

## Appendix D – Freedom of Information Act section 8 Statement

### Functional statement of the Repatriation Commission, the Military Rehabilitation and Compensation Commission, and the Department of Veterans' Affairs

#### Repatriation Commission

The Repatriation Commission was established on 1 July 1920 by the *Australian Soldiers' Repatriation Act 1920*. When this Act and several subsequent Acts were replaced by the *Veterans' Entitlements Act 1986* (VEA) the Commission was retained.

The functions of the Repatriation Commission are to grant pensions and other benefits and provide treatment for veterans, their dependants and other persons; to advise the Minister on the operations of the VEA; and to generally administer the VEA, subject to the control of the Minister. For detailed information on the Commission, please refer to the Repatriation Commission Annual Report.

#### Military Rehabilitation and Compensation Commission

The Military Rehabilitation and Compensation Commission was established on 1 July 2004 by the *Military Rehabilitation and Compensation Act 2004* (MRCA).

The Military Rehabilitation and Compensation Commission has functions conferred on it by Part 3 of Chapter 9 of the MRCA that include making determinations under that Act accepting liability, the payment or provision of compensation, and the provision of services for treatment and rehabilitation. Functions are also conferred on the Commission by Part XI of the *Safety, Rehabilitation and Compensation Act 1988*. That Part confers on the Commission the functions:

- ▶ of determining and managing claims under the Safety, Rehabilitation and Compensation Act that relate to defence service that occurred before 1 July 2004
- ▶ of managing the provision of compensation and rehabilitation provided as a result of the making of the claims.

For detailed information on the Commission, please refer to the Military Rehabilitation and Compensation Commission Annual Report.

#### Department of Veterans' Affairs

The Department administers services to entitled members of the veteran and defence force communities, and provides policy advice and support to the Minister, the Repatriation Commission and the Military Rehabilitation and Compensation Commission. The Department's Executive is located in Canberra and there are offices in all state capitals.

### Decision-making and other powers of the Repatriation Commission, the Military Rehabilitation and Compensation Commission, and the Secretary the Department of Veterans' Affairs

The powers of the Repatriation Commission, the Military Rehabilitation and Compensation Commission, and the Secretary the Department of Veterans' Affairs are set out in legislation administered by the Minister for Veterans' Affairs. Legislation administered by the Minister is

published in the Administrative Arrangements Order which is available at <http://www.pmc.gov.au/parliamentary/index.cfm>. It should be noted that many of the powers of the Repatriation Commission, the Military Rehabilitation and Compensation Commission, and the Secretary of the Department of Veterans' Affairs are delegated to Department of Veterans' Affairs staff.

### **Arrangements for outside participation**

The Repatriation Commission, the Military Rehabilitation and Compensation Commission and the Department give high priority to interaction with the veteran and defence force communities. In addition to regular liaison and contact through formal committees and Round Tables, the Commission is represented at national and state conferences of major ex-service organisations. Input from ex-service and defence force organisations as well as from members of the general public who write to the Minister, the Repatriation Commission, or the Military Rehabilitation and Compensation Commission is considered in the formulation of departmental policies and practices.

### **Categories of documents maintained**

The following categories of documents are held on behalf of the Repatriation Commission, the Military Rehabilitation and Compensation Commission, and the Department of Veterans' Affairs.

#### **Briefs, submissions and reports**

Briefs, submissions and reports prepared for submission to the Repatriation Commission, the Military Rehabilitation and Compensation Commission, and the Minister.

#### **Manuals**

Manuals, guidelines, directions and administrative instructions relating to legislation administered by the Minister. The Department maintains a number of publications for the guidance of its staff and some non-departmental persons in the making of decisions. Full details of those manuals, guidelines, instructions and related documents held within the Department which are available for perusal and purchase by the public are contained in the statement prepared to comply with section 9 of the *Freedom of Information Act 1982*. The statement is available from the nominated Access Office, the National Archives of Australia, on their website [www.naa.gov.au](http://www.naa.gov.au)

#### **Titles, deeds and leases**

Title documents to property, deeds and leases to property owned or leased by the Repatriation Commission, the Military Rehabilitation and Compensation Commission, and the Department.

#### **Agendas, minutes and decisions**

Agendas, minutes and decisions of the Repatriation Commission and the Military Rehabilitation and Compensation Commission.

#### **Mailing lists**

The Department maintains mailing lists for its own use to disseminate information through media releases, publications, magazines and newsletters. The lists contain names and addresses of ex-service organisations, the media, members of the Senate and the House of Representatives, Australian Government departments and university libraries, local medical officers and other contracted health service providers, schools, museums, local government associations and historical and genealogical societies.

### Database records

A wide variety of client databases are held as computer files and printouts, index cards, microfiche, printed forms and statistical tabulations. Comprehensive statistical tables are published in the Department's annual report.

An electronic database is also held containing the contract details and other identifying information about clients, suppliers of goods and services, certain health care providers, and other users of the secure services, and is available through the main DVA website.

The Department maintains a database of contact information for the office holders of national ex-service organisations. This information is primarily used to disseminate information to ex-service organisations, but it is also provided to the organisations listed and to certain other Commonwealth agencies.

The Department maintains a nominal rolls database of those who served in Australia's armed forces in wars, conflicts and other defence operations overseas. The WWII and Korean War Nominal Roll websites are based on information from that database, and are publicly available.

For further details on the separate databases used by the Department, refer to the Personal Information Digest at [www.privacy.gov.au](http://www.privacy.gov.au)

### Files

The Department maintains files on a wide range of topics at its offices. These relate to policy, procedures and reports on departmental functions and activities. Other files relate to pensions, medical treatments, hospitals, education, loans, insurance, research projects, land acquisition, counselling, estate development, and discretionary grant applications relating to individual veterans, dependants and organisations.

### Films, videotapes and audiotapes

Photographs, slides, films, videotapes and audiotapes, dealing with training subjects, transcripts and commemorative events are held in DVA premises. Specialist reports on x-rays are kept in the patient's medical record.

### Medical records and reports

Medical treatment and examination records and reports, including those that were carried out in the Department's medical institutions in each state, are usually held in DVA or National Archives of Australia premises or the former Repatriation General Hospital in that state.

### Medical survey reports and samples

Medical Survey reports (including blood samples), obtained further to health studies undertaken by the Department, are retained by contracted agencies and are accessible through application to the Department. Appropriate protocols are in place to ensure confidentiality.

### Maps and plans

Maps and plans of departmental buildings and former medical institutions are held by the Department, as are maps of some places in the world where Australian, Commonwealth and allied forces have been on active service or are officially commemorated at war memorials or war graves. Sketch plans, working drawings and specifications for projects proposed or under construction also are held.

## Agreements

The Department holds copies of contracts, agreements and Memorandums of Understanding including agreements for provision of services to the veteran community (with hospitals, health providers, advisers and consultants, and arrangements with other countries), research agreements, supply of goods and services agreements, funding agreements, grant agreements, administrative arrangements and insurance agreements.

## Finance documentation

Finance documents maintained by the Department cover such areas as the chart of accounts, expenditure and revenue ledgers, receipt books, invoices, banking, estimates, budgeting and financial statements.

## Registers

Registers are maintained in various areas of the Department, principally for scheduling incoming correspondence and claims for pensions, benefits, allowances and services. Numerous other registers, covering such subjects as repairs to artificial limbs, appliances and footwear, examination and treatment matters, administration of the Department, allocation of file numbers, assets, shares, securities for loans and trust matters are also held.

## Technical reports

Technical or administrative reports are produced in different areas of the Department. Examples are establishment reports, audit reports, management review reports and equipment evaluations.

## Planning and information systems

These assist the Department to plan the proper use of resources and finances, evaluate current efficiency and supply statistics on the delivery of benefits to clients.

## Cabinet documentation

The ACT Office of the Department retains copies of submissions to the Cabinet of the current Government, as well as copies of other Departments' submissions where there is a matter of interest to the Veterans' Affairs portfolio. Also held is a copy of each Cabinet decision affecting the operations or policies of the Department and an index card to assist in referring to those decisions.

## Delegations, authorisations, opinions, decisions and instructions

The ACT Office holds the originals of the following:

- ▶ delegations under Veterans' Affairs portfolio legislation
- ▶ delegations and appointments under the *Public Service Act 1999* and regulations
- ▶ authorisations and appointments under the *Financial Management and Accountability Act 1997*
- ▶ authorisations and appointments under the Financial Management and Accountability regulations
- ▶ authorisations under the *Freedom of Information Act 1982*
- ▶ authorisations under the Repatriation Pharmaceutical Benefits Scheme (RPBS)
- ▶ statutory appointments relating to the Repatriation Commission, the Military Rehabilitation and Compensation Commission, the Veterans' Review Board, the Office of Australian War Graves and the Australian War Memorial.

## Available publications

Documents that are customarily made available include: annual reports; a directory of ex-service organisations; a booklet of figures concerning repatriation benefits and assistance; ad hoc commemorative publications; and a range of information pamphlets on various repatriation and compensation benefits, services and allowances. Ad hoc commemorative publications published by the Department are available for purchase at the Australian War Memorial Shop. Most departmental publications are available on the website [www.dva.gov.au](http://www.dva.gov.au)

Legislative instruments made by the Minister, the Repatriation Commission or the Military Rehabilitation and Compensation Commission are required to be registered in the Federal Register of Legislative Instruments under section 24 of the *Legislative Instruments Act 2003*. The legislative instruments are available to the public via the internet at <http://www.comlaw.gov.au>. They include: the Guide to the Assessment of Rates of Veterans' Pensions; Treatment Principles; Repatriation Pharmaceutical Benefits Scheme; Repatriation Private Patient Principles; Vehicle Assistance Scheme; Veterans' Children Education Scheme; the Guide to Determining Impairment and Compensation (GARP M); MRCA Treatment Principles; MRCA Pharmaceutical Benefits Scheme; MRCA Private Patient Principles; MRCA Rural Enhancement Scheme; MRCA Return To Work Scheme; Motor Vehicle Compensation Scheme; and the Military Rehabilitation and Compensation Act Education and Training Scheme.

## Document access

Facilities for access to documents are provided in the Department's offices. Departmental publications may be obtained from any of these offices. All new non-commercial publications will be available electronically on the Department's website at [www.dva.gov.au](http://www.dva.gov.au). Information about facilities for access for disabled people can be obtained by contacting the Department's FOI contact officers.

General inquiries about access to documents or other matters relating to freedom of information should be made to the FOI contact officers in the following capital cities, whose addresses and phone numbers are listed below.

Canberra: Lovett Tower, 13 Keltie Street, Woden, ACT 2606 or  
PO Box 21 Woden, ACT 2606  
Ph. (02) 6289 6208  
Ph. (03) 9284 6322 (Melbourne office)

Sydney: Centennial Plaza Tower B, 280 Elizabeth Street, Surry Hills, NSW 2010 or  
GPO Box 3994 Sydney, NSW 1141  
Ph. (02) 9213 7778

### **Repatriation Medical Authority**

The Repatriation Medical Authority (RMA) is a statutory authority established under section 196A of the *Veterans' Entitlements Act 1986* (VEA). Five eminent medical-scientific experts, each representing a speciality, are members of the RMA.

Under section 196B of the VEA the authority makes determinations on contentions about medical conditions that are based on sound medical-scientific evidence, and provide a relevant relationship between service and injury, disease or death.

The determinations of the RMA are issued in the form of statements of principles (SoPs) that are disallowable legislative instruments. The medical content of these statements is binding on decision makers at all levels, including the Repatriation Commission, the Veterans' Review Board, the Administrative Appeals Tribunal and the courts. SoPs are available in both hard copy and on the DVA website <http://www.dva.gov.au/pensions/statemnt/default.htm>

### **Specialist Medical Review Council**

The Specialist Medical Review Council is established under section 196V of the *Veterans' Entitlements Act 1986* (VEA). The members of the council are eminent medical practitioners and medical scientists whose names are put forward by the professional colleges. The council has power, under section 196W of the VEA, to review determinations by the RMA.