







Annual Report 2011–12



Administrative Appeals Tribunal

ANNUAL REPORT 2011–12

CONTACTING THE TRIBUNAL

Adelaide Registry

11th Floor Chesser House 91 Grenfell St ADELAIDE SA 5000 Tel 08 8201 0600 Fax 08 8201 0610 Email adelaide.registry@aat.gov.au

Brisbane Registry

Level 4 Harry Gibbs Building Commonwealth Law Courts 119 North Quay BRISBANE QLD 4000 Tel 07 3361 3000 Fax 07 3361 3001 Email brisbane.registry@aat.gov.au

Canberra Registry

4th Floor Canberra House 40 Marcus Clarke St CANBERRA CITY ACT 2600 Tel 02 6243 4611 Fax 02 6243 4600 Email canberra.registry@aat.gov.au

Hobart Registry

Edward Braddon Building Commonwealth Law Courts 39-41 Davey St HOBART TAS 7000 Tel 03 6232 1622 Fax 03 6232 1601 Email hobart.registry@aat.gov.au

Melbourne Registry

Level 16 HWT Tower 40 City Rd SOUTHBANK VIC 3006 Tel 03 9282 8444 Fax 03 9282 8480 Email melbourne.registry@aat.gov.au

Norfolk Island Registry

Supreme Court of Norfolk Island KINGSTON Norfolk Island 2899 Tel 0011 6723 23691 Fax 0011 6723 23403 Email sydney.registry@aat.gov.au

Perth Registry

Level 5 111 St Georges Tce PERTH WA 6000 Tel 08 9327 7200 Fax 08 9327 7299 Email perth.registry@aat.gov.au

Sydney Registry

Level 7 55 Market St SYDNEY NSW 2000 Tel 02 9391 2400 Fax 02 9283 4881 Email sydney.registry@aat.gov.au

NATIONAL 1300 NUMBER

You can phone us on 1300 366 700 from anywhere in Australia (local call charge from fixed phone lines, calls from mobiles may cost more).

If you are calling from overseas (including Norfolk Island), call + 61 2 9391 2400

NON-ENGLISH SPEAKERS

Call the Translating and Interpreter Service on 131 450 and ask them to call the AAT.

IF YOU ARE DEAF OR HAVE A HEARING OR SPEECH IMPAIRMENT

Users who are deaf or have a hearing or speech impairment can call through the National Relay Service.

- TTY users: call 133 677, then ask for 1300 366 700.
- Internet relay users: connect to the National Relay Service (www.relayservice.com.au), then ask for 1300 366 700.
- Speak and Listen (speech-to-speech relay) users: call 1300 555 727, then ask for 1300 366 700.

Hearing induction loops are available at our office counters, and in conference and hearing rooms.

POST

AAT GPO Box 9955 Your capital city

WEBSITE

www.aat.gov.au

This report

An electronic version of this annual report is on the Tribunal's website, www.aat.gov.au/Publications/AnnualReport.htm.

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

Photos on front cover: Leighton Hutchinson

© Commonwealth of Australia 2012



With the exception of the Commonwealth Coat of Arms and any third party material, this work is licensed under a Creative Commons Attribution 3.0 Australia licence (http://creativecommons.org/licenses/by/3.0/au/deed.en).

To the extent that copyright subsists in third party material, it remains with the original owner and permission may be required to reuse the material.

The terms under which the Coat of Arms can be used are detailed on the following website: http://www.itsanhonour.gov.au/coat-arms/.

Content from this publication should be attributed as: Administrative Appeals Tribunal, *Annual Report* 2011–12.

Enquiries regarding the licence, any use of this work, or any other queries about this report are welcome at:

Registrar Principal Registry Administrative Appeals Tribunal GPO Box 9955 SYDNEY NSW 2001

Tel: 02 9391 2491 Fax: 02 9391 2578 Email: principal.registry@aat.gov.au

ISSN 1035-3161

Designed by ZOO Advertising Printed by Union Offset



Administrative Appeals Tribunal PRESIDENT'S CHAMBERS The Hon Justice Duncan Kerr Chev LH

17 September 2012

The Hon Nicola Roxon MP Attorney-General Parliament House CANBERRA ACT 2600

Dear Attorney-General

In accordance with section 24R of the Administrative Appeals Tribunal Act 1975, I present to you the annual report of the Administrative Appeals Tribunal covering the Tribunal's operations for the year ended 30 June 2012.

Yours sincerely

ł

DUNCAN KERR

Ground Floor, Edward Braddon Building Commonwealth Law Courts 39-41 Davey Street, HOBART TAS 7000 GPO Box 9955 SYDNEY NSW 2001 Australia DX 10200 Sydney Stock Exchange ABN: 90 680 970 626

Tel + 61 3 6232 1684 Fax + 61 3 6232 1649

www.aat.gov.au

ADMINISTRATIVE APPEALS TRIBUNAL 2011-12 ANNUAL REPORT



THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

CONTENTS

| Chapter 1 – The year in review | 01 |
|---|-----|
| President's Overview | 02 |
| Registrar's Report | 05 |
| Highlights and Achievements | 07 |
| Chapter 2 – Overview of the Tribunal | 09 |
| Chapter 3 – Our performance | 21 |
| Chapter 4 – Our users and our relationships | 37 |
| Chapter 5 – Our organisation and our people | 49 |
| Financial Statements | 65 |
| Appendixes | 113 |
| Appendix 1: Members of the Tribunal | 114 |
| Appendix 2: Staff of the Tribunal | 148 |
| Appendix 3: Tribunal jurisdiction | 150 |
| Appendix 4: Applications, outcomes, listings and appeals statistics | 162 |
| Appendix 5: Resourcing Tables | 178 |
| Appendix 6: Application fees | 180 |
| Appendix 7: Decisions of interest | 183 |
| Appendix 8: Speeches, publications and other activities | 195 |
| Appendix 9: Other reporting requirements | 200 |
| End matter | 203 |
| Glossary | 204 |
| List of requirements | 207 |
| Index | 211 |

V

TABLE OF FIGURES

| Table 2.1 Tribunal membership, 30 June 2012 | 12 |
|--|-----|
| Table 2.2 Executive Deputy Presidents, 30 June 2012 | 14 |
| Figure 2.3 Administrative structure of the Tribunal at 30 June 2012 | 15 |
| Figure 2.4 Case management process | 18 |
| Chart 3.1 Applications lodged, finalised and current | 22 |
| Chart 3.2 Applications lodged, finalised and current in 2011–12 – by jurisdiction | 23 |
| Chart 3.3 Applications lodged, finalised and current – social security | 24 |
| Chart 3.4 Applications lodged, finalised and current - veterans' affairs | 24 |
| Chart 3.5 Applications lodged, finalised and current – workers' compensation | 25 |
| Chart 3.6 Applications lodged, finalised and current – taxation | 26 |
| Table 3.7 Performance standards and results, 2011–12 | 27 |
| Table 3.8 Performance against time standards | 28 |
| Table 3.9 Percentage of applications finalised within 12 months | 28 |
| Table 3.10 Time standard for Small Taxation Claims Tribunal | 30 |
| Table 3.11 Freedom of information requests | 31 |
| Table 3.12 Complaints to the Tribunal | 32 |
| Table 3.13 Issues raised in complaints to the Tribunal | 32 |
| Table 3.14 Service standards | 33 |
| Table 3.15 Applications relating to warrants, controlled operations and other functions considered by Tribunal members | 35 |
| Table 3.16 Examinations held under the Proceeds of Crime Act 2002 | 35 |
| Table 5.1 Trends in expenditure on consultancy contracts | 51 |
| Table 5.2 Trends in total staffing numbers | 54 |
| Table 5.3 Trends in compensation claims | 59 |
| Table A2.1 Employment by registry, 30 June 2012 | 148 |
| Table A2.2 Equal employment opportunity data, 30 June 2012 | 148 |
| Table A2.3 Employment status, 30 June 2012 | 149 |
| Table A4.1 Applications lodged and applications finalised, 2011–12 | 163 |
| Chart A4.2 Applications lodged, by state and territory | 170 |
| Chart A4.3 Applications finalised, by state and territory | 170 |
| Table A4.4 Percentage of applications finalised without a hearing | 171 |

| Table A4.5 Outcomes of applications for review of a decision finalised in 2011–12 | 172 |
|--|-----|
| Chart A4.6 Applications current at 30 June 2012, by state and territory | 174 |
| Table A4.7 Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal | 174 |
| Table A4.8 Constitution of tribunals for hearings | 175 |
| Table A4.9 Appeals against decisions of the Tribunal, by jurisdiction | 175 |
| Table A4.10 Outcomes of appeals from Tribunal decisions $-$ by jurisdiction | 176 |
| Table A5.1 Tribunal resource statement – 2011-12 | 178 |
| Table A5.2 Expenses for Outcome 1 | 179 |
| Table A6.1 Application fees summary | 181 |
| Table A6.2 Applications where reduced fee paid | 182 |
| Table A6.3 Applications where no fee payable for additional applications lodged by the same applicant | 182 |
| Table A8.1 Speeches and presentations | 195 |
| Table A8.2 Professional development and other activities | 198 |
| Table A8.3 Publications | 199 |
| Table A9.1 Trends in non-campaign advertising expenditure | 200 |
| Table A9.2 Environmental performance reporting | 201 |

vii

ADMINISTRATIVE APPEALS TRIBUNAL 2011-12 ANNUAL REPORT

viii

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY