

previously held positions as Chairperson of the Commercial Tribunal of NSW, federal Privacy Commissioner and Deputy Secretary for Policy in the Victorian Attorney-General's Department.

Victorian Civil and Administrative Tribunal Bill

On 8 April 1998 the Victorian Civil and Administrative Tribunal Bill and consequential legislation were introduced into the Victorian Legislative Assembly. The Act commenced on 1 July 1998.

The Victorian Civil and Administrative Tribunal Bill establishes the Victorian Civil and Administrative Tribunal. The Victorian Civil and Administrative Tribunal:

- amalgamates a number of existing tribunals;
- administers a new jurisdiction involving retail tenancy matters;
- administers extended monetary limits in the Small Claims Tribunal and the Residential Tenancies Tribunal; and
- performs disciplinary functions currently exercised by several licensing authorities within the Department of Justice.

The Victorian Civil and Administrative Tribunal is divided into a Civil Division and an Administrative Division.

The Civil Division encompasses the Anti-Discrimination Tribunal, Domestic Building Tribunal, Guardianship and Administration Board, Small Claims Tribunal and Residential Tenancies Tribunal. A new jurisdiction hears disputes arising under the Retail Tenancies Reform Act.

The Administrative Division deals with matters generally heard by the Administrative Appeals Tribunal as well as the disciplinary functions currently exercised by the Credit Authority, Estate Agents Disciplinary and Licensing Appeals Tribunal, Motor Car Traders Licensing Authority, the Prostitution Control Board, and the Travel Agents Licensing Authority. It also hears applications for review of decisions made by the Business Licensing Authority.

The Attorney-General's Second Reading Speech (Hansard p 972) states that the Victorian Civil and Administrative Tribunal will:

- improve access to justice for all Victorians including the business community;
- facilitate the use of technology (such as video link-up and interactive terminals), consequently improving access to justice for Victorians living in both metropolitan and rural areas;
- complement measures to increase alternative dispute resolution programs by providing a range of procedures including mediation and compulsory conferences to help parties reach agreement quickly;
- streamline the administrative structures of tribunals, thereby improving their efficiency;
- develop and maintain flexible, cost-effective practices;
- introduce common procedures for all matters, yet retain the flexibility to recognise the needs of parties in specialised jurisdictions; and
- achieve administrative efficiencies through centralisation of agency functions, improvement of

information technology systems and more efficient use of tribunal resources.

The President of the Tribunal is Justice Murray Kellam, a judge of the Victorian Supreme Court.

Government Response to the Report of the Review of the Repatriation Medical Authority and the Specialist Medical Review Council

On 30 June 1998, the Minister for Veterans' Affairs, the Hon Bruce Scott MP, released his response to the Report of the *Review of the Repatriation Medical Authority and the Specialist Medical Review Council*, 1997. The review was conducted by Professor Dennis Pearce, Professor of Law, Australian National University and Professor D'Arcy Holman, Professor of Public Health, University of Western Australia.

Part One of the Report, written by Professor Pearce, dealt with social, legal and administrative aspects and contained a number of recommendations. Part Two, written by Professor Holman, was a study of the application of medico-scientific evidence in the making of the Statements of Principles and contained no recommendations.

Professor Pearce concluded that the 1994 amendments to the Veterans' Entitlements Act (the VEA), which established the Repatriation Medical Authority (the RMA) and the Specialist Medical Review Council (the SMRC), had resulted in a more equitable system for the compensation of veterans and that the system was also more efficient and non-adversarial than that previously existing. Improvements recommended by Professor Pearce addressed the following areas:

- the independence of the RMA from the Department of Veterans' Affairs;
- the transparency of RMA decision-making;
- the basis upon which Statements of Principles (SOPs) are made;
- the quality and accessibility of SOPs;
- the basis upon which a formal review of a SOP can be sought;
- the functions of the SMRC;
- the relationship between the Department and veterans.

The Minister accepted all but two of the recommendations. The first of these was that the qualifications for membership of the RMA should be altered to require at least two members to have epidemiological expertise (recommendation 2). The Minister declined this recommendation. He confirmed that the number of members of the RMA should be continued at five but that military experience should be added as a desirable selection criterion when future scientific appointments to the RMA are being considered. The Minister also declined recommendation 18 that the function of the SMRC be changed from that of hearing appeals relating to individual SOPs to one of performing a regular review of the RMA's procedures. In response to Professor Pearce's alternative recommendation (recommendation 19) that certain changes be made to the structure and powers of the SMRC, the Minister did not support recommendations he considered could duplicate development of the SOPs, but said he would consider facilitating the efficient conduct of the SMRC by appointing 1 or 2 permanent part-time