
 A D M I N I S T R A T I V E L A W W A T C H

 Veterans' Review Board

The Veterans' Review Board (VRB) was established following the Council's Report No. 20, Review of Pension Decisions Under Repatriation Legislation, and commenced to operate from 1 January 1985. Case notes and other information about the VRB can be obtained from its quarterly bulletin VerBosity and statistics are produced on a four-weekly basis. The VRB's procedures are published in the Veterans' Review Board Procedure Manual (1985) and the VRB's Annual Report for 1985-86 was tabled in the Parliament on 24 September 1986.

At 30 June 1986, veterans' affairs was the jurisdiction attracting the second largest number of appeals to the AAT and the number of appeals in the jurisdiction was increasing, against the trend in most other areas. The VRB is the first tier tribunal in this high volume jurisdiction and it currently receives appeals at the rate of over 1,300 a month. Its operations are co-ordinated by a Principal Member, which has enabled the development of effective procedures and optimal use of resources on a national basis. This is evident from a number of aspects of its appeals processing record. For example, a high deferral rate and a substantial number of adjournments is a feature of the hearing process of administrative tribunals generally, but the VRB has reduced the volume of its deferred hearings to around 7% and only 19.3% of its hearings are actually adjourned. Inefficiencies can also arise through delay between the hearing of an appeal and the publication of the decision. The VRB presently publishes around 90% of its decisions within 1 month of the hearing. At 1 August 1986 there were only 68 cases throughout Australia which had been heard more than 1 month previously and the decisions in which had not been published.

Statistics relating to the rate at which appeals are finalised by the VRB reveal that the rate has more than doubled since the Board's first 6 months of operation. For the 6 months ending 21 June 1985 appeals were processed at an annual rate of 5,440 cases. The table below indicates a steady increase in the processing rate since that time:

<u>12 weeks ending:</u>	<u>Annual processing rate equivalents</u>
13.09.1985	6838
6.12.1985	9269
28.02.1986	7900
13.05.1986	9880
15.08.1986	11176

During the 12 months ended 20 June 1986, applicants before the VRB were represented in 72.8% of entitlement appeals and in 69.4% of assessment appeals. The comparable figures in the previous year were 89% and 83% respectively. Legal representation is not permitted before the VRB and advocates are provided from the RSL, Legacy, the Vietnam Veterans' Association, the ALAO (NSW only), other small organisations and private individuals. In the other two main first tier tribunals (the Social Security Appeals Tribunal and the Student Assistance Review Tribunal) less than 10% of applicants are represented at hearings.

Experienced advocates in Sydney and Melbourne were contacted about the operation of the VRB. They were generally complimentary in their comments and confirmed from their practical experience what is clearly indicated from the statistical returns about the efficiency of the VRB in processing its workload. One advocate suggested that the Repatriation Commission had cleared a large backlog of cases in his State in recent months and as a consequence a log jam could be building up at the VRB, but the Board's improved processing rate was now better able to move the build up of cases.

Public Service Changes

On 24 September 1986 the Prime Minister announced a range of decisions concerning reform of the public service. Included in the announcement were proposed major changes to the public service promotions appeals system and to the provisions for dismissal and retrenchment of public servants.

(1) Promotions appeals

Appeals will now be abolished against promotions to positions above the clerical/administrative class 8 level, or equivalent levels in other occupations. The Government considers that, like the Senior Executive Service, these positions are largely managerial and appeal rights are inappropriate. There will, however, be a right of grievance review through the Merit Protection and Review Agency, which will have power to recommend the annulment of a promotion by the Secretary if it finds that proper procedures have not been followed, or the decision has been discriminatory or one of patronage. The relevant provisions defining these circumstances will be strengthened.

Appeals to a Promotions Appeal Committee (PAC) will continue for grades below the class 9 level, but the appeals process will be considerably streamlined. PACs will be able to disregard frivolous or vexatious appeals, to undertake a level of inquiry appropriate to each case and to require parties to submit documentation by a specified time. The appeal period will be reduced and the right to appeal will be confined to the original applicants for the job concerned.