

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

panel members who could also act as convenor if required.

Of the other amendments, which were accepted, those requiring legislative changes were that a person seeking a formal review of a SOP pursuant to section 196E of the VEA be required to state the reasons for that review and refer to evidence not used by the RMA in making the SOP (recommendation 14), that the Chair of the RMA be empowered to decline to undertake a formal review of a SOP if of the opinion that the request for review is not supported by reference to relevant evidence or is otherwise frivolous or vexatious (recommendation 15) and that the power of the RMA to consolidate more than one request for the review of a SOP be confirmed by amendment of the VEA (recommendation 16).

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