7 Dec 2011	30 Sept 2015	M	Qld
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
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
Commander Iain Whitehouse (Retd)	P/T Services Member	7 Dec 2011	30 Sept 2015	M	Qld

Member	Office	First appointed	Current appointment expires	Gender	Location
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
Frank Brown, LLB	P/T Member	7 Dec 2011	30 Sept 2015	M	NSW
Mr Scott Clark	P/T Member	1 Jan 2011	30 Sept 2014	M	Qld
Commodore Simon Hart CSC RAN (Retd)	P/T Member	1 Jan 2011	30 Sept 2014	M	NSW
Ms Elayne Hayes	P/T Member	1 Oct 2006	28 Feb 2018	F	NSW
Lieutenant Colonel Geoff Hourn	P/T Member	1 Jan 2011	30 Sept 2015	M	WA
Mr Wayne Lynch	P/T Member	1 Mar 2013	28 Feb 2018	M	Qld
Colonel Peter Maher	P/T Member	1 Mar 2013	28 Feb 2018	M	Qld
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
Ms Deborah Morgan	P/T Member	1 Mar 2013	28 Feb 2018	F	SA
Ms Jennifer Walker	P/T Member	1 Mar 2013	28 Feb 2018	F	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. From 2008–2011, he was elected as a Councillor of the Law Society of NSW. He was Chair of the Society's Licensing and Government Solicitors' committees, a member of the Professional Conduct Committee, and Chair of the Specialist Accreditation Board.

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

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 and a Senior Member of the VRB in 2011.

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.

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.

Frank Brown, LLB

Services Member, NSW

A former national serviceman, later promoted sergeant and then commissioned from OCS Portsea in 1971. Army service included Vietnam in 1968-69 and an exchange posting with the British Army in Germany 1976-1978. He left the Army in 1993 as a lieutenant colonel, following which he worked for the NSW Independent Commission Against Corruption. After graduating in law from the University of New South Wales in 1997, Frank worked as a solicitor in private practice. Frank was appointed to the Board in 2001 and 2011.

Wing Commander Stuart Bryce (Ret'd)

Services Member, TAS

Wing Commander Bryce (Ret'd) 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.

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,

Services 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.

Lieutenant Colonel David Collins

Services Member, VIC

Lieutenant Colonel David Collins has served in the Australian Army and Army Reserve for over 30 years. He holds a Bachelor of Education and Training, Diploma of Law and a Masters of Management and Governance. In 2005 he was posted to Iraq, as the Officer in command of the 2nd rotation of the ADF Medical Detachment attached to the US Theatre Hospital Balad, where he also held the position of Deputy

Nurse Commander. He is currently employed by the Children's Hospital Melbourne as the Hospital Nursing Manager. He was appointed a VRB Services member in March 2013.

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. Ms Fristacky was appointed a Senior Member of the VRB in 2011.

Brigadier Christopher Hamilton

Services Member, QLD

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

Commodore Simon J Hart CSC RAN (Retd)

Services 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 and Services Member of the VRB in 2011.

Ms Elayne Hayes

Member, NSW

Ms Hayes has extensive experience as a member of Federal and State based Tribunals. She has previously been a member of the Social Security Appeals Tribunal and is currently a member of the NSW Administrative Decisions Tribunal in both the Legal Services and Equal Opportunity divisions. Ms Hayes has undertaken international contracts in Human Resources management. She was appointed as an independent investigator with Wollongong Council in 2011. Ms Hayes was also recently appointed to the North Sydney Regional Organisation of Councils as an independent investigator. She was appointed a member of the VRB in 2006 and 2013.

Lieutenant Colonel Geoff Hourn

Member, WA

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

Major Edward Bertram Mark Jolly

Senior Member, SA

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

Ms Hilary Kramer

Senior Member, NSW

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

Mr Wayne Lynch

Member, QLD

Wayne joined the Army in 1971 and served for 38 years. He is presently a Colonel on the Standby Reserve and has been since Jan 2009. In his career he has served in the regular Army component and as a Reservist in both the Ready Reserve and the General Reserve. He started as a rifleman in Infantry and had a wide range of appointments, including Company Commander 3RAR and 6 RAR, CO RURQ, CO QUR, and Commandant of LWC SQ. He has been employed with DVA since 1994 in the Rehabilitation and Compensation business. He retired from DVA in March 2013 and was later appointed as a Member of the VRB located in Brisbane.

Colonel Peter Maher

Services Member, QLD

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

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.

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.

Ms Deborah Morgan

Member, SA

Ms Deborah Morgan holds a Bachelor of Law from the University of Adelaide and has extensive experience in Australian administrative law. She has previously been a member of the Refugee Review Tribunal and the Migration Review Tribunal and has recently worked as an immigration lawyer in private practice. Deborah was appointed to the VRB as a member in March 2013.

Colonel Robin Regan CSC (Ret’d)

Services Member, VIC

Colonel Regan (Ret’d) 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 (Ret’d)

Services Member, NSW

Colonel Tiller (Ret’d) 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.

Mrs Jennifer Walker

Member, QLD

Jennifer served 16 years in the Australian Intelligence Corps (Army Reserve) attaining the rank of Major. She holds a Bachelor of Business and a Diploma of Market Research and is a graduate of the Australian Institute of Company Directors. Jennifer had a varied career in technical, management and organisational development roles, spanning over 20 years, in the private and public sectors, working at all levels of government and in a number of jurisdictions. Since 1996 she has had extensive experience in consulting including the conduct of organization reviews and grievance investigations. She is currently the Director of Walker Consulting. Jennifer was appointed to the VRB in March 2013.

Commander Iain Alexander Whitehouse (Ret’d)

Services Member, QLD

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

Ms Sylvia Winters

Senior Member, QLD

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

Air Commodore Bruce Wood (Ret’d)

Services Member, NSW

Air Commodore Wood (Ret’d) 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 OAM (Ret’d)

Senior Member, NSW

Colonel Young (Ret’d) has a Diploma in Law and a Diploma in Criminology. He served in the Australian Army for 22 years holding appointments as Judge Advocate Administrator, Judge Advocate, Defence Force Magistrate and Chief Legal Officer. In his capacity as a Judge Advocate he sat on military trials in Somalia and Cambodia. Prior to his appointment as a Senior Member of the VRB in 1997 he worked as a solicitor advocate which he continues to do on a part time basis as a sole practitioner. Colonel Young was awarded a Medal of the Order of Australia (OAM) in 2012.

Lieutenant Colonel Warwick Young

Services Member, NSW

Lieutenant Colonel 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 a Services Member of the VRB in 2008.

Appendix 5

Information Publication Scheme Statement

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.

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

The VRB had four FOI requests in 2013-2014.

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*.

The VEA and the MRCA have just been amended by the *Veterans' Affairs Legislation Amendment (Mental Health and Other Measures) Act 2014*. These amendments have granted the VRB additional operational powers; including providing for a full suite of Alternative Dispute Resolution processes and enhanced case management powers.

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
- 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 DVA, the Repatriation Commission, the MRCC, the service chiefs, and ex-service and related organisations on administrative matters of concern to the VRB.

Categories of Documents

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

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

Operations Manual

This is issued by the Principal Member and includes directions and guidelines from the Principal Member for members and staff concerning the processing of applications to the VRB. The Manual is supplemented from time to time by memoranda issued by the Principal Member or senior staff of the VRB. The review of the operations manual has been completed and is in the process of being rolled out to all staff nationally.

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.

Facilities for FOI Access and Initial Contact Points

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

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

Appendix 6

Compliance index

This Annual Report has been prepared in accordance with the Requirements for Annual Reports, published by the Department of Prime Minister And Cabinet and approved by the Joint Committee of Public Accounts and Audit (updated 29 May 2014). 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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