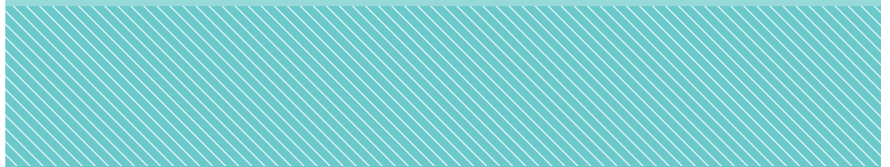




CHAPTER 1

THE YEAR IN REVIEW



PRESIDENT'S OVERVIEW



The Tribunal has witnessed significant change this year. In February, the Registrar of the Tribunal, Doug Humphreys, resigned, in order to take up the position of Principal Member of the Veterans' Review Board.

I would like to thank Doug for his hard work, dedication and valuable contribution to the Tribunal for over six years. While the recruitment process was underway, Megan Cassidy became Acting Registrar and Chris Matthies became Acting Assistant Registrar. Philip Kellow has been appointed Registrar and began his five year appointment on 22 July 2010. Philip comes from the Federal Court, where he worked as Deputy Registrar. As well as being responsible for various aspects of the court's management and administration, he was involved in significant projects such as the court's reform of its case management systems. I am delighted that Philip now joins the Tribunal.

There has also been change in Tribunal membership. During the period under review, the Tribunal farewelled Ms Lesley Hastwell, Mr Bruce Pascoe, Mr John Short, Dr Peter Staer, Ms Lisa Tovey, Dr David Weerasooriya and The Honourable Christopher Wright QC. I thank them for their contribution to the Tribunal.

I welcome the appointment of the following new Senior Members: Ms Katherine Bean, Mr Dean Letcher QC, Ms Jan Redfern and Mrs Chelsea Walsh. I also welcome the following new members: Air Vice Marshal Tony Austin, Dr Roslyn Blakley, Dr Jan Chaney, Dr Amanda Frazer, Dr Hadia Haikal-Mukhtar, Ms Kathryn Hogan, Mr Mark Hyman and Mr Ian Laughlin.

I congratulate the following members and senior members on their re-appointment: Dr Ion Alexander, Mr Rodney Dunne, Brigadier Conrad Ermert (Rtd), Ms Geri Ettinger, Mr Graham Friedman, Dr Gordon Hughes, Brigadier Graham Maynard (Rtd), Associate Professor Peter McDermott RFD, Dr Roderick McRae, Dr Michael Miller,

Mr Steven Penglis, Mr Andre Sweidan, Dr Maxwell Thorpe and Brigadier Gerry Warner (Rtd). I particularly congratulate Mr Egon Fice and Mr Stephen Frost, who were appointed as Senior Members, and Mr Stanley Hotop who was re-appointed as Deputy President in Western Australia.

I am pleased that the Tribunal attracts such high-quality members, from a wide variety of professional backgrounds, who are able to make a real contribution to Tribunal decision-making.

I also congratulate Regina Pertou, who received a medal in the General Division of the Order of Australia in the Queen's Birthday Honours List in June 2010. Regina received her medal for her contribution to administrative law and the community, particularly in the areas of equal opportunity and multiculturalism.

On 23 September 2009, the Commonwealth Attorney-General published *A Strategic Framework for Access to Justice in the Federal Civil Justice System*. The report recommended that the Tribunal take a more active approach to case management. The Tribunal was already aware and conscious of the need to review its approach to case management. The Tribunal focused on case management at its two conferences, one held for members, Conference Registrars and District Registrars and the other held for Tribunal staff. At both conferences, participants generated ideas for improving case management which they have since taken back to their individual registries. Members, Conference Registrars, District Registrars and registries are all working towards improving the case management process.

In 2009, the Tribunal engaged an external consultant, Bendelta Pty Ltd, to review the functions and workload of Tribunal staff. In May 2010, Bendelta presented its findings. Bendelta observed that the Tribunal has a strong reputation for fairness to parties and thoroughness in decision-making. The Tribunal is considering Bendelta's recommendations and the most appropriate form of implementation.

In our capacity as co-Presidents of the International Association of Supreme Administrative Jurisdictions (IASAJ), the then Chief Justice of the Federal Court, the Honourable Michael Black AC and I hosted the three-yearly conference of the Association in March 2010. The IASAJ consists of a network of more than 100 administrative jurisdictions. Its purpose is to promote co-operation by exchanging ideas and experiences. The theme of the conference was each country's means of review of administrative decisions of government. The conference, which was held in Sydney and Canberra, was a great success. It brought together more than 100 delegates, representing almost 50 countries, including a wide range of representatives from Asia. The conference allowed delegates to learn a great deal about each other's administrative law, practice and procedure. Greater knowledge and understanding of different jurisdictions will enable delegates to reflect upon their own systems and identify areas of improvement. I thank all staff responsible for organising the conference, at the Tribunal and the Federal Court, as well as the delegates, for ensuring the success of the conference.

We have reached the end of another busy year. As President, I look forward to leading the Tribunal in what is already proving to be another highly-productive year.



Swearing in new members. Justice Downes (right) watches carefully as newly appointed Deputy President Robin Handley signs an oath of office with Senior Member Jill Toohey looking on. Deputy President Handley and Senior Member Toohey were appointed to the Tribunal in August 2009.

REGISTRAR'S REPORT



During 2009–10, the Tribunal navigated its way through changes and positioned itself to undertake more reforms in 2010–11.

As the President has noted, a review of the functions and workload of the Tribunal's staff was undertaken during 2009–10 by external consultants. The review made a number of recommendations on strategy, staffing structures and support. A management response to this review is being prepared.

Lodgements at the Tribunal remained relatively stable over the course of the reporting period. The Tribunal was able to reduce the number of applications on hand by 27 percent. In part, this was due to the resolution of a large number of matters relating to tax schemes, particularly in the Perth Registry. I anticipate that the vast majority of these matters will be resolved by the end of 2010–11. A strategic approach and great deal of hard work is responsible for this outcome and I congratulate the members and staff on this excellent achievement. The reduction in the number of current cases also reflects the Tribunal's commitment to manage its workload more proactively. Staff should take credit for contributing to this pleasing statistic.

The Tribunal continues to identify efficiencies and capitalise on opportunities to share costs with other areas of government, particularly other courts and tribunals. For example, the Tribunal worked with the Federal Court during the year to recruit and train a new District Registrar for the Tribunal and Federal Court in Tasmania. I welcome Catherine Scott to that role. The shared registry services arrangement between the Federal Court and the Tribunal is one example of the efficiencies that are made possible by a collaborative approach.

The appointment of the new Registrar of the Tribunal was announced by the Attorney-General on 14 July 2010. Philip Kellow will bring a wealth of experience and knowledge to the role from his time at the Federal Court.

Other changes during the year include the retirement of Ken Wanklyn as District Registrar in the Melbourne Registry in August 2009. My thanks go to Ken for the hard work he put in at the Melbourne Registry in recent years. A significant contribution was also made by Anthea Hammond, who acted as District Registrar in Melbourne until March 2010. After 11 years of service, Anthea resigned from the Tribunal in June to take up a position at the Department of Immigration and Citizenship, and I wish her well. Susan Woodford has been appointed District Registrar in Melbourne and I welcome her to that role.

On 21 May 2010, the Attorney-General announced the appointment of Kathryn Hogan, one of the Tribunal's Conference Registrars in Perth, as a part-time Member of the Tribunal. In June 2010, Michelle Grau, the District Registrar in Brisbane, was appointed a full-time member at the Migration Review Tribunal and Refugee Review Tribunal. It is pleasing to see staff of the Tribunal successful in their applications for statutory appointments and I congratulate both appointees.

Two major information technology projects were pursued in 2009–10. The old version of our financial system will make way for a new version of the SAP system; and our existing human resources and payroll system will be replaced. Both of these projects are on track to be fully implemented and effective early in the 2010–11 financial year.

It has been a pleasure and a privilege to act as Registrar from March until the end of this reporting period.

Figure 1.1 Organisational plan and achievements 2009–10

Our Vision	Our Mission	Our Values	Key Result Areas
To improve the quality of administrative decision-making through the provision of a review mechanism that is fair, just, economical, informal and quick.	To deliver high-quality independent merits review of administrative decisions in a timely fashion using alternative dispute resolution processes where appropriate.	Integrity Professionalism Efficiency Accessibility Independence	Our Users Our Partners Our People Our Organisation
Goals	Outcomes	Strategies	Key Targets 2009–10
OUR USERS	To provide a high-quality national merits review process that contributes to community confidence in a system of open and accountable government.	Tribunal users have equitable access to fair, just, economical, informal and quick merits review. Processes are monitored and improved. Tribunal communicates effectively with its users and the public. Tribunal practice and procedure informed by user feedback. More streamlined consultative mechanism.	Achievements to 30 June 2010
	Tribunal users have equitable access to fair, just, economical, informal and quick merits review. Processes are monitored and improved.	Make full use of alternative dispute resolution powers. Continue to improve case management practices and procedures. Improve the way the Tribunal communicates with its users and the public.	1 Deferred. Timing to be considered in 2010–11.
	Tribunal communicates effectively with its users and the public. Tribunal practice and procedure informed by user feedback. More streamlined consultative mechanism.	Respond appropriately to feedback from users.	2 Revision of majority of brochures and fact sheets complete, including new translations. New website design approved and prepared for implementation in 2010–11.
			3 Update of forms underway. Revised forms to be introduced in 2010–11.
			4 Liaison meetings conducted by registries.
			5 To be considered in 2010–11.



Goals	Outcomes	Strategies	Key Targets 2009-10	Achievements to 30 June 2010
OUR PEOPLE				
To maintain professional standards and a positive, safe and productive workplace that values diversity.	<p>Appropriate workplace policies in all areas.</p> <p>We have a healthy and safe working environment.</p> <p>Increase in Indigenous employee numbers.</p> <p>Members and staff have the skills, knowledge, commitment and tools to deliver high-quality services.</p> <p>New staff and members participate in a high-quality induction.</p> <p>Obtain organisational feedback from staff/members.</p>	<p>Maintain occupational health and safety practices.</p> <p>Maintain and promote employment diversity strategies.</p> <p>Provide and support enhanced learning and development opportunities for members and staff.</p> <p>Make available high-quality resources that assist members and staff to undertake their work</p> <p>Seek, and respond appropriately to, feedback from members and staff.</p>	<ol style="list-style-type: none"> 1 Strive to eliminate our already low level of workplace injuries. 2 Finalise and implement new workplace agreement for 2009-10 and negotiate future agreement. 3 Continue the Indigenous employment program. 4 Hold Tribunal National Conference in March 2010. 5 Hold new member induction course. 6 Finalise Tribunal Practice Manual. 7 Review and revise Registry Procedures Manual. 8 Conduct member/staff survey. 	<ol style="list-style-type: none"> 1 Number of workplace injuries continues to be very small. 2 Agreement for 2009-10 implemented. Agreement for 2010-11 negotiated and approved. 3 Planning undertaken for participation in 2010-11 portfolio program 4 Tribunal National Conference held successfully in March 2010. 5 New member induction course evaluated and updated and held on 9, 10 and 11 November 2009. 6 Majority of Tribunal Practice Manual drafted and edited; planned for release in 2010-11. 7 Registry Procedures Manual updated and to be released in 2010-11. 8 Conduct of survey deferred. Timing to be considered in 2010-11.

Goals	Outcomes	Strategies	Key Targets 2009–10	Achievements to 30 June 2010
OUR ORGANISATION	To be an organisation with systems and processes that maximise effective and efficient use of Tribunal resources.	<p>Ensure accommodation and facilities meet Tribunal needs</p> <p>Minimise exposure to system or other risks, fire or natural disaster.</p> <p>Improve IT systems.</p> <p>Improve resources management.</p>	<p>1 Continue to implement ACSI and physical security improvements as funding allows.</p> <p>2 Maintain and update as required business continuity and risk management plans.</p> <p>3 Continue implementation process of new finance, HR and IT systems.</p> <p>4 Continue to enhance IT systems.</p>	<p>1 Upgrade of secure rooms completed in five registries. Sydney computer room upgraded.</p> <p>2 Plans maintained and updated as required.</p> <p>3 Significant work undertaken on installing new finance and HR systems: implementation to be completed in first quarter of 2010–11.</p> <p>4 Functional enhancements made to case management system and new reporting module implemented. New Help Desk system and new servers installed.</p>
	Improvement in meeting ACSI 33 compliance and improved physical security for Tribunal premises, members and staff.			
	Planning and organisational decisions are based on timely, accurate and relevant information.			
	IT and other systems and processes allow staff to work more efficiently and provide high-quality service.			
	Ensure budget and activity levels are financially sustainable and make best use of resources.			
	Tribunal uses 'green' options whenever viable.			
			<p>5 Prepare a 3-5 Year Strategic Plan covering organisational outcomes and necessary systems changes.</p> <p>6 Prepare new long term operational and capital budget plans.</p> <p>7 Review hearing, recording and transcript services looking at new technology possibilities.</p> <p>8 Investigate 'green' business options</p>	<p>5 Planning exercise deferred to 2010–11.</p> <p>6 Ten year asset replacement program prepared.</p> <p>7 Review deferred to 2010–11.</p> <p>8 Investigation scheduled for 2010–11.</p>

Goals	Outcomes	Strategies	Key Targets 2009-10	Achievements to 30 June 2010
OUR PARTNERS				
To co-operate with government, other tribunals, the legal profession and other interested groups and to continue to forge links with international counterparts.	Legislators and policy makers value the Tribunal's expertise on matters of administrative review. Better understanding of the Tribunal and its role in the administrative decision-making process. Government and other tribunals view the Tribunal as a centre of excellence in administrative review. IASAJ Conference successfully held showcasing Australian administrative review system. Improved links with overseas bodies that have similar functions to Tribunal. Tribunal is viewed as actively engaging in cost saving opportunities while maintaining service delivery.	Develop and enhance our links with government, other tribunals and our partners in administrative review. Develop links with universities and law education providers.	<ol style="list-style-type: none"> 1 Participate fully and provide expert advice to government and legal forums relevant to the work of the AAT. 2 Continue resource sharing arrangements with courts and tribunals. 	<ol style="list-style-type: none"> 1 Submissions made and information provided on a range of issues relating to the Tribunal. 2 Arrangements continued with a range of courts and tribunals, including the Federal Court, the Migration Review Tribunal, Refugee Review Tribunal, the National Native Title Tribunal and the Veterans' Review Board.
			<ol style="list-style-type: none"> 3 Seek out further opportunities to share resources, particularly in relation to government ordered enquiries and other government departments. 4 Hold IASAJ Conference in 2010. 5 Continue co-operative work with overseas bodies. 6 Continue to undertake Tribunal moot competition. 7 Participate in conferences and training relevant to the work of the Tribunal. 	<ol style="list-style-type: none"> 3 Opportunities to collaborate with other agencies in relation to learning and development devised and pursued. 4 IASAJ Conference held successfully in March 2010. 5 Delegations from China, India and Korea visited the Tribunal. 6 Mooting competition held successfully between July and October 2009. 7 Tribunal arranged and contributed to a range of conferences, seminars and training activities.