



Administrative
Appeals
Tribunal



Annual Report 2013–14

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Administrative
Appeals
Tribunal

Annual Report 2013–14

This report

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More information about the Tribunal is on the Tribunal's website, www.aat.gov.au.

Photos on front cover: Graynoise, Leighton Hutchison

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22 September 2014

Senator the Hon George Brandis QC
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

In accordance with section 24R of the *Administrative Appeals Tribunal Act 1975*, I am pleased to present to you a report on the operations of the Administrative Appeals Tribunal for the year ended 30 June 2014.

The report has been prepared in accordance with the *Requirements for Annual Reports* approved by the Joint Committee of Public Accounts and Audit.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Duncan Kerr', written over a large, stylized, light-colored scribble.

DUNCAN KERR

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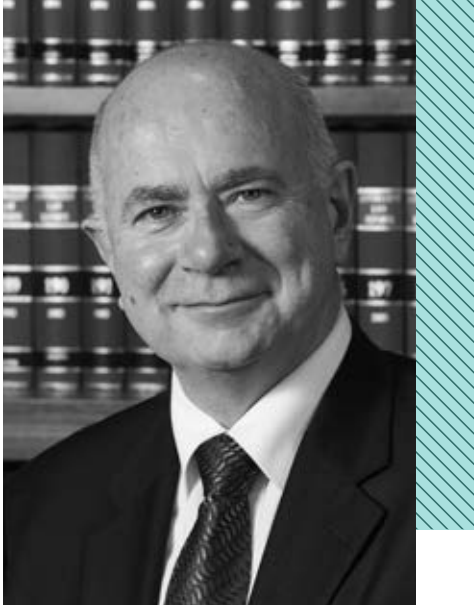
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Chapter 01

THE YEAR
IN REVIEW

PRESIDENT'S OVERVIEW



Speaking at the launch of the Merits Review Special Edition of the *University of Queensland Law Journal* in October 2013 I reflected on the fact that every year, while perhaps tens of thousands of Australians will seek judicial review of administrative decisions, hundreds of thousands of Australians apply for one or another form of merits review.

Following the Administrative Appeals Tribunal's establishment in 1976, it became a model for merits review that has been drawn on across the Commonwealth and in most states and territories. After nearly 40 years the Tribunal still operates largely without fanfare offering accessible, informal and relatively cheap processes where those

who are affected can challenge the merits of administrative decisions.

Merits review in the Tribunal is undertaken by independent members supported by qualified and skilled alternative dispute resolution practitioners and the Tribunal's other registrars and support staff. The *Administrative Appeals Tribunal Act 1975* allows the Tribunal to review challenged decisions and, if a better decision could have been made, to make the correct or preferable decision.

These important rights are undervalued because Australians now take them for granted. That is understandable but illusory. While merits review seems firmly built into the architecture of the Australian system of government it remains exclusively the product of statute. To retain the support of the public and the Parliament, the Tribunal is keenly aware that it must remain responsive to the obligations set out in section 2A of the AAT Act: that is to ensure that its review functions continue to be economical, prompt and fair.

PRACTICE AND PROCEDURE DEVELOPMENT

The past 12 months have seen the Tribunal build robustly on its already strong foundations.

The Tribunal issued a new practice direction to support tailor-made procedures for the review of decisions made by the National Disability Insurance Agency under the National Disability Insurance Scheme. Applicants in the NDIS Division have a single point of contact within the Tribunal and there are streamlined mechanisms to ensure that delay and complexity in reviewing issues arising under the scheme will be minimised.

After wide consultations with our stakeholders, the Tribunal has introduced a practice direction to provide for expedited

review of those matters requiring urgent hearing and decision-making. It also adopted procedures intended to eliminate ‘trial by ambush’ where video surveillance evidence is concerned.

Those initiatives, and others like them, arose out of a shared commitment by the Tribunal’s staff, Conference Registrars and members to contribute to the Tribunal’s system of effective and integrated dispute resolution.

With more than 450 Acts and legislative instruments conferring jurisdiction on the Tribunal, no single approach can suit the circumstances of every review. However, these changes mean that we can be better at adapting our procedures to meet the diverse requirements of applicants, government agencies and other decision-makers across the range of jurisdictions in order to fulfil the Tribunal’s mission of undertaking high-quality merits review in a manner that is fair, just, economical, informal and quick.

TRIBUNAL PERFORMANCE

Sometimes a desire for speed and the requirement for a just solution give rise to conflicting rather than complementary pressures. When that happens speed must give way to fairness because the Tribunal has a legal duty to observe the rules of natural justice.

However, it is very pleasing that during this reporting period the Tribunal has exceeded its benchmark target of ensuring that 75 per cent of all reviews are completed within a year of their being lodged.

I am particularly proud of the significant effort, chiefly encouraged by Deputy President Hack, which has been made by our members, Conference Registrars and staff in the Taxation Appeals Division to improve timeliness. A taxpayer challenging an assessment can choose between proceeding in the Tribunal or in the Federal Court of Australia. It reflects the high standing of the Tribunal members who deal with this workload in the eyes of the community that approximately 80 per cent of all tax matters are commenced in the Tribunal. The data in this report shows that from a 2012–13

baseline of 67 per cent the Tribunal has significantly improved the rate of finalisation and is currently completing 77 per cent of matters lodged within that Division within 12 months.

A highlight of the year was the Tribunal’s biennial National Conference. We were greatly honoured that the Attorney-General, Senator the Hon George Brandis QC, made himself available to open the conference. The work of the conference delegates will continue to be reflected in improving our outcomes in managing the work of the Tribunal and ensuring that we provide the best possible integrated dispute resolution system. Our members are the visible part of the iceberg—but our staff and Conference Registrars are critical parts of a team that achieves the remarkable result that approximately 80 per cent of matters lodged in the Tribunal can be resolved without a requirement for a formal hearing.

TRIBUNAL INDEPENDENCE

In the Tribunal’s *Annual Report 2012–2013* I observed that, ‘As Peter Cane observed in *Administrative Tribunals and Adjudication*, [R]eview by the AAT involve[s] the transformation of the decision-making process from a two-party to a three-party affair by the insertion of a neutral third party’.

For such a process to command the confidence of the community, Tribunal decision-makers must be, and must be perceived to be, neutral – independent of any government agency, person or body whose decision is under review.

Recently the Australasian Institute of Judicial Administration, in association with the Council of Australasian Tribunals (COAT), published *Tribunal Independence* based on research the Institute commissioned from Associate Professor Pamela O’Connor. As President of the Tribunal and in my roles with the Institute and the Council I want to ensure that Associate Professor O’Connor’s ground-breaking work focusing on best practice to ensure tribunal independence gets the attention it deserves. An electronic version of that report is on the COAT website.

THE FUTURE

The Tribunal's future will inevitably be impacted by the Government's budget announcement that it intends to amalgamate the Tribunal with the Migration Review Tribunal – Refugee Review Tribunal, the Social Security Appeals Tribunal and the Classification Review Board. At the launch of the Merits Review Special Edition of the *University of Queensland Law Journal*, well before that announcement, I had proposed that it might be timely to revisit the recommendations of the Administrative Review Council's *Better Decisions Report* of 1995 which proposed the amalgamation of all Commonwealth merits review bodies.

While the principle is sound and I have welcomed the Government's announcement, until the details are known large change is unsettling. I will work with the staff and members of the Tribunal and liaise closely with the Attorney-General to ensure that the process builds on the Tribunal's legacy of professional and independent decision-making. Once that fundamental objective is secured, the procedures of a merged tribunal can continue to evolve on the basis that no single approach will suit the circumstances of every case. It is in the Government's and the Tribunal's shared interest that the proposed amalgamated tribunal will continue to fulfil the central mission of undertaking high-quality merits review.

OUR PEOPLE

Finally I must take the opportunity to welcome those members of the Tribunal who were appointed during this reporting period and farewell those whose terms came to an end.

WELCOME

The Tribunal was particularly pleased to welcome four part-time Members appointed because of their experience relevant to the NDIS Division. They are Lynne Coulson Barr (Victoria), Professor Ronald McCallum AO (NSW), Ms Sandra Taglieri (Tasmania) and Mr Ian Thompson (South Australia). The Tribunal also welcomed part-time Senior Member Dr Nicholas Manetta in South

Australia. All of our new members have already made a significant contribution to the work of the Tribunal.

FAREWELL

The tenure of two of our most valuable presidential members, the Honourable Justice Cowdroy and the Honourable Justice Lander, came to an end with their departure from the Federal Court of Australia. I cannot overstate the value that the Tribunal places on having available to it the service of presidential members holding joint commissions with the Federal or Family Courts of Australia. Where matters involve great issues or are novel and complex, their willingness to contribute to the work of the Tribunal has repeatedly proven its value.

During the year Member Dr Kerry Breen AM resigned from the Tribunal to focus on his medical research and writing. He was a much used and appreciated member of the Tribunal in Melbourne and will be greatly missed.

The term of Senior Member Narelle Bell expired at the end of this reporting year. She was an outstanding member and mentor and still has much to offer to public service.

And, last but far from least, after a decade of service Deputy President Ray Groom AO advised that he would be relinquishing his position with the Tribunal and as Executive Deputy President for Tasmania. DP Groom helped me find my feet in Hobart after my appointment and I thank him for that. He departed the Tribunal with a rare record for such a long serving member: none of his decisions became the subject of a successful appeal.

REGISTRAR'S REVIEW



In 2013–14 the Tribunal improved its performance against key indicators notwithstanding an 18 per cent increase in its workload. At the same time it continued to develop and implement a range of strategic and operational projects designed to maintain its role as an accessible, expert and innovative organisation that ensures administrative justice for individuals and organisations and improves the quality of government decision-making. I once again acknowledge the hard work of the members and staff of the Tribunal that has led to these achievements.

During the reporting year the Tribunal received 7,263 applications, compared with 6,176 in 2012–13. The number of applications finalised also increased, from 6,042 to 6,748. Eighty-two per cent of applications were finalised within 12 months of the date of lodgement, compared with 76 per cent 2012–13. The greater number of applications did, however, result in a 10 per cent increase in the number of applications on hand as at 30 June 2014. Further information about the Tribunal's workload is set out in Chapter 3 and Appendix 4.

In the first half of 2014 the Tribunal prepared its new Strategic Plan 2014–2017. Finalisation of the Plan coincided with the Government's announcement that the Tribunal will be merged with the Migration Review Tribunal – Refugee Review Tribunal, Social Security Appeals Tribunal and the Classification Review Board from 1 July 2015. While elements of the Plan will be refined as work towards the amalgamation progresses, most aspects will be important to the Tribunal's operations during the next 12 months and will be relevant to the strategic priorities of the merged tribunal in the future. The proposed amalgamated tribunal creates a significant opportunity to strengthen the existing merits review system by building on the successful processes and practices of the tribunals that are to be brought together.

On 1 July 2013 the Tribunal's jurisdiction to review certain decisions of the National Disability Insurance Agency commenced. This provided an opportunity to implement new case management procedures; increase collaboration between members, registrars and other staff; enhance the Tribunal's electronic case management system; develop new information products and introduce new monitoring and evaluation measures (including a mechanism for regular user feedback throughout the review process).

These developments are now being adopted, or are informing innovations, in other areas of the Tribunal's jurisdiction. In particular, an integrated dispute resolution project has been established to help capture and build upon the National Disability Insurance Scheme and other initiatives.

In June 2014 the Tribunal's Canberra District Registry moved into new accommodation following the end of its previous lease. The new design and fit-out is a considerable improvement on the previous accommodation and illustrate how the Tribunal's property master plan and strategic property principles work in practice. During the year the Tribunal initiated discussions with the Migration Review Tribunal–Refugee Review Tribunal, Social Security Appeals Tribunal and Veterans Review Board about new opportunities for co-location in Adelaide, Brisbane and Perth as leases end. These principles and discussions will now help inform the development of a broader strategic property plan to guide the location and design of consolidated property arrangements for the amalgamated tribunal over the next few years.

During the reporting year the Tribunal continued to progress a number of projects as part of the Electronic Services and Information Management Programme. In particular, it implemented a new information and records management framework that will help to support the move to an electronic document and records management system. The Tribunal's new records authority was formally approved by the National Archives of Australia and implemented in all registries.

In 2013–14 the Tribunal successfully developed and implemented policies and guidelines to comply with the requirements of the Protective Security Property Framework, Rehabilitation Management Scheme, *Public Governance, Performance and Accountability Act 2013* and *Public Interest Disclosure Act 2013*. It also strengthened the governance of, and updated its policies and arrangements for, business continuity, disaster recovery, fraud control and risk management.

During the reporting year the Tribunal continued to work closely with the Attorney-General's Department on amendments to the *Administrative Appeals*

Tribunal Act 1975 and the *Administrative Appeals Tribunal Regulations 1976*. It also worked with the Department and other agencies on issues relating to expected changes in the Tribunal's workload, including the impact of the Government's proposal to broaden the range of corporations that may apply to be covered by the *Safety, Rehabilitation and Compensation Act 1988*, and to transfer the merits review of Freedom of Information matters, currently undertaken by the Office of the Australian Information Commissioner, to the Tribunal from 1 January 2015.

The Tribunal recorded an operating surplus for 2013–14, before taking depreciation into account, primarily as a result of lower than anticipated spending on supplier and employee costs during the year. This was due in part to a significantly smaller number of National Disability Insurance Scheme cases being lodged than had been expected.

During 2013–14 there were various changes in the membership and staff of the Tribunal. I record my thanks for the contributions made by those members and staff whose time at the Tribunal came to an end during this period, and welcome the members and staff who have joined us. The President's overview sets out some of the membership changes. There were also some important staff changes, including the departure of District Registrars Clare Byrt and Lee Cross, long-serving Conference Registrar Helen Lacey and the inaugural Executive Director, Operations, Megan Cassidy. The Tribunal welcomed the return of Michelle Grau as the District Registrar in Brisbane and Catherine Cashen as the District Registrar in Adelaide, and the appointment of Franca Petrone as a Conference Registrar in Adelaide.

During the next 12 months the Tribunal must continue to provide a high-quality merits review mechanism while working towards the successful amalgamation with other key merits review tribunals from 1 July 2015. I am confident that the members and staff of the Tribunal will meet the challenges that these dual tasks present.

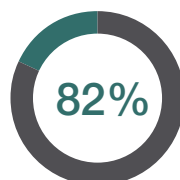
2013–14 HIGHLIGHTS AND ACHIEVEMENTS



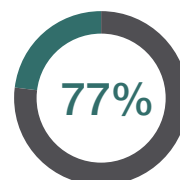
applications lodged with the Tribunal – 18 per cent more than in 2012–13



applications finalised with 82 per cent finalised other than by way of a Tribunal decision following a hearing – three percentage points higher than in the previous year



of applications finalised within 12 months of lodgement compared with 76 per cent in 2012–13



In the Taxation Appeals Division, 77 per cent of applications finalised within 12 months, an improvement of 10 percentage points over the result for the previous year

Our users – to provide a high-quality independent merits review process that is fair, just, economical, informal and quick

- 7,263 applications lodged with the Tribunal – 18 per cent more than in 2012–13
- 6,748 applications finalised with 82 per cent finalised other than by way of a Tribunal decision following a hearing – three percentage points higher than in the previous year
- 82 per cent of applications finalised within 12 months of lodgement compared with 76 per cent in 2012–13
- In the Taxation Appeals Division, 77 per cent of applications finalised within 12 months, an improvement of 10 percentage points over the result for the previous year
- The Tribunal began reviewing decisions made under the National Disability Insurance Scheme, employing a case management model that aims to deliver a review process that is accessible, fair, informal and quick.
- Changes to practice and procedure were introduced in the workers' compensation jurisdiction to promote effective case management and the timely progress of applications
- Two new practice directions were issued, one dealing with release from the implied undertaking not to use documents obtained under compulsion in Tribunal proceedings and the second with the use of video surveillance material at the Tribunal. The Tribunal also developed and consulted on a practice direction for the expedited review of certain decisions in the Tribunal
- The Tribunal reviewed its policies and procedures relating to access to information and privacy, publishing its new Privacy Policy and new web pages dealing with access to information and documents in Tribunal proceedings
- Two new guidelines jurisdiction were issued in relation to alternative dispute resolution at the Tribunal: *Confidentiality in ADR Processes* and *The Duty to Act in Good Faith in ADR Processes*
- New fact sheets for the National Disability Insurance Scheme and access guides for each of the Tribunal's registries were published in 2013–14. Brochures and the Service Charter were made available in more community languages
- The Tribunal's Reconciliation Action Plan was reviewed and updated and the *Working with Aboriginal and Torres Strait Islander People at the Administrative Appeals Tribunal* guide for Tribunal members and staff was published

Our relationships – to engage effectively with government, tribunals, the legal profession and other interested organisations in Australia and internationally

- The Tribunal made a submission to the Productivity Commission's Inquiry into Access to Justice Arrangements and worked with the Australian Bureau of Statistics on a project to analyse data gaps in the collection of consistent data on the civil justice system
- The Tribunal engaged with other Commonwealth merits review tribunals in a range of forums, including the Commonwealth Tribunals Collaborative Forum and the Commonwealth Heads of Tribunals, as well as with the Attorney-General's Department in the context of the Government's decision to amalgamate the Administrative Appeals Tribunal, the Classification Review Board, the Migration Review Tribunal–Refugee Review Tribunal and the Social Security Appeals Tribunal from 1 July 2015
- Cooperative service arrangements continued with the Federal Court, Migration Review Tribunal–Refugee Review Tribunal, Social Security Appeals Tribunal, Supreme Court of Norfolk Island and Veterans' Review Board
- Tribunal members and staff continued to be active participants in the Council of Australasian Tribunals and other forums, and gave presentations at a wide range of conferences and seminars as well as to community organisations
- The Tribunal piloted a new Negotiating Outcomes on Time Competition (Noot) to offer students an insight into conciliation processes at the Tribunal. It complements the Tribunal's National Mooting Competition to give students a comprehensive experience of the administrative review process at the Tribunal
- The Tribunal offered a significant number of internship and work experience placements in 2013–14. A memorandum of understanding was entered into with the University of Newcastle regarding placements for law students

Our organisation – to manage our resources strategically and effectively

- The Tribunal developed a new Strategic Plan for 2014–17
- The Tribunal reviewed and updated its Business Continuity Plans, Fraud Control Plan and Risk Management Plan
- The Tribunal achieved a high level of compliance against the Australian Government Protective Security Policy Framework
- The Canberra Registry successfully located to new, more efficient premises designed in accordance with the Tribunal's strategic property principles
- The Tribunal implemented a new information and records management framework and policy as well as a new records authority approved by the National Archives of Australia under the *Archives Act 1983*
- An enhanced internal weekly *AAT Bulletin* was launched improving access to the latest information on reported cases, new books and journal articles
- A major server upgrade was completed and the Tribunal moved to a new secure internet gateway supporting the robustness of the Tribunal's ICT systems

Our people – to maintain a professional, productive, rewarding and safe workplace

- The Tribunal delivered extensive training for members and staff to prepare for its new National Disability Insurance Scheme jurisdiction with sessions on disability awareness, accessibility issues, support schemes for applicants and the Tribunal's case management approach
- A successful National Conference was held for members, registrars and staff offering an opportunity to discuss the development of more effective integrated dispute resolution processes and to build capacity through professional development on a range of practical topics
- Training on foundation and core knowledge and skills was conducted for all staff in all registries on topics including the APS Values, Code of Conduct and Employment Principles, privacy and confidentiality, records management and security awareness
- The Tribunal's managers participated in a pilot of the Australian Public Service Commission's new Performance Management learning program
- An audit of the Tribunal's Rehabilitation Management System confirmed full compliance with Comcare's *Guidelines for Rehabilitation Authorities 2012*
- A survey of members and staff indicated increased levels of satisfaction with internal communication following the introduction of the monthly internal newsletter in 2012–13



Chapter

02

OVERVIEW OF
THE TRIBUNAL

The Tribunal provides independent merits review of administrative decisions. It aims to provide a review mechanism that is fair, just, economical, informal and quick.

The Tribunal falls within the portfolio of the Attorney-General.

ESTABLISHMENT

The Tribunal was established by the *Administrative Appeals Tribunal Act 1975* and commenced operations on 1 July 1976. The AAT Act and the *Administrative Appeals Tribunal Regulations 1976* set out the Tribunal's functions, powers and procedures.

FUNCTIONS AND POWERS

REVIEW OF DECISIONS

The Tribunal reviews a wide range of administrative decisions made by Australian Government ministers, departments, agencies and some other tribunals. In limited circumstances, the Tribunal can review administrative decisions made by state government and non-government bodies. The Tribunal can also review decisions made by the Norfolk Island Government.

Merits review of an administrative decision involves considering afresh the facts, law and policy relating to that decision. The Tribunal considers the material before it and decides what is the correct — or, in a discretionary area, the preferable — decision. It will affirm, vary or set aside the decision under review.

The Tribunal is not always the first avenue of review of an administrative decision. In some cases, the Tribunal cannot review a decision until there has been an internal review of the primary decision. In other cases, review by the Tribunal is only available after intermediate review by a specialist tribunal — for example, an application for review of a family assistance or social security decision may be made only after review by the Social Security Appeals Tribunal.

Section 33 of the AAT Act requires that proceedings of the Tribunal be conducted with as little formality and technicality, and with as much expedition, as the requirements of the Act and a proper consideration of the matters before the Tribunal permit. The Tribunal is not bound by the rules of evidence and can inform itself in any manner it considers appropriate.

JURISDICTION

The Tribunal does not have a general power to review decisions made under Commonwealth or Norfolk Island legislation. The Tribunal can only review a decision if an Act, regulation or other legislative instrument states that the decision is subject to review by the Tribunal.

The Tribunal has jurisdiction to review decisions made under more than 400 Commonwealth Acts and legislative instruments. The largest part of the Tribunal's workload arises from applications about decisions in the areas of family assistance and social security, taxation, veterans' affairs and workers' compensation. The Tribunal also reviews decisions relating to bankruptcy, child support, civil aviation, citizenship and immigration, corporations and financial services regulation, customs, freedom of information, industry assistance, mutual recognition of occupations, passports, and security assessments by the Australian Security Intelligence Organisation (ASIO). Since 1 July 2013, the Tribunal's jurisdiction includes the review of decisions made under the National Disability Insurance Scheme.

In relation to Norfolk Island, the Tribunal has jurisdiction to review decisions made under 39 enactments. The decisions subject to review are specified in the Administrative Appeals Tribunal Regulations and include decisions about customs, planning and social services.

Appendix 3 contains a list of the Commonwealth and Norfolk Island enactments under which decisions may be made that can be reviewed by the Tribunal.

DIVISIONS

The Tribunal exercises powers in divisions: the General Administrative, National Disability Insurance Scheme, Security Appeals, Taxation Appeals and Veterans' Appeals Divisions. The Taxation Appeals Division is known as the Small Taxation Claims Tribunal for the review of certain tax decisions, including where the amount of tax in dispute is less than \$5,000.

ORGANISATION

The Tribunal consists of the President, other presidential members (who may be judges or Deputy Presidents), Senior Members and Members. The President, with the assistance of the Registrar, is responsible for managing the Tribunal and its resources. Staff are employed under the *Public Service Act 1999* to assist the Tribunal to carry out its functions.

MEMBERSHIP OF THE TRIBUNAL

Members of the Tribunal are appointed by the Governor-General. The qualification requirements for the different categories of members are set out in the AAT Act and are outlined below. Appointments to the Tribunal may be full-time or part-time.

Presidential members can exercise powers in any of the Tribunal's divisions. Senior Members and Members may only exercise powers in the division or divisions to which they have been assigned.

There were 89 members of the Tribunal at 30 June 2014. See Table 2.1 for the breakdown of full-time and part-time members by category. See Appendix 1 for a list of the Tribunal's members by state and territory, the divisions to which each non-presidential member was assigned at 30 June 2014, and a profile of each member other than judges of the Federal Court and Family Court.

President

The Hon Justice Duncan Kerr, *Chev LH* was appointed a judge of the Federal Court of Australia on 10 May 2012. He was appointed President of the Tribunal on 16 May 2012 for a term of five years.

The President of the Tribunal must be a judge of the Federal Court.

Other presidential members

Judges of the Federal Court and the Family Court may be appointed as part-time presidential members of the Tribunal.

To be eligible for appointment as a Deputy President, a person must have been enrolled as a legal practitioner for at least five years.

Senior Members

A Senior Member must have been enrolled as a legal practitioner for at least five years or have special knowledge or skills relevant to the duties of a Senior Member.

Members

A Member must have knowledge or skills relevant to the duties of a Member. Current Members have expertise in areas including accountancy, aviation, disability, engineering, law, medicine, pharmacology, military affairs, public administration and taxation.

Table 2.1 Tribunal membership, 30 June 2014

Category of member	Judge	Full-time	Part-time	Total (Women)
President	1			1 (0)
Presidential members:				
Federal Court judges	11			11 (3)
Family Court judges	3			3 (2)
Deputy Presidents		6	7	13 (3)
Senior Members		8	16	24 (11)
Members		2	35	37 (13)
Total	15	16	58	89 (32)

REGISTRAR AND EXECUTIVE DIRECTORS

The Tribunal's Registrar is Philip Kellow. He began his five-year appointment as Registrar on 22 July 2010.

The Registrar assists the President to manage the Tribunal and advises on its operations and performance. The Registrar may act on behalf of the President in the administration of the Tribunal.

The position of Registrar is a statutory office appointed by the Governor-General. The Registrar is the agency head for the purposes of the Public Service Act, responsible for the employment of the Tribunal's staff on behalf of the Commonwealth. The Registrar was the Chief Executive for the purposes of the *Financial Management and Accountability Act 1997*, and became the Accountable Authority under the *Public Governance, Performance and Accountability Act 2013* on 1 July 2014.

The Registrar is assisted by two Executive Directors who hold office as senior executives in the Australian Public Service. The Executive Director, Information and Development is Christopher Matthies and the Executive Director, Operations is Nerrilee Cuthbertson. For information on their areas of responsibility, see Figure 2.3 below.

STAFF

Tribunal staff are employed under the Public Service Act as ongoing, non-ongoing or intermittent employees. At 30 June 2014, the Tribunal had 156 staff.

See Appendix 2 for more staffing information, including equal employment opportunity data.

REGISTRIES

Principal Registry

Principal Registry staff advise and assist the President and the Registrar, and provide a range of services for members and staff. They are responsible for communications, financial management, human resource management, legal and policy services, library and information services, property, security and technology services, and for overseeing the Tribunal's alternative dispute resolution processes. Principal Registry staff are in Brisbane, Hobart, Perth and Sydney.

District Registries

There are District Registries in each of the state capital cities and in Canberra. The Brisbane Registry manages Northern Territory applications and is responsible for ensuring an effective level of service to Northern Territory residents. The registry service in Hobart is provided by the Federal Court. The Supreme Court of Norfolk Island provides basic registry services on Norfolk Island with applications managed principally by the Sydney Registry.

In each District Registry, a Deputy President or Senior Member is appointed Executive Deputy President/Senior Member. The Executive Deputy President/Senior Member and the District Registrar are responsible for local registry management. District Registrars are assisted by Deputy District Registrars.

Conference Registrars are appointed by the President in each District Registry to conduct the majority of the conferences held by the Tribunal. They also conduct other alternative dispute resolution processes.

District Registry staff:

- provide information to parties and their representatives and the general public on the operation and procedures of the Tribunal
- process applications
- facilitate the listing and conduct of conferences, other alternative dispute resolution processes and hearings, and
- provide administrative and other support services to members.

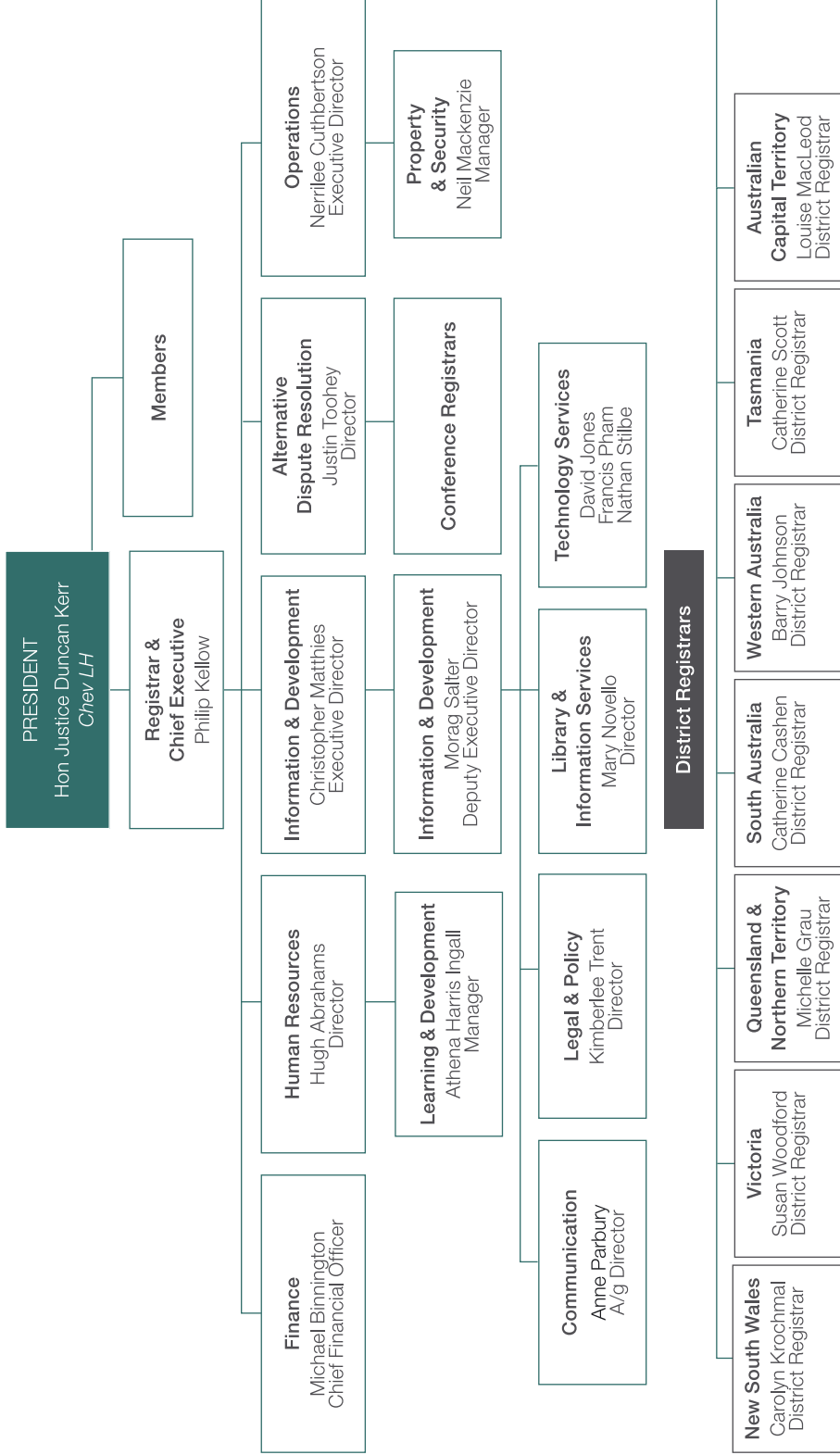
Table 2.2 lists the Executive Deputy Presidents/Senior Member at 30 June 2014.

Table 2.2 Executive Deputy Presidents/Senior Member, 30 June 2014

State/Territory	Executive Deputy Presidents/Senior Member
Australian Capital Territory	Senior Member Professor Robin Creyke
New South Wales	Deputy President Robin Handley
Queensland/Northern Territory	Deputy President Philip Hack SC
South Australia	Deputy President Katherine Bean
Tasmania	Deputy President Raymond Groom AO
Victoria	Deputy President James Constance
Western Australia	Deputy President Stanley Hotop

Figure 2.3 shows the administrative structure of the Tribunal, including senior staff.

Figure 2.3 Administrative structure of the Tribunal, 30 June 2014



TRIBUNAL COMMITTEES

A number of committees comprising Tribunal members and staff advise and assist the President in relation to the management of the Tribunal.

Alternative Dispute Resolution Committee

The Alternative Dispute Resolution Committee considers issues relating to alternative dispute resolution processes in the Tribunal, including the development of policies and guidelines for their use. The committee is chaired by the Tribunal's Director, Alternative Dispute Resolution and includes four members and two Conference Registrars.

Executive Committee

The Executive Committee provides high level advice and assistance to the President on executive management issues, including oversight of the Tribunal's Strategic Plan. It is chaired by the President and its members include Deputy President Constance, the Registrar, the Executive Directors, the Director, Alternative Dispute Resolution and District Registrar Carolyn Krochmal.

Executive Deputy Presidents Committee

The Executive Deputy Presidents Committee comprises the President and the Executive Deputy President/Senior Member for each District Registry. It is the primary mechanism for the Executive Deputy Presidents to discuss issues relating to the management of the Tribunal and to provide high level input to the President on key developments.

Library Committee

The Library Committee oversees the development and improvement of the Tribunal's library collection and the delivery of training related to the use of library services. It is chaired by Deputy President Hotop and consists of three other members, the Executive Director, Information and Development and the Director, Library and Information Services.

NDIS Monitoring Committee

The NDIS Monitoring Committee oversees the operations and performance of the Tribunal's NDIS Division and supports best practice in the NDIS Division. The committee is chaired by Senior Member Toohey and includes Senior Member Handley, the Registrar, the Executive Directors, the Director, Alternative Dispute Resolution, and the Tribunal's Manager, Learning and Development.

Practice and Procedure Committee

The Practice and Procedure Committee oversees the development and implementation of changes to the management and resolution of applications before the Tribunal and facilitates the adoption of consistent best practice case management practices. It is chaired by the President and includes either the Executive Deputy President/Senior Member or District Registrar from each registry, the Registrar, the Executive Directors and the Director, Alternative Dispute Resolution.

Practice and Procedure Consultative Group

The Practice and Procedure Consultative Group identifies and provides feedback to the Practice and Procedure Committee on issues and proposed improvements in relation to case management and dispute resolution. Members of the committee are the President, the Executive Deputy Presidents/Senior Member, the Registrar, the Executive Directors, the District Registrar of each registry and the Director, Alternative Dispute Resolution.

Professional Development Committee

The Professional Development Committee considers matters relating to the professional development of Tribunal members and registrars. The committee is chaired by Deputy President Hotop and consists of three other members, the Director, Alternative Dispute Resolution and the Tribunal's Manager, Learning and Development.

Warrants Committee

The Warrants Committee deals with issues relating to the functions that are carried out by members in their personal capacity under the *Surveillance Devices Act 2004*, the *Telecommunications (Interception and Access) Act 1979* and other similar legislation. The committee was chaired by Deputy President Handley and includes three other members who exercise these powers and the Executive Director, Operations.

For information about the Tribunal's Audit Committee, see page 53.

CASE MANAGEMENT

The Tribunal's case management process is designed to deal with applications in a flexible and timely manner. It aims to promote the orderly passage of applications from lodgement to resolution, equitable treatment of parties, achievement of case management targets, effective allocation and use of Tribunal resources, and public confidence in the Tribunal.

THE PROCESS

When the Tribunal receives a valid application, it notifies the decision-maker that the application has been made. The decision-maker then has 28 days to provide the Tribunal and the applicant with a statement of reasons for the decision and all documents relevant to the review. These are the 'Section 37 Documents' or the 'T (for Tribunal) Documents'.

In relation to most applications, the Tribunal's approach is to assist the parties to attempt to reach an agreed outcome while ensuring that steps are taken to prepare the case for hearing in the event it cannot be resolved by agreement. A Conference Registrar or Tribunal member will hold one or more conferences with the parties, either in person or by telephone, to discuss and define the issues in dispute, identify and consider additional material that may be obtained, explore whether the matter can be settled and discuss the future conduct of the review. Where appropriate, the application may be referred to another form of alternative dispute resolution – conciliation, mediation, case appraisal or neutral evaluation. The Tribunal sets timetables and issues directions for the steps the parties must take in the review.

If agreement cannot be reached, the Tribunal – constituted by one, two or three members – conducts a hearing and makes a decision. Figure 2.4 illustrates the usual progress of an application, from lodgement to decision.

The Tribunal modifies its case management process for particular types of cases as well as in individual cases to ensure they are dealt with in the most effective and efficient way.

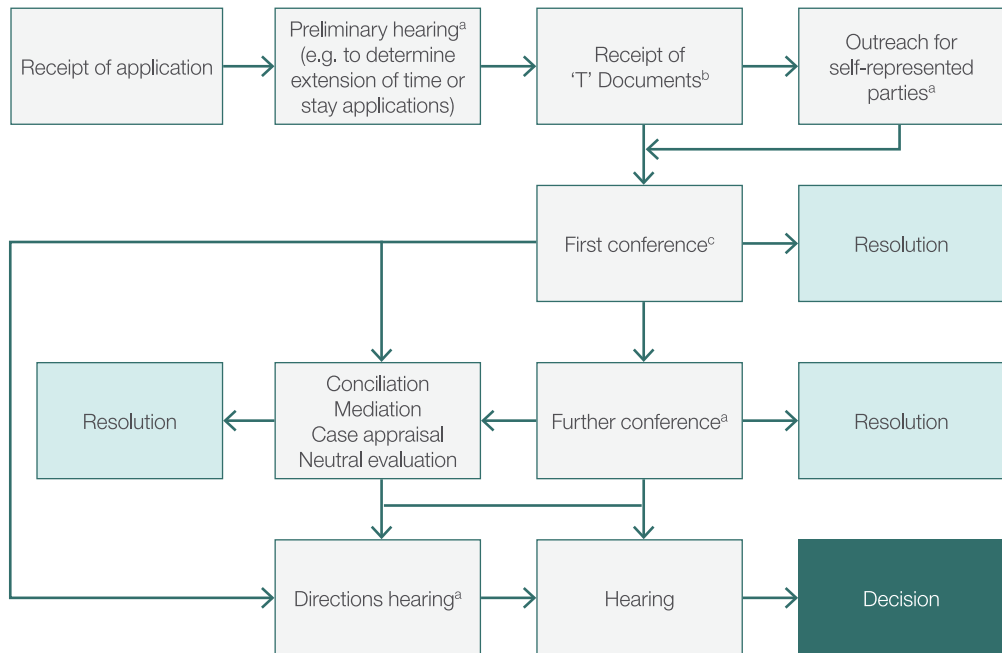
Some applications are managed by Tribunal members by way of directions hearings from the time of lodgement. These include applications that require an expedited review and applications about security assessments made by ASIO.

For the review of decisions under the National Disability Insurance Scheme, the Tribunal has tailored its process to seek to resolve applications as simply and quickly as possible. Some key aspects are:

- a staff member is allocated to be the applicant's Contact Officer throughout the review and contacts the applicant within three days of receiving the application to talk about the review

- the Tribunal generally holds no more than three case events: a conference, conciliation and a hearing, with applicants able to request a fast-track hearing if they do not want to attend conciliation
- if agreement is not reached at the conference, the Tribunal prepares a written Case Plan setting out anything that has been agreed, what the parties must do and the dates for any conciliation and the hearing, and
- the Tribunal usually gives its decision and reasons orally at, or soon after, the hearing.

Figure 2.4 Case management process



Notes:

- a Where necessary
- b Documents provided by the decision-maker
- c Explore possibility of using other ADR process

PRACTICE DIRECTIONS, GUIDES, GUIDELINES AND PROCESS MODELS

The Tribunal has published a range of documents that describe its policies and procedures. They are designed to assist parties and their representatives to understand the Tribunal's processes and what is expected of them during the review process. This will help the Tribunal meet its goal of providing a fair, just, economical, informal and quick mechanism of review.

Practice directions guides and guidelines

The Tribunal has issued the following practice directions and jurisdictional guides which outline the procedures for managing different types of applications.

- *General Practice Direction* which applies to all cases in which an applicant is represented, unless another specific legislative procedure, practice direction or jurisdictional guide applies
- *Review of National Disability Insurance Scheme Decisions Practice Direction*
- *Small Taxation Claims Tribunal Practice Direction*
- *Guide to the Social Security Jurisdiction*
- *Guide to the Workers' Compensation Jurisdiction*

The Practice Direction for the Expedited Review of Certain Decisions, issued on 1 July 2014, outlines what parties must do to request an expedited review, how the Tribunal will handle such requests and what will occur when the Tribunal is satisfied that a review is to be expedited.

The following practice directions and guidelines deal with specific aspects of the review process.

- *Practice Direction relating to section 37 of the AAT Act*
- *Freedom of Information Practice Direction*
- *Listing and Adjournment Practice Direction*
- *Practice Direction relating to Release from the Implied Undertaking*
- *Practice Direction relating to the Use of Video Surveillance Material*
- *Guidelines for Constituting the Tribunal*
- *Guidelines for Persons Giving Expert and Opinion Evidence*
- *Guidelines for the Use of Concurrent Evidence in the Administrative Appeals Tribunal*

Alternative dispute resolution process models and guidelines

For each of the alternative dispute resolution processes that may be employed during a review, the Tribunal has a process model that gives a detailed description of what will occur. It has also developed a policy that guides the referral of applications to the different processes.

The Tribunal has also published two guidelines on aspects of alternative dispute resolution: *The Duty to Act in Good Faith in ADR Processes at the AAT* and *Confidentiality in ADR Processes*.

The practice directions, guides, guidelines and process models and are all available on the Tribunal's website.

ACCESSING THE TRIBUNAL

The Tribunal has a range of measures designed to assist parties to access the Tribunal and participate in the review process.

ACCESS TO INFORMATION ABOUT THE TRIBUNAL

The Tribunal offers information on its role and procedures in multiple formats and languages to ensure that potential applicants and other participants have access to the information they need.

Brochures and fact sheets for self-represented parties explain the Tribunal's role, when it can assist and the stages in a review. They are designed to be clear and easy to understand, and are available in print, including large print, on the website and in multiple languages. The Tribunal has developed a specific series of fact sheets to provide information on the Tribunal's procedures for reviewing National Disability Insurance Scheme decisions.

Comprehensive information about the Tribunal and its procedures is on the website and is regularly updated.

OUTREACH PROGRAM

Before the first conference, Tribunal staff (Outreach officers) contact self-represented parties, usually by telephone, to explain the Tribunal's processes and give them the opportunity to ask questions about the review process. Parties are given information about organisations that may be able to provide advice and assistance. Tribunal staff also identify whether parties will require an interpreter or assistance for people with disability.

Self-represented parties who have given the Tribunal a mobile telephone number receive an SMS reminder a few days before an upcoming case event.

LEGAL ADVICE SCHEMES AND REFERRALS

The Tribunal hosts legal advice schemes in cooperation with legal aid organisations in New South Wales, Queensland, South Australia, Victoria and Western Australia. A legal aid solicitor attends each registry on a regular basis — usually weekly or fortnightly — and provides advice and minor assistance to self-represented parties.

Further assistance, such as representation, may be provided if a person makes a successful application for legal aid.

The Tribunal advises self-represented parties of the service and makes appointments for them. The majority of these appointments are for self-represented parties in the social security jurisdiction.

The Tribunal also refers self-represented parties to community legal centres and other organisations that may be able to provide advice and assistance.

INTERPRETING SERVICES

If a party requires an interpreter, the Tribunal engages one and meets the cost. The Tribunal arranges interpreters who are accredited by the National Accreditation Authority for Translators and Interpreters at the 'professional' level. A 'paraprofessional' interpreter may only be used for languages without an accredited professional-level interpreter.

The Tribunal offers interpreters an information fact sheet on its procedures and terminology that is available from the Tribunal's registries and on the website.

ACCESS BY PEOPLE WITH DISABILITY

The Tribunal strives to make access easier for people with disability by:

- providing electronic and printed material in appropriate formats such as large print
- ensuring the website meets the World Wide Web Consortium's Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) web standard to Level A
- providing portable hearing loop systems in Tribunal premises
- facilitating telephone contact for people with a hearing or speech impairment
- making all Tribunal premises wheelchair-accessible and ensuring other premises used by the Tribunal are accessible, and
- providing facilities for participation in conferences or hearings by telephone or video-link.

The Tribunal will implement ReadSpeaker, a text to speech software service, on its website early in 2014–15.

SERVICE CHARTER AND COMPLAINTS

The Service Charter sets out the standards of service that people can expect when they deal with the Tribunal. The Charter also includes information on how to make a complaint about the Tribunal and its complaint-handling procedures.

The Charter is written in clear, simple language and is on the Tribunal's website and in print. The Tribunal's compliance with its commitments under the Charter is discussed in Chapter 3, along with complaints information.



Chapter 03

OUR
PERFORMANCE

The Tribunal seeks to manage its workload in an effective and efficient manner, responding flexibly to changes in the number and nature of applications. Performance targets define standards for dealing with applications, and assist the Tribunal to meet the outcome and program requirements defined in the Portfolio Budget Statements.

WORKLOAD

The Tribunal received 7,263 applications and finalised 6,748 applications in 2013–14. There were 5,061 applications current at 30 June 2014.

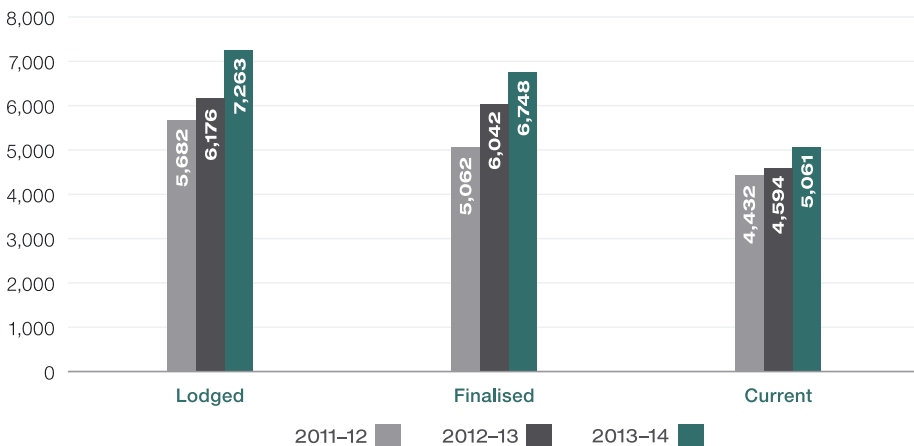
Lodgements during the reporting year were 18 per cent higher than in 2012–13. In relation to the Tribunal’s major jurisdictions, increases were recorded in social security, tax and workers’ compensation. Lodgements also rose in a broad range of other types of decisions that the Tribunal can review and the Tribunal received its first applications to review decisions made under the National Disability Insurance Scheme.

The number of applications finalised rose by 12 per cent in 2013–14. Finalisations increased in the social security and workers’ compensation jurisdictions as well as in relation to the larger number of applications beyond the major jurisdictions that were lodged in 2013–14.

The number of applications on hand at 30 June 2014 was 10 per cent higher than a year earlier, reflecting the increase in lodgements in 2013–14. The majority of applications on hand at 30 June 2014 were less than 12 months old, and the proportion of cases older than 12 months decreased during the reporting year.

Chart 3.1 shows applications lodged and finalised in the three most recent reporting years, and applications current at 30 June in each year. More detailed information on the types of applications lodged and finalised, and the outcomes of cases finalised during the reporting year, is in Appendix 4.

Chart 3.1 Applications lodged, finalised and current – Total



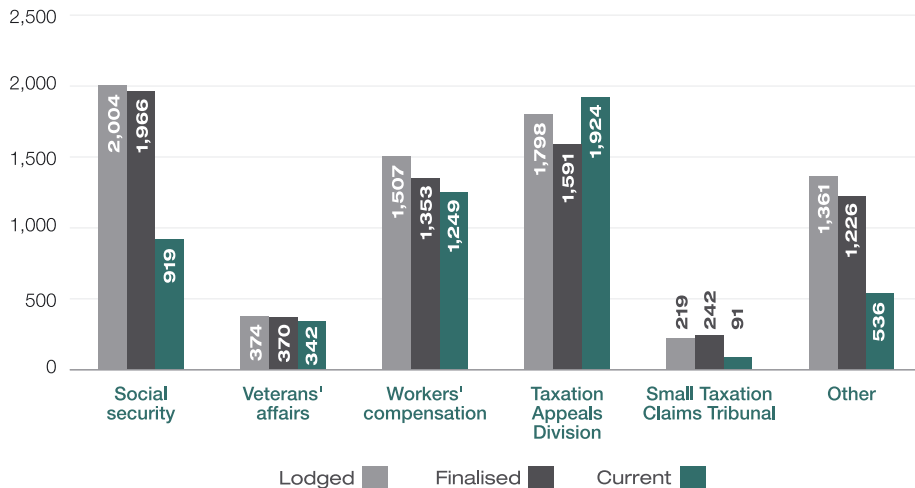
WORKLOAD BY JURISDICTION

Applications for review of social security and tax decisions were the most common types of applications lodged with the Tribunal in 2013–14, each constituting 28 per cent of all lodgements. Applications in the workers’ compensation and veterans’ affairs jurisdictions comprised 21 per cent and 5 per cent of all lodgements respectively. All other applications constituted 19 per cent of total lodgements.

The number of applications lodged exceeded the number that were finalised in all of the major jurisdictions, including tax when applications in the Taxation Appeals Division and Small Taxation Claims Tribunal are combined. Lodgements also exceeded finalisations in relation to other types of applications. This led to some increase in the volume of applications on hand at 30 June 2014 in all areas of work. The difference between lodgements and finalisations, and therefore the increase in current applications, was lowest in relation to social security and veterans’ affairs applications.

The number of applications lodged and finalised in each of the Tribunal’s major jurisdictions in 2013–14 and the number of applications on hand at 30 June 2014, is shown in Chart 3.2.

Chart 3.2 Applications lodged, finalised and current in 2013–14 – By jurisdiction



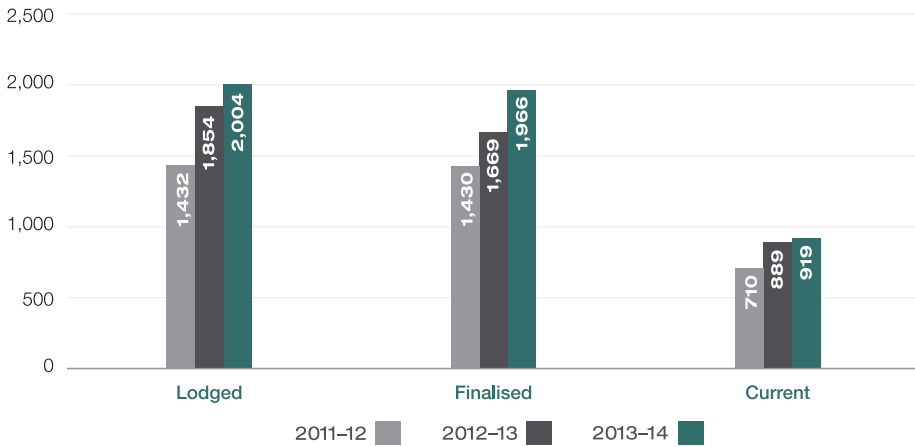
Social security

The number of applications lodged in 2013–14 for review of family assistance and social security decisions was eight per cent higher than in 2012–13, as shown in Chart 3.3. This increase was considerably less than the 29 per cent increase recorded in 2012–13. Applications about disability support pension and overpayments and debt recovery were the principal sources of the increase in lodgements in 2013–14, continuing the trend of recent years.

The departments that administer family assistance and social security entitlements made 54 of the applications that were lodged in 2013–14, up from 47 in the previous year and 38 in 2011–12.

The number of applications finalised in 2013–14 increased by 18 per cent, reflecting the increase in lodgements in this jurisdiction. The more modest increase in lodgements in 2013–14 resulted in only a three per cent increase in applications on hand at 30 June 2014.

Chart 3.3 Applications lodged, finalised and current – Social security

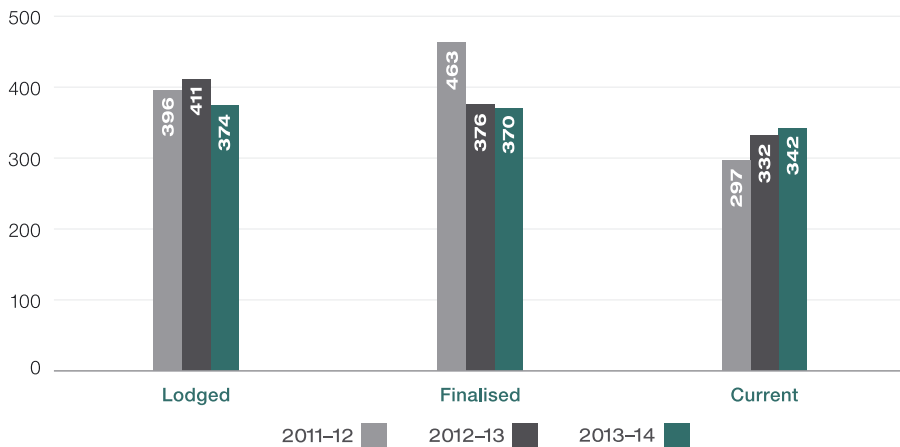


Veterans' affairs

The number of applications lodged in the veterans' affairs jurisdiction fell by nine per cent in 2013–14. This can be attributed to a decrease in the number of applications for review of decisions under the *Veterans' Entitlements Act 1986* relating to disability pension and war widows pension. This is consistent with the longer-term trend of fewer applications for review of these types of decisions.

The number of applications finalised in the jurisdiction decreased marginally in 2013–14, as shown in Chart 3.4. The three per cent increase in the number of current applications at 30 June 2014 reflects that it can take a longer time to resolve applications under the *Veterans' Entitlements Act*.

Chart 3.4 Applications lodged, finalised and current – Veterans' affairs

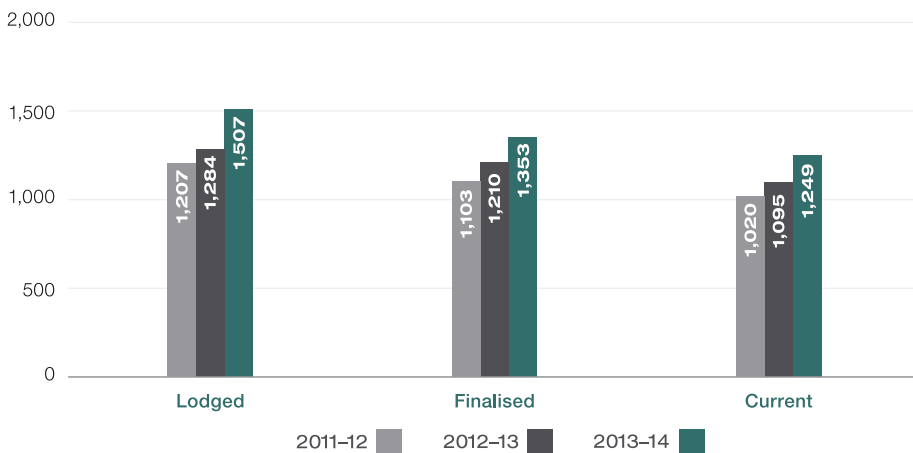


Workers' compensation

There was a 17 per cent increase in lodgements in the workers' compensation jurisdiction in 2013–14. In part, this can be attributed to an increase in the number of applications for review of decisions made under the *Safety, Rehabilitation and Compensation Act 1988*, particularly by Comcare and the Linfox companies. There was also an increase of 31 per cent in the number of applications for review under the seafarers' compensation scheme.

The number of compensation applications finalised in 2013–14 rose by 12 per cent, reflecting the increase in lodgements in the previous and current reporting years. The 14 per cent increase in the number of applications on hand at 30 June 2014 is consistent with the increase in lodgements for 2013–14, as shown in Chart 3.5.

Chart 3.5 Applications lodged, finalised and current – Workers' compensation

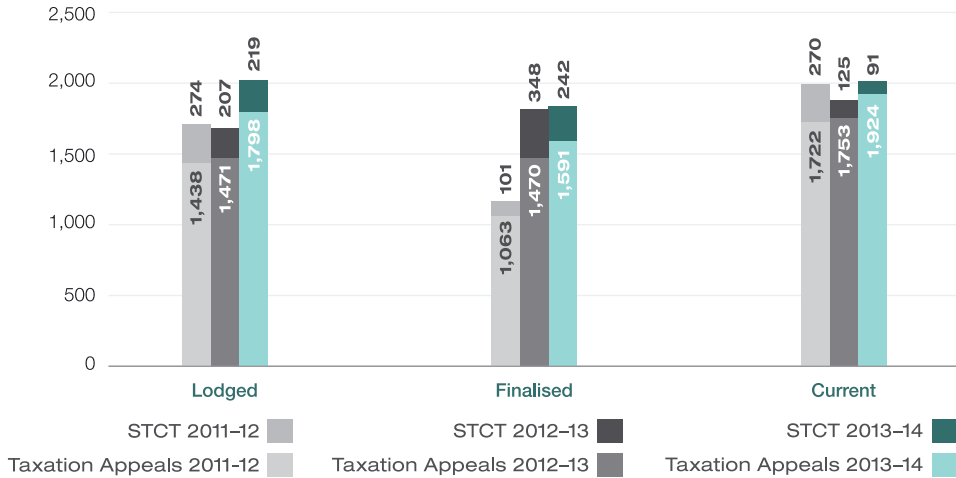


Taxation

The number of applications lodged in the Taxation Appeals Division increased in 2013–14 by 22 per cent, as shown in Chart 3.6. This increase relates primarily to a greater number of applications for review of decisions about income tax. There was an eight per cent increase in the number of applications finalised in 2013–14 and a 10 per cent increase in the number of applications on hand at 30 June 2014, trends which reflect the increase in lodgements.

In the Small Taxation Claims Tribunal, there was a small increase in lodgements of six per cent in 2013–14 which relates to an increase in the number of applications for review of income tax decisions and applications relating to release from tax liabilities. While the number of finalisations was 30 per cent lower than in the previous year, finalisations exceeded lodgements for the second consecutive year, contributing to a 27 per cent fall in the number of applications on hand at 30 June 2014.

Chart 3.6 Applications lodged, finalised and current – Taxation Appeals Division and Small Taxation Claims Tribunal



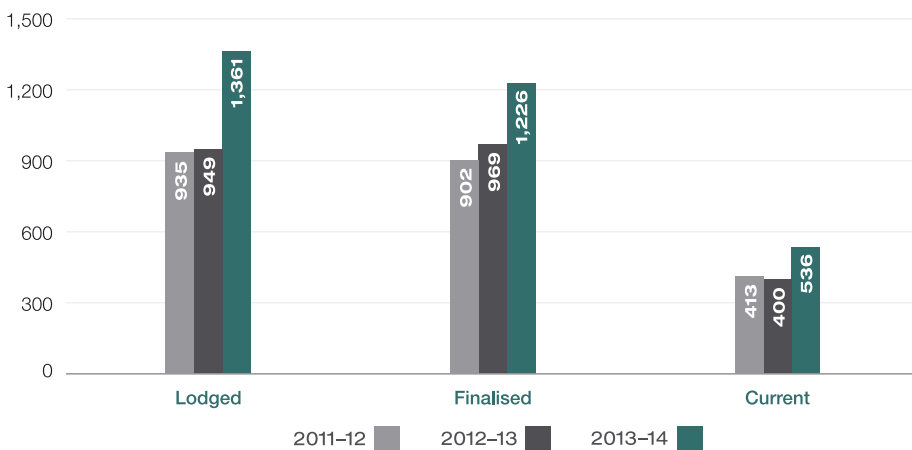
Other jurisdictions

The number of applications lodged in other jurisdictions increased by 43 per cent in 2013–14. Lodgements increased in relation to a range of other decision types, including citizenship, civil aviation regulation, customs and higher education loan schemes. There was also a significant increase in the number of stand-alone applications lodged with the Tribunal seeking an extension of time within which to lodge an application for review.

There was a 27 per cent increase in finalisations in these other areas of the Tribunal’s work in 2013–14 and a 34 per cent increase in applications on hand at 30 June 2014. These increases are consistent with the rise in the number of lodgements.

In relation to the review of decisions made by the National Disability Insurance Agency, the Tribunal received 19 applications for review of decisions in 2013–14. Eight of those applications were finalised, and 11 were current as at 30 June 2014. The number of applications lodged in this jurisdiction is expected to grow in coming years.

Chart 3.7 Applications lodged, finalised and current – Other jurisdictions





PERFORMANCE

OUTCOME AND PROGRAM INFORMATION

The Tribunal had one outcome specified in the 2013–14 Portfolio Budget Statements:

Access to a fair, just, economical, informal and quick review mechanism for applicants through reviews of government administrative decisions, including dispute resolution processes and independent formal hearings.

The Tribunal is a single program agency.

DELIVERABLES

The Tribunal’s primary deliverable is completed reviews of decisions, and there are two paths to achieving it:

- applications finalised without a hearing, and
- applications finalised with a hearing.

The Tribunal’s deliverables targets and its actual performance for 2013–14 are shown in Table 3.8.

Table 3.8 Deliverables targets and results, 2013–14

	Target	Result
Applications finalised without a hearing		
Number of matters finalised without a hearing	5,975	5,541
Applications finalised with a hearing		
Number of matters finalised with a hearing	1,494	1,207

The number of applications finalised by the Tribunal, both with and without a hearing, was lower than the budget projections for 2013–14. The Tribunal received a lower than anticipated number of applications for review of National Disability Insurance Scheme decisions.

KEY PERFORMANCE INDICATORS

The Tribunal reviewed and changed its key performance indicators for 2013–14, to better reflect its disposition of review applications. The indicators are:

- to finalise 75 per cent of applications within 12 months of lodgement, and
- to resolve 80 per cent of applications without a hearing.

For the second indicator, the Tribunal uses alternative dispute resolution to help the parties try to reach agreement about how their case should be resolved. The Tribunal conducts a hearing and makes a decision if an application cannot otherwise be resolved.

The Tribunal’s actual performance for 2013–14 is shown in Table 3.9.

The Tribunal also measures its performance periodically through client satisfaction surveys and includes the results of the surveys in the annual report in the relevant year.

Table 3.9 Key performance indicators and results, 2013–14

	Target	Result
Percentage of applications finalised within 12 months of lodgement	75%	82%
Percentage of applications resolved without a hearing	80%	82%

In relation to the timeliness of dealing with applications, the Tribunal exceeded its target in the Portfolio Budget Statements by seven percentage points. This target would also have been exceeded in the two previous financial years had the indicator applied in those years: 76 per cent of applications were finalised within 12 months in 2012–13 and 78 per cent in 2011–12. The Tribunal recorded a six percentage point improvement in timeliness from 2012–13 to 2013–14.

In relation to resolving applications without a hearing, the Tribunal exceeded its target by two percentage points in 2013–14. The result for each of the two previous financial years was 79 per cent, marginally below the target. For more information on the percentage of applications finalised without a hearing in the major jurisdictions, see Table A4.4 in Appendix 4.

See Appendix 5 for the summary table showing total resources for the Tribunal compared with the total payments made during 2013–14. The appendix also includes a summary table showing the total resources for the Tribunal's outcome.

TIME STANDARDS

The Tribunal monitors its performance against time standards for steps in the review process as well as for the finalisation of applications, both generally and in its major jurisdictions.

Time standards for steps in the review process

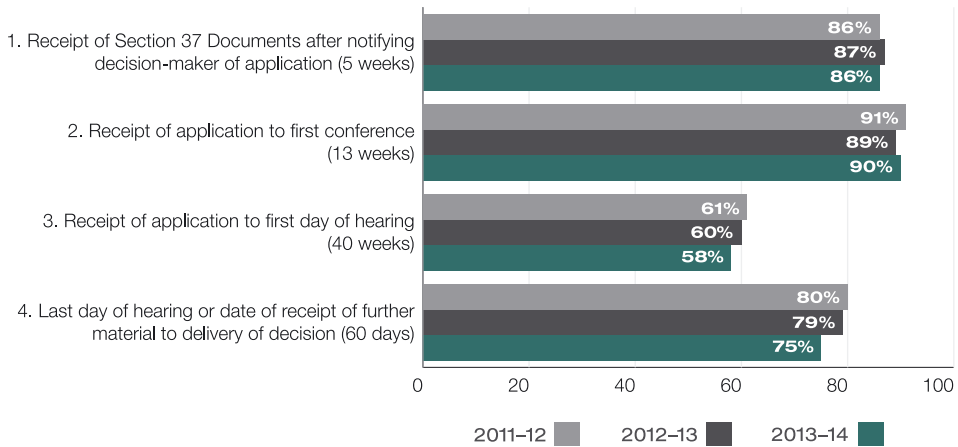
The Tribunal reports on the timeliness of completing four steps in the review process:

- the time taken by the decision-maker to lodge the documents relating to the decision under review that are required under section 37 of the *Administrative Appeals Tribunal Act 1975* after receiving notice of an application
- the time between lodging an application and holding the first conference
- the time between lodging an application and holding a hearing
- the time taken by the Tribunal to deliver a decision following the last day of hearing or the date of receipt of further material after a hearing.

The decision-maker controls step one; the Tribunal and the parties share the responsibility for the timeliness of steps two and three; and the Tribunal controls the timeliness of step four.

Timeliness results for 2013–14 and the two previous reporting periods are shown in Chart 3.10.

Chart 3.10 Performance against time standards



The proportion of applications in which the decision-maker lodged the Section 37 Documents within five weeks of receiving notice of the application was marginally lower in 2013–14 than in the previous year.

The Tribunal continued to hold a high proportion of first conferences within 13 weeks of the lodgement of an application and achieved a small improvement in performance in 2013–14. The proportion of applications in which the hearing was held within 40 weeks of lodgement decreased slightly in the reporting year.

In relation to the timeliness of delivering decisions after a hearing, the majority of decisions continued to be delivered within the Tribunal's target. However, the proportion declined by four percentage points in 2013–14.

Time standards for finalising applications in major jurisdictions

The Tribunal aims to finalise the majority of applications within 12 months of lodgement and has set specific targets for each of the major jurisdictions. In relation to the Small Taxation Claims Tribunal, the Tribunal's goal is to finalise applications within 12 weeks of lodgement.

The Tribunal's performance for 2013–14 and the two previous reporting years are in Table 3.11.

Table 3.11 Percentage of applications finalised within time standards

Jurisdiction	Target %	2011-12 %	2012-13 %	2013-14 %
All	—	78	76	82
Social security ^a	90	93	93	93
Veterans' affairs ^a	80	66	70	70
Workers' compensation ^a	75	70	68	70
Taxation Appeals Division ^a	75	65	67	77
Small Taxation Claims Tribunal ^b	—	41	27	33

a Time standard: percentage of applications finalised within 12 months

b Time standard: percentage of applications finalised within 12 weeks

The proportion of applications finalised within 12 months in the social security jurisdiction in 2013–14 exceeded the 90 per cent target by three percentage points, maintaining the results achieved in the previous two reporting years. Sixty-six per cent of all social security applications were finalised within six months of lodgement, and 98 per cent within 18 months.

The Tribunal was also able to maintain its level of performance in the veterans' affairs jurisdiction in 2013–14 with 70 per cent of applications finalised within 12 months. Eighty-seven per cent of applications were finalised within 18 months.

The Tribunal has focused on improving case management in the workers' compensation jurisdiction and has significantly improved its performance in relation to timeliness since 2009–10. Seventy per cent of workers' compensation cases were finalised within 12 months in 2013–14, an improvement of two percentage points from 2012–13. Eighty-nine per cent of applications were finalised within 18 months, which was slightly lower than the result for 2012–13.

There was a significant improvement in timeliness in the Taxation Appeals Division in 2013–14. The proportion of applications finalised within 12 months improved by 10 percentage points from 67 per cent in 2012–13 to 77 per cent in the reporting year. Eighty-seven per cent of applications were finalised within 18 months. The result for 2013–14 continues the trend of improved performance in this division over recent reporting years.

In the Small Taxation Claims Tribunal, the proportion of applications finalised within 12 weeks improved by six percentage points but remains relatively low. The Tribunal's experience is that applications dealt with in the Small Taxation Claims Tribunal cannot necessarily be completed faster than other types of tax reviews. Although the amount of tax in dispute may not be large, the issues in dispute can be complex and the parties may require additional time to gather relevant material.

There are a number of reasons why an application may not be finalised within the Tribunal's time standards. The pace that applications progress through the pre-hearing stage is heavily influenced by the time the parties need to obtain expert evidence, undertake other investigations and gather relevant material. Some applications are delayed pending a decision by a department or agency on a related matter, the decision of a court in a test case, or by criminal proceedings. There are cases where additional time is required to allow the parties further opportunities to resolve the dispute without a hearing. Delays also occur when parties cannot proceed because of illness or other adverse circumstances. The Tribunal's ability to list hearings in a timely manner is affected generally by the availability of parties, representatives and witnesses for the hearing. Delays in the delivery of decisions following a hearing can also contribute to delays in finalising applications.

The Tribunal continued to monitor the time that applications spend in each of the major stages of a review in 2013–14 and registries conducted regular file audits on older cases. The Tribunal will continue to seek to identify sources of avoidable delay, and work with stakeholders on minimising such delays.

EXTERNAL SCRUTINY

Tribunal decisions may be appealed to the courts. The Tribunal's operations are also subject to external scrutiny by way of complaints to the Commonwealth Ombudsman and other bodies, requests under the *Freedom of Information Act 1982*, inquiries by Parliamentary Committees, and audits by the Australian National Audit Office.

APPEALS FROM TRIBUNAL DECISIONS

A party may appeal to the Federal Court, on a question of law, from most final decisions of the Tribunal pursuant to section 44 of the AAT Act. The Federal Court may transfer the appeal to the Federal Circuit Court unless the Tribunal was constituted by, or included, a presidential member.

A party may also seek judicial review of decisions made in the course of the review process and certain final decisions under the *Administrative Decisions (Judicial Review) Act 1977*, section 39B of the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* or section 75(v) of the Constitution. Applications may be made to the Federal Court, the Federal Circuit Court or the High Court.

In 2013–14, 96 appeals made under section 44 of the AAT Act were lodged with the Federal Court. There were 11 applications for judicial review made under other enactments, seven relating to decisions concerning visas under the Migration Act. Table A4.9 in Appendix 4 provides information on the number of appeals lodged against decisions in each of the Tribunal's major jurisdictions.

During the reporting year, 97 appeals lodged under section 44 of the AAT Act and 20 applications for judicial review under other enactments were determined in the courts. The Tribunal's decision was set aside in 34 cases, representing 29 per cent of all appeals determined and fewer than one per cent of all applications that the Tribunal finalised in the reporting year. The proportion of Tribunal decisions set aside on appeal in 2013–14 was nine percentage points lower than in 2012–13.

Table A4.10 in Appendix 4 offers more information on appeals determined during the reporting year and their outcomes.

During the reporting year, there were no judicial decisions or decisions of other tribunals that had, or may have had, a significant impact on the operations of the Tribunal.

FREEDOM OF INFORMATION

The Tribunal received ten requests for access to documents under the Freedom of Information Act in 2013–14. Nine requests were finalised in the reporting year and one request was outstanding at 30 June 2014.

Table 3.12 shows the number of requests made over the last three years.

Table 3.12 Freedom of Information requests

	2011–12	2012–13	2013–14
Number of requests made	5	7	10

Of the nine requests that were finalised, three requests were granted in full, three were granted in part and one was withdrawn. Two requests were refused on the basis that the Tribunal held no documents falling within the scope of the request.

The Tribunal did not receive any requests to amend or annotate records.

Information publication scheme

Agencies subject to the Freedom of Information Act are required to publish information to the public as part of the Information Publication Scheme. This requirement is in Part II of the Freedom of Information Act. The Tribunal’s plan is on the website, meeting the requirement that each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements.

OMBUDSMAN

During 2013–14, the Commonwealth Ombudsman received 25 approaches concerning the Tribunal, two fewer than in the previous reporting year.

The Ombudsman conducted one investigation and concluded further investigation was not warranted in the circumstances.

COMPLAINTS TO OTHER BODIES

There were two privacy-related complaints made to the Office of the Australian Information Commissioner during the reporting period. The Office declined both complaints, determining they were not an interference with privacy.

There were no complaints made to the Australian Human Rights Commission during the reporting period.

REPORTS BY THE AUDITOR-GENERAL OR PARLIAMENTARY COMMITTEES

The Tribunal’s operations were not the subject of any report by the Auditor-General or any Parliamentary Committee during the reporting period.

SERVICE CHARTER

The Service Charter sets out the Tribunal’s service standards and information relating to making complaints about the Tribunal, including the standards for responding to complaints.

Information on the extent of the Tribunal’s compliance with the service standards (where information is available) is in Table 3.13.

Table 3.13 Service standards

Commitment	Result for 2013–14
WE WILL TREAT YOU WITH RESPECT AND COURTESY	
We will be polite, respectful and courteous and use language that is clear and understandable.	Tribunal members and staff strive to be polite, respectful and courteous and use language that is clear and understandable so that Tribunal users can understand the processes. Of the complaints finalised in 2013–14, no complaints were upheld in relation to issues of this kind.
WE WILL MAKE OURSELVES ACCESSIBLE	
Country residents can contact us on our national telephone number for the cost of a local call.	The Tribunal’s national telephone number was available throughout the year.
People who are deaf or have a hearing or speech impairment can contact the Tribunal.	The Tribunal uses the National Relay Service to provide users with a range of contact options including TTY and internet, SMS and video relay.

Table 3.13 continued

Commitment	Result for 2013–14
Wheelchair access and hearing induction loops will be available at each office.	All Tribunal premises are wheelchair-accessible and have portable induction loops available.
Hearings will be held in capital cities and in country centres.	The Tribunal conducted 83 hearings, two conferences, two mediations and one interlocutory hearing in locations outside capital cities.
Where appropriate you may participate in a hearing by telephone or by video-link.	The Tribunal conducted the following matters by telephone: conferences — 6,031 other alternative dispute resolution processes — 7 directions hearings — 1,486 interlocutory hearings — 281 hearings — 75
If you need an interpreter, we will provide one free of charge.	The Tribunal arranges for an interpreter to participate in an alternative dispute resolution process or hearing where needed. Interpreters are provided free of charge.
If you are self-represented, we will help you understand Tribunal procedures through our Outreach program. Outreach officers will contact self-represented parties by telephone within six weeks of an application being lodged.	Data collated for Outreach, for 1,154 parties, shows the average time from lodgement of an application to Outreach was 39 days, approximately five and a half weeks.
WE WILL DEAL WITH YOU FAIRLY	
A private conference will usually be held within 10 weeks of an application being lodged.	74 per cent of first conferences were held within 10 weeks of lodgement, marginally lower than the 75 per cent result achieved in 2012–13.
WE WILL OPERATE IN AN EFFICIENT MANNER	
If a decision was not given orally at a hearing, written decisions will usually be provided within two months.	75 per cent of decisions were delivered within 60 days of the last day of hearing or the receipt of further submissions or other material, down from 79 per cent in 2012–13 (see Table 3.10).

COMPLAINTS TO THE TRIBUNAL

Complaints may be made orally or in writing. In accordance with guidelines adopted in 2013, complaints relating to Tribunal members are dealt with by the President, while complaints about staff members or other matters are dealt with by the Registrar, one of the Executive Directors or a District Registrar.

When a complaint is made in person or by telephone, the Tribunal attempts to resolve it immediately. The Tribunal aims to respond to written complaints within 20 working days, or 30 working days if the complaint is submitted in a language other than English. The length of time before a final response is provided depends on the extent of investigation which is necessary. If more time is required, because of the complexity of the complaint or the need to consult with other persons before providing a response, the Tribunal advises the complainant of progress in handling the complaint.

If a complaint is upheld, possible responses include an apology, a change to practice and procedure or consideration of additional training and development for Tribunal personnel.

During 2013–14, the Tribunal received complaints from 25 individuals. Chart 3.14 shows the number of complaints made over the three most recent reporting years.

The 25 complaints made in 2013–14 were about the issues shown in Table 3.15.

Table 3.14 Complaints to the Tribunal

	2011–12	2012–13	2013–14
Number of complaints made	41	24	25

Table 3.15 Issues raised in complaints to the Tribunal

Issue	Number of complaints
Tribunal decisions	12
General procedural issues	7
Conduct of Tribunal members	4
Conduct of conferences	2
Total	25

The Tribunal provided a substantive response to 24 complaints in 2013–14, responding within 20 working days to 23 of the complaints. The average number of days from complaint to final response was eight working days.

The Tribunal found that it could have handled matters more appropriately in relation to three complaints which raised issues concerning timetabling and delay in the review process, and the conduct of Tribunal personnel. The Tribunal offered an apology in each case and raised the matters with the relevant personnel.

The Tribunal does not measure whether a complainant believes his or her complaint was resolved. Two complainants wrote again to the Tribunal after receiving an initial response to their complaint. They were given further information to address any outstanding concerns.

ADDITIONAL FUNCTIONS CONFERRED ON TRIBUNAL MEMBERS

As well as performing their role under the AAT Act, Tribunal members may exercise powers under a range of other Acts in their personal capacity.

WARRANTS, CONTROLLED OPERATIONS AND OTHER FUNCTIONS

All Deputy Presidents and full-time Senior Members, and any part-time Senior Member or Member who has been enrolled as a legal practitioner for at least five years, may be nominated by the responsible Minister to:

- issue telecommunications interception warrants and stored communications warrants under the *Telecommunications (Interception and Access) Act 1979*
- issue warrants and exercise related powers under the *Surveillance Devices Act 2004*, and
- vary controlled operations authorities under the *Crimes Act 1914*.

The President, all Deputy Presidents, and any Senior Member who has been enrolled as a legal practitioner for at least five years, may be nominated to make orders allowing information given

to the Inspector of Transport Security to be disclosed to another government agency under the *Inspector of Transport Security Act 2006*.

All Deputy Presidents, and any non-presidential member who has been enrolled as a legal practitioner for at least five years, can be nominated to issue search warrants and exercise related powers under the *Tobacco Plain Packaging Act 2011*.

The President and all Deputy Presidents are also eligible to be appointed as issuing authorities for making continued preventative detention orders under the *Criminal Code Act 1995*. All presidential members of the Tribunal may be nominated to issue examination notices under the *Fair Work (Building Industry) Act 2012*.

All members of the Tribunal are authorised to exercise a range of powers relating to monitoring overseas students' compliance with visa conditions under the *Education Services for Overseas Students Act 2000* and the Migration Act. Table 3.16 shows the number of occasions on which Tribunal members considered applications under any of these Acts over the past three years. There was a two per cent decrease in the number of appointments held in 2013–14.

Table 3.16 Applications relating to warrants, controlled operations and other functions considered by Tribunal members

	2011–12	2012–13	2013–14
Number of occasions on which applications considered	2,496	2,764	2,715

The Tribunal is flexible in performing these functions and members are available outside standard business hours. In the reporting period, there were 171 out-of-hours appointments (before 9 am or after 5 pm on weekdays or at any time on the weekend or on a public holiday).

In a proportion of applications, the issue of a warrant or other authorisation is only granted after further information is provided at the request of the authorised member. A small number of warrant applications are refused, some only granted after conditions are imposed (including conditions in relation to privacy) and, in some instances, the warrant is issued for a lesser period of time than that sought by the law enforcement agency.

PROCEEDS OF CRIME EXAMINATIONS

All presidential members of the Tribunal, and any Senior Member or Member, who has been enrolled as a legal practitioner for at least five years, may be appointed by the responsible Minister as an approved examiner under the *Proceeds of Crime Act 2002* or the *Proceeds of Crime Regulations 2002*. Approved examiners are authorised to issue examination notices at the request of the Australian Federal Police and to oversee compulsory examinations in connection with confiscation proceedings.

Table 3.18 shows the number of examination sessions conducted by Tribunal members in the last three years. The number of examinations has increased since 2013–14 but remains relatively low.

Table 3.17 Examinations held under the *Proceeds of Crime Act 2002*

	2011–12	2012–13	2013–14
Number of examination sessions held	2	28	28



Chapter

04

**OUR USERS
AND
OUR RELATIONSHIPS**

OUR USERS

The principal users of the Tribunal are the parties to applications in the Tribunal, including individuals, organisations, government departments and agencies, and their representatives. This section reports on actions undertaken during the reporting period to meet Goal One in the Tribunal's *Strategic Plan 2011–2014*: to provide a high-quality independent merits review process that is fair, just, economical, informal and quick. These actions include:

- promoting and facilitating the use of appropriate alternative dispute resolution processes
- providing accessible and effective registry services
- maintaining effective communication and engagement with our users and the public.

TRIBUNAL PRACTICE AND PROCEDURE

The Tribunal monitors the operation of the review process and seeks to identify ways in which practice and procedure can be improved to promote the effective and timely disposition of applications lodged with the Tribunal. The Practice and Procedure Consultative Group and the Practice and Procedure Committee oversee the Tribunal's management of applications made under the *Administrative Appeals Tribunal Act 1975*. The Consultative Group met in October 2013 and May 2014 and the Practice and Procedure Committee met in August 2013 and April 2014. For information about membership of these committees, see Chapter 2.

Significant developments in relation to practice and procedure during the reporting period are discussed below.

Review of National Disability Insurance Scheme decisions

On 1 July 2013, jurisdiction was conferred on the Tribunal to review decisions made under the *National Disability Insurance Scheme Act 2013*. The Tribunal has developed a case management model that aims to ensure the review process is accessible, fair, informal and quick. Key features of the model are outlined in Chapter 2. The Tribunal issued a practice direction on 1 July 2013.

The Tribunal prepared for applications under the NDIS Act by:

- training members and staff in relation to disability and accessibility issues, the National Disability Insurance Scheme legislative framework and the Tribunal's case management approach
- locating and making arrangements for the use of accessible venues in trial sites for the conduct of alternative dispute resolution processes and hearings
- developing a range of procedural guides and checklists for staff which support the case management model, and
- conducting information sessions on merits review of National Disability Insurance Scheme decisions for disability advocates and other stakeholders in the trial sites with representatives of the National Disability Insurance Agency, the Department of Social Services, the disability advocacy agencies funded to provide support services to applicants and the legal aid commissions.

The Tribunal continued to work closely with key stakeholders on issues relating to the review process and monitored the operation of the case management model in the first applications for review lodged with the Tribunal.

Practice and procedure in workers' compensation cases

Following consultation in 2012–13, the Tribunal implemented proposals in 2013–14 to promote the timely progress of applications in the workers' compensation jurisdiction and assist the Tribunal to meet its aim of finalising applications within 12 months of lodgement.

In September 2013, the Tribunal published a revised *Guide to the Workers' Compensation Jurisdiction* which sets out the Tribunal's procedures and its expectations of parties and their

representatives. The updated guide identifies more clearly the matters that represented parties must consider before the first conference, thereby ensuring the parties focus on the real issues in dispute and take steps to gather additional evidence as early as possible. The guide is supported by a standard notice issued to the parties at the commencement of each application which, in addition to outlining what parties are required to do, specifies the months in which the Tribunal expects any conciliation or hearing to take place so that the application is finalised within 12 months. This approach gives the Tribunal and the parties a framework within which to manage progress of the case.

The Tribunal also issued two new practice directions in 2013–14 which deal with practice and procedure issues that arise most commonly in workers' compensation cases.

The first practice direction, *Practice Direction relating to Release from the Implied Undertaking*, deals with the implied undertaking that a party must not, without the leave of the Tribunal, use a document that has been provided under compulsion in a Tribunal proceeding for any purpose other than the purpose for which it was given. The practice direction provides that, if the implied undertaking applies to documents in an application currently before the Tribunal and the Tribunal is dealing with one or more other applications involving the same applicant at the same time, documents provided to the Tribunal in one application may be used in each of the other applications, subject to any other direction that the Tribunal may make. This removes the need for any specific application to be made for release from the implied undertaking in applications of this kind. In any other circumstance, a party must apply in writing for leave to be released from the implied undertaking.

The second practice direction relates to the disclosure and use of video surveillance material in Tribunal proceedings. The *Practice Direction relating to the Use of Video Surveillance Material* requires any party intending to rely on video surveillance material to disclose its existence and make the content available to the other party and the Tribunal prior to the hearing. This is consistent with the Tribunal's general approach that all evidence to be relied on by a party should be disclosed in advance of any hearing and will also limit the extent to which it may be necessary to adjourn hearings to give the other party an opportunity to respond to that evidence, contributing to the timely finalisation of reviews.

Practice Direction for the Expedited Review of Certain Decisions

On occasion, applications are made to the Tribunal which need to be dealt with urgently, most commonly in relation to regulatory decisions. During the reporting year, the Tribunal developed a draft practice direction aimed at clarifying how the Tribunal will manage applications of this kind. It outlined:

- what a party must do to request an expedited review
- how the Tribunal will respond to such requests, and
- the steps the Tribunal will take to expedite the review if it is satisfied that the application requires an urgent determination.

The draft practice direction was circulated to key stakeholders and made available on the Tribunal's website for comment in late 2013. The feedback received was positive. The President issued the *Practice Direction for the Expedited Review of Certain Decisions* on 1 July 2014.

Access to information and privacy

During the reporting period, the Tribunal completed a review of its policies and procedures in relation to how it handles personal information and, more generally, about party and non-party access to information and documents in proceedings before the Tribunal.

The Tribunal is subject to the *Privacy Act 1988* in relation to all aspects of its operations. In anticipation of the introduction of the Australian Privacy Principles on 12 March 2014, the

Tribunal undertook an assessment of its practices in relation to managing personal information. To meet the requirements of the Principles, the Tribunal:

- developed and published on the website a privacy policy covering all aspects of the Tribunal's privacy practices
- updated a range of information products, including forms and standard correspondence, to provide information about how the Tribunal handles personal information, and
- trained all staff on their obligations under the Privacy Act.

The Tribunal made available on its website clearer information about:

- what information and documents may be made available to parties and to non-parties about an application, and
- how to request access to either information or documents.

Integrated dispute resolution

The Tribunal's Plan on a Page 2011–2014 identified as a priority the further development of highly effective and integrated dispute resolution processes as part of ensuring our review process is of a high quality.

During 2013–14, the Tribunal commenced internal consultations on ways to do this, using the concept of integrated dispute resolution as a reference point for innovation. A survey of members and staff was conducted in March 2014 and workshops undertaken with registry staff in April and May 2014. Integrated dispute resolution was explored in detail in a session at the Tribunal's National Conference in May 2014. The consultations opened up valuable dialogue focusing on the contribution all roles make to the better resolution of disputes and opportunities for improved outcomes through the coordination of dispute resolution processes across the roles. Proposals arising out of these consultations are being evaluated with a view to implementation in 2014–15.

ALTERNATIVE DISPUTE RESOLUTION

The Tribunal makes extensive use of alternative dispute resolution. It is a core element of the review process. Alternative dispute resolution contributes to a review process that is economical, informal and quick as well as fair and just by assisting the parties to reach agreement or narrow the issues in dispute. The following initiatives were pursued during 2013–14 to promote and enhance the use of alternative dispute resolution in the Tribunal.

Improved data on ADR performance

The Tribunal started a program of analysing data relating to alternative dispute resolution processes at the Tribunal to improve the availability of performance metrics and give alternative dispute resolution practitioners more meaningful reports. New measures and data collection methods are being explored and include data on the number and duration of alternative dispute resolution events and surveying users at key stages during the review process. Early results on the number and duration of alternative dispute resolution events indicate that the alternative dispute resolution processes being used are efficient and economical for both the parties and the Tribunal.

During the reporting year, the Tribunal contributed to a data gap analysis project run by the Australian Bureau of Statistics which is discussed further below. The Tribunal also continued to participate in an independent study into the use and effectiveness of dispute resolution processes in tax disputes. The research is being conducted by the Australian Centre of Justice Innovation at Monash University, led by Professor Tania Sourdin who is a member of the Tribunal.

Raising awareness of ADR

The Tribunal released two new guidelines relating to aspects of alternative dispute resolution processes at the AAT in 2013–14: *The Duty to Act in Good Faith in ADR Processes at the AAT* and *Confidentiality in ADR Processes*. They set out the high expectations of participants in alternative dispute resolution processes and offer practical guidance on meeting the relevant legislative and ethical standards.

To raise awareness of the Tribunal's approach to alternative dispute resolution processes, members and staff spoke at a number of external conferences and seminars: see Appendix 8 for more information. The Tribunal continued as an active member of the ADR Inter-Agency Group, a forum for Australian Government agencies which encourages sharing information and training resources for alternative dispute resolution. The Tribunal also initiated a pilot competition for university students, Negotiating Outcomes on Time, which focuses on alternative dispute resolution processes: see Tribunal competitions below for more details.

Nationally accredited mediators

All Conference Registrars and members regularly involved in conducting alternative dispute resolution processes are accredited as mediators under the National Mediator Accreditation Standards. They participated in professional development activities during the reporting year to maintain the competencies required by the Standards. Maintaining accreditation is a key measure to ensure quality and consistency in mediation practice within the Tribunal. Conference Registrars also continued with peer review and performance appraisal processes developed in 2012–13.

The Tribunal is a Registered Mediator Accreditation Body and representatives attended the Annual General Meeting of the Mediator Standards Board in Brisbane. Mediators accredited by the Tribunal have been added to the national register maintained by the Board.

eSERVICES

The Tribunal is committed to providing accessible and effective services to our users and the public. In 2013–14, it continued work on projects aligned with its Electronic Services and Information Management Programme, which is designed to support the delivery of more online services and improve the Tribunal's ability to manage its information digitally. The Tribunal successfully completed a pilot project with the Australian Taxation Office for the electronic notification of applications lodged with the Tribunal. This practice now applies across the Tribunal in the tax jurisdiction and has been extended to applications for review of National Disability Insurance Scheme decisions. Work is proceeding on applying the practice to other decision-making agencies in 2014–15.

Work on developing systems for the electronic lodgement of applications and the electronic lodgement and exchange of documents will continue in 2014–15 in consultation with the Migration Review Tribunal–Refugee Review Tribunal and the Social Security Appeals Tribunal in the context of the proposed amalgamation of Commonwealth merits review tribunals.

COMMUNICATION AND ENGAGEMENT WITH TRIBUNAL USERS

The Tribunal uses a range of methods to engage with, and seek feedback from, its users in the services that it provides. It also communicates with its users in a variety of ways to assist their understanding of its role and procedures.

Consultation with users

As part of its commitment to being an open and transparent organisation, the Tribunal met with regular users and other stakeholders during 2013–14.

Members and senior Tribunal staff met with representatives of the Department of Social Services and the National Disability Insurance Scheme to discuss a range of operational issues in the National Disability Insurance Scheme jurisdiction. District Registries arranged local liaison meetings with persons and organisations who appear regularly before the Tribunal – departments, agencies and other decision-makers, private legal practitioners, legal aid bodies, community legal centres and disability advocacy organisations. Some registries held meetings with users from all jurisdictions while others arranged jurisdiction-specific meetings. The meetings are a forum in which the Tribunal can inform users of changes to practice and procedure and users can give feedback on the service the Tribunal is providing.

Agency Multicultural Plan

The Tribunal engages with many people from culturally and linguistically diverse backgrounds and strives to be accessible and responsive to their needs. The Tribunal's Agency Multicultural Plan sets out actions for the Tribunal to take in the two years from 1 July 2013 to 30 June 2015 to maintain and improve its performance in the provision of services to users from culturally and linguistically diverse communities. The Tribunal's aim is to ensure that good practices are embedded in the delivery of services.

Achievements for 2013–14 in relation to actions set out in the plan were:

- information about the plan and what the Tribunal has committed to do was included in the Tribunal's internal newsletter twice during the year
- the Tribunal reviewed and confirmed the list of languages most commonly used by parties in the Tribunal for the purposes of translating information products
- the Tribunal's brochures on hearings and decisions and the Tribunal's Service Charter were made available in a wider range of languages
- the Tribunal updated the information on its website about making a complaint or providing feedback, including a link to the Service Charter which is now available in 28 languages, and
- the Tribunal promoted and supported Harmony Day.

The Tribunal will continue work on a range of other strategies in 2014–15.

Indigenous access to the Tribunal

The Tribunal is committed to improving access for Indigenous Australians. Among various initiatives, it has established an Indigenous Access Working Group which identifies and implements strategies in this area. A range of activities and projects were completed or progressed during 2013–14.

Reconciliation Action Plan

The Tribunal developed and published its *Reconciliation Action Plan 2014–2017* during the reporting year. The Tribunal seeks to show respect, develop relationships and increase opportunities for Aboriginal and Torres Strait Islander peoples through the implementation of a range of practical actions. The plan focuses on:

- ensuring the Tribunal and its personnel respond appropriately to the needs of Indigenous people
- gathering better information and engaging with Aboriginal and Torres Strait Islander people in relation to access and service delivery issues, and
- attracting and retaining Aboriginal and Torres Strait Islander employees.

The Tribunal will report on its progress in relation to the plan in the next annual report.

Outreach activities

The Working Group has developed a program to promote communication and consultation with legal centres and advocacy organisations that deal with Indigenous clients, particularly in relation to the National Disability Insurance Scheme and social security issues. The aims of the outreach are to:

- increase awareness about the right to challenge decisions and provide information about the appeal process and where people can get help
- connect with community workers, giving them resources and information, and liaising with them on how the Tribunal could improve its accessibility for the community.

In May 2014, Conference Registrar Jennifer Lock participated in an outreach visit to the Anangu Pitjantjatjara Yankunytjatjara Lands with representatives from Centrelink, the Social Security Appeals Tribunal, the Welfare Rights Centre and the Brain Injury Network of South Australia, the disability advocacy organisation funded to provide support to applicants in the Tribunal's National Disability Insurance Scheme jurisdiction in South Australia and the Northern Territory. They visited four remote communities and met with elders, key service providers and members of the communities.

Internship opportunities

The Working Group has engaged with law schools and other organisations to promote Indigenous internships and other work experience opportunities at the Tribunal. During the reporting period, placements were arranged with the Legal Services Commission of South Australia and the University of Newcastle.

Guide for working with Indigenous users

In May 2014, the Working Group released the guide *Working with Aboriginal and Torres Strait Islander People at the Administrative Appeals Tribunal* which is designed to assist Tribunal members and staff to work effectively and respectfully with Aboriginal and Torres Strait Islander users and their communities. The guide will also help the Tribunal to build strong, culturally appropriate relationships with Aboriginal and Torres Strait Islander users of the Tribunal's services, and with their communities. Craig Eade, a Wemba Wemba man and intern from the University of Newcastle made a significant contribution to the development of the guide.

Information products

The Tribunal published a new series of fact sheets in 2013–14 relating to its jurisdiction to review decisions made by the National Disability Insurance Agency. They provide information in plain English about applying to the Tribunal and the key steps in the Tribunal's review process, including conferences, conciliation and hearings. The Tribunal also made available a video message from the President about the new jurisdiction.

To coincide with the commencement of amendments to the Privacy Act, the Tribunal updated information about how it handles personal information in the general brochures about the AAT and the Small Taxation Claims Tribunal, and in the *Privacy and Confidentiality at the AAT* fact sheet.

The Tribunal developed new access guides for each of its registries which provide information about how to get to the Tribunal by car or public transport, the location of accessible parking and accessible facilities at the Tribunal, and how to contact the Tribunal, including the options available through the National Relay Service. Each of the guides includes a map that identifies key landmarks, as well as parking and transport options.

AAT Alerts and the AAT Bulletin

AAT Alerts are emails to subscribers with information about Tribunal news and events. Seven AAT Alerts were issued over the course of the reporting year.

Subscribers can also elect to receive the *AAT Bulletin*, a weekly publication that provides information on recent Tribunal decisions and on appeals against these decisions, changes to the Tribunal's jurisdiction and other important developments.

During the year, the number of subscribers to AAT Alerts steadily increased, rising to 870 at 30 June 2014 compared with 750 a year earlier. At the same time there were 502 subscribers to *AAT Bulletin*, up from 370 a year earlier.

Website

The Tribunal continues to expand the information on its website for users and other visitors. To ensure information is accessible to all Australians, the Tribunal makes core information relating to the Tribunal and the review process easy to read and understand, and available in multiple formats and languages.

Major developments to the website during the year included:

- publishing a range of new and updated brochures, fact sheets and guidelines
- revising the web pages relating to our information handling practices
- updating the contact information pages to include the maps and other access information for each registry as well as updated National Relay Service information
- trialling ReadSpeaker text-to-voice software to be introduced in 2014–15, and
- beginning a project to make the website easier to read and navigate on mobile devices.

During the reporting year, usage of the website continued to increase with around 54,900 visits per month, approximately 9,200 per month more than in the previous year. The number of unique visits for the year was 159,423, compared with 151,133 in 2012–13.

OUR RELATIONSHIPS

This section reports on actions undertaken to meet Goal Four in the Tribunal's *Strategic Plan 2011–2014*: to engage effectively with Government, tribunals, the legal profession and other interested organisations in Australia and internationally. This includes:

- contributing to strategic discussions, reviews and forums dealing with administrative review and related issues in Australia
- establishing and maintaining cooperative and collaborative engagements with courts and other tribunals, and with our international counterparts, and
- promoting greater understanding of the Tribunal and its role within the broader context of the AAT as an agency aimed at improving the accountability and transparency of government and the quality of government decision-making.

DEVELOPING AND ENHANCING LINKS WITH GOVERNMENT, OTHER TRIBUNALS, ORGANISATIONS AND INDIVIDUALS

The Tribunal maintained and developed its relationships with a range of departments and agencies, organisations and individuals during 2013–14.

Liaison with the Attorney-General's Department, other departments and agencies

The Tribunal worked closely with the Attorney-General's Department during the reporting year on a wide range of issues, including the Tribunal's membership, jurisdiction, legislation and budget. Information about the Tribunal's engagement with the Department in relation to the amalgamation of the Commonwealth merits review tribunals is set out below.

The Tribunal is a participant in the Civil Justice Evidence Base Project, a working group of stakeholders and data experts convened by the Attorney-General's Department, which is

developing a framework for the collection of a consistent set of data on the civil justice system. During the reporting year, the Tribunal worked with the Australian Bureau of Statistics who were engaged by the Department to commence a data gap analysis project in the federal jurisdiction.

The Tribunal also engaged with other departments and agencies in the context of reviews that relate to work undertaken by the Tribunal or in relation to proposals that may impact on the Tribunal. The Tribunal made two submissions to the Productivity Commission as part of that body's Inquiry into Access to Justice Arrangements. Liaison was also undertaken with:

- the Department of Regional Australia, Local Government, Arts and Sport in relation to the Tribunal's jurisdiction to review decisions under the Norfolk Island *Land Valuation Act 2012*, and
- the Department of Employment in relation to the workload implications of the proposal to broaden the range of corporations that may apply to be covered by the *Safety, Rehabilitation and Compensation Act 1988*.

Liaison with other Commonwealth tribunals and amalgamation of tribunals

The Commonwealth merits review tribunals maintained their cooperative relationships in a range of ways during 2013–14, and particularly following the Government's announcement about the amalgamation of the Tribunal, the Classification Review Board, the Migration Review Tribunal–Refugee Review Tribunal and the Social Security Appeals Tribunal. Information about formal liaison arrangements is outlined below. There was also ongoing liaison between officers of the tribunals throughout the reporting period about matters such as learning and development activities, property and staff vacancies.

Commonwealth Tribunals Collaborative Forum

The Commonwealth Tribunals Collaborative Forum – comprising the Principal Members and Registrars of the Tribunal, the Migration Review Tribunal–Refugee Review Tribunal, the Social Security Appeals Tribunal and the Veterans' Review Board together with representatives of their portfolio departments – was established in June 2012 following acceptance by the Australian Government of a recommendation in the *Report of the Strategic Review of Small and Medium Agencies in the Attorney-General's Portfolio*. The role of the forum was to:

- identify and support the implementation of efficiencies or improvements that might be achieved by cooperative or shared efforts between the tribunals, and
- help with the identification and adoption of best practice tribunal administration by, and increase cooperation between, all Commonwealth merits review bodies.

The forum met on three occasions during the financial year and progressed consideration of cooperative arrangements in relation to a range of matters, including property and technology projects. Its second report was provided to the Government in July 2013.

Commonwealth Heads of Tribunals

The Commonwealth Heads of Tribunals is a forum comprising the Principal Members and Registrars of the Tribunal, Fair Work Commission, MRT–RRT, National Native Title Tribunal, SSAT and VRB. It provides an opportunity for the tribunals to discuss a wide range of matters of mutual interest and to hear from guest speakers on topics relevant to tribunal management. The forum met twice during 2013–14.

Amalgamation of tribunals

On 13 May 2014, the Government announced its intention to amalgamate the Tribunal, the Classification Review Board, the MRT–RRT and the SSAT from 1 July 2015. It also announced that merits review of decisions under the *Freedom of Information Act 1982* would be transferred from the Office of the Australian Information Commissioner to the Tribunal from 1 January 2015.

The Attorney-General's Department is responsible for implementation of the Government's decisions. In relation to the amalgamation of tribunals, the Tribunal is a member of the Steering Committee convened by the Department and is also represented on working groups that have been established in the areas of finance, human resources, information technology and property. The affected tribunals are continuing to work together closely on a range of issues, including matters that had been progressed by the Collaborative Forum.

Other forums

Administrative Review Council

The President of the Tribunal is an *ex officio* member of the Administrative Review Council. The Council's role is to monitor, and provide advice to government on, the operation of the Commonwealth system of administrative law.

Australian Institute of Administrative Law

The Tribunal participated in the activities of the Australian Institute of Administrative Law during the year, including the National Administrative Law Conference. Senior Member Professor Robin Creyke was an officer of the National Executive of the Institute and Member Regina Pertou was a committee member of the Victorian Chapter.

Council of Australasian Tribunals

The Tribunal is a member of the Council of Australasian Tribunals, an association for tribunals and those who work in, or have an interest in, tribunals in Australia and New Zealand. It consists of a National Council with local chapters, and was established to facilitate discussion and collaboration on matters relevant to tribunals.

The Tribunal continued its involvement in the Council during the year, participating in COAT conferences as well as other training and networking opportunities. Tribunal members and staff were active contributors to the work of the Council. Justice Kerr was the Treasurer of the National COAT Executive during 2013–14 until he was elected Chair in June 2014. Senior Member Anne Britton continued in her roles as the Secretary for the National COAT Executive and Convenor of the New South Wales Chapter throughout the reporting period. Deputy President Katherine Bean was the Secretary for the South Australian Chapter, and Member Regina Pertou and District Registrar Susan Woodford were committee members of the Victorian Chapter.

RESOURCE-SHARING ARRANGEMENTS

The Tribunal has cooperative arrangements with a number of courts and tribunals in relation to the provision of facilities and services either by the Tribunal or for the Tribunal. The arrangements that were in place in 2013–14 are listed below.

Federal Court of Australia

The Tribunal and the Federal Court operated a joint registry in Hobart. Court staff provided registry services and conducted alternative dispute resolution processes for the Tribunal.

Migration Review Tribunal–Refugee Review Tribunal

The Tribunal provided accommodation and hearing room facilities for Migration Review Tribunal–Refugee Review Tribunal members, including hearing room assistance and videoconferencing facilities. Tribunal staff in Adelaide, Brisbane and Perth receive applications and handle enquiries on behalf of the Migration Review Tribunal–Refugee Review Tribunal.

Social Security Appeals Tribunal

The Tribunal provided hearing rooms and related facilities for the Social Security Appeals Tribunal in its Canberra Registry.

Supreme Court of Norfolk Island

The Tribunal had an agreement with the Norfolk Island Administration for the Supreme Court of Norfolk Island to provide basic registry services in relation to applications made to the Tribunal.

Veterans' Review Board

The Tribunal made facilities available in its registries in Adelaide, Canberra and Perth for the Veterans' Review Board to conduct hearings.

INTERNATIONAL RELATIONSHIPS AND DELEGATIONS

International Association of Supreme Administrative Jurisdictions

The Tribunal is a member of the International Association of Supreme Administrative Jurisdictions (IASAJ), an organisation for bodies that are empowered to adjudicate public law disputes. The association's purpose is to promote the exchange of ideas and experiences between jurisdictions. The IASAJ was founded in 1983, and the Tribunal has been a member since 2004.

International delegations

The Tribunal regularly hosts visitors from international courts and tribunals, as well as other organisations and individuals interested in gathering information on the Tribunal and its operations. These visits also provide an opportunity for the Tribunal to learn about the public law systems of other countries and how similar organisations undertake their work.

In September 2013, the Tribunal welcomed a delegation from the Ombudsman of the Republic of Indonesia. The visit was organised by the Pacific Ombudsman Alliance.

BETTER UNDERSTANDING OF THE TRIBUNAL AND ITS ROLE

The Tribunal undertook a range of activities aimed at promoting a better understanding of the Tribunal and its role in administrative law.

Tribunal participation in external conferences, seminars and other activities

Members and staff gave presentations on the Tribunal and its operations at a number of external conferences, seminars and forums during the reporting period, helping to raise awareness of the Tribunal and its role in a variety of communities. These included a number of general information sessions conducted with other agencies and organisations about the availability of review for National Disability Insurance Scheme and social security decisions.

See Appendix 8 for more information on these activities.

Tribunal competitions

The Tribunal offered two competitions for students during the year as a means of promoting understanding of administrative law and the Tribunal's role and processes. The National Mooting Competition gives students the opportunity to participate in an abridged version of a Tribunal hearing, while the new Negotiating Outcomes on Time Competition involves participation in an alternative dispute resolution process.

Mooting competition

The Tribunal's National Mooting Competition continues to grow. A record number of teams from Australian universities registered for the ninth competition that began in August and concluded with the grand final in the Brisbane Registry on 8 October 2013. Twenty-seven teams participated in the 2013 competition.

Over a series of rounds, students make submissions to Tribunal members about the facts and how the law should be applied in realistic scenarios drawn from the Tribunal's immigration and citizenship, social security, taxation, veterans' affairs and workers' compensation jurisdictions. The competition allows students to demonstrate their research and advocacy skills and promotes their understanding of practice in administrative law.

The grand final, adjudicated by the President Justice Kerr, Deputy President Philip Hack and Senior Member Egon Fice, was closely contested. The team from the University of Notre Dame, comprising Nathan Fawkes, Rodney Worth and Jarrod Goold, were declared the winners, ahead of the University of Queensland team of Elizabeth Stanley, Georgia Williams and Jessica Apel. Rodney Worth from the University of Notre Dame won the Best Orator Prize. The prizes were generously donated by the Law Council of Australia.

Negotiation competition

In May 2014, the Tribunal piloted a new Negotiating Outcomes on Time Competition, or Noot. The competition complements the National Mooting Competition by offering students a realistic insight into conciliation processes, promoting the importance of early settlement discussions and articulating the high standards expected of legal practitioners in alternative dispute resolution processes.

Eight enthusiastic teams of Queensland law students participated in the pilot which consisted of two rounds and a final. Students prepared for, and then participated in, conciliations conducted by Tribunal members and Conference Registrars based on fact scenarios drawn from a variety of the Tribunal's jurisdictions.

First place was awarded to Briony Driscoll and Rebekah Oldfield from the University of Queensland. The runners-up were Brenton Day and Chris Reese from the University of Southern Queensland. Rebekah Oldfield was awarded the Best Communicator prize.

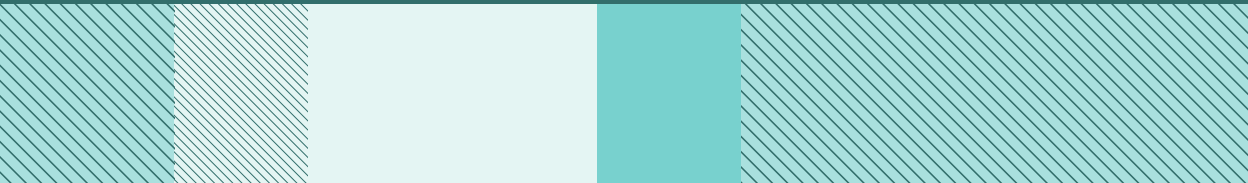
Initial feedback has encouraged the Tribunal to seek to continue the Noot, and gradually expand it to other states and territories.

Sponsored work experience placements and student visits

The Tribunal provides a range of opportunities for work experience candidates, creating meaningful opportunities for the students to develop an understanding of the Tribunal's role and processes.

The Adelaide Registry provided placements for two students under the University of Adelaide Public Law Internship Program. Three Indigenous law cadets also visited the Tribunal as part of a program run by the Legal Services Commission of South Australia. The Brisbane Registry hosted a visit from a local primary school and the Hobart Registry provided a placement for a student from the University of Tasmania. As in previous years, students from the Leo Cussen Centre for Law undertook a placement in the Melbourne Registry.

The Sydney Registry maintained its relationship with the University of New South Wales, offering work experience placements to ten students under the Law Faculty Public Interest Internship Program. The Tribunal entered into a similar agreement with the University of Newcastle in 2013–14 and accepted five students for placements. A secondary school student also undertook a work experience placement during the reporting year.



Chapter

05

**OUR ORGANISATION
AND
OUR PEOPLE**

This part of the report sets out information relating to the governance and administration of the Tribunal, including human resource management. It also provides information on actions undertaken during the reporting period to meet the two goals in the Tribunal's *Strategic Plan 2011–2014* which relate to our organisation and our people:

- to manage our resources strategically and effectively
- to maintain a professional, productive, rewarding and safe workplace.

CORPORATE MANAGEMENT

The Tribunal has structures, policies and practices in place which contribute to sound corporate governance. See Chapter 2 for information on the Tribunal's senior leaders and the committees that comprise Tribunal members and staff. Information relating to the Tribunal's Audit Committee follows below.

CORPORATE PLANNING

The Tribunal's *Strategic Plan 2011–2014* was adopted in August 2011. A review of the plan in late 2012 culminated in the *Plan on a Page 2011–14* which updated and refocused the Tribunal's strategic priorities. These documents have guided the Tribunal's work during the reporting year. Key achievements are noted in Chapter 1 of this report.

A planning process was conducted in 2013–14 to develop the Tribunal's *Strategic Plan 2014–17* which was released in July 2014. A range of consultation mechanisms were employed to engage members and staff, including a strategic planning day for senior members and managers, the circulation of the draft plan for comment and a dedicated session at the AAT National Conference.

The *Strategic Plan 2014–17* continues to reflect the Tribunal's commitment to providing a high-quality independent merits review process. In addition to articulating its vision and outlining the Tribunal's core values and behaviours, the plan offers details of the strategies or means the Tribunal proposes to achieve its goals in relation to our users, our people, our organisation and our relationships.

FINANCIAL MANAGEMENT

The Tribunal's audited financial statements for 2013–14 follow this chapter.

The Tribunal has reported an operating surplus of \$1.438 million in 2013–14 prior to unfunded depreciation charges and revaluations. The surplus is a result of lower than anticipated spending on supplier and employee costs during the year. The Tribunal's principal focus remains on its core business.

PURCHASING

The Tribunal observed the core principles of the Commonwealth Procurement Rules and relevant best practice guidelines in its purchasing activities in 2013–14. The Chief Executive Instructions and other guidance material were relied on to ensure officials with purchasing duties achieved value for money, encouraged effective competition and ensured efficient, effective, economical and ethical procurement.

In relation to major purchases and contracts, open tender or prequalified tender processes are employed unless the procurement purchase is covered by a mandatory whole-of-government

arrangement or a limited tender is appropriate in the particular circumstances. For purchases and contracts below the mandatory tender threshold, at least three quotes are generally required, together with an assessment of the need justifying the purchase request and an analysis of why the selected quote will achieve value for money.

Consultants

The Tribunal engages consultants where there is a need for independent research or assessment or for specialised or professional skills that are unavailable within the Tribunal. Consultants are typically engaged to investigate an issue or problem, carry out an independent review, study or evaluation, or provide independent advice that assists with the Tribunal’s decision-making. The decision to engage a consultant is made in accordance with the Commonwealth Procurement Rules and relevant internal policies.

During 2013–14, the Tribunal entered into ten new consultancy contracts involving total actual expenditure of \$139,441.60. Three ongoing consultancy contracts were active, involving total actual expenditure of \$101,945.25 in 2013–14.

Table 5.1 sets out the Tribunal’s total actual expenditure on all consultancies in the three most recent reporting years.

Table 5.1 Total actual expenditure on consultancy contracts

	2011–12	2012–13	2013–14
Total actual expenditure (incl GST)	\$253,338	\$192,209	\$241,387

Reporting on purchases

All purchases were gazetted as required. Details of all contracts of \$100,000 or more that are current in the most recent calendar or financial year are available on the Tribunal’s website in accordance with the Senate order on agency contracts.

There were no contracts of \$100,000 or more let in 2013–14 that did not include a clause providing for the Auditor-General to have access to the contractor’s premises.

There were no contracts of more than \$10,000 (including GST) or standing offers exempt from being published on the AusTender website on the basis that they would disclose exempt matters under the Freedom of Information Act.

Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website www.tenders.gov.au

RISK MANAGEMENT

Audit and fraud control

The Tribunal’s Audit Committee, comprising an independent chairperson, a member drawn from the Tribunal’s part-time members, a District Registrar and the Registrar (the Tribunal’s Chief Executive Officer), met regularly during the reporting year to review operations, and to plan and approve the audit policy for the forthcoming year. The committee also advised the Registrar on matters such as the financial statements, compliance with the *Financial Management and Accountability Act 1997* and fraud control.

The Tribunal’s independent internal auditor undertook an audit program covering a range of transactions to give assurance that the Tribunal’s systems were complying with the Financial Management and Accountability Act and the Chief Executive Instructions. This included auditing the Principal Registry finance and human resources operations, which are audited annually, as well

as the Adelaide, Brisbane and Perth Registries. Identified issues were addressed by management and reviewed by the Audit Committee. No major issues or risks were identified by the audits.

During the reporting year, the Tribunal reviewed and updated its Fraud Control Plan, including its Fraud Risk Register. The next review is scheduled for 2015–16.

The Audit Committee has implemented processes to enable the Registrar to complete the Certificate of Compliance for the 2013–14 financial year.

During 2014–15, the Tribunal will alter its Audit Committee membership so that it contains a majority of independent members and excludes the Registrar (the Tribunal's Accountable Authority) in accordance with the requirements of the *Public Governance, Performance and Accountability Act 2013* relating to the constitution of audit committees.

CERTIFICATION OF TRIBUNAL FRAUD CONTROL ARRANGEMENTS

I, Philip Kellow, certify that I am satisfied that for 2013–14 the Tribunal:

- has prepared fraud assessments and fraud control plans
- has in place appropriate fraud prevention, detection, investigation, reporting and data collection procedures and processes that meet the specific needs of the Tribunal, and
- has taken all reasonable measures to minimise the incidence of fraud in the Tribunal and to investigate and recover the proceeds of fraud against the Tribunal.



Philip Kellow
Registrar

22 September 2014

Insurance

The Tribunal is insured through Comcover. In general terms, the Tribunal has a low risk of insurance exposure and a limited likelihood of major disruption to its services, but cover is provided should that occur. There was a small increase in the insurance premium in 2013–14.

Risk assessment and planning

The Tribunal regularly assesses its risk position, particularly for business risks that may have an impact on national operations. These assessments include registry operations, public interaction and information systems, and link with the Fraud Control Plan. The Tribunal reviewed and updated its Risk Management Plan and associated risk register in 2013–14. The Risk Management Plan is scheduled for review again in 2015–16.

The Tribunal updated its national and local business continuity plans in 2013–14 to ensure their currency. The Tribunal's national Business Continuity Plan is on the Tribunal's intranet for all members and staff. Officers with delegated responsibility under the plan are given a backup of the plan to use should the Tribunal's intranet be unavailable.

MAINTAINING ETHICAL STANDARDS

Rules and standards relevant to ethical conduct, including the APS Values, Code of Conduct and Employment Principles, are incorporated into Tribunal policies, guidelines and instructions. The Tribunal's agency agreement includes a commitment that all employees accept a

responsibility to contribute to Tribunal outcomes by adhering to and promoting the APS Values and Code of Conduct, and demonstrating behaviours consistent with the Values and the Code. In addition, managers are to provide employees with the tools they need to do their work efficiently, effectively, ethically and creatively.

The APS Values, Code of Conduct and Employment Principles are available on the Tribunal's intranet. Online training relating to the Values and Code of Conduct is available to all staff and forms part of the Tribunal's induction process. All new staff are provided with a copy of the APS Values, Code of Conduct and Employment Principles as well as relevant excerpts from the *Crimes Act 1914* and the Australian Privacy Principles, and must sign a statement confirming they have read and understood them.

During 2013–14, the Registrar provided information to all members and staff in the AAT's internal newsletter about the changes to the APS Values, Code of Conduct and Employment Principles that commenced on 1 July 2013 and the Director, Human Resources developed a presentation on the changes for delivery by managers at staff meetings. The Executive Director, Operations and the Learning and Development Manager conducted face-to-face training which was mandatory for all staff on the APS Values, Code of Conduct and Employment Principles in early 2014.

PROPERTY AND SECURITY

The Tribunal operates from commercially-leased premises in Adelaide, Canberra, Melbourne, Perth and Sydney, and from the Commonwealth Law Courts buildings in Brisbane and Hobart.

The lease for the Canberra Registry expired on 30 June 2014. Following a search exercise, the Tribunal entered into a lease at a new location in February 2014. The fit-out for the new premises was designed and constructed between February and June, and operations commenced at the new address in late June.

During 2013–14, a number of recommendations from the Tribunal's 2012 Security Risk Review and 2013 Enterprise Security Risk Assessment were implemented to improve its compliance with the Protective Security Policy Framework, including an update of security policies, plans and procedures. The Tribunal submitted its first annual Protective Security Policy Framework compliance report in September 2013, and achieved a high level of compliance.

Mandatory training on the Protective Security Policy Framework was conducted for staff in all registries during the reporting year based on training resources provided by the Protective Security Training College, Attorney-General's Department. The Tribunal worked collaboratively with the Protective Security Training College to develop an e-learning program which is available on the Tribunal's intranet.

The Tribunal places a high priority on security to ensure that members, staff and visitors are in safe and secure environments when in Tribunal premises. Measures currently employed to ensure physical security include secure office areas as well as duress alarms installed in conference and hearing rooms and at registry counters to protect members, staff and others in the event of an incident.

The Tribunal arranges additional security services for alternative dispute resolution processes and hearings as required. If necessary, for hearings involving a security risk, the Tribunal may arrange with the Family Court or the Federal Court to use their court rooms and security arrangements.

The Australian Government Security Vetting Agency undertakes security vetting of staff whose duties require a security clearance, in compliance with the Australian Government Protective Security Policy Framework.

The Tribunal conducted a review of the security of its ICT systems in May and June 2014.

MANAGEMENT OF HUMAN RESOURCES

This section reports on the Tribunal's effectiveness in managing and developing its staff to achieve its objectives.

STAFFING OVERVIEW

At 30 June 2014, the Tribunal had 156 staff: 105 ongoing and 51 non-ongoing, of whom 20 were engaged to undertake duties that are irregular or intermittent.

Table 5.2 shows the Tribunal's staffing numbers over the three most recent reporting years, by engagement type, classification level, full-time or part-time status, gender and location. A more detailed breakdown of staffing at 30 June 2014 is in Appendix 2.

Table 5.2 Trends in staffing numbers

	2011–12	2012–13	2013–14
Total	155	163	156
BY ENGAGEMENT TYPE			
Ongoing	102	109	105
Non-ongoing (irregular/intermittent)	53 (16)	54 (18)	51 (20)
BY CLASSIFICATION CATEGORY			
SES	2	2	2
Executive Level	32	33	34
APS Level	121	128	120
BY FULL-TIME/PART-TIME STATUS			
Full-time	112	117	113
Part-time (including irregular/ intermittent)	43	46	43
BY GENDER			
Men	49	47	45
Women	106	116	111
BY LOCATION			
Adelaide	14	16	16
Brisbane	39	38	38
Canberra	11	11	11
Hobart	4	5	4
Melbourne	26	27	22
Perth	15	18	17
Sydney	46	48	48

The decrease in total staffing numbers since 30 June 2013 can be attributed primarily to the introduction of the Australian Government's recruitment arrangements for the Australian Public Service which has placed restrictions on the Tribunal filling vacancies. The Tribunal experienced some increased turnover in its ongoing staffing complement in 2013–14 with nine staff leaving the Tribunal. Five staff were engaged or transferred at level in the same period. Consistent with previous years, turnover was greater among non-ongoing staff. The Tribunal's practice of engaging legal graduates to work with members of the Tribunal, usually for 12 to 18 months, contributes to this.

EMPLOYMENT AGREEMENTS AND ARRANGEMENTS

The Tribunal's collective workplace agreement, the *Administrative Appeals Tribunal Agency Agreement 2011–2014* was approved by Fair Work Australia on 22 August 2011 and came into force on 29 August 2011. Its nominal expiry date was 30 June 2014. Most Tribunal staff are covered by the agency agreement.

The Tribunal commenced preparations in 2013–14 for the bargaining process to develop a new agency agreement. Bargaining began formally on 21 July 2014.

As at 30 June 2014, four employees had entered into Individual Flexibility Arrangements. The terms and conditions of employment of two other employees were set out in determinations made under section 24(1) of the *Public Service Act 1999*. No Tribunal employees were covered by an Australian Workplace Agreement.

More detail about the number of employees covered by the agency agreement and by individual employment arrangements at 30 June 2014 is shown in Table A2.3 of Appendix 2. Table A2.3 also shows the salary ranges available for the Tribunal's employees by classification level.

Senior executive officer remuneration

Remuneration for the Tribunal's Senior Executive Service officers is determined having regard to the remuneration for SES staff in similar Australian Government agencies. The remuneration package allows the occupant to cash out certain items in accordance with common Australian Government practice.

Performance pay

No performance bonuses were paid by the Tribunal in 2013–14. The Tribunal does not have a performance pay or bonus system for any employee.

Non-salary benefits

Non-salary benefits available to the Tribunal's employees in 2013–14 under the agency agreement included:

- two days of paid leave between Christmas Day and New Year's Day, other than for skeleton staff who maintained basic registry functions
- two additional weeks of paid maternity/parenting leave
- ability to participate in a Transport Loans Scheme, and
- health and wellbeing benefits such as flu vaccinations, assistance for group or individual participation in health and fitness activities, eyesight testing and the Employee Assistance Program.

Studies assistance

Under the Studies Assistance Scheme, ongoing staff may apply for assistance which can include full or partial reimbursement of fees and costs as well as limited time off work to attend lectures, tutorials and examinations. Non-ongoing staff may apply in certain circumstances for limited time off work for study purposes. The scheme allows staff to develop their own

capability, as well as that of the Tribunal, through vocational education at pre-tertiary, undergraduate and postgraduate levels.

Requests for studies assistance were approved in 2013–14 for studies in accounting, business, information technology, law, management and public policy. Thirteen staff gained approval for financial support with total expenditure of \$13,810.

Performance management program

In accordance with the Tribunal's Performance Management Program, all ongoing Tribunal staff are required to have performance agreements and training and development plans. Staff advance to the next salary point if their performance is assessed as fully effective or higher. The program is linked to the agency agreement.

Salary levels for non-ongoing staff are generally reviewed at contract expiration or on the completion of 12 months' service, whichever is earlier. Salary advancement is based on performance.

Staff appraisals are conducted in accordance with the Tribunal's performance management guidelines, taking leave of absence and other approvals for extension into consideration.

LEARNING AND DEVELOPMENT IN THE TRIBUNAL

Learning and development are a priority for the Tribunal. During the reporting year, the Tribunal undertook a wide range of activities to meet the needs of members, staff and the Tribunal.

Major professional development activities

The Tribunal's new jurisdiction to review decisions relating to the National Disability Insurance Scheme was an area of focus for learning and development in 2013–14. Training was provided for members and staff over the course of the year on working with people with disability, the legislative framework, the support available for applicants and the Tribunal's case management approach. A key activity was the Tribunal's inaugural National Disability Insurance Scheme seminar held on 4 September 2013 for members assigned to the NDIS Division, Conference Registrars, District Registrars and legal and policy staff. The Tribunal invited a range of external speakers to talk about the disability movement and disability rights in Australia, how to facilitate communication and give people with disability a voice, and a parent's perspective on creating a life of dignity, worth and contribution.

The Tribunal also held its biennial National Conference in May 2014. Convened by Senior Member Narelle Bell, the conference offered a valuable opportunity for members, Conference Registrars, District Registrars and Principal Registry staff to share information, discuss Tribunal practice and undertake continuing education to develop the Tribunal's capabilities. The conference was opened by the Attorney-General, Senator the Hon George Brandis QC, and speakers covered a range of topics, including dealing with parties with cognitive impairment, giving oral decisions, exploring the scope of the duty to inquire and working with Aboriginal and Torres Strait Islander peoples. Tribunal members and staff also spent time exploring ways in which the management of applications could be improved under the theme of integrated dispute resolution. The format and content of the conference promoted fruitful discussion.

Members' professional development

The Members' Professional Development Program is a comprehensive program based on a framework of competencies developed specifically for the Tribunal. The program comprises induction, mentoring, appraisal and other professional development opportunities. The Professional Development Committee advises on the Members' Professional Development Program. It met in July, September, October and December 2013, and in May 2014.

The Tribunal conducted two new member induction programs in July and October 2013. Eight new members were given a comprehensive introduction to the Tribunal, its key jurisdictions and its way of operating. The Tribunal's mentoring scheme pairs each new member with a more experienced member to assist new appointees gain a better understanding of the workings of the Tribunal and their role. Senior Member Narelle Bell was the Coordinator of the Mentoring Scheme during 2013–14.

The Tribunal's appraisal scheme combines self-assessment with appraisal by another Tribunal member against the framework of competencies. Self-assessment and peer review give members the opportunity to reflect upon their practice and consider options for further professional development. Deputy President Stan Hotop is the Appraisal Scheme Coordinator.

A range of learning activities was offered to members during 2013–14. Members attended in-house professional development sessions, including seminars on dealing with challenging people and the effects of family violence, as well as individual and small group sessions on library and information services and recent developments such as the *Public Interest Disclosure Act 2013*. Members also participated in a range of external seminars, workshops and other professional activities, including those organised by the Australian Institute of Administrative Law, the Council of Australasian Tribunals, the Law Council of Australia, the National Judicial College of Australia and other national and state-based professional bodies.

Conference Registrars' professional development

Conference Registrars conduct alternative dispute resolution processes and have primary responsibility for managing applications during the pre-hearing process. The Tribunal's Conference Registrars' Professional Development Program is based on a framework of competencies and includes induction, mentoring, reflective learning, peer review and performance appraisal. The *Conference Registrars' Professional Development Handbook* outlines the components of the program and provides practical assistance with its operation.

Conference Registrars participated in internal and external professional development activities in 2013–14 that were focused on best practice in alternative dispute resolution, working effectively with Tribunal users and recent developments in the law. Access to continuing professional development also assisted Conference Registrars to meet requirements to remain accredited under the National Mediator Accreditation System.

Staff learning and development

Learning and development for staff reflects the Tribunal's values and seeks to meet the learning needs of individuals and teams in all registries and to improve the Tribunal's capacity. Staff undertook in-house activities and attended a range of external conferences, seminars and workshops during the reporting year.

The Tribunal has a formal learning and development plan and strategies to encourage staff learning through formal, structured in-house programs. The Tribunal's comprehensive induction program was updated during 2013–14. Active learning is also encouraged through on-the-job experiences and membership of working groups and committees where possible. Participants in learning and development activities provide feedback and the programs are refined to meet operational and strategic requirements.

Internal learning and development sessions were delivered in a variety of modes that included face-to-face delivery, e-learning programs and collaborative approaches. There was a focus on foundation and core skills development in 2013–14 with sessions on the APS Values, Code of Conduct and Employment Principles, disability awareness, privacy and confidentiality, records management and security awareness. Seminars and workshops developed capabilities in coping with conflict at work, dealing with people threatening violence or self-harm and strengthening teams. Training also covered developments in Tribunal practice and procedure and case management, particularly in the National Disability Insurance Scheme jurisdiction.

Tribunal managers identified the further development of their performance management skills as a priority for the reporting period. The APSC Strategic Centre for Leadership, Learning and Development selected the Tribunal to participate in a pilot of its new Performance Management learning program. The program was facilitated over two days in November 2013 for 16 managers from around Australia. In an extensive evaluation of the program, the managers found the program content highly relevant and useful. Participation in the program also led to work commencing on the development of a revised Performance Management Framework for Tribunal staff.

Membership of learning communities

The Tribunal continues to work collaboratively with other Australian tribunals and courts on staff training initiatives through its leadership of the Commonwealth Tribunals and Courts Learning and Development Forum. Forum members share information about developments in this area and provide shared training opportunities for participant tribunals and courts.

The Tribunal continued its involvement with the Australasian Committee for Court Education. The Tribunal's Learning and Development Manager was also part of the Courts Reference Group convened by Government Skills Australia to review and make recommendations on units of competency and proposed qualifications for court and tribunal staff.

WORK HEALTH AND SAFETY

The Tribunal is committed to providing and maintaining a healthy and safe work environment for its workers through cooperative, consultative relationships. It is also committed to introducing and promoting measures for ensuring the health, safety and welfare of all workers.

The Tribunal took steps during the reporting year to ensure that members and staff understand the *Work Health and Safety Act 2011* and their duties under it. Comcare's e-learning programs for workers and managers were available to all members and staff on the Tribunal's intranet. All new staff, as well as those performing higher duties in roles with management or supervisory responsibilities, were required to complete the relevant module.

The Tribunal engaged the services of an external consultant, Niche Consulting, in 2013–14 to conduct an independent audit of the Tribunal's Rehabilitation Management System as required under Comcare's *Guidelines for Rehabilitation Authorities 2012*. The audit did not identify any matters of non-conformance.

The Tribunal continued with the development and implementation of a number of initiatives relating to the safety and security of its employees and visitors to the Tribunal's premises.

Health and wellbeing initiatives available to all employees during 2013–14 included the Employee Assistance Program, eyesight testing, flu vaccinations, providing taxis to increase personal safety in certain circumstances and assistance with return to work costs.

The Tribunal continued to make available to members and staff e-learning modules on manual handling and ergonomics in the office. Workstation assessments and training were undertaken in all registries and remedial action implemented as required.

An updated Mental Health First Aid e-learning program was made available to all members and staff on the Tribunal's intranet. It is designed to teach people to recognise the symptoms of mental health problems and how to go about guiding a person towards appropriate professional help. This is complemented by access to mental health guides from the Australian Human Rights Commission and the Australian Public Service Commission.

All Tribunal First Aid Officers completed training in 2013–14 and received guidance in the use of external defibrillators which are available in all registries. The Tribunal also funds training for backup First Aid Officers to cover staff absences.

The Tribunal's Health and Safety Committee met four times during the reporting year and minutes of meetings were made available to all members and staff on the intranet. Health and Safety Representatives conducted regular formal and informal inspections in their registries, finding no specific registry issues that had a national impact or required central involvement.

The Tribunal continues to have a low number of compensation claims, as shown in Table 5.3. Case management of compensation matters is conducted either in-house or by external service providers, according to the location and the complexity of the matter.

Table 5.3 Trends in compensation claims

	2011–12	2012–13	2013–14
Number of claims accepted	1	4	0

Notifiable incidents and investigations

There were no notifiable incidents that the Tribunal was required to report to Comcare in 2013–14 under the Work Health and Safety Act. Comcare did not undertake any investigations in relation to the Tribunal during the reporting year, nor did it issue any notices to the Tribunal.

Workplace harassment

The Tribunal's commitment to preventing and eliminating all forms of harassment in the workplace is set out in the Prevention and Elimination of Workplace Harassment Policy which articulates the Tribunal's expectations of members, managers and staff in preventing and dealing with workplace harassment. Managers and supervisors are actively encouraged to be familiar with, promote and support the Tribunal's policy and strategies for dealing with harassment.

The Tribunal's Workplace Diversity Officer is a qualified lawyer and mediator experienced in resolving disputes and dealing with harassment issues. The officer is available for all members and staff, and all discussions are confidential. The Tribunal had four Workplace Harassment Contact Officers during 2013–14, including one member.

WORKPLACE DIVERSITY

Valuing and making proper and effective use of the different qualities, skills, qualifications and experiences of members and staff can improve the workplace for individuals and the performance of the Tribunal in general. These attitudes are reflected in the Tribunal's Workplace Diversity Plan and through the work of the Workplace Diversity Committee, which reviews the plan and looks for opportunities to promote the benefits of an inclusive work environment.

Appendix 2 shows the number of staff in the various equal employment opportunity categories.

NATIONAL CONSULTATIVE COMMITTEE

The National Consultative Committee is a forum for the exchange of information between management and employees in relation to workplace matters and for consultation on issues which have Tribunal-wide implications or which involve major change to any section of the Tribunal. It forms part of the Tribunal's commitment to cooperative workplace relations and participatory decision-making.

The committee was reconstituted in March 2014 and new terms of reference were adopted. Meetings are chaired by the Executive Director, Operations and held on a quarterly basis. Tribunal employees may attend and participate at any meeting.

PRODUCTIVITY GAINS

The Tribunal worked effectively to deal with an 18 per cent increase in lodgements in 2013–14. With its existing resources, the Tribunal finalised 12 per cent more applications and achieved an improvement in the proportion of applications finalised within 12 months. This reflects a range of efforts to deal with cases as efficiently and effectively as possible.

The Tribunal maintained its commitment to health and wellbeing initiatives to improve employee health and reduce unplanned absences. The reported level of unplanned absences due to illness was largely unchanged in 2013–14 when compared with 2012–13.

Technology initiatives also contribute to productivity gains. The Human Resources Section continued work on a project to implement web recruitment functionality which will bring about improved controls, timeframes and consistency for its selection processes. Improvements to TRACS, the Tribunal's electronic case management system, continue to contribute to more efficient work practices.

BENEVOLENT TRUST

The Tribunal's benevolent trust, established in 2003, exists to assist members or staff, and their immediate families, who may require financial assistance. Voluntary contributions by members and staff fund the trust which is managed by elected trustees.

During 2013–14, the trust received one request from a staff member for financial assistance. The trustees approved a grant and an interest free loan to assist that person.

INFORMATION AND DEVELOPMENT

The Tribunal's Information and Development Section delivers communications, legal and policy, library and information management and technology services to the Tribunal. The section contributed to achieving the Tribunal's priorities, as set out in the *Strategic Plan 2011–2014*, in a number of ways including those detailed below.

COMMUNICATIONS

The Tribunal develops, implements and supports communication strategies to meet its internal and external communication needs. These strategies include producing an internal newsletter to help keep members and staff in all registries connected, informed and up-to-date, making available a suite of external information products, including the annual report, and contributing to improvement to the content and functionality of the Tribunal's website and intranet.

Internal communications

@ *The AAT*, the Tribunal's monthly newsletter, was published throughout 2013–14 with the assistance of the Tribunal's network of Communications Champions. A survey conducted in April 2014 to assess satisfaction with internal communication confirmed the benefits of changes, such as the monthly newsletter, implemented after the August 2012 survey. Satisfaction rates were high, and respondents rated @ *The AAT* highly, nominating it as a preferred method for receiving updates.

Media enquiries

The Tribunal received 41 media enquiries in the reporting period from print, online, radio and television outlets, ten more than in the previous year. Information was provided within 24 hours in relation to the majority of enquiries.

LEGAL AND POLICY

The Legal and Policy area advises and assists the President, Registrar and Executive Directors on legal and policy issues affecting the Tribunal, and helps the Tribunal meet its accountability obligations. Legal and Policy also provides information and assistance to members and staff on legislative changes, case law developments and practice and procedure issues. It manages litigation when the Tribunal is named as a party, monitors appeals from Tribunal decisions, manages Freedom of Information requests, produces resource materials, coordinates reporting on Tribunal performance, and supports the Practice and Procedure Committee and the Practice and Procedure Consultative Group.

During the year, the Legal and Policy area made a range of contributions to the Tribunal meeting its objective of providing a fair, just, economical, informal and quick mechanism of review, including by:

- developing procedural documentation for the management of applications about decisions under the National Disability Insurance Scheme and establishing arrangements for monitoring the Tribunal's performance in that jurisdiction
- finalising and launching practice and procedure documentation to support improvements to changes to improve case management in the workers' compensation jurisdiction
- working on the draft practice direction for the expedited review of certain decisions, including coordinating consultation on the draft
- coordinating the Tribunal's response to amendments to the Privacy Act, including the development of its Privacy Policy and related procedures for handling requests for access to information and documents held by the Tribunal
- training staff on practice and procedure developments, the NDIS Act and reforms to the Privacy Act, and
- advising on the ongoing development of the functionality and reporting capacity of the Tribunal's case management system, including collaborating with Technology Services to develop enhancements to the system for managing data collection in relation to disability and accessibility issues.

LIBRARY AND INFORMATION SERVICES

The Library Network provides library and information services to all Tribunal members and staff, legal professionals appearing before the Tribunal and self-represented parties. The Library also organises, publishes and manages information on the website and intranet, and manages the delivery of Tribunal decisions to publishers, government departments and agencies, and other interested parties. Libraries are located in Principal Registry Brisbane, and the District Registries in Adelaide, Melbourne, Perth and Sydney.

Major achievements during the reporting year included: improved access to the latest information on reported cases, new books and journal articles through an expanded internal weekly *AAT Bulletin*; a dedicated intranet site for Tribunal delegates to the 2014 National Conference; and conducting a business and user needs analysis of the intranet.

Library Committee

The Director, Library and Information Services supports the Tribunal's Library Committee which oversees the development of the library collection. The Committee met in October 2013, February 2014 and May 2014 and liaised regularly during the year about purchases of new library materials. It also monitored implementation of changes to the print collection that are based on changing usage patterns and designed to limit duplication and increase online availability.

INFORMATION MANAGEMENT

The Tribunal continued its commitment to the development of a comprehensive and integrated information and records management program by engaging a project manager to implement program-related projects. Key achievements in 2013–14 included: developing and implementing an information and records management framework and policy; developing and implementing a new records authority under the *Archives Act 1983* in consultation with the National Archives of Australia and publishing a Normal Administrative Practice policy; training all members and staff in records management awareness; and developing an options paper on the management of digital records before moving to an electronic document and records management system.

The work is part of a broader Tribunal-wide program to expand the use of online services and electronic management of information.

TECHNOLOGY SERVICES

The Technology Services area manages the planning, implementation and support of computer hardware, software, business systems and telecommunications systems that the Tribunal uses.

Projects during the year were designed to ensure that the Tribunal's hardware and software are up-to-date, network security is enhanced and the Tribunal's members and staff are fully supported to undertake their work. Key achievements during the year included:

- completing a major server upgrade that included implementing an enhanced business continuity planning and disaster recovery solution
- moving to a new secure internet gateway
- installing a new system to improve security compliance and other network management activities
- reviewing the security of the Tribunal's ICT systems, and
- implementing improvements and developments to the case management system, TRACS.



Financial statements

FINANCIAL STATEMENTS FOR PERIOD ENDED 30 June 2014

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INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

I have audited the accompanying financial statements of the Administrative Appeals Tribunal for the year ended 30 June 2014, which comprise: a Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Statement of Financial Position; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income; Administered Schedule of Assets and Liabilities; Administered Reconciliation Schedule; Administered Cash Flow Statement; Schedule of Administered Commitments; Schedule of Administered Contingencies; and Notes to and forming part of the financial statements comprising a Summary of Significant Accounting Policies and other explanatory information.

Chief Executive's Responsibility for the Financial Statements

The Chief Executive of the Administrative Appeals Tribunal is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as is necessary to enable the preparation of financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Administrative Appeals Tribunal's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Administrative Appeals Tribunal's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Chief Executive of the Administrative

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Appeals Tribunal, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Opinion

In my opinion, the financial statements of the Administrative Appeals Tribunal:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders, including the Administrative Appeals Tribunal's financial position as at 30 June 2014 and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Colin Bienke

Senior Director
Delegate of the Auditor-General

Canberra
1 September 2014

ADMINISTRATIVE APPEALS TRIBUNAL

STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2014 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, as amended.



PHILIP KELLOW
Chief Executive

1 September 2014



MICHAEL BINNINGTON
Chief Financial Officer

1 September 2014

ADMINISTRATIVE APPEALS TRIBUNAL

Statement of Comprehensive Income for the period ended 30 June 2014

	Notes	2014 \$'000	2013 \$'000
NET COST OF SERVICES			
Expenses			
Employee benefits	3A	23,787	23,066
Suppliers	3B	12,776	12,809
Depreciation and amortisation	3C	2,125	1,928
Total expenses		38,688	37,803
Own-Source Income			
Own-source revenue			
Sale of goods and rendering of services	4A	2,069	2,039
Total own-source revenue		2,069	2,039
Gains			
Other	4B	1,534	1,378
Total gains		1,534	1,378
Total own-source income		3,603	3,417
Net cost of services		35,085	34,386
Revenue from Government	4C	34,398	33,077
Deficit attributable to the Australian Government		(687)	(1,309)
OTHER COMPREHENSIVE INCOME			
Items not subject to subsequent reclassification to profit or loss			
Changes in asset revaluation surplus	7	229	-
Total other comprehensive income		229	-
Total comprehensive loss attributable to the Australian Government		(458)	(1,309)

The above statement should be read in conjunction with the accompanying notes.

ADMINISTRATIVE APPEALS TRIBUNAL

Statement of Financial Position as at 30 June 2014

	Notes	2014 \$'000	2013 \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	6A	377	418
Trade and other receivables	6B	13,677	12,515
Total financial assets		14,054	12,933
Non-Financial Assets			
Leasehold improvements	7A,C	3,478	3,356
Plant and equipment	7B,C	1,537	1,923
Intangibles	7D,E	112	152
Other non-financial assets	7F	234	413
Total non-financial assets		5,361	5,844
Total Assets		19,415	18,777
LIABILITIES			
Payables			
Suppliers	8A	1,308	1,409
Other payables	8B	1,320	1,595
Total payables		2,628	3,004
Provisions			
Employee provisions	9A	6,418	5,762
Other provisions	9B	230	480
Total provisions		6,648	6,242
Total liabilities		9,276	9,246
Net assets		10,139	9,531
EQUITY			
Parent Entity Interest			
Contributed equity		4,676	3,610
Reserves		3,600	3,821
Retained surplus		1,863	2,100
Total parent entity interest		10,139	9,531
Total Equity		10,139	9,531

The above statement should be read in conjunction with the accompanying notes.

ADMINISTRATIVE APPEALS TRIBUNAL

Statement of Changes in Equity for the period ended 30 June 2014

	Retained earnings		Asset revaluation surplus		Contributed equity/capital		Total equity	
	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000
Opening balance								
Balance carried forward from previous period	2,100	3,409	3,821	3,821	3,610	3,145	9,531	10,375
Comprehensive income								
Other comprehensive income	-	-	229	-	-	-	229	-
Deficit for the period	(687)	(1,309)	-	-	-	-	(687)	(1,309)
Total comprehensive income	(687)	(1,309)	229	-	-	-	(458)	(1,309)
Of which:								
Attributable to the Australian Government	(687)	(1,309)	-	-	-	-	(458)	(1,309)
Transactions with owners								
Contribution by owners								
Departmental capital budget	-	-	-	-	1,066	465	1,066	465
Total transactions with owners	-	-	-	-	1,066	465	1,066	465
Transfers between equity components	450	-	(450)	-	-	-	-	-
Closing balance as at 30 June	1,863	2,100	3,600	3,821	4,676	3,610	10,139	9,531

The above statement should be read in conjunction with the accompanying notes.

ADMINISTRATIVE APPEALS TRIBUNAL

Cash Flow Statement for the period ended 30 June 2014

	Notes	2014 \$'000	2013 \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations		33,159	32,042
Sales of goods and rendering of services		2,146	1,939
Net GST received		1,215	919
Total cash received		36,520	34,900
Cash used			
Employees		(22,922)	(22,244)
Suppliers		(12,900)	(12,638)
Total cash used		(35,822)	(34,882)
Net cash from operating activities	10	698	18
INVESTING ACTIVITIES			
Cash used			
Purchase of plant and equipment		(1,805)	(348)
Total cash used		(1,805)	(348)
Net cash used by investing activities		(1,805)	(348)
FINANCING ACTIVITIES			
Cash received			
Contributed equity		1,066	465
Total cash received		1,066	465
Net cash from financing activities		1,066	465
Net increase in cash held		(41)	135
Cash and cash equivalents at the beginning of the reporting period		418	283
Cash and cash equivalents at the end of the reporting period	6A	377	418

The above statement should be read in conjunction with the accompanying notes.

ADMINISTRATIVE APPEALS TRIBUNAL

Schedule of Commitments as at 30 June 2014

	2014 \$'000	2013 \$'000
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments	(975)	(1,139)
Total commitments receivable	<u>(975)</u>	<u>(1,139)</u>
Commitments payable		
Other commitments		
Operating leases ¹	10,679	12,465
Other	48	65
Total other commitments	<u>10,727</u>	<u>12,530</u>
Total commitments payable	<u>10,727</u>	<u>12,530</u>
Net commitments by type	<u>9,752</u>	<u>11,391</u>
BY MATURITY		
Commitments receivable		
Net GST recoverable on commitments¹		
One year or less	(431)	(446)
From one to five years	(342)	(693)
Over five years	(202)	-
Total commitments receivable	<u>(975)</u>	<u>(1,139)</u>
Commitments payable		
Operating lease commitments		
One year or less	4,698	4,843
From one to five years	3,757	7,622
Over five years	2,224	-
Total operating lease commitments	<u>10,679</u>	<u>12,465</u>
Other commitments		
One year or less	48	65
From one to five years	-	-
Over five years	-	-
Total other commitments	<u>48</u>	<u>65</u>
Total commitments payable	<u>10,727</u>	<u>12,530</u>
Net commitments by maturity	<u>9,752</u>	<u>11,391</u>

Commitments are GST inclusive where relevant.

Note:

¹ Operating leases included are effectively non-cancellable and comprise:

– **Leases for office accommodation.**

The entity in its capacity as lessee holds commercial office accommodation leases where lease payments by the Tribunal are subject to fixed or market review increases as listed in the lease agreements. All commercial office accommodation leases are current and most have a 5 year extension option available to the Tribunal following a review of rentals to current market. A replacement Canberra lease has recently been negotiated for a 10 year term and all other commercial leases are due to be renegotiated or extended by July 2016. An arrangement equivalent to commercial office accommodation leases is presently being negotiated in relation to Commonwealth owned law courts accommodation in Brisbane and Hobart and no commitment is recognised at this time.

The above schedule should be read in conjunction with the accompanying notes.

ADMINISTRATIVE APPEALS TRIBUNAL

Schedule of Contingencies *as at 30 June 2014*

There are no quantifiable contingent assets or liabilities as at 30 June 2014 (2013: Nil). Refer to Note 12 for details of any unquantifiable or remote contingent assets or contingent liabilities.

ADMINISTRATIVE APPEALS TRIBUNAL

Administered Schedule of Comprehensive Income for the period ended 30 June 2014

	Notes	2014 \$'000	2013 \$'000
NET COST OF SERVICES			
Expenses			
Refund of application fees		368	279
Total expenses		368	279
Own-Source Income			
Non-taxation revenue			
Application fees		887	771
Total non-taxation revenue		887	771
Total own-source revenue		887	771
Net contribution by services		(519)	(492)
Surplus after income tax		519	492
Other comprehensive income		-	-
Total comprehensive income		519	492

The above schedule should be read in conjunction with the accompanying notes.

Administered Schedule of Assets and Liabilities as at 30 June 2014

	Notes	2014 \$'000	2013 \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	16A	6	3
Total financial assets		6	3
Total Assets administered on behalf of Government		6	3
Net assets		6	3

The above statement should be read in conjunction with the accompanying notes.

ADMINISTRATIVE APPEALS TRIBUNAL

Administered Reconciliation Schedule

	2014 \$'000	2013 \$'000
Opening assets less liabilities as at 1 July	3	-
Net (cost of)/contribution by services		
Income	887	771
Expenses		
Payments to Non-CAC Act bodies	(368)	(279)
Transfers to/ from the Australian Government		
Appropriation transfers from Official Public Account		
Special appropriations (limited) s28 refunds		
Payments to Non-CAC Act bodies	368	279
Appropriation transfers to OPA		
Transfers to OPA	(884)	(768)
Closing assets less liabilities as at 30 June	<u>6</u>	<u>3</u>

The above statement should be read in conjunction with the accompanying notes.

ADMINISTRATIVE APPEALS TRIBUNAL

Administered Cash Flow Statement for the period ended 30 June 2014

	2014 \$'000	2013 \$'000
OPERATING ACTIVITIES		
Cash received		
Application fees	887	771
Total cash received	887	771
Cash used		
Refund of application fees	(368)	(279)
Total cash used	(368)	(279)
Net cash flows from operating activities	519	492
Net Increase in Cash Held	519	492
Cash and cash equivalents at the beginning of the reporting period	3	-
Cash from Official Public Account for:		
– Appropriations	368	279
Cash to Official Public Account for:		
– Appropriations	(884)	(768)
Cash and cash equivalents at the end of reporting period	6	3

This schedule should be read in conjunction with the accompanying notes

Schedule of Administered Commitments as at 30 June 2014

There were no administered commitments as at 30 June 2014 (2013: Nil).

Schedule of Administered Contingencies as at 30 June 2014

There were no administered contingencies as at 30 June 2014 (2013: Nil).

Notes to and forming part of the financial statements

ADMINISTRATIVE APPEALS TRIBUNAL

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the Tribunal

The Administrative Appeals Tribunal (the Tribunal) is an Australian Government controlled entity. It is a not for profit entity. The objective and sole outcome of the Tribunal is to provide independent review on merit of a wide range of administrative decisions of the Australian Government so as to ensure in each case the correct or preferable decision is made.

The continued existence of the Tribunal in its present form and with its present programs is dependent on Government policy and on continuing funding by Parliament for the Tribunal's administration and programs.

Tribunal activities contributing toward this outcome are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the Tribunal in its own right. Administered activities involve the management or oversight by the Tribunal, on behalf of the Government, of items controlled or incurred by the Government.

The Tribunal's administered activities on behalf of the Government are generally limited to collection and refund of application fees as prescribed by the *Administrative Appeals Tribunal Act 1975 and Regulations 1976*. Additional administered revenues may be remitted by the Tribunal to Government where there is no right for the Tribunal to retain the revenue as Departmental revenue.

1.2 Basis of Preparation of the Financial Statements

The financial statements are general purpose financial statements and are required by section 49 of the *Financial Management and Accountability Act 1997*.

The financial statements and notes have been prepared in accordance with:

- Finance Minister's Orders (FMOs) for reporting periods ending on or after 1 July 2011; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements have been prepared on a going-concern basis after consideration of the proposed amalgamation of various Tribunals announced by the Government in the 2014-15 Commonwealth budget. In the 2014-15 Commonwealth budget the Government announced it will amalgamate all of the Commonwealth merits review tribunals with the exception of the Veterans Review Board, from 1 July 2015. The amalgamated body will take on the functions of the Administrative Appeals Tribunal, the Social Security Appeals Tribunal, the Refugee Review Tribunal and Migration Review Tribunal, and the Classification Review Board.

Whilst the form of the amalgamation is unclear as at the reporting date, it is expected that there will be the orderly transfer of any assets and liabilities that are transferred between agencies or to a new entity which will be at values based on a going concern basis as is normal practice in machinery of Government changes.

The Tribunal has secured funding from Government appropriations for the 2014-15 financial year which, together with undrawn funding at the date of the financial statements, will ensure that the Tribunal is in a position to service their debts as they become due and payable until the proposed date of amalgamation.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Notes to and forming part of the financial statements

Unless alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the statement of financial position when and only when it is probable that future economic benefits will flow to the Tribunal or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executory contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the Statement of Comprehensive Income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the Tribunal has made the following judgements that have the most significant impact on the amounts recorded in the financial statements:

- the fair value of property, plant and equipment has been taken to be the fair value of similar assets as determined by an independent valuer;
- the provision for restoration of premises to their original condition at the conclusion of the lease has been taken to be the present value of this obligation as determined by an independent valuer; and
- the employee benefits provisions have been estimated in accordance with AASB 119 Employee Benefits and reflect the expected value of those benefits.

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standard Requirements

No accounting standard has been adopted earlier than the application date as stated in the standard.

The following amending standard, issued prior to the sign-off date, were applicable to the current reporting period and had a financial impact on the entity:

- **AASB 13 Fair Value Measurement and AASB 2011–8 Amendments to Australian Accounting Standards arising from AASB 13** (effective 1 January 2013)

AASB 13 was released in September 2011. It explains how to measure fair value and aims to enhance fair value disclosures. To facilitate this AASB 13 outlines how to measure fair value, but does not specify when it should be applied. Guidance on when fair value measurements are to be applied is specified in other standards. AASB 13 defines fair value as ‘the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date’. This value would not factor in entity specific intentions for the asset (e.g. whether the entity intends to hold or sell the asset).

Key features included in AASB 13 are: the requirement to value non-financial assets at their highest and best use; identification of a principal (or most advantageous) market; and disclosure of all fair value measurements based on the fair value hierarchy. AASB 13 also introduces additional disclosures. It extends the fair value hierarchy disclosures previously required for financial instruments alone to all assets and liabilities carried at fair value.

Notes to and forming part of the financial statements

- **Revised AASB 119 Employee Benefits, AASB 2011–10 Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) and AASB 2011–11 Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements** (effective 1 January 2013)

In September 2011, the AASB released a revised standard on accounting for employee benefits. Key changes made to the accounting requirements include:

- the revised AASB 119 Employee Benefits introduces a single approach for the recognition and measurement of defined benefit plans. Previously, entities were permitted a number of measurement options, including the ability to defer some gains/losses into future periods via the corridor approach. Under the revised AASB 119, gains/losses are recognised in the period in which they occur, with actuarial changes recognised in other comprehensive income. Service costs are recognised in the profit or loss, including past service costs arising from a plan amendment, curtailment or settlement. Financing income/expense is also recognised in the profit or loss depending on whether the overall plan is in a surplus or deficit position. Any return on plan assets in excess of the discount rate is recognised in other comprehensive income;
- disclosure requirements were also revised and include disclosure of fair value information for plan assets, sensitivity analysis for major assumptions and descriptions of the risks associated with the plan;
- the recognition rules and definitions related to termination benefits have been revised, which could impact when entities recognise termination expenses within their financial statements;
- short-term employee benefits are now defined as employee benefits that are expected to be settled wholly within twelve months after reporting date. Previously, short-term employee benefits were defined as employee benefits due to be settled within twelve months.

Other new standards, revised standards, interpretations and amending standards issued prior to the sign-off date and are applicable to the current reporting period did not have a financial impact, and are not expected to have a material impact on the entity.

Future Australian Accounting Standard Requirements

The following new standards, revised standards, interpretations and amending standards were issued by the Australian Accounting Standards Board prior to the sign-off date, which are expected to have a financial impact on the Tribunal for future reporting periods:

- **AASB 9 Financial Instruments and associated Amending Standards** (applicable for annual reporting periods commencing on or after 1 January 2017)

These Standards will be applicable retrospectively (subject to the provisions on hedge accounting outlined below) and include revised requirements for the classification and measurement of financial instruments, revised recognition and derecognition requirements for financial instruments, and simplified requirements for hedge accounting.

The key changes that may affect the Tribunal on initial application of AASB 9 and associated Amending Standards include certain simplifications to the classification of financial assets, simplifications to the accounting of embedded derivatives, and the irrevocable election to recognise gains and losses on investments in equity instruments that are not held for trading in other comprehensive income. AASB 9 also introduces a new model for hedge accounting that will allow greater flexibility in the ability to hedge risk, particularly with respect to the hedging of non-financial items. Should the Tribunal elect to change its hedge accounting policies in line with the new hedge accounting requirements of AASB 9, the application of such accounting would be largely prospective.

Notes to and forming part of the financial statements

Although management anticipate that the adoption of AASB 9 may have an impact on the Tribunal's financial instruments, it is impracticable at this stage to provide a reasonable estimate of such impact.

- **AASB 1055 *Budgetary Reporting***
(effective 1 July 2014)

On 5 March 2013 the AASB approved AASB 1050 for not for profit reporting entities within the General Government Sector that present a budget to parliament and provides users with information relevant to assessing performance of an entity, including accountability for resources entrusted to it between budget and actual results.

In particular, the following disclosures will be required:

- original budget presented to Parliament;
- variance of actuals from budget; and
- explanations of significant variances.

This standard is not applicable until financial year 2014–15.

Other new standards, revised standards, interpretations and amending standards that were issued prior to the sign-off date and are applicable to the future reporting period are not expected to have a material impact on the Tribunal.

1.5 Revenue

Revenue from the sale of goods is recognised when:

- a) the risks and rewards of ownership have been transferred to the buyer;
- b) the Tribunal retains no managerial involvement or effective control over the goods;
- c) the revenue and transaction costs incurred can be reliably measured; and
- d) it is probable that the economic benefits associated with the transaction will flow to the Tribunal.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- a) the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- b) the probable economic benefits associated with the transaction will flow to the Tribunal.

The stage of completion of contracts at the reporting date is determined by reference to:

- a) surveys of work performed;
- b) services performed to date as a percentage of total services to be performed; or
- c) the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

Resources Received Free of Charge

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Resources received free of charge are recorded as either revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government agency or authority as a consequence of a restructuring of administrative arrangements (refer to Note 1.7).

Notes to and forming part of the financial statements

Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the Tribunal gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

1.6 Gains

Resources Received Free of Charge

Resources received free of charge are recognised as gains when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government Agency or Authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

Sale of Assets

Gains, from disposal of assets, are recognised when control of the asset has passed to the buyer.

1.7 Transactions with the Government as Owner

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Government entity under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

Other Distributions to Owners

The FMOs require that distributions to owners be debited to contributed equity unless it is in the nature of a dividend.

1.8 Employee Benefits

Liabilities for 'short-term employee benefits' (as defined in AASB 119 *Employee Benefits*) and termination benefits expected within twelve months of the end of the reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the Tribunal is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the Tribunal's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

Notes to and forming part of the financial statements

The liability for long service leave is recognised and measured, using the short-hand method included in the FMOs, at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 2014. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The Tribunal recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Superannuation

Most members and staff of the Tribunal are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes.

The Tribunal makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The Tribunal accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

1.9 Leases

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits. The Tribunal does not have any finance leases.

Operating lease payments are expensed on a straight line basis which is representative of the pattern of benefits derived from the leased assets. Lease incentives are amortised on a straight line basis which is representative of the pattern of benefits derived from the incentives.

1.10 Borrowing Costs

All borrowing costs are expensed as incurred.

1.11 Fair Value Measurement

No transfers between levels of the fair value hierarchy occurred in 2013–14.

Notes to and forming part of the financial statements

1.12 Cash

Cash is recognised at its nominal amount. Cash and cash equivalents includes;

- a) cash on hand;
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value;
- c) cash held by outsiders; and
- d) cash in special accounts.

1.13 Financial Assets

The Tribunal's financial assets are all classified as 'loans and receivables'. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. Financial assets are recognised and derecognised upon trade date.

Effective Interest Method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

Income is recognised on an effective interest rate basis except for financial assets that are recognised at fair value through profit or loss.

Loans and Receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

Financial assets carried at cost – if there is objective evidence that an impairment loss has been incurred, the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

1.14 Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

Financial Liabilities at Fair Value Through Profit or Loss

Financial liabilities at fair value through profit or loss are initially measured at fair value. Subsequent fair value adjustments are recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest paid on the financial liability.

Other Financial Liabilities

Other financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Notes to and forming part of the financial statements

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.15 Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset, or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

1.16 Financial Guarantee Contracts

Financial guarantee contracts are accounted for in accordance with AASB139 *Financial Instruments: Recognition and Measurement*. They are not treated as a contingent liability, as they are regarded as financial instruments outside the scope of AASB137 *Provisions, Contingent Liabilities and Contingent Assets*. The Tribunal currently has no financial guarantee contracts.

1.17 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

1.18 Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make-good' provisions in property leases taken up by the Tribunal where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Tribunal's leasehold improvements with a corresponding provision for the 'make-good' recognised.

Revaluations

Fair values for each class of asset are determined as shown below:

<i>Asset class</i>	<i>Fair value measurement</i>
Leasehold improvements	Depreciated replacement cost
Plant and equipment	Depreciated replacement cost

The Tribunal does not own any land or buildings.

Following initial recognition at cost, property, plant and equipment were carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations were conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets.

Notes to and forming part of the financial statements

Revaluation adjustments were made on a class basis. Any revaluation increment was credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets were recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date was eliminated against the gross carrying amount of the asset and the asset was restated to the revalued amount.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Tribunal using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

Leasehold improvements	<u>2014</u> Lesser of estimated useful life and lease term	<u>2013</u> Lesser of estimated useful life and lease term
Plant and equipment	3–20 years	3–20 years

Impairment

All assets were assessed for impairment at 30 June 2014. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Tribunal were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

No indicators of impairment were found for assets at fair value.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

1.19 Intangibles

The Tribunal's intangibles comprise externally purchased software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful lives. The useful lives of the Tribunal's software are 3 to 5 years (2013: 3 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2014. No indications of impairment were found for intangible assets.

Notes to and forming part of the financial statements

1.20 Taxation

The Tribunal is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- a) where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- b) for receivables and payables.

1.21 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the administered schedules and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

Administered Cash Transfers to and from the Official Public Account

Revenue collected by the Tribunal for use by the Government rather than the Tribunal is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the Tribunal on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

Administered Revenue

All administered revenues are revenues relating to ordinary activities performed by the Tribunal on behalf of the Australian Government. As such, administered appropriations are not revenues of the individual entity that oversees distribution or expenditure of the funds as required by regulations 19 and 19AA of the *Administrative Appeals Regulations 1976*.

The major financial activities of the Tribunal are the collection of fees payable on lodging with the Tribunal of an application for a review of a decision, other than in income maintenance matters. On matters other than income maintenance, applicants may apply for a waiver of the fee under regulation 19(6) of the *Administrative Appeals Tribunal Regulations 1976*.

Applications deemed to be successful may result in a refund of the fee paid.

Fees are refunded in whole if lodged prior to November 1, 2010 or less \$100 if lodged from November 1, 2010 where the proceedings terminate in a manner favourable to the applicant except for Small Taxation Claims Tribunal applications where a smaller once-only fee is payable irrespective of the outcome of the decision.

Note 2: Events after the Reporting Period

Departmental

There was no subsequent event that had the potential to significantly affect the ongoing structure and financial activities of the Tribunal.

Administered

There was no subsequent event that had the potential to significantly affect the ongoing structure and financial activities of the Tribunal.

Notes to and forming part of the financial statements

Note 3: Expenses	2014	2013
	\$'000	\$'000
<u>Note 3A: Employee benefits</u>		
Wages and salaries	18,413	18,236
Superannuation		
Defined contribution plans	1,076	1,054
Defined benefit plans	2,035	1,870
Leave and other entitlements	2,263	1,830
Separation and redundancies	-	76
Total employee benefits	23,787	23,066
<u>Note 3B: Suppliers</u>		
Goods and services		
Consultants	245	232
Travel	401	491
IT services	886	770
Other	5,004	5,210
Total goods and services	6,536	6,703
Goods supplied in connection with		
Related parties	-	-
External parties	283	318
Total goods supplied	283	318
Services supplied in connection with		
Related entities	479	694
External parties	5,774	5,691
Total services rendered	6,253	6,385
Total goods and services supplied or rendered	6,536	6,703
Other suppliers		
Operating lease rentals in connection with		
External parties:		
Minimum lease payments	6,039	5,979
Workers compensation expenses	201	127
Total other suppliers	6,240	6,106
Total suppliers	12,776	12,809

Notes to and forming part of the financial statements

	2014	2013
	\$'000	\$'000
<u>Note 3C: Depreciation and Amortisation</u>		
Depreciation:		
Leasehold improvements	1,496	1,349
Plant and equipment	540	483
Total depreciation	2,036	1,832
Amortisation:		
Intangibles	89	96
Total amortisation	89	96
Total depreciation and amortisation	2,125	1,928

Note 4: Income

OWN-SOURCE REVENUE

Note 4A: Sale of Goods and Rendering of Services

Rendering of services in connection with

Related entities	1,763	1,671
External parties	306	368
Total sale of goods and rendering of services	2,069	2,039

GAINS

Note 4B: Other gains

Resources received free of charge – services	1,110	1,100
Liabilities assumed by other departments	284	278
Other	140	-
Total other gains	1,534	1,378

REVENUE FROM GOVERNMENT

Note 4C: Revenue from Government

Appropriations:		
Departmental appropriations	34,398	33,077
Total revenue from Government	34,398	33,077

Notes to and forming part of the financial statements

Note 5: Fair Value Measurements

The following table provides an analysis of assets and liabilities that are measured at fair value. The different levels of the fair value hierarchy are defined below.

Level 1: Quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at measurement date.

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Unobservable inputs for the asset or liability.

The Tribunal's assets have all been assessed as Level 3 inputs by the valuer, RHAS, engaged to value the Tribunal's assets in 2013–14.

Note 5A: Fair Value Measurements

Fair value measurement at the end of the reporting period by hierarchy for assets in 2014

	Fair value	Fair value measurements at the end of the reporting period using Level 3 inputs
	\$'000	\$'000
Non-financial assets		
Leasehold improvements	3,478	3,478
Plant and Equipment	1,537	1,537
Total non-financial assets	5,015	5,015
Total fair value measurements of assets in the statement of financial position	5,015	5,015

The highest and best use of all non-financial assets are the same as their current use.

Note 5B: Level 1 and Level 2 Transfers for Recurring Fair Value Measurements

There was no transfer of fair value measurements between level 1 and level 2 assets and liabilities.

Note 5C: Valuation Technique and Inputs for Level 3 Fair Value Measurements

Level 3 fair value measurements – valuation technique and the inputs used for assets in 2014

	Category (Level 2 or Level 3)	Fair Value \$'000	Valuation technique(s) ¹	Inputs used	Range (weighted average) ²
Non-financial assets					
Leasehold improvements	Level 3	3,478	Depreciated replacement cost	ABS Indexes Historic cost Current contract prices	N/A
Plant and Equipment	Level 3	1,537	Depreciated replacement cost	ABS Indexes Historic cost Current contract prices	N/A

1. No change in valuation technique occurred during the period.

2. Significant unobservable inputs only.

Notes to and forming part of the financial statements

Recurring and non-recurring Level 3 fair value measurements – valuation processes

The Tribunal procured valuation services from RHAS valuers (RHAS) and relied on valuation models provided by RHAS. The Tribunal tests the procedures of the valuation model at least once every 12 months. RHAS provided written assurance to the entity that the model developed is in compliance with AASB 13.

Recurring Level 3 fair value measurements – sensitivity of inputs

The significant unobservable inputs used in the fair value measurement of the Tribunal's leasehold improvements and plant and equipment are based on Australian Bureau of Statistics Indexes¹ and historical costs or in some cases based on the current contract price for the replacement asset.

Note 5D: Reconciliation for Recurring Level 3 Fair Value Measurements

Recurring Level 3 fair value measurements – reconciliations for assets

	Non-financial assets		
	Leasehold improvements	Plant and Equipment	Total 2014
	\$'000	\$'000	\$'000
Opening balance	3,356	1,923	5,279
Total gains/(losses) recognised in net cost of services ¹	(1,496)	(540)	(2,036)
Total gains/(losses) recognised in other comprehensive income ²	117	112	229
Transfers out of Level 3 ³	(100)	-	(100)
Purchases	1,601	42	1,643
Closing balance	3,478	1,537	5,015

- The losses are presented in the Statement of Comprehensive Income under Depreciation and amortisation.
- The gains are presented in the Statement of Comprehensive Income under Changes in asset revaluation surplus.
- The transfer is presented in the Statement of Financial Position as a movement between assets and revaluation reserves in equity.

	2014 \$'000	2013 \$'000
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Note 6: Financial Assets

Note 6A: Cash and cash equivalents

Cash on hand or on deposit	377	418
Total cash and cash equivalents	377	418

Note 6B: Trade and Other receivables

Goods and Services receivables in connection with:

Related entities	393	199
External parties	16	104
Total goods and services receivables	409	303

Appropriations receivable:

Existing programs	13,174	11,935
Total appropriations receivable	13,174	11,935

Other receivables:

Statutory receivables	94	277
Total other receivables	94	277
Total trade and other receivables (Gross)	13,677	12,515

No impairment has been recognised in 2014 (2013: Nil).

Notes to and forming part of the financial statements

	2014 \$'000	2013 \$'000
Trade and other receivables (net) expected to be recovered:		
No more than 12 months	13,677	12,515
More than 12 months	-	-
Total trade and other receivables (net)	13,677	12,515
Trade and other receivables aged as follows:		
Not overdue	13,650	12,498
Overdue by:		
0 to 30 days	18	3
31 to 60 days	9	14
61 to 90 days	-	-
More than 90 days	-	-
	<u>27</u>	<u>17</u>
Total trade and other receivables (net)	13,677	12,515

Credit terms for goods and services were within 30 days (2013: 30 days).

Note 7: Non-Financial Assets

Note 7A: Leasehold Improvements

Leasehold improvements at fair value	3,478	3,356
Total leasehold improvements	3,478	3,356

Leasehold improvements were subject to revaluation. No indicators of impairment were found for leasehold improvements.

No leasehold improvements are expected to be sold or disposed of within the next 12 months.

Note 7B: Plant and Equipment

Plant and equipment at fair value	1,537	1,923
Total plant and equipment	1,537	1,923

Plant and equipment were subject to revaluation. No indicators of impairment were found for plant and equipment.

No plant and equipment is expected to be sold or disposed of within the next 12 months other than where items are being replaced at the end of useful life with similar assets in the ordinary course of business.

Revaluations of non-financial assets

All revaluations are in accordance with the revaluation policy stated in Note 1.17. On 30 June 2014 an independent valuer, RHAS, conducted the revaluations.

Revaluation increment of \$117,000 was made for leasehold improvements (nil in 2013).

Revaluation increment of \$112,000 was made for plant and equipment (nil in 2013).

Notes to and forming part of the financial statements

Note 7C: Reconciliation of the Opening and Closing Balances of Leasehold improvements, Plant and Equipment

Reconciliation of the opening and closing balances of leasehold improvements, plant and equipment (2013–14)

	Leasehold Improvements	Plant and Equipment	Total
	\$'000	\$'000	\$'000
As at 1 July 2013			
Gross book value	3,356	1,923	5,279
Accumulated depreciation and impairment	-	-	-
Total as at 1 July 2013	3,356	1,923	5,279
Additions			
Purchase	1,601	42	1,643
Revaluations and impairments recognised in other comprehensive income	117	112	229
Revaluation of makegood liabilities	(100)	-	(100)
Depreciation expense	(1,496)	(540)	(2,036)
Total as at 30 June 2014	3,478	1,537	5,015
Total as at 30 June 2014 represented by:			
Gross book value	3,478	1,537	5,015
Accumulated depreciation and impairment	-	-	-
Total as at 30 June 2014	3,478	1,537	5,015

Reconciliation of the opening and closing balances of leasehold improvements, plant and equipment (2012–13)

	Leasehold Improvements	Plant and Equipment	Total
	\$'000	\$'000	\$'000
As at 1 July 2012			
Gross book value	4,705	1,438	6,143
Accumulated depreciation and impairment	-	-	-
Total as at 1 July 2012	4,705	1,438	6,143
Additions			
Purchase	-	968	968
Depreciation expense	(1,349)	(483)	(1,832)
Total as at 30 June 2013	3,356	1,923	5,279
Total as at 30 June 2013 represented by:			
Gross book value	3,356	1,923	5,279
Accumulated depreciation and impairment	-	-	-
Total as at 30 June 2013	3,356	1,923	5,279

Notes to and forming part of the financial statements

	2014 \$'000	2013 \$'000
Note 7D: Intangibles		
Computer software		
Purchased	1,039	990
Accumulated amortisation	(927)	(838)
Total computer software	112	152
Total intangibles	112	152

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

Note 7E: Reconciliation of the Opening and Closing Balances of Intangibles

Reconciliation of the opening and closing balances of intangibles (2013–14)

Item	Computer Software Purchased \$'000	Total \$'000
As at 1 July 2013		
Gross book value	990	990
Accumulated amortisation and impairment	(838)	(838)
Total as at 1 July 2013	152	152
Additions		
By purchase or internally developed	49	49
Amortisation	(89)	(89)
Total as at 30 June 2014	112	112
Total as at 30 June 2014 represented by:		
Gross book value	1,039	1,039
Accumulated amortisation and impairment	(927)	(927)
Total as at 30 June 2014	112	112

Reconciliation of the opening and closing balances of intangibles (2012–13)

Item	Computer Software Purchased \$'000	Total \$'000
As at 1 July 2012		
Gross book value	990	990
Accumulated amortisation and impairment	(742)	(742)
Total as at 1 July 2012	248	248
Amortisation	(96)	(96)
Total as at 30 June 2013	152	152
Total as at 30 June 2013 represented by:		
Gross book value	990	990
Accumulated amortisation and impairment	(838)	(838)
Total as at 30 June 2013	152	152

Notes to and forming part of the financial statements

	2014 \$'000	2013 \$'000
Note 7F: Other non-financial assets		
Prepayments	234	413
Total other non-financial assets	234	413
Other non-financial assets expected to be recovered		
No more than 12 months	216	408
More than 12 months	18	5
Total other non-financial assets	234	413

No indicators of impairment were found for other non-financial assets.

Note 8: Payables

Note 8A: Suppliers

Trade creditors and accruals	1,308	1,409
Total suppliers payables	1,308	1,409

Suppliers expected to be settled

No more than 12 months	1,308	1,409
More than 12 months	-	-
Total suppliers	1,308	1,409

Suppliers in connection with

Related entities	23	254
External parties	1,285	1,155
Total suppliers	1,308	1,409

Settlement was usually made within 30 days.

Note 8B: Other payables

Wages and salaries ¹	778	853
Lease incentives ^{2,3}	542	742
Total other payables	1,320	1,595

Other payables expected to be settled

No more than 12 months	1,029	1,058
More than 12 months	291	537
Total other payables	1,320	1,595

- The amount has been reclassified from Employee Provisions – Other in 2012-13 to better reflect the nature of the liability.
- The Tribunal received incentives in the form of rent free periods and carpeting contributions on entering property operating leases.
- The amount has been reclassified from Interest Bearing Liabilities in the prior year to better reflect the nature of the liability.

Notes to and forming part of the financial statements

	2014 \$'000	2013 \$'000
Note 9: Provisions		
<u>Note 9A: Employee provisions</u>		
Leave	6,418	5,762
Total employee provisions	6,418	5,762
Employee provisions expected to be settled		
No more than 12 months	1,818	5,119
More than 12 months	4,600	643
Total employee provisions	6,418	5,762
Accrued wages and salaries of \$853,000 included as Employee Provisions – Other in 2012-13 have been reclassified to Other Payables to better reflect the nature of the liability.		
<u>Note 9B: Other provisions</u>		
Provision for restoration obligations	230	480
Total other provisions	230	480
Other provisions expected to be settled		
No more than 12 months	-	150
More than 12 months	230	330
Total other provisions	230	480
	Provision for restoration \$'000	Total \$'000
As at 1 July 2013	480	480
Additional provisions made	(100)	(100)
Amount used	(10)	(10)
Amounts reversed	(140)	(140)
Unwinding of discount or change in the discount rate	-	-
Total as at 30 June 2014	230	230

The Tribunal currently has one (2013: 2) agreement for the leasing of premises which have provisions requiring the Tribunal to restore the premises to their original condition at the conclusion of the lease. The Tribunal has made a provision to reflect the present value of this obligation.

Notes to and forming part of the financial statements

Note 10: Cash Flow Reconciliation

	2014 \$'000	2013 \$'000
Reconciliation of cash and cash equivalents as per statement of financial position to cash flow statement		
Cash and cash equivalents as per:		
Cash Flow Statement	377	418
Statement of financial position	377	418
Discrepancy	<u>-</u>	<u>-</u>
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(35,085)	(34,386)
Revenue from Government	34,398	33,077
Adjustments for non-cash items		
Depreciation/amortisation	2,125	1,928
Movements in assets and liabilities		
Assets		
(Increase)/decrease in net receivables	(1,162)	(1,135)
(Increase)/decrease in prepayments	179	(67)
Liabilities		
Increase/(decrease) in employee provisions ¹	656	434
Increase/(decrease) in suppliers payables	12	128
Increase/(decrease) in other payables ¹	(275)	39
Increase/(decrease) in other provisions	(150)	-
Net cash from/(used by) operating activities	<u>698</u>	<u>18</u>

1. Movements of \$110,000 included in Employee Provisions have been reclassified to Other Payables in the prior year to reflect the change in reclassification of Accrued Salaries and Wages.

Note 11: Contingent Assets and Liabilities

Quantifiable Contingencies

At 30 June 2014, the Tribunal had no quantifiable contingent liabilities (2013: Nil).

Unquantifiable or Remote Contingencies

At 30 June 2014, the Tribunal had not identified any unquantifiable or remote contingencies (2013: Nil).

Notes to and forming part of the financial statements

Note 12: Senior Executive Remuneration

Note 12A: Senior Executive Remuneration Expenses for the Reporting Period

	2014	2013
	\$	\$
Short-term employee benefits:		
Salary	669,041	594,133
Motor vehicle and other allowances	199	-
Total short-term employee benefits	669,240	594,133
Post-employment benefits:		
Superannuation	83,707	72,566
Total post-employment benefits	83,707	72,566
Other long term benefits		
Annual leave accrued	46,522	36,910
Long-service leave	14,960	11,869
Total other long term employee benefits	61,482	48,779
Termination benefits		
<i>Public Services Act 1999</i> s37 incentive to retire	-	76,386
Total termination benefits	-	76,386
Total senior executive remuneration expenses	814,429	791,864

Notes:

1. Note 12A is prepared on an accrual basis.
2. Note 12A excludes acting arrangements and part-year service where remuneration expense for a senior executive was less than \$195,000.

Notes to and forming part of the financial statements

Note 12B: Average Annual Reportable Remuneration Paid to Substantive Senior Executives during the Reporting Period
 Average annual reportable remuneration paid to substantive senior executives in 2014

Average annual reportable remuneration ¹	Substantive Senior Executives	Reportable salary ²	Contributed superannuation ³	Reportable allowances ⁴	Bonus Paid ⁵	Total reportable remuneration
	No.	\$	\$	\$	\$	\$
Total reportable remuneration (including part-time arrangements):						
\$195,000 to \$224,999	2	192,347	23,346	99	-	215,792
\$315,000 to \$344,999	1	282,914	36,635	326	-	319,875
Total number of substantive senior executives	3					

Average annual reportable remuneration paid to substantive senior executives in 2013

Average annual reportable remuneration ¹	Substantive Senior Executives	Reportable salary ²	Contributed superannuation ³	Reportable allowances ⁴	Bonus Paid ⁵	Total reportable remuneration
	No.	\$	\$	\$	\$	\$
Total reportable remuneration (including part-time arrangements):						
\$0 to \$194,999	2	77,057	9,412	-	-	86,469
\$195,000 to \$224,999	1	184,553	21,178	-	-	205,731
\$285,000 to \$314,999	1	266,349	33,870	-	-	300,219
Total number of substantive senior executives	4					

Notes:

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an average figure based on headcount for individuals in the band.
2. 'Reportable salary' includes the following:
 - a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
 - b) reportable fringe benefits (at the net amount prior to 'grossing up' for tax purposes);
 - c) reportable employer superannuation contributions; and
 - d) exempt foreign employment income.
3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to substantive senior executives in that reportable remuneration band during the reporting period.
4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

Notes to and forming part of the financial statements

Note 12C: Average Annual Reportable Remuneration Paid to Other Highly Paid Staff during the Reporting Period

Average annual reportable remuneration paid to other highly paid staff in 2014

Average annual reportable remuneration ¹	Other highly paid staff	Reportable salary ²	Contributed superannuation ³	Reportable allowances ⁴	Bonus Paid ⁵	Total reportable remuneration
	No.	\$	\$	\$	\$	\$
\$285,000 to \$314,999	2	273,141	33,332	221	-	306,694
\$345,000 to \$374,999	8	317,499	39,488	170	-	357,157
\$405,000 to \$434,999	1	380,870	51,189	520	-	432,579
\$435,000 to \$464,999	6	404,700	43,573	6,058	-	454,331
Total number of other highly paid staff	17					

Average annual reportable remuneration paid to other highly paid staff in 2013

Average annual reportable remuneration ¹	Other highly paid staff	Reportable salary ²	Contributed superannuation ³	Reportable allowances ⁴	Bonus Paid ⁵	Total reportable remuneration
	No.	\$	\$	\$	\$	\$
\$195,000 to \$224,999	1	170,392	26,240	-	-	196,632
\$225,000 to \$254,999	1	220,343	33,933	-	-	254,276
\$285,000 to \$314,999	2	268,482	31,751	-	-	300,233
\$315,000 to \$344,999	6	304,687	36,956	-	-	341,643
\$345,000 to \$374,999	2	313,315	40,226	168	-	353,709
\$405,000 to \$434,999	1	358,389	48,998	65	-	407,452
\$435,000 to \$464,999	5	395,568	39,853	5,400	-	440,821
\$525,000 to \$554,999	1	481,275	44,345	-	-	525,620
Total number of other highly paid staff	19					

Notes to and forming part of the financial statements

Notes:

1. This table reports staff:
 - a) who were employed by the Tribunal during the reporting period;
 - b) whose reportable remuneration was \$195,000 or more for the reporting period; and
 - c) were not required to be disclosed in Note 12B or director disclosures.

Each row is an averaged figure based on headcount for individuals in the band.
2. 'Reportable salary' includes the following:
 - a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
 - b) reportable fringe benefits (at the net amount prior to 'grossing up' for tax purposes);
 - c) reportable employer superannuation contributions; and
 - d) exempt foreign employment income.
3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to other highly paid staff in that reportable remuneration band during the reporting period.
4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

Notes to and forming part of the financial statements

Note 13: Remuneration of Auditors

	2014 \$'000	2013 \$'000
Financial statement audit services were provided free of charge to the Tribunal by the Australian National Audit Office (ANAO).		
Fair value of the financial statements audit services provided	40	38
Total	40	38

No other services were provided by the auditors of the financial statements.

Note 14: Financial Instruments

Note 14A: Categories of financial instruments

Financial assets

Loans and receivables

Cash and cash equivalents	377	418
Trade receivables	409	303
Total loans and receivables	786	721
Total financial assets	786	721

Financial liabilities

Financial liabilities measured at amortised cost:

Trade creditors	1,308	1,409
Total financial liabilities measured at amortised cost	1,308	1,409
Total financial liabilities	1,308	1,409

Lease incentives included in financial liabilities in the prior year have been reclassified to Other Payables to better reflect the nature of the liabilities.

Note 14B: Net gains or losses on financial assets

The Tribunal had no gains or losses in relation to financial assets in the year ending 30 June 2014. (2013: Nil).

Note 14C: Net gains or losses on financial liabilities

The Tribunal had no gains or losses in relation to financial liabilities in the year ending 30 June 2014. (2013: Nil).

Notes to and forming part of the financial statements

Note 14D: Credit risk

The Tribunal is exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total amount of trade receivables (2014: \$409,063 and 2013: \$302,434). The Tribunal has assessed the risk of the default on payment and has allocated nil in 2014 (2013: Nil) to an impairment allowance account.

The Tribunal manages its credit risk by limiting the extension of credit to customers, acting promptly to recover past due amounts and withholding credit from defaulting customers until accounts are returned to normal terms. In addition, the Tribunal has policies and procedures that guide employees' debt recovery activities including the use of debt collection agents if required.

The Tribunal has no significant exposures to any concentrations of credit risk with particular customers and does therefore not require collateral to mitigate against credit risks.

Credit quality of financial assets not past due or individually determined as impaired.

	Not Past Due Nor Impaired 2014 \$'000	Not Past Due Nor Impaired 2013 \$'000	Past Due or Impaired 2014 \$'000	Past Due or Impaired 2013 \$'000
Cash and cash equivalents	377	418	-	-
Receivables for goods and services	382	286	27	17
Total	759	704	27	17

Ageing of financial assets that were past due but not impaired in 2014

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Receivables for goods and services	18	9	-	-	27
Total	18	9	-	-	27

Ageing of financial assets that were past due but not impaired in 2013

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Receivables for goods and services	3	14	-	-	17
Total	3	14	-	-	17

Notes to and forming part of the financial statements

Note 14E: Liquidity risk

The Tribunal's financial liabilities are supplier payables. The exposure to liquidity risk is based on the notion that the Tribunal will encounter difficulty in meeting its obligations associated with financial liabilities. This is highly unlikely due to appropriation funding and mechanisms available to the Tribunal (e.g. Advance to the Finance Minister) and internal policies and procedures put in place to ensure there are appropriate resources to meet its financial obligations. The Tribunal is appropriated funding from the Australian Government and manages its budgeted funds to ensure it is able to meet payments as they fall due. Policies are in place to ensure timely payments are made when due and there have been no past experience of default.

Maturities for non-derivative financial liabilities in 2014:

	On demand	within 1 year	between 1 to 2 years	between 2 to 5 years	more than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Trade creditors	-	1,308	-	-	-	1,308
Total	-	1,308	-	-	-	1,308

Maturities for non-derivative financial liabilities in 2013:

	On demand	within 1 year	between 1 to 2 years	between 2 to 5 years	more than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Trade creditors	-	1,409	-	-	-	1,409
Total	-	1,409	-	-	-	1,409

Lease incentives included in financial liabilities in the prior year have been reclassified to Other Payables to better reflect the nature of the liabilities.

The entity had no derivative financial liabilities in either 2014 or 2013.

Note 14F: Market risk

The Tribunal held basic financial instruments that did not expose it to certain market risks, such as 'Currency risk', 'Interest rate risk' or 'Other price risk'.

Note 15: Financial Assets Reconciliation

	Notes	2014 \$'000	2013 \$'000
Total financial assets as per statement of financial position		14,054	12,933
Less: non-financial instruments components:			
Appropriations receivable	6B	13,174	11,935
GST receivable	6B	94	277
Total non-financial instrument components		<u>13,268</u>	<u>12,212</u>
Total financial assets as per financial instruments note	14A	<u>786</u>	721

Notes to and forming part of the financial statements

Note 16: Administered – Financial Assets

	2014 \$'000	2013 \$'000
Note 16A: Cash and cash equivalents		
Cash on hand or on deposit	6	3
Total cash and cash equivalents	<u>6</u>	<u>3</u>

Note 17: Administered – Cash Flow Reconciliation

	2014 \$'000	2013 \$'000
Reconciliation of cash and cash equivalents as per Administered Schedule of Assets and Liabilities to Administered Cash Flow Statement		
Cash and cash equivalents as per:		
Schedule of administered cash flows	6	3
Schedule of administered assets and liabilities	6	3
Discrepancy	-	-
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	519	492
Net cash (used by) operating activities	<u>519</u>	<u>492</u>

Note 18: Administered – Contingent Assets and Liabilities

There were no administered contingent assets or liabilities as at 30 June 2014 (2013: Nil).

Note 19: Administered – Financial Instruments

	2014 \$'000	2013 \$'000
Note 19A: Categories of Financial Instruments		
Financial Assets		
Cash and cash equivalents	6	3
Carrying amount of financial assets	<u>6</u>	<u>3</u>

Note 20: Administered Financial Assets Reconciliation

	2014 \$'000	2013 \$'000
Financial Assets		
Total financial assets as per administered schedule of assets and liabilities	6	3
Total financial assets as per financial instruments note	<u>6</u>	<u>3</u>

Notes to and forming part of the financial statements

Note 21: Appropriations

Table A: Annual Appropriations ('Recoverable GST exclusive')

Annual Appropriation for 2014	Appropriation Act			FMA Act			Appropriation applied in 2014 (current and prior years) \$'000	Variance ⁽³⁾ \$'000	
	Annual Appropriations \$'000	Appropriations Reduced ⁽¹⁾ \$'000	AFM ⁽²⁾ \$'000	Section 30 \$'000	Section 31 \$'000	Section 32 \$'000			Total Appropriation \$'000
DEPARTMENTAL Ordinary annual services ⁽³⁾	35,464	-	-	-	2,146	-	37,610	36,412 1,198	
Total Departmental ADMINISTERED Ordinary annual services	35,464	-	-	-	2,146	-	37,610	36,412 1,198	
Total Administered	-	-	-	-	-	-	-	-	

Notes:

1. Appropriations reduced under Appropriation Acts (No. 1, 3 & 5) 2013–14: sections 10, 11 and 12 and under Appropriation Acts (No. 2, 4, 6) 2013–14: sections 12, 13 and 14. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. In 2014, there was no reduction in departmental appropriations for the Tribunal.
2. Advance to the Finance Minister (AFM) – Appropriation Acts (No. 1, 3 & 5) 2013–14: section 13 and Appropriation Acts (No. 2, 4, 6) 2013–14: section 15.
3. Variance is substantially attributable to cash under spend during the year and the timing of payments.

Notes to and forming part of the financial statements**Table A (Cont'd): Annual Appropriations ('Recoverable GST exclusive')**

Annual Appropriation for 2013	Appropriation Act		FMA Act			Total Appropriation \$'000	Appropriation applied in 2013 (current and prior years) \$'000	Variance ⁽³⁾ \$'000		
	Annual Appropriations \$'000	Appropriations Reduced ⁽¹⁾ \$'000	AFM ⁽²⁾ \$'000	Section 30					Section 31 \$'000	Section 32 \$'000
				\$'000	\$'000					
DEPARTMENTAL Ordinary annual services ⁽³⁾	33,542	-	-	-	1,939	-	34,311	1,170		
Total Departmental	33,542	-	-	-	1,939	-	34,311	1,170		
ADMINISTERED Ordinary annual services	-	-	-	-	-	-	-	-		
Total Administered	-	-	-	-	-	-	-	-		

Notes:

- Appropriations reduced under Appropriation Acts (No. 1, 3 & 5) 2012–13; sections 10, 11, 12 and 15 and under Appropriation Acts (No. 2, 4, 6) 2012–13; sections 12, 13, 14 and 17. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. In 2013, there was no reduction in departmental appropriations for the Tribunal.
- Advance to the Finance Minister (AFM) – Appropriation Acts (No. 1, 3 & 5) 2012–13; section 13 and Appropriation Acts (No. 2, 4, 6) 2012–13; section 15.
- Variance is substantially attributable to cash under spend during the year and the timing of payments.

Notes to and forming part of the financial statements

Table B: Departmental Capital Budgets ('Recoverable GST exclusive')

	2014 Capital Budget Appropriations			Capital Budget Appropriations applied in 2014 (current and prior years)		
	<i>Appropriation Act</i>	<i>FMA Act</i>	Total Capital Budget Appropriations \$'000	Payments for non-financial assets ⁽³⁾ \$'000	Payments for other purposes \$'000	Total payments \$'000
	Annual Capital Budget \$'000	Appropriations Reduced ⁽²⁾ \$'000				
DEPARTMENTAL						
Ordinary annual services – Departmental Capital Budget ⁽¹⁾	1,066	-	1,066	1,805	-	1,805 (739)
Total Departmental	1,066	-	1,066	1,805	-	1,805 (739)

Notes:

1. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No. 1, 3 & 5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Appropriations reduced under Appropriation Acts (No. 1, 3 & 5) 2013–14: sections 10, 11, 12 and 15 or via a determination by the Finance Minister.
3. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition, and the capital repayment component of finance leases.

Notes to and forming part of the financial statements
Table B (Cont'd): Departmental Capital Budgets ('Recoverable GST exclusive')

	2013 Capital Budget Appropriations			Capital Budget Appropriations applied in 2013 (current and prior years)			
	<i>Appropriation Act</i> Annual Capital Budget \$'000	<i>FMA Act</i> Section 32 \$'000	Total Capital Budget Appropriations \$'000	Payments for non-financial assets ⁽³⁾ \$'000	Payments for other purposes \$'000	Total payments \$'000	Variance \$'000
DEPARTMENTAL							
Ordinary annual services – Departmental Capital Budget ⁽¹⁾	465	-	465	(348)	-	(348)	117
Total Departmental	465	-	465	(348)	-	(348)	117

Notes:

1. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No. 1, 3 & 5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Appropriations reduced under Appropriation Acts (No. 1, 3 & 5) 2012–13: sections 10, 11, 12 and 15 or via a determination by the Finance Minister.
3. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition, and the capital repayment component of finance leases.

Notes to and forming part of the financial statements

Table C: Unspent Departmental Annual Appropriations ('Recoverable GST exclusive')

Authority	2014 \$'000	2013 \$'000
Appropriation Act (No.1) 2012–13	-	11,515
Appropriation Act (No.3) 2012–13	-	420
Appropriation Act (No.1) 2013–14	12,900	-
Appropriation Act (No.3) 2013–14	274	-
Total	13,174	11,935

Table D: Special Appropriations ('Recoverable GST exclusive')

Authority	Type	Purpose	2014 \$'000	2013 \$'000
Financial Management and Accountability Act 1997 s.28(2), Administered	Refund	To provide an appropriation where an Act or other law requires or permits the repayment of an amount received by the Commonwealth and apart from this section there is no specific appropriation for the repayment.	368	279
Total			368	279

Notes to and forming part of the financial statements

Note 22: Compliance with Statutory Conditions for Payment from the Consolidated Revenue Fund

The Australian Government continues to have regard to developments in case law, including the High Court's most recent decision on Commonwealth expenditure in *Williams v Commonwealth [2014] HCA 23*, as they contribute to the larger body of law relevant to the development of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risk and decide on any appropriate actions to respond to risks of expenditure not being consistent with constitutional or other legal requirements.

The Tribunal has reviewed its processes and controls over payments regarding long service leave and payments made under a determination of the Remuneration Tribunal to minimise the possibility for breaches as a result of these payments.

The Tribunal has determined that there is a low risk of the goods and services tax circumstances mentioned in the legal advice applying to the Tribunal.

The Tribunal is not aware of any specific breaches of Section 83 at the reporting date.

Monitoring of the risk of all identified potential s83 breaches will continue in 2014–15 via the Tribunal's internal audit programme.

Notes to and forming part of the financial statements

Note 23: Compensation and Debt Relief

	2014	2013
	\$	\$
Compensation and Debt Relief – Departmental		
No ‘Act of Grace’ payments were expensed during the reporting period (2013: nil).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the <i>Financial Management and Accountability Act 1997</i> (2013: nil).	-	-
No payments were provided under the <i>Compensation for Detriment caused by Defective Administration (CDDA) Scheme</i> during the reporting period (2013: nil).	-	-
No ex gratia payments were provided during the reporting period (2013: nil).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the <i>Public Service Act 1999</i> during the reporting period (2013: nil)	-	-
Compensation and Debt Relief – Administered		
No ‘Act of Grace’ payments were expensed during the reporting period (2013: nil).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the <i>Financial Management and Accountability Act 1997</i> (2013: nil).	-	-
No payments were provided under the <i>Compensation for Detriment caused by Defective Administration (CDDA) Scheme</i> during the reporting period (2013: nil).	-	-
No ex gratia payments were provided during the reporting period (2013: nil).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the <i>Public Service Act 1999</i> during the reporting period (2013: nil)	-	-

Notes to and forming part of the financial statements

Note 24: Reporting of Outcomes

The Tribunal has only one outcome which is described in note 1.1 and all resources are used to deliver that outcome.

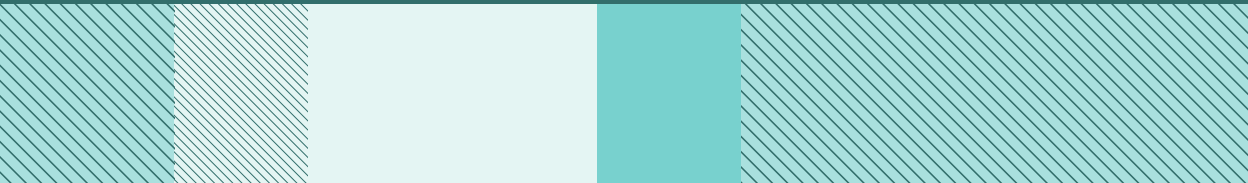
Note 24A: Net Cost of Outcome Delivery

	Total Outcome 1	
	2014 \$'000	2013 \$'000
Departmental		
Expenses	(38,688)	(37,803)
Own-source income	2,069	2,039
Administered		
Expenses	(368)	(279)
Income	887	771
Net cost/(contribution) of outcome delivery	(36,100)	(35,272)

Note 25: Net Cash Appropriation Arrangements

	2014 \$'000	2013 \$'000
Total comprehensive income (loss) less depreciation/amortisation expenses previously funded through revenue appropriations¹	1,667	619
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	(2,125)	(1,928)
Total comprehensive income (loss) – as per the Statement of Comprehensive Income	(458)	(1,309)

1. From 2010–11, the Government introduced net cash appropriation arrangements, where revenue appropriations for depreciation/amortisation expenses ceased. Entities now receive a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.



Appendixes

APPENDIX 1: MEMBERS OF THE TRIBUNAL

TRIBUNAL MEMBERS, 30 JUNE 2014

President

The Hon Justice DJC Kerr, *Chev LH*

NEW SOUTH WALES

PRESIDENTIAL MEMBERS

Federal Court

The Hon Justice AC Bennett AO

The Hon Justice RF Edmonds

The Hon Justice JM Jagot

The Hon Justice N Perram

Deputy Presidents

The Hon BJM Tamberlin QC

Mr RP Handley

Professor R Deutsch

Mr SE Frost

NON-PRESIDENTIAL MEMBERS

Senior Members

Ms G Ettinger (G,S,T,V)

Ms NP Bell (G,N,S,V)

Ms N Isenberg (G,S,V)

Mr PW Taylor SC (G,T,V)

Ms JF Toohey (G,N,S,V)

Ms AK Britton (G,N,S,V)

Mr D Letcher QC (G,N,T,V)

Ms JL Redfern (G,N,S,T,V)

Mrs G Lazanas (G,T,V)

Dr TM Nicoletti (G,V)

Members

Dr IS Alexander (G,V)

Mr R Bartsch (G)

Dr M Couch (G,V)

Mr N Gaudion (G)

Dr H Haikal-Mukhtar (G,V)

Dr W Isles (G,N,V)

Professor GAR Johnston AM (G,V)

Professor RC McCallum AO (G,N)

Professor TM Sourdin (G,V)

Dr SH Toh (G,N,V)

VICTORIA

PRESIDENTIAL MEMBERS

Federal Court

The Hon Justice SC Kenny

The Hon Justice JE Middleton

Deputy Presidents

Miss SA Forgie

Mr JW Constance

Ms FJ Alpins

NON-PRESIDENTIAL MEMBERS

Senior Members

Mr JR Handley (G,N,T,V)

Mr GD Friedman (G,S,V)

Mr FD O'Loughlin (G,T,V)

Mr E Fice (G,S,T,V)

Members

Dr R Blakley (G,V)

Ms L Coulson Barr (G,N)

Brigadier C Ermert (ret'd) (G,T,V)

Dr GL Hughes (G,T,V)

Dr RJ McRae (G,N,V)

Ms RL Perton OAM (G,N,S,V)

Miss EA Shanahan (G,V)

QUEENSLAND

PRESIDENTIAL MEMBERS

Federal Court

The Hon Justice AP Greenwood

The Hon Justice JA Logan RFD

Deputy Presidents

Mr PE Hack SC

Mr I Molloy

NON-PRESIDENTIAL MEMBERS

Senior Members

Mr BJ McCabe (G,S,T,V)

Associate Professor PM McDermott RFD
(G,T,V)

Dr KStC Levy RFD (G,T,V)

Mr RG Kenny (G,T,V)

Members

Dr ML Denovan (G,V)

Dr GJ Maynard, Brigadier (ret'd) (G,V)

Dr M Sullivan (G,V)

Dr PL Wulf (G,T)

SOUTH AUSTRALIA

PRESIDENTIAL MEMBERS

Federal Court

The Hon Justice JR Mansfield AM

Family Court

The Hon Justice CE Dawe

Deputy President

Ms KJ Bean

NON-PRESIDENTIAL MEMBERS

Senior Members

Mr RW Dunne (G,T,V)

Dr NA Manetta (G,V)

Members

Professor D Ben-Tovim (G,N,V)

Lt Col R Ormston (ret'd) (G,S,V)

Professor PL Reilly AO (G,N,V)

Mr I Thompson (G,N)

WESTERN AUSTRALIA

PRESIDENTIAL MEMBERS

Federal Court

The Hon Justice AN Siopis

The Hon Justice ML Barker

Deputy Presidents

Mr SD Hotop

The Hon RD Nicholson AO

NON-PRESIDENTIAL MEMBERS

Senior Members

Mr S Penglis (G,T,V)

Ms CR Walsh (G,T,V)

Members

Dr JL Chaney (G,V)

Mr WG Evans (G,V)

Dr ARL Frazer (G,V)

Ms KL Hogan (G,S,T,V)

Brigadier AG Warner AM LVO (ret'd) (G,S,V)

TASMANIA

PRESIDENTIAL MEMBERS

Family Court

The Hon Justice RJC Benjamin

Deputy President

The Hon RJ Groom AO

NON-PRESIDENTIAL MEMBERS

Senior Member

Ms AF Cunningham (G,N,S,T,V)

Members

Ms S Taglieri (G,N)

Dr RJ Walters RFD (G,V)

AUSTRALIAN CAPITAL TERRITORY

PRESIDENTIAL MEMBER

Family Court

The Hon Justice MM Finn

NON-PRESIDENTIAL MEMBERS

Senior Member

Professor RM Creyke (G,N,S,T,V)

Members

Air Vice-Marshal FD Cox AO (ret'd) (G,V)

Dr B Hughson (G,N,V)

Mr MG Hyman (G)

Mr S Webb (G,T,V)

Dr PS Wilkins MBE (G,N,V)

NOTES

Presidential members and Senior Members are listed by date of appointment to the Tribunal in that category of membership. Members are listed alphabetically.

Presidential members may exercise the powers of the Tribunal in all of the Tribunal's divisions. Senior Members and Members may exercise the powers of the Tribunal only in the divisions to which they have been assigned. The divisions to which Senior Members and Members have been assigned as at 30 June 2014 are indicated as follows:

G General Administrative Division

N National Disability Insurance Scheme Division

S Security Appeals Division

T Taxation Appeals Division

V Veterans' Appeals Division

APPOINTMENTS AND CESSATIONS, 2013–14

NEW APPOINTMENTS

Senior Member Dr Nicholas Manetta

Member Lynne Coulson Barr

Member Professor Ronald McCallum AO

Member Sandra Taglieri

Member Ian Thompson

RE-APPOINTMENTS

The Hon Brian Tamberlin QC

CESSATIONS

The Hon Justice Dennis Cowdroy OAM

The Hon Justice Bruce Lander

Senior Member Narelle Bell

Member Dr Kerry Breen AM

MEMBER PROFILES

THE HON JUSTICE DUNCAN KERR, CHEV LH

LLB BA (SocW)

President

First appointed 16 May 2012; current appointment until 15 May 2017

Justice Kerr became a judge of the Federal Court of Australia and President of the Administrative Appeals Tribunal in May 2012. He was elected to the executive of the Council of Australasian Tribunals in June 2013 and as Chair in June 2014. He is an Adjunct Professor of Law at the University of Tasmania.

Before his appointment, Justice Kerr practised as a barrister and specialised in public law, constitutional and administrative law, refugee and human rights law and appellate work. He was appointed Senior Counsel in 2004. He was also President of Greening Australia Ltd in 2011–12.

Justice Kerr served in the Commonwealth Parliament as the member for Denison for 23 years (1987–2010). He was Attorney-General (1993) and Minister for Justice (1993–96) in the Keating Government and Parliamentary Secretary for Pacific Island Affairs (2007–09) in the Rudd Government.

Before his election to the House of Representatives, Justice Kerr served as Crown Counsel for the State of Tasmania, Dean of the Faculty of Law, University of Papua New Guinea and Principal Solicitor for the Aboriginal Legal Service (NSW).

DR ION ALEXANDER

MBBS (Hons) LLB FRACP FCICM

Part-time Member, NSW

First appointed 2 August 2004; current appointment until 25 October 2014

Ion Alexander is a Senior Staff Specialist at Sydney Children's Hospital at Randwick and was a Clinical Director from 2001 to 2008. In September 2011, he took up a temporary appointment as Associate Director of Medical Administration at the Children's Hospital Westmead. He has been a member of the NSW Health Care Complaints Peer Review Panel since 1997 and was a member of the Professional Services Review Panel from 2001 to 2010.

FIONA ALPINS

BComm LLB (Hons)

Part-time Deputy President, Vic

First appointed 5 April 2012; current appointment until 4 April 2017

Fiona Alpins has been a member of the Victorian Bar since 1996, having been admitted to practice in Victoria in 1995. She practises mainly in revenue law and also practises in commercial law.

Deputy President Alpins was a Senior Fellow at the Faculty of Law, University of Melbourne in 2002 and 2004–05, where she lectured in superannuation law to postgraduate students. From 1997 to 2002, she lectured at Central Queensland University in subjects including commercial law, contract law and taxation law.

RONALD BARTSCH

BA BSc LLB LLM DipEd

Part-time Member, NSW

First appointed 11 April 2013; current appointment until 10 April 2018

Ronald Bartsch has extensive experience in aviation consulting and auditing having established Aviation Consultancy Services in 1986. He has wide ranging operational and senior management experience in the aviation industry, occupying positions as Head of Safety and Regulatory Compliance at Qantas and Manager of Air Transport with the Civil Aviation Safety Authority.

Mr Bartsch is currently the Managing Director of AvLaw Pty Ltd, an international aviation consultancy firm that provides specialist advice to the aviation sector on a range of operational, legal, regulatory and safety issues. He is also a Director of Regional Express Holdings Ltd and a Director of the Australian Association of Unmanned Systems.

Mr Bartsch is an experienced pilot, a former high school mathematics and science teacher, currently a Senior Visiting Fellow in the School of Aviation at the University of New South Wales and the author of numerous aviation publications. He has formal qualifications in the arts, education, law and science and was admitted as a barrister of the High Court of Australia in 1993.

KATHERINE BEAN

BA LLB MA GradDipLegPrac

Full-time Deputy President, SA

First appointed 7 December 2009; current appointment until 31 May 2018

Katherine Bean was admitted as a solicitor of the Supreme Court of New South Wales in 1990. She joined the office of the Australian Government Solicitor in Sydney the same year and remained with the AGS until 2009, first in Sydney and later in Adelaide. Immediately prior to her appointment to the Tribunal as a Senior Member, she held the position of General Counsel with the AGS. Deputy President Bean has extensive administrative law experience, having practised in the Tribunal since 1996, including in the immigration, social security, veterans' affairs and workers' compensation jurisdictions. She was appointed as a Deputy President of the Tribunal in 2013.

During 2013–14, Deputy President Bean was the Executive Deputy President for South Australia, and a member of the Tribunal's Executive Deputy Presidents Committee and the Practice and Procedure Consultative Group.

NARELLE BELL

BA LLB

Full-time Senior Member, NSW

First appointed 1 July 2001; current appointment until 30 June 2014

Narelle Bell was appointed to the Tribunal as a full-time Member in 2001 and as a full-time Senior Member in 2004. She is a former legal member of the Social Security Appeals Tribunal (1994–2001), Judicial Member/Mediator with the NSW Administrative Decisions Tribunal (1994–2001), Consultant Reviewer with the Office of the Legal Services Commissioner (1995–2001), member of the Professional Standards Council of New South Wales and Western Australia, and legal policy consultant. She has worked as a corporate counsel and legal adviser (part-time) for the NSW State Rail Authority (1994–95), as a policy officer and Assistant Director in the Legislation and Policy Division of the NSW Attorney-General's Department (1988–94) and as a solicitor at the Anti-Discrimination Board (1986–88), Redfern Legal Centre (1983–86) and for a private law firm (1982–83).

Senior Member Bell continued her involvement in decision writing training in 2013–14, presenting seminars to members of the Tribunal and to chairpersons and members of the various NSW Health Professions Tribunals and Committees. She also continued in her role as a legal member of the Human Research Ethics Committee of the Western Sydney Local Health District.

Senior Member Bell was the Tribunal's Mentoring Coordinator during 2013–14 and a member of the Tribunal's Professional Development Committee. Senior Member Bell was Convenor of the 2014 AAT National Conference.

PROFESSOR DAVID BEN-TOVIM

PhD MBBS MRCPsych FRANZCP

Part-time Member, SA

First appointed 1 December 2010; current appointment until 30 November 2015

David Ben-Tovim is a psychiatrist and clinical epidemiologist. He trained in medicine at the Middlesex Hospital in London, and in psychiatry and clinical epidemiology at St Georges University Hospital and as a Wellcome research fellow at the Institute of Psychiatry, also in London. He worked for three years in Botswana developing a mental health service before coming to Australia in 1984.

Professor Ben-Tovim was Director of the Department of Psychiatry at the Repatriation General Hospital in Adelaide for a number of years, as well as Director of Mental Health Services for South Australia for several years in the late 1980s. During that period, he was the inaugural medical assessor on the Mental Health Review Tribunal constituted within the District Court of South Australia. He has been a World Health Organisation consultant on a number of occasions. He has an interest in the analysis and redesign of health service provision and has worked in that capacity with a number of health services in Australia and the Asia-Pacific region.

Professor Ben-Tovim holds a Bachelor of Medicine and Surgery and a Doctor of Philosophy from London University, is a Member of the Royal College of Psychiatrists in the United Kingdom and is a Fellow of the Royal Australian and New Zealand College of Psychiatry. He is also a Professor in the Faculty of Medicine, Nursing and Health Sciences at Flinders University.

DR ROSLYN BLAKLEY

Part-time Member, Vic

First appointed 1 June 2010; current appointment until 31 May 2015

Roslyn Blakley has been the Regional Health Director – Southern Region with the Department of Defence since 2013, having previously held the position of Regional Health Director, Victoria and Tasmania. Her experience in the Australian Regular Army included acting as Director of Army Health at Australian Army Headquarters (2005–08) and Deputy Director of the Joint Health Support Agency (2002–04) in Canberra. She also performed numerous medical administrative and clinical appointments during her military career.

Dr Blakley was awarded the Conspicuous Service Cross in the Queen's Birthday Honours List in 2004 for outstanding achievements in the Australian Defence Force in the area of health administration. She holds a Bachelor of Medicine and Bachelor of Surgery from the University of Queensland, a Master of Health Administration from the University of New South Wales and a Master in Health Law from the University of Sydney.

DR KERRY BREEN AM

MBBS MD FRACP

Part-time Member, Vic

First appointed 1 July 2006; appointment ended 31 May 2014

Kerry Breen is a consultant physician. He has served as President of the Australian Medical Council and President of the Medical Practitioners Board of Victoria. From 2000 to 2006, he chaired the Australian Health Ethics Committee of the National Health and Medical Research Council. From 2007 to 2013, he served as the Commissioner of Complaints for the NHMRC. He is a member of the Australian Research Integrity Committee of the Australian Research Council and the NHMRC.

Dr Breen holds an appointment as an Adjunct Professor in the Department of Forensic Medicine at Monash University. He is co-author of *Good Medical Practice: Professionalism, ethics and law* published in 2010, and author of *So You Want to be a Doctor: A guide to prospective medical students in Australia* published in 2012.

ANNE BRITTON

BA LLB

Full-time Senior Member, NSW

First appointed 26 October 2009; current appointment until 25 October 2014

Anne Britton was a Deputy President of the NSW Administrative Decisions Tribunal before being appointed to the Tribunal in 2009. She has served as an arbitrator with the NSW Workers Compensation Commission, Chair of the NSW Government and Related Employees Appeal Tribunal, a member of the NSW Consumer, Trader and Tenancy Tribunal and on the board of the NSW Legal Aid Commission. Senior Member Britton is an accredited mediator. She has lectured in media and entertainment law, most recently in the Master of Laws program at the University of New South Wales. She has been a member of the board of Sydney's Belvoir Street Theatre for more than a decade.

Senior Member Britton is the Secretary of the Council of Australasian Tribunals and the Convenor of COAT's NSW Chapter. She chaired the planning committee for the 2012 COAT/ Australasian Institute of Judicial Administration Tribunals Conference, 'The Tribunal of Tomorrow', and also the planning committees for the NSW Chapter's 2012, 2013 and 2014 annual conferences.

During 2013–14, Senior Member Britton was a member of the Tribunal's Professional Development Committee.

DR JAN CHANEY

Part-time Member, WA

First appointed 26 October 2009; current appointment until 25 October 2014

Jan Chaney has been in general medical practice in Perth since 1980 and was a part-time member of the Social Security Appeals Tribunal from 1989 to 1999. Prior to 1980, Dr Chaney was a resident medical officer in the Sir Charles Gairdner Hospital and the King Edward Memorial Hospital in Western Australia.

JAMES CONSTANCE

BA LLB (Hons)

Full-time Deputy President, Vic

First appointed 16 August 2004; current appointment until 8 December 2015

James Constance practised as a barrister and solicitor in the Australian Capital Territory and New South Wales from 1970 as an employed solicitor, sole practitioner and, for more than 22 years, as a partner in legal firms. He graduated from the Australian National University with a Bachelor of Arts degree, a Bachelor of Laws with First Class Honours and the University Prize in Law in 1968. In general practice, he dealt with many areas of the law including administrative law, taxation law, employment law, disciplinary proceedings, personal injury compensation, wills and estates, criminal law and coronial inquests. He was appointed as a Senior Member of the Tribunal in 2004 and as a Deputy President in 2010.

During 2013–14, Deputy President Constance was the Executive Deputy President for Victoria. He was also Chair of the Trustees of the AAT Benevolent Trust, and a member of the Tribunal's Executive Committee, the Executive Deputy Presidents Committee and the Practice and Procedure Consultative Group.

DR MICHAEL COUCH

Part-time Member, NSW

First appointed 5 April 2012; current appointment until 4 April 2017

Michael Couch has been a consultant occupational physician for more than 20 years. He has worked with a wide range of industries, including mining, manufacturing, police and other emergency services, transport, and Commonwealth and state government departments. Over the past ten years, he has worked as a medico-legal consultant, through a national medico-legal consultancy and his own practice.

Dr Couch is an Independent Occupational Physician advising CGU Workers Compensation New South Wales. He was a Medical Appeal Panel member of the NSW Workers Compensation Commission from 2002 until 2006. He is currently a Medical Review Panel member for the NSW Motor Accidents Authority Medical Assessment Service. He is a Fellow of the Australasian Faculty of Occupational and Environmental Medicine and of the Australasian Faculty of Public Health Medicine.

LYNNE COULSON BARR

Part-time Member, Vic

First appointed 5 August 2013; current appointment until 4 August 2018

Lynne Coulson Barr was appointed as Victoria's first Mental Health Complaints Commissioner in April 2014. Before this appointment, she was the Deputy Commissioner with the Disability Services Commissioner in Victoria from its establishment as an independent statutory complaints body in July 2007. She was the President of the Victorian Intellectual Disability Review Panel from 2004 to 2007, having served as a sessional member of this panel since 1999. This panel reviewed statutory decisions about eligibility for services and the content of individual service plans.

Ms Coulson Barr has worked as a member of various state and Commonwealth tribunals and statutory bodies, including current sessional member appointments on the Victorian Mental Health Review Board since 2003, the Victorian Civil and Administrative Tribunal since 2005 and the Victorian Suitability Panel since 2007. Past appointments include the Social Security Appeals Tribunal from 1997 to 2007, the Accreditation Decisions Review Committee from 2000 to 2011, the Victorian Institute of Teaching from 2003 to 2006, and the Victorian Multiple and Complex Needs Panel from 2007 to 2009.

AIR VICE-MARSHAL FRANKLIN D COX AO (RET'D)

Part-time Member, ACT

First appointed 24 August 2006; current appointment until 30 November 2015

Frank Cox trained with the Royal Australian Air Force as a pilot and held numerous flying and staff appointments during his military career. The last senior appointment he held was Assistant Chief of the Defence Force – Personnel. Air Vice-Marshal Cox is a graduate of the Royal College of Defence Studies (London) and the United States Air Force Air War College. After service with the RAAF, he worked as a consultant in human resource management. He was appointed to the Defence Force Remuneration Tribunal in 1999 and held the position of ex-service member for six years.

PROFESSOR ROBIN CREYKE

Full-time Senior Member, ACT

First appointed 14 September 2009; current appointment until 13 September 2014

Robin Creyke holds a Master of Laws from the Australian National University, a Bachelor of Laws from the University of Western Australia and a graduate diploma in small group learning and teaching from the University of Western Sydney. She has been a Professor of Law at the Australian National University since 2002 and held the Alumni Chair of Administrative Law from 2003. She has also held the position of Integrity Adviser to the Australian Taxation Office, Commissioner of the ACT's Independent Competition and Review Commission, member of the Social Security Appeals Tribunal and member of the ACT Nursing Homes and Hostels Review Panel. Professor Creyke was a member of the Administrative Review Council for 12 years until 2009 and is a member of the Administrative Law Committee of the Law Council of Australia.

During 2013–14, Professor Creyke was the Executive Senior Member for the Australian Capital Territory as well as a member of the Tribunal's Executive Deputy Presidents Committee, the Practice and Procedure Consultative Group and the Warrants Committee.

ANN CUNNINGHAM

LLB (Hons) FAICD

Part-time Senior Member, Tas

First appointed 5 September 1995; current appointment until 30 November 2017

Ann Cunningham was appointed as a part-time Member of the Tribunal in 1995 and became a Senior Member in 2006. She is a Presiding Member of the Tasmanian Resource Management and Planning Appeal Tribunal and holds an appointment as a Commissioner with the Tasmanian Planning Commission. Senior Member Cunningham is an accredited mediator and arbitrator and has worked as a mediator for the Supreme Court of Tasmania and the Magistrates Court. She worked as a barrister and solicitor in private practice for a number of years. Between 1984 and 1999, she was a Deputy Registrar of the Family Court of Australia.

Other positions that Senior Member Cunningham has held include Chairperson of the Board of the Public Trustee, Deputy President of the Tasmanian Mental Health Tribunal, Complaints Commissioner with the University of Tasmania and Independent Merits Reviewer for the Independent Protection Assessment Office. She is a Fellow of the Australian Institute of Company Directors, a Councillor on the Tasmanian AICD and a member of the Tasmanian Government Director Selection Advisory Panel.

DR MARELLA DENOVAN

BSc MBBS FRACGP JD

Part-time Member, Qld

First appointed 15 December 2005; current appointment until 30 November 2015

Marella Denovan holds a Bachelor of Science from Griffith University (1984), a Bachelor of Medicine/Bachelor of Surgery from the University of Queensland (1990), and a Juris Doctor from the University of Queensland (2004). She was a general practitioner in private practice between 1992 and 2001, and was awarded Fellowship of the Royal Australian College of General Practitioners in 2000. Dr Denovan was a part-time medical adviser with the Department of Veterans' Affairs between 2000 and 2001. She has also been a member of the Veterans' Review Board (2001–07) and the Social Security Appeals Tribunal (2003–05).

PROFESSOR ROBERT DEUTSCH

Part-time Deputy President, NSW

First appointed 5 April 2012; current appointment until 4 April 2017

Robert Deutsch is a Professor of Taxation in the School of Taxation and Business Law within the Australian School of Business at the University of New South Wales. He was first appointed as a professor at UNSW in 1992 and was a Director of ATAX (1997–2001). He worked as a barrister in New South Wales from 1993 to 2006 and has also held positions as special counsel at Henry Davis York Solicitors (2006–07) and as a Director at KPMG (2007–11). Prior to joining UNSW, Professor Deutsch practised as a solicitor. He was a consultant, solicitor and then partner with Mallesons Stephen Jaques specialising in taxation law.

Professor Deutsch is a prolific author in tax and related fields. His key recent contributions have included numerous chapters in the *Australian Tax Handbook, Principles and Practice of Double Tax Agreements* and *Accounting: a Question and Answer Handbook for Non-Accountants*. He also presents seminars for The Tax Institute, UNSW CLE and many other providers.

RODNEY DUNNE

LLB FCPA

Part-time Senior Member, SA

First appointed 15 June 2005; current appointment until 31 May 2015

Rod Dunne was admitted as a barrister and solicitor of the Supreme Court of South Australia in 1982 and is a qualified accountant. He continues to practise part-time as a special counsel in the Adelaide commercial law firm Donaldson Walsh where he specialises in taxation and revenue law, superannuation and estate planning. He is a member of the Law Society of South Australia and a Fellow of The Tax Institute.

Senior Member Dunne is a former lecturer and tutor in income tax law as part of the commerce degree. He is also a past lecturer and examiner in taxation administration as part of the Master of Legal Studies degree with the law school at the University of Adelaide.

BRIGADIER CONRAD ERMERT (RET'D)

MSc FIEAust CPEng

Part-time Member, Vic

First appointed 19 June 1991; current appointment until 31 May 2015

Conrad Ermert is a practising engineering consultant. He had 31 years' service in the Australian Army, retiring in the rank of Brigadier. From 1990 to 1995, he was the director of major capital projects for the Alfred Group of Hospitals before establishing his consultancy practice. Brigadier Ermert is the immediate past Chairman of AMOG Holdings, the immediate past Chairman of the AIF Malayan Nursing Scholarship Board, a past Chairman of the Victoria Division, Institution of Engineers, Australia and was Chairman of the Judges of the Institution's Engineering Excellence Awards from 2003 until 2009. Brigadier Ermert successfully completed his Graduate Diploma in Legal Studies in 2012.

GERI ETTINGER

BA (Economics) LLB

Part-time Senior Member, NSW

First appointed 19 June 1991; current appointment until 25 October 2014

Geri Ettinger has worked both in the private and public sectors. She was Chief Executive of the Australian Consumers' Association, publisher of CHOICE Magazine, for more than 10 years and was also a long-serving member of the board of St George Bank.

Senior Member Ettinger has practised alternative dispute resolution for more than 20 years in relation to a wide range of disputes. She conducts ADR training, is a Specialist Accredited Dispute Resolution Practitioner under the Law Society of New South Wales program, and is accredited under the National Mediator Accreditation System. She is a Mediator at the NSW Workers Compensation Commission. Senior Member Ettinger is a member of the Dispute Resolution Committee of the Law Society of New South Wales and of the Law Council of Australia's Alternative Dispute Resolution Committee.

Senior Member Ettinger held appointments for many years as a part-time member of the NSW Consumer, Trader and Tenancy Tribunal and its predecessors. She has been a member of the NSW Medical Tribunal and continues to sit on disciplinary proceedings relating to medical practitioners in the NSW Civil and Administrative Tribunal. She chairs Professional Standards Committees on behalf of the Medical Council of New South Wales. She is also a member of a Human Research Ethics Committee of the University of Sydney.

Senior Member Ettinger was a member of the Tribunal's Alternative Dispute Resolution Committee in 2013–14.

WARREN EVANS

GradDipLogisticsManagement CertBusinessStudies FAIM

Part-time Member, WA

First appointed 21 September 2006; current appointment until 30 November 2016

Warren Evans served in the Australian Army from 1967 until 1989, including in South Vietnam in 1970–71, and undertook extensive and diversified training, gaining considerable experience in aviation, administration, logistics, recruiting, Special Forces and intelligence. During 1978–79, he was Honorary Aide-de-Camp to Sir Roden Cutler VC, Governor of New South Wales. From 1986 to 1989, he was Chairman of the Defence Armaments Committee and on the Steering Committee of Monash University's Logistics Degree Course. Retiring as a Lieutenant Colonel in 1989, Mr Evans took several CEO appointments, directing several successful company recoveries.

Since establishing a company in 1996, Mr Evans has concentrated on corporate forensic intelligence work in the public and private sectors. He has also supervised students undertaking PhD studies in logistics management at Curtin University and was a member of the WA Government's Aviation Training Advisory Committee, the WA Department of Main Roads Consultative Committee and the Jandakot Airport Chamber of Commerce. From 2001 to 2005, Mr Evans held a senior appointment with the Defence Materiel Organisation associated with the \$6 billion ANZAC Ship Project. In 2007, he was appointed Honorary Colonel of the Royal Australian Army Ordnance Corps — Western Region. He is a long-time Fellow of the Australian Institute of Management.

EGON FICE

BBus LLB (Hons) LLM

Full-time Senior Member, Vic

First appointed 12 June 2003; current appointment until 31 May 2015

Egon Fice was appointed to the Tribunal as a part-time Member in 2003 and appointed on a full-time basis in 2005. He was appointed as a Senior Member in 2010. Prior to taking up his full-time appointment, Mr Fice was a partner in Charles Fice, Solicitors. He was a partner specialising in litigation in Phillips Fox from 1995 to 1998 and worked in insolvency and commercial litigation law from 1990 until 2005. From 1967 to 1980, he was a pilot in the Royal Australian Air Force before working as a pilot for eight years with Associated Airlines (BHP and CRA Corporate Airline).

STEPHANIE FORGIE

LLB (Hons)

Full-time Deputy President, Vic

First appointed 8 September 1988; current appointment until 3 November 2021

Stephanie Forgie taught the law of contract and was in private practice before becoming the Deputy Master of the Supreme Court of the Northern Territory with quasi-judicial and management responsibilities. She worked in legal policy positions in the Attorney-General's Department and was closely involved in developing the *Freedom of Information Act 1982*, *Insurance Contracts Act 1984* and *Federal Proceedings (Costs) Act 1981*. She represented Australia at meetings considering international trade law and private international law issues and worked on the implementation of the United Nations Convention on Contracts for the International Sale of Goods. In 1985–86, she was Legal Adviser to the Deputy Prime Minister and Attorney-General, the Hon Lionel Bowen.

From 1987 to 1988, Deputy President Forgie was the Tribunal's Registrar. Since 1988 she has been a Deputy President. She has also held part-time positions as Deputy Chairperson, Land Tribunal and Member, Land Court (Queensland). For many years, she was responsible for case management in Brisbane and then in Melbourne and Adelaide and was a member of the Tribunal's management committees. She was a member of the inaugural committee of the Victorian Chapter of the Council of Australasian Tribunals.

Deputy President Forgie has held positions on professional associations, an arts council and a charitable organisation.

DR AMANDA FRAZER

Part-time Member, WA

First appointed 26 October 2009; current appointment until 25 October 2014

Amanda Frazer has been Executive Director for the Women and Newborn Health Service in Perth since 2006. Between 2002 and 2006, Dr Frazer was Medical Director of the King Edward Memorial Hospital for Women and the Clinical Director of Revenue Capture in the WA Department of Health. Dr Frazer was a part-time member of the Social Security Appeals Tribunal from 1994 until 2001.

GRAHAM FRIEDMAN

BEc LLB GradDipAdmin

Full-time Senior Member, Vic

First appointed 1 July 2001; current appointment until 31 May 2015

Graham Friedman was appointed as a full-time Member of the Tribunal in 2001 and then as a Senior Member in 2005. He was a Senior Member of the Migration Review Tribunal from 1999 to 2001 and Chairman/Convenor of the Disciplinary Appeal Committee of the Public Service and Merit Protection Commission from 1993 to 2000. Senior Member Friedman represented the Victorian Department of Human Services as Prosecutor, Child Protection from 1993 to 1999. He was Chairman, Grievance Review Tribunal, Victorian Department of Conservation and Natural Resources from 1994 to 1996. Prior to this, Senior Member Friedman practised at the Victorian Bar (1988–93). He has previous experience in administrative law with the Australian Government Attorney-General's Department.

STEPHEN FROST

BA (Hons) Dip Law (BAB)

Part-time Deputy President, NSW

First appointed 24 August 2006; current appointment until 4 April 2017

Stephen Frost was admitted as a legal practitioner in New South Wales in 1989. He joined the Tribunal as a part-time Member in 2006, was appointed as a Senior Member in 2009 and Deputy President in 2012. In 2010, he was appointed as a part-time Judicial Member of the NSW Administrative Decisions Tribunal and became a Senior Member of the NSW Civil and Administrative Tribunal when that body was established on 1 January 2014. He is also an accredited mediator.

Deputy President Frost was a tax partner at KPMG between 1995 and 2008 and a tax manager at KPMG between 1989 and 1995. From 1977 until 1989, he worked at the Australian Taxation Office in both Sydney and Canberra.

NICHOLAS GAUDION

BBus CA

Part-time Member, NSW

First appointed 11 April 2013; current appointment until 10 April 2018

Nick Gaudion has been the Director of Forensic Accounting at Cutcher & Neale since 2006. He has practised as a chartered accountant for over 15 years. Mr Gaudion specialises in damage quantification and valuations for litigation and other dispute resolution forums. Mr Gaudion began his career with Deloitte Touche Tohmastu in Melbourne in 1991. He conducted audits of small to medium size private and public companies for a number of years. After specialising in forensic accounting, he was seconded to Deloitte in Calgary, Canada for a period of 18 months to provide assistance with damage quantification claims in the manufacturing sector. Mr Gaudion has assisted in many areas of law including breach of contract, personal injury and family law.

THE HON RAYMOND GROOM AO

LLB

Part-time Deputy President, Tas

First appointed 5 July 2004; current appointment until 4 July 2014

Raymond Groom was admitted to practice in the Supreme Court of Victoria in 1968 and Tasmania in 1970. He was a partner in the Tasmanian firm of Crisp Hudson & Mann and committee member of the Bar Association of Tasmania. Whilst in practice, he appeared regularly as counsel before the Supreme Court and other Tasmanian courts and tribunals. He is a former Premier of Tasmania and Attorney-General of Tasmania.

Deputy President Groom was the sole assessor of claims under the *Stolen Generations of Aboriginal Children Act 2006* (Tas) and also the sole Independent Assessor of claims by individuals who had suffered abuse when in State care. Deputy President Groom is the chairman or director of several charities and community bodies.

During 2013–14, Deputy President Groom was the Executive Deputy President for Tasmania. He was also a member of the Tribunal's Executive Deputy Presidents Committee, the Practice and Procedure Committee, and the Practice and Procedure Consultative Group.

PHILIP HACK SC

Full-time Deputy President, Qld

First appointed 9 January 2006; current appointment until 30 November 2015

Philip Hack took office as a Deputy President after a career as a barrister in private practice extending over some 23 years. He was admitted to practice as a barrister in 1981 and commenced private practice the following year. He was appointed Senior Counsel in and for the State of Queensland on 1 December 2000. Deputy President Hack had a broad practice at the Bar, successfully undertaking both criminal and criminal appellate work, as well as general civil, commercial, insolvency, revenue and public law cases at both trial and appellate level.

Deputy President Hack served on the Committee (later the Council) of the Bar Association of Queensland for more than 16 years until his appointment to the Tribunal. He was, for a number of years, the Honorary Treasurer of the Bar Association of Queensland and the Australian Bar Association. In 2011, he was elected an honorary life member of the Bar Association of Queensland. He is on the board of Hockey Queensland.

During 2013–14, Deputy President Hack was the Executive Deputy President for Queensland and the Northern Territory. He was also a member of the Executive Deputy Presidents Committee, the Practice and Procedure Committee and the Practice and Procedure Consultative Group.

DR HADIA HAIKAL-MUKHTAR

BSc (Hons) MBBS FRACGP DipGerMed LLB (Hons) GradCertHealthProfEd

Part-time Member, NSW

First appointed 2 November 2009; current appointment until 1 November 2014

Hadia Haikal-Mukhtar holds degrees in science, medicine and law and is a Fellow of the Royal Australian College of General Practitioners. She has been a general practitioner since 1984 and has extensive experience in aged care. She is currently head of the Auburn Clinical School of the Sydney School of Medicine of the University of Notre Dame Australia and is a member of the Governing Board of the Western Sydney Local Health District. She is an examiner for the RACGP and the Australian Medical Council for international medical graduates. Dr Haikal-Mukhtar is a former member of the Medical Practitioners Board of Victoria and is currently a member of the Professional Standards Panels of the Victorian Board of the Medical Board of Australia. She also holds an appointment as a Deputy Director of the Professional Services Review Panel.

JOHN HANDLEY

Full-time Senior Member, Vic

First appointed 14 June 1989; current appointment until 3 May 2018

John Handley was appointed as a member of the Victorian Administrative Appeals Tribunal in 1988 and as a full-time tenured Senior Member of this Tribunal in 1989. He is a barrister and solicitor of the Supreme Court of Victoria and the High Court of Australia, and was in private practice between 1981 and 1988. He was a part-time member of the Crimes Compensation Tribunal during 1987 and 1988. From 1981 until 1988, he was a member of the Goulburn Valley College of TAFE. While in private legal practice in Shepparton during this time, he was also involved in the Shepparton self-help group and Council for Disabled Persons and, for a time, served as its President. He is an accredited mediator and has a special interest in dispute resolution and ombudsmen.

Senior Member Handley was a member of the Tribunal's Alternative Dispute Resolution Committee, the NDIS Monitoring Committee and the Warrants Committee in 2013–14.

ROBIN HANDLEY

LLB (Hons) LLM

Full-time Deputy President, NSW

First appointed 1 January 1998; current appointment until 16 August 2014

Robin Handley is admitted as a solicitor in the United Kingdom and as a legal practitioner in the Australian Capital Territory and New South Wales. He has 25 years' experience as an academic lawyer with a particular interest in administrative law. He taught for many years at the University of Wollongong, serving as Dean there for two years from October 1999. He also served as a part-time member of the Social Security Appeals Tribunal for eight years until 1997.

Deputy President Handley was first appointed as a Senior Member of the Tribunal in 1998 and served as a Deputy President between July 2001 and July 2004. Before being reappointed to the Tribunal as a Deputy President in August 2009, he served as a part-time Acting Deputy President of the NSW Workers Compensation Commission, part-time Judicial Member and later part-time Deputy President of the NSW Administrative Decisions Tribunal, and part-time legal member of the NSW Mental Health Review Tribunal.

During 2013–14, Deputy President Handley was the Executive Deputy President for New South Wales. He was the Convenor of the Tribunal's Warrants Committee and a member of the Executive Deputy Presidents Committee, the Practice and Procedure Committee and the Practice and Procedure Consultative Group.

KATHRYN HOGAN

Part-time Member, WA

First appointed 1 June 2010; current appointment until 31 May 2015

Kathryn Hogan is a barrister and solicitor of the Supreme Courts of Victoria and Western Australia and of the High Court of Australia. She was a partner at Holding Redlich in Melbourne from 1987 to 1993 and at Dwyer Durack in Perth from 1993 to 1998. Since 2005, she has practised as a barrister, primarily in the areas of personal injuries and medical negligence.

Ms Hogan was a part-time Conference Registrar of the Tribunal from 2007 until her appointment as a Member. Since 2010, she has also held positions as an Independent Merits Reviewer for the Independent Protection Assessment Office and as a Deputy Registrar of the District Court of Western Australia.

Ms Hogan is a member of the Western Australian Bar Association, the Law Society of Western Australia and the Women Lawyers Association of Western Australia Inc. She is an accredited mediator.

STANLEY HOTOP

BA LLB LLM

Full-time Deputy President, WA

First appointed 19 June 1991; current appointment until 31 May 2015

Stan Hotop was appointed as a part-time Deputy President in 2002 and became a full-time Deputy President in 2005. He was an Associate Professor of Law at the University of Sydney from 1980 to 1988 and at the University of Western Australia from 1989 to 2005. He was Dean and Head of the Law School at the University of Western Australia from 1990 to 1993 and was President of the Australasian Law Teachers' Association from 1990 to 1991. He taught administrative law in university law schools from 1971, first at the University of Sydney (1971–88) and subsequently at the University of Western Australia (1989–2005). He is the author of several textbooks in the area of administrative law.

During 2013–14, Deputy President Hotop was the Executive Deputy President for Western Australia. He was also the Convenor of the Tribunal's Library Committee and the Professional Development Committee, the Coordinator of the Members' Appraisal Scheme, and a member of the Executive Deputy Presidents Committee and the Practice and Procedure Consultative Group.

DR GORDON HUGHES

LLB (Hons) LLM PhD FAAL

Part-time Member, Vic

First appointed 5 July 2004; current appointment until 8 September 2014

Gordon Hughes is a partner at Ashurst Australia and practises in the areas of information technology law, data protection law, electronic commerce, privacy and intellectual property rights. He is a past president of the Law Institute of Victoria (1992–93), the Law Council of Australia (1999–2000) and LAWASIA (2001–03), and was a member of the International Legal Services Advisory Council. He is Chair of the Law Council's International Law Section.

Dr Hughes has authored several legal textbooks, including one on accident compensation and one on privacy. He is a qualified Grade 1 arbitrator and an Adjunct Professor at RMIT University. In 2010, he was elected a Fellow of the Australian Academy of Law.

DR BERNARD HUGHSON

MBBS FRANZCP

Part-time Member, ACT

First appointed 1 December 2010; current appointment until 30 November 2015

Bernard Hughson graduated in medicine in 1962. After graduation, he worked in hospital and general practice for some years before specialising in psychiatry. He then worked as a consultant psychiatrist in public and private practice. He was actively engaged in teaching medical students and trainees in psychiatry and has been an examiner for the Royal Australian and New Zealand College of Psychiatrists. He served as Director of Mental Health for the Australian Capital Territory (1984–93) and on various secondments: Director of Mental Health for the NSW Department of Health; Director of Psychiatry, Greenslopes Hospital; and Chief Psychiatrist, Queensland Department of Health. He retired from clinical practice in 2009. He continues to teach in the Clinical Skills stream at the Australian National University Medical School.

MARK HYMAN

Part-time Member, ACT

First appointed 26 October 2009; current appointment until 25 October 2014

Mark Hyman has more than 17 years' experience as a senior executive in developing and implementing policies and providing advice to government on a broad range of environment protection issues and legislation. He was formerly the Director of the Canberra Office of the WA Department of Premier and Cabinet. From 1992 to 2005, Mr Hyman was an Assistant Secretary in the Commonwealth Department of Environment and Heritage.

NAIDA ISENBERG

LLB

Part-time Senior Member, NSW

First appointed 1 July 2001; current appointment until 30 November 2017

Naida Isenberg was appointed as a part-time Member of the Tribunal in 2001 and as a part-time Senior Member in 2006. She is a Senior Member of the NSW Civil and Administrative Tribunal and a Member of the Migration and Refugee Review Tribunals. She is also an accredited mediator, serving as a mediator for the Law Society of New South Wales, the NSW Dust Diseases Tribunal and the Australian Defence Force.

Senior Member Isenberg was formerly a part-time Senior Member of the Veterans' Review Board and a District Court Arbitrator. Her previous experience also includes: general counsel of a major insurance company; Director of Crown Legal Services, NSW; and Deputy Director of the Australian Government Solicitor.

Senior Member Isenberg is a Lieutenant Colonel in the Army Reserve (Legal Corps). She is a Fellow of the Institute of Chartered Secretaries and Administrators, serving on the Institute's Public Sector Advisory Group. She is a non-member Director of the War Widows' Guild and is Deputy Chair of the board. She also serves on the Advisory Board of the anti-bullying organisation, Courage to Care.

Senior Member Isenberg was a member of the Tribunal's Library Committee and the Warrants Committee in 2013–14.

DR WILLIAM ISLES

MBBS MPH FAFOEM

Part-time Member, NSW

First appointed 5 April 2012; current appointment until 4 April 2017

Bill Isles graduated in medicine at the University of Queensland in 1973. After 10 years in general practice, he pursued an interest in occupational medicine. He completed a Master of Public Health (Occupational Health) at the University of Sydney in 1992 and gained a Fellowship of the Australasian Faculty of Occupational and Environmental Medicine in 2004. During this time, he was working for Qantas in both aviation and occupational medicine fields. In the latter part of his career, he was manager of the combined Medical Services at Qantas. Dr Isles is a Director of the Australasian Medical Review Officers Association which sets standards and trains and accredits medical practitioners in drug and alcohol testing programs.

PROFESSOR GRAHAM JOHNSTON AM

BSc MSc PhD DPharm FRACI FTSE

Part-time Member, NSW

First appointed 19 June 1991; current appointment until 30 November 2014

Graham Johnston is Emeritus Professor of Pharmacology and Medicinal Chemistry at the University of Sydney and trained as an organic chemist at the universities of Cambridge and Sydney. He brings expertise in chemistry, pharmacology and toxicology to the Tribunal. His scientific research is directed to the discovery of drugs to treat Alzheimer's disease, amnesia, anxiety, epilepsy and schizophrenia.

GRAHAM KENNY

BA LLB (Hons) LLM

Part-time Senior Member, Qld

First appointed 1 July 2001; current appointment until 8 September 2014

Graham Kenny was appointed as a part-time Member of the Tribunal in 2001 and as a part-time Senior Member in 2009. He was a part-time Member and Senior Member of the Veterans' Review Board from 1988 until 2004. He was a part-time legal member of the Social Security Appeals Tribunal from 1995 until 2001 and Queensland convener (part-time) of the Student Assistance Review Tribunal from 1988 until 1994.

In 2008, Senior Member Kenny retired from his position of senior lecturer in the School of Law at the University of Queensland, having joined in 1976. His responsibilities in the Law School included Chair of the Law School Teaching and Learning Committee, Director of the Bachelor of Laws and Juris Doctor programs and Chief Examiner. Senior Member Kenny practised as a barrister from 1978 until 1989. From 1964 until 1974, he was a teacher with the Queensland Department of Education.

GINA LAZANAS

Part-time Senior Member, NSW

First appointed 5 April 2012; current appointment until 4 April 2017

Gina Lazanas has been a partner at Balazs Lazanas and Welch LLP since 2009. She was a partner at Baker & McKenzie from 2002 until 2009 where she led the Australian Tax Group for three years. From 2000 to 2002, she was a partner at PricewaterhouseCoopers.

Senior Member Lazanas was Chair of The Tax Institute's GST Subcommittee and a representative at the Australian Taxation Office's National Tax Liaison GST Sub-committee for three years from 2008. She has a particular interest in promoting early dispute resolution and between 2011 and 2013 was the Chair of The Tax Institute's Legal and Dispute Resolution Subcommittee and a representative at the Australian Taxation Office's National Tax Liaison Dispute Resolution Sub-committee. In addition to being a member of The Tax Institute, she is also a member of the Taxation Committee of the Law Council of Australia and a founding member of the Hill GST Discussion Group.

DEAN LETCHER QC

Part-time Senior Member, NSW

First appointed 26 October 2009; current appointment until 25 October 2014

Dean Letcher has been in private practice as a barrister in New South Wales, the Australian Capital Territory and Papua New Guinea since 1972. He was appointed Queen's Counsel in 1988. Senior Member Letcher was appointed as a part-time member of the NSW Mental Health Review Tribunal in September 2008 and has also held appointments as a mediator, arbitrator and contributions assessor with the Supreme and District Courts of New South Wales and the Dust Diseases Tribunal.

DR KENNETH LEVY RFD

BA BCom LLB PhD FCA FCPA MAPS Barrister-at-Law

Part-time Senior Member, Qld

First appointed 5 July 2004; current appointment until 30 November 2016

Ken Levy worked in the Queensland Public Service for more than 40 years, retiring as Director-General of the Department of Justice in December 2003. He was appointed as a part-time Member of the Tribunal in 2004 and as a part-time Senior Member in 2006. In 2004–05, he served as National President of the professional accounting body CPA Australia. He has been a Professor of Law at Bond University, teaching in the areas of criminal law, evidence, succession, superannuation and taxation.

In May 2013, Senior Member Levy was appointed as Acting Chairperson of the Queensland Crime and Misconduct Commission. He was appointed Acting Chairman of the Queensland Crime and Corruption Commission in July 2014.

Dr Levy serves in the Standby Reserve of the Australian Army and holds the rank of Honorary Colonel. He has been awarded the Reserve Force Decoration, the Centenary Medal, the Australian Defence Medal and the National Service Medal.

DR NICHOLAS MANETTA

Part-time Senior Member, SA

First appointed 5 August 2013; current appointment until 4 August 2018

Nick Manetta joined the Crown Solicitor's Office of South Australia in 1994 and has been a Managing Solicitor in the Administrative and Environment Section since 2002. He was junior counsel to the Solicitor-General from 1994 to 1997. He specialises in administrative, constitutional, planning and environmental, and revenue law. He is a Doctor of Philosophy in Administrative Law (Cambridge), and is also a part-time lecturer in administrative law at the University of South Australia.

BRIGADIER GRAHAM MAYNARD (RET'D)

MBBS MSc (OCC MED) DIH DTM&H

Part-time Member, Qld

First appointed 5 July 2004; current appointment until 8 September 2014

After graduating in 1965, Graham Maynard spent 27 years as an Australian Army medical officer commencing with duties as an Infantry Battalion Medical Officer in SVN and finishing as Director of Medical Services for the Army in 1990. His career included postings in clinical positions, hospital command, malaria research and senior command. From 1990 to 2002, he was employed as a senior medical officer in the Commonwealth Department of Health with responsibilities at various times in food safety, Australian Government Health Service management, Creutzfeld-Jacob disease matters and finally as Chief Medical Adviser for Medical Devices at the Therapeutic Goods Administration.

BERNARD MCCABE

BA LLB GradDipLegPrac LLM (Corp&Comm) (Dist)

Full-time Senior Member, Qld

First appointed 1 July 2001; current appointment until 30 November 2016

Bernard McCabe was appointed as a part-time Member of the Tribunal in 2001 and as a full-time Senior Member in 2003. He was a member of the Faculty of Law at Bond University from 1992 until 2006 and has subsequently held appointments as an Adjunct Professor of Law at Bond University. From 1998 to 2001, he served as a member of the Legal Committee of the Companies and Securities Advisory Committee, the Commonwealth Government's peak corporate law advisory body.

Senior Member McCabe continues to edit the consumer protection section of the *Australian Journal of Competition and Consumer Law* and is a member of the editorial committee of the *Corporate Governance eJournal*. During the past year, he has published in the areas of trade practices law and administrative law. He has also lectured at Bond University and spoke about company law, legal education and administrative justice at conferences in Australia and overseas.

Senior Member McCabe was a member of the Tribunal's Professional Development Committee in 2013–14.

PROFESSOR RONALD MCCALLUM AO

Part-time Member, NSW

First appointed 5 August 2013; current appointment until 4 August 2018

Ron McCallum has been blind since birth. In 1993, he was appointed as Professor of Industrial Law at the University of Sydney, the first totally blind person to be appointed to a professorship at any Australian or New Zealand university. From 2002 to 2007, he served as Dean of the University of Sydney Law School, and from 2001 to 2009 he was Foundation President of the Australian Labour Law Association. In 2011, he was appointed as an Emeritus Professor of the University of Sydney.

In 2008, Professor McCallum was elected as an inaugural member of the United Nations Committee on the Rights of Persons with Disabilities which monitors the UN Convention on the Rights of Persons with Disabilities. He served as Chairperson from 2010 to 2013 and is now a vice-chairperson.

In 2003, Professor McCallum was awarded a Centenary Medal for his roles as a labour law scholar and as a disabled citizen. In the 2006 Queen's Birthday honours list, he received the designation of Officer in the Order of Australia for his services to tertiary education, for industrial relations advice to governments, for assistance to visually impaired persons and for social justice. He was Senior Australian of the Year for 2011.

ASSOCIATE PROFESSOR PETER MCDERMOTT RFD

LLB (Hons) LLM PhD

Part-time Senior Member, Qld

First appointed 15 November 2004; current appointment until 14 November 2014

Peter McDermott is a Reader in Law at the University of Queensland where he has also served as an elected member of the Academic Board. In 2013, he was a Research Fellow at the University of Manchester.

Senior Member McDermott was admitted as a barrister of the Supreme Court of Queensland in 1978 and is a member of the Bar Association of Queensland. He has acted as Crown Counsel for the State of Queensland. In the *Wik* case, he was junior counsel to the late Sir Maurice Byers QC who appeared for the Thayorre People. He has served as an officer of the Queensland Law Reform Commission and was later appointed Deputy Chair. In 1998, he accepted a term appointment as an Assistant Commissioner of Taxation to contribute to the Ralph reform process. He has served on a number of Queensland tribunals, including the South Queensland Regional Community Corrections Board and the Children Services Tribunal. He is currently a member of the Queensland Civil and Administrative Tribunal.

Senior Member McDermott has published widely. He is the author of *Equitable Damages* (1994) and is a co-author of *Principles of the Law of Trusts* (3rd ed, 1996), *Company Law* (2nd ed, 2008) and *Fundamental Company Legislation 2008*.

Senior Member McDermott was a member of the Tribunal's Library Committee in 2013–14.

DR RODERICK MCRAE

MBBS (Hons) BMedSc (Hons) FAMA PGDipEcho MBioeth JD

Part-time Member, Vic

First appointed 1 January 2006; current appointment until 31 May 2015

Roderick McRae was admitted as a barrister and solicitor of the Supreme Court of the Australian Capital Territory in December 2004 and of the Supreme Court of Victoria in February 2005. He was appointed to the Tribunal in 2006.

Dr McRae is a practising anaesthetist and intensive care physician. He works primarily in the public healthcare sector providing medical care to non-neonatal patients undergoing complex surgical interventions, as well as participating in many hospital committees. He is a past Chairman of the Federal Council of the Australian Medical Association, Deputy Chairman of the Australasian Medical Publishing Company and Chairman of the Council of AMA Victoria. He is a Fellow of the AMA. He is a qualified bioethicist who sits on the AMA's Ethics and Medico-Legal Committee, several hospital ethics committees and national government committees related to medical workforce and other healthcare issues. Dr McRae undertakes consultancies related to human research legal and ethical issues. He has significant undergraduate and postgraduate teaching experience and is an Adjunct Senior Lecturer at Monash University's Department of Epidemiology and Preventive Medicine.

IAN MOLLOY

LLB LLM GradDipTax

Part-time Deputy President, Qld

First appointed 11 April 2013; current appointment until 10 April 2018

Ian Molloy is a graduate of the University of Sydney and University of Queensland. He was initially admitted as a solicitor in New South Wales having completed articles of clerkship. He joined the Queensland Bar in 1979 and also practises as counsel in Papua New Guinea and the Solomon Islands. His major fields of practice are commercial law and administrative law. He has appeared in several commissions of inquiry, and is an experienced arbitrator and mediator.

THE HON ROBERT NICHOLSON AO

BA LLB LLM MA

Part-time Deputy President, WA

First appointed 6 September 2007; current appointment until 26 October 2015

Robert Nicholson was a Judge of the Federal Court of Australia from 1995 to 2007, having been a Judge of the Supreme Court of Western Australia for six and a half years and Chair of the Guardianship and Administration Board of Western Australia. He was in legal practice in Perth before being appointed as a Deputy President of this Tribunal (1986–88).

As Secretary of the LAWASIA Judicial Section, Deputy President Nicholson was a resource person to the Conference of Chief Justices of Asia and the Pacific and, on behalf of the Federal Court, engaged in judicial training and education in Indonesia and the Philippines. A member of the International Commission of Jurists, he edited and contributed to the *CJIL Yearbook* and conducted a trial observership. He was Foundation Secretary-General of the Law Council of Australia, Deputy Secretary-General of the International Bar Association, has represented the Australian legal profession at international meetings and has published legal papers in Australian legal journals.

Deputy President Nicholson received the Centenary Medal in 2001 for service to the judiciary, education and the community, and was made an Officer of the Order of Australia in 2002. He was a Foundation Fellow and foundation President of the Australian Academy of Law, and is a former President of the Royal Western Australian Historical Society.

DR TERESA NICOLETTI

BSc (Hons) PhD GCertPharmEcon Dip Law GCertLegPrac

Part-time Senior Member, NSW

First appointed 24 August 2006; current appointment until 30 November 2017

Teresa Nicoletti is a partner at Piper Alderman Lawyers with more than 20 years' experience in the pharmaceutical, biotechnology and medical device industries in Australia and New Zealand. She has also worked across a number of other product-related industries, including food, cosmetics, agrochemicals and industrial chemicals. Dr Nicoletti has a PhD in organic chemistry from the University of Western Australia and worked in the pharmaceutical industry for 13 years, both in senior management roles and as a consultant, before commencing legal practice.

FRANK O'LOUGHLIN

BEC LLB (Hons)

Part-time Senior Member, Vic

First appointed 23 September 2009; current appointment until 22 September 2014

Frank O'Loughlin is a practising member of the Victorian Bar. Prior to that, he was a partner of the firm Corrs Chambers Westgarth practising in taxation and commercial law.

Senior Member O'Loughlin is a Senior Fellow of the Melbourne Law School at the University of Melbourne, teaching in the Melbourne Law Masters program. He is also a member of the Council of Mannix College at Monash University. He is the immediate past Chair and current Treasurer of the Business Law Section of the Law Council of Australia and a member of its Taxation Committee. He is also a member of the Law Council of Australia's Federal Litigation Section and the Melbourne Federal Court Users Group.

LIEUTENANT COLONEL BOB ORMSTON (RET'D)

BA MA PhD

Part-time Member, SA

First appointed 1 September 2011; current appointment until 31 August 2016

Bob Ormston served as an infantry officer in the Australian Army from 1967 until 1990. His postings included two tours in Papua New Guinea, subunit command in the 8th/9th Battalion, The Royal Australian Regiment as well as attendance at the Royal Military College of Science, Shrivenham UK and the British Army Staff College, Camberley. He then worked for 10 years in strategic intelligence for the Office of National Assessments and in strategic policy for the Department of Defence. From 2000, he worked in the major events industry, including as General Manager/CEO 2007 World Police and Fire Games. He is currently the editor of the *Australian Defence Force Journal*, the official publication of the 'profession of arms' in Australia.

STEVEN PENGLIS

BJuris LLB

Part-time Senior Member, WA

First appointed 15 June 2005; current appointment until 31 May 2015

Steven Penglis is a senior member of the legal profession in Western Australia. Now practising solely as a barrister, he was with the national law firm Freehills from 1983 until 2012, becoming a partner in 1987. He was an elected member of the Legal Practice Board of Western Australia from 1996 until 2011, and was Chairman from 2002 until 2007. Senior Member Penglis was an elected member of the Council of the Law Society of Western Australia between 2002 and 2012.

REGINA PERTON OAM

BA LLB DipEd

Full-time Member, Vic

First appointed 9 August 2004; current appointment until 8 August 2014

Prior to joining the Tribunal in 2004, Regina Perton was a Senior Member of the Migration Review Tribunal and a Member of the Refugee Review Tribunal. She has also served as a member of the Immigration Review Tribunal, as a member of the Victorian Equal Opportunity Commission and as a Commissioner of the Victorian Multicultural Commission. She has held management positions in several tribunals and also worked as a secondary teacher and in real estate.

Ms Perton has been a member of various boards and committees of professional, health and community organisations. She is currently on the board of COTA Victoria and is also a member of the Ministerial Advisory Committee for Senior Victorians. She has been awarded a Centenary Medal, and a Medal of the Order of Australia for service to administrative law and to the community, particularly in the areas of equal opportunity and multiculturalism.

Ms Perton is a member of the committees of the Victorian Chapters of the Australian Institute of Administrative Law and the Council of Australasian Tribunals.

JAN REDFERN PSM

BEC LLM AGIA

Part-time Senior Member, NSW

First appointed 2 November 2009; current appointment until 1 November 2014

Jan Redfern has over 30 years of experience in legal practice and has worked in both the private and public sectors. She was a partner of national law firm Hunt & Hunt Lawyers from 1989 to 1999 and held a number of senior executive positions with the Australian Securities and Investments Commission from 1999 to 2008, including as Executive Director, Enforcement. She was awarded a Commonwealth Public Service Medal in 2007 for outstanding public service in the field of corporate and financial services regulation and enforcement.

Senior Member Redfern was a member of the Enforcement Committee of the International Organisation of Securities Commissions from 2004 to 2007 and a member of the Law Committee of the Australian Institute of Company Directors from 2009 until 2012. She is a Fellow of the Institute of Chartered Secretaries and Administrators and a member of the Legislation Review Committee of Chartered Secretaries Australia.

In 2010, Senior Member Redfern was appointed as a part-time legal member of the NSW Guardianship Tribunal. She was appointed as a part-time Deputy President in 2013 and became a Principal Member in the Guardianship Division of the NSW Civil and Administrative Tribunal when that body was established on 1 January 2014. Senior Member Redfern is also an independent consultant in governance, risk and compliance.

PROFESSOR PETER REILLY AO

Part-time Member, SA

First appointed 1 July 2006; current appointment until 30 November 2014

Peter Reilly has been a practising neurosurgeon since 1976. From 1994 until 2005, he was head of the Department of Neurosurgery at the Royal Adelaide Hospital where he is an Emeritus Professor. He has also been a visiting staff specialist at Flinders Medical Centre and the Women's and Children's Hospital. He was Clinical Professor of Neurosurgery in the School of Medical Sciences at the University of Adelaide.

Professor Reilly has been on the advisory committees of several national and international neurotrauma societies. He is a former President of the International Neurotrauma Society and the Neurosurgical Society of Australasia (1996–98), Chair of the Neurosurgical Board of the Royal Australasian College of Surgeons (1991–94) and supervisor of neurosurgical training for South Australia. He has a Bachelor of Medical Science, Doctorate of Medicine and Bachelor of Surgery from the University of Adelaide. He is a fellow of the Royal Australasian College of Surgeons and of the Faculty of Pain Medicine.

Professor Reilly was made an Officer in the General Division of the Order of Australia in 2002 for service to the advancement of neurosurgery in the prevention and treatment of head injuries through clinical practice, research, education and membership of relevant professional organisations. He remains actively involved in the study of traumatic brain injuries.

ELIZABETH ANNE SHANAHAN

BSc MBBS FRACS LLB

Part-time Member, Vic

First appointed 19 June 1991; current appointment until 8 September 2014

Anne Shanahan is a cardiothoracic surgeon, now retired, who worked both in public and private hospitals in Victoria for 43 years. She is also a barrister, a Harvard alumnus and former Fulbright scholar. From 1973 until 1985, Miss Shanahan was a senior lecturer in the Department of Surgery at Monash University. She has served on numerous hospital committees and a hospital board of management, as well as the Health Service Commissioner's Review Council, a Health Insurance Commission committee and the Red Cross International Humanitarian Law Committee. Miss Shanahan is also a part-time member of the Superannuation Complaints Tribunal and the Victorian Civil and Administrative Tribunal.

Miss Shanahan was a member of the Tribunal's Professional Development Committee in 2013–14.

PROFESSOR TANIA SOURDIN

BA LLB GradDipLegPrac LLM PhD

Part-time Member, NSW

First appointed 1 July 2001; current appointment until 1 November 2014

Tania Sourdin is the Chair and Director of the Australian Centre for Justice Innovation at Monash University. She was previously the Director of the Conflict Resolution Centre at La Trobe University and Co-Director of the Alternative Dispute Resolution program at the University of Queensland. She is an active mediator, conciliator and adjudicator and is a member of a number of tribunals and panels. She is also the dispute resolution advisor for the National Broadband Network.

Professor Sourdin wrote the National Mediator Accreditation Standards and has led national research projects and produced important recommendations for court and non-adversarial justice reform. She has conducted research into conflict resolution and disputant perceptions in relation to eight courts and six independent conflict schemes and currently has a number of evaluation projects in this area.

Professor Sourdin has worked across Australia, in New Zealand, Hong Kong, Canada, the United States of America, the United Kingdom, the United Arab Emirates and the Pacific. She is the author of books (including *Alternative Dispute Resolution* (4th ed, 2012) and *The Multi-Tasking Judge* (2013)), articles and papers and has presented widely on a range of topics including commercial dispute resolution, mediation, conflict resolution, complaints management, case management, collaborative lawyering, judicial dispute resolution, high conflict disputants and organisational change.

DR MARIAN SULLIVAN

Part-time Member, Qld

First appointed 5 April 2012; current appointment until 4 April 2017

Marian Sullivan is a psychiatrist and has been in active clinical practice in adult, child and adolescent psychiatry for more than 25 years. She is a Fellow of the Royal Australian and New Zealand College of Psychiatrists. She has been a member of the Executive of the Faculty of Child and Adolescent Psychiatry of the RANZCP and was the editor of the *Bulletin of the Faculty of Child and Adolescent Psychiatry*. Dr Sullivan has also had involvement with the teaching of medical students and postgraduate trainees in psychiatry.

From 2006 to 2010, Dr Sullivan was a member of the Medical Board of Queensland. She was also Chair of the Board's Health Assessment and Monitoring Committee which supervised impaired practitioners. Dr Sullivan has been an examiner for the Australian Medical Council. In 2008, Dr Sullivan was an invited delegate to the Australia 2020 Summit.

SANDRA TAGLIERI

Part-time Member, Tas

First appointed 5 August 2013; current appointment until 4 August 2018

Sandra Taglieri is a barrister specialising in injury compensation law as well as administrative, anti-discrimination, coronial, insurance and industrial law. She is also a sessional member of the Tasmanian Guardianship and Administration Board. Prior to commencing practice at the Independent Bar in 2009, Ms Taglieri was a partner at Phillips Taglieri, Barristers and Solicitors specialising in personal injury litigation. She has also worked as a lawyer in other areas, including criminal, family and commercial law.

Ms Taglieri has been a member of the Supreme Court of Tasmania Rule Committee since 2011, a member of the Legislative Review Anomaly Committee of the WorkCover Tasmania Board since 2007 and a lecturer in industrial law at the Legal Practice Course of the University of Tasmania since 2009. She was a trustee of a charitable fund established to assist miners affected by the Beaconsfield Mine disaster in 2006.

THE HON BRIAN TAMBERLIN QC

BA LLB LLM

Part-time Deputy President, NSW

First appointed 23 November 2005; current appointment ends 29 June 2015

Brian Tamberlin was a Judge of the Federal Court of Australia where he served for a term of 14 years until 2009. He was appointed as a part-time judicial member of the Tribunal in 2005 and then as a Deputy President in 2009. From 2009 to 2011, he also served as an Acting Justice of the Supreme Court of New South Wales and was appointed as Commissioner inquiring into Electricity Transactions in NSW in 2011. Prior to his appointment as a Judge, Deputy President Tamberlin was at the New South Wales Bar for 28 years, 14 as Queen's Counsel. Prior to that, he was a solicitor for several years and an in-house counsel.

Deputy President Tamberlin has taught constitutional law, world trade law and environment law at the University of Sydney Law School, and intellectual property law in Virginia (United States of America), Vietnam and Thailand. Over the past eight years, he has been actively involved in international forums on administrative law.

Deputy President Tamberlin was a member of the Tribunal's Alternative Dispute Resolution Committee in 2013–14.

PETER TAYLOR SC

Part-time Senior Member, NSW

First appointed 24 August 2006; current appointment until 30 November 2017

Peter Taylor is a barrister in private practice in New South Wales. He graduated from the University of Adelaide in 1974 with a Bachelor of Laws (Honours) and was made Senior Counsel in New South Wales in 1993. Senior Member Taylor practises in the following areas of law: commercial, building and construction, insurance, professional liability, equity and trusts, and public authority tort. He was the Chair of the New South Wales Bar Association Advocacy Committee from 1996 to 2000 and a member of the Legal Profession Admission Board of New South Wales from 1994 to 2008.

From 1984 until 2005, Senior Member Taylor was the General Editor of *Ritchie's NSW Supreme Court Practice*. Since 2005, he has been the General Editor of *Ritchie's NSW Uniform Civil Procedure*.

IAN THOMPSON

BSocAdmin LLB

Part-time Member, SA

First appointed 5 August 2013; current appointment until 4 August 2018

Ian Thompson has been the Director of Governance and People at Novita Children's Services since 2008. Previous positions he has held include Senior Lawyer for the South Australian Commission of Inquiry into Children in State Care (2005 to 2008), Executive Manager and Senior Social Worker at Minda Inc. working in the management of services to people with intellectual disabilities (1996 to 2005) and Director of Law Claims at the Law Society of South Australia (1992 to 1995). From 1978 to 1990, Mr Thompson was a senior partner at Ward & Partners, practising in a range of areas, including child protection, criminal law, family law, litigation and insurance. He has been a member of boards of non-government agencies and is a former chair of the South Australian Council of Social Services.

DR SAW HOOI TOH

MBBS FRACGP

Part-time Member, NSW

First appointed 24 August 2006; current appointment until 30 November 2017

Saw Hooi Toh is a general practitioner with a special interest in medical education. She has been a member of the NSW Medical Tribunal and continues to sit on disciplinary proceedings relating to medical practitioners in the NSW Civil and Administrative Tribunal. She sits on Professional Standards Committees and Health Program panels of the Medical Council of New South Wales and is also a panel member of the Health Programs of the Dental, Nursing and Midwifery and Pharmacy Councils of New South Wales. Dr Toh is a Senior Examiner for the Australian Medical Council Board of Examiners.

JILL TOOHEY

Full-time Senior Member, NSW

First appointed 17 August 2009; current appointment until 16 August 2014

Jill Toohey was appointed as a full-time Senior Member of the Tribunal in 2009. She holds a Bachelor of Jurisprudence and Bachelor of Laws from the University of Western Australia. She is an accredited mediator.

Senior Member Toohey has worked in private practice and in community legal centres in Western Australia and was a Commissioner of the Legal Aid Commission of Western Australia. Her experience includes public administration and management, personal injury litigation, workers' compensation, refugee and migration law, guardianship and administration, and equal opportunity matters. Between 1993 and 2004, she was a full-time member, and then Registrar, of the Refugee Review Tribunal in Sydney. From 2005 to 2009, she was the Senior Member of the Human Rights stream of the WA State Administrative Tribunal.

Senior Member Toohey chaired the Tribunal's NDIS Monitoring Committee and was a member of the Professional Development Committee in 2013–14.

CHELSEA WALSH

Part-time Senior Member, WA

First appointed 1 June 2010; current appointment until 31 May 2015

Before joining the Tribunal, Chelsea Walsh was a Senior Associate in the tax practice group of Allens Arthur Robinson. She has worked in the tax practice groups of first-tier law firms and at boutique taxation law practices in Perth and Sydney. She has also worked as a Tax Attorney at Fried Frank Harris Shriver & Jacobson in New York, and was the Associate to Justice Graham Hill in the Federal Court of Australia in 1997. Senior Member Walsh has a Master of Laws (with Honours) from the University of Sydney. Her masters degree and honours dissertation both had a taxation law focus.

DR ROBERT WALTERS RFD

Part-time Member, Tas

First appointed 16 November 2006; current appointment until 30 November 2017

Rob Walters is a general practitioner in Hobart. He is a past Chair of the Australian Divisions of General Practice (now Australian General Practice Network), a position he held between 2002 and 2005, and is a past Chair of the Cancer Council of Tasmania. He has sat, and continues to sit, on a number of other national boards and councils, including Headspace and the Asbestos Safety and Eradication Council. He is also the Medical Director on the WorkCover Tasmania Board.

Dr Walters is Secretary to the Medical Protection Society of Tasmania and a medico-legal adviser to the Medical Indemnity Protection Society. As well as providing case advice, he regularly presents to medical practitioners and medical students on matters related to medical indemnity and the medico-legal aspects of medical practice.

Dr Walters holds the rank of Colonel in the Australian Army Reserve, having joined the Australian Defence Force in 1972 as a National Serviceman. He is currently the Senior Medical Officer for Tasmania and a consultant to the Surgeon General of the Australian Defence Force on General Practice for the Army, Navy and Air Force. He served in East Timor in 2002.

BRIGADIER GERARD WARNER AM LVO (RET'D)

BSc (Hons) DipMilStud FAICD

Part-time Member, WA

First appointed 15 June 2005; current appointment until 31 May 2015

Gerry Warner's military career included extensive command experience, tours on the staff of Governor-Generals, operations and personnel staff roles, and UN peacekeeping on the Golan Heights and in Southern Lebanon. He was the senior Defence representative in Western Australia in 1996–97 and his final posting was Chief of Staff, Land Headquarters in Sydney. From 2005 until 2013, Mr Warner was CEO of a major not-for-profit organisation in the aged care and retirement village sector. Since 2006, he has been a Trustee of the WA Government ANZAC Day Trust. He is a company director and serves on the WA State Administrative Tribunal, Prisoners Review Board and Mental Health Review Board.

SIMON WEBB

Full-time Member, ACT

First appointed 16 July 2001; current appointment until 15 July 2014

Prior to his appointment to the Tribunal, Simon Webb held the office of Deputy Director of the Commonwealth Classification Board with extensive periods acting in the office of Director (1997–2001). During this period, he was Secretary of the Commonwealth, State and Territory Censorship Ministers' Council. From 1996 to 1998, he worked with the Australian Customs Service reviewing prohibited import and export regulations and related administrative procedures. In 1994, Mr Webb was appointed to the Film Censorship Board and in 1995 he worked with Commonwealth, State and Territory ministers and officials to establish the Classification Board and the Classification Review Board, implementing revised censorship laws in a cooperative national legislative classification scheme. Prior to that, Mr Webb conducted a management consultancy and was General Manager of the Arts Council of Australia. He has more than 30 years' senior management and public administration experience and is an experienced mediator.

DR PETER WILKINS MBE

BA MBBS MHP MLitt GradDipHum FAFOEM FAFPHM

Part-time Member, ACT

First appointed 24 August 2006; current appointment until 30 November 2015

Peter Wilkins served full-time in the Royal Australian Air Force for 22 years and as a member of its Specialist Reserve for a further 19 years. He has held senior management positions with the Australian Medical Association, NSW Health and as Director of Aviation Medicine for the Civil Aviation Safety Authority. He was a part-time forensic medical officer for the Australian Federal Police from 1982 until 2012. His main current work is consultant practice in occupational medicine.

Dr Wilkins was a member of the Tribunal's Library Committee in 2013–14.

DR PETER WULF

BSc (Hons) LLB LLM PhD Scholar Barrister-at-Law

Part-time Member, Qld

First appointed 9 September 2009; current appointment until 8 September 2014

Peter Wulf is a scientist and barrister with more than 27 years' experience in industry, government, academic and research institutions. His experience includes undertaking environmental and cumulative impact assessments, freshwater and marine research, water quality assessment and dredging (port) studies. His PhD investigated best environmental management practices for land-based water quality pollution entering the Great Barrier Reef World Heritage Area from cane lands. He has led large marine and terrestrial conservation projects in the Asia-Pacific, North, Central and South America, and in the Caribbean.

Mr Wulf is admitted as a barrister of the Supreme Court of Queensland and the High Court of Australia and practises in administrative law, international and domestic environmental law (including climate, environmental impact statements, fisheries, marine, oil and gas, and water) and native title/Indigenous law. He was a member of the Queensland Civil and Administrative Tribunal, the former Queensland Building and Development Tribunal and the Fisheries Tribunal. Mr Wulf has a background in negotiations and his experience as a qualified mediator in both legal and non-legal disputes allows him to undertake negotiations for win-win outcomes. He has also been an environmental and legal educator at a number of universities.

Mr Wulf was a member of the Tribunal's Alternative Dispute Resolution Committee in 2013–14.

APPENDIX 2: STAFF OF THE TRIBUNAL

Table A2.1 Employment by registry, 30 June 2014

Classification	Registries								Total
	Adelaide	Brisbane	Canberra	Hobart	Melbourne	Perth	Sydney	Principal	
APS Level 2	–	5	–	–	–	5	–	–	10
AAT Broadband 3/4	11	15	7	2	15	7	20	5	82
APS Level 5	–	–	–	–	–	–	1	7	8
APS Level 6	2	1	1	–	3	2	3	8	20
Executive Level 1	–	–	–	–	–	–	–	11	11
Executive Level 2	3	3	3	–	4	2	5	3	23
SES Band 1	–	–	–	–	–	–	–	2	2
Total	16	24	11	2	22	16	29	36	156

There are no staff at APS Level 1.

These figures include all full-time and part-time ongoing and non-ongoing staff and 20 staff employed for irregular or intermittent duties. Staff on long-term leave are not included but replacement staff are included.

Principal Registry staff are based in Sydney (19), Brisbane (14), Hobart (2) and Perth (1).

Table A2.2 Equal employment opportunity data, 30 June 2014

Classification	Total	Women	Men	A&TSI	NESB	PWD
APS Level 2	10	9	1	–	1	–
AAT Broadband 3/4	82	63	19	1	25	3
APS Level 5	8	5	3	–	2	–
APS Level 6	20	9	11	–	8	–
Executive Level 1	11	6	5	–	3	–
Executive Level 2	23	18	5	–	4	–
SES Band 1	2	1	1	–	–	–
Total	156	111	45	1	43	3

A&TSI Aboriginal and Torres Strait Islanders

NESB People of non-English-speaking background

PWD People with disability

The data in this table is based in part on information voluntarily provided.

Table A2.3 Employment status and arrangements, 30 June 2014

Classification	Salary range	Employment status				Employment arrangements			
		Full-time	Part-time	Irregular/ Intermittent	Total	AA	IFA*	S24D	
APS Level 1	\$42,745 – 47,240	–	–	–	–	–	–	–	
APS Level 2	\$48,374 – 54,419	–	–	10	10	10	–	–	
AAT Broadband 3/4	\$57,282 – 66,675	64	9	9	82	82	–	–	
APS Level 5	\$68,491 – 72,629	7	–	1	8	8	–	–	
APS Level 6	\$74,196 – 84,975	16	4	–	20	20	–	–	
Executive Level 1	\$93,976 – 110,611	10	1	–	11	11	2	–	
Executive Level 2	\$112,527 – 127,929	14	9	–	23	23	2	–	
SES Band 1	\$126,686 – 145,259	2	–	–	2	–	–	2	
Total		113	23	20	156	154*	4	2	

AA Agency Agreement

IFA Individual Flexibility Arrangement

S24D Determination made under section 24(1) of the *Public Service Act 1999*.

* The Executive Level 1 and 2 staff with Individual Flexibility Arrangements are covered by the Agency Agreement.

APPENDIX 3: TRIBUNAL JURISDICTION

This appendix lists the laws — the Acts and legislative instruments — under which decisions may be made that are subject to review by the Tribunal as at 30 June 2014. The list does not include laws that were assented to or made in the reporting period but had not commenced at 30 June 2014.

The laws listed in **bold** conferred new jurisdiction on the Tribunal to review decisions made under that enactment.

COMMONWEALTH LAWS

A New Tax System (Australian Business Number) Act 1999

A New Tax System (Family Assistance) Act 1999

A New Tax System (Family Assistance) (Administration) Act 1999

A New Tax System (Goods and Services Tax) Act 1999

A New Tax System (Goods and Services Tax) Regulations 1999

A New Tax System (Goods and Services Tax Transition) Act 1999

A New Tax System (Wine Equalisation Tax) Act 1999

Aboriginal and Torres Strait Islander Act 2005

Aboriginal and Torres Strait Islander Commission Amendment Act 2005

ACIS Administration Act 1999

Administrative Appeals Tribunal Act 1975

Administrative Appeals Tribunal Regulations 1976

Adult Disability Assessment Determination 1999

Age Discrimination Act 2004

Aged Care Act 1997

Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994

Agricultural and Veterinary Chemicals (Administration) Act 1992

Agricultural and Veterinary Chemicals (Administration) Regulations 1995

Agricultural and Veterinary Chemicals Code Act 1994

Agricultural and Veterinary Chemicals Code Regulations 1995

Air Navigation Act 1920

Air Navigation (Aircraft Engine Emissions) Regulations

Air Navigation (Aircraft Noise) Regulations 1984

Air Navigation (Aviation Security Status Checking) Regulations 2004

Air Navigation (Coolangatta Airport Curfew) Regulations 1999
Air Navigation (Essendon Airport) Regulations 2001
Air Navigation (Fuel Spillage) Regulations 1999
Air Navigation Regulations 1947
Air Services Act 1995
Air Services Regulations 1995
Aircraft Noise Levy Collection Act 1995
Airports Act 1996
Airports (Building Control) Regulations 1996
Airports (Control of On-Airport Activities) Regulations 1997
Airports (Environment Protection) Regulations 1997
Airports (Ownership – Interests in Shares) Regulations 1996
Airports (Protection of Airspace) Regulations 1996
Airports Regulations 1997
Antarctic Marine Living Resources Conservation Act 1981
Antarctic Marine Living Resources Conservation Regulations 1994
Antarctic Treaty (Environment Protection) Act 1980
Anti-Money Laundering and Counter-Terrorism Financing Act 2006
Archives Act 1983
AusCheck Regulations 2007
Australian Charities and Not-for-profits Commission Act 2012
Australian Citizenship Act 2007
Australian Education Act 2013
Australian Hearing Services Act 1991
Australian Jobs Act 2013
Australian Meat and Live-stock Industry Act 1997
Australian Meat and Live-stock Industry (Beef Export to the USA – Quota Year 2014) Order 2013
Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998
Australian National Registry of Emissions Units Act 2011
Australian Participants in British Nuclear Tests (Treatment) Act 2006
Australian Passports Act 2005
Australian Passports Determination 2005
Australian Postal Corporation Regulations 1996
Australian Radiation Protection and Nuclear Safety Act 1998
Australian Radiation Protection and Nuclear Safety Regulations 1999

Australian Securities and Investments Commission Act 2001
Australian Security Intelligence Organisation Act 1979
Australian Sports Anti-Doping Authority Regulations 2006
Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Act 2011
Automotive Transformation Scheme Regulations 2010
Aviation Transport Security Act 2004
Aviation Transport Security Regulations 2005
Banking Act 1959
Bankruptcy Act 1966
Bankruptcy Regulations 1996
Biological Control Act 1984
Broadcasting Services Act 1992
Building Energy Efficiency Disclosure Act 2010
Business Names Registration Act 2011
Business Names Registration (Transitional and Consequential Provisions) Act 2011
Carbon Credits (Carbon Farming Initiative) Act 2011
Chemical Weapons (Prohibition) Act 1994
Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000
Child Disability Assessment Determination 2001
Child Support (Assessment) Act 1989
Child Support (Registration and Collection) Act 1988
Civil Aviation Act 1988
Civil Aviation (Buildings Control) Regulations 1988
Civil Aviation Regulations 1988
Civil Aviation Safety Regulations 1998
Classification (Publications, Films and Computer Games) Act 1995
Clean Energy Act 2011
Clean Energy Advances for Approved Care Organisations Administrative Scheme Determination 2012
Clean Energy Regulations 2011
Clothing and Household Textile (Building Innovative Capability) Scheme 2010
Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992
Coastal Trading (Revitalising Australian Shipping) Act 2012
Commerce (Trade Descriptions) Act 1905
Commercial Television Conversion Scheme 1999

Commonwealth Electoral Act 1918
Compensation (Japanese Internment) Act 2001
Competition and Consumer Act 2010
Continence Aids Payment Scheme 2010
Copyright Act 1968
Copyright Regulations 1969
Corporations (Aboriginal and Torres Strait Islander) Act 2006
Corporations Act 2001
Criminal Code Act 1995
Cultural Bequests Program Guidelines (No 1) 1997
Customs Act 1901
Customs (Prohibited Exports) Regulations 1958
Customs (Prohibited Imports) Regulations 1956
Customs Regulations 1926
Customs Tariff Act 1995
Dairy Adjustment Levy Collection Regulations 2000
Dairy Produce Act 1986
Dairy Produce Regulations 1986
Defence Act 1903
Defence (Areas Control) Regulations 1989
Defence Determination 2005/15
Defence Force (Home Loans Assistance) Act 1990
Defence Force Regulations 1952
Defence Force Retirement and Death Benefits Act 1973
Defence Force (Superannuation) (Productivity Benefit) Determination 1988
Defence Home Ownership Assistance Scheme Act 2008
Defence Home Ownership Assistance Scheme Regulations 2008
Defence (Prohibited Words and Letters) Regulations 1957
Defence Reserve Service (Protection) Act 2001
Defence Service Homes Act 1918
Defence Trade Controls Act 2012
Defence Trade Controls Regulation 2013
Designs Act 2003
Designs Regulations 2004
Development Allowance Authority Act 1992
Disability (Access to Premises – Buildings) Standards 2010

Disability Discrimination Act 1992

Disability Services Act 1986

Eastern Tuna and Billfish Fishery Management Plan 2010

Education Services for Overseas Students Act 2000

Energy Efficiency Opportunities Act 2006

Environment Protection and Biodiversity Conservation Act 1999

Environment Protection and Biodiversity Conservation Regulations 2000

Environment Protection and Management Ordinance 1987

Environment Protection (Sea Dumping) Act 1981

ETR Payments Administrative Scheme (FaHCSIA) Determination 2012

Excise Act 1901

Excise Regulations 1925

Explosives Transport Regulations 2002

Export Control (Animals) Order 2004

Export Control (Eggs and Egg Products) Orders 2005

Export Control (Fees) Orders 2001

Export Control (Fish and Fish Products) Orders 2005

Export Control (Hardwood Wood Chips) Regulations 1996

Export Control (Meat and Meat Products) Orders 2005

Export Control (Milk and Milk Products) Orders 2005

Export Control (Organic Produce Certification) Orders

Export Control (Plants and Plant Products) Order 2011

Export Control (Poultry Meat and Poultry Meat Products) Orders 2010

Export Control (Prescribed Goods – General) Order 2005

Export Control (Rabbit and Ratite Meat) Orders 1985

Export Control (Unprocessed Wood) Regulations

Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010

Export Inspection and Meat Charges Collection Act 1985

Export Market Development Grants Act 1997

Fair Entitlements Guarantee Act 2012

Fair Work (Building Industry – Accreditation Scheme) Regulations 2005

Family Assistance Legislation Amendment (Child Care Budget and Other Measures) Act 2008

Family Law (Family Dispute Resolution Practitioners) Regulations 2008

Family Law (Fees) Regulation 2012

Farm Household Support Act 1992

Federal Circuit Court of Australia Act 1999

Federal Court and Federal Circuit Court Regulation 2012
Financial Institutions Supervisory Levies Collection Act 1998
Financial Sector (Business Transfer and Group Restructure) Act 1999
Financial Sector (Collection of Data) Act 2001
First Home Saver Accounts Act 2008
Fisheries Management Act 1991
Flexible Care Subsidy Principles 1997
Food Standards Australia New Zealand Act 1991
Foreign Passports (Law Enforcement and Security) Act 2005
Freedom of Information Act 1982
Fringe Benefits Tax Assessment Act 1986
Fuel Quality Standards Act 2000
Fuel Quality Standards Regulations 2001
Fuel Tax Act 2006
Gene Technology Act 2000
Gene Technology Regulations 2001
Governor-General Act 1974
Great Barrier Reef Marine Park Act 1975
Great Barrier Reef Marine Park (Aquaculture) Regulations 2000
Great Barrier Reef Marine Park Regulations 1983
Greenhouse and Energy Minimum Standards Act 2012
Hazardous Waste (Regulation of Exports and Imports) Act 1989
Hazardous Waste (Regulation of Exports and Imports) (OECD Decision) Regulations 1996
Hazardous Waste (Regulation of Exports and Imports) Regulations 1996
Health and Other Services (Compensation) Act 1995
Health Insurance Act 1973
Health Insurance (Eligible Collection Centres) Approval Principles 2010
Healthcare Identifiers Act 2010
Hearing Service Providers Accreditation Scheme 1997
Hearing Services Administration Act 1997
Hearing Services Rules of Conduct 2012
Hearing Services Voucher Rules 1997
High Court of Australia (Fees) Regulation 2012
Higher Education Funding Act 1988
Higher Education Support Act 2003
Horse Disease Response Levy Collection Act 2011

Horticulture Marketing and Research and Development Services (Export Efficiency) Regulations 2002

Immigration (Guardianship of Children) Act 1946

Imported Food Control Act 1992

Income Tax Assessment Act 1936

Income Tax Assessment Act 1997

Income Tax Regulations 1936

Income Tax (Transitional Provisions) Act 1997

Industrial Chemicals (Notification and Assessment) Act 1989

Industrial Chemicals (Notification and Assessment) Regulations 1990

Industry Research and Development Act 1986

Insurance Acquisition and Takeovers Act 1991

Insurance Act 1973

Interactive Gambling Act 2001

Interstate Road Transport Act 1985

Interstate Road Transport Regulations 1986

Judges' Pensions Act 1968

Lands Acquisition Act 1989

Law Officers Act 1964

Leases (Special Purposes) Ordinance 1925

Life Insurance Act 1995

Liquid Fuel Emergency Act 1984

Marine Orders Parts 6, 9, 11, 12, 15, 16, 17, 18, 19, 21, 25, 27, 28, 30, 31, 32, 33, 34, 35, 41, 42, 43, 44, 47, 49, 50, 51, 52, 54, 58, 59, 60, 64, 70, 91, 93, 96, 97, 502, 503, 504, 505, 506 and 507

Maritime Safety (Domestic Commercial Vessel) National Law Act 2012

Maritime Transport and Offshore Facilities Security Act 2003

Maritime Transport and Offshore Facilities Security Regulations 2003

Marriage Act 1961

Meat Export Charge Collection Act 1984

Medibank Private Sale Act 2006

Medical Indemnity Act 2002

Medical Indemnity (Prudential Supervision and Product Standards) Act 2003

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010

Migration Act 1958

Military Rehabilitation and Compensation Act 2004

Military Rehabilitation and Compensation Act Education and Training Scheme 2004

Minerals Resource Rent Tax 2012

Motor Vehicle Compensation Scheme 2004

Motor Vehicle Standards Act 1989

Motor Vehicle Standards Regulations 1989

Mutual Recognition Act 1992

Narcotic Drugs Act 1967

National Consumer Credit Protection Act 2009

National Consumer Credit Protection Regulations 2010

National Disability Insurance Scheme Act 2013

National Environment Protection Measures (Implementation) Act 1998

National Greenhouse and Energy Reporting Act 2007

National Greenhouse and Energy Reporting Regulations 2008

National Health Act 1953

National Health (Pharmaceuticals and Vaccines – Cost Recovery) Regulations 2009

National Health (Pharmaceutical Benefits) Regulations 1960

National Health Security Act 2007

National Library Regulations 1994

National Measurement Act 1960

National Measurement Regulations 1999

National Rental Affordability Scheme Regulations 2008

National Television Conversion Scheme 1999

National Vocational Education and Training Regulator Act 2011

National Vocational Education and Training Regulator (Transitional Provisions) Act 2011

Native Title (Prescribed Bodies Corporate) Regulations 1999

Native Title (Tribunal) Regulations 1993

Navigation Act 2012

Northern Prawn Fishery Management Plan 1995

Nuclear Non-Proliferation (Safeguards) Act 1987

Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003

Offshore Minerals Act 1994

Offshore Petroleum and Greenhouse Gas Storage Act 2006

Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011

Ombudsman Act 1976

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

Paid Parental Leave Act 2010

Papua New Guinea (Members of the Forces Benefits) Regulations 1961

Papua New Guinea (Staffing Assistance) Act 1973

Parliamentary Contributory Superannuation Act 1948

Patents Act 1990

Patents Regulations 1991

Personal Property Securities Act 2009

Personally Controlled Electronic Health Records Act 2012

Petroleum Excise (Prices) Act 1987

Petroleum Resource Rent Tax Assessment Act 1987

Petroleum Resource Rent Tax Assessment Regulations 2005

Pig Industry Act 2001

Plant Breeder's Rights Act 1994

Plant Breeder's Rights Regulations 1994

Pooled Development Funds Act 1992

Premium Support (Medical Indemnity Provider) Scheme 2006

Primary Industries (Customs) Charges Act 1999

Primary Industries (Excise) Levies Act 1999

Primary Industries Levies and Charges Collection Act 1991

Primary Industries Levies and Charges Collection Regulations 1991

Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998

Privacy Act 1988

Private Health Insurance Act 2007

Product Grants and Benefits Administration Act 2000

Product Stewardship Act 2011

Product Stewardship (Voluntary Arrangements) Instrument 2012

Protection of Cultural Objects on Loan Act 2013

Protection of Movable Cultural Heritage Act 1986

Protection of the Sea (Civil Liability) Act 1981

Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008

Public Lending Right Act 1985

Quality Agency Principles 2013

Radiocommunications Act 1992

Radiocommunications (Spectrum Licence Allocation – 2GHz Band) Determination 2000

Radiocommunications (Spectrum Licence Allocation) Determination 2000

Radiocommunications (Trading Rules for Spectrum Licences) Determination 2012

Registration of Deaths Abroad Act 1984
Renewable Energy (Electricity) Act 2000
Renewable Energy (Electricity) Amendment (Transitional Provision) Regulations 2010
Renewable Energy (Electricity) Regulations 2001
Resale Royalty Right for Visual Artists Act 2009
Research Involving Human Embryos Act 2002
Residential Care Subsidy Principles 1997
Retirement Savings Accounts Act 1997
Retirement Savings Accounts Regulations 1997
Roads and Public Places Ordinance 1937
Safety, Rehabilitation and Compensation Act 1988
Sanctions Principles 1997
Sea Installations Act 1987
Seafarers Rehabilitation and Compensation Act 1992
Sex Discrimination Act 1984
Shipping Reform (Tax Incentives) Act 2012
Shipping Registration Act 1981
Small Superannuation Accounts Act 1995
Social Security Act 1991
Social Security (Administration) Act 1999
Social Security and Veterans' Affairs Legislation Amendment (One-Off Payments and Other 2007 Budget Measures) Act 2007
Social Security (International Agreements) Act 1999
Social Security (Pension Valuation Factor) Determination 1998
South-east Commonwealth Marine Reserves Network Management Plan 2013–23
Southern Bluefin Tuna Fishery Management Plan 1995
Southern Squid Jig Fishery Management Plan 2005
Space Activities Act 1998
Space Activities Regulations 2001
Steel Transformation Plan 2012
Stronger Futures in the Northern Territory Act 2012
Student Assistance Act 1973
Student Identifiers Act 2014
Superannuation Act 1922
Superannuation Contributions Tax (Assessment and Collection) Act 1997

Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997

Superannuation Guarantee (Administration) Act 1992

Superannuation Industry (Supervision) Act 1993

Superannuation Industry (Supervision) Regulations 1994

Superannuation (Self Managed Superannuation Funds) Taxation Act 1987

Superannuation (Unclaimed Money and Lost Members) Act 1999

Sydney Airport Curfew Act 1995

Sydney Harbour Federation Trust Regulations 2001

Tax Agent Services Act 2009

Tax Agent Services Regulations 2009

Taxation Administration Act 1953

Taxation Administration Regulations 1976

Telecommunications Act 1997

Telecommunications (Annual Numbering Charge – Late Payment Penalty) Determination 2000

Telecommunications (Consumer Protection and Service Standards) Act 1999

Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2007 (No. 1)

Telecommunications Integrated Public Number Database Scheme 2007

Telecommunications Numbering Plan 1997

Telecommunications (Service Provider – Identity Checks for Prepaid Mobile Carriage Services) Determination 2013

Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 1)

Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 2)

Telecommunications Universal Service Management Agency Act 2012

Telecommunications Universal Service Management Agency (Eligible Revenue) Determination 2013

Television Licence Fees Regulations 1990

Telstra Corporation Act 1991

Termination Payments Tax (Assessment and Collection) Act 1997

Tertiary Education Quality and Standards Agency Act 2011

Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Act 2011

Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme 2005

Textile, Clothing and Footwear Strategic Investment Program Scheme 1999

Therapeutic Goods Act 1989

Therapeutic Goods (Medical Devices) Regulations 2002

Therapeutic Goods Regulations 1990

Tobacco Advertising Prohibition Act 1992
Trade Marks Act 1995
Trade Marks Regulations 1995
Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations 1991
Tradespersons' Rights Regulation Act 1946
Tradex Scheme Act 1999
Trans-Tasman Mutual Recognition Act 1997
Trust Recoupment Tax Assessment Act 1985
Venture Capital Act 2002
Veterans' Entitlements Act 1986
Veterans' Entitlements (Clarke Review) Act 2004
Veterans' Entitlements Regulations 1986
Veterans' Entitlements (Rehabilitation Allowance) Regulations
Veterans' Entitlements (Special Assistance — Motorcycle Purchase) Regulations 2001
Veterans' Entitlements (Special Assistance) Regulations 1999
Veterans' Vocational Rehabilitation Scheme
Water Act 2007
Water Efficiency Labelling and Standards Act 2005 (ACT)
Water Efficiency Labelling and Standards Act 2005 (Cth)
Water Efficiency Labelling and Standards Act 2005 (Qld)
Water Efficiency Labelling and Standards Act 2005 (Tas)
Water Efficiency Labelling and Standards Act 2005 (Vic)
Water Efficiency Labelling and Standards Act 2006 (NT)
Water Efficiency Labelling and Standards Act 2006 (WA)
Water Efficiency Labelling and Standards Determination 2013
Water Efficiency Labelling and Standards (New South Wales) Act 2006 (NSW)
Wine Australia Corporation Act 1980
Wine Australia Corporation Regulations 1981
Work Health and Safety Regulations 2011

NORFOLK ISLAND LAWS

Absentee Landowners Levy Act 1976
Animals (Importation) Act 1983
Apiaries Act 1935
Associations Incorporation Act 2005
Birds Protection Act 1913

Bookmakers and Betting Exchange Act 1998
Brands and Marks Act 1949
Building Act 2002
Business Names Act 1976
Business Transactions (Administration) Act 2006
Business Transactions (Levy Imposition) Act 2006
Companies Act 1985
Crown Lands Act 1996
Customs Act 1913
Electricity (Licensing and Registration) Act 1985
Environment Act 1990
Financial Institutions Levy Act 1985
Fuel Levy Act 1987
Goods and Services Tax Act 2007
Healthcare Levy Act 1990
Land Administration Fees Act 1996
Land Titles Act 1996
Land Valuation Act 2012
Liquor Act 2005
Lotteries and Fundraising Act 1987
Medical Practitioners Registration Act 1983
Migratory Birds Act 1980
Norfolk Island Broadcasting Act 2001
Norfolk Island National Park and Norfolk Island Botanic Garden Act 1984
Planning Act 2002
Public Health Act 1996
Public Reserves Act 1997
Roads Act 2002
Social Services Act 1980
Subdivision Act 2002
Telecommunications Act 1992
Tourist Accommodation Act 1984
Tourist Accommodation (Ownership) Act 1989
Trees Act 1997

APPENDIX 4: APPLICATIONS, OUTCOMES, LISTINGS AND APPEALS STATISTICS

Table or Chart	Title
A4.1	Applications lodged and applications finalised in 2013–14
A4.2	Applications lodged, by state and territory
A4.3	Applications finalised, by state and territory
A4.4	Percentage of applications finalised without a hearing
A4.5	Outcomes of applications for review of a decision finalised in 2013–14
A4.6	Applications current at 30 June 2014 – By state and territory
A4.7	Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal
A4.8	Constitution of tribunals for hearings
A4.9	Appeals against decisions of the Tribunal – By jurisdiction
A4.10	Outcomes of appeals against Tribunal decisions – By jurisdiction

Table A4.1 Applications lodged and applications finalised, 2013–14

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS FOR REVIEW OF DECISIONS – MAJOR JURISDICTIONS				
NATIONAL DISABILITY INSURANCE SCHEME				
Eligibility to access scheme	10		5	
Review of supports in participant plan	9		3	
Subtotal	19	< 1	8	< 1
SOCIAL SECURITY				
Age pension/Pension bonus scheme	114		125	
Austudy payment	13		9	
Baby bonus	18		26	
Carer allowance and carer payment	54		51	
Compensation preclusion period	69		63	
Disability support pension	1,026		1,033	
Disaster recovery payment	5		12	
Family tax benefit	73		61	
Mobility allowance	11		9	
Newstart allowance	81		91	
Overpayments and debt recovery	387		355	
Parenting payment	29		20	
Participation failure	28		30	
Rent assistance	17		14	
Special benefit	15		20	
Youth allowance	25		18	
Other	39		29	
Subtotal	2,004	28	1,966	29
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	77		61	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	204		217	
Service pension/Income support supplement/Pension bonus	29		28	
Widows pension	61		58	
Other	3		6	
Subtotal	374	5	370	5

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
WORKERS' COMPENSATION				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision-maker</i>				
Asciano Services	12		13	
Australian air Express Pty Limited	15		16	
Australian Postal Corporation	299		280	
BIS Industries Limited	13		14	
Comcare	511		429	
Commonwealth Bank of Australia and related companies	35		39	
John Holland Group Pty Limited and related companies	18		18	
K & S Freighters Pty Limited	31		24	
Linfox Armaguard Pty Limited/ Linfox Australia Pty Limited	136		106	
Military Rehabilitation and Compensation Commission	139		157	
National Australia Bank Limited/National Wealth Management Services Limited	29		36	
Optus Administration Pty Limited	10		7	
Prosegur Australia Pty Limited	3		13	
Telstra Corporation Limited	92		77	
TNT Australia Pty Limited	28		25	
Transpacific Industries Pty Limited	31		34	
Other decision-makers	20		15	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	85		50	
Subtotal	1,507	21	1,353	20
TAXATION				
Taxation Appeals Division				
Australian Business Number	3		2	
Excess contributions tax	9		16	
Fringe benefits tax	46		41	
Goods and services tax	103		169	
Income tax (other than tax schemes)	1,503		1,210	
Income tax (tax schemes)	1		1	
Private rulings	24		43	
Self-managed superannuation fund regulation	4		10	

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
Superannuation contributions surcharge	1		2	
Superannuation guarantee charge	59		68	
Taxation administration	14		12	
Other	31		17	
<i>Subtotal</i>	<i>1,798</i>	<i>25</i>	<i>1,591</i>	<i>24</i>
Small Taxation Claims Tribunal				
Goods and services tax	3		2	
Income tax	120		125	
Refusal of extension of time to lodge objection	19		24	
Release from taxation liabilities	72		89	
Superannuation guarantee charge	3		2	
Other	2		0	
<i>Subtotal</i>	<i>219</i>	<i>3</i>	<i>242</i>	<i>4</i>
<i>Subtotal</i>	<i>2,017</i>	<i>28</i>	<i>1,833</i>	<i>27</i>
<i>SUBTOTAL FOR MAJOR JURISDICTIONS</i>	<i>5,921</i>	<i>82</i>	<i>5,530</i>	<i>82</i>

APPLICATIONS FOR REVIEW OF DECISIONS – BY PORTFOLIO

AGRICULTURE, FISHERIES AND FORESTRY

Agricultural and veterinary chemicals	6		1	
Fisheries	0		1	
Meat and livestock	1		1	
Research participation certificates for Conservation Tillage Refundable Tax Offset	2		0	
<i>Subtotal</i>	<i>9</i>	<i>< 1</i>	<i>3</i>	<i>< 1</i>

ATTORNEY-GENERAL'S

Access to National Library of Australia and its collection	1		1	
Background checking	9		9	
Bankruptcy	23		20	
Human rights	1		0	
Marriage celebrants	4		3	
Personal property securities	2		2	
Protection of movable cultural heritage	0		1	
Waiver of fees in courts	4		3	
<i>Subtotal</i>	<i>44</i>	<i>< 1</i>	<i>39</i>	<i>< 1</i>

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
DEFENCE				
Defence Force retirement and death benefits	4		4	
Other	8		5	
Subtotal	12	< 1	9	< 1
EDUCATION				
Child care services	3		3	
Education services for overseas students	17		18	
Higher education loan program	46		37	
Tertiary education quality and standards	4		1	
Subtotal	70	< 1	59	< 1
EMPLOYMENT				
Fair entitlements guarantee	9		6	
Subtotal	9	< 1	6	< 1
ENVIRONMENT				
Carbon farming initiative	3		1	
Environment protection and biodiversity	1		1	
Great Barrier Reef Marine Park	2		0	
Hazardous waste	1		1	
Subtotal	7	< 1	3	< 1
FINANCE				
Electoral matters	4		1	
Lands acquisition	1		1	
Superannuation Acts	1		1	
Subtotal	6	< 1	3	< 1
FOREIGN AFFAIRS AND TRADE				
Export market development grants	8		8	
Passports	8		10	
Subtotal	16	< 1	18	< 1
HEALTH				
Industrial chemicals	0		1	
Medicare	4		3	
Pharmacists	7		9	
Sports anti-doping	3		0	

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
Therapeutic goods	8		8	
Subtotal	22	< 1	21	< 1
HUMAN SERVICES				
Child support – percentage of care review	34		31	
Child support – review of SSAT refusal to extend time	8		5	
Child support – other	19		19	
Subtotal	61	< 1	55	< 1
IMMIGRATION AND BORDER PROTECTION				
Business visa cancellation	1		0	
Citizenship	263		203	
Customs	47		25	
Migration agent registration	5		10	
Prohibited imports and exports	0		1	
Protection visa cancellation or refusal	5		0	
Visa cancellation or refusal on character grounds	33		45	
Subtotal	354	5	284	4
INDUSTRY				
Automotive industry	1		0	
Industry research and development	2		2	
Mutual recognition of occupations	3		5	
National measurement system	0		1	
National vocational education and training	34		58	
Patents, designs and trade marks	1		4	
Trans-Tasman mutual recognition	0		1	
Subtotal	41	< 1	71	1
INFRASTRUCTURE AND REGIONAL DEVELOPMENT				
Airports regulation	1		1	
Aviation and maritime transport security	3		4	
Civil aviation	58		50	
Coastal trading regulation	2		1	
Maritime safety	1		1	
Motor vehicle standards	11		10	
National land decisions	1		0	
Subtotal	77	1	67	< 1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
PRIME MINISTER AND CABINET				
Aboriginal corporations, councils and associations	0		1	
Subtotal	0	0	1	< 1
SOCIAL SERVICES				
Aged care	30		10	
Disability services	2		1	
National rental affordability scheme	1		1	
Paid parental leave	15		18	
Subtotal	48	< 1	30	< 1
TREASURY				
Auditors and liquidators registration	3		3	
Business names registration	14		11	
Consumer credit regulation	8		9	
Corporations and financial services regulation	18		24	
Insurance and superannuation regulation	4		2	
Tax agent registration	28		25	
Subtotal	75	1	74	1
SUBTOTAL FOR PORTFOLIOS	851	12	743	11
APPLICATIONS FOR REVIEW OF DECISIONS – OTHER				
SECURITY APPEALS				
ASIO security assessments	6		8	
Decisions of National Archives of Australia relating to ASIO records	4		3	
Subtotal	10	< 1	11	< 1
WHOLE OF GOVERNMENT				
<i>Archives Act 1983</i>	26		8	
<i>Freedom of Information Act 1982</i>	35		35	
Subtotal	61	< 1	43	< 1
JURISDICTION AND TRIBUNAL DECISIONS				
Decisions not subject to review by the Tribunal	189		195	
Review of decisions relating to fees	8		8	
Review of decisions relating to taxation of costs	0		1	
Subtotal	197	3	204	3
SUBTOTAL FOR OTHER	268	4	258	4

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS – OTHER, ADMINISTRATIVE APPEALS TRIBUNAL ACT				
Applications for extension of time to lodge an application for review of a decision	222		216	
Applications under the AAT Act relating to a finalised case	1		1	
Subtotal	223	3	217	3
APPLICATIONS – NORFOLK ISLAND				
	0		0	
Subtotal	0	0	0	0
TOTAL^a	7,263	100	6,748	100

a Percentages do not total 100% due to rounding.

Chart A4.2 Applications lodged – By state and territory

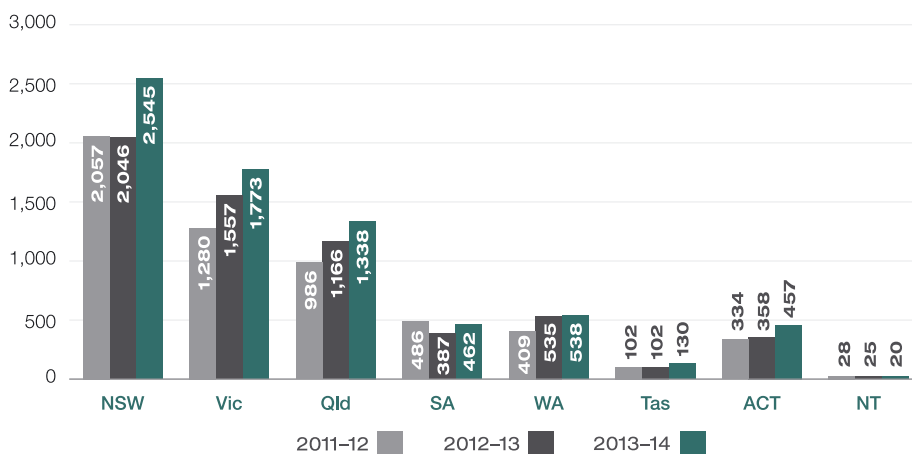


Chart A4.3 Applications finalised – By state and territory

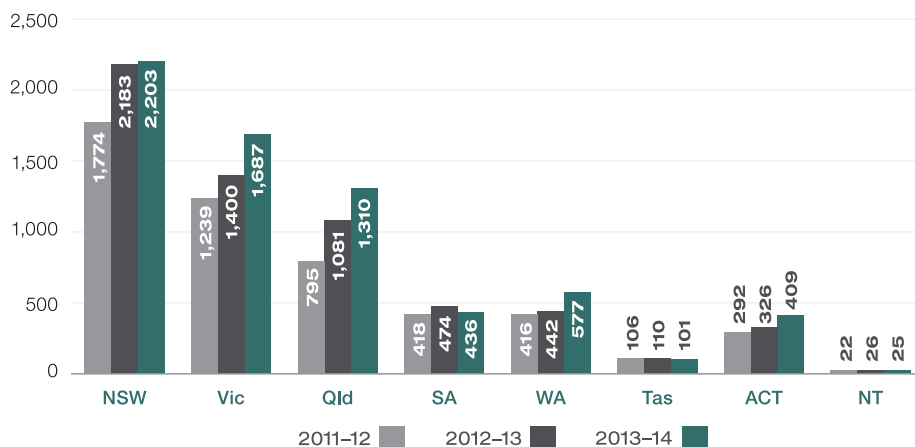


Table A4.4 Percentage of applications finalised without a hearing^a

Jurisdiction	2011-12 %	2012-13 %	2013-14 %
All	79	79	82
Social security	77	76	77
Veterans' affairs	73	71	72
Workers' compensation	87	87	86
Taxation			
Taxation Appeals Division	79	85	87
Small Taxation Claims Tribunal	90	73	86

^a Applications finalised by the Tribunal without it completing the review and giving a decision on the merits under section 43 of the AAT Act. Includes applications finalised in accordance with terms of agreement lodged by the parties (sections 34D and 42C), applications withdrawn by the applicant (section 42A(1A)) and applications dismissed by the Tribunal (sections 42A and 42B).

Table A4.5 Outcomes of applications for review of a decision finalised in 2013–14

	All applications		Social security		Veterans' affairs		Workers' compensation		Taxation		Small Taxation Claims Tribunal	
	No	%	No	%	No	%	No	%	No	%	No	%
BY CONSENT OR WITHDRAWN												
Decision affirmed ^a	435	7	8	<1	4	1	406	30	10	<1	7	3
Decision varied ^a	632	10	25	1	21	6	60	4	465	29	51	21
Decision set aside ^a	1,294	20	313	16	94	25	314	23	379	24	80	33
Dismissed by consent ^b	91	1	26	1	2	<1	14	1	28	2	0	0
Dismissed by operation of law ^c	228	3	228	12	0	0	0	0	0	0	0	0
Withdrawn by applicant	1,944	30	700	36	132	36	318	24	423	27	64	26
Subtotal	4,624	71	1,300	66	253	68	1,112	82	1,305	82	202	83
BY DECISION												
Decision affirmed ^d	864	13	357	18	76	20	133	10	129	8	30	12
Decision varied ^d	71	1	19	<1	2	<1	6	<1	33	2	1	<1
Decision set aside ^d	272	4	73	4	25	7	56	4	45	3	3	1
Subtotal	1,207	18	449	23	103	28	195	14	207	13	34	14
OTHER												
Dismissed by Tribunal ^e	208	3	100	5	8	2	13	<1	45	3	1	<1
No jurisdiction ^f	278	4	32	2	4	1	24	2	13	<1	3	1
Extension of time refused	104	2	76	4	1	<1	5	<1	2	<1	0	0

Table A4.5 continued

	All applications		Social security		Veterans' affairs		Workers' compensation		Taxation Appeals Division		Small Taxation Claims Tribunal	
	No	%	No	%	No	%	No	%	No	%	No	%
No application fee paid	89	1	0	<1	1	<1	0	0	16	1	1	<1
Other ^g	21	<1	9	<1	0	0	4	<1	10	<1	1	<1
Subtotal	700	11	217	11	14	4	46	3	79	5	6	2
TOTAL^h	6,531	100	1,966	100	370	100	1,353	100	1,591	100	242	100

- a Applications finalised by the Tribunal in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D of the AAT Act) or at any stage of review proceedings (section 42C).
- b Applications dismissed by consent under section 42A(1) of the AAT Act.
- c If an application in the family assistance and social security area relates to the recovery of a debt, the parties may agree in writing to settle the proceedings. On receipt of the agreement, the application is taken to have been dismissed: section 146 of the *A New Tax System (Family Assistance) (Administration) Act 1999*, section 182 of the *Social Security (Administration) Act 1999*, and section 326A of the *Student Assistance Act 1973*.
- d Applications finalised by a decision of the Tribunal under section 43 of the AAT Act.
- e Applications dismissed under section 42A(2) of the AAT Act (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the Tribunal) and section 42B(1) (application is frivolous or vexatious).
- f Applications in relation to which the Tribunal has determined it does not have jurisdiction or dismissed under section 42A(4) of the AAT Act on the basis that the applicant has failed to demonstrate that a decision is reviewable.
- g Includes applications for review of a decision that have been lodged out of time and in relation to which no extension of time application is subsequently received.
- h Percentages do not total 100% due to rounding.

Chart A4.6 Applications current at 30 June 2014 – By state and territory

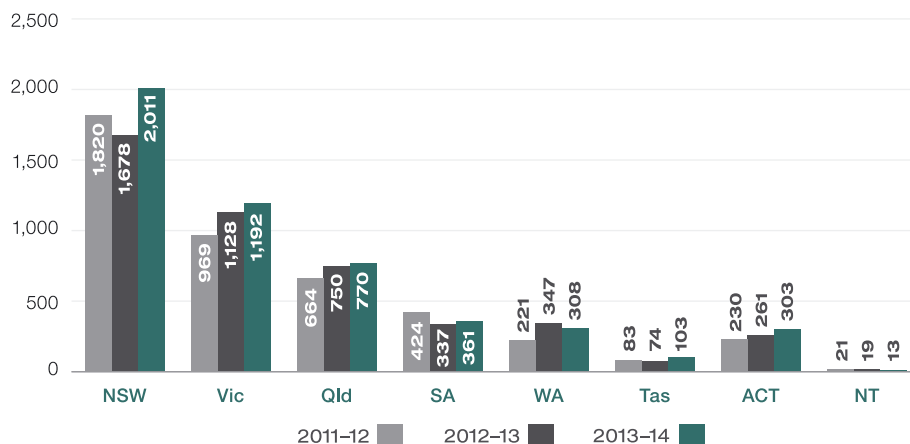


Table A4.7 Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal

Event type	2011-12	2012-13	2013-14
Conferences	6,761	7,606	7,636
Case appraisals	4	3	3
Conciliations	469	485	555
Mediations	49	42	39
Neutral evaluations	39	32	22
Interlocutory hearings ^a	373	437	524
Hearings	993 ^b	1,063 ^b	1,083

a Includes hearings relating to the jurisdiction of the Tribunal and hearings relating to applications for orders of the following kind:

- to extend the time to lodge an application for review
- to be joined as a party to a proceeding
- to make a confidentiality order under section 35 of the AAT Act
- to stay the operation or implementation of a reviewable decision
- to dismiss an application
- to reinstate an application.

b The figures for the number of hearings conducted by the Tribunal in 2011-12 and 2012-13 differ from those that appeared in the annual reports for those years. A technical issue led to some hearings not being counted in the reports for those years.

Table A4.8 Constitution of tribunals for hearings

Tribunal type	2011–12 ^a		2012–13 ^a		2013–14	
	No	%	No	%	No	%
Judge alone	3	< 1	0	0	3	< 1
Judge with 1 other member	7	< 1	8	< 1	4	< 1
Judge with 2 other members	2	< 1	1	< 1	3	< 1
Deputy President alone	144	15	187	18	242	22
Deputy President with 1 other member	51	5	51	< 1	29	3
Deputy President with 2 other members	4	< 1	2	< 1	0	0
Senior Member alone	488	49	469	44	491	45
Senior Member with 1 other member	95	10	93	9	56	5
Senior Member with 2 other members	0	0	2	< 1	1	< 1
Member alone	187	19	239	22	243	22
Two Members	12	1	11	1	11	1
Three Members	0	0	0	0	0	0
Total^b	993	100	1,063	100	1,083	100
Total multi-member tribunals	171	17	168	16	104	10

a The figures for the number of hearings conducted by the Tribunal in 2011–12 and 2012–13 differ from those that appeared in the annual reports for those years. A technical issue led to some hearings not being counted in the reports for those years.

b Percentages do not total 100% due to rounding.

Table A4.9 Appeals against decisions of the Tribunal – By jurisdiction

Jurisdiction	2011–12		2012–13		2013–14	
	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b
Social security	11	1	8	0	19	1
Veterans' affairs	10	0	8	1	11	0
Workers' compensation	18	1	17	2	24	2
Taxation						
Taxation Appeals Division	17	1	22	4	18	0
Small Taxation Claims Tribunal	0	0	0	0	0	0
Immigration and citizenship	7	14	4	21	6	7
Other	12	2	13	2	18	1
Total	75	19	72	30	96	11

a Appeals lodged in the Federal Court under section 44 of the AAT Act. In some circumstances, a party may lodge an application seeking relief under section 44 of the AAT Act and under another enactment. These applications are treated as section 44 appeals for statistical purposes.

b Applications for judicial review made under other enactments, including the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* and section 75(v) of the Constitution.

Table A4.10 Outcomes of appeals against Tribunal decisions – By jurisdiction

Outcome	2011–12		2012–13		2013–14	
	Section 44	Other	Section 44	Other	Section 44	Other
SOCIAL SECURITY						
Allowed/Remitted	1	0	4	0	4	0
Dismissed	10	2	6	0	13	0
Discontinued	2	0	1	0	1	0
Subtotal	13	2	11	0	18	0
VETERANS' AFFAIRS						
Allowed/Remitted	6	0	5	0	5	0
Dismissed	9	1	3	1	6	0
Discontinued	0	0	0	0	0	0
Subtotal	15	1	8	1	11	0
WORKERS' COMPENSATION						
Allowed/Remitted	6	0	9	0	10	1
Dismissed	16	0	9	1	14	1
Discontinued	4	0	1	0	3	0
Subtotal	26	0	19	1	27	2
TAXATION						
Taxation Appeals Division						
Allowed/Remitted	7	1	7	1	6	1
Dismissed	5	1	11	1	11	0
Discontinued	5	0	3	0	1	0
Subtotal	17	2	21	2	18	1
Small Taxation Claims Tribunal						
Allowed/Remitted	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0
Discontinued	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0
Subtotal	17	2	21	2	18	1

Table A4.10 continued

Outcome	2011-12		2012-13		2013-14	
	Section 44	Other	Section 44	Other	Section 44	Other
IMMIGRATION AND CITIZENSHIP						
Allowed/Remitted	1	3	1	9	0	3
Dismissed	6	9	2	12	3	11
Discontinued	1	2	2	1	1	1
Subtotal	8	14	5	22	4	15
OTHER						
Allowed/Remitted	4	0	2	0	3	1
Dismissed	8	3	7	2	14	1
Discontinued	4	0	0	0	2	0
Subtotal	16	3	9	2	19	2
TOTAL	95	22	73	28	97	20
ALL						
Allowed/Remitted	25	4	28	10	28	6
Dismissed	54	16	38	17	61	13
Discontinued	16	2	7	1	8	1
TOTAL	95	22	73	28	97	20

- a Where a decision of a judge of the Federal Circuit Court, a single judge of the Federal Court or the Full Court of the Federal Court has been appealed, only the ultimate result is counted for the purpose of these statistics.

APPENDIX 5: RESOURCING TABLES

The Tribunal has one outcome specified in the 2013–14 Portfolio Budget Statements:

Access to a fair, just, economical, informal and quick review mechanism for applicants through reviews of government administrative decisions, including dispute resolution processes and independent formal hearings.

The Tribunal is a single program agency. The primary deliverable is completed reviews of decisions, and there are two paths to achieving it:

- applications finalised without a hearing
- applications finalised with a hearing.

RESOURCE STATEMENT

Table A5.1 shows the Tribunal’s various sources of funding.

Table A5.1 Tribunal resource statement, 2013–14

	Actual available appropriation for 2013–14 \$'000	Payments made 2013–14 \$'000	Balance remaining 2013–14 \$'000
	(a)	(b)	(a) – (b)
ORDINARY ANNUAL SERVICES^a			
Departmental appropriation ^b	49,963	36,412	13,551
Total Available Annual Appropriations and payments	49,963	36,412	
SPECIAL APPROPRIATIONS			
Special appropriations limited by entitlement			
FMA Act 1997 s28(2)		368	
Total special appropriations		368	
TOTAL NET RESOURCING AND PAYMENTS FOR ADMINISTRATIVE APPEALS TRIBUNAL	49,963	36,780	

a Appropriation Bill (No. 1) 2013–14 and Appropriation Bill (No. 3) 2013–14. Includes \$12.353m from prior periods and \$2.146m in section 31 agency receipts.

b Includes an amount of \$1.066m in 2013–14 for the Departmental Capital Budget. For accounting purposes this amount has been designated as ‘contributions by owners’.

EXPENSES BY OUTCOME

Table A5.2 shows how the 2013–14 budget appropriations for the Tribunal translate to total resourcing for the Tribunal’s outcome, including administered expenses, revenue from the government (appropriation), revenue from other sources and the total price of the programs.

Table A5.2 Expenses for outcome

Outcome 1: Access to a fair, just, economical, informal and quick review mechanism for applicants through reviews of government administrative decisions, including dispute resolution processes and independent formal hearings.	Budget ^a 2013–14 \$'000 (a)	Actual Expenses 2013–14 \$'000 (b)	Variation 2013–14 \$'000 (a) – (b)
PROGRAM 1.1: ADMINISTRATIVE APPEALS TRIBUNAL			
Administered expenses			
Special appropriations	700	368	332
Departmental expenses			
Departmental appropriation ^b	35,483	35,169	314
Expenses not requiring appropriation in the Budget year	3,214	3,519	(305)
TOTAL EXPENSES FOR OUTCOME	39,397	39,056	341
		2012–13	2013–14
Average Staffing Level (number)		160	160

a Full year budget, including any subsequent adjustment made to the 2013–14 Budget.

b Departmental appropriation combines Ordinary annual services (Appropriation Bill No. 1) and Revenue from independent sources (section 31).

APPENDIX 6: APPLICATION FEES

APPLICATION FEES AND REFUNDS

The rules relating to the fees that are payable to lodge applications with the Tribunal are in the *Administrative Appeals Tribunal Act 1975* and the *Administrative Appeals Tribunal Regulations 1976*. The primary rules for the payment and refund of fees are in regulations 19 and 19AA of the *Administrative Appeals Tribunal Regulations*. Subject to the exceptions described below, an application fee is payable for lodging an application:

- for review of a decision
- for a decision on whether a person was entitled to be given a statement of reasons for a decision
- for a declaration, under the *Freedom of Information Act 1982*, that a statement of reasons for a decision is not adequate.

If an application is not accompanied by an applicable fee, the Tribunal is not required to deal with the application unless and until the fee is paid. If the fee is not paid within six weeks after an application is lodged, the Tribunal may dismiss the application under section 69C of the AAT Act.

APPLICATION FEE AMOUNTS

The standard application fee in 2013–14 was \$816, and the fee to lodge an application in the Small Taxation Claims Tribunal was \$81. From 1 July 2014, the standard application fee is \$861, and the fee to lodge an application in the Small Taxation Claims Tribunal is \$85.

APPLICATION FEE NOT PAYABLE

Applications for review of the following types of decisions do not attract a fee:

- any decision specified in Schedule 3 to the *Administrative Appeals Tribunal Regulations*
- any decision under the *Freedom of Information Act* made in relation to a document that relates to a decision specified in Schedule 3 to the *Administrative Appeals Tribunal Regulations*.

Schedule 3 includes decisions in the areas of family assistance and social security, the National Disability Insurance Scheme, veterans' affairs and workers' compensation.

REDUCED APPLICATION FEE PAYABLE

A reduced application fee of \$100 is payable instead of the standard application fee if the person liable to pay the fee is:

- granted legal aid for the matter to which the application relates
- the holder of a health care card, a health benefit card, a pensioner concession card, a Commonwealth seniors health card or any other card that certifies entitlement to Commonwealth health concessions
- an inmate of a prison, in immigration detention or otherwise lawfully detained in a public institution
- a child under 18 years
- in receipt of youth allowance, Austudy payment or benefits under the ABSTUDY Scheme.

The Tribunal can order that a \$100 fee is payable rather than the standard application fee if it considers that payment of the full fee would cause financial hardship to the person.

The fee payable to lodge an application in the Small Taxation Claims Tribunal must be paid in all circumstances.

ONE FEE PAYABLE

If two or more applications relate to the same applicant and may be conveniently heard before the Tribunal at the same time, the Tribunal may order that only one fee is payable for those applications.

REFUNDS

A person is entitled to a:

- full refund if they have paid an application fee that was not payable
- partial refund if they paid the standard application fee but were entitled to pay the \$100 fee.

A person is also entitled to a partial refund if the person paid the standard application fee or the equivalent of a standard application fee and the Tribunal certifies that proceedings terminated in a manner favourable to the applicant. The refund amount is the difference between the application fee that was paid and \$100. There is no refund if the person paid the reduced application fee or if their application was dealt with in the Small Taxation Claims Tribunal.

APPLICATION FEES IN 2013–14

In 2013–14 the Tribunal received \$887,260 and refunded \$367,590 in application fees.

Total revenue forgone on the basis that a person was eligible to pay a reduced fee or only one fee was payable for multiple applications lodged by the same person was \$918,978 (see Tables A6.1, 6.2, 6.3).

The Tribunal refused nine applications to reduce the application fee on financial hardship grounds. There were eight applications to the Tribunal for review of decisions of this kind. The decision was set aside in four applications and affirmed (unchanged) in three applications. One application was withdrawn.

Table A6.1 Fee revenue summary: total, refunded and forgone

Fees and applications	Amount and number
Total fee revenue	\$887,260
Total refunded	\$367,590
Total revenue forgone	\$918,978
Applications: fees reduced	311
Applications: fees not paid	895

Table A6.2 Reduced fees paid

Reason	Number of applications affected
Applicant eligible to pay reduced fee	212
Fee reduced by Tribunal on financial hardship grounds	99
Total	311

Table A6.3 Applications for which no fee paid where otherwise payable

Category	Number of applications for which fee was not collected
Applications for review of an FOI decision about a document relating to a decision in respect of which no fee is payable	1
Additional applications where one fee payable for two or more applications lodged by the same applicant	
Standard application fee	848
Reduced fee	32
STCT fee	14
Total	895

APPENDIX 7: DECISIONS OF INTEREST

AVIATION

CONFIDENTIAL AND CIVIL AVIATION SAFETY AUTHORITY

[2013] AATA 927; 20 December 2013

Senior Member Egon Fice

Whether the applicant's pilot licences should be suspended because of alleged conduct relating to one of the qualifying exams

To obtain a pilot's licence, a person must pass a theory examination consisting of seven separate subject-parts, one of which relates to flight planning. Since 2002, the flight planning exam has been conducted on a computer with candidates asked a subset of the questions available in the exam database. The applicant failed the flight planning exam twice but passed on the third occasion in March 2011. At that time, the exam questions were based on a Boeing 727-200 series aeroplane and candidates were permitted to bring the *Boeing 727 Performance and Operating Handbook (Abbreviated)* into the exam room to refer to when answering the questions.

In September 2012, the Civil Aviation Safety Authority (CASA) received an email from an informant alleging the widespread use of cheat sheets in the flight planning exam. It was suggested that sheets containing sufficient material to identify particular exam questions and their answers were inserted into the Operating Handbook. The informant alleged that he had received the cheat sheet from the applicant.

Regulation 298A of the *Civil Aviation Regulations 1988* proscribes various types of conduct in relation to exams, including:

- giving another person any information about the questions contained in the examination paper, being information that might give anyone an unfair advantage in the examination
- during the examination, using any material or aid that CASA does not permit to be used.

CASA found that the applicant had passed the cheat sheet to another person in contravention of regulation 298A and decided to suspend his pilot licences for a period of six months.

The Tribunal noted that regulation 298A was in substantially the same form as when it was first introduced in 1994, at which time the exam was conducted in a paper format. The term 'examination paper' was defined in the regulation to mean 'all of the documents provided by the person conducting a written examination to persons attempting the examination'. The Tribunal held that it was appropriate to interpret the regulation such that references to the examination paper were references to any of the questions that could be put to a candidate during the exam, not only the questions put to any particular candidate.

The Tribunal was satisfied on the evidence that the applicant had knowingly given another person information about questions in the exam which might give a person an unfair advantage. While there was no direct evidence that the applicant had cheated when he passed the flight planning exam, the Tribunal drew inferences from the probative evidence and found that

the applicant did have access to, and used, the cheat sheet in that exam, material which a candidate was prohibited from taking into the exam room.

The Civil Aviation Regulations allow CASA to vary, suspend or cancel a licence if the holder:

- has failed in his or her duty with respect to any matter affecting the safe navigation or operation of an aircraft, or
- is not a fit and proper person to have the responsibilities and exercise and perform the functions and duties of a holder of such a licence.

The Tribunal was satisfied that the applicant's conduct in cheating in the exam and passing the cheat sheet on to other potential candidates amounted to a breach of his duty regarding the safe navigation or operation of an aircraft. It also found the applicant was not a fit and proper person to hold a pilot's licence.

The Tribunal affirmed the decision to suspend the applicant's licences, ordering that the period of the suspension commence from the date of the Tribunal's decision. The Tribunal also noted that the applicant would be required to take the flight planning exam again.

ENVIRONMENT

ZOUBI AND MINISTER FOR THE ENVIRONMENT

[2014] AATA 86; 24 February 2014

Deputy President Robin Handley

Whether the applicant should be granted permits to export two Gang-gang Cockatoos and two Glossy Black Cockatoos

In early 2012, Mr Zoubi requested information from the Department of Sustainability, Environment, Water, Population and Communities about whether he could export a Gang-gang Cockatoo as a pet or for exhibition purposes. The Department advised that these birds are not eligible for export as pets and that, for the exception for exhibition purposes to apply, the birds must be used in a public exhibition with cultural, scientific or conservation content.

In June 2012, Mr Zoubi applied for a permit to export two Gang-gang Cockatoos and two Glossy Black Cockatoos for research purposes. This application was refused. The Minister's delegate was not satisfied Mr Zoubi had sufficient resources and qualifications to conduct the research and pointed to a lack of evidence that the primary purpose of Mr Zoubi acquiring the cockatoos was for research. Mr Zoubi made a further application in January 2013 which was accompanied by a letter from a zoologist at the Jerusalem Zoo stating he would provide support for Mr Zoubi's research. This application was also refused by the Minister's delegate on the same grounds. Mr Zoubi applied to the Tribunal for review of that decision.

The granting of export permits for native birds is governed by the *Environment Protection and Biodiversity Conservation Act 1999* and the *Environment Protection and Biodiversity Conservation Regulations 2000*. The principal issue for the Tribunal was whether the export of the birds was for the purposes of research and, more specifically, whether the following requirements were met:

- the specimens would be used for the purpose of scientific research
- the research was for the acquisition of a better understanding and/or increased knowledge of the taxons to which the specimens belong
- the research would be done by a person or institution that has sufficient resources and qualifications
- the animals would be held in a way that is known to result in minimal stress and risk of injury.

The Tribunal considered that Mr Zoubi's initial contact with the Department raised questions about the purpose for which he was seeking to export the birds and that a reasonable decision-maker would look to further evidence to be satisfied the concerns were not justified. In the context of an application of this kind, the Tribunal expected that a research proposal would provide an appropriate level of detail. The Tribunal found, however, that the information provided was less than satisfactory. Mr Zoubi had also not established how his proposed research would contribute to a better understanding and/or increased knowledge of the cockatoos.

The Tribunal was not satisfied that Mr Zoubi had any relevant qualifications or experience in conducting research. While curriculum vitae of the zoologist at the Jerusalem Zoo indicated he had qualifications and experience to guide Mr Zoubi, the Tribunal emphasised that the research itself was to be conducted by Mr Zoubi. The Tribunal also considered it relevant that the Department had found Mr Zoubi was not suitably equipped to manage, confine and care for the birds.

The Tribunal was not satisfied the export of the birds was for the purposes of research and affirmed the decision.

INDUSTRY AND RESEARCH DEVELOPMENT

MOUNT OWEN PTY LIMITED AND INNOVATION AUSTRALIA

[2013] AATA 573; 16 August 2013

Deputy President Brian Tamberlin and Member Conrad Ermert

Whether activities claimed to be undertaken by the applicant were research and development activities for the purposes of the Income Tax Assessment Act 1936

The applicant is the owner of an open-cut coal mine at Mount Owen in New South Wales. It decided to mine to depths of 250 metres and beyond in order to extract the high quality coal seams located at those depths. Increasing the depth of the pits to more than 250 metres presented a number of challenges and the applicant engaged in activities to meet these challenges.

The applicant claimed to have conducted numerous activities between January 2000 and December 2005 which qualified for the purpose of the research and development tax incentive under the *Income Tax Assessment Act 1936*. These activities included mine modelling and concept design, experimentation and trial testing, wall control systems, through-seam blasting and evaluation of results. Innovation Australia decided that only some of the claimed activities were research and development activities. The applicant applied to the Tribunal for a review of that decision.

There was extensive evidence before the Tribunal, oral evidence from the applicant's General Manager and from experts in geology, mining engineering, geotechnical engineering and blasting. The experts in geology and mining gave their evidence at the same time in accordance with the Tribunal's concurrent evidence procedure. The Tribunal also visited the mine site in order to better understand the evidence.

The Tribunal considered whether the claimed activities could be characterised as research and development activities within the meaning of section 73B of the Act. This involved assessing whether the activities:

- were systematic, investigative and experimental, involved either innovation or high levels of technical risk, and were carried out for the purpose of acquiring new knowledge, or creating new or improved materials, products, devices, service or processes, or
- were undertaken for a purpose directly related to the carrying on of those core activities.

The Tribunal was not satisfied on the evidence that any of the activities could be characterised either as core activities or directly related activities.

In considering whether the activities had in fact been carried out as claimed, the Tribunal observed that the oral and documentary evidence did not provide any sufficient basis for determining that this was the case. The contemporaneous material and other records did not approach the level of precision which would be expected of a systematic investigation process or a well-documented research and development program.

The Tribunal set aside Innovation Australia's decision and substituted a decision that none of the applicant's claimed activities should be accepted as being research and development activities.

MOTOR VEHICLE STANDARDS

GADHVI AND MINISTER FOR INFRASTRUCTURE AND REGIONAL DEVELOPMENT

[2014] AATA 65; 11 February 2014

Senior Member Rodney Dunne and Senior Member Nicholas Manetta

Whether the applicant should be allowed to import a motorcycle that did not meet Australian standards

Mr Gadhvi purchased a new motorcycle in India 11 months before he emigrated to Australia. The Bajaj Pulsar motorcycle did not meet Australian design requirements and was therefore a 'non-standard vehicle' under the *Motor Vehicle Standards Act 1989*. Mr Gadhvi wanted to import the motorcycle into Australia and applied for permission to do so under the *Motor Vehicle Standard Regulations 1989*.

The Minister has a general discretion under regulation 11 to approve the importation of a non-standard motor vehicle. Regulation 13 addresses cases where a present or prospective Australian citizen or permanent resident has purchased and used a vehicle overseas and is moving to Australia with the intention of remaining indefinitely. It allows the Minister to approve an importation if certain preconditions are satisfied, one of which is that the applicant must have owned the vehicle for a continuous period of 12 months immediately before arriving in Australia.

The Minister's delegate, the Administrator of Vehicle Standards, refused Mr Gadhvi's application to import the motorcycle. He found that the requirements of regulation 13 were not met as Mr Gadhvi had owned the motorcycle for only 11 months before arriving in Australia. The Minister decided not to exercise the discretion in regulation 11.

The Tribunal agreed it could not approve the importation under regulation 13 as Mr Gadhvi did not satisfy the precondition relating to length of ownership of the vehicle.

In relation to the application of the general discretion in regulation 11, the Tribunal considered whether it could take into account that Mr Gadhvi had fallen marginally short of the 12-month period of continuous ownership but otherwise satisfied all of the preconditions in regulation 13. It held that there is nothing in the Act or the Regulations to indicate that these matters cannot be taken into account. The general discretion can be used to alleviate the arbitrariness of the 12-month precondition in regulation 13.

The Tribunal considered a range of other matters. It noted that Mr Gadhvi had only modest means and would prefer to use the motorcycle rather than his car. There was also no evidence that Mr Gadhvi wished to bring the vehicle into Australia for the purposes of resale nor that the motorcycle had been judged unfit on safety grounds.

The Tribunal set aside the decision and remitted the matter with a direction that importation of the motorcycle be approved subject to such conditions, if any, that ought to be attached to the approval so that the motorcycle may be safely used on Australian roads.

NATIONAL DISABILITY INSURANCE SCHEME

MULLIGAN AND NATIONAL DISABILITY INSURANCE AGENCY

[2014] AATA 374; 13 June 2014

Senior Member Jill Toohey and Professor Ronald McCallum, Member

Whether Mr Mulligan met the disability criteria for access to the National Disability Insurance Scheme

Mr Mulligan has a number of medical conditions, including chronic ischaemic heart disease, cardiomyopathy and sciatica from ruptured discs in his lower back. Since 1994 he has been on a Disability Support Pension while continuing to work when he is able. Mr Mulligan applied to become a participant in the National Disability Insurance Scheme. He was seeking funding for someone to mow his lawn which he cannot manage himself because he experiences severe shortness of breath when he exerts himself.

To be eligible for the National Disability Insurance Scheme, a person must meet the access criteria set out in the *National Disability Insurance Scheme Act 2013*. These comprise age, residence and disability requirements. The National Disability Insurance Agency determined that Mr Mulligan met the age and residency requirements but did not meet the disability requirements. Mr Mulligan applied to the Tribunal for review of that decision.

The disability requirements are specified in section 24 of the Act and all of them must be met. In determining whether Mr Mulligan satisfied those requirements, the Tribunal considered the terms of the Act and the content of the *National Disability Insurance Scheme (Becoming a Participant) Rules 2013*.

The Tribunal found that Mr Mulligan met the following requirements in the ACT:

- he has a disability that is attributable to one or more intellectual, cognitive, neurological, sensory or physical impairments or to one or more impairments attributable to a psychiatric condition
- the impairments are, or are likely to be, permanent
- the impairments affect his capacity for social or economic participation
- he is likely to require support under the NDIS for his lifetime.

The Tribunal was not satisfied, however, that he met the requirement that his impairments result in substantially reduced functional capacity to undertake, or psychosocial functioning in undertaking, one or more of the following activities: communication, social interaction, learning, mobility, self-care or self-management. Having considered evidence given by Mr Mulligan and an occupational therapist, the Tribunal acknowledged that Mr Mulligan's capacity for functioning in the areas of mobility, self-care and social interaction was undoubtedly reduced. However, it was not satisfied that his capacity is substantially reduced. The Tribunal did not believe Mr Mulligan's inability to mow his laws was sufficient to say that he has substantially reduced functional capacity in relation to self-management which the Tribunal understood to mean 'a person's ability to plan and manage their everyday life including his or her financial affairs'.

The Tribunal affirmed the decision that Mr Mulligan was not eligible to become a participant in the National Disability Insurance Scheme.

YOUNG AND NATIONAL DISABILITY INSURANCE AGENCY

[2014] AATA 401; 20 June 2014

Senior Member John Handley and Senior Member Jill Toohey

Whether a portable oxygen concentrator and an insulin pump were reasonable and necessary supports for the applicant

Mr Young's medical conditions include type 1 diabetes and emphysema. He relies on insulin for his diabetes which he administers using an insulin pump. He needs supplementary oxygen for his emphysema. When outside the house, he uses a portable oxygen cylinder on a trolley.

In August 2013, Mr Young became a participant in the National Disability Insurance Scheme. When a person becomes a participant, the National Disability Insurance Agency helps the person prepare an individual plan which includes a statement of the general supports that will be provided to the participant and the reasonable and necessary supports that will be funded through the National Disability Insurance Scheme. Mr Young's plan included funding for a range of supports. He requested funding for a portable oxygen concentrator and an insulin pump but the National Disability Insurance Agency decided that both are more appropriately funded through the health system. Mr Young applied to the Tribunal for review of that decision.

For a support to be funded under the National Disability Insurance Scheme, it must meet the criteria set out in section 34 of the *National Disability Insurance Scheme Act 2013* which include whether the support is most appropriately funded or provided through the National Disability Insurance Scheme and not other general systems of service delivery or support services such as the health, employment or education systems. The *National Disability Insurance Scheme (Supports for Participants) Rules 2013* set out considerations that must be taken into account in deciding whether a support is most appropriately funded through the National Disability Insurance Scheme. These include that the National Disability Insurance Scheme:

- will be responsible for supports related to a person's ongoing functional impairment and that enable the person to undertake activities of daily living
- will not be responsible for the diagnosis and clinical treatment of health conditions.

The Tribunal found that a portable oxygen concentrator would be more convenient and less embarrassing for Mr Young than using a portable oxygen cylinder and that the insulin pump had made a great difference to his life. However, the Tribunal was not satisfied that Mr Young is unable to undertake daily living activities or participate in the community without them because alternatives exist. The Tribunal also found that the primary purpose of both the oxygen concentrator and insulin pump is the treatment of his health conditions. Their essential character as clinical treatment is not changed by the fact that they are different methods of delivering oxygen and insulin.

It was argued for Mr Young that, because funding for the oxygen concentrator and insulin pump is not available through mainstream health services, they are most appropriately funded through the National Disability Insurance Scheme. The Tribunal held, however, that whether or not funding is available through other general systems is not the test of whether a support is most appropriately funded or provided through the National Disability Insurance Scheme. The fact that the health system does not fund entirely, or even at all, what is essentially clinical treatment, or some other form of support does not make it the responsibility of the National Disability Insurance Scheme.

The Tribunal affirmed the National Disability Insurance Agency's decision.

NATIONAL SECURITY AND PASSPORTS

BLBS AND DIRECTOR-GENERAL OF SECURITY AND ANOR

[2013] AATA 820; 19 November 2013

President Justice Duncan Kerr, Deputy President James Constance and Senior Member Graham Friedman

Whether ASIO had reasonable grounds to suspect the applicant would be likely to engage in conduct that might prejudice the security of Australia or a foreign country – whether the applicant’s Australian passport should be cancelled and he should be required to surrender his foreign travel documents in order to prevent him from engaging in that conduct

BLBS, an Australian citizen, planned to travel overseas in 2010, including to Yemen. When he arrived at the airport, he was taken aside, interviewed by the Australian Federal Police and ordered to surrender his Australian passport and other travel documents. The Australian Security Intelligence Organisation had made an adverse security assessment about BLBS and then requested the Minister for Foreign Affairs to cancel his passport and order the surrender of his foreign travel documents. The Minister accepted those recommendations and made decisions accordingly. BLBS applied to the Tribunal for review of ASIO’s adverse security assessment and the decisions made by the Minister as a consequence of that assessment.

Section 14 of the *Australian Passports Act 2005* provides that ASIO can make a request for the refusal or cancellation of an Australian passport if it suspects on reasonable grounds that the person would be likely to engage in conduct that might prejudice the security of Australia or a foreign country and that the person should be refused a passport in order to prevent the person from engaging in the conduct. Section 15 of the *Foreign Passports (Law Enforcement and Security) Act 2005* is expressed in similar terms but allows the Minister to order the surrender of a person’s foreign travel documents.

Before considering the merits of the decisions that had been made, the Tribunal dealt with three preliminary issues.

- The Tribunal considered whether ASIO’s requests to the Minister under the Acts complied with the law. The Tribunal held that the critical jurisdictional fact that must exist for the Minister to exercise the power to make a cancellation or refusal decision under the Australian Passports Act is that the relevant suspicion be held by ASIO, whether or not it has been communicated in terms to the Minister. However, a failure by ASIO to provide details of the nature of the suspicion would mean the Minister cannot perform the statutory duty. In this case, the Tribunal was satisfied that the nature of ASIO’s suspicions was adequately conveyed to the Minister, albeit not strictly in terms of the language of the legislation.
- The second issue was whether the Tribunal is required to defer to the assessments and opinions of ASIO and its officers when reviewing the security assessment decision. It was submitted that Australian courts, when considering public interest immunity, have emphasised the significance which must be given to the views of senior government officials on matters of national security. The Tribunal held that its merits review function is not analogous to judicial review. The Tribunal’s function would be devalued and its credibility undermined if it did not submit every challenged security assessment to independent and rigorous examination.
- The third issue was whether the Tribunal could set aside a decision of the Minister under the Australian Passports Act or Foreign Passports Act even if it is not persuaded to set aside ASIO’s adverse security assessment. The Tribunal disagreed with its earlier decision in *TCXG and Director-General of Security and Anor* [2013] AATA 284 (10 May 2013), that this could not occur. It held that the assessment and the Minister’s decision are legally distinct matters and can thus be each separately reviewed.

The evidence before the Tribunal included unclassified and classified material. The matters in the unclassified material said to give rise to ASIO's security concerns were summarised as: BLBS had maintained associations with persons of security concern and was likely to share their view that violence was acceptable to achieve a political and religious end; BLBS had planned to travel to Yemen without plans and preparation for a course of religious studies that he had stated he intended to undertake; and, in interviews with ASIO, BLBS had responded to questions about his beliefs by stating it was a person's choice to travel overseas to fight in the defence of Islam if Islam was under attack. The Tribunal was also invited to draw adverse conclusions about his intentions from alleged inconsistencies and evasions in his responses to questioning by ASIO and the Australian Federal Police. Restricting its consideration to the unclassified materials, the Tribunal was not satisfied that ASIO's adverse security assessment could be justified.

The Tribunal also had to take into account the classified materials and evidence, much of which was covered by certificates issued by the Attorney-General preventing its disclosure to the applicant. The Tribunal undertook that any questions BLBS's counsel wanted to put to classified witnesses would be asked by the Tribunal in closed proceedings which it did.

Taking into account all of the evidence, the Tribunal concluded that ASIO had a proper basis for making an adverse assessment and reasonable grounds to suspect BLBS would be likely to engage in conduct which might prejudice the security of a foreign country and that his passport should be cancelled to prevent him from doing so. The Tribunal also found that the Minister's decisions to cancel BLBS's passport and require the surrender of his foreign travel documents were correct and preferable.

The Tribunal affirmed the decisions.

PERSONAL PROPERTY SECURITIES

CIRILLO AND REGISTRAR OF PERSONAL PROPERTY SECURITIES

[2013] AATA 733; 11 October 2013

Deputy President Katherine Bean

Whether the Registrar should have removed an entry on the Personal Properties Register that Mr Cirillo's vehicle continued to secure a debt

In 2007, Mr Cirillo purchased a motor vehicle with the assistance of finance provided by a finance company. In 2010, he borrowed additional funds which were consolidated with the original loan. The consolidated loan was secured against the vehicle. The finance company registered its interest in the vehicle on the New South Wales Register of Encumbered Vehicles (REVS) in 2007 and again in 2010. When the new national Personal Property Securities Register (PPS Register) was established on 30 January 2012, the details on REVS relating to Mr Cirillo's debt were migrated to the PPS Register.

In December 2011, the finance company sold a number of debts to another finance company, including Mr Cirillo's debt secured by the vehicle. In March 2012, the original company registered a change statement for the purposes of the PPS Register to change the secured party details to the second finance company and its parent company.

In July 2012, Mr Cirillo sought to remove the registration from the PPS Register by issuing what is known as an amendment demand to the second finance company and its parent company. Mr Cirillo then lodged an amendment statement with the Registrar, enclosing the amendment demand. Following correspondence with the second finance company and its parent company, the Registrar decided not to amend the PPS Register as requested. Mr Cirillo applied to the Tribunal for review of that decision.

The principal issue for the Tribunal was whether there were reasonable grounds for suspecting that the amendment sought by Mr Cirillo was not authorised under the *Personal Property Securities Act 2009*.

Mr Cirillo argued that the vehicle did not secure a debt owed by him for a variety of reasons, including that:

- one of the contracts he was alleged to have entered into with the original finance company was not signed
- the original finance company unlawfully assigned its rights to the second company
- the figures relating to the amount of the debt were inaccurate.

The Tribunal rejected Mr Cirillo's arguments, finding that the evidence before it established that he continued to owe a debt, secured by the vehicle, that the debt had been lawfully sold to the second finance company and that the PPS Register had been appropriately amended to reflect the change of secured parties. The Tribunal concluded there were reasonable grounds to suspect that the amendment demanded by Mr Cirillo to remove the registration was not authorised under the Act.

The Tribunal affirmed the decision.

PRACTICE AND PROCEDURE

HAWKINS AND MINISTER FOR THE ARTS

HAWKINS AND MINISTER FOR INFRASTRUCTURE AND REGIONAL DEVELOPMENT

[2013] AAT 835; 25 November 2013

[2014] AAT 152; 11 March 2014

Deputy President Ray Groom and Member Sandra Taglieri

Whether the Tribunal had jurisdiction to decide the application – whether the application should be dismissed as frivolous and vexatious

Mr Hawkins was an agent appointed by Mr Kennedy to negotiate the sale of the 'Kennedy Collection', an important collection of Australian art, furniture, silver, jewellery, pottery and porcelain. After rejecting an offer from the National Museum of Australia, an overseas buyer was found for parts of the collection. The sale was negotiated subject to the granting of an export permit allowing the items selected by the buyer to be exported as a single collection. Mr Hawkins corresponded with the Department of Regional Australia, Local Government, Arts and Sport about obtaining an export permit for the 'collection as a collection' under the *Protection of Movable Cultural Heritage Act 1986*.

The Department advised Mr Hawkins that it was not possible for the Minister to grant an export permit for the objects as a single entity. Each object would need to be assessed separately. Mr Hawkins ultimately made applications for permits for the export of eight items of jewellery.

On 10 May 2013, a delegate of the Minister advised Mr Hawkins that she had decided to refuse export permits for seven of the eight items. The export permit for the eighth item was granted, subject to a condition. Mr Hawkins applied to the Tribunal for review of those decisions. In his reasons for the application, he stated that he was contesting the right of the Government to select items from the Kennedy Collection, destroying its integrity and compromising the sale.

The Minister asked the Tribunal to dismiss the application under section 42A(4) of the *Administrative Appeals Tribunal Act 1975*, contending that the applicant was content with the actual decision that was made and wanted the Tribunal to review decisions that were not reviewable by the Tribunal: namely, the refusals to grant a permit to export the collection.

The Tribunal noted that the Protection of Movable Cultural Heritage Act allows for application to be made to the Tribunal for review of any decision by the Minister to refuse to grant a permit or to impose a condition. Mr Hawkins had applied for review of the decisions dated 10 May 2013 and the Tribunal concluded that it did have jurisdiction to review the decisions. Moreover, the Tribunal could not dismiss the application under section 42A(4) of the AAT Act as that section applies only when the Tribunal Registrar or a Deputy Registrar forms a view that a decision does not appear to be reviewable by the Tribunal and writes to the applicant inviting the person to show, within a specified time, that the decision is reviewable. As no such letter was written to Mr Hawkins, the Tribunal held it was not empowered to dismiss the application under that provision.

The Tribunal then considered whether the application should be dismissed under section 42B of the AAT Act on the basis that it was frivolous or vexatious. Mr Hawkins's own statements indicated that he considered the decisions of 10 May 2013 were correct. The proceedings were not instituted for the purpose of obtaining an adjudication on those decisions but for the collateral purpose of seeking a ruling on the interpretation of the word 'collection' and other related questions.

The Tribunal held it is well-established that litigation is vexatious if it is not a bona fide attempt to have a court or tribunal adjudicate the issues specified to be in dispute. The Tribunal was satisfied that these proceedings were initiated for a collateral purpose and also that they were futile with no reasonable prospect at all of success.

The Tribunal dismissed the application under section 42B of the AAT Act.

SUPERANNUATION GUARANTEE

DOMINIC B FISHING PTY LTD AND COMMISSIONER OF TAXATION

[2014] AATA 205; 10 April 2014

Senior Member Bernard McCabe

Whether the owner of a commercial fishing vessel had to pay compulsory superannuation contributions for the crew

The applicant was operating a commercial fishing vessel out of a port in central Queensland and held a commercial fisher's licence under the *Fisheries Regulation 2008* (Qld). The vessel was usually captained by the director of the applicant and, on each voyage, he would be joined by up to four crew members, typically experienced fishermen. The Commissioner of Taxation decided the crew members were employees for the purposes of the *Superannuation Guarantee (Administration) Act 1992* and that the applicant was obliged to make superannuation contributions in respect of those individuals. The applicant applied to the Tribunal for review of that decision.

The evidence before the Tribunal was that, while at sea, the vessel would anchor at a central spot each day and the fishermen would each board a small motorised boat called a 'dory'. The dories would head off to remote locations where the crew members would spend all or part of the day fishing. Upon their return to the vessel, each fisherman would unload his catch, and the fish would be tallied and stored. When the vessel returned to port, the catch would be sold to a wholesaler or processor under the terms of a contact with the applicant. The applicant would pay each fisherman pursuant to a separate agreement between the applicant and the fisherman.

In advance of each voyage, each member of the crew was given a written document which provided that the parties were joint venturers for the purposes of a single voyage. It also provided that the cost of maintaining the vessel was the responsibility of the applicant but all of the parties would contribute a specified amount towards the operating costs. Each party was required to

bear the costs of sickness and accident insurance and no party would be liable for any accident or mishap that occurred during the voyage. The evidence of the applicant's director and a crew member was that the captain of the vessel was ultimately responsible for the safety of the vessel but decisions about where to fish and other operational matters were made jointly.

The Tribunal observed that, in deciding whether a worker is an employee, the courts have emphasised the need to consider:

- the extent to which the worker is subject to the direction and supervision of the would-be employer, and
- the extent to which the individual is integrated into the would-be employer's organisation so that it can be said the individual is part of the same business, as opposed to operating his or her own business.

In relation to whether the crew members were acting under the control of the applicant, the Commissioner noted they were 'assistant fishers' for the purposes of the Fisheries Regulation which required them to act under direction of the licensed commercial fisher. However, the Tribunal was not persuaded this was decisive in this case. On the basis of all of the evidence, it concluded that the applicant's characterisation of the crew members as independent businessmen who came together with the applicant to carry out a joint enterprise was to be preferred. It decided the crew members were not employees for the purposes of the Act.

The Tribunal set aside the decision.

TERTIARY EDUCATION REGULATION

WILLIAMS BUSINESS COLLEGE LTD AND MINISTER FOR EDUCATION; WILLIAMS BUSINESS COLLEGE LTD AND TERTIARY EDUCATION QUALITY AND STANDARDS AGENCY

[2014] AATA 371; 12 June 2014

Senior Member Anne Britton

Whether an additional condition should be imposed on the College's registration for the Bachelor of Business degree – whether the College's application for registration renewal should be refused

In December 2011, Williams Business College Ltd was approved by the NSW Department of Education and Training as a higher education provider that could offer a Bachelor of Business course. On 29 January 2012, it became registered under the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act), the then new national law for the regulation of higher education. The majority of the College's students were overseas students and so it was also subject to the *Education Standards for Overseas Students Act 2000* (ESOS Act).

In the early days of offering the Bachelor of Business course, the College faced significant problems, in part because of personnel problems and debts inherited from its previous operations. In early 2013, the Dean of the College, the Chair and most members of its Governing Council, and all of the members of its Academic Board, resigned. New appointments were subsequently made, including a new Dean in April 2013 and a new Chair of the Council in May 2013. The College also approved a Higher Education Governance Charter.

In March 2013, the Tertiary Education Quality and Standards Agency (TEQSA), acting as delegate of the Minister under the ESOS Act, imposed a condition on the College that it not issue any new confirmations of enrolment. TEQSA found that the College was in breach of a number of requirements, including that it was continuing to provide misleading information to students and prospective students in its marketing. In October 2013, TEQSA decided to refuse the College's application for renewal of registration on the basis that it was not continuing to

meet the *Higher Education Threshold Standards Framework (Threshold Standards) 2011*. The College applied to the Tribunal for review of both decisions. The Tribunal stayed the operation of the decisions pending completion of the review.

Before the Tribunal, the College contended that it had delivered quality education throughout its two years of operation, and that the shortcomings identified by TEQSA, none of which related to educational quality, had progressively been addressed under the leadership of the new Chair of the Council and the Dean. The Tribunal agreed there had been significant improvements, but also found that problems continued.

The Tribunal focused on three aspects of the Threshold Standards: the financial viability and sustainability of a higher education provider, its corporate and academic governance and its history in managing business operations. Having considered the available information about the College's financial position and budgets, the Tribunal was not satisfied that the College was financially viable. In relation to governance, the Tribunal found that the Council had failed to take steps to appraise itself of the true financial position of the College, constituting a failure to regularly monitor a potential risk to its higher education operations. As such, the College had not shown sound corporate governance as required under the Standards. The Tribunal was also not satisfied that the College had shown a sound track record in managing its business operations. Having found that the College did not continue to meet the Threshold Standards, the Tribunal held that it could not renew the College's registration.

The Tribunal affirmed both of TEQSA's decisions but decided to delay the date of operation of the decision to refuse the College's registration to allow the students to complete the current semester.

APPENDIX 8: SPEECHES, PUBLICATIONS AND OTHER ACTIVITIES

Tribunal members and staff undertake a wide range of activities that assist to raise awareness of the Tribunal's role, procedures and activities. Members and staff give speeches at conferences and seminars, participate in training and education activities, publish articles and undertake other engagement activities. The record of activities for 2013–14 is in four lists: speeches and presentations; competition adjudication and training; publications; and other engagement activities. The lists in Tables A8.1, A8.2 and A8.4 are arranged by date and the list in Table A8.3 is in alphabetical order.

Table A8.1 Speeches and presentations

Title/role	Event/organisation	Participant/ speaker(s)	Date
<i>The Role of the AAT</i>	Tribunal Advocacy Course, Department of Veterans' Affairs, Canberra	Conference Registrar Siobhan Ni Fhaolain	1 July 2013
<i>Administrative Law in an Interconnected World: Where to from here?</i>	2013 National Administrative Law Conference, Australian Institute of Administrative Law, Canberra	Justice Duncan Kerr, President	19 July 2013
<i>After the Shooting Stops</i>	Biennial Member and Staff Conference, Veterans' Review Board, Brisbane	Justice Duncan Kerr, President	7 August 2013
<i>Diagnosing Psychiatric Disorders</i>	Biennial Member and Staff Conference, Veterans' Review Board, Brisbane	Member Dr Marian Sullivan	7 August 2013
<i>Appraisal including Peer Review</i>	Claims Assessment and Resolution Service, NSW Motor Accidents Authority, Sydney	Senior Member Bernard McCabe	14 August 2013
<i>Keeping the AAT from Becoming a Court</i>	Seminar, NSW Chapter of the Australian Institute of Administrative Law, Sydney	Justice Duncan Kerr, President	27 August 2013
<i>Welcome and Opening</i>	2013 Annual Conference, NSW Chapter of COAT, Sydney	Senior Member Anne Britton	13 September 2013
<i>Tribunal Advocacy</i>	Bar Readers' Course, South Australian Bar Association, Adelaide	Deputy President Katherine Bean	19 September 2013
<i>Keeping the AAT from Becoming a Court</i>	Annual General Meeting, SA Chapter of COAT, Adelaide	Justice Duncan Kerr, President	20 September 2013

Table A8.1 continued

Title/role	Event/organisation	Participant/ speaker(s)	Date
<i>Launch address</i>	Launch of the Merits Review Special Edition of the <i>University of Queensland Law Journal</i> , Brisbane	Justice Duncan Kerr, President	8 October 2013
<i>Making Submissions and Providing Reasons</i>	Advanced Administrative Law course, ANU College of Law, Canberra	Senior Member Professor Robyn Creyke	26 October 2013
<i>Decision Writing for Chairpersons of NSW Health Professionals Disciplinary Councils</i>	Seminar, Health Professional Councils Authority, Sydney	Senior Member Narelle Bell	November 2013
<i>The NDIS and the AAT – Expectations, planning and first experiences</i>	Salvos Legal Lecture Series, Salvation Army, Sydney	Justice Duncan Kerr, President	9 November 2013
<i>The Administrative Appeals Tribunal and Public Sector Accountability</i>	Information sessions on the Australian legal system and anti-corruption measures for a delegation of officials from the People's Republic of China, Bond University, Gold Coast	Senior Member Bernard McCabe	11 November 2013
<i>ADR at the AAT</i>	Dispute Resolution Multilateral Event, Australian Taxation Office, Sydney	Justin Toohey, Director ADR	12 November 2013
<i>Cooperation or Conflict? The relationship between courts and tribunals in Australia</i>	Public Law Weekend 2013, ANU College of Law, Canberra	Senior Member Professor Robyn Creyke	15 November 2013
<i>The Basics of Running a Claim in the Administrative Appeals Tribunal</i>	Litigation Convention 2013, Tasmanian Law Society, Launceston	Justice Duncan Kerr, President	16 November 2013
<i>The Administrative Appeals Tribunal for Experienced Practitioners</i>	Litigation Convention 2013, Tasmanian Law Society, Launceston	Justice Duncan Kerr, President	16 November 2013
<i>Challenges Facing Administrative Tribunals</i>	2013 Twilight Seminar, Victorian Chapter of COAT, Melbourne	Justice Duncan Kerr, President	18 November 2013
<i>Ethics and Lawyers in the Workplace</i>	Law students seminar, Faculty of Law, University of NSW	Athena Harris Ingall, Manager Learning and Development	4 December 2013
<i>Opening Address</i>	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Sydney	Justice Duncan Kerr, President	13 December 2013

Table A8.1 continued

Title/role	Event/organisation	Participant/ speaker(s)	Date
<i>Practical Advice to People Appearing at the AAT</i>	Law students seminar, University of Tasmania, Hobart	Michelle Corcoran, Member Support Team Leader	13 January 2014
<i>The AAT: Practical aspects</i>	Lecture, postgraduate students in Administrative Law, University of Canberra, Canberra	Conference Registrar Siobhan Ni Fhaolain	20 February 2014
<i>Social Security Appeals at the AAT</i>	Civil Law Conference, Legal Aid Queensland, Brisbane	Justin Toohey, Director ADR	6 March 2014
<i>Ensuring Procedural Fairness in the Decision-Making Process</i>	Decision-Making and Reason Writing Seminar, Legalwise, Sydney	Senior Member Jan Redfern	13 March 2014
<i>The Merits Review of Decisions by the National Disability Insurance Agency</i>	Assisting Unrepresented Litigants – A Challenge for Courts and Tribunals Conference, Australasian Institute of Judicial Administration, Sydney	Senior Member Jill Toohey	15 April 2014
<i>Innovations in Timeliness: Latest Ideas in Case Management – A tribunal perspective</i>	Timeliness in the Justice System Forum, Australia Centre for Justice Innovation, Melbourne	Philip Kellow, Registrar	17 May 2014
<i>Helpful Harry? The Duty to Assist – The view of a Tribunal Member</i>	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Melbourne	Senior Member Professor Robin Creyke	23 May 2014
<i>Welcome and Opening</i>	2014 COAT Annual Tribunals Conference, Auckland, New Zealand	Justice Duncan Kerr, President	5 & 6 June 2014
<i>Performance Appraisal of Tribunal Members: Pitfalls and Benefits</i>	2014 COAT Annual Tribunals Conference, Auckland, New Zealand	Senior Member Anne Britton	5 & 6 June 2014
<i>Access to Justice</i>	National Conference for Administrative Appeals Tribunal Advocates, Department of Human Services, Sydney	Justice Duncan Kerr, President	20 June 2014
<i>The Role of the State in Regulating Citizenry</i>	Lectures, Contemporary Issues in Law and Society course, Bond University, Gold Coast	Senior Member McCabe	Semester based
<i>Administrative Law</i>	Lectures, graduate and undergraduate law programs, Bond University, Gold Coast	Senior Member McCabe	Semester based

Table A8.2 Competition adjudication and training

Title/role	Event/organisation	Participant(s)/ presenter(s)	Date
Advocacy Skills Development	Tribunal Advocacy Course, Department of Veterans' Affairs, Canberra	Senior Member Graham Kenny	4 & 5 July 2013
Negotiation Competition Adjudicator	Negotiation Competition, University of New South Wales	Michelle Corcoran, Members Support Team Leader Athena Harris Ingall, Manager Learning and Development	July 2013 – May 2014
Negotiation Competition Adjudicator	Allens Advanced Negotiation Competition, University of New South Wales	Michelle Corcoran, Members Support Team Leader Athena Harris Ingall, Manager Learning and Development	July 2013 – May 2014
Mooting Competition Adjudicator	National Mooting Competition, Administrative Appeals Tribunal	Justice Duncan Kerr, President Deputy Presidents Philip Hack, Robin Handley, Stanley Hotop and Katherine Bean Former Deputy President Deane Jarvis Senior Members Anne Britton, Robyn Creyke, Egon Fice, Graham Kenny, Gina Lazanas, Bernard McCabe, Peter McDermott, Frank O'Loughlin, Steven Penglis and Jill Toohey Members Conrad Ermert and Peter Wulf	August – October 2013
Mooting Competition Adjudicator	Mooting Competition, University of Tasmania	Justice Duncan Kerr, President Michelle Corcoran, Member Support Team Leader	13 & 14 January 2014
Decision Writing Workshop	Health Professional Councils Authority, Sydney	Senior Member Narelle Bell	7 April 2014

Table A8.3 Publications

Title	Author	Citation/Publisher
Administrative Law in an Interconnected World: Where to from here?	Justice Duncan Kerr, President	<i>AIAL Forum Journal</i> No. 74, October 2013: 34–44
Closed Hearing, Anonymisation and Media Access	Aneita Browning and Michelle Corcoran	<i>Precedent</i> (Sydney, NSW) No. 117, July/August 2013:48–52
Community Values and Correct or Preferable Decisions in Administrative Practice	Senior Member Bernard McCabe	(2013) 32 <i>UQLJ</i> 103
Integrity in Tribunals	Senior Member Professor Robyn Creyke	(2013) 32 <i>UQLJ</i> 45
Merits Review Special Edition	Senior Member Peter McDermott	Editor: (2013) 32 <i>UQLJ</i>
Pragmatism and Policy: Attitude of Australian Courts and Tribunals to Inquisitorial Process	Senior Member Professor Robyn Creyke	Ch 2, L Jacobs & S Baglay (eds), <i>The Nature of Inquisitorial Processes in Administrative Regimes: Global Perspectives</i> (Ashgate Publishing Ltd, 2013)
The Intersection of Merits and Judicial Review: Looking Forward	Justice Duncan Kerr, President	(2013) 32 <i>UQLJ</i> 9
The Uniformity of Tax Penalties in Australia	Senior Member Peter McDermott	(2013) 39(1) <i>Monash University Law Review</i> 214
Tribunals and Merits Review	Senior Member Professor Robyn Creyke	Ch 18, M Groves (ed), <i>Modern Administrative Law in Australia</i> (Cambridge University Press, 2014) 393–415

Table A8.4 Other engagement activities

Title	Event/organisation	Participant/speaker(s)	Date
<i>National Disability Insurance Scheme Overview</i>	Stakeholder meeting, Hobart. Presentation with Advocacy Tasmania, Legal Aid Commission of Tasmania and National Disability Insurance Agency	Justice Duncan Kerr, President Deputy President Raymond Groom Nerrilee Cuthbertson, Executive Director Operations District Registrar Catherine Scott	3 September 2013
<i>The Appeal Process at the AAT in Centrelink Matters</i>	Community Workers Forum, Centrelink and Financial Management, Christies Beach. Presentation with Social Security Appeals Tribunal and Welfare Rights Centre	District Registrar Clare Byrt	6 December 2013

Table A8.4 continued

Title	Event/organisation	Participant/ speaker(s)	Date
<i>The Appeal Process at the AAT in Centrelink Matters</i>	Department of Human Services Community Consultative Meeting, Perth. Presentation with Social Security Appeals Tribunal	District Registrar Barry Johnson	18 December 2013
<i>A Guide to the Review of NDIS Decisions in the AAT</i>	Information session for disability advocates and stakeholders, Adelaide. Presentation with Brain Injury Network of SA, Legal Services Commission of SA and National Disability Insurance Agency	District Registrar Clare Byrt	5 February 2014
<i>National Disability Insurance Scheme Overview</i>	Law Society of South Australia Forum 2014 Presentation with National Disability Insurance Agency	District Registrar Clare Byrt	6 February 2014
<i>The Appeal Process at the AAT in Centrelink Matters</i>	Community Workers Forum, Centrelink and Financial Management, Nowra. Presentation with Social Security Appeals Tribunal and Welfare Rights Centre	Michelle Corcoran, Member Support Team Leader	11 February 2014
<i>An Overview of the AAT</i>	Seminar, Wagga Wagga. Presentation with Social Security Appeals Tribunal	Senior Member Professor Robyn Creyke	26 February 2014
<i>The Appeal Process at the AAT in Centrelink Matters</i>	Community Workers Forum, Centrelink and Financial Management, Wagga Wagga. Presentation with Social Security Appeals Tribunal and Welfare Rights Centre	Senior Member Professor Robin Creyke	27 February 2014
<i>Integrated Dispute Resolution at the AAT</i>	ADR Inter-Agency Group meeting, Canberra	Justin Toohey, Director ADR	5 March 2014
<i>A Guide to the Review of NDIS Decisions in the AAT</i>	Information session for disability advocates and stakeholders, Newcastle. Presentation with Disability Advocacy NSW, Legal Aid NSW and National Disability Insurance Agency	Deputy President Robin Handley Senior Member Jill Toohey Conference Registrar Tracy Sheedy District Registrar Carolyn Krochmal	19 March 2014

Table A8.4 continued

Title	Event/organisation	Participant/ speaker(s)	Date
<i>A Guide to the Review of NDIS Decisions in the AAT</i>	Information session for disability advocates and stakeholders, Melbourne. Presentation with National Disability Insurance Agency, Regional Information and Advocacy Council and Victoria Legal Aid	District Registrar Susan Woodford	26 March 2014
<i>A Guide to the Review of NDIS Decisions in the AAT</i>	Information session for disability advocates and stakeholders, Hobart. Presentation with Advocacy Tasmania, community legal centres and National Disability Insurance Agency	Deputy President Raymond Groom District Registrar Catherine Scott	1 April 2014
<i>The Appeal Process at the AAT in Centrelink Matters</i>	Community Workers Forum, Centrelink and Financial Management, Rockdale Presentation with Social Security Appeals Tribunal and Welfare Rights Centre	District Registrar Carolyn Krochmal	9 April 2014
<i>Appealing Centrelink and NDIS Decisions to the AAT</i>	Outreach visit to Anangu Pitjantjatjara Yankunytjatjara Lands with Brain Injury Network of SA, Social Security Appeals Tribunal and Welfare Rights Centre	Conference Registrar Jennifer Lock	5–9 May 2014
<i>The Appeal Process at the AAT in Centrelink Matters</i>	Community Workers Forum, Centrelink and Financial Management, Port Adelaide. Presentation with Social Security Appeals Tribunal and Welfare Rights Centre	Conference Registrar Jennifer Lock	23 May 2014
<i>The Appeal Process at the AAT in Centrelink Matters</i>	Community Workers Forum, Centrelink and Financial Management, Rockdale. Presentation with Social Security Appeals Tribunal and Welfare Rights Centre	Michelle Corcoran, Member Support Team Leader	25 June 2014

APPENDIX 9: OTHER REPORTING REQUIREMENTS

ADVERTISING AND MARKET RESEARCH

The Tribunal did not undertake any advertising campaigns in 2013–14.

Non-campaign advertising expenditure of \$1,041.18 (incl GST) was paid to Adcorp Australia for advertising employment vacancies in 2013–14. Amounts paid for non-campaign advertising in the last three reporting periods is shown in Table A9.1.

Table A9.1 Trends in non-campaign advertising

Year	Organisation	Cost (incl GST)
2011–12	Adcorp Australia	\$13,949.97
2012–13	Adcorp Australia	\$38,524.29
2013–14	Adcorp Australia	\$1,041.18

The Tribunal did not pay any amounts to market research, polling or direct mailing organisations during the reporting year.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL PERFORMANCE

The Tribunal is a review body and therefore does not administer policy that has a major effect on the environment.

When arranging new leases and refurbishments, the Tribunal gives consideration to the principles of ecologically sustainable development: the new lease for the Canberra Registry, signed in February 2014, includes a Green Lease Schedule. The specification for the fit-out for the new Canberra Registry premises included provisions for environmentally sensitive inclusions such as sensor-controlled lighting and dual-flush cisterns.

The Tribunal limits its impact on the environment in day-to-day administrative functions by implementing simple measures such as switching off lights, recycling office waste and encouraging leasing of vehicles with a high Green Vehicle Guide rating. The Tribunal also participates in awareness raising activities such as Earth Hour.

Table A9.2 Environmental performance reporting

Theme	Steps taken to reduce effect	Measures to review and improve reducing the effect
Energy efficiency	Asking staff to switch off lights when offices and meeting rooms are not in use. Energy ratings of office machines are a consideration when replacement is necessary.	General energy consumption across all registries rose by 3.5% during the reporting year.
Vehicles	Ensuring that the average Green rating of the Tribunal's leased vehicles is as high as possible.	The Tribunal's one leased vehicle as at 30 June 2014 has a Green rating of 15.5.
Waste	Using office waste recycling schemes.	All registries recycle paper. Two registries also recycle glass, plastics and metals, and two other registries recycle toner cartridges. The Adelaide Registry also recycles comingled, organic and battery materials. As the Tribunal uses whole-of-building recycling schemes, separate data on recycling quantities is not currently available.
Water	The Tribunal installs water saving devices such as dual-flush cisterns and waterless urinals in any updates to premises.	The Tribunal is not able to access data on water consumption in each of its tenancies, as there are no separate water meters.

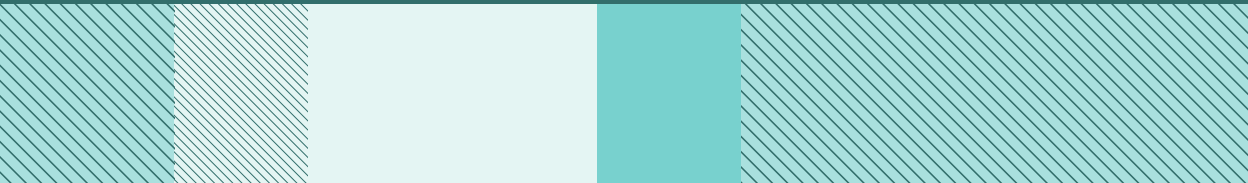
GRANTS PROGRAMS

The Tribunal does not administer any grants programs.

CHANGES TO DISABILITY REPORTING IN ANNUAL REPORTS

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007–08, reporting on the employer role was transferred to the Australian Public Service Commission's State of the Service Report and the APS Statistical Bulletin. These reports are available at www.apsc.gov.au. From 2010–11, departments and agencies have no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by the National Disability Strategy 2010–2020, which sets out a ten year national policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. A high level two-yearly report will track progress against each of the six outcome areas of the Strategy and present a picture of how people with disability are faring. The first of these reports will be available in late 2014, and can be found at www.dss.gov.au.



End matter

GLOSSARY

AAT	Administrative Appeals Tribunal
ADR	Alternative dispute resolution
Affirm	If the Tribunal affirms a decision under review, the original decision stands (is unchanged).
Alternative dispute resolution	A process for resolving a dispute, other than at a hearing. The Tribunal employs five processes: conference, conciliation, mediation, case appraisal and neutral evaluation.
Applicant	The person, organisation, department or agency that has lodged an application with the Tribunal.
Application for extension of time	An application for review of a decision must be lodged with the Tribunal within a certain time limit. However, an application may be made to the Tribunal to extend the time for lodging an application.
APS	Australian Public Service
Case appraisal	An alternative dispute resolution process conducted by a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, who assists the parties to resolve the dispute by providing a non-binding opinion on the facts in dispute and likely outcomes.
COAT	Council of Australasian Tribunals
Conciliation	An alternative dispute resolution process in which a Tribunal member or Conference Registrar assists the parties to identify the issues in dispute and endeavour to reach an agreement. The conciliator has no determinative role but may advise on or determine the conciliation process, make suggestions on terms of settlement and actively encourage the parties to reach an agreement.
Conference	A meeting conducted by a Tribunal member or Conference Registrar with the parties and/or their representatives. Conferences provide an opportunity to discuss and define the issues in dispute, identify further evidence that may be gathered, explore whether the matter can be settled and discuss the future conduct of the matter.
Confidentiality order	The Tribunal may make an order directing that a hearing or part of a hearing be held in private. The Tribunal may also give directions prohibiting or restricting the publication of the names of a party or witnesses, evidence given before the Tribunal or matters contained in documents lodged with the Tribunal.
CSS	Commonwealth Superannuation Scheme
Directions hearing	A hearing to deal with procedural matters such as the exchange of statements or documents, to clarify issues relating to the conduct of a hearing to progress a matter in which there has been delay by a party. Directions hearings are conducted by Tribunal members.
Dismissal of application	The Tribunal may, in certain circumstances, dismiss an application without proceeding to review the decision. An application may be dismissed, for example, at the request of the parties, if the applicant fails to appear at an ADR process, directions hearing or hearing, or if the Tribunal is satisfied that the application is frivolous or vexatious.



FMO	Finance Minister's Order
GST	Goods and Services Tax
Hearing	The occasion at which the parties may present to the Tribunal evidence and submissions in relation to the decision under review. Parties may call witnesses to give evidence. A hearing is conducted by one, two or three Tribunal members.
HSR	Health and Safety Representative
IASAJ	International Association of Supreme Administrative Jurisdictions
Interlocutory application	Any application made by a party that relates to an application for review of a decision, including an application: for an extension of time to lodge an application; to stay the operation of the decision under review; or for a confidentiality order.
Mediation	An alternative dispute resolution process during which a Tribunal member or Conference Registrar assists the parties to identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in relation to the content of the dispute but may advise on or determine the mediation process.
MRT	Migration Review Tribunal
NAATI	National Accreditation Authority for Translators and Interpreters
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
Neutral evaluation	An alternative dispute resolution process in which a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, assists the parties to resolve the dispute by evaluating the facts and law at issue in the dispute and providing a non-binding opinion on the likely outcomes.
OPA	Official Public Account
Outreach	A Tribunal program that provides self-represented parties with information about Tribunal practices and procedures and other assistance in the review process.
Party	A participant in the proceedings before the Tribunal. A party can be the person who makes the application to the Tribunal, the decision-maker or other respondent to the application and any other person joined to the proceedings.
Party joined	A person, department or agency whose interests are affected by a decision under review may be made a party to the proceeding by order of the Tribunal. This person, department, or agency is a party joined.
Portfolio Budget Statements	Statements prepared to explain the Budget appropriations for agencies within a portfolio in terms of outcomes and programs.
PSS	Public Sector Superannuation Scheme
PSSap	Public Sector Superannuation accumulation plan
RRT	Refugee Review Tribunal
Remit	The Tribunal may set aside a decision and remit it (send it back) to the original decision-maker to be reconsidered in accordance with any directions or recommendations of the Tribunal.
Respondent	The party who responds to or answers an application; usually the department, agency or organisation that made the original decision.

Section 37 Documents	The statement and documents that a decision-maker must provide to the Tribunal and the other party under section 37 of <i>Administrative Appeals Tribunal Act 1975</i> . They are generally known as the ‘T Documents’ and include the reasons for the decision under review and all other relevant documents.
Set aside	The Tribunal may set aside a decision under review. The effect is that the Tribunal disagrees with the original decision and may make a new decision or remit the matter (send it back) to the original decision-maker.
SSAT	Social Security Appeals Tribunal
Stay order	An order of the Tribunal to suspend the operation or implementation of the decision under review until the matter is determined or resolved.
Summons	A notice issued by the Tribunal calling a person to appear before it to give evidence or to produce documents to it.
T Documents	see ‘Section 37 Documents’.
TRACS	The Tribunal’s electronic case management system.
Vary	The Tribunal may vary a decision under review. This means that the Tribunal changes or alters the original decision.
VRB	Veterans’ Review Board



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