



Administrative Appeals Tribunal

Overview

This Factsheet contains information about appeals to the Administrative Appeals Tribunal (AAT) on decisions on disability pensions and allowances under the *Veterans' Entitlements Act 1986* (VEA), decisions under the *Safety, Rehabilitation and Compensation Act 1988* (SRCA), and decisions under the *Military Rehabilitation and Compensation Act 2004* (MRCA).

What is the AAT?

The AAT is an independent review body with power to review all decisions of the Veterans' Review Board (VRB) as well as decisions made by delegates of the Military Rehabilitation and Compensation Commission (MRCC) under SRCA and MRCA.

The AAT can also review certain Repatriation Commission decisions relating to specific veterans' allowances.

What is the scope of AAT review?

The AAT conducts a review on the merits of the case. This involves a reconsideration of all evidence and all issues of fact and law. The AAT is not limited by the decision under review. Further investigations may be undertaken (if appropriate) and additional evidence may be obtained and considered.

Which decisions can the AAT review?

Under the VEA, the AAT can review any decision of the VRB, and a decision of the Repatriation Commission relating to any of the following allowances, provided the decision has been first reviewed by the Repatriation Commission:

- clothing allowance;
- most decisions on funeral benefit;
- decoration allowance;
- Victoria Cross allowance;
- recreation transport allowance;
- temporary incapacity allowance; *and*
- loss of earnings allowance.

Under the SRCA, you can make an application to the AAT to review a decision providing you have already lodged a request for reconsideration of that decision by the MRCC and you have been advised in writing of the outcome of the reconsideration.

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Under the MRCA, the AAT can review any decision of the VRB (lodged within three months after receipt of decision), and can also review an initial reconsideration decision by the MRCC (must be lodged no more than 60 days after receipt of decision)

How do I apply to the AAT?

You can write a letter to the AAT or fill out a form available at AAT offices. You must include:

- the name of the decision maker
- whether the decision was made by the Repatriation Commission, the Military Rehabilitation and Compensation Commission or the VRB;
- the date of the decision
- brief reasons why you think the decision is wrong; and
- a copy of the decision.

What are the time limits?

For VEA claims, to preserve the benefit of maximum possible payment, you must:

- apply within three months of receipt of the decision you are appealing against; or
- not more than twelve months after receipt of the decision.

For SRCA claims, you must apply within 60 days of receiving written advice from DVA of the outcome of your request for reconsideration.

For MRCA claims, an application to the AAT for review of a VRB decision must be lodged in writing with the AAT within three months of the day you receive the VRB's decision. An application to the AAT for a review of a MRCC reconsideration must be lodged in writing with the AAT no more than 60 days after the date you receive the reconsideration decision.

If you apply more than twelve months after receipt of the decision you need to ask for an extension of time and explain the delay. For SRCA and MRCA cases any applications outside stipulated time frames will involve extension of time requests and the Tribunal will normally send the Respondent notice asking if there is any opposition.

What fees must I pay?

As an applicant for review of a decision under the VEA & SRCA you are exempted from paying fees to the AAT. MRCA applicants should check with their local AAT registry regarding fees.

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Disclaimer

The information contained in this factsheet is general in nature and does not take into account individual circumstances. You should not make important decisions, such as those that affect your financial or lifestyle position, e.g. retirement, on the basis of information contained in this factsheet. Where you are required to lodge a written claim for a benefit, you must take full responsibility for your decisions prior to the written claim being determined. You should seek confirmation in writing of any oral advice you receive from DVA relating to complex or important matters.

Other Factsheets

Other Factsheets related to this topic include:

- *DP 18 Making a Claim/Applying for an Increase in Disability Pension*
- *DP 84 Rights of review in respect of a decision on your claim for compensation and entitlements*
- *MCS 14 Decision Review*
- *MRC 25 How to Make a Claim Under the Military Rehabilitation and Compensation Act 2004*
- *MRC 27 Reconsideration and Review of Decisions.*

More information

All DVA Factsheets are available from DVA offices, and on the DVA website at www.dva.gov.au.

You can phone DVA for the cost* of a local call on 133 254 or free call 1800 555 254 if you are outside a major city

Note: *Use a normal landline phone if you can. Mobile phone calls may cost you more. Local call rates vary depending on your phone service provider.

You can send an email to DVA at: GeneralEnquiries@dva.gov.au

You can get more help from any DVA office.