



Veterans' Review Board

Veterans' Review Board (Accelerated Review List) Practice Direction 2024

I, Jane Anderson, Principal Member of the Veterans' Review Board, make the following Practice Direction.

Dated 26 February 2025

Ms JANE ANDERSON

Principal Member, Veterans' Review Board

Preliminary

This Practice Direction is made under section 352J(4) of the *Military Rehabilitation and Compensation Act 2004*.

This Practice Direction commences on **21 April 2025** and has effect from that date. This Practice Direction applies to all VRB applications for review of decisions made under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (DRCA)* and remains in effect until it is superseded or revoked.

The purpose of this Practice Direction is to make directions about the practice and procedures relating to applications for review of decisions and the conduct of proceedings that apply to the review of DRCA decisions. This Practice Direction should be read together with the Veterans' Review Board General Practice Direction.

Overview

From **21 April 2025**, all applications for VRB review of decisions made under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (DRCA)* will be placed in the VRB's Accelerated Review List (ARL)

The ARL process has three key steps designed to ensure that applications for VRB review of decisions made under the DRCA are considered quickly, effectively and efficiently.

The ARL comprises:

- (1) A **readiness hearing**, within 4 weeks of receipt of the appeal papers (called a section 352D report) from the Military Rehabilitation and Compensation Commission ("the Commission);
- (2) A **main hearing**, listed approximately 2 weeks after your readiness hearing; and
- (3) A **final decision** within approximately 2 weeks of the main hearing.

Pre-action procedures for parties

There are a number of steps to be undertaken by the veteran (applicant) and the Commission (respondent):

Steps for the Commission

(1) Genuine screening certificate

The Commission will be directed to provide, with the section 352D report, a 'genuine screening certificate' that sets out the Commission's actions to resolve the application during the Commission's internal screening process.

The certificate should indicate whether during that process new information (e.g. a medical report) was provided by the applicant to the Commission; or obtained by the Commission. The

certificate should also indicate whether the parties held discussions about the application, and the outcome of those discussions. (e.g. the issues of x and x were not able to be resolved.....).

A template for the Genuine Screening Certificate is available on the VRB's website.

(2) Statement of Issues

If an application is not resolved during the Commission's screening process, the Commission will be directed to provide, with the section 352D report, a statement of issues which provides a summary of the case, the areas about which there is disagreement between the veteran and the Commission, and the Commission's position on each of those areas. Generally, the Commission's Statement of Issues should contain:

- A summary of the background of the case
- A timeline of the Commission's screening process
- An outline of the legal and factual issues the Commission disagree about; and
- A summary of the Commission's reasons for its position

A Statement of Issues is meant to be a practical document – to help the veteran, the Commission, and the VRB plan how the case will go forward. It is not supposed to be used for the Commission to set out detailed legal arguments or to persuade the VRB to decide the case in its favour.

A template for the Statement of Issues is available on the VRB's website.

Steps for the applicant

Veterans are encouraged to review the Statement of Issues provided by the Commission. If a veteran needs assistance to do so, he or she can contact an organisation listed on the ATDP Advocacy Register (AR) at www.advocateregister.org.au.

After receiving the Statement of Issues, the veteran has four weeks to prepare his or her case. Veterans are encouraged to consider the issues raised by the Commission. For example:

- The evidence (if any) that supports the Commission's position
- The evidence the veteran has already provided to support his or her case; and
- Any new evidence that could be obtained to support the veteran's case.

Readiness hearing

The first VRB event is a short, procedural hearing during which a VRB Senior Member hears from the veteran and the Commission to ascertain their preparedness for a final hearing.

During this hearing, the Senior Member will assist the veteran and the Commission to identify all the evidence to be submitted for the final hearing.

Additionally, the readiness hearing provides an opportunity for the veteran and the Commission to advise of any other evidence to be relied upon at the final hearing and if any witnesses will be required to give oral evidence at the final hearing.

The Senior Member will also assist the veteran and the Commission to identify the unresolved issues for determination at final hearing.

The Senior Member will then issue directions to ensure parties' readiness for a final hearing. These directions may include:

- The date, time, length and place of the final hearing (including whether it is to be held online or in-person at a VRB registry);
- Identification of the specific outstanding issues that the veteran and the Commission require the VRB to determine;
- Whether the hearing can focus on determination of a discreet issue/s; and if so the central findings of fact that are necessary for the issue/s to be determined.

Final decisions at the readiness hearing

Where the parties agree, a Senior Member may make a final decision at a readiness hearing.

Resolving an application by agreement

If the veteran and the Commission reach an agreement before the readiness hearing, one or both of the parties must advise the VRB in writing. A lawful agreement can then be formalised via a consent decision made by the VRB Senior Member at the readiness hearing.

Final hearing

An application that has not been finalised using the methods above will proceed to a final hearing for final determination by a panel of three VRB members, including:

1. a Senior Member
2. a Member
3. a Services Member.

Information about VRB hearings can be found on the VRB's website.

After the final hearing, the VRB members will make a decision and deliver reasons for their decision. This may be an oral decision at the conclusion of the hearing on the same day. If more time is required to consider the case, the VRB members will reserve their decision and deliver it at a later date. Decisions for cases in the ARL are expected to be delivered to the parties within two weeks of the final hearing.