



The Specialist Medical Review Council

The Specialist Medical Review Council (SMRC) and the Repatriation Medical Authority (RMA) were established by 1994 amendments to the *Veterans' Entitlements Act 1986* (the VEA).

The Councillors of the SMRC are medical practitioners and medical scientists selected on the basis of their expertise in the injury or disease relevant to the Statement of Principles (SoP), subject to review.

The SMRC is convened whenever an application that is reviewable by the SMRC is received from an eligible person or organisation.

What decisions can be reviewed?

- the contents of a (SoP) in force determined by the RMA under Part XIA of the Act (this application will only be processed where the period within which the SoP may be disallowed has ended and the SoP has not been disallowed); or
- a decision of the RMA not to make a SoP in respect of a particular kind of injury, disease or death under subsection 196B(2) or (3); or
- a decision of the Repatriation Medical Authority not to amend a SoP in respect of a particular kind of injury, disease or death; or
- a decision of the RMA refusing under subsection 196C(4) to carry out an investigation where a person or organisation has asked the RMA under section 196E, to carry out an investigation, to review a decision of the RMA not to make a SoP, or to review the contents of a SoP in force.

Time limits – How soon must I apply?

- A request to review the contents of a Statement of Principles must be made **within three months** after the Statement of Principles was made, amended or last amended (s.196Y).
- A request for review of a decision of the RMA not to make a Statement of Principles in respect of a particular kind of injury, disease or death must be made **within three months** of the decision of the RMA (s.196Y).
- A request for review of a decision of the RMA refusing to carry out an investigation must be made **within three months** of the RMA refusal under subsection 196C(4) (s.196Z).

Who can lodge an application?

- a person eligible to make a claim for pension under Part II or IV of the VEA (that is, a veteran or a dependant of a veteran, or a member of the Defence Force or Peacekeeping Forces or a dependant of a member who is eligible to claim a repatriation pension about the injury, disease or death of the veteran or member); or
- a person eligible to make a claim for compensation under section 319 of the *Military Rehabilitation and Compensation Act 2004* (the MCRA) (that is, the person who sustained the injury or contracted the disease, or the dependant of a person who died, or the person who is entitled to the compensation. Alternatively, on behalf of such a person, with the person's approval, or by the person's legal representative, or if the person is unable to approve someone by a person approved by the Military Rehabilitation and Compensation Commission); or
- an organisation representing veterans, Australian mariners, members of the Forces, members of Peacekeeping Forces, or members within the meaning of the MRCA, or their dependants; or
- the Repatriation Commission; or
- the Military Rehabilitation and Compensation Commission.

How to request a review

If you wish to make requests about the contents of more than one Statement of Principles, or about additional RMA decisions, separate applications should be used for each request.

Review by the SMRC or a new investigation by the RMA?

The SMRC cannot itself make or amend Statements of Principles. Only the RMA can do that.

Accordingly if you want to have a SoP amended on the basis of new medical-scientific information you should request the RMA to carry out a new investigation in respect of that particular kind of injury disease or death.

If during the course of a 196Y review there is new information presented to the SMRC, or of which the SMRC is aware, it is possible for the SMRC to bring this to the RMA's attention when it writes its decision. It cannot, however, use new information (or any other information that was not before the RMA) to direct the RMA to amend the Statement of Principles under review.

What does the SMRC do?

In conducting a 196Y review, the SMRC must review all the information that was available to the RMA (that is, which was before the RMA) when it made the decision being reviewed by the SMRC. Further, that is the **only** information the SMRC may review.

The SMRC **cannot** review, or continue to review, a Statement of Principles which has been revoked by the RMA. If an application has been lodged seeking review of a Statement of Principles which is subsequently revoked by the RMA, and the new Statement of Principles does not address the concern, a new application seeking review of the new Statement of Principles must be lodged within three months of that Statement of Principles being determined by the RMA.

Possible SMRC decisions

The SMRC has the power:

- to direct amendments to a SoPs (by the RMA) or the determining of a SoPs (by the RMA);
- to require the RMA to reconsider the matter; or
- to declare that the making of a SoPs or amendment of an existing SoPs is not justified.

With respect to an application to the SMRC to review a decision of the RMA under subsection 196C(4), the SMRC may direct the RMA to carry out an investigation, or affirm the RMA's decision not to undertake an investigation. The SMRC may make any recommendations as to any future investigation to be undertaken by the RMA.

The SMRC's declarations are published in the Commonwealth Government Gazette. The SMRC's reasons for its declarations are available upon request, from the Registrar of the SMRC.

The SMRC does not make or review decisions about individual Repatriation pensions. If you have any queries regarding claims for pension you should contact the Australian Government Department of Veterans' Affairs.

Privacy notice

Your personal information is protected by law, including the *Privacy Act 1988*. Your personal information may be collected by the Department of Veterans' Affairs (DVA) for the delivery of government programs for war veterans, members of the Australian Defence Force, members of the Australian Federal Police and their dependants.

[Read more: How DVA manages personal information](#)

The information is being collected under subsections 196Y(3) and 196Z(2) of the VEA. Personal information on the form may be sent to the SMRC and the RMA under subsections 196Y(4) and 196Z(3) of the VEA.

How to contact the SMRC

The SMRC Secretariat can be contacted via:

The Registrar SMRC
PO Box 965
BRISBANE QLD 4001

If you need a call back or wish to send a fax to the SMRC, please email your contact details to SMRC.registrar@smrc.gov.au



Application for Review

This form should be completed by an eligible person or organisation who wishes to apply to the Specialist Medical Review Council (SMRC) for review of the contents of a Statement of Principles (SoPs), or a decision made by the Repatriation Medical Authority (RMA) not to make a SoPs or a decision by the RMA not to carry out an investigation under section 196C(4).

It is recommended that you read the Information for Applicants section before completing this form.

This form should be sent to an office of:

The Australian Government Department of Veterans' Affairs.

A list of offices appears on **page 6** of this application form.

1 Name of person or organisation seeking review

2 Address for correspondence
 POSTCODE

3 Contact details

Telephone

Home ()

Work ()

E-mail

4 I am eligible to make this request:
(please tick one box)

A person eligible to make a claim for a pension under Part II or Part IV of the *Veterans' Entitlements Act 1986* (the VEA).
Provide DVA File No. (if known)
In signing this form, I understand that the SMRC may check my eligibility with the Department of Veterans' Affairs.

A person eligible to make a claim for compensation under section 319 of the *Military Rehabilitation and Compensation Act 2004* (the MCRA).
Provide DVA File No. (if known)
In signing this form, I understand that the SMRC may check my eligibility with the Department of Veterans' Affairs.

An organisation representing veterans, Australian mariners, members of the forces, members of Peacekeeping forces, or members within the meaning of the MRCA, or their dependants.
In signing this form, I understand that the SMRC may check the eligibility of my organisation with the Department of Veterans' Affairs.

The Repatriation Commission.

The Military Rehabilitation and Compensation Commission.

5 I would like the Specialist Medical Review Council (SMRC) to review the following RMA decision

Decision

Statement of Principle (SoP) number *(if applicable)*

Date of decision or gazettal of SoP *(if known)* / /

Briefly state the grounds (your reasons) on which the review is sought by the SMRC. If you seek review of a decision of the RMA other than its decision not to carry out an investigation (under section 196C(4)), you will in due course be given the opportunity to make a written submission (and an oral submission complementing the written submission). However, if you seek review of an RMA decision under 196C(4) you need to make any written submission you wish to make in support of your request for review on this form.

In respect to a review requested under 196Y there is provision in the VEA, for a person having expertise in a relevant field to make a written submission.

6 Your submission should address the following issues:

If insufficient space for your answers, please attach additional sheet(s)

A. How you think the SoPs should be amended or why you think a SoPs should have been made by the RMA

B. Identify the medical-scientific information that was available to (before) the RMA, which supports your contention

This form should be sent to:

The Registrar
Specialist Medical Review Council
PO Box 965
Brisbane QLD 4001

Email: SMRC.registrar@smrc.gov.au

If you need a call back or wish to send a fax to SMRC, please email your contact details to SMRC.registrar@smrc.gov.au