

# End matter

## Contents

Glossary	160
Contacting the Tribunal	163

## Glossary

<b>AASB</b>	Australian Accounting Standards Board
<b>AATCAMS</b>	The Tribunal's former electronic case management system.
<b>ACSI 33</b>	Australian Communications Security Instructions 33 which forms part of the Protective Security Manual.
<b>ADR</b>	Alternative dispute resolution
<b>AEIFRS</b>	Australian Equivalents to International Financial Reporting Standards.
<b>Affirm</b>	The Tribunal may affirm a decision under review. This means that the original decision still stands.
<b>ANAO</b>	Australian National Audit Office
<b>Applicant</b>	This is the person, organisation, department or agency that has lodged an application with the Tribunal.
<b>Application for extension of time</b>	An application for review of a decision must be given to the Tribunal within a certain time limit. However, an application may be made to the Tribunal to extend the time for lodging an application.
<b>Case appraisal</b>	Case appraisal is an ADR 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.
<b>Conciliation</b>	Conciliation is an ADR 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.
<b>Conference</b>	A conference is 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.
<b>Confidentiality order</b>	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.
<b>CRF</b>	Consolidated Revenue Fund
<b>CSS</b>	Commonwealth Superannuation Scheme
<b>Directions hearings</b>	Directions hearings are conducted by Tribunal members and may be held to deal with procedural matters such as the exchange of statements or documents or to clarify issues relating to the conduct of a hearing. They may also be held to progress a matter in which there has been delay by a party.

<b>Dismissal of application</b>	In certain circumstances, the Tribunal may 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.
<b>FMO</b>	Finance Minister's Order
<b>GST</b>	Goods and Services Tax
<b>Hearing</b>	A hearing is conducted by one, two or three Tribunal members. It is the opportunity for the parties to present to the Tribunal evidence and submissions in relation to the decision under review. Parties may call witnesses to give evidence.
<b>Interlocutory application</b>	This is 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, an application to stay the operation of the decision under review or an application for a confidentiality order.
<b>Mediation</b>	Mediation is an ADR process in 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.
<b>NAATI</b>	National Accreditation Authority for Translators and Interpreters
<b>Neutral Evaluation</b>	Neutral evaluation is an ADR 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.
<b>Outreach</b>	This is a Tribunal program that provides self-represented parties with information about Tribunal practices and procedures and other assistance in relation to the review process.
<b>OPA</b>	Official public act
<b>Party</b>	Parties are the participants in the proceedings before the Tribunal. Parties include 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.
<b>Party joined</b>	Where a person, department or agency has applied to the Tribunal for review of a decision, any other person, department or agency whose interests are affected by the decision may apply to be made a party to the proceeding, and the Tribunal may grant that application. This person, department, or agency is a party joined.
<b>Portfolio Budget Statements</b>	Statements prepared to explain the Budget appropriations for agencies within a portfolio in terms of outcomes and outputs.
<b>PSSap</b>	Public Sector Superannuation accumulation plan
<b>PSS</b>	Public Sector Superannuation Scheme
<b>Remit</b>	The Tribunal may set aside a decision and send it back (remit it) to the original decision-maker to be reconsidered in accordance with any directions or recommendations of the Tribunal.

<b>Respondent</b>	This is the party who responds to or answers an application. This is usually the department, agency or organisation that made the original decision.
<b>Section 37 Documents</b>	These are the statement and documents that a decision-maker must prepare and provide to the Tribunal and the other party under section 37 of <i>Administrative Appeals Tribunal Act 1975</i> : known generally as the 'T Documents'. They include the reasons for the decision under review and all other relevant documents.
<b>Set aside</b>	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 to the original decision-maker.
<b>Stay order</b>	This is an order of the Tribunal to suspend the operation or implementation of the decision under review until the matter is determined or resolved.
<b>Summons</b>	This is a notice issued by the Tribunal calling a person to appear before it or to produce documents to it.
<b>T Documents</b>	See 'Section 37 Documents'.
<b>TRaCS</b>	The Tribunal's new electronic case management system.
<b>Tribunal</b>	Administrative Appeals Tribunal
<b>Vary</b>	The Tribunal may vary a decision under review. This means that the Tribunal changes or alters the original decision.

## Contacting the Tribunal

The Tribunal can be contacted in person, by telephone or in writing (by letter or fax). Office hours are 8.30 am to 5.00 pm, Monday to Friday.

If you are writing to the Tribunal, the letter should be addressed to:

The District Registrar  
AAT  
GPO Box 9955  
Your capital city

## Registry locations and contact numbers

### New South Wales

Level 7  
City Centre Tower  
55 Market Street  
SYDNEY NSW 2000  
Telephone: (02) 9391 2400  
Facsimile: (02) 9283 4881

### Victoria

Level 16  
Southgate, HWT Tower  
40 City Road  
SOUTHBANK VIC 3006  
Telephone: (03) 9282 8444  
Facsimile: (03) 9282 8480

### Queensland

Level 4  
Commonwealth Law Courts  
Cnr North Quay and Tank Street  
BRISBANE QLD 4000  
Telephone: (07) 3361 3000  
Facsimile: (07) 3361 3001

### South Australia

11th Floor  
Chesser House  
91 Grenfell Street  
ADELAIDE SA 5000  
Telephone: (08) 8201 0600  
Facsimile: (08) 8201 0610

### Western Australia

Level 5  
111 St Georges Terrace  
PERTH WA 6000  
Telephone: (08) 9327 7200  
Facsimile: (08) 9327 7299

### Tasmania

Ground Floor  
Commonwealth Law Courts  
39–41 Davey Street  
HOBART TAS 7000  
Telephone: (03) 6232 1712  
Facsimile: (03) 6232 1701

### Australian Capital Territory

4th Floor  
Canberra House  
40 Marcus Clarke Street  
CANBERRA ACT 2601  
Telephone: (02) 6243 4611  
Facsimile: (02) 6243 4600

### Northern Territory

Northern Territory residents should direct any enquiries to the Queensland Registry.

## National telephone number

The Tribunal provides a national telephone number — 1300 366 700. You can use it to call the Tribunal's office, in the capital city of the state in which you live, for the cost of a local call. Those calling from the Northern Territory and the Northern Rivers area of New South Wales will be connected with Brisbane.

## Telephone typewriter service

The Tribunal has established a telephone typewriter service for the deaf and hearing or speech impaired. The service's number is 1800 650 662. You can use this service to call the Tribunal from anywhere in Australia free of charge. It is not a voice phone and cannot be used as such.

## Tribunal website

Further information about the Tribunal, including more details about contacting the Tribunal, is available from the Tribunal's website: [www.aat.gov.au](http://www.aat.gov.au).



# Indexes

## Contents

Compliance index	166
Alphabetical index	169

## Compliance Index

Description	Page
Letter of transmittal	iii
Table of contents	iv
Alphabetical index	169
Glossary	160
Contact officer	vi
Internet home page address and Internet address for report	vi
<b>Review by the President</b>	<b>2</b>
<b>Review by the Registrar</b>	<b>5</b>
<b>Overview of agency</b>	
Overview description of Tribunal	12–20
Role and functions	12
Organisational structure	12–16
Outcome and output structure	25
Where outcome and output structures differ from Portfolio Budget Statements, details of variation and reasons for change	Not applicable
<b>Report on Performance</b>	
Review of performance during the year in relation to outputs and contribution to outcome	22–33
Actual performance in relation to performance targets set out in Portfolio Budget Statements/Portfolio Additional Estimates Statements	26–29
Performance of purchaser/provider arrangements	Not applicable
Where performance targets differ from the Portfolio Budget Statements/Portfolio Additional Estimates Statements, details of both former and new targets, and reasons for the change	Not applicable
Narrative discussion and analysis of performance	22–33
Factors, events or trends influencing performance	22–30
Significant changes in nature of principal functions/services	Not applicable
Performance against service charter customer service standards, complaints data, and response to complaints	31–33
Social justice and equity impacts	19–20, 31–32
Discussion and analysis of the agency's financial performance	26–27, 50
Discussion of any significant changes from the prior year or from budget	Not applicable
Summary resource table by outcome	26
Developments since the end of the financial year that have affected or may significantly affect operations or financial results in the future	Not applicable



Description	Page
<b>Management Accountability</b>	
<i>Corporate governance</i>	
Statement of the main corporate governance practices in place	12–15, 51–52
Names of the senior executives and their responsibilities	12–15
Senior management committees and their roles	15, 51–52
Corporate and operational planning and associated performance reporting and review	6–9, 36–42, 44–54
Approach adopted to identifying areas of significant financial or operational risk and arrangements in place to manage risk	51–52
Certification of compliance with the Commonwealth Fraud Control Guidelines	52
Policy and practices on the establishment and maintenance of appropriate ethical standards	50
How nature and amount of remuneration for senior executive service officers is determined	49
<i>External scrutiny</i>	
Significant developments in external scrutiny	Not applicable
Judicial decisions and decisions of administrative tribunals	30–31
Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	31
<i>Management of human resources</i>	
Assessment of effectiveness in managing and developing human resources to achieve agency objectives	44–50
Workforce planning, staff turnover and retention	49
Training and development undertaken and its impact	44–46
Occupational health and safety performance	46–47
Productivity gains	47
Statistics on staffing	14, 116–117
Certified agreements and Australian Workplace Agreements	49–50
Performance pay	49
<i>Assets management</i>	
Assessment of effectiveness of assets management	Not applicable
<i>Purchasing</i>	
Assessment of purchasing against core policies and principles	51

Description	Page
<b>Consultants</b>	
Summary statement detailing the number of, and total actual expenditure on, new consultancy contracts let during the year (inclusive of GST) and the number of, and total actual expenditure during the reporting year on, ongoing consultancy contracts (inclusive of GST)	51
Statement that information on contracts and consultancies is available through the AusTender website.	51
Reporting of consultancy contracts to the value of \$10,000 or more	156
<b>Competitive tendering and contracting</b>	
Absence of provisions in competitive tendering and contracting contracts allowing access by the Auditor-General	Not applicable
<b>Exempt contracts</b>	
Contracts exempt from publication on AusTender	51
<b>Commonwealth Disability Strategy</b>	
Report on performance in implementing the Commonwealth Disability Strategy	48, 154–155
<b>Financial statements</b>	<b>55–89</b>
<b>Other information</b>	
Occupational health and safety	46–47
Freedom of information	31, 150–151
Advertising and market research	157
Ecologically sustainable development and environmental performance	157
<b>Other</b>	
Discretionary grants	157
Correction of material errors in previous annual report	Not applicable

## Alphabetical Index

### A

Accessibility of Tribunal, 18–20, 32

- Accessible Government Services for All report, 48
- information on Tribunal, 18
- interpreter services, 19, 32
- Outreach Program, 18, 19, 32
- persons with disabilities, 19, 32, 154
- Service Charter, 19–20, 31–32

Administrative Appeals Tribunal

- divisions, 12
- establishment, 12
- functions and powers, 12
- jurisdiction, 12
- members, *see* Members
- organisational structure, 12–16
- Organisational Plan, 6–9, 36, 40, 45, 50
- partners, 39
- registries, *see* Registries
- staff, *see* Staff
- users, *see* Users

*Administrative Appeals Tribunal Act 1975*, 12, 13, 18

- section 29A, 129
- section 33, 12
- section 37, 18, 27, 36, 141
- section 38, 140–142
- section 44, 30, 31, 126–128
- section 44AA, 127

*Administrative Appeals Tribunal Regulations 1976*, 12, 40

- regulation 19, 129
- regulation 19AA, 129

*Administrative Decisions (Judicial Review) Act 1977*, 30–31, 126

Administrative Review Council, 40

Advertising, 157

Agency Agreement, 49

Alternative dispute resolution (ADR), 3, 14, 18, 36, 37

- Alternative Dispute Resolution Committee, 15, 37

Appeals against decisions of Tribunal, 30

- jurisdiction, by, 126
- outcomes of, 127–128

Applications

- current, 22, 24–25, 126
- finalised, 22, 24, 27, 119–123, 124–125
- lodged, 22–24, 119–123
- outcomes of applications finalised, 125
- timeliness, 26–30

Assistant Registrar, 14

Audit, 51–52

- Audit Committee, 51–52

Auditor-General, reports by, 31

Australia Day Medallion, 5

Australian Workplace Agreements (AWAs), 49

### B

Benevolent fund, 47

### C

Case appraisal, 3, 18, 37

Case management, *see also* Practice and procedure

- case management process, 17
- electronic case management system, 4, 5, 30, 41, 52–53
- management of taxation scheme applications, 38

Committees, 12, 15

- Alternative Dispute Resolution Committee, 15, 37

- Audit Committee, 51–52

- Library Committee, 15, 53

- Practice and Procedure Committee, 15, 36

- Professional Development Committee, 15, 44

- State and Territory Coordinators Committee, 15

- Tax Scheme Managing Members Committee, 15, 38

Commonwealth Disability Strategy, 19, 48, 154–155

Commonwealth Ombudsman, 30, 31

Complaints

- Commonwealth Ombudsman, to, 30, 31

- Human Rights and Equal Opportunity Commission, to, 31

- Tribunal, to, 32–33

Conciliation, 17, 18, 37  
 Concurrent evidence procedure, 36, 37  
 Conference Registrars, 14  
 Conferencing, 17, 18, 37  
     timeliness of first conference, 26–28, 32  
 Constitution of Australia  
     applications under section 75, 31  
 Consultancies, 51, 156  
 Controlled operations  
     review of certificates, 20, 33  
 Council of Australasian Tribunals, 40  
*Crimes Act 1914*, 20  
*Criminal Code*, 20

**D**

Decisions  
     decisions of interest, 135–149  
     timeliness of delivery, 27, 28, 29, 32  
 Deputy Presidents, 13  
     additional functions, 20  
 Disability Action Plan, 19, 48  
 Discretionary grants, 157  
 District Registrars, 13, 14, 15

**E**

Environmental performance, 157  
 Equal employment opportunity statistics, 116  
 External scrutiny of Tribunal, 30–31

**F**

Family Court of Australia, 13, 52  
 Federal Court of Australia, 13, 41, 52  
     appeals to, 30–31, 127  
 Federal Magistrates Court, 30, 127  
 Fees  
     information about, 129  
     refunds of, 32, 130  
 Financial management, 50  
 Fraud control, 51  
 Freedom of information, 12, 31, 150  
     applications relating to, 123  
     Freedom of Information Practice Direction, 18  
     requests to the Tribunal, 30, 31  
     Section 8 statement, 150

**G**

General Practice Direction, 2, 18, 36, 37

**H**

Hearings  
     timeliness of, 26, 27, 28, 29  
 Human resource management, 49

**I**

Indigenous employment program, 5, 47, 48  
 Induction  
     members, 3, 44  
     staff, 46  
 Information technology, 41, 52–53  
     TRaCS (Tribunal Record and Case System),  
     5, 52–53  
*Inspector of Transport Security Act 2006*, 20  
 International delegations, 41  
     project with Administrative Courts of Thailand,  
     4, 41–42  
 Interpreter services, 19, 32

**J**

Judicial review of decisions, 30–31, 126–128  
*Judiciary Act 1903*  
     applications under section 39B, 31, 126  
 Jurisdiction  
     Administrative Appeals Tribunal, of, 12  
     changes to, 131–134

**L**

Legal advice schemes, 19  
 Library and information services, 53–54  
     Library Committee, 15, 53

**M**

Market research, 157  
 Mediation, 17, 18, 37  
 Members, 12, 13, 92–95  
     additional functions, 20, 33  
     appointment of, 3, 13  
     changes to membership, 3, 95  
     new, 3, 95  
     profiles, 96–115

Members' Professional Development Program, 44  
    appraisal, 44  
    induction, 3, 44  
    mentoring, 44  
    Professional Development Committee, 15, 44  
    training and development, 45  
*Migration Act 1958*  
    applications under Part 8, 31, 126

## N

Neutral evaluation, 3, 18, 37

## O

Occupational health and safety, 46–47  
Organisational Plan, 6–9, 36, 40, 45, 50  
    statement of achievements, 6–9  
Outcome and outputs  
    structure, 25  
    total resourcing for, 26  
Outreach Program, 18, 19, 32

## P

Parliamentary Committees, reports by, 31  
Performance  
    performance measures, 26  
    performance results, 27–30  
Policy and Research Section, 54  
Practice and procedure  
    concurrent evidence procedure, 37  
    correspondence, review of, 38  
    *Guide to the Social Security Jurisdiction*, 18, 37  
    *Guide to the Workers' Compensation Jurisdiction*, 2, 18, 36–37  
    opinion evidence, guidelines on, 37  
    Practice and Procedure Committee, 15, 36  
Practice Directions, 18  
    Freedom of Information Practice Direction, 18  
    General Practice Direction, 2, 18, 36, 37  
    Listing and Adjournment Practice Direction, 18  
    Practice Direction relating to Section 37 of the *Administrative Appeals Tribunal Act 1975*, 18, 36  
    Small Taxation Claims Tribunal Practice Direction, 18  
President, 12, 13

    overview by, 2–4  
Presidential members, 12, 13  
Principal Registry, 13, 14  
*Proceeds of Crime Act 2002*, 20, 33  
Productivity gains, 47  
Professional development, *see* Members' Professional Development Program, Staff and Training and Development  
Property, 5, 50–51  
Purchasing, 51

## R

Reconciliation Action Plan, 48  
Registrar, 12, 14  
    report by, 5  
Registries, 14–15  
    applications current by registry, 126  
    applications finalised by registry, 124  
    applications lodged by registry, 123  
    contact details, 163  
    location, 13  
    organisation of work in, 38, 47  
    refurbishment, 5, 51  
Risk management, 51

## S

Security, 52  
Self-represented parties, 3, 18, 19, 32  
Senior Members, 12, 13  
    additional functions, 20  
Service Charter, 19–20, 31–32  
Small Taxation Claims Tribunal, 18  
    appeals against decisions of Tribunal, 126, 128  
    applications current, 25  
    applications finalised, 24, 120,  
    applications lodged, 23, 120  
    fees, 129  
    outcomes of applications finalised, 125  
    Small Taxation Claims Tribunal Practice Direction, 18  
    timeliness, 30  
Social security  
    appeals against decisions of Tribunal, 126, 128  
    applications current, 25  
    applications finalised, 24, 119

- applications lodged, 22–23, 119
- Guide to the Social Security Jurisdiction*, 18, 37, 54
- outcomes of applications finalised, 125
- review of practice and procedure, 36
- timeliness, 29

Speeches and papers, 152–153

Staff, 12, 14, 116–117

- administrative structure, 16
- ethical standards, 50
- induction program, 46
- non-salary benefits, 49
- performance management, 49
- retention and turnover, 49
- salary and remuneration, 49, 116–117
- training and development, 45

Study assistance, 50

*Surveillance Devices Act 2004*, 20, 33

## T

Taxation Appeals Division

- appeals against decisions of Tribunal, 126, 128
- applications current, 25
- applications finalised, 24, 120
- applications lodged, 22, 23, 120
- outcomes of applications finalised, 125
- timeliness, 29

Taxation schemes

- management of applications, 3, 38

*Telecommunications (Interception and Access) Act 1979*, 20, 33

Time standards, 26–30

- finalising applications, 29–30
- intermediate time standards, 26–29

TRaCS (Tribunal Record and Case System), 5, 52–53

Training and development, 45

- Tribunal conferences, 45–46
- Tribunal participation in, 42, 152–153

## U

Users of Tribunal, 36

- communication with, 3, 36–37, 38
- meetings with, 38, 39

## V

Veterans' affairs

- appeals against decisions of Tribunal, 126, 128
- applications current, 25
- applications finalised, 24, 119–120
- applications lodged, 23–24, 119–120
- outcomes of applications finalised, 125
- timeliness, 29

## W

Warrants, 20, 33

Work experience placements, 42

Workers' compensation

- appeals against decisions of Tribunal, 126, 128
- applications current, 25
- applications finalised, 24, 119
- applications lodged, 23, 119
- Guide to the Workers' Compensation Jurisdiction*, 2, 18, 36–37
- outcomes of applications finalised, 125
- timeliness, 29

Workload, *see also* Applications

- proceeds of crime examinations, 22
- warrants, controlled operations and other functions, 33

Workplace diversity, 47–48

- Workplace Diversity Committee, 47
- Workplace Diversity Plan, 47
- Workplace harassment, 48



