



Administrative
Appeals
Tribunal



HEARING ROOM 5

Annual Report 2011-12



Administrative
Appeals
Tribunal

ANNUAL REPORT 2011-12

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Photos on front cover: Leighton Hutchinson

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Administrative
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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

DUNCAN KERR

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CHAPTER

01

THE YEAR IN REVIEW



Justice Kerr

PRESIDENT'S OVERVIEW

The Administrative Appeals Tribunal's legislative charter states that 'in carrying out its functions, the Tribunal must pursue the objective of providing a mechanism of review that is fair, just, economical, informal and quick'. While those five precepts must sometimes push in different directions in the circumstances of particular matters within the Tribunal's jurisdiction, the overarching intent behind that statement of the Tribunal's objectives is not difficult to grasp.

When the Tribunal was established in 1976, it was then unique in the world. The Tribunal was created to respond to concerns that Australian government activity had greatly expanded over the decades since federation while the traditional remedies of judicial review had remained too narrow, complex and costly for most Australians to use. What was thought to be needed was an accessible, informal and relatively cheap means of obtaining review of the merits of a decision. The Tribunal was created to serve that purpose.

Many hundreds of enactments now confer merits review jurisdiction upon the Tribunal. If a decision in one of those areas falls short of what is required, and review is sought, the Tribunal has the power to set it aside and substitute the correct or preferable decision.

Parallel changes were made to expand the availability of judicial review. The *Administrative Decisions (Judicial Review) Act 1977* conferred a statutory right to seek judicial review of all but some specifically excluded administrative decisions. More recently, the right to seek judicial review of an administrative decision made by an officer of the Commonwealth, insofar as jurisdictional error is concerned, has been constitutionalised. However, judicial review corrects only errors of law—it does not, and cannot, involve merits review.

Thus, notwithstanding those other important developments, the original vision that the Tribunal should be a tribunal capable of providing an accessible, fair, informal and relatively inexpensive means of reviewing the merits of Government decisions remains as relevant today as when it was first established.

I was appointed President of the Tribunal in May 2012, the seventh person to hold that position. I wish to thank my

immediate predecessor, Justice Garry Downes, for helping to make my entry into this position as seamless as possible.

The collective strength of the Tribunal resides with its extraordinary team of skilled and independent decision makers and with the experienced staff who support them.

During the term of my appointment, I look forward to working with those decision makers and staff to ensure that the Tribunal operates so as to demonstrate the benefits of independent merits review remaining an entrenched, valued and fundamental element of the architecture of the Australian system of government. For that reason, I was pleased that the Tribunal's latest user satisfaction study has shown that parties and their representatives were largely satisfied with the Tribunal's services. That survey information contains useful feedback which will inform our ongoing commitment to improvement.

I am also greatly impressed by the data in this annual report that illustrates the success of members, Conference Registrars and staff in helping parties resolve their differences prior to hearing. The Tribunal has a long history of using appropriate formal or informal alternative dispute methods to achieve effective outcomes.

The Tribunal's commitment to professional development for its members and staff supports its work. A national conference around the theme of 'Tribunal Craft' was held in March 2012, offering an opportunity for members, Conference Registrars, District Registrars, and senior Principal Registry staff to come together to discuss Tribunal practice, share information and experiences and undertake continuing education.

The Tribunal also adopted its Strategic Plan 2011–2014 during the reporting year and has pursued a number of initiatives designed to improve services for its users and stakeholders. These include the Tribunal becoming a Recognised Mediator Accreditation Body and the finalisation of its policy and guidelines for accrediting mediators. The Tribunal introduced 'AAT Alerts'—an electronic notification service to provide information on the latest actions of the Tribunal so that users and agencies can keep informed of our activities.

The coming year will broaden my depth of understanding of the workings of the Tribunal. There will also be opportunities for me to engage closely with the other Commonwealth merits review tribunals.

The Government has accepted a recommendation of the Strategic Review of Small and Medium Agencies in the Attorney-General's Portfolio released on 8 June 2012 (the Skehill Report) that the President of the Tribunal should be

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responsible for promoting cooperation between, and the identification of best practice tribunal administration by, all Commonwealth merits review bodies.

As a first step I convened a forum involving the other major merits review tribunals and representatives of their portfolio agencies to identify initiatives for efficiencies or improvements that might be achieved by cooperative or shared efforts. The Commonwealth Tribunals Collaborative Forum had its first meeting on 30 July 2012.

Other aspects of the Skehill Report adopted by Government include the recognition of the Tribunal as the lead merits review tribunal for the Commonwealth and that no new separate merits review bodies be created outside of it.

A number of longstanding Tribunal members retired this financial year. Members Dr Maxwell Thorpe and Dr Barrie Morley were first appointed in 1985, while Deputy President Julian Block joined the Tribunal in 1995. Justice Nahum Mushin and Senior Member Andre Sweidan were relative newcomers, having been appointed in 2005. I would like to record my thanks to each of these members for their contribution to the Tribunal over many years.

New appointments to the Tribunal during 2011–12 included: Deputy Presidents Fiona Alpins and Professor Robert Deutsch, Senior Member Gina Lazanias and Members Dr Michael Couch, Dr William Isles, Lieutenant Colonel Robert Ormston (Rtd) and Dr Marian Sullivan. Stephen Frost was appointed as a part-time Deputy President, having served as a Member then Senior Member since 2006. The following members were re-appointed during the course of the year: Deputy President Deane Jarvis, Senior Members Bernard McCabe and Dr Ken Levy and Member Warren Evans.

I would like to thank all members and staff of the Tribunal for their continued efforts in maintaining the high quality level of service we provide our users and am looking forward to working together to further strengthen our role in providing independent review of administrative decisions.

REGISTRAR'S REPORT

In 2011–12, the Tribunal welcomed Justice Kerr as its new President, continued to improve its performance in the management and resolution of the review applications that come before it, integrated a new jurisdiction and undertook a range of initiatives to enhance its operations.

The Tribunal experienced a five per cent increase in the number of applications lodged in the reporting year, with applications for the review of tax decisions increasing by 46 per cent. While the increase in lodgements contributed to a rise in the number of current cases at 30 June 2012 compared to the same time last year, the majority of the pending cases are less than 12 months old. The Tribunal continued to make significant improvements in the time taken to resolve applications, with 78 per cent of matters finalised within 12 months of the date of lodgement compared to 72 per cent in the previous year. More information about the Tribunal's workload is set out in Chapter 3 and Appendix 4 of this report.

Valuable feedback on the Tribunal's performance was obtained through the user satisfaction study conducted with applicants and representatives in early 2012. It found generally high levels of satisfaction with the Tribunal's registry services and the manner in which it conducts conferences, other ADR processes and hearings. The Tribunal will use the findings from the study, and the comments and suggestions made by survey participants, to identify areas in which services may be improved further.

In March 2012, the Tribunal's jurisdiction was extended to include the review of decisions made under a wide range of Norfolk Island enactments. The Tribunal coordinated a series of workshops on Norfolk Island to raise awareness of the Tribunal's role and procedures, produced an information sheet for Norfolk Island residents and entered an arrangement with the Norfolk Island Administration whereby the registry of the Supreme Court of Norfolk Island will provide registry services on behalf of the Tribunal.

In August 2011, the Tribunal adopted its Strategic Plan 2011–2014 that will guide management and operational decisions in relation to priority setting, resource allocation and performance monitoring processes over the next three years. Work on implementing a range of initiatives



05

Philip Kellow

identified in the Plan has commenced and is described in this report. This work includes the identification of further case management reforms, the publication of new guidelines on expert and opinion evidence and the use of concurrent evidence, the development of an online search facility for accessing certain information about Tribunal cases, a review of the Tribunal's business continuity and disaster recovery plans and the preparation of a comprehensive plan for strengthening the management of its records and information.

During the reporting year, the Tribunal restructured its Principal Registry by creating a new Information and Development Section with responsibility for policy development, business analysis, legal, library and information services, information and knowledge management, communications and media, technology services, significant matters and appeals. The section is headed by Chris Matthies who was appointed to the new Senior Executive Service position of Executive Director, Information and Development in early 2012. The former Assistant Registrar, Megan Cassidy, is the new Executive Director, Operations, and oversees (in conjunction with the Executive Deputy Presidents) the management of registries and Conference Registrars, coordinates the use of alternative dispute resolution and assists with the management of the Tribunal's caseload and its use of part-time members.

The Tribunal maintained its commitment to providing high quality training and resources to its members, officers and staff. Key activities in this area included the implementation of the Conference Registrars' Professional Development Program and the conduct of a wide range of seminars and other events including a new members' induction program and a national conference for members and registrars in March 2012 and for registry staff in June 2012.

As in previous years, there were changes in the membership and staff of the Tribunal during 2011–12. I would like to 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 to welcome the members and staff who have joined us. The President's Overview sets out some of the membership changes. There were some significant staff movements, including the departure of the Chief Financial Officer, Steve Wise, Information Technology Manager, Paul Hoffmans, ACT District Registrar Dan McElholum and Conference Registrars Michelle East, Heidi Exner and Bernadette Rogers. There was also the appointment of Michael Binnington as the new Chief Financial Officer and Louise MacLeod as the ACT District Registrar. The Tribunal welcomed two new Conference Registrars, Suzy Dole and Brian Leaver, and appointed Mersina Stratos and Rowena Hodgson on an ongoing basis in Brisbane, Melbourne and Perth.

I look forward to working with Justice Kerr and the members and staff of the Tribunal in 2012–13 to continue the work commenced this year on a range of projects and initiatives identified in the Strategic Plan. These will help to ensure that the AAT is well-placed to deliver the highest quality services to the Australian community and to continue its role as the Commonwealth's premier merits review tribunal.

HIGHLIGHTS AND ACHIEVEMENTS

07

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

- Received 5,682 applications (including a 46 per cent increase in applications for review of tax decisions)
- Finalised 5,062 applications, 79 per cent other than by way of a Tribunal decision following a hearing
- Finalised 78 per cent of all applications within 12 months of lodgement and 91 per cent within 18 months (up from 72 per cent and 85 per cent respectively for 2010–11)
- Increased the proportion of applications finalised within 12 months in three of the Tribunal's four major jurisdictions - social security, tax and workers' compensation
- The Tribunal's jurisdiction was extended on 1 March 2012 to include the review of decisions under Norfolk Island legislation
- Published guidelines on expert evidence, the use of concurrent evidence and policy and practice for constituting the Tribunal
- Became a Recognised Mediator Accreditation Body and adopted guidelines for accrediting Tribunal members and staff as mediators under the National Mediator Accreditation System
- Launched the 'AAT Alerts' email notification service for the dissemination of Tribunal news and updates
- Undertook a user satisfaction study which showed users are generally satisfied with the services provided by the Tribunal

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

- Continued to be an active participant in the activities of the Council of Australasian Tribunals
- Members and staff gave presentations about the AAT at a wide range of conferences and seminars
- Conducted the Tribunal's seventh mooted competition for law students at Australian universities
- Entered into new cooperative service arrangements with the Social Security Appeals Tribunal and the Supreme Court of Norfolk Island and continued arrangements with the Independent Protection Assessment Office, Migration Review Tribunal/Refugee Review Tribunal and Veterans' Review Board

08

Our organisation – to manage our resources strategically and effectively

- Restructured the Tribunal's Principal Registry to increase the Tribunal's capacity to implement a range of initiatives in such areas as eServices, information and knowledge management and case management while continuing to deliver services effectively and efficiently
- Updated the Tribunal's Fraud Control Plan and Risk Management Plan
- Reviewed business continuity and disaster recovery planning for the Tribunal's ICT systems
- Adopted an updated national Business Continuity Plan and developed local registry Business Continuity Plans
- Commissioned a review of the Tribunal's information and records management practices and commenced development of a strategy for introducing a comprehensive information and record management framework
- Commenced a security risk review as part of its implementation of the Commonwealth Protective Security Policy Framework

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

- Implemented a new agency agreement
- Held the biennial AAT National Conference for members and senior staff in March 2012
- Held a National Staff Conference in June 2012
- Commissioned a review of the Tribunal's policies and procedures to ensure compliance with the new *Work Health and Safety Act 2011*

CHAPTER

02

OVERVIEW OF THE TRIBUNAL

TRIBUNAL OVERVIEW

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

The Tribunal falls within the portfolio of the Attorney-General, the Hon Nicola Roxon MP.

ESTABLISHMENT

The Tribunal was established by the *Administrative Appeals Tribunal Act 1975* and commenced operations on 1 July 1976. The *Administrative Appeals Tribunal 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 and agencies, including some other tribunals. In limited circumstances, the Tribunal can review administrative decisions made by state government and non-government bodies. Since 1 March 2012, the Tribunal has been able to 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 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 *Administrative Appeals Tribunal 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 in areas such as 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.

In relation to Norfolk Island, the Tribunal has jurisdiction to review decisions made under 38 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 which include the General Administrative, 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 Administrative Appeals Tribunal 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 92 members of the Tribunal at 30 June 2012. 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, and a profile of each member (other than judges of the Federal Court and Family Court).

PRESIDENT

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

The Hon Justice Garry Downes AM was appointed a judge of the Federal Court and Acting President of the Tribunal on 2 April 2002, and was appointed President of the Tribunal on 16 May 2005. He retired as a Judge and President of the Tribunal on 15 May 2012.

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.

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

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

MEMBERS

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

TABLE 2.1 TRIBUNAL MEMBERSHIP, 30 JUNE 2012

CATEGORY OF MEMBER	JUDGE	FULL-TIME	PART-TIME	TOTAL (WOMEN)
President	1			1 (0)
Presidential members:				
Federal Court judges	13			13 (3)
Family Court judges	3			3 (2)
Deputy Presidents		6	7	13 (2)
Senior Members		8	17	25 (11)
Members		2	35	37 (12)
Total	17	16	59	92 (30)

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 is also the Chief Executive for the purposes of the *Financial Management and Accountability Act 1997*.

The Registrar is assisted by two Executive Directors who hold office as senior executives in the Australian Public Service. These positions are held by Megan Cassidy – Executive Director, Operations and Christopher Matthies – Executive Director, Information and Development. 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 2012, 155 staff were employed by the Tribunal.

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 communication, finance, human resource management, legal and policy services, library and information services, property, security and technology services. 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. The Executive Deputy President 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.

14

District Registry staff:

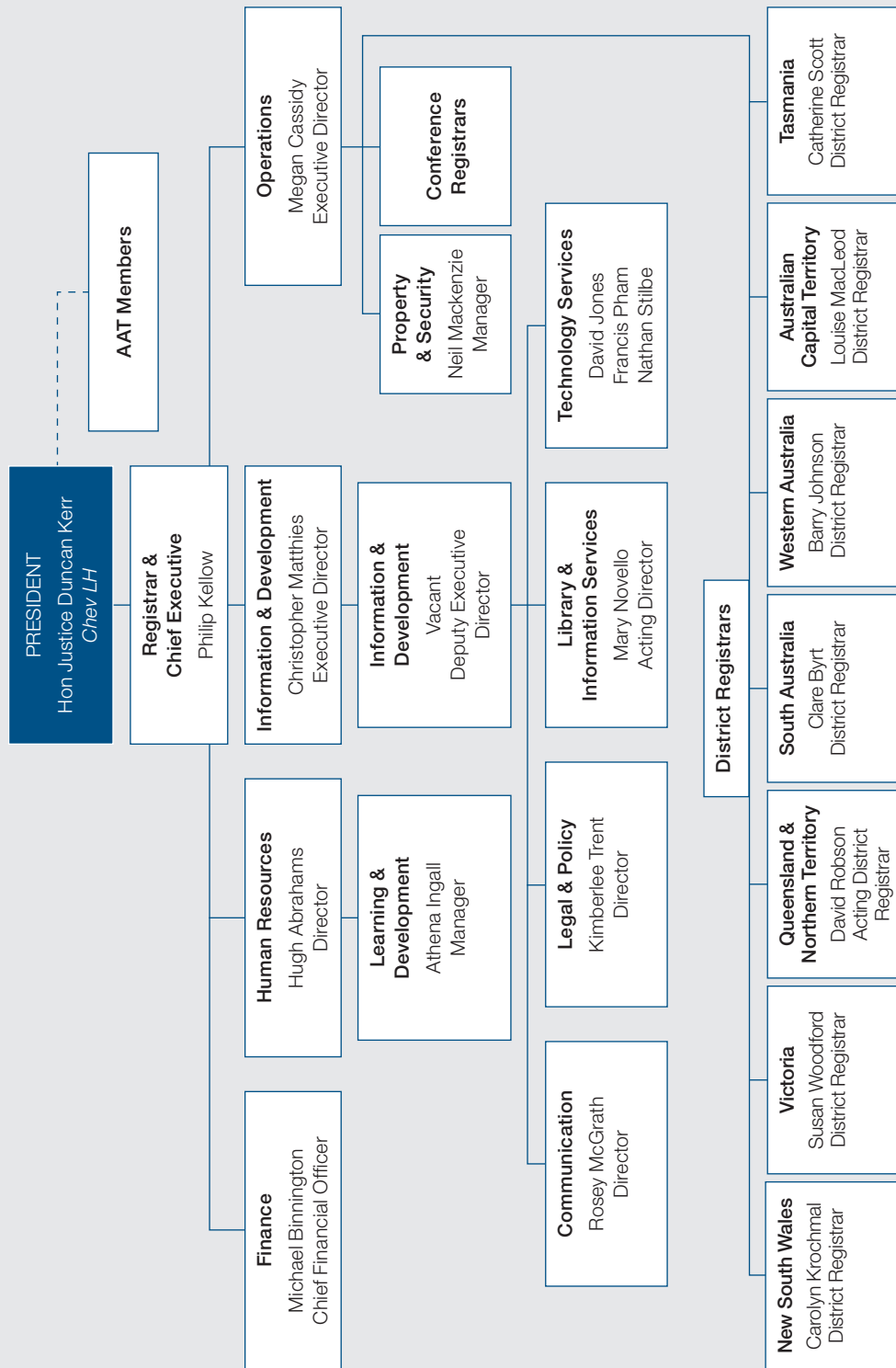
- provide information to parties and their representatives and the general public on the operation and procedures of the Tribunal,
- process applications,
- facilitate the listing and conduct of conferences, other alternative dispute resolution processes and hearings, and
- provide administrative and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

Table 2.2 lists the Executive Deputy Presidents, at 30 June 2012, and Figure 2.3 shows the administrative structure of the Tribunal, including senior staff.

TABLE 2.2 EXECUTIVE DEPUTY PRESIDENTS, 30 JUNE 2012

STATE/TERRITORY	EXECUTIVE DEPUTY PRESIDENTS
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 Deane Jarvis
Tasmania	Deputy President Raymond Groom AO
Victoria	Deputy President James Constance
Western Australia	Deputy President Stanley Hotop

FIGURE 2.3 ADMINISTRATIVE STRUCTURE OF THE TRIBUNAL AT 30 JUNE 2012



TRIBUNAL COMMITTEES

A number of committees operated during the reporting year to provide advice and assistance to the President in 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 Deputy President Hack and consists of members and senior staff with experience in alternative dispute resolution.

EXECUTIVE COMMITTEE

During the reporting year, the Executive Committee provided advice and assistance to the President on executive management issues. Its members were the President, Deputy President Constance, Member Webb, the Registrar, the Executive Director, Information and Development and the Chief Financial Officer. The role and composition of the Executive Committee is being reviewed in light of the appointment of Justice Kerr as the Tribunal's President.

EXECUTIVE DEPUTY PRESIDENTS COMMITTEE

The Executive Deputy Presidents Committee comprises the President and the Executive Deputy President for each District Registry. It provides a forum for discussion of case management and other matters of common interest.

LIBRARY COMMITTEE

The Library Committee oversees the development and improvement of the Tribunal's library collection. It is chaired by Deputy President Hotop and consists of members from different registries, the Executive Director, Information and Development and the Director, Library and Information Services.

PRACTICE AND PROCEDURE COMMITTEE

The Practice and Procedure Committee deals with issues relating to the Tribunal's management of applications. Members of the committee are the President, the Executive Deputy Presidents, the Registrar, the Executive Directors, the District Registrar of each registry and a representative of the Conference Registrars.

PROFESSIONAL DEVELOPMENT COMMITTEE

The Professional Development Committee considers matters relating to the professional development of Tribunal members. The committee is chaired by Deputy President Jarvis and its members are the Registrar, members who have an interest in professional development, 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 is chaired by Deputy President Handley and includes a number of members who exercise these powers and the Executive Director, Operations.

For information about the Tribunal's Audit Committee, see pages 51 and 52.

THE CASE MANAGEMENT PROCESS

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

THE PROCESS

When the Tribunal receives an application that is within its jurisdiction, it notifies the decision maker of the application. 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: the 'Section 37 Documents' or the 'T Documents'.

A Conference Registrar or Tribunal member holds one or more conferences with the parties – in person or by telephone – to discuss the issues in dispute, identify and consider additional material that may be obtained and explore whether the matter can be settled. The future conduct of the review will also be discussed, including whether another form of alternative dispute resolution – conciliation, mediation, case appraisal or neutral evaluation – may be appropriate. The Tribunal assists the parties to attempt to reach an agreed resolution.

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 progress of an application, from lodgement to finalisation.

PRACTICE DIRECTIONS, GUIDES, PROCESS MODELS AND GUIDELINES

The Tribunal has developed a number of practice directions and jurisdictional guides that outline the general procedures for managing applications. These are supplemented by practice directions on specific issues.

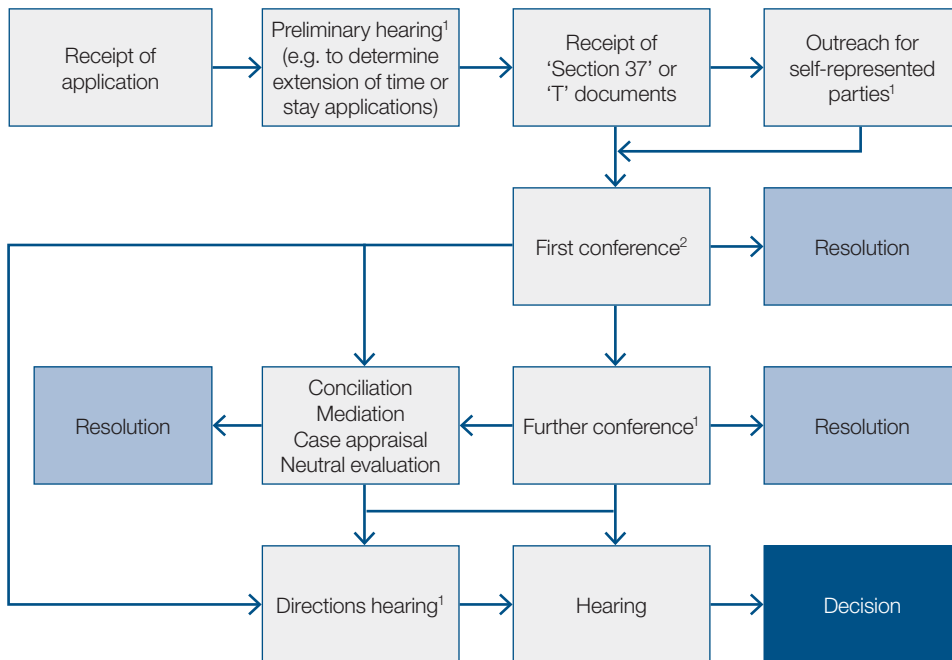
The General Practice Direction applies to all cases in which the applicant is represented, unless another specific legislative procedure, practice direction or jurisdictional guide applies. The Tribunal has a Small Taxation Claims Tribunal Practice Direction and two jurisdictional guides: the *Guide to the Social Security Jurisdiction* and the *Guide to the Workers' Compensation Jurisdiction*.

Practice directions on specific issues include the Practice Direction relating to section 37 of the Administrative Appeals Tribunal Act, the Freedom of Information Practice Direction and the Listing and Adjournment Practice Direction.

The Tribunal has developed process models for each form of alternative dispute resolution that is available in the Tribunal, and a policy for guiding referral of applications to the different ADR processes. The Tribunal has also developed a number of guidelines relating to aspects of the review process, including the Guidelines for Constituting the Tribunal, Guidelines for Persons Giving Expert and Opinion Evidence and Guidelines for the Use of Concurrent Evidence in the Administrative Appeals Tribunal.

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

FIGURE 2.4 CASE MANAGEMENT PROCESS



Notes:

1 Where necessary

2 Explore possibility of using other ADR process

ACCESSIBILITY

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

INFORMATION ABOUT THE TRIBUNAL

The Tribunal offers information on its role and procedures in multiple formats and languages.

Brochures and fact sheets for self-represented applicants 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.

A DVD, *Getting Decisions Right*, illustrates the Tribunal's practices and procedures for applicants.

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

OUTREACH PROGRAM AND SMS REMINDERS

Before the first conference, Tribunal staff 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 legal advice and assistance. As part of the Outreach

program, Tribunal staff can also identify whether a party will require an interpreter or other assistance, such as for a disability or in the form of more information.

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

LEGAL ADVICE SCHEMES AND REFERRALS

The Tribunal hosts legal advice schemes in co-operation 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 legal service providers.

INTERPRETER 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 has information for interpreters on its procedures and terminology. The information sheet is available from the Tribunal's registries and the Tribunal's website.

ACCESS BY PERSONS WITH DISABILITIES

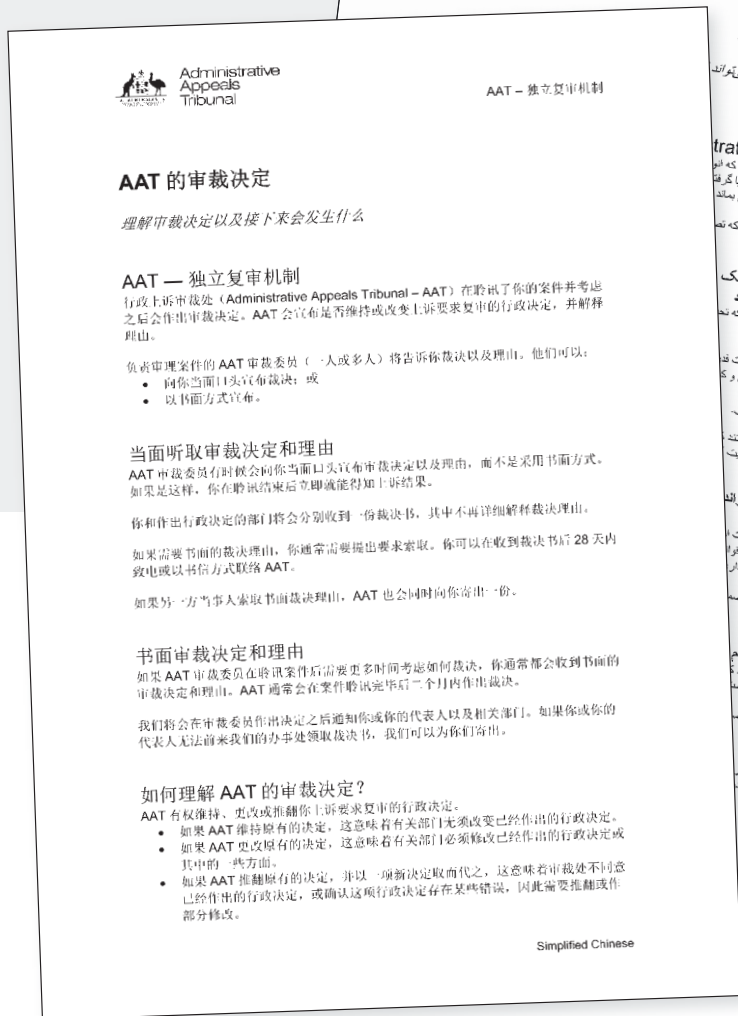
The Tribunal strives to make access easier for people with a disability by:

- making electronic and printed material available in appropriate formats such as large print, and 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 those with a hearing or speech impairment,
- making all premises wheelchair accessible, and
- providing facilities for participation in conferences or hearings by telephone or video-link.

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.



The Tribunal provides information in a range of languages other than English. Shown are two examples – the main AAT brochure (translated into Farsi) and the Decisions brochure (translated into Chinese).

CHAPTER

03

OUR PERFORMANCE

The Tribunal manages its workload by responding to, and anticipating where possible, 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 OVERVIEW

The Tribunal received 5,682 applications and finalised 5,062 applications in 2011–12. There were 4,432 applications current at 30 June 2012.

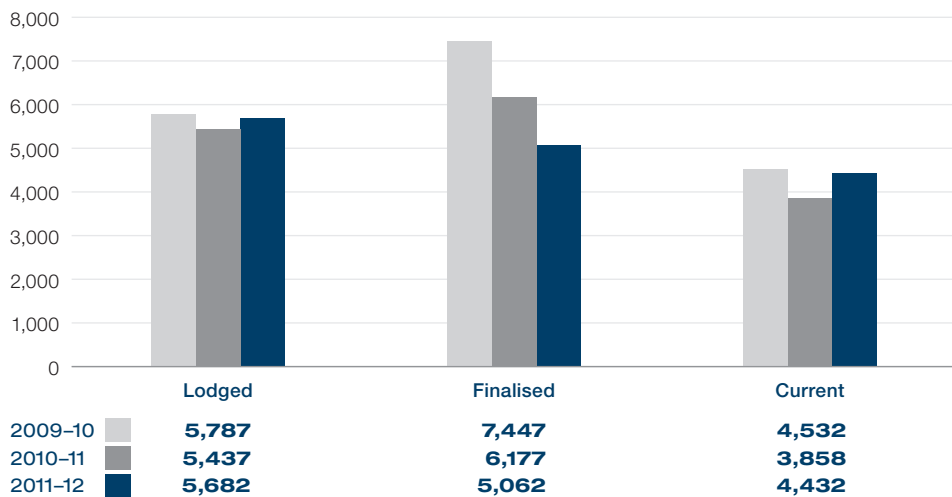
The number of applications lodged during the reporting year was five per cent higher than the number lodged in 2010–11. This was mainly due to an increase in the number of applications for review of tax decisions in the reporting year.

The number of applications finalised decreased by 18 per cent in 2011–12. In part, this can be attributed to the lower number of lodgements in some of the Tribunal’s major jurisdictions in recent years, particularly social security. It also results from the finalisation of a particular set of applications in the taxation jurisdiction in 2010–11 as discussed further below.

The number of applications on hand at 30 June 2012 was 15 per cent higher than a year earlier. The increase relates primarily to the additional tax applications received in the reporting year. The majority of outstanding applications are less than 12 months old and the proportion of cases older than 12 months has not increased in 2011–12.

Chart 3.1 shows applications lodged and finalised in the three most recent reporting years, and applications current at 30 June in each year.

CHART 3.1 APPLICATIONS LODGED, FINALISED AND CURRENT



WORKLOAD BY JURISDICTION

Applications for review of tax decisions became the most common type of applications lodged with the Tribunal in 2011–12, constituting 30 per cent of all lodgements. Applications in the social security and workers’ compensation jurisdictions comprised 25 per cent and

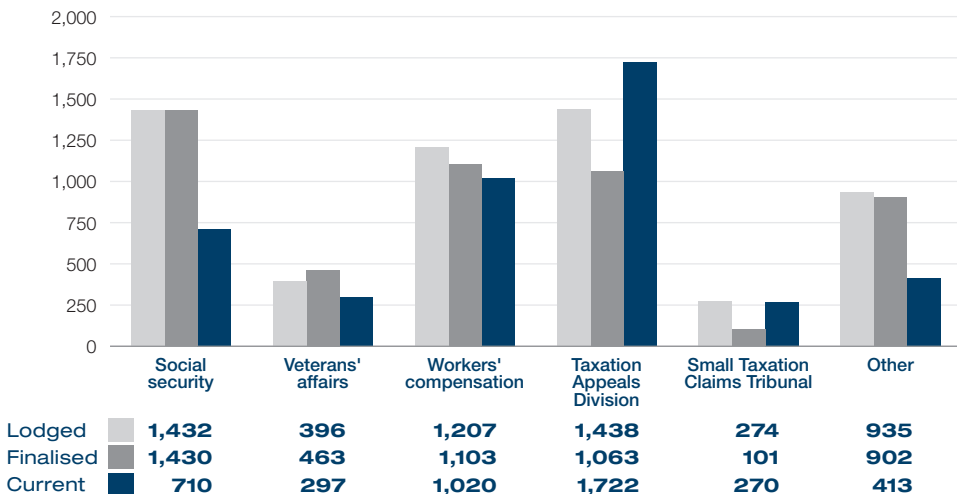
21 per cent of all lodgements respectively, while applications for review of decisions relating to veterans' entitlements constituted seven per cent of total lodgements.

Clearance rates varied between jurisdictions with lodgements exceeding finalisations in both the taxation and workers' compensation jurisdictions. Similar numbers of applications were lodged and finalised in the social security area. Only in the veterans' affairs jurisdiction did the Tribunal finalise a greater number of applications than were lodged.

The number of applications lodged and finalised in each of the Tribunal's major jurisdictions in 2011–12 and the number of applications on hand at 30 June 2012 is shown in Chart 3.2.

More detailed information on the types of applications lodged and finalised, and the outcomes of matters finalised during the reporting year, is in Appendix 4.

CHART 3.2 APPLICATIONS LODGED, FINALISED AND CURRENT IN 2011–12 – BY JURISDICTION



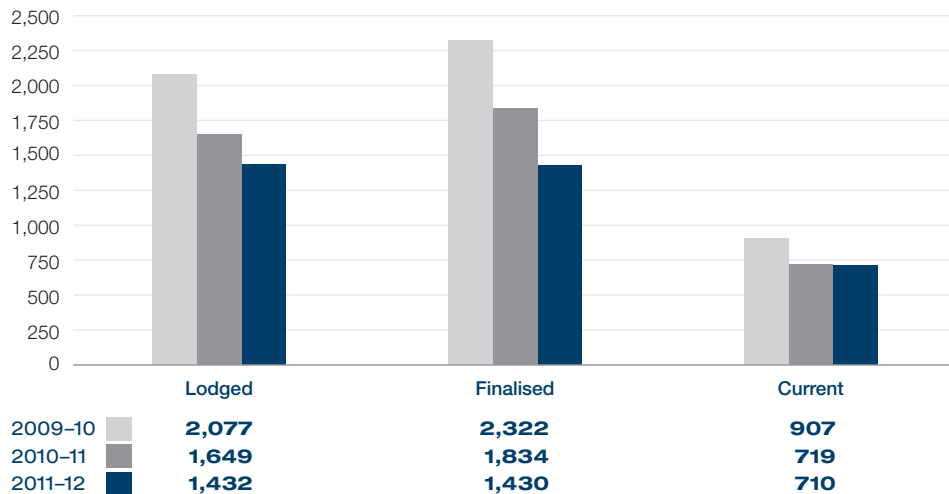
SOCIAL SECURITY

The number of applications made to the Tribunal for review of family assistance and social security decisions in 2011–12 was 13 per cent lower than in 2010–11. This continues the downward trend in recent years, as shown in Chart 3.3. While applications about disability support pension increased, there were fewer applications for review of most types of decisions and, in particular, those relating to overpayments and debt recovery and the age pension.

Applications lodged by the departments that administer family assistance and social security entitlements increased to 38 in 2011–12, up from 31 in the previous year.

The number of applications finalised in 2011–12 was 22 per cent lower than in 2010–11, reflecting the decrease in the number of applications lodged. The number of applications on hand at 30 June 2011 was marginally lower than a year earlier.

CHART 3.3 APPLICATIONS LODGED, FINALISED AND CURRENT – SOCIAL SECURITY

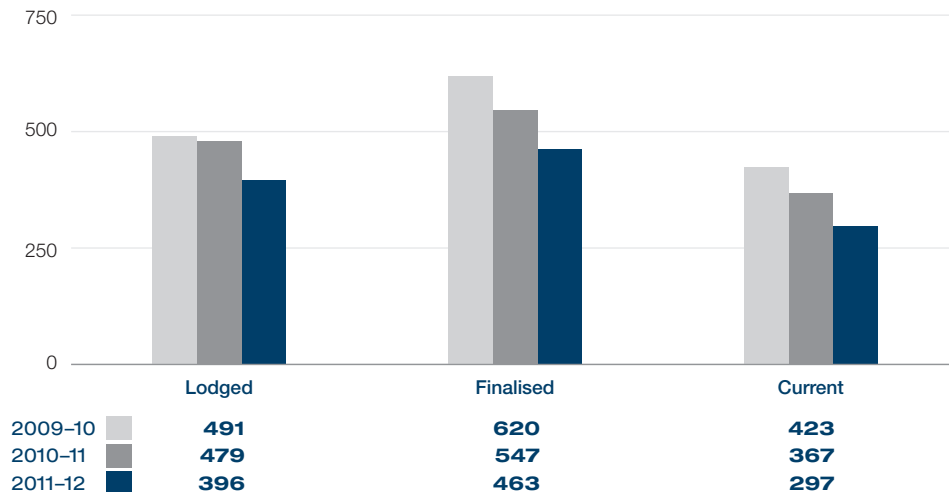


VETERANS’ AFFAIRS

The number of applications lodged in the veterans’ affairs jurisdiction fell by 17 per cent in 2011–12. Applications for review of decisions under the *Veterans’ Entitlements Act 1986* relating to disability pension and war widows’ pension declined by 21 per cent. There was also a small decrease in the number of applications under the *Military Rehabilitation and Compensation Act 2004*. They continue to be a relatively small proportion of total lodgements in this jurisdiction.

The number of applications finalised in the veterans’ affairs jurisdiction in 2011–12 decreased by 15 per cent, and the number of applications current at 30 June 2011 fell by 19 per cent. These changes reflect the continuing decline in lodgements in this jurisdiction, as shown in Chart 3.4.

CHART 3.4 APPLICATIONS LODGED, FINALISED AND CURRENT – VETERANS’ AFFAIRS

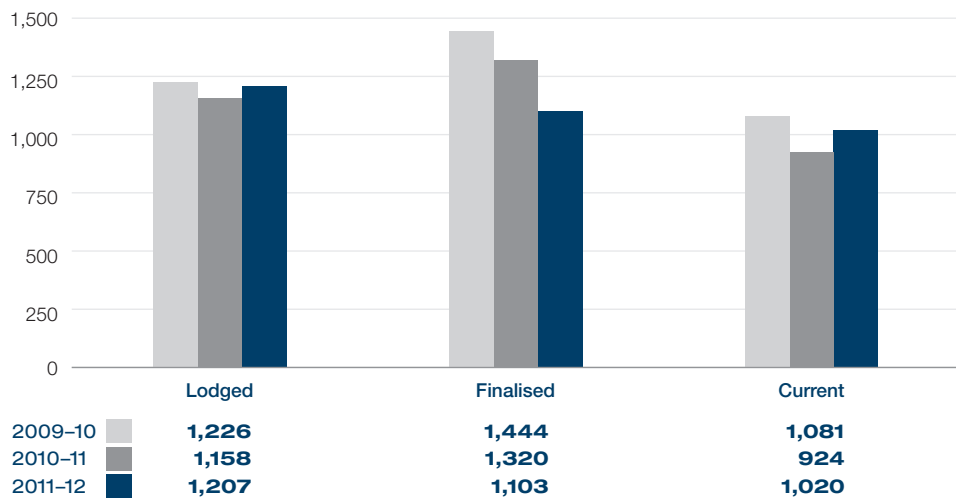


WORKERS' COMPENSATION

Lodgements in the workers' compensation jurisdiction increased by four per cent in 2011–12. The Tribunal received a greater number of applications for review of decisions made by Comcare, the Military Rehabilitation and Compensation Commission and a number of the private sector corporations that hold licences under the *Safety, Rehabilitation and Compensation Act 1988*. There was a small decrease in the number of applications for review under the seafarers' compensation scheme.

The number of compensation applications finalised in 2011–12 decreased by 16 per cent, reflecting the lower number of lodgements in previous reporting years. The increase in lodgements in the most recent reporting year has contributed, in part, to a ten per cent increase in the number of compensation applications on hand at 30 June 2012 shown in Chart 3.5.

CHART 3.5 APPLICATIONS LODGED, FINALISED AND CURRENT – WORKERS' COMPENSATION



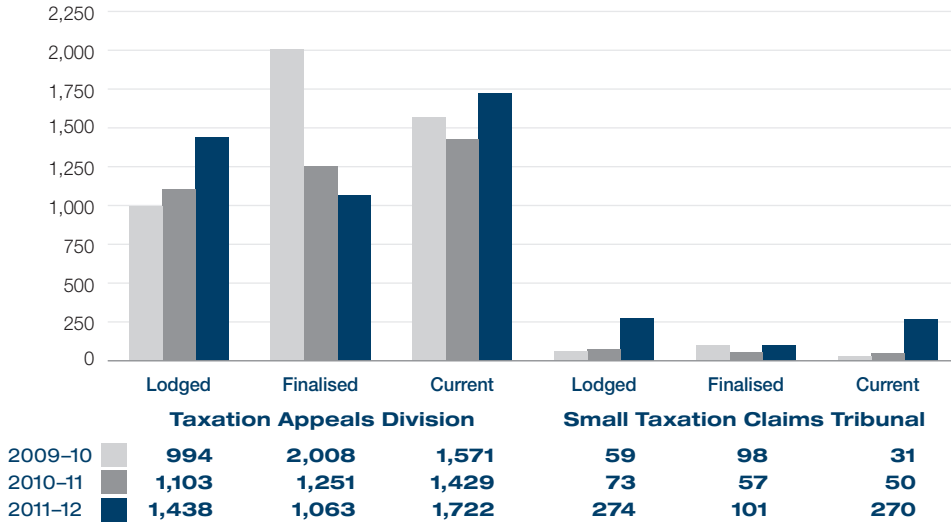
TAXATION

The number of applications lodged in the taxation jurisdiction rose by 46 per cent in 2011–12, as shown in Chart 3.6. There was a 30 per cent increase in lodgements in the Taxation Appeals Division and, in particular, a greater number of applications for review of decisions about income tax and goods and services tax. The increase in lodgements in the Small Taxation Claims Tribunal relates to increases in the number of applications for review of refusals to extend the time for lodging taxation objections as well as decisions about income tax and release from tax liabilities.

There was an 11 per cent decrease in the number of applications finalised in 2011–12. In part, this reflects the lower number of taxation lodgements in previous reporting years. However, it also reflects the fact that in 2010–11 the Tribunal finalised the bulk of the remaining longstanding applications relating to mass marketed tax schemes and employee benefit arrangements. Only a very small number of these applications remain to be completed.

The significant increase in lodgements in 2011–12 has contributed to a 35 per cent increase in the number of taxation applications on hand at 30 June 2012.

CHART 3.6 APPLICATIONS LODGED, FINALISED AND CURRENT – TAXATION



PERFORMANCE

OUTCOME AND PROGRAM STRUCTURE

The Tribunal has one outcome specified in the 2011–12 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, and
- applications finalised with a hearing.

See Appendix 5 for the summary table showing total resources for the Tribunal compared with the total payments made during 2011–12. The appendix also includes a summary table showing the total resources for the Tribunal's outcome.

PERFORMANCE MEASURES AND RESULTS

The performance measures and actual performance for the Tribunal's outcome are shown in Table 3.7.

The Tribunal aims to resolve applications by agreement in the first instance using alternative dispute resolution. The Tribunal works with the parties in conferences to discuss and define the issues in dispute, identify any further supporting material they may wish to obtain and explore whether the matter can be settled. The Tribunal may use other forms of ADR to attempt to reach agreement. If an application cannot be resolved, the Tribunal conducts a hearing and makes a decision. As Table 3.7 shows, most applications lodged with the Tribunal are finalised other than by way of a decision following a hearing.

TABLE 3.7 PERFORMANCE STANDARDS AND RESULTS, 2011–12

PROGRAM DESCRIPTION		PERFORMANCE	
		STANDARD ^a	RESULT
Program 1.1 – Completed reviews of decisions			
Program 1.1.1 – Applications finalised without a hearing	<i>Quality:</i> matters have first conference within 13 weeks	85%	91%
	<i>Quantity:</i> finalisations	5,218	4,011
	<i>Price:</i> per completed application	\$3,190	\$4,190
Program 1.1.2 – Applications finalised with a hearing	<i>Quality:</i> matters to hearing within 40 weeks	60%	61%
	<i>Quantity:</i> finalisations	1,476	1,051
	<i>Price:</i> per completed application	\$14,810	\$19,111

^a Projection for 2011–12

91 per cent of first conferences in 2011–12 were held within 13 weeks of lodgement, equalling the result for 2010–11. The Tribunal exceeded the performance standard in the Portfolio Budget Statements by six percentage points, as shown in Tables 3.7 and 3.8.

The proportion of hearings that were held within 40 weeks of an application being lodged was 61 per cent, two percentage points higher than in 2010–11 and exceeding the standard in the Portfolio Budget Statements by one percentage point.

The number of applications finalised by the Tribunal with and without a hearing was lower than the budget projections for 2011–12, leading to a higher than expected price per completed application. For more information on the percentage of applications finalised without a hearing in the major jurisdictions, see Table A4.4 in Appendix 4.

TIME STANDARDS

The Tribunal monitors its performance against time standards for steps in the review process and for the finalisation of applications generally.

TIME STANDARDS FOR STEPS IN THE REVIEW PROCESS

The Tribunal reports on the timeliness of completing four steps in the review process. Two of the steps are the Tribunal's performance standards in the Portfolio Budget Statements set out above. The four steps are:

- 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 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, and
- 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 2011–12 and the past two reporting periods are shown in Table 3.8.

TABLE 3.8 PERFORMANCE AGAINST TIME STANDARDS

STEP		TIME STANDARD (WEEKS)	2009–10 %	2010–11 %	2011–12 %
1	Receipt of Section 37 Documents after notifying decision maker of application	5	87 ^a	85	86
2	Receipt of application to first conference	13	87	91	91
3	Receipt of application to first day of hearing	40	52	59	61
4	Last day of hearing or date of receipt of further material to delivery of decision	8.4 ^b	82	83	80

^a This figure excludes applications relating to tax schemes. For many applications relating to tax schemes, the Tribunal agreed to extend the time for lodging the Section 37 Documents until they were ready to proceed.

^b This figure equates to 60 days.

The proportion of applications in which the Section 37 Documents were lodged within five weeks was marginally higher in 2011–12 than in the previous year. The result for timeliness in delivering decisions following a hearing was slightly lower in 2011–12 but continues to be significantly higher than the results achieved in the years prior to 2009–10.

TIME STANDARDS FOR FINALISING APPLICATIONS

The Tribunal aims to complete the review process within 12 months of lodgement in the majority of applications. Targets have been set for each of the major jurisdictions. The Tribunal's performance for 2011–12 and the two previous reporting years is in Table 3.9.

TABLE 3.9 PERCENTAGE OF APPLICATIONS FINALISED WITHIN 12 MONTHS

JURISDICTION	TARGET %	2009–10 %	2010–11 %	2011–12 %
All	—	63	72	78
Social security	90	90	91	93
Veterans' affairs	80	63	66	66
Workers' compensation	75	57	68	70
Taxation Appeals Division	75	26	36	59

The Tribunal significantly improved its timeliness in 2011–12, finalising 78 per cent of all applications within 12 months of lodgement and 91 per cent within 18 months. There were improvements in three of the Tribunal's major jurisdictions.

The proportion of applications finalised within 12 months in the social security jurisdiction exceeded the 90 per cent target by three percentage points, a slight improvement over the previous year. Sixty-eight per cent of all social security applications were finalised within six months of lodgement, and 97 per cent within 18 months.

The Tribunal's continued focus on improving case management in the workers' compensation jurisdiction led to a two percentage point improvement in the proportion of matters finalised within 12 months in 2011–12. Ninety per cent of applications were finalised within 18 months, a four percentage point improvement over 2010–11.

The proportion of applications finalised in the veterans' affairs jurisdiction within 12 months in 2011–12 was the same as the previous year. Particular challenges can arise in this jurisdiction in obtaining historical material relevant to the review. Ninety per cent of applications were finalised within 18 months, an improvement of five percentage points from 2010–11.

There was a 23 percentage point improvement in the proportion of applications finalised within 12 months in the Taxation Appeals Division in 2011–12. Seventy-nine per cent of applications were finalised within 18 months. The Tribunal will continue to focus on improving the management and timeliness of tax matters in 2012–13.

While there were improvements in timeliness in most major areas of jurisdiction, the Tribunal only met its target for completing applications within 12 months in relation to social security cases. There are a number of reasons why an application may not be finalised within 12 months of lodgement. 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 matters 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 Small Taxation Claims Tribunal aims to finalise applications within 12 weeks of lodgement. In the reporting year, the proportion of applications meeting this standard improved by three percentage points, as shown in Table 3.10. 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.

TABLE 3.10 TIME STANDARD FOR SMALL TAXATION CLAIMS TRIBUNAL

	TARGET	2009-10 %	2010-11 %	2011-12 %
Percentage of applications finalised within 12 weeks	12 weeks	22	34	37

The Tribunal continued to monitor the time that applications spend in each of the major stages of a review in 2011-12 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, 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 Administrative Appeals Tribunal Act. The Federal Court may transfer the appeal to the Federal Magistrates 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 Magistrates Court or the High Court.

In 2011-12, 75 appeals made pursuant to section 44 of the Administrative Appeals Tribunal Act were lodged with the Federal Court. There were 19 applications for judicial review made under other enactments, 14 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, 95 appeals lodged under section 44 of the Administrative Appeals Tribunal Act and 22 applications for judicial review under other enactments were finally determined in the courts. The Tribunal's decision was set aside in 29 cases, 25 per cent of all appeals determined and less 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 2011-12 was one percentage point lower than in 2010-11.

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 five requests for access to documents under the Freedom of Information Act in 2011–12. Table 3.11 shows the number of requests made over the last three years.

TABLE 3.11 FREEDOM OF INFORMATION REQUESTS

	2009–10	2010–11	2011–12
Number of requests made	4	2 ^a	5

^a This figure differs from the figure given in the 2010–11 Annual Report. An audit revealed that there had been one additional request in that year.

All but one of the requests made to the Tribunal in 2011–12 were finalised in the reporting period. One request remained outstanding at 30 June 2012.

Of the requests that were finalised, one request was granted in full and three requests were refused, two 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 (IPS). This requirement is in Part II of the Freedom of Information Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements.

OMBUDSMAN

During 2011–12, the Commonwealth Ombudsman received 34 approaches concerning the Tribunal, 16 more than in the previous reporting year.

The Ombudsman investigated three approaches, making no findings of administrative deficiency.

COMPLAINTS TO OTHER BODIES

There were no complaints to other complaint-handling organisations such as the Australian Human Rights Commission or the Office of the Australian Information Commissioner 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.

TRIBUNAL SERVICE CHARTER

The Tribunal's 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 3.14.

COMPLAINTS TO THE TRIBUNAL

Complaints may be made orally or in writing. Complaints relating to Tribunal members are handled by the President personally. Complaints about staff members or other matters are dealt with by the Registrar, the Executive Director, Operations 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 will advise 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 2011–12, the Tribunal received complaints from 40 individuals: 36 were written, four were oral and one complaint was both oral and in writing. Table 3.12 shows the number of complaints made over the three most recent reporting years.

TABLE 3.12 COMPLAINTS TO THE TRIBUNAL

	2009–10	2010–11	2011–12
Number of complaints made	32	27	41

The 41 complaints made in 2011–12 were about the issues shown in Table 3.13. A number of complaints raised multiple issues.

TABLE 3.13 ISSUES RAISED IN COMPLAINTS TO THE TRIBUNAL

ISSUE	NUMBER OF COMPLAINTS*
Tribunal decisions	13
Conduct of Tribunal members	11
General procedural issues	11
Conduct of conferences	4
Conduct of other parties to Tribunal proceedings	4
Publication of decisions on the internet	3
Conduct of other ADR processes	1
Conduct of Tribunal staff	1
Total	48

* A single complaint may raise multiple issues

The Tribunal provided a substantive response to 38 complaints in 2011–12, responding within 20 working days to all but six of the complaints (84 per cent). The average number of days from complaint to final response was 15 working days.

The Tribunal found that it could have handled matters more appropriately in relation to three complaints which raised issues concerning the conduct of conferences. The Tribunal offered an apology in each case and raised the matters with the relevant staff members.

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

TABLE 3.14 SERVICE STANDARDS

COMMITMENT	RESULT FOR 2011–12
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. 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 call options, including a TTY service.
Wheelchair access and hearing induction loops will be available at each office.	All Tribunal premises are wheelchair-accessible. Induction loops are available at each of the Tribunal's registries.
Hearings will be held in capital cities and in country centres.	The Tribunal conducted 112 hearings, two conciliations and two mediations in locations outside capital cities.
Where appropriate you may participate in a hearing by telephone or video-link.	The Tribunal conducted the following listings by telephone: conferences — 5,365 other ADR processes — 3 directions hearings — 1,334 interlocutory hearings — 139 hearings — 32
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.

COMMITMENT	RESULT FOR 2011-12
If you are self-represented we will help you understand AAT procedures through our Outreach program. Outreach officers will contact self-represented parties by telephone within 6 weeks of an application being lodged.	Data collated for Outreach, for 855 parties, shows the average time from lodgement of an application to Outreach was 32 days, approximately four 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.	80 per cent of applications had a first conference within 10 weeks of lodgement, up from 78 per cent in 2010-11.
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.	80 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 83 per cent in 2010-11 (see Table 3.8).

ADDITIONAL FUNCTIONS CONFERRED ON TRIBUNAL MEMBERS

As well as performing their role under the Administrative Appeals Tribunal 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 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*.

The President and all Deputy Presidents are 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 1958*.

Table 3.15 shows the number of occasions on which Tribunal members considered applications under any of these Acts over the past three years. There was a further 16 per cent increase in the number of appointments held in 2011–12.

The Tribunal is flexible in performing these functions and members are available outside standard business hours. In the reporting period, there were 199 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).

TABLE 3.15 APPLICATIONS RELATING TO WARRANTS, CONTROLLED OPERATIONS AND OTHER FUNCTIONS CONSIDERED BY TRIBUNAL MEMBERS

	2009–10	2010–11	2011–12
Number of occasions on which applications considered	1,924	2,160	2,496

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 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 Commonwealth Director of Public Prosecutions and oversee compulsory examinations in connection with confiscation proceedings.

Table 3.16 shows the number of examination sessions conducted by Tribunal members in the last three years. Only a small number of examinations were held in 2011–12.

TABLE 3.16 EXAMINATIONS HELD UNDER THE *PROCEEDS OF CRIME ACT 2002*

	2009–10	2010–11	2011–12
Number of examination sessions held	18	12	2

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CHAPTER

04

OUR USERS AND OUR RELATIONSHIPS

OUR USERS

The principal users of the Tribunal are the parties to proceedings in the Tribunal – 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.

This includes:

- promoting and facilitating the use of appropriate ADR processes,
- providing accessible and effective registry services, and
- 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 Committee oversees the Tribunal's management of applications made under the Administrative Appeals Tribunal Act. The Committee met twice during the reporting year, in November 2011 and March 2012.

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

GUIDELINES RELATING TO EXPERT EVIDENCE

The Tribunal completed work on two sets of guidelines relating to expert evidence in Tribunal proceedings during 2011–12.

The Guidelines for Persons Giving Expert and Opinion Evidence apply generally to evidence provided by experts for use in proceedings in the Tribunal. The guidelines are designed to inform experts, parties and their representatives of the Tribunal's expectations in relation to expert evidence. They cover the way in which the Tribunal approaches evidence of this kind, the nature of an expert's duty to the Tribunal, the expected content of expert reports and other matters such as the disclosure of conflicts of interest.

The second set of guidelines relate to the use of concurrent evidence – two or more experts giving evidence at the same time in a hearing. The Guidelines for the Use of Concurrent Evidence in the Administrative Appeals Tribunal outline factors that may be taken into account in deciding whether the procedure will be used, the process for making this decision and how the concurrent evidence procedure generally operates.

The guidelines took effect on 9 November 2011 and are available on the Tribunal's website.

GUIDELINES FOR CONSTITUTING THE TRIBUNAL

The Tribunal has developed a set of guidelines which outline how the Tribunal determines which member or members will constitute the Tribunal for the review of a decision or for the purposes of other proceedings in the Tribunal. The guidelines cover the legislative provisions that govern the constitution of the Tribunal, the Tribunal's procedures for determining who will constitute the Tribunal for a particular proceeding and the matters to be taken into account when deciding who will constitute the Tribunal.

The guidelines provide readily accessible information on law, policy and procedure relating to how the Tribunal is constituted, promote consistency in the Tribunal's approach to constituting Tribunals and enhance the transparency of the Tribunal's operations. They took effect on 14 November 2011 and are available on the Tribunal's website.

GUIDELINES FOR OATHS AND AFFIRMATIONS

During the reporting year, the Tribunal published guidelines on the administration of oaths and affirmations for witnesses and interpreters appearing in Tribunal proceedings. The guidelines are intended to assist members and staff to ensure oaths and affirmations are administered in an appropriate and consistent manner across the Tribunal.

CHANGES TO THE TRIBUNAL'S ACT AND REGULATIONS

JURISDICTION TO REVIEW DECISIONS OF THE NORFOLK ISLAND GOVERNMENT

On 1 March 2012 the Administrative Appeals Tribunal Regulations were amended to confer on the Tribunal jurisdiction to review decisions made under a wide range of Norfolk Island enactments. The extension of the Tribunal's powers forms part of the Australian Government's decision to extend the coverage of a range of Australian administrative law mechanisms to Norfolk Island.

Liaison meetings were held with the Norfolk Island Administration on 28 October 2011, and the Tribunal coordinated an orientation program that was held on Norfolk Island from 27 February to 1 March 2012. The program involved representatives of the Tribunal, the Australian Information Commissioner, the Acting Commonwealth Ombudsman and an officer of the Attorney-General's Department.

The program included:

- training sessions for government decision makers on the administrative law framework, better decision making, complaints handling, the role and procedures of the Tribunal, the Office of the Australian Information Commissioner and the Office of the Commonwealth Ombudsman, and what is expected of decision makers when dealing with these agencies,
- information sessions for the community and for lawyers and other representatives, and
- a formal public launch of the Tribunal's jurisdiction on Norfolk Island.

A range of other actions were undertaken to facilitate the conferral of this new jurisdiction on the Tribunal, including the development of an information sheet for Norfolk Island residents about the Tribunal and making arrangements for the Supreme Court of Norfolk Island to act as the Tribunal's Norfolk Island Registry (with support from the Tribunal's Sydney Registry).

ACCESS TO JUSTICE (FEDERAL JURISDICTION) AMENDMENT BILL 2011

On 23 November 2011 the Access to Justice (Federal Jurisdiction) Amendment Bill 2011 was introduced into the Parliament. The Bill contains, amongst other things, proposed amendments to provisions of the Administrative Appeals Tribunal Act relating to fees (Schedule 5).

The Bill proposes the repeal of section 29A which specifies that an application is not taken to be made unless a prescribed fee has been paid. It will also introduce a new section 69C which gives the Tribunal a discretion to dismiss an application if a fee has not been paid

within the time specified in the Administrative Appeals Tribunal Regulations. The intention is that the Regulations will contain all machinery provisions relating to the payment of fees. These changes will enable the Tribunal to deal with the payment of fees more flexibly.

The Bill also proposes to broaden the regulation-making power in section 70 of the Act. This will enable Regulations to be made that provide for the imposition of fees on government agencies that unsuccessfully appeal or defend decisions in proceedings before the Tribunal. This relates to a recommendation made in the 2009 report by the Access to Justice Taskforce.

As at 30 June 2012, the Access to Justice (Federal Jurisdiction) Amendment Bill 2011 has passed through the House of Representatives and is before the Senate.

ALTERNATIVE DISPUTE RESOLUTION

The Tribunal makes extensive use of alternative dispute resolution. It is a core element of the review process. ADR processes assist the parties reach agreement or narrow the issues in dispute and contribute to a review process that is economical, informal and quick as well as fair and just. The Alternative Dispute Resolution Committee oversees the Tribunal's use of ADR. The Committee met in November 2011 and March 2012.

Significant developments in relation to ADR during the reporting year are outlined here.

The Tribunal became a Recognised Mediator Accreditation Body in 2011–12 and finalised its guidelines and procedures relating to accreditation. The Tribunal is in the process of accrediting or re-accrediting its ADR practitioners. The Tribunal's policy is that mediations will be conducted only by members and Conference Registrars who are accredited mediators. Conferences and conciliations will also ordinarily be conducted by accredited mediators.

During the reporting year, the Tribunal commenced a review of its Alternative Dispute Resolution Referral Guidelines. Work was also undertaken on developing fact sheets for parties and their representatives in relation to the following aspects of ADR processes at the Tribunal:

- the requirement to act in good faith in ADR, and
- privacy and confidentiality.

The Tribunal's National Conference in March 2012 included a session on the conduct of case appraisal and neutral evaluation. The session provided an opportunity to discuss lessons learned to date in using these processes and issues to consider in making case appraisal and neutral evaluation as effective as possible.

The Tribunal also continued to raise awareness of its ADR processes with external stakeholders. Members and staff spoke at external conferences and seminars about the Tribunal's approach. The Tribunal was also 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.

eSERVICES

The Tribunal adopted an eServices Strategy in May 2011 which provides a road map to the implementation of a suite of integrated technology systems and online services over time. The strategy is a key aspect of the Tribunal's commitment to providing accessible and effective registry services. The Strategy identified a number of policy and service delivery

projects that could be pursued during a foundation phase of developing the Tribunal's suite of eServices. The Tribunal has undertaken work on a number of these projects in 2011–12.

Pending the introduction of a comprehensive electronic document lodgement system, the Tribunal has developed a set of protocols and system changes that will enable the Tribunal to increase the use of email as a primary means of communicating with parties and their representatives. The protocols cover matters such as the addresses to which emails may be sent, the types of documents that can be emailed to the Tribunal and the file formats and sizes that will be accepted. These will be fully implemented in 2012–13.

The Tribunal also made significant progress on the development of an online facility that will allow parties, their representatives and the public to access basic information about Tribunal cases at any time. Policy work on the information that may be accessed has been finalised and the Tribunal is completing a review of its privacy policy and associated communications to ensure users and the public are made aware of how the Tribunal handles information. Testing of the technical aspects of the facility is in its final stages. The facility will be made available in 2012–13.

COMMUNICATION AND ENGAGEMENT WITH TRIBUNAL USERS

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

AAT ALERTS

An email notification service called 'AAT Alerts' was launched in May 2012. The service enables registered users to receive updates and news from the Tribunal to their nominated email address. Alerts will cover matters such as increases in fees, requests for comment on proposed changes to practice and procedure, the introduction of changes of this kind and invitations to attend liaison meetings.

Users can subscribe to the service by visiting the Tribunal's website and completing an electronic form. As at 30 June 2012, there were 507 subscribers to this alert service.

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 2011–12.

Senior Tribunal staff met with senior managers from the Australian Skills Quality Authority and Department of Human Services to discuss a range of operational issues. There was also ad hoc liaison with a range of other agencies in relation to operational issues, including the Australian Taxation Office and the Office of the Inspector-General of Intelligence and Security. The Tribunal has liaised with the Attorney-General's Department and law enforcement agencies in relation to the laws and procedures relating to the issuing of telecommunications interception, stored communications and surveillance device warrants.

District Registries arranged local liaison meetings with persons and organisations who appear regularly before the Tribunal, including departments, agencies and other decision makers, private legal practitioners, community legal centres and legal aid bodies. 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.

2012 USER SATISFACTION STUDY

The Tribunal commissions user satisfaction studies at regular intervals to obtain feedback from parties and representatives on the services it provides. The Tribunal engaged Urbis Pty Ltd to carry out a study on its behalf in 2012. Similar studies were conducted in 2005 and 2008.

Two groups of users were invited to complete surveys about their experiences at the Tribunal:

- individuals who applied for a review or who were otherwise a party to a review that was finalised in 2011, and
- people who represented parties at the Tribunal in 2011.

The survey for individuals was distributed by post and could be completed either in hard copy or online. The survey for representatives was conducted online. Invitations were sent by email to a sample of representatives, primarily officers of organisations whose decisions are subject to review and legal practitioners from the community, legal aid, government and private sectors.

The surveys asked users to provide feedback on a range of aspects of the Tribunal and its processes, including:

- general registry services,
- the conduct of ADR processes and hearings,
- overall fairness of the review process and independence of the Tribunal, and
- usefulness of information and assistance provided by the Tribunal.

In total, 522 responses were received from individuals and 148 responses from representatives.

Overall, the results indicate that users are satisfied with the services provided by the Tribunal.

All aspects of the service provided by the Tribunal's registries received positive satisfaction scores from individuals and representatives. The courtesy of the Tribunal's staff received the highest satisfaction score from both groups.

Individuals and representatives were generally satisfied with all aspects of the way ADR processes and hearings were conducted. The highest rated aspect was that the level of formality at conferences and hearings was appropriate.

In relation to fairness and the independence of the Tribunal, satisfaction levels among representatives were high. Results were somewhat lower for individuals, with responses correlating strongly to whether or not a person received a favourable outcome in the case. Of those individuals who expressed a view, 59 per cent felt the Tribunal had dealt with their review fairly.

Individuals rated the information and assistance provided by the Tribunal positively. The Tribunal's practice of contacting self-represented parties by telephone to talk about its procedures received the highest rating. Most individuals and representatives were able to find the information they were looking for on the Tribunal's website.

The results of the 2012 study were broadly similar to those in 2005 and 2008, with increases in satisfaction levels recorded for individuals in a number of areas.

The Tribunal is examining the findings from the study as well as the comments and suggestions made by participants. The feedback will assist the Tribunal to identify areas in which changes could be made to improve the services provided.

INDIGENOUS ACCESS TO THE TRIBUNAL

An Indigenous Access Working Group was established in 2011–12 to identify and plan the implementation of strategies to improve Indigenous access to the Tribunal.

The Working Group's first project was to compile for each state and territory a list of legal centres that offer services to Indigenous Australians. Work has also commenced on a pilot program in the Adelaide Registry that will promote communication and consultation with legal centres that deal with social security cases.

Areas for future consideration include:

- community legal education seminars,
- information kits for community legal centres, and
- nominating and training a contact person in each Tribunal registry who would be the primary point of contact for Indigenous applicants.

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 AAT 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 2011–12.

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 relating to the Tribunal and its operations, including the Tribunal's jurisdiction, workload and budget.

The Tribunal also liaises 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. In 2011–12, the Tribunal made a submission to the Inspector-General of Taxation's Review into the Australian Taxation Office's Use of Early and Alternative Dispute Resolution. The Tribunal also liaised with the Department of Education, Employment and Workplace Relations in relation to implementing the requirement for a nominated presidential member

of the Tribunal to issue any examination notice for the purpose of investigations under the *Fair Work (Building Industry) Act 2012*.

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. During his term as President, Justice Downes attended meetings and participated in the activities of the ARC.

For further information relating to the Council and its operations, please refer to the Council's annual report.

COUNCIL OF AUSTRALASIAN TRIBUNALS

The Tribunal is a member of the Council of Australasian Tribunals (COAT), 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 the Annual Tribunals Conference as well as other training and networking opportunities. Tribunal members and staff were active contributors to the work of the Council. Senior Member Anne Britton was the Secretary for the National COAT Executive as well as Convenor of the New South Wales Chapter. Senior Member Katherine Bean, Member Regina Perton and District Registrar Susan Woodford were members of the local committees in South Australia and Victoria.

LIAISON WITH OTHER COMMONWEALTH TRIBUNALS

The major Commonwealth merits review tribunals — the Administrative Appeals Tribunal, Migration Review Tribunal/Refugee Review Tribunal, Social Security Appeals Tribunal and the Veterans' Review Board — maintained their cooperative relationship during 2011–12. There was ongoing liaison in relation to opportunities for achieving efficiencies through cooperative action, and communication between officers of the tribunals about matters such as learning and development activities, property, staff vacancies and workforce planning.

On 8 June 2012, the Government released the *Report of the Strategic Review of Small and Medium Agencies in the Attorney-General's Portfolio*.

The Government accepted the recommendations that the President of the AAT convene a forum involving the other major merits review tribunals and representatives of their portfolio departments to identify initiatives for efficiencies or improvements that might be achieved by cooperative or shared efforts. The Commonwealth Tribunals Collaborative Forum had its first meeting in July 2012.

The Government also accepted a recommendation that the President of the AAT should be responsible for promoting cooperation between, and the identification and adoption of best practice tribunal administration by, all Commonwealth merits review bodies. Work on these matters will commence in 2012–13.

OTHER FORUMS

The Tribunal participates each year in a meeting of the Australian and New Zealand bodies that are responsible for resolving workers' compensation disputes. The meeting provides an opportunity to share information and discuss common issues. The most recent meeting was held in Sydney in June 2012.

RESOURCE-SHARING ARRANGEMENTS

The Tribunal had in place arrangements with a number of organisations in relation to the provision of facilities and services in 2011–12, details of which are below.

FEDERAL COURT OF AUSTRALIA

The Tribunal and the Federal Court operate a joint registry in Hobart. Court staff provide registry services and conduct ADR processes for the Tribunal.

INDEPENDENT PROTECTION ASSESSMENT OFFICE

The Tribunal made meeting rooms and other facilities available in most of its registries for reviewers and staff from the Independent Protection Assessment Office to interview irregular maritime arrivals.

MIGRATION REVIEW TRIBUNAL/REFUGEE REVIEW TRIBUNAL

The Tribunal provided accommodation and hearing room facilities for Migration Review Tribunal/Refugee Review Tribunal members in 2011–12, 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.

NATIONAL NATIVE TITLE TRIBUNAL

The Tribunal provided additional accommodation to the National Native Title Tribunal at its Adelaide premises.

SOCIAL SECURITY APPEALS TRIBUNAL

The Tribunal entered into an agreement with the Social Security Appeals Tribunal in 2011–12 to provide hearing rooms and related facilities in its Canberra Registry.

SUPREME COURT OF NORFOLK ISLAND

The Tribunal entered into 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.

Justice Downes is a past co-president of the IASAJ and was a member of the Board of the association.

INTERNATIONAL DELEGATIONS

The Tribunal regularly hosts visitors from international courts and tribunals and other organisations and individuals interested in 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.

The Tribunal welcomed the following visitors during 2011–12:

- Mr Neville Devete, Solicitor General of Papua New Guinea, with a delegation from the Office of the Solicitor General,
- a delegation from the National Anti-Corruption Commission of Thailand led by its President, Mr Panthep Klanarongran,
- Ms Robin Adams, Speaker of the Norfolk Island Legislative Assembly and Mr Allen Bataille, Registrar of the Supreme Court of Norfolk Island, and
- Mr PK Malhotra and Mr SSN Moorthy, Members of the Indian Securities Appellate Tribunal.

The Tribunal also received Mr Oh Jun Gen, Chairman of the Korean Central Administrative Appeals Commission, in September 2011. This led to an invitation for Justice Downes to visit the Central Administrative Appeals Commission in Korea in April 2012.

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 about the Tribunal and its operations at a number of external conferences, seminars and forums during the reporting period: see Appendix 8 for more information on these activities.

As part of National Law Week in 2012, the Tribunal participated in the Community Legal Expo held in Martin Place, Sydney on 14 May 2012. Staff members provided information about the Tribunal to more than one hundred interested members of the public.

MOOTING COMPETITION

The Tribunal held its seventh National Mooting Competition for Australian university students between June and October 2011. The moots are abridged versions of Tribunal hearings adjudicated by members of the Tribunal. The competition allows students to demonstrate their research and advocacy skills and provides a unique opportunity for students to expand their knowledge and understanding of merits review processes. Twenty one teams from ten Australian universities participated in the 2011 competition.

The final involved teams from the University of Queensland and the University of Sydney mooting before Justice Downes, Senior Member Britton and Senior Member Fice. The winning team was the University of Queensland comprising Abraham O'Neill, Mitchell Beebe and Hannah McConnachie. The members of the runner-up team were Nicholas Olson and Reuben Ray. The Registrar's Best Oralist Prize, donated by the Law Council of Australia, was presented to Reuben Ray of the University of Sydney.

SPONSORING WORK EXPERIENCE PLACEMENTS

The Tribunal seeks to provide 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 as part of the University of Adelaide Public Law Internship Program. The students attended the Tribunal for a two week period initially then for the equivalent of one day per week over 12 weeks. The Adelaide Registry also offered placements to a university student from the Flinders University Law School and a high school student from Nazareth Catholic College.

Two students from Bond University spent a week on placement at the Brisbane Registry in April 2012, attending a number of hearings and observing the workings of the Tribunal.

The Tribunal provided opportunities for students in the Melbourne Registry through an agreement with the Leo Cussen Centre for Law. In addition, Deputy President Constance spoke to a group of students from the Centre who visited the Tribunal during the last financial year.

The Tribunal worked with Wollongong University, placing one student in the Sydney Registry in the reporting period. As a partner organisation in the University of New South Wales Law Faculty Public Interest Internship Program, Sydney Registry also offered work experience to six students to enable them to gain practical legal experience with a designated supervisor/mentor. After selection, these interns attended the Tribunal for the equivalent of one day a week over 13 weeks.

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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 Goals Two and Three in the Tribunal's Strategic Plan 2011–2014 which relate to our organisation and our people:

- to manage our resources strategically and effectively, and
- 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 pages 11 to 16 in Chapter 2 for information on the Tribunal's senior executives and committees that comprise Tribunal members and staff. Information relating to the Tribunal's Audit Committee is set out below.

CORPORATE PLANNING

The Tribunal commenced a planning process in 2010–11 which culminated in the adoption of the Tribunal's Strategic Plan 2011–2014 in August 2011. The plan sets out vision and mission statements for the Tribunal as well as the Tribunal's core values and behaviours. Strategic priorities have been identified in relation to our users, our people, our organisation and our relationships and the plan specifies a range of actions associated with these priorities.

The Tribunal developed work plans for the specific actions that would be progressed in the next 12 months. These plans have been monitored and reviewed periodically. Key actions completed during the reporting period are noted in Chapter 1 of this report.

FINANCIAL MANAGEMENT

The Tribunal's audited financial statements for 2011–12 follow this Chapter.

The Tribunal has reported an operating surplus of \$1.505 million in 2011–12 prior to unfunded depreciation charges. The surplus is a result of once-off savings in property costs, reduced usage of part-time members during the year and several vacant positions. The Tribunal continues to focus on its core business aims.

PURCHASING

The Tribunal observed the core principles of the Commonwealth Procurement Guidelines and relevant best practice guidelines in its purchasing activities in 2011–12. Regular reviews of the Chief Executive Instructions ensure they conform to the procurement guidelines as they are an essential tool for staff with purchasing duties.

The Tribunal's competitive procurement processes ensure value for money for major purchases or contracts, as well as proper and effective competition. Open tender processes are employed unless the circumstances indicate that a select tender is appropriate or the purchase is covered by a mandatory whole-of-government purchasing agreement. Minor purchases and contracts below the mandatory tender threshold are guided by the Chief Executive Instructions. In general, at least two quotes are required for small purchases and three for larger purchases together with an assessment of the need that justified the purchase request and an analysis of why the selected quote will achieve best value for money.

CONSULTANTS

The Tribunal engages consultants where it lacks specialist expertise or when independent research, review or assessment is required. Consultants are typically engaged to investigate or diagnose a defined issue or problem, carry out defined reviews or evaluations, or provide independent advice, information or creative solutions to assist in the Tribunal's decision making. Prior to engaging consultants, the Tribunal considers the skills and resources required for the task, the skills available internally and the cost-effectiveness of engaging external expertise.

Decisions to engage consultants in 2011–12 were made in accordance with the Financial Management and Accountability Act and related regulations, the Commonwealth Procurement Guidelines and relevant internal policies.

During 2011–12, the Tribunal entered into nine new consultancy contracts involving total actual expenditure of \$231,657.30. Two ongoing consultancy contracts were active for a total expenditure of \$21,680.25.

Table 5.1 sets out the Tribunal's total actual expenditure on all consultancies in the three most recent reporting years. All amounts include GST.

TABLE 5.1 TRENDS IN EXPENDITURE ON CONSULTANCY CONTRACTS

	2009–10	2010–11	2011–12
Total actual expenditure (incl GST)	\$210,964	\$99,627	\$253,338

REPORTING ON PURCHASES

All purchases were reported as required. There were no contracts valued at 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.

Details of all contracts involving consideration to the value of \$100,000 or more are on the Tribunal's website in accordance with the Senate order on agency contracts.

There were no contracts valued at \$100,000 or more let in 2011–12 that did not include a clause providing for the Auditor-General to have access to the contractor's premises.

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 meets regularly to review operations, and to plan and approve the audit policy for the forthcoming year. The committee also advises the Registrar on matters such as the financial statements and fraud control.

Each year, the Tribunal's independent internal auditor undertakes an audit program covering a range of transactions to give assurance that the Tribunal's systems are complying with the Financial Management and Accountability Act and the Chief Executive

Instructions. Any identified issues are addressed by management and reviewed by the Audit Committee.

During the reporting year, the internal auditor conducted an internal audit in the Adelaide, Brisbane and Perth Registries. The Principal Registry finance and human resources operations are also audited annually. No major issues or risks were identified by the audits.

The Tribunal reviewed and updated its Fraud Control Plan, including its Fraud Risk Register, in 2011–12.

During the reporting year, the Audit Committee's charter and checklists were updated in light of the Australian National Audit Office's revised Better Practice Guide on Public Sector Audit Committees. New arrangements for membership of the Audit Committee commenced on 1 July 2012 with the appointment of an independent chairperson.

CERTIFICATION OF TRIBUNAL FRAUD CONTROL ARRANGEMENTS

I, Philip Kellow, certify that I am satisfied that for 2011–12 the Tribunal:

- has prepared fraud risk 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
17 September 2012

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. Due to the Tribunal's low risk and low claim rate, there was only a small increase in the insurance premium in 2011–12.

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 encompass 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 2011–12.

The Tribunal's national Business Continuity Plan was updated during the reporting period and is on the Tribunal's intranet for all members and staff. Officers who have delegated responsibility under the plan are given a backup of the plan to use should the Tribunal's intranet be unavailable.

The Tribunal substantially completed the preparation of local Business Continuity Plans for each registry in 2011–12. These were developed in consultation with the members and staff based in those registries.

During the reporting year, the Tribunal engaged external consultants The Birchman Group to review its business continuity and disaster recovery planning and processes in relation to its ICT systems. Interviews and a scenario exercise were conducted with key Tribunal staff as part of the review. The Tribunal will implement recommendations arising from the review in 2012–13.

MAINTAINING ETHICAL STANDARDS

The APS Values and Code of Conduct, aspects of the Commonwealth Procurement Guidelines and other standards relevant to ethical conduct are incorporated, as appropriate, into Tribunal policies, guidelines and instructions. The APS Values and Code of Conduct are available on the Tribunal's intranet. Online training relating to them is available to all staff and forms a specific part of the Tribunal's induction process. All new employees are provided with a copy of the APS Values and Code of Conduct, as well as relevant excerpts from the *Crimes Act 1914*, and must sign a statement confirming that they have read and understood them. As part of the 2012 National Staff Conference, attendees completed a workshop on identifying fraud to increase awareness of current legislation and expected behaviours.

The Tribunal's Agency Agreement 2011–2014 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.

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. No major or minor fit-out works were carried out during 2011–12.

The Tribunal places a high priority on security. To assess its compliance with the Commonwealth Protective Security Policy Framework, the Tribunal commenced a security risk review in 2011–12. Recommendations from the review will be considered during 2012–13.

A number of measures are currently in place to enhance physical security. Tribunal office areas are secure and duress alarms are installed in conference and hearing rooms and at registry counters to protect members, staff and others in the event of an incident.

The Tribunal has a fee-for-service agreement with Chubb Security Pty Limited to provide additional security services for alternative dispute resolution processes and hearings as required. If necessary, the Tribunal can also access arrangements with the Family Court and the Federal Court to use their court rooms and security arrangements for hearings that may involve a security risk. These services were arranged on several occasions during the year as a precautionary measure.

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

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 2012 the Tribunal had 155 staff: 102 ongoing and 53 non-ongoing, of whom 16 were engaged to undertake duties that are irregular or intermittent. A detailed breakdown of staffing by classification level, full-time/part-time status, gender and location is in Appendix 2.

Table 5.2 shows the Tribunal's staffing numbers over the three most recent reporting years. Total numbers have remained relatively consistent over time.

TABLE 5.2 TRENDS IN TOTAL STAFFING NUMBERS

	2009–10	2010–11	2011–12
Ongoing	114	102	102
Non-ongoing (irregular/intermittent)	48 (19)	53 (22)	53 (16)
Total	162	155	155
Classification			
SES	1	1	2
Executive Level	34	34	32
APS Level	127	120	121
Total	162	155	155

In general, the Tribunal has a stable ongoing staffing complement. The Tribunal experienced higher than usual turnover of ongoing employees in 2011–12 with 14 employees leaving the Tribunal. The majority of these separations were the result of staff moving to positions in other Australian Government agencies and retirements.

There were 32 employment opportunity notices gazetted in 2011–12, 14 for ongoing positions and 18 for non-ongoing positions, an increase of 10 overall from 2010–11. In part, this additional recruitment activity arose from a restructure of the Tribunal's Principal Registry. A majority of the non-ongoing opportunities were for short-term positions for legal graduates who work with members of the Tribunal, usually for 12 to 18 months, and casual registry staff.

The number of Senior Executive Service positions in the Tribunal increased from one to two in 2011–12 as part of a restructure of the Tribunal's Principal Registry.

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.

As at 30 June 2012, four employees are the subject of determinations made under section 24(1) of the *Public Service Act 1999* and one employee is covered by an Australian Workplace Agreement.

The number of employees covered by the Agency Agreement and by individual employment arrangements at 30 June 2012 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 SERVICE 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

The Tribunal paid \$39,378 in bonuses in 2011–12. Four employees who had entered into individual employment arrangements received a performance bonus linked to a performance agreement: one Senior Executive Service officer, one Executive Level 2 officer and two Executive Level 1 officers. The total bonus paid at each classification level is not published for privacy reasons because of the small number of employees involved.

The Tribunal does not have a performance pay or bonus system for employees covered only by the Agency Agreement.

NON-SALARY BENEFITS

Non-salary benefits available to the Tribunal's employees in 2011–12 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,
- health and wellbeing benefits such as influenza vaccinations, assistance for group or individual participation in health and fitness related physical activities, eyesight testing and the Employee Assistance Program, and
- study 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.

Staff participating in the Studies Assistance Scheme in 2011–12 undertook studies in financial management, general tribunal services, law, learning and development, protective security and technology services. In the reporting period, seven staff gained approval for financial support which amounted to \$16,851.50.

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

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.

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 and staff.

MEMBERS' PROFESSIONAL DEVELOPMENT

The Members' Professional Development Program is a comprehensive program based on a framework of competencies developed 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 November 2011 and March 2012.

The Tribunal held a New Member Induction Program in early June 2012. Over the course of two and a half days, nine new members were introduced to the Tribunal, its jurisdiction, practice and procedure and given information about the resources available to support them.

The mentoring scheme involves pairing a more experienced member with each new member to assist newly-appointed members gain a better understanding of the workings of the Tribunal and their role. Senior Member Narelle Bell was the Coordinator of the Mentoring Scheme in 2011–12.

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 Deane Jarvis was the Appraisal Scheme Coordinator in 2011–12.

A range of learning activities was offered to members during 2011–12 to help them stay up-to-date with developments relevant to their work. Members attended in-house professional development sessions organised by individual registries as well as the National Conference which is referred to below. They also participated in external seminars, workshops and other professional development activities.

The second edition of the Members' Professional Development Handbook was published in July 2011. The handbook outlines the components of the program and provides practical advice on its operation.

CONFERENCE REGISTRARS' PROFESSIONAL DEVELOPMENT PROGRAM

Conference Registrars perform an important role in the Tribunal. They conduct alternative dispute resolution processes such as conferences, conciliations and mediations and

have primary responsibility for managing applications during the pre-hearing process. They assist parties to try to reach an agreed outcome and, where this does not occur, prepare cases for another ADR process or hearing.

The Tribunal's Conference Registrars' Professional Development Program is based on a framework of competencies and includes induction, mentoring, reflective learning, peer review, performance appraisal and a template performance agreement. The first edition of the program handbook was published in August 2011. It outlines the components of the Conference Registrars' Professional Development Program and provides practical assistance with its operation.

The Tribunal conducted the first round of peer review processes in 2011–12 and these are contributing to the annual performance appraisal cycle. Conference Registrars were given access to a range of internal and external professional development activities in 2011–12, including an intensive one-day internal seminar on tax law and practice in June 2012.

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. Staff attended in-house programs as well as external conferences, seminars, workshops and other activities.

Internal training sessions were delivered in a variety of modes during the reporting year and included training on grammar, editing and proofreading, how to use the Tribunal's new decision template and training on new procedures relating to use of email and SMS. A large number of staff completed updated Word and Excel training offered by external providers.

The District Registrars continued to use the 'Coaching Ourselves' learning program to guide and promote discussion, reflection and knowledge sharing about management and leadership. A second learning circle comprising Deputy District Registrars and team leaders is now holding regular teleconferences using this tool.

Regular evaluations of studies assistance and development activities are undertaken to obtain feedback about participants' reaction to a particular activity, their learning and improvements in job performance as a result of the activity. The Tribunal is also developing its capability to develop and deliver e-learning and blended learning programs by enhancing the skills of a small core of staff in using e-learning authoring software.

CONFERENCES

2012 AAT NATIONAL CONFERENCE

The Tribunal held its biennial national conference in March 2012. The conference offers a unique opportunity for members, Conference Registrars, District Registrars and Principal Registry staff to come together to discuss Tribunal practice, share information and experiences and undertake continuing education.

The theme of the 2012 conference was 'Tribunal Craft'. The conference commenced with a thought-provoking workshop on communicating and interacting with parties from diverse cultural backgrounds conducted by Dr Margaret Byrne. Other sessions covered working with self-represented parties, giving oral decisions, using case appraisal and neutral evaluation effectively, conducting a hearing, the role of specialist members, the use of concurrent evidence and the use of technology in the Tribunal.

2012 NATIONAL STAFF CONFERENCE

The Tribunal held a national conference for staff in June 2012. The conference affords staff the opportunity to meet face-to-face, build relationships and develop their knowledge and skills.

The conference program included sessions on the Tribunal's Chief Executive Instructions and finance procedures, recent developments in law and procedures, information on Tribunal initiatives relating to communication and access for Indigenous Australians, and workshops on improving health and wellness at work. Interactive sessions on working with self-represented parties and the use of technology in the Tribunal encouraged staff to actively review their practices and share ideas with their peers.

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 is represented on the Australasian Committee for Court Education where it works with other courts and tribunals to share learning and development strategies and activities, including customised programs, develop professional development programs and other initiatives, and contribute to relevant position papers.

WORK HEALTH AND SAFETY

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

The Tribunal implemented a range of initiatives relating to health and safety in 2011–12 and, in particular, activities relating to the commencement of the *Work Health and Safety Act 2011* on 1 January 2012.

The Tribunal took a number of steps to ensure that members and staff understand the new legislation and their duties under it. Comcare's e-learning program for workers was made available to all members and staff on the Tribunal's intranet. Staff were also briefed on the changes at the National Staff Conference. A specific training session was conducted with Tribunal managers. Most Health and Safety Representatives completed mandatory training (relating to their role) through external accredited providers. The Tribunal engaged the services of an external consultant, Greg Seberry & Associates Pty Ltd, to review the Tribunal's health and safety arrangements and documentation following the commencement of the new legislation. The Tribunal is working to implement the consultant's recommendations during 2012–13.

Health and wellbeing initiatives available to all employees included flu vaccinations, eyesight testing, providing taxis to increase personal safety in certain circumstances, the Employee Assistance Program and assistance with return to work costs. During the National Staff Conference, the Tribunal launched the 10,000 Steps Program. This activity encourages staff to undertake more walking as part of their daily routine to enjoy the health benefits of low-impact exercise.

The Tribunal continued to make available to members and staff e-learning modules on manual handling and ergonomics in the office. A review of manual handling and the size of case files was carried out in the Melbourne Registry during the reporting period leading to changes in relation to the movement and storage of files in that registry. Changes at a national level arising from this work will be pursued in 2012–13. Workstation assessments and training were undertaken in all registries and remedial action implemented as required.

All Tribunal First Aid Officers completed training in 2011–12 and received particular training in the use of external defibrillators which are available in all registries.

The Tribunal's Health and Safety Committee met four times during the reporting year. Minutes of meetings are made available to all members and staff on the Tribunal's intranet. Health and Safety Representatives conducted regular formal and informal inspections within 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 reflected in Table 5.3 below. Case management of compensation matters is conducted either in-house or by external service providers, depending on the location and the complexity of the matter.

TABLE 5.3 TRENDS IN COMPENSATION CLAIMS

	2009–10	2010–11	2011–12
Number of accepted claims	1	1	1

NOTIFIABLE INCIDENTS AND INVESTIGATIONS

There were no notifiable incidents that the Tribunal was required to report to Comcare in 2011–12 under either the *Occupational Health and Safety Act 1991* or 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 Workplace Harassment Contact 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.

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 Diversity Committee, which reviews the plan and looks for opportunities to promote the benefits of an inclusive work

environment. The committee, whose members include both members and staff, met in October 2011 and February 2012. Minutes from both meetings were made available to all members and staff.

Appendix 2 shows the number of staff who fall into the various equal employment opportunity categories.

PRODUCTIVITY GAINS

The Tribunal pursued several initiatives in 2011–12 to increase productivity in relation to its operations. The Tribunal's new Agency Agreement introduced changes to the working arrangements for Executive Level staff: 'Working Flexibly' provisions replaced those dealing with access to flextime. The 'Working Flexibly' arrangements reflect the greater autonomy Executive Level employees have in relation to managing the completion of their work and provide a mechanism for recognising additional work they may be required to undertake from time to time as a result of their responsibilities.

The Tribunal maintained its commitment to health and wellbeing initiatives that aim to improve employee health and reduce unplanned absences. The reported level of unplanned absences improved in 2011–12.

Technology initiatives also contribute to productivity gains. The Tribunal continued to benefit from the implementation of new functionality in its HR systems, including electronic attendance recording for staff. Improvements to the Tribunal's electronic case management system, TRACS, which will result in more efficient work practices and time-saving measures were identified and developed.

The Tribunal anticipates that the development and implementation of a suite of integrated technology systems and online services will improve productivity over time. Significant progress occurred in 2011–12 on the development of an online facility that will allow parties, their representatives and the public to access basic information about Tribunal cases.

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 2011–12, the trust received four requests from staff for financial assistance: two requests for grants and three for interest free-loans. The trustees approved two grants and made three interest-free loans.

INFORMATION AND DEVELOPMENT

The Tribunal's Information and Development Section is responsible for communication, legal and policy matters, library and information management and technology services. The Section worked on a range of projects during the reporting year which contributed to the achievement of the Tribunal's priorities in the Strategic Plan 2011–2014.

COMMUNICATION

The Tribunal has one part-time officer with responsibility for:

- developing and implementing strategies to meet the Tribunal's internal and external communication needs, and
- developing and managing the Tribunal's main information channels and products: website, brochures, fact sheets and publications such as the annual report.

INTERNAL COMMUNICATION

Work commenced on the development of an internal communication strategy for implementation in 2012–13. With members and staff spread geographically across seven registries, a key focus will be to develop new tools to increase communication across the Tribunal.

MEDIA ENQUIRIES

The Tribunal received 17 media enquiries relating to cases before the Tribunal in the reporting period from newspaper, radio and television outlets. Information was provided within 24 hours in relation to the majority of enquiries.

TEMPLATES AND PUBLICATIONS

In 2011–12, the Tribunal introduced a new style template for its decisions which has improved the functionality of the template and the readability of the decisions, particularly when they are converted to HTML on the AustLII website. With the introduction of the Tribunal's jurisdiction to review decisions of the Norfolk Island Government, a new fact sheet was developed which provides general information on the Tribunal and its processes for Norfolk Island residents.

WEBSITE

During the reporting period, the Tribunal's website generated over 400,000 hits, an increase of over 23,000 compared with the previous period. The recent user satisfaction study commissioned by the Tribunal included questions relating to the website. Most applicants who had accessed the website said they were able to find the information they were looking for. Most representatives had accessed the AAT website at least once in the previous six months. The overwhelming majority said the website was quick and easy to use.

LEGAL AND POLICY

The Tribunal's Legal and Policy area provides advice and assistance to the President, Registrar and Executive Directors on legal and policy issues affecting the Tribunal. The section 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, produces resource materials, coordinates reporting on Tribunal performance, and supports Tribunal committees.

During the reporting year, the area:

- coordinated the finalisation of the Tribunal's guidelines relating to expert evidence and the constitution of the Tribunal,

- developed information resources relating to the Tribunal's jurisdiction to review decisions of the Norfolk Island Government,
- advised on the ongoing development of the functionality and reporting capacity of the Tribunal's electronic case management system,
- coordinated the first annual update of the *AAT Practice Manual*, and
- undertook significant work on revising the Tribunal's Registry Procedures Manual.

LIBRARY AND INFORMATION SERVICES

LIBRARY NETWORK AND LIBRARY COMMITTEE

The Library Network consists of the Principal Registry library in Brisbane, and District Registry libraries in Adelaide, Melbourne, Perth and Sydney. The Network provides library and information services to all Tribunal members and staff, legal professionals appearing before the Tribunal and self-represented parties. Library staff also organise and publish the information on the Tribunal's internet and intranet sites and manage the electronic delivery of Tribunal decisions to publishers, government departments and agencies and other interested parties.

During 2011–12, the Library Network delivered library orientation training for new members and members' support staff, organised training sessions on a number of legal and medical research databases, negotiated access to a wider range of online information and implemented the email notification service, AAT Alerts, on the AAT website.

The Director, Library and Information Services also supports the Library Committee which oversees the development of the Tribunal's library collection, including making decisions on the selection of new library materials guided by the Collection Development Policy and within the context of the Tribunal's overall budget. The Committee met in November 2011 and March 2012, and liaised throughout the year, in relation to purchases. During the reporting year, the Committee also monitored the implementation of recommendations arising from the review of library materials and services conducted in 2010–11 which has reduced duplication of print information and improved Tribunal-wide access to online information.

INFORMATION MANAGEMENT

The Tribunal engaged external consultants Recordkeeping Innovation Pty Ltd in May 2012 to conduct a review of its information and records management practices and assist the Tribunal develop a strategy to improve its practices. Interviews and workshops were conducted with Tribunal members and staff to identify current operations and assess information and knowledge management requirements. The Tribunal is examining the recommendations arising from the review and will settle its strategy in the next reporting period.

During the reporting year, the Tribunal also commenced a review of its records authority approved under the *Archives Act 1983* in consultation with the National Archives of Australia. A reference group has been established within the Tribunal to assist in identifying the records that should be covered in the Tribunal's specific authority. The Tribunal will continue work on the review in 2012–13.

TECHNOLOGY SERVICES

The Tribunal's technology services staff manage the planning, implementation and support of computer hardware and software used by the Tribunal, including general infrastructure and networks across Australia and the maintenance and development of the Tribunal's business systems. They are also responsible for the technical aspects of making telecommunications services available for the Tribunal and its personnel.

The technical services area undertook a range of projects in 2011–12 designed to ensure that the Tribunal's hardware and software are up-to-date, the network is secure and the Tribunal is fully supported to undertake its work.

Key achievements during the year included:

- preparing the Tribunal for the implementation of the next Internet protocol (IPv6),
- upgrading server room air-conditioning and UPS systems,
- managing the review of the Tribunal's ICT business continuity and disaster recovery planning and processes,
- commencing the rollout of a unified communications system within the Tribunal which provides desktop instant messaging, voice and video capability, and
- continuing to develop and implement a range of enhancements to the Tribunal's case management system.

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FINANCIAL STATEMENTS

FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2012

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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 2012, which comprise: a Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income for not-for-profit Reporting Entities; Balance Sheet for not-for-profit Reporting Entities; Statement of Changes in Equity for not-for-profit Reporting Entities; Cash Flow Statement for not-for-profit Reporting Entities; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income for not-for-profit Reporting Entities; Administered Schedule of Assets and Liabilities for not-for-profit Reporting Entities; Administered Reconciliation Schedule for not-for-profit Reporting Entities; Administered Cash Flow Statement for not-for-profit Reporting Entities; 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 the 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 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 2012 and of 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
6 September 2012

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 2012 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



MICHAEL BINNINGTON
Chief Financial Officer

6 September 2012

6 September 2012

ADMINISTRATIVE APPEALS TRIBUNAL

**Statement of Comprehensive Income for not-for-profit Reporting Entities
for the period ended 30 June 2012**

	Notes	2012 \$'000	2011 \$'000
EXPENSES			
Employee benefits	3A	21,692	21,572
Supplier expenses	3B	13,044	12,875
Depreciation and amortisation	3C	1,886	1,800
Losses from assets sales	3D	2	18
Total expenses		36,624	36,265
LESS:			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	1,351	1,116
Total own-source revenue		1,351	1,116
GAINS			
Other	4B	313	244
Total gains		313	244
Total own-source income		1,664	1,360
Net cost of services		34,960	34,905
Revenue from Government	4C	34,579	32,732
Surplus / (Deficit) attributable to the Australian Government		(381)	(2,173)
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation surplus		265	123
Total other comprehensive income		265	123
Total comprehensive income/(loss) attributable to the Australian Government		(116)	(2,050)

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

ADMINISTRATIVE APPEALS TRIBUNAL

**Balance Sheet for not-for-profit Reporting Entities
as at 30 June 2012**

	Notes	2012 \$'000	2011 \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	5A	283	98
Trade and other receivables	5B	11,380	9,959
Total financial assets		11,663	10,057
Non-Financial Assets			
Leasehold improvements	6A,C	4,705	5,587
Plant and equipment	6B,C	1,438	1,633
Intangibles	6D,E	248	429
Other non-financial assets	6F	346	495
Total non-financial assets		6,737	8,144
Total Assets		18,400	18,201
LIABILITIES			
Payables			
Suppliers	7A	661	1,177
Total payables		661	1,177
Interest Bearing Liabilities			
Other	8A	813	837
Total interest bearing liabilities		813	837
Provisions			
Employee provisions	9A	6,071	6,082
Other provisions	9B	480	420
Total provisions		6,551	6,502
Total liabilities		8,025	8,516
Net assets		10,375	9,685
EQUITY			
Parent Entity Interest			
Contributed equity		3,145	2,339
Reserves		3,821	3,556
Retained surplus		3,409	3,790
Total parent entity interest		10,375	9,685
Total Equity		10,375	9,685

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

ADMINISTRATIVE APPEALS TRIBUNAL

**Statement of Changes in Equity for not-for-profit Reporting Entities
for the period ended 30 June 2012**

	Retained earnings		Asset revaluation surplus		Contributed equity/capital		Total equity	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
Opening balance								
Balance carried forward from previous period	3,790	5,963	3,556	3,433	2,339	1,592	9,685	10,988
Adjusted opening balance	3,790	5,963	3,556	3,433	2,339	1,592	9,685	10,988
Comprehensive income								
Other comprehensive income (Deficit) for the period	- (381)	- (2,173)	265 -	123 -	- -	- -	265 (381)	123 (2,173)
Total comprehensive income	(381)	(2,173)	265	123	-	-	(116)	(2,050)
Of which:								
Attributable to the Australian Government	(381)	(2,173)	265	123	-	-	(116)	(2,050)
Transactions with owners								
Contribution by owners								
Departmental capital budget	-	-	-	-	806	747	806	747
Sub-total transactions with owners	-	-	-	-	806	747	806	747
Closing balance as at 30 June	3,409	3,790	3,821	3,556	3,145	2,339	10,375	9,685

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

ADMINISTRATIVE APPEALS TRIBUNAL

**Cash Flow Statement for not-for-profit Reporting Entities
for period ended 30 June 2012**

	Notes	2012 \$'000	2011 \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations		33,279	31,153
Sales of goods and rendering of services		1,230	1,029
Net GST received		1,293	1,321
Total cash received		35,802	33,503
Cash used			
Employees		(21,428)	(21,173)
Suppliers		(14,690)	(12,916)
Total cash used		(36,118)	(34,089)
Net cash from operating activities	10	(316)	(586)
INVESTING ACTIVITIES			
Cash used			
Purchase of plant and equipment		(305)	(579)
Purchase of intangibles		-	(210)
Total cash used		(305)	(789)
Net cash used by investing activities		(305)	(789)
FINANCING ACTIVITIES			
Cash received			
Contributed equity		806	747
Total cash received		806	747
Net cash from financing activities		806	747
Net increase (decrease) in cash held		185	(628)
Cash and cash equivalents at the beginning of the reporting period		98	726
Cash and cash equivalents at the end of the reporting period	5A	283	98

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

ADMINISTRATIVE APPEALS TRIBUNAL

Schedule of Commitments
as at 30 June 2012

	2012 \$'000	2011 \$'000
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments ¹	(1,559)	(2,064)
Total commitments receivable	(1,559)	(2,064)
Commitments payable		
Other commitments		
Operating leases ^{2,3}	17,120	22,631
Other	12	34
Total other commitments	17,132	22,665
Net commitments by type	15,573	20,601
BY MATURITY		
Commitments receivable		
Net GST recoverable on commitments¹		
One year or less	(425)	(434)
From one to five years	(1,134)	(1,630)
Over five years	-	-
Total commitments receivable	(1,559)	(2,064)
Commitments payable		
Operating lease commitments		
One year or less	4,652	4,703
From one to five years	12,468	17,928
Over five years	-	-
Total operating lease commitments	17,120	22,631
Other commitments		
One year or less	12	34
From one to five years	-	-
Over five years	-	-
Total other commitments	12	34
Total commitments payable	17,132	22,665
Net commitments by maturity	15,573	20,601

¹ Commitments are GST inclusive where relevant.

² These commitments comprise of leases of hearing rooms and office accommodation for the Tribunal.

³ Operating leases included are effectively non-cancellable and comprise:

- Leases for office accommodation.

The entity in its capacity as Lessor 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 extension options for the Tribunal following a review of rentals to current market. 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 recognized at this time.

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

ADMINISTRATIVE APPEALS TRIBUNAL**75****Schedule of Contingencies**
as at 30 June 2012

There are no quantifiable contingent assets or liabilities as at 30 June 2012 (2011: Nil). Refer to Note 11 for details of any unquantifiable or remote contingent assets or contingent liabilities.

ADMINISTRATIVE APPEALS TRIBUNAL

**Administered Schedule of Comprehensive Income for not-for-profit Reporting Entities
for the period ended 30 June 2012**

	Notes	2012 \$'000	2011 \$'000
EXPENSES			
Refund of application fees		280	303
Total expenses administered on behalf of Government		280	303
LESS:			
OWN-SOURCE INCOME			
Non-taxation revenue			
Application fees		689	626
Interest		1,291	-
Total non-taxation revenue		1,980	626
Total own-source revenue administered on behalf of Government		1,980	626
Net contribution by services		(1,700)	(323)
Surplus after income tax		1,700	626
Total comprehensive income		1,700	323

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

**Administered Schedule of Assets and Liabilities for not-for-profit Reporting Entities
as at 30 June 2012**

There were no administered assets or liabilities as at 30 June 2012 (2011: Nil).

Administered Reconciliation Schedule for not-for-profit Reporting Entities

	2012 \$'000	2011 \$'000
Opening administered assets less administered liabilities as at 1 July	-	-
Surplus / (deficit) items:		
Plus: Administered income	1,980	626
Less: Administered expenses	(280)	(303)
Administered transfers to/ from Australian Government:		
Appropriation transfers from OPA:		
Special appropriations (limited) s28 refunds	280	303
Transfers to OPA	(1,980)	(626)
Closing administered assets less administered liabilities as at 30 June	-	-

ADMINISTRATIVE APPEALS TRIBUNAL

Administered Cash Flow Statement for not-for-profit Reporting Entities for the period ended 30 June 2012		
	2012	2011
	\$'000	\$'000
OPERATING ACTIVITIES		
Cash received		
Application fees	689	626
Interest	1,291	-
Total cash received	1,980	626
Cash used		
Refund of application fees	(280)	(303)
Total cash used	(280)	(303)
Net cash flows from operating activities	1,700	323
Net Increase in Cash Held	1,700	323
Cash and cash equivalents at the beginning of the reporting period	-	-
Cash from Official Public Account for:		
- Appropriations	280	303
Cash to Official Public Account for:		
- Appropriations	(1,980)	(626)
Cash and cash equivalents at the end of reporting period	-	-
This schedule should be read in conjunction with the accompanying notes		

**Schedule of Administered Commitments
as at 30 June 2012**

There were no administered commitments as at 30 June 2012 (2011: Nil).

**Schedule of Administered Contingencies
as at 30 June 2012**

There were no administered contingencies as at 30 June 2012 (2011: 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 appropriations 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, revenues 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 (or 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 are 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 are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the balance sheet 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 executor 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.

Notes to and forming part of the financial statements

1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the Tribunal has made a judgement that has 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.

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

1.4 New 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:

- **Revised AASB 124 *Related Party Disclosures* and AASB 2009-12 *Amendments to Australian Accounting Standards*** (effective for annual reporting periods beginning on or after 1 January 2011).

In December 2009 the AASB issued a revised AASB 124 *Related Party Disclosures*. The amendment clarifies and simplifies the definition of a related party and removes the requirement for government-related entities to disclose details of all transactions with the government and other government-related entities.

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 future financial 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 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.

The Tribunal has yet to determine which, if any, of its current measurement techniques will have to change as a result of the new guidance. It is therefore not possible to state the impact, if any, of the new rules on any of the amounts recognised in the financial statements. However, application of the new

Notes to and forming part of the financial statements

standard will impact the type of information disclosed in the notes to the financial statements. This standard is not applicable until financial year 2013-14.

- **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.

This standard is not applicable until financial year 2013-14.

- **AASB 9: *Financial Instruments* and AASB 2009–11: *Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12]* (effective 1 January 2013)**

The changes made to accounting requirements include:

- simplifying the classifications of financial assets into those carried at amortised cost and those carried at fair value;
- removing the tainting rules associated with held-to-maturity assets;
- requiring financial assets to be reclassified where there is a change in an entity's business model as they are initially classified based on: (a) the objective of the entity's business model for managing the financial assets; and (b) the characteristics of the contractual cash flows.

This standard is not applicable until financial year 2013-14.

Notes to and forming part of the financial statements

- **AASB 1053 *Application of Tiers of Australian Accounting Standards* and AASB 2010-2 *Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements*** (effective 1 July 2013)

On 30 June 2010 the AASB officially introduced a revised differential reporting framework in Australia. Under this framework, a two-tier differential reporting regime applies to all entities that prepare general purpose financial statements. The Administrative Appeals Tribunal has public accountability as defined in AASB 1053 and is therefore not eligible to adopt the new Australian Accounting Standards – Reduced Disclosure Requirements. As a consequence, the two standards will have no impact on the financial statements of the entity.

- **AASB 2011-9 *Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income*** (effective 1 July 2012)

In September 2011, the AASB made an amendment to AASB 101 *Presentation of Financial Statements* which requires entities to separate items presented in other comprehensive income into two groups, based on whether they may be recycled to profit or loss in the future. This will not affect the measurement of any of the items recognised in the balance sheet or the profit or loss in the current period. The Tribunal intends to adopt the new standard from 1 July 2012.

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 future financial impact on the Tribunal.

1.5 Revenue

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the Tribunal retains no managerial involvement nor effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the Tribunal.

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

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- 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:

- surveys of work performed;
- services performed to date as a percentage of total services to be performed; or
- 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 their 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.

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 non-current 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 Australian Government entity under a restructuring of administrative arrangement 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 due 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.

Notes to and forming part of the financial statements

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 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.

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 2012. 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 separations 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) and 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 and Deregulation's administered schedule and notes.

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

The liability for superannuation recognised 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.

1.10 Borrowing Costs

All borrowing costs are expensed as incurred.

Notes to and forming part of the financial statements**1.11 Cash**

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

- cash on hand;
- 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;
- cash held with outsiders; and
- cash held in special accounts.

1.12 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.

1.13 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 financial 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).

1.14 Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the balance sheet 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.

1.15 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.

1.16 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 revenues 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 agency's accounts immediately prior to the restructuring.

1.17 Leasehold Improvements, Plant and Equipment

Asset Recognition Threshold

Purchases of leasehold improvements, plant and equipment are recognised initially at cost in the balance sheet, 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	Market selling price

The Tribunal does not own any land or buildings.

Following initial recognition at cost, plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not materially differ with the assets' fair values as at the reporting date. The regularity of independent valuations depends 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 is eliminated against the gross carrying amount of the asset and the asset restated at the revalued amount.

Depreciation

Depreciable 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. Leasehold improvements are depreciated on a straight-line basis over the lesser of the estimated useful life of the improvements or the unexpired period of the lease.

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:

	<u>2012</u>	<u>2011</u>
Leasehold improvements	Lesser of estimated useful life and lease term	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 2012. 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 of 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 leasehold improvement, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

1.18 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 (2011: 3 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2012. No indications of impairment were found for intangible assets.

Notes to and forming part of the financial statements

1.19 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:

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

1.20 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the schedule of administered items 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 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 and Deregulation. 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.

Notes to and forming part of the financial statements**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.

Note 3: Expenses	2012	2011
	\$'000	\$'000
<u>Note 3A: Employee benefits</u>		
Wages and salaries	16,954	16,461
Superannuation		
Defined contribution plans	888	811
Defined benefit plans	1,743	1,965
Leave and other entitlements	2,055	2,282
Separation and redundancies	52	53
Total employee benefits	21,692	21,572
<u>Note 3B: Suppliers</u>		
Goods and services		
General suppliers	5,180	5,027
Other property costs	2,349	2,361
Total goods and services	7,529	7,388
Goods and Services are made up of:		
Provision of goods - external parties	368	368
Rendering of services - related entities	498	451
Rendering of services - external parties	6,663	6,569
Total goods and services	7,529	7,388
Other supplier expenses		
Operating lease rentals – external parties:		
Minimum lease payments	5,411	5,383
Workers compensation expenses	104	104
Total other supplier expenses	5,515	5,487
Total supplier expenses	13,044	12,875

Notes to and forming part of the financial statements

	2012 \$'000	2011 \$'000
Note 3C: Depreciation and Amortisation		
Depreciation:		
Leasehold improvements, plant and equipment	1,705	1,589
Total depreciation	1,705	1,589
Amortisation:		
Intangibles	181	211
Total amortisation	181	211
Total depreciation and amortisation	1,886	1,800
Note 3D: Losses from assets sales		
Plant and equipment		
Carrying value of assets sold	2	18
Total losses from assets sales	2	18

Note 4: Income**OWN-SOURCE REVENUE****Note 4A: Sale of Goods and Rendering of Services**

Rendering of services - related entities	874	777
Rendering of services - external parties	477	339
Total sale of goods and rendering of services	1,351	1,116

GAINS**Note 4B: Other gains**

Resources received free of charge - services	38	37
Liabilities assumed by other departments	275	207
Total other gains	313	244

REVENUE FROM GOVERNMENT**Note 4C: Revenue from Government**

Appropriations:		
Departmental appropriations	34,579	32,732
Total revenue from Government	34,579	32,732

Notes to and forming part of the financial statements

	2012 \$'000	2011 \$'000
Note 5: Financial Assets		
<u>Note 5A: Cash and cash equivalents</u>		
Cash on hand or on deposit	283	98
Total cash and cash equivalents	283	98
<u>Note 5B: Trade and Other receivables</u>		
Goods and services – related entities	238	100
Goods and services – external parties	95	28
Total receivables for goods and services	333	128
Appropriations receivable:		
For existing programs	10,900	9,600
Total appropriations receivable	10,900	9,600
Other receivables:		
GST receivable from the Australian Taxation Office	147	231
Total other receivables	147	231
Total trade and other receivables (Net)	11,380	9,959

No impairment has been recognised in 2012 (2011:Nil).

Receivables are expected to be recovered in:

No more than 12 months	11,380	9,959
More than 12 months	-	-
Total trade and other receivables (net)	11,380	9,959

Receivables are aged as follows:

Not overdue	11,368	9,948
Overdue by:		
0 to 30 days	4	8
31 to 60 days	4	2
61 to 90 days	3	1
More than 90 days	1	-
	12	11
Total receivables (gross)	11,380	9,959

Credit terms for goods and services were within 30 days (2011: 30 days).

Note 6: Non-Financial Assets**Note 6A: Leasehold Improvements**

Leasehold improvements at fair value	4,705	5,587
Total leasehold improvements	4,705	5,587

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.

Notes to and forming part of the financial statements

	2012 \$'000	2011 \$'000
Note 6B: Plant and Equipment		
Plant and equipment at fair value	1,438	1,633
Total plant and equipment	1,438	1,633

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 1.16. On 30 June 2012, an independent valuer, Australian Valuation Office, conducted the revaluations.

A revaluation increment of \$323,142 for leasehold improvements was credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet (2011 increment \$92,803).

A revaluation increment of \$2,044 for plant and equipment was credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet (2011 increment \$30,625).

Note 6C: Reconciliation of the Opening and Closing Balances of Leasehold Improvements, Plant and Equipment (2011-12)

	Leasehold Improvements \$'000	Plant and Equipment \$'000	Total \$'000
As at 1 July 2011			
Gross book value	5,587	1,633	7,220
Accumulated depreciation and impairment	-	-	-
Net book value 1 July 2011	5,587	1,633	7,220
Additions			
By purchase	40	265	305
Revaluations and impairments recognised in other comprehensive income	323	2	325
Revaluations and impairment recognised in the operating result	-	-	-
Depreciation expense	(1,245)	(460)	(1,705)
Disposals:			
Other	-	(2)	(2)
Net book value 30 June 2012	4,705	1,438	6,143
Net book value as at 30 June 2012 represented by:			
Gross book value	4,705	1,438	6,143
Accumulated depreciation and impairment	-	-	-
Net book value 30 June 2012	4,705	1,438	6,143

Notes to and forming part of the financial statements**Note 6C (Cont'd) : Reconciliation of the Opening and Closing Balances of Leasehold Improvements, Plant and Equipment (2010-11)**

	Leasehold Plant and Equipment Improvements		Total
	\$'000	\$'000	\$'000
As at 1 July 2010			
Gross book value	6,642	1,448	8,090
Accumulated depreciation and impairment	-	-	-
Net book value 1 July 2010	6,642	1,448	8,090
Additions			
By purchase	65	549	614
Revaluations and impairments recognised in other comprehensive income	93	30	123
Revaluations and impairment recognised in the operating result	-	-	-
Depreciation expense	(1,213)	(376)	(1,589)
Disposals:			
Other	-	(18)	(18)
Net book value 30 June 2011	5,587	1,633	7,220
Net book value as at 30 June 2011 represented by:			
Gross book value	5,587	1,633	7,220
Accumulated depreciation and impairment	-	-	-
Net book value 30 June 2011	5,587	1,633	7,220

	2012 \$'000	2011 \$'000
<u>Note 6D: Intangibles</u>		
Computer software		
Purchased	990	1,863
Accumulated amortisation	(742)	(1,434)
Total computer software	248	429
Total intangibles	248	429

No indicators of impairment were found for intangible assets.
No intangibles are expected to be sold or disposed of within the next 12 months.

Notes to and forming part of the financial statements**Note 6E : Reconciliation of the opening and closing balances of Intangibles (2011-12).**

Item	Computer software purchased \$'000	Total \$'000
As at 1 July 2011		
Gross book value	990	990
Accumulated amortisation and impairment	(561)	(561)
Net book value 1 July 2011	429	429
Additions		
By purchase or internally developed	-	-
Amortisation	(181)	(181)
Write-off		
Gross value of assets written off	-	-
Accumulated depreciation	-	-
Net book value 30 June 2012	248	248
Net book value as of 30 June 2012 represented by:		
Gross book value	990	990
Accumulated amortisation and impairment	(742)	(742)
Net book value 30 June 2012	248	248

Note 6E (Cont'd) : Reconciliation of the opening and closing balances of intangibles (2010-11).

Item	Computer software purchased \$'000	Total \$'000
As at 1 July 2010		
Gross book value	1,653	1,653
Accumulated amortisation and impairment	(1,223)	(1,223)
Net book value 1 July 2010	430	430
Additions		
By purchase or internally developed	210	210
Amortisation	(211)	(211)
Write-off		
Gross value of assets written off	(873)	(873)
Accumulated depreciation	873	873
Net book value 30 June 2011	429	429
Net book value as of 30 June 2011 represented by:		
Gross book value	990	990
Accumulated amortisation and impairment	(561)	(561)
Net book value 30 June 2011	429	429

Notes to and forming part of the financial statements

	2012 \$'000	2011 \$'000
<u>Note 6F: Other non-financial assets</u>		
Prepayments	346	495
Total other non-financial assets	346	495
Total other non-financial assets – are expected to be recovered in:		
No more than 12 months	346	495
Total other non-financial assets	346	495

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

Note 7: Payables**Note 7A: Suppliers**

Trade creditors and accruals	661	1,177
Total suppliers payables	661	1,177
Suppliers payables expected to be settled within 12 months:		
Related entities	99	26
External parties	562	1,151
Total suppliers payables	661	1,177

Settlement was usually made within 30 days.

Note 8: Interest Bearing Liabilities**Note 8A: Other interest bearing liabilities**

Lease incentives ¹	813	837
Total other interest bearing liabilities	813	837
Interest bearing liabilities are expected to be settled in:		
No more than 12 months	108	15
More than 12 months	705	822
Total interest bearing liabilities	813	837

1. The Tribunal received incentives in the form of rent free periods and carpeting contributions on entering property operating leases.

Notes to and forming part of the financial statements

	2012 \$'000	2011 \$'000
Note 9: Provisions		
<u>Note 9A: Employee provisions</u>		
Leave	4,617	4,684
Other	1,454	1,398
Total employee provisions	6,071	6,082
Employee provisions are expected to be settled in:		
No more than 12 months	5,264	5,408
More than 12 months	807	674
Total employee provisions	6,071	6,082
<u>Note 9B: Other provisions</u>		
Provision for restoration obligations	480	420
Total other provisions	480	420
Other provisions are expected to be settled in:		
More than 12 months	480	420
Total other provisions	480	420
	Provision for restoration \$'000	Total \$'000
Carrying amount 1 July 2011	420	420
Additional provisions made	60	60
Amount used	-	-
Amounts reversed	-	-
Unwinding of discount or change in the discount rate	-	-
Closing balance 2012	480	480

The Tribunal currently has two agreements 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**

Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement	2012 \$'000	2011 \$'000
Cash and cash equivalents as per:		
Cash Flow Statement	283	98
Balance Sheet	283	98
Difference	<u>-</u>	<u>-</u>
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(34,960)	(34,905)
Add revenue from Government	34,579	32,732
Adjustments for non-cash items		
Depreciation/amortisation	1,886	1,800
Loss on disposal of assets	2	18
Changes in assets/liabilities		
(Increase)/decrease in net receivables	(1,421)	(1,666)
(Increase)/decrease in prepayments	149	1,124
Increase/(decrease) in employee provisions	(11)	192
Increase/(decrease) in suppliers payables	(516)	60
Increase/(decrease) in other payables	(24)	59
Net cash (used by) operating activities	<u>(316)</u>	<u>(586)</u>

Note 11: Contingent Assets and Liabilities**Quantifiable Contingencies**

At 30 June 2012, the Tribunal had no quantifiable contingent liabilities (2011: Nil).

Unquantifiable or Remote Contingencies

At 30 June 2012, the Tribunal had not identified any unquantifiable or remote contingencies (2011: 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**

	<u>2012</u>	<u>2011</u>
Short-term employee benefits:		
Salary	547,668	433,995
Annual leave accrued	38,320	36,165
Performance bonuses	-	10,997
Motor vehicle and other allowances	-	121,590
Total short-term employee benefits	<u>585,988</u>	<u>602,747</u>
Post-employment benefits:		
Superannuation	54,380	65,570
Total post-employment benefits	<u>54,380</u>	<u>65,570</u>
Other long term benefits		
Long-service leave	23,344	10,850
Total other long term benefits	<u>23,344</u>	<u>10,850</u>
Total employment benefits	<u>663,712</u>	<u>679,167</u>

Notes:

- Note 12A was prepared on an accrual basis (so the performance bonus expenses disclosed above differ from the cash 'Bonus paid' in Note 12B).
- Note 12A excludes acting arrangements and part-year service where remuneration expensed for a senior executive was less than \$150,000.

Note 12B: Average Annual Remuneration Paid to Substantive Senior Executives During the Reporting Period 2012

Average annual reportable remuneration ¹	Senior Executives No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus Paid ⁵ \$	Total \$
Total remuneration (including part-time arrangements):						
\$0 to \$149,999	2	82,635	7,860	-	-	90,495
\$270,000 to \$299,999	1	261,769	27,915	-	-	289,684
Total	3					

Average annual reportable remuneration ¹	Senior Executives No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus Paid ⁵ \$	Total \$
Total remuneration (including part-time arrangements):						
\$150,000 to \$179,999	1	151,262	17,823	-	8,065	177,150
\$210,000 to \$239,999	1	202,384	27,966	3,978	-	234,328
Total	2					

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' to account for tax benefits); and
 - c) exempt foreign employment income.
3. The 'contributed superannuation' amount is the average actual superannuation contributions paid to senior executives in that reportable remuneration band during the reporting period, including any salary sacrificed amounts, as per the individual's payslips.
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.
6. Various salary sacrifice arrangements were available to senior executives including superannuation, motor vehicles and expense payment fringe benefits. Salary sacrifice benefits are reported in the 'reportable salary' column, excluding salary sacrificed superannuation, which is reported in the 'contributed superannuation' column.

Note 12C: Other Highly Paid Staff

		2012				
Average annual reportable remuneration ¹	Staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus Paid ⁵ \$	Total \$
Total remuneration (including part-time arrangements):						
\$150,000 to \$179,999	2	108,117	42,903	-	4,555	155,575
\$180,000 to \$209,999	2	172,699	24,644	-	-	197,343
\$240,000 to \$269,999	2	237,894	26,715	-	-	264,609
\$300,000 to \$329,999	6	279,187	43,314	-	-	322,501
\$330,000 to \$359,999	2	292,149	47,891	216	-	340,256
\$390,000 to \$419,999	3	359,031	56,045	155	-	415,231
\$420,000 to \$449,999	3	362,267	67,418	75	-	429,760
\$780,000 to \$809,999	1	781,309	-	-	-	781,309
Total	21					
		2011				
Average annual reportable remuneration ¹	Staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus Paid ⁵ \$	Total \$
Total remuneration (including part-time arrangements):						
\$150,000 to \$179,999	2	127,684	24,550	117	-	152,351
\$180,000 to \$209,999	5	154,627	34,884	554	2,046	192,111
\$210,000 to \$239,999	1	199,074	29,393	-	-	228,467
\$240,000 to \$269,999	2	203,701	39,834	11,136	-	254,671
\$270,000 to \$299,999	8	230,741	43,830	16,172	-	290,743
\$360,000 to \$389,999	5	283,217	64,224	20,220	-	367,661
\$390,000 to \$419,999	1	371,954	-	41,573	-	413,527
\$420,000 to \$449,999	1	318,760	90,665	12,337	-	421,762
Total	25					

Notes:

1. This table reports staff:

- a) who were employed by the Tribunal during the reporting period;
- b) whose reportable remuneration was \$150,000 or more for the financial period; and
- c) were not required to be disclosed in Tables A or B 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' to account for tax benefits); and
- c) exempt foreign employment income.

3. The 'contributed superannuation' amount is the average actual superannuation contributions paid to staff in that reportable remuneration band during the reporting period, including any salary sacrificed amounts, as per the individual's payslips.

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.

6. Various salary sacrifice arrangements were available to other highly paid staff including superannuation, motor vehicles and expense payment fringe benefits. Salary sacrifice benefits are reported in the 'reportable salary' column, excluding salary sacrificed superannuation, which is reported in the 'contributed superannuation' column.

Notes to and forming part of the financial statements**Note 13: Remuneration of Auditors**

	2012 \$'000	2011 \$'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	38	37
Total	38	37

Note 14: Financial Instruments**Note 14A: Categories of financial instruments****Financial assets****Loans and receivables**

Cash and cash equivalents	283	98
Trade receivables	333	128
Total	616	226
Carrying amount of financial assets	616	226

Financial liabilities**At amortised cost:**

Payables - suppliers	661	1,177
Other interest bearing liabilities	813	837
Total	1,474	2,014
Carrying amount of financial liabilities	1,474	2,014

There is no expected difference between the carrying amounts of the above financial assets and liabilities and the fair value as all financial assets are expected to be converted to cash or cash equivalents and financial liabilities paid in full.

Note 14B: Net income and expense from financial assets

The Tribunal had no income or expense in relation to financial assets in the year ending 30 June 2012 (2011: Nil)

Note 14C: Net income and expense from financial liabilities

The Tribunal had no income or expense in relation to financial liabilities in the year ending 30 June 2012 (2011: 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 (2012: \$332,213 and 2011: \$127,970). The Tribunal has assessed the risk of the default on payment and has allocated nil in 2012 (2011: 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 instruments not past due or individually determined as impaired.

	Not Past Due Nor Impaired 2012 \$'000	Not Past Due Nor Impaired 2011 \$'000	Past Due or Impaired 2012 \$'000	Past Due or Impaired 2011 \$'000
Cash and cash equivalents	283	98	-	-
Receivables for goods and services	321	117	12	11
Total	604	215	12	11

Ageing of financial assets that were past due but not impaired for 2012

	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	4	4	3	1	12
Total	4	4	3	1	12

Ageing of financial assets that were past due but not impaired for 2011

	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	8	2	1	-	11
Total	8	2	1	-	11

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 2012:

	On demand \$'000	Within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Suppliers	-	661	-	-	-	661
Other interest bearing liabilities	-	108	519	186	-	813
Total	-	661	519	186	-	1,474

Maturities for non-derivative financial liabilities 2011:

	On demand \$'000	Within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Suppliers	-	1,177	-	-	-	1,177
Other interest bearing liabilities	-	15	334	488	-	837
Total	-	1,192	334	488	-	2,014

The entity had no derivative financial liabilities in either 2012 or 2011.

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	2012 \$'000	2011 \$'000
Financial Assets			
Total financial assets as per balance sheet		11,663	10,057
Less: non-financial instruments components:			
Appropriations receivable	5B	10,900	9,600
GST receivable	5B	147	231
Total non-financial instrument components		11,047	9,831
Total financial assets as per financial instruments note		616	226

Notes to and forming part of the financial statements**Note 16: Administered – Cash Flow Reconciliation**

	2012 \$'000	2011 \$'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	-	-
Schedule of administered assets and liabilities	-	-
Difference	<u>-</u>	<u>-</u>
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	<u>1,700</u>	<u>323</u>
Net cash (used by) operating activities	<u>1,700</u>	<u>323</u>

Note 17: Administered - Contingent Assets and Liabilities

There were no administered contingent assets or liabilities as at 30 June 2012 (2011: Nil).

Notes to and forming part of the financial statements

Note 18: Appropriations

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

	2012 Appropriations							Appropriation applied in 2012 (current and prior years) \$'000	Variance \$'000
	Appropriation Act		FMA Act			Total Appropriation \$'000			
	Annual Appropriations \$'000	Appropriations Reduced ⁽¹⁾ \$'000	AFM ⁽²⁾ \$'000	Section 30 \$'000	Section 31 \$'000		Section 32 \$'000		
DEPARTMENTAL Ordinary annual services ⁽³⁾	35,385	-	-	-	1,425	-	36,810	(35,325)	1,485
Total Departmental ADMINISTERED Ordinary annual services	35,385	-	-	-	1,425	-	36,810	(35,325)	1,485
Total Administered	-	-	-	-	-	-	-	-	-

Notes:

- Appropriations reduced under Appropriation Acts (No. 1,3,5) 2011-12: sections 10, 11, 12 and 15 and under Appropriation Acts (No. 2,4,6) 2011-12: 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 2012, there was no reduction in departmental appropriations for the Tribunal.
- Advance to the Finance Minister (AFM) - Appropriation Acts (No. 1,3,5) 2011-12: section 13 and Appropriation Acts (No. 2,4,6) 2011-12: 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 A (Cont'd) : Annual Appropriations ('Recoverable GST exclusive')**

	2011 Appropriations							Appropriation applied in 2011 (current and prior years) \$'000	Variance \$'000
	Appropriation Act		FMA Act			Total Appropriation \$'000			
	Annual Appropriations \$'000	Appropriations Reduced ⁽¹⁾ \$'000	AFM ⁽²⁾ \$'000	Section 30 \$'000	Section 31 \$'000		Section 32 \$'000		
DEPARTMENTAL									
Ordinary annual services ⁽³⁾	33,479	-	-	32	1,029	-	34,540	(33,589)	951
Total Departmental	33,479	-	-	32	1,029	-	34,540	(33,589)	951
ADMINISTERED									
Ordinary annual services	-	-	-	-	-	-	-	-	-
Total Administered	-	-	-	-	-	-	-	-	-

Notes:

1. Appropriations reduced under Appropriation Acts (No. 1,3,5) 2010-11: sections 10, 11, 12 and 15 and under Appropriation Acts (No. 2,4,6) 2010-11: 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 2011 there was no reduction in departmental appropriations for the Tribunal.
2. Advance to the Finance Minister (AFM) - Appropriation Acts (No. 1,3,5) 2010-11: section 13 and Appropriation Acts (No. 2,4,6) 2010-11: 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 B: Departmental Capital Budgets ('Recoverable GST exclusive')**

	2012 Capital Budget Appropriations			Capital Budget Appropriations applied in 2012 (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 ⁽⁵⁾ \$'000	Payments for other purposes \$'000	Total payments \$'000	Variance \$'000
DEPARTMENTAL							
Ordinary annual services - Departmental Capital Budget ⁽¹⁾	806	-	806	(305)	-	(305)	501
Total Departmental	806	-	806	(305)	-	(305)	501

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) 2011-12: 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

	2011 Capital Budget Appropriations			Capital Budget Appropriations applied in 2011 (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⁾	747	-	747	(789)	-	(789)	(42)
Total Departmental	747	-	747	(789)	-	(789)	(42)

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) 2010-11: 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	2012 \$'000	2011 \$'000
Appropriation Act (No.1) 2010-11	2,200	9,600
Appropriation Act (No.1) 2011-12	8,700	-
Total	10,900	9,600

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

Authority	Type	Purpose	2012 \$'000	2011 \$'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.	280	303
Total			280	303

Note 19: Special Accounts

Other Trust Monies	2012 \$'000	2011 \$'000
Appropriation: Financial Management and Accountability Act section 20		
Establishing Instrument: Financial Management and Accountability Act 1997		
Purpose: For expenditure of monies temporarily held on trust or otherwise for the benefit of a person other than the Commonwealth.		
Balance brought forward from previous period	-	-
Appropriation for reporting period	-	-
Other receipts	-	-
Total Increase	-	-
Available for payment	-	-
Payments made	-	-
Total decrease	-	-
Total balance carried to next period	-	-

The Tribunal's Other Trust Monies Special Account was abolished by *Financial Management and Accountability (Abolition of 24 Special Accounts) Determination 2012/02* as of June 20, 2012 as it was no longer required.

Notes to and forming part of the financial statements**Note 20: Compliance with Statutory Conditions for Payment from the Consolidated Revenue Fund**

Section 83 of the Constitution provides that no amount may be paid out of the Consolidated Revenue Fund except under an appropriation made by law. The Department of Finance and Deregulation provided information to all agencies in 2011 regarding the need for risk assessments in relation to compliance with statutory conditions on payments from special appropriations, including special accounts. The possibility of this being an issue for the agency was reported in the notes to the 2010-11 financial statements and the agency undertook to investigate the issue during 2011-12.

During 2011-12, the agency developed a plan to review exposure to risks of not complying with statutory conditions on payments from appropriations. The plan involved:

- identifying each special appropriation;
- determining the risk of non-compliance by assessing the difficulty of administering the statutory conditions and assessing the extent to which existing payment systems and processes satisfy those conditions;
- determining procedures to confirm risk assessments in medium risk cases and to quantify the extent of non-compliance, if any;
- obtaining in-house legal advice as appropriate to resolve questions of potential non-compliance; and
- considering legislative or procedural changes to reduce the risk of non-compliance in the future to an acceptably low level.

The agency identified one special appropriation involving statutory conditions for payment authorised by the *Administrative Appeals Act 1975 and Regulations 1976* and funded pursuant to section 28 of the *FMA Act 1997*.

As at 30 June 2012 this work had been completed in respect of the appropriation with statutory conditions for payment representing \$280,114 of administered expenditure in 2011-12.

The work conducted to date has identified no issues of compliance with Section 83 and internal assessment indicates that the risk of non-compliance is low.

Ongoing monitoring of the risk of breach will be continued in 2012-13 via the Tribunal's internal audit programme. In addition, the Tribunal will make minor modifications to Chief Executive Instructions and internal processes to further reduce the risk of breaches.

Notes to and forming part of the financial statements**Note 21: Compensation and Debt Relief**

	2012 \$	2011 \$
Compensation and Debt Relief - Departmental		
No 'Act of Grace' payments were expensed during the reporting period (2011: 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> (2011: nil).	-	-
No payments were provided under the <i>Compensation for Detriment caused by Defective Administration (CDDA) Scheme</i> during the reporting period (2011: nil).	-	-
No ex gratia payments were provided during the reporting period (2011: 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 (2011: nil)	-	-
Compensation and Debt Relief - Administered		
No 'Act of Grace' payments were expensed during the reporting period (2011: 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> (2011: nil).	-	-
No payments were provided under the <i>Compensation for Detriment caused by Defective Administration (CDDA) Scheme</i> during the reporting period (2011: nil).	-	-
No ex gratia payments were provided during the reporting period (2011: 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 (2011: nil)	-	-

Notes to and forming part of the financial statements**Note 22: 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 22A: Net Cost of Outcome Delivery

	Total Outcome 1	
	2012	2011
	\$'000	\$'000
Departmental		
Expenses	(36,624)	(36,265)
Own-source income	1,351	1,116
Administered		
Expenses	(280)	(303)
Own-source income	1,980	626
Net cost/(contribution) of outcome delivery	(33,573)	(34,826)

Note 23: Net Cash Appropriation Arrangements

	2012	2011
	\$'000	\$'000
Total comprehensive income (loss) less depreciation/amortisation expenses previously funded through revenue appropriations¹	1,770	(250)
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	(1,886)	(1,800)
Total comprehensive income (loss) – as per the Statement of Comprehensive Income	(116)	(2,050)

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 2012

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 RJ Buchanan
 The Hon Justice JM Jagot

Deputy Presidents The Hon BJM Tamberlin QC
 Mr RP Handley
 Professor R Deutsch
 Mr SE Frost

NON-PRESIDENTIAL MEMBERS

Senior Members Mr MD Allen (G,S,T,V)
 Ms G Ettinger (G,S,T,V)
 Ms NP Bell (G,S,V)
 Ms N Isenberg (G,S,V)
 Mr PW Taylor SC (G,T,V)
 Ms JF Toohey (G,V)
 Ms AK Britton (G,V)
 Mr D Letcher QC (G,T,V)
 Ms JL Redfern (G,T,V)
 Mrs G Lazanas (G,T,V)

Members Dr IS Alexander (G,V)
 Air Vice-Marshal Dr TK Austin AM (Rtd) (G,V)
 Dr M Couch (G,V)
 Dr H Haikal-Mukhtar (G,V)
 Dr TJ Hawcroft (G,V)
 Dr W Isles (G,V)
 Mr TC Jenkins (G,T,V)
 Professor GAR Johnston AM (G,V)
 Mr I Laughlin (G,T)
 Dr TM Nicoletti (G,V)
 Professor TM Sourdin (G,V)
 Dr SH Toh (G,V)

VICTORIA

PRESIDENTIAL MEMBERS

Federal Court	The Hon Justice PRA Gray 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,T,V) Mr GD Friedman (G,S,V) Mr FD O'Loughlin (G,T,V) Mr E Fice (G,T,V)
Members	Dr R Blakley (G,V) Dr KJ Breen AM (G,V) Brigadier C Ermert (Rtd) (G,V) Dr GL Hughes (G,T,V) Dr RJ McRae (G,V) Ms RL Perton OAM (G,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 The Hon Dr B McPherson CBE

NON-PRESIDENTIAL MEMBERS

Senior Members	Mr BJ McCabe (G,T,V) Associate Professor PM McDermott RFD (G,T,V) Dr KStC Levy RFD (G,T,V) Mr SA Karas AO (G,S,V) Mr RG Kenny (G,T,V)
Members	Dr ML Denovan (G,V) Dr GJ Maynard, Brigadier (Rtd) (G,V) Dr M Sullivan (G,V) Dr PL Wulf (G,V)

SOUTH AUSTRALIA

PRESIDENTIAL MEMBERS

Federal Court	The Hon Justice BT Lander The Hon Justice JR Mansfield AM
Family Court	The Hon Justice CE Dawe
Deputy President	Mr DG Jarvis

NON-PRESIDENTIAL MEMBERS

Senior Members	Mr RW Dunne (G,T,V) Ms K Bean (G,T,V)
Members	Professor D Ben-Tovim (G,V) Lt Col R Ormston (Rtd) (G,S,V) Professor PL Reilly AO (G,V)

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,T,V) Brigadier AG Warner AM LVO (Rtd) (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,T,V)
Member	Dr RJ Walters RFD (G,V)

AUSTRALIAN CAPITAL TERRITORY

PRESIDENTIAL MEMBERS

Family Court	The Hon Justice MM Finn
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NON-PRESIDENTIAL MEMBERS

Senior Member	Professor RM Creyke (G,V)
Members	Air Vice-Marshal F Cox AO (Rtd) (G,V) Dr B Hughson (G,V) Mr MG Hyman (G) Mr S Webb (G,T,V) Dr PS Wilkins MBE (G,V)

NOTES

Presidential members and Senior Members are listed by date of appointment, 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 are indicated as follows:

G General Administrative Division

S Security Appeals Division

T Taxation Appeals Division

V Veterans' Appeals Division

APPOINTMENTS AND CESSATIONS, 2011-12

NEW APPOINTMENTS

The Hon Justice Duncan Kerr, *Chev LH*

Deputy President Fiona Alpins

Deputy President Professor Robert Deutsch

Senior Member Gina Lazanas

Member Dr Michael Couch

Member Dr William Isles

Member Lt Col Robert Ormston (Rtd)

Member Dr Marian Sullivan

RE-APPOINTMENTS

Deputy President Stephen Frost

Deputy President Deane Jarvis

Senior Member Dr Ken Levy RFD

Senior Member Bernard McCabe

Member Warren Evans

CHANGES TO APPOINTMENT

Mr SE Frost: from part-time Senior Member to part-time Deputy President

CESSATIONS

The Hon Justice Garry Downes AM

The Hon Justice Nahum Mushin

Deputy President Julian Block

Senior Member Andre Sweidan

Member Dr Barrie Morley RFD

Member Dr Maxwell Thorpe

MEMBER PROFILES

THE HON JUSTICE DUNCAN KERR, *CHEVLH*

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.

Before his appointment he practised as a barrister and specialised in public law, constitutional and administrative law, refugee and human rights law and appellate work. Justice Kerr was appointed Senior Counsel in 2004. He was also Adjunct Professor of Law, Queensland University of Technology and President of Greening Australia Ltd.

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 (1993–1996) in the Keating Government and Parliamentary Secretary for Pacific Island Affairs (2007–2009) in the Rudd Government.

Before his election to the House of Representatives, Justice Kerr had 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).

THE HON JUSTICE GARRY DOWNES AM

BA LLB FCIArb

Former President

First appointed 2 April 2002; appointment ceased on 15 May 2012

Justice Downes was appointed a Judge of the Federal Court and President of the Administrative Appeals Tribunal in 2002. He was also a judge of the Supreme Court of Norfolk Island. He is the immediate past President of the International Association of Supreme Administrative Jurisdictions.

Justice Downes was called to the Australian Bar in 1970 and appointed Queen's Counsel in 1983. He was also a member of the English Bar. His practice was concentrated on commercial law, administrative law and international arbitration.

Justice Downes is a past Chair of the Council of Australasian Tribunals and was a member of the Council of the Australasian Institute of Judicial Administration. He was Chairman of the Federal Litigation Section of the Law Council of Australia and Chairman of its Administrative Law Committee.

Justice Downes served international and national organisations in various capacities, including as President of the International Association of Lawyers, Founder and Patron of the Anglo–Australasian Lawyers' Society, Chairman of the Chartered Institute of Arbitrators Australia, Member of the International Court of Arbitration of the International Chamber of Commerce, Member of the Council of the New South Wales Bar Association and Chairman of the New South Wales Council of Law Reporting.

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.

MASON ALLEN RFD**Barrister-at-Law***Part-time Senior Member, NSW**First appointed 31 March 1988; current appointment until 1 December 2012*

After admission in 1968, Mason Allen served with the Australian Army Legal Corps in South Vietnam and Papua New Guinea. He was a solicitor, Common Law, with Brisbane City Council from 1970 to 1973 when he was appointed Crown Counsel in the office of the Tasmanian Solicitor-General. He was appointed Senior Crown Counsel in 1978. In 1980, he returned to private practice at the Queensland Bar with a commission to prosecute in both the Supreme and District Courts. He was appointed as a Senior Member of the Veterans' Review Board in 1985, a Senior Member with tenure of the Tribunal in 1988, and a part-time Senior Member on 2 June 2011.

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 has also practised in commercial law and administrative 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. She is a Fellow of The Tax Institute.

AIR VICE-MARSHAL (DR) TONY AUSTIN AM**MBBS MPH FRACMA FRACGP DipAvMed GAICD***Part-time Member, NSW**First appointed 26 October 2009; current appointment until 25 October 2014*

Tony Austin transferred to the Royal Australian Air Force Specialist Reserve in 2008, having served full-time with the RAAF since 1980. He was head of Defence Health Services from 2005 until 2008. He is currently Chairman and Director of the Remote Area Health Corps Ltd and Chairman of the National Advisory Committee on the Veterans and Veterans Families Counselling Service. Dr Austin is an Examiner with the Royal Australasian College

of Medical Administrators and is Chair of the RACMA Credentialling Committee. He also has an appointment as an Adjunct Associate Professor, Faculty of Health Sciences at the University of Queensland.

KATHERINE BEAN

BA LLB MA GradDipLegPrac

Part-time Senior Member, SA

First appointed 7 December 2009; current appointment until 6 December 2014

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, first in Sydney and later in Adelaide, until 2009 when she was appointed to the Tribunal. Immediately prior to her appointment she held the position of General Counsel with the AGS in Adelaide. Senior Member Bean has extensive administrative law experience and, at the time of her appointment, had practised in the Tribunal since 1996, including in the immigration, social security, veterans' and workers' compensation jurisdictions.

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 full-time Senior Member from 1 July 2004. She is a former legal member of the Social Security Appeals Tribunal (1994–2001), Judicial Member/Mediator with the New South Wales 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 New South Wales State Rail Authority (1994–95), as a policy officer and assistant director in the Legislation and Policy Division of the New South Wales 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 2011–12, presenting seminars to members of the AAT and to Judges and Magistrates in Papua New Guinea and Samoa. Senior Member Bell was also appointed 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 2011–12. She was also a member of the Tribunal's Professional Development Committee.

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, in a program supported by the British Overseas Services Aide scheme and the World Health Organisation, 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. He has been a World Health Organisation consultant on a number of occasions, and 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 is a Bachelor of Medicine and Surgery and a Doctor of Philosophy in London University, a Member of the Royal College of Psychiatrists in the United Kingdom, and a Fellow of the Royal Australian and New Zealand College of Psychiatry. He is also a Professor in the Faculty of Health Sciences in Flinders University.

DR ROSLYN BLAKLEY

Part-time Member, Vic

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

Roslyn Blakley was appointed as the Regional Health Director, Victoria and Tasmania with the Department of Defence in December 2010. Her previous experience in the Australian Regular Army includes 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 is undertaking a Graduate Diploma in Health Law at the University of Sydney.

JULIAN BLOCK

HDIPLaw HDIPTax LLM MTax

Part-time Deputy President, NSW

First appointed 9 August 1995; appointment ceased on 26 October 2011

Julian Block was originally admitted as a solicitor in South Africa and thereafter in the United Kingdom. He emigrated to Australia in March 1978 and joined Freehills, becoming a partner in 1980. He was appointed as a Senior Member of the Tribunal in 1995, full-time Deputy President in 2000 and a part-time Deputy President in 2001. He is a part-time Judicial Member of the New South Wales Administrative Decisions Tribunal as well as a part-time consultant to Morgan Lewis, Solicitors, and to Investec Bank. He is a member of the Executive of the Sydney International Piano Competition and the Wagner Society, and a patron of Opera Australia.

DR KERRY BREEN AM**MBBS MD FRACP***Part-time Member, Vic**First appointed 1 July 2006; current appointment until 1 December 2012*

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. Since 2007 he has 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 NMHRC.

Dr Breen currently 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*Full-time Senior Member, NSW**First appointed 26 October 2009; current appointment until 25 October 2014*

Anne Britton is a former Deputy President of the New South Wales Administrative Decisions Tribunal (2006–09) and Judicial Member of that tribunal (1999–06). She has also served as an arbitrator with the New South Wales Workers Compensation Commission, as Chair of the New South Wales Government and Related Employees Appeal Tribunal and as a member of the Consumer, Trader and Tenancy Tribunal. Senior Member Britton has lectured in media and entertainment law, most recently in the Masters program at the University of New South Wales. She was a board member of the New South Wales Legal Aid Commission (to 2007) and is currently a member of the board of Sydney's Belvoir Street Theatre.

Senior Member Britton is currently the Secretary of the National Executive of the Council of Australasian Tribunals and the Convenor of the New South Wales Chapter. She chaired the planning committee for the 2012 COAT/Australasian Institute of Judicial Administration Tribunals Conference, 'The Tribunal of Tomorrow'.

Senior Member Britton was a member of the Tribunal's Professional Development Committee and the 2012 AAT National Conference Organising Committee in 2011–12.

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. Deputy President Constance 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. His legal experience encompasses administrative law, taxation law, employment law, family law, personal injury compensation, discrimination, wills and estates, mortgages and property, veterans' affairs, defamation, contracts, statutory interpretation, criminal law and coronial inquests.

Deputy President Constance was appointed as a Senior Member of the Tribunal in August 2004 and as a Deputy President on 9 December 2010. He has been the Executive Deputy President for Victoria since his appointment as a Deputy President.

During 2011–12 Deputy President Constance was a member of the Tribunal's Executive Committee, the Executive Deputy Presidents Committee, the Practice and Procedure Committee and the 2012 AAT National Conference Organising Committee.

DR MICHAEL COUCH

Part-time Member, NSW

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

Dr 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 New South Wales Workers Compensation Commission from 2002 until 2006. He is currently a Medical Review Panel member for the New South Wales 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.

AIR VICE-MARSHAL FRANKLIN (FRANK) D COX AO (RTD)

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 31 August 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 the Alumni Chair of Administrative Law since 2003. She has also held the position of Integrity Adviser to the Australian Taxation Office, Commissioner of the Australian Capital Territory's Independent Competition and Review Commission, and was formerly a member of the Social Security Appeals Tribunal and the Nursing Homes and Hostels Review Panel for the Australian Capital Territory. Professor Creyke was a member of the Administrative Review Council and is a member of the Administrative Law Committee of the Law Council of Australia.

Professor Creyke is the Executive Deputy President for the Australian Capital Territory and was a member of the Tribunal's Executive Deputy Presidents Committee, the Practice and Procedure Committee and Warrants Committee during 2011–12.

ANN CUNNINGHAM**LLB (Hons) FAICD***Part-time Senior Member, Tas**First appointed 5 September 1995; current appointment until 1 December 2012*

Ann Cunningham was appointed as a part-time Member of the Tribunal in 1995 and became a Senior Member on 1 July 2006. She is a Presiding Member of the Tasmanian Resource Management and Planning Appeal Tribunal and Chairperson of the Board of the Public Trustee. 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 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 and a member of the AICD Director Advisory Panel.

Senior Member Cunningham was a member of the Tribunal's Alternative Dispute Resolution Committee in 2011–12.

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.

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* (2008) and *Accounting: a Question and Answer Handbook for Non-Accountants* (2012). He also presents seminars for The Tax Institute, UNSW CLE and many other providers.

RODNEY (ROD) 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 October 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.

Senior Member Dunne was a member of the Tribunal's Alternative Dispute Resolution Committee and the Remuneration Committee in 2011–12.

BRIGADIER CONRAD ERMERT (RTD)

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 Chairman of the AIF Malayan Nursing Scholarship Board, immediate past Chairman of AMOG Holdings, a past Chairman of the Victoria Division, Institution of Engineers, Australia and was Chairman of the Judges of the Institution's Excellence Awards 2003–09.

Brigadier Ermert was a member of the Tribunal's Alternative Dispute Resolution Committee in 2011–12.

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 Mediator under the Law Society of New South Wales program, and is nationally accredited under the National Mediator Accreditation System. She is a Mediator at the New South Wales Workers Compensation Commission. Senior Member Ettinger is a member of the Dispute Resolution Committee of the Law Society of New South Wales and is the Chair of the Society's Specialist Accreditation Advisory Committee for Dispute Resolution. She is also a member of the Law Council of Australia's ADR Committee.

Senior Member Ettinger is a member of the Medical Tribunal and chairs Professional Standards Committees on behalf of the Medical Council of New South Wales. She held appointments for many years as a part-time member of the New South Wales Consumer, Trader and Tenancy Tribunal and its predecessors.

In 2011–12, Senior Member Ettinger was a member of the Tribunal's Alternative Dispute Resolution Committee and coordinator of the professional development program for Tribunal members in Sydney.

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 and, from 1986 to 1989, 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 Western Australian Government's Aviation Training Advisory Committee, the Western Australian 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 from 29 August 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 1995. 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).

Senior Member Fice was a member of the Tribunal's Alternative Dispute Resolution Committee during 2011–12.

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 first in Brisbane and then in Melbourne and Adelaide and a member of the Tribunal's management committees. She was a member of the Victorian Chapter of the Council of Australasian Tribunal's inaugural committee.

Privately, she 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 Western Australian 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 a Senior Member in June 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.

Senior Member Friedman was a member of the Tribunal's Professional Development Committee in 2011–12.

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 as a Deputy President in 2012. Since May 2010 he has been a part-time Judicial Member of the New South Wales Administrative Decisions Tribunal. He is a nationally 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.

Deputy President Frost was a member of the Tribunal's Alternative Dispute Resolution Committee in 2011–12.

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. He is a former Premier of Tasmania and Attorney-General of Tasmania. Whilst in practice, Deputy President Groom appeared regularly as counsel before the Supreme Court and other Tasmanian courts and tribunals.

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.

Deputy President Groom is the Executive Deputy President for Tasmania. He was a member of the Tribunal's Executive Deputy Presidents Committee and the Practice and Procedure Committee during 2011–12.

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 Queensland Bar Association 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.

Deputy President Hack is the Executive Deputy President for Queensland and the Northern Territory. He was the Chair of the Tribunal's Alternative Dispute Resolution Committee and a member of the Executive Deputy Presidents Committee and the Practice and Procedure Committee during 2011–12.

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 Subschool 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 and Warrants Committee in 2011–12.

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 a Senior Member of the Tribunal in 1998 and served as a Deputy President between July 2001 and July 2004. Between then and being reappointed to the Tribunal as a Deputy President in August 2009, he served as a part-time Acting Deputy President of the New South Wales Workers Compensation Commission, part-time Judicial Member and later part-time Deputy President of the New South Wales Administrative Decisions Tribunal, and part-time legal member of the New South Wales Mental Health Review Tribunal.

Deputy President Handley is the Executive Deputy President for New South Wales. He was the Chair of the Tribunal's Warrants Committee and a member of the Executive Deputy Presidents Committee, Practice and Procedure Committee and Professional Development Committee during 2011–12.

DR TIMOTHY (TIM) HAWCROFT

BVSc (Hons) MACVSc

Part-time Member, NSW

First appointed 1 July 2006; current appointment until 1 December 2012

Tim Hawcroft graduated with a Bachelor of Veterinary Science (Hons) from the University of Sydney in 1969. He established and was principal of the Gordon Veterinary Hospital from 1971 to 2002. He was Honorary Veterinarian for the Royal Agricultural Society of New South Wales from 1975 until 1986 and a part-time consultant for the University Veterinary Centre, Sydney, during 2003. He was an accredited veterinarian with the Australian Quarantine and Inspection Service.

Dr Hawcroft is the author of a number of books on veterinary science and animal care. He is a life member of the Australian Veterinary Association and the Australian College of Veterinary Scientists.

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 of Holding Redlich in Melbourne from 1987 to 1993 and of 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 worked as a part-time Conference Registrar of the Tribunal from 2007 until her appointment as a Member. In 2010, Ms Hogan was appointed as an Independent Merits Reviewer for the Independent Protection Assessment Office. Between December 2011 and June 2012, she was 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 a committee member of the Women Lawyers Association of Western Australia Inc.

STANLEY (STAN) 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 March 2002 and became a full-time Deputy President in June 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.

Deputy President Hotop is the Executive Deputy President for Western Australia. He was the Chair of the Tribunal's Library Committee and a member of the Executive Deputy Presidents Committee and the Practice and Procedure Committee during 2011–12.

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 area 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 now serves as Chair of the Law Council's International Law Section and as a member of the International Legal Services Advisory Council. He 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: as Director of Mental Health for the New South Wales 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 November 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 Western Australian 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 1 December 2012*

Naida Isenberg was appointed as a part-time Member of the Tribunal in 2001 and as a part-time Senior Member in August 2006. She is a Judicial Member of the New South Wales Administrative Decisions Tribunal and a Member of the Migration and Refugee Review Tribunals. She is an accredited mediator under the National Mediator Accreditation System, serving as a Mediator for the Law Society of New South Wales, the New South Wales 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, New South Wales; 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 serves on the Institute's Public Sector Advisory Group. She is also a non-member director of the War Widows' Guild and is Deputy Chair of the board.

Senior Member Isenberg was a member of the Tribunal's Library Committee, the Remuneration Committee and the Warrants Committee in 2011–12.

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 and, after 10 years in general practice, pursued an interest in occupational medicine. He completed a Masters 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.

DEANE JARVIS**LLB (Hons) FAICD***Full-time Deputy President, SA**First appointed 1 July 2003; current appointment until 30 November 2012*

Deane Jarvis was admitted as a barrister and solicitor of the Supreme Court of South Australia in March 1964. Prior to his appointment to the Tribunal, he was the senior partner and chair of a prominent Adelaide commercial law firm. He is a former chair of Bridgestone Australia Ltd and a former director of Macquarie Broadcasting Holdings Limited. Deputy President Jarvis served on the Council of the Law Society of South Australia for 10 years and is a former chair of the Society's Administrative Law Committee and its Costs, Property and Planning Environment Committee. He was the Honorary Consul-General of Japan for South Australia from 2002 to 2003. He is a former examiner in administrative law and a part-time tutor in Australian constitutional law at the University of Adelaide. He provides tuition to persons undertaking the South Australian Bar Readers' course. He is also a former Convenor of the South Australian Chapter of the Council of Australasian Tribunals.

Deputy President Jarvis is the Executive Deputy President for South Australia. He has been the Chair of Trustees of the AAT Benevolent Trust since 2003 and the Coordinator of the Members' Appraisal Scheme since 2006. He was Chair of the Tribunal's Professional Development Committee and a member of the Executive Deputy Presidents Committee and Practice and Procedure Committee in 2011-12.

TIMOTHY JENKINS**FIA FIAA***Part-time Member, NSW**First appointed 1 July 2006; current appointment until 1 December 2012*

Tim Jenkins is active as an educator in insurance finance. He was an emeritus partner and consulting actuary with PricewaterhouseCoopers from 2003 to 2009, having been a partner from 1999 until 2002. He was Chief Executive of Superannuation and Insurance at Westpac from 1996 until 1998, having been general manager of Westpac Financial Services from 1993 until 1996 and, before that, Managing Director of ANZ Funds Management from 1989 until 1993. Mr Jenkins has also been Managing Director of ANZ Life, a partner with E S Knight & Co, Consulting Actuaries, and an actuary at MLC Life.

Mr Jenkins was Chair of the Life Insurance Actuarial Standards Board from 1998 until it was handed over to the Australian Prudential Regulation Authority in 2008. He is a former President of the Institute of Actuaries of Australia and Convenor of the Institute's Professional Conduct Committee. He was elected a life member of the Institute of Actuaries of Australia in 2005. He qualified as an actuary by satisfying requirements for admission as a Fellow of the Institute of Actuaries (London) in 1965.

EMERITUS PROFESSOR GRAHAM JOHNSTON AM

BSc MSc PhD DPharm FRACI FTSE

Part-time Member, NSW

First appointed 19 June 1991; current appointment until 30 November 2012

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.

STEVE KARAS AO

BA (Hons) LLB

Part-time Senior Member, Qld

First appointed 26 September 2007; current appointment until 30 November 2012

Steve Karas was a Senior Member of the Immigration Review Tribunal in 1989–99 and a part-time Member and Senior Member of the Migration Review Tribunal from its inception in 1999 until he was appointed to act as Principal Member in early 2001. He was also appointed as the Principal Member of the Refugee Review Tribunal from 1 July 2001.

Senior Member Karas previously worked in the Australian Government Attorney-General's Department and was in private practice as a legal practitioner for a number of years. He has had extensive community involvement including with the Federation of Ethnic Communities' Councils of Australia and the Ethnic Communities Council of Queensland. He has been a member of the Migration Agents Registration Board, the board of the National Accreditation Authority for Translators and Interpreters and Chairman of the Special Broadcasting Service's Community Advisory Committee.

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 September 2009. He was a part-time Member and Senior Member of the Veterans' Review Board from 1988 until March 2004. He was a part-time legal member of the Social Security Appeals Tribunal from 1995 until 2001 and Queensland convenor (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.

IAN LAUGHLIN

BSc FIA FIAA FAICD

Part-time Member, NSW

First appointed 26 October 2009; resigned with effect from 1 July 2012

Ian Laughlin was appointed as a Member of the Australian Prudential Regulation Authority on 1 July 2010 for a three-year term and is also a Member of the Financial Reporting Council. He has extensive experience in the financial services industry. He has been a non-executive director of AMP Life Limited, serving as Chairman of its Audit Committee, Managing Director of the United Kingdom life insurance subsidiaries of AMP (Pearl, London Life and NPI), director of HHG plc, and non-executive director of Diligenta Ltd in the United Kingdom. Before then, he held senior management positions in AMP, Suncorp and National Mutual in Australia, New Zealand and Hong Kong.

Mr Laughlin is a qualified actuary and has served on the Council of the Institute of Actuaries of Australia.

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 and, from 2000 to 2002, was a partner at PricewaterhouseCoopers. Between 2008 and 2011, Ms Lazanas was Chair of The Tax Institute's GST Subcommittee and a representative at the Australian Taxation Office's National Tax Liaison GST Subcommittee. Senior Member Lazanas has a particular interest in promoting early dispute resolution and is currently Chair of The Tax Institute Legal and Dispute Resolution Subcommittee and a representative at the Australian Taxation Office's National Tax Liaison Dispute Resolution Subcommittee. 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 and coordinator 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 New South Wales Mental Health Review Tribunal in September 2008 and has also held appointments as a mediator, arbitrator and contributions assessor with the New South Wales Supreme and District Courts 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*

Kenneth Levy was appointed as a part-time Member of the Tribunal in July 2004 and as a part-time Senior Member in September 2006. Prior to his appointment to the Tribunal, he worked in the Queensland Public Service for approximately 36 years, retiring as Director-General of the Department of Justice in December 2003. He was National President of the professional accounting body CPA Australia in 2004–05. He has also been a Fulbright scholar at the University of California at Irvine.

Senior Member Levy is a practising barrister and has served on boards of management in a number of industries. He is also appointed as a Professor to the Faculty of Law of Bond University and teaches part-time each semester in the areas of evidence, criminal law, superannuation and succession. In addition, Dr Levy serves on the Standby Reserve of the Australian Army and holds the rank of Lieutenant Colonel. He has been awarded the Reserve Force Decoration, the Centenary Medal, the Australian Defence Medal and the National Service Medal.

BRIGADIER GRAHAM MAYNARD (RTD)**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 Queensland 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. Brigadier Maynard's specialist training was in tropical medicine and occupational medicine. From 1990 to 2002, he was employed as a senior medical officer in the federal 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 July 2001 and as a full-time Senior Member in November 2003. He was a member of the Faculty of Law at Bond University from 1992 until 2006 and is currently 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 federal government's peak corporate law advisory body.

Senior Member McCabe continues to edit the consumer protection section of the *Competition and Consumer Law Journal* and is a member of the editorial committee of the *Corporate Governance eJournal*. During the past year, he has published in the area of trade practices law, lectured at Bond University and the University of South Australia's School of Law and spoke at a conference on the law of international business transactions.

During 2011–12, Senior Member McCabe was a member of the Tribunal's Professional Development Committee and the 2012 AAT National Conference Organising Committee.

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. He 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.

Senior Member McDermott 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 from 1997 to 2001. 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, Professional Development Committee and the Remuneration Committee in 2011–12.

THE HON DR BRUCE MCPHERSON CBE

BA LLB PhD Hon LLD

Part-time Deputy President, Qld

First appointed 6 September 2007; current appointment until 30 November 2012

Bruce McPherson was educated at the universities of Natal, Cambridge and Queensland where he completed his PhD in 1967. In 2004, he was awarded an honorary LLD from the University of Queensland.

Deputy President McPherson commenced practice at the Queensland Bar in 1965 and took silk in 1975. In 1982, he was appointed to the Supreme Court of Queensland, in 1990 as Senior Puisne Judge and, in 1991, to the Court of Appeal. He retired from the bench in 2006. He was a Judge of the Fiji Court of Appeal and remains a Judge of Appeal of the Solomon Islands. In 2006, he was elected an Overseas Vice-President of the Selden Society.

From 1969 to 1982, Deputy President McPherson was a member of the Queensland Law Reform Commission and its Chairman from 1982 to 1991. In recognition of his contribution to law reform, he was awarded the CBE in 1988.

Deputy President McPherson is the author of *The Law of Company Liquidation* (now in its 5th Australian and 2nd English edition), *The History of the Supreme Court of Queensland 1861–1960: history, jurisdiction and procedure* (1989) and *The Reception of English Law Abroad* (2007), as well as numerous journal articles and papers.

DR RODERICK MCRAE**MBBS (Hons) BMedSc (Hons) FANZCA FJFICM 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 the Supreme Court of Victoria in February 2005. He was appointed to the Tribunal in January 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 Chairman of the Federal Australian Medical Association, Deputy Chairman of the Australasian Medical Publishing Company, and is a director of several companies, including 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. He 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.

Dr McRae was a member of the Tribunal's Remuneration Committee in 2011–12.

DR BARRIE MORLEY RFD**MBBS FRACP FRCP***Part-time Member, Qld**First appointed 15 November 1985; appointment ceased on 30 November 2011*

Barrie Morley, a consultant neurologist since 1965, served in the Royal Australian Air Force Specialist Medical Reserve from 1969, retiring as Group Captain in 1989. In 1972, he was appointed as a medical member of the War Pensions Assessment Appeals Tribunal. He was invited to sit on the Repatriation Review Tribunal and continued on the Veterans' Review Board until his appointment to the Tribunal.

Dr Morley has contributed to 14 original publications in refereed medical journals, published 12 review articles by invitation and co-authored six submissions to various Commonwealth and State Government inquiries. He was formerly Dean of the Clinical School and Head of Medicine of the (now) Monash Medical Centre. He moved to Queensland in 1992, joining the teaching staff of the Faculty of Medicine of the University of Queensland; from 2002, he was an Associate Professor of Medicine in that University's Rural Clinical School. Retiring from consultant neurological practice in Toowoomba in 2008, he continued with medical student teaching and examination commitments at the School's campuses in Toowoomba and Hervey Bay.

THE HON ROBERT DAVID 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. Before that, he was 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 the 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 of Australia, 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 *CIJL Yearbook* and conducted a trial observership.

Deputy President Nicholson 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 Member, NSW

First appointed 24 August 2006; current appointment until 1 December 2012

Dr Teresa Nicoletti is a partner at Piper Alderman Lawyers with more than 19 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 foods, 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, both in senior management roles and as a consultant, for 13 years 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. He is a Senior Fellow of the Melbourne Law School at the University of Melbourne teaching the Melbourne Law Masters program and is a member of the Council of Mannix College at Monash University. Senior Member O'Loughlin is the Chair 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.

Senior Member O'Loughlin was a member of the Tribunal's Professional Development Committee and the 2012 AAT National Conference Organising Committee in 2011–12.

LIEUTENANT COLONEL BOB ORMSTON (RTD)**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 Regular 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 and 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 commercial litigator with the national law firm Freehills which he joined in 1983, 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 has been an elected member of the Council of the Law Society of Western Australia since 2002 and is also the Convenor of the Society's Courts Committee, a position he previously held from 1995 to 2000. Since 1992, he has been the Chair of Freehills' Perth Pro Bono Committee.

REGINA PERTON OAM**BA LLB Dip Ed***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, a member of the Victorian Equal Opportunity Commission and a Commissioner of the Victorian Multicultural Commission. Ms Perton has held management positions in several tribunals and 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 and is currently on the board of COTA Victoria. Ms Perton was awarded a Centenary Medal in 2003, and a Medal of the Order of Australia in 2010 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 Council of Australasian Tribunals and the Australian Institute of Administrative Law.

JAN REDFERN PSM

BEd LLM FCIS

Part-time Senior Member, NSW

First appointed 2 November 2009; current appointment until 1 November 2014

Jan Redfern has over 29 years' 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, specialising in complex commercial litigation. She held a number of senior executive positions with the Australian Securities and Investments Commission from 1999 to 2008 and was the Executive Director, Enforcement from 2004 to August 2008. Senior Member Redfern 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 has served on a number of practice committees, including the Litigation Law and Practice Committee of the Law Society of New South Wales and was a member of the Enforcement Committee of the International Organisation of Securities Commissions from 2004 to 2007. She is a Fellow of the Institute of Chartered Secretaries and Administrators and a member of the Law Committee of the Australian Institute of Company Directors.

Senior Member Redfern was appointed a part-time legal member of the New South Wales Guardianship Tribunal in July 2010 and is a part-time independent consultant in governance, risk and compliance.

PROFESSOR PETER LAWRENCE REILLY AO

Part-time Member, SA

First appointed 1 July 2006; current appointment until 1 December 2012

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. He has also been a visiting staff specialist at Flinders Medical Centre and the Women's and Children's Hospital. He is Clinical Professor of Neurosurgery in the School of Medical Sciences at the University of Adelaide.

Professor Reilly is 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 in 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.

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 Foundation Chair and Director of the Australian Centre for Court and Justice System Innovation at Monash University. She has previously been 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.

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 eight courts and four 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)), articles, papers and has published and presented widely in 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.

Professor Sourdin was a member of the Tribunal's Alternative Dispute Resolution Committee during 2011–12.

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.

ANDRE SWEIDAN

BComm LLB HDipTaxLaw GradCertArbitrationandMediation

Part-time Senior Member, WA

First appointed 18 August 2005; appointment ceased on 31 May 2012

Andre Sweidan has practised in various fields of law in Australia and overseas for more than 35 years. He is currently a consultant at Anchor Legal, a firm which he co-founded, in Perth. He has had an extensive legal career in the areas of taxation, revenue, intellectual property and administrative law. He has also had extensive experience representing clients before the Tribunal, the Federal Court and the Supreme Court of Western Australia.

In 1998, Senior Member Sweidan commenced practice as a senior partner with KPMG Legal in Perth. From 1993 to 1998, he worked in sole practice and, prior to that, was a partner at Stone James & Co, which subsequently became Mallesons Stephen Jaques in Perth. Before migrating to Australia from South Africa, Senior Member Sweidan was a partner in the law firm Trakman & Sweidan for a period of 12 years.

Senior Member Sweidan was a member of the Tribunal's Professional Development Committee during 2011–12.

THE HON BRIAN TAMBERLIN QC

BA LLB LLM

Part-time Deputy President, NSW

First appointed 23 November 2005; current appointment until 29 March 2014

Brian Tamberlin was previously a Judge of the Federal Court of Australia where he served for a term of 14 years. He was appointed a part-time judicial member of the Tribunal in 2005 and was Acting President in the absence of the President between 2005 and 2009. 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.

PETER TAYLOR SC*Part-time Senior Member, NSW**First appointed 24 August 2006; current appointment until 1 December 2012*

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*.

DR MAXWELL THORPE**MBBS MD FRACP***Part-time Member, NSW**First appointed 15 November 1985; appointment ceased on 25 October 2011*

Max Thorpe was a member of the Repatriation Review Tribunal before being appointed to the Tribunal in 1985. He was a consultant physician in private practice and Visiting Medical Officer, Prince of Wales Hospital, where he was Warden of the Clinical School, University of New South Wales. Dr Thorpe has been Honorary Consultant Medical Officer at the Prince of Wales Hospital and Chairman of the Appeals Committee, Overseas Doctors, Australian Medical Council. He was a World Health Organisation consultant in Cambodia advising on postgraduate education, a Guest Professor at Harbin Medical University, China and director of an exchange of medical specialists from Harbin Medical University with teaching hospitals of UNSW. He had extensive involvement in insurance and reinsurance medicine.

DR SAW HOOI TOH**MBBS FRACGP***Part-time Member, NSW**First appointed 24 August 2006; current appointment until 1 December 2012*

Saw Hooi Toh is a general practitioner with special interest in medical education. She sits as a member of the Medical Tribunal and of Professional Standards Committees and Health Program panels of the Medical Council of New South Wales. She is a panel member of the Health Program of the Dental Council, Nursing and Midwifery Council and Pharmacy Council of New South Wales. Dr Toh is also 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 holds a Bachelor of Jurisprudence and Bachelor of Laws from the University of Western Australia. She 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. 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 Western Australian State Administrative Tribunal. She is an accredited mediator.

Senior Member Toohey was the Chair of the Tribunal's Remuneration Committee during 2011–12.

CHELSEA WALSH

Part-time Senior Member, WA

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

Chelsea Walsh has worked as a Senior Associate in the taxation department of Allens Arthur Robinson. She has also worked in the taxation departments of first tier law firms in Perth and Sydney and at boutique taxation law practices in Perth and Sydney. She 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. Mrs Walsh has a Master of Laws (with Honours) from the University of Sydney.

DR ROBERT (ROB) WALTERS RFD

Part-time Member, Tas

First appointed 16 November 2006; current appointment until 1 December 2012

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. He continues to sit on a number of national boards and councils.

Dr Walters is Secretary and medico-legal adviser to the Medical Protection Society of Tasmania. As well as providing case advice, he regularly presents to medical practitioners and medical students on matters related to medical indemnity and 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 Health 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.

Dr Walters is the Medical Director on the Tasmanian WorkCover Board and a past Chair of the Cancer Council of Tasmania. He also has regular national media commitments on both television and radio.

BRIGADIER ANTHONY GERARD (GERRY) WARNER AM LVO (RTD)**BSc (Hons) DipMilStud FAICD***Part-time Member, WA**First appointed 15 June 2005; current appointment until 31 May 2015*

Gerry Warner's military career, following graduation from the Royal Military College Duntroon, included extensive command experience, tours on the personal staff of Governors-General, pivotal operations and personnel staff appointments, and United Nations peacekeeping on the Golan Heights and in Southern Lebanon. He was the Senior Defence representative in Western Australia in 1996–97. His final posting was Chief of Staff Land Headquarters in Sydney during a period of intense operational tempo, including the East Timor campaign and support to the Olympic Games. After separation from the Army in 2003, he was appointed to the independent committee convened by the board of Western Power to report on the power supply crisis of February 2004. In 2007–08, he served on a panel appointed by the Prime Minister to review the award of honours for the 1966 Battle of Long Tan. Since 2006, he has been a trustee of the Western Australian Government's ANZAC Day Trust. He is a sessional Senior Member of the Western Australian State Administrative Tribunal, a member of the Mental Health Review Board of Western Australia and is CEO of the RAAF Association (WA Div) Inc.

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. In 1996–98, 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 federal Film Censorship Board. He worked with federal, state and territory ministers and officials to establish the Classification Board and the Classification Review Board in 1995, 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 over 30 years' senior management and public administration experience and is an accredited mediator.

Mr Webb was a member of the Tribunal's Executive Committee, Professional Development Committee and the Remuneration Committee during 2011–12.

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 Federal Australian Medical Association, NSW Health and as Director of Aviation Medicine for the Civil Aviation Safety Authority. His main current work is consultant practice in occupational medicine.

Dr Wilkins was a member of the Tribunal's Library Committee and the Remuneration Committee in 2011–12.

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 20 years' experience in industry, government, and academic and research institutions. His experience includes undertaking environmental impact assessments, freshwater and marine research, water quality assessment and dredging (port) studies. His PhD investigated mechanisms to achieve 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 Caribbean regions.

Mr Wulf is admitted as a barrister of the Supreme Court of Queensland and High Court of Australia and predominantly practises in administrative, international and domestic environmental (including climate, environmental impact statements, fisheries, marine, oil and gas, and water) and native title/Indigenous law. He has previously been a member of the Queensland Civil and Administrative Tribunal and the former Queensland Building and Development Tribunal and Fisheries Tribunal. Mr Wulf also 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.

APPENDIX 2: STAFF OF THE TRIBUNAL

TABLE A2.1 EMPLOYMENT BY REGISTRY, 30 JUNE 2012

CLASS	REGISTRIES								Total
	Sydney	Melbourne	Brisbane	Adelaide	Perth	Hobart	Canberra	Principal Registry ^a	
APS 2	-	2	3	-	4	-	1	-	10
AAT 3/4	22	16	17	9	6	3	6	6	85
APS 5	1	1	0	-	-	-	-	4	6
APS 6	2	3	1	2	2	-	1	9	20
Exec 1	-	-	-	-	-	-	-	9	9
Exec 2	5	4	5	3	2	-	3	1	23
SES 1	-	-	-	-	-	-	-	2	2
Total	30	26	26	14	14	3	11	31	155

Note: There are no staff at APS 1.

Staff included: ongoing full-time and part-time, and non-ongoing staff including 16 staff employed at various locations for duties that are irregular or intermittent.

Staff not included: on long-term unpaid leave of absence or long-term temporary transfer to another agency. If these staff have been replaced, the replacement staff are included.

^a Principal Registry staff are based in Brisbane (13), Hobart (1), Perth (1) and Sydney (16).

TABLE A2.2 EQUAL EMPLOYMENT OPPORTUNITY DATA, 30 JUNE 2012

CLASS	TOTAL STAFF	WOMEN	MEN	A&TSI	NESB	PWD
APS 2	10	7	3	-	3	-
AAT 3/4	85	60	25	1	24	3
APS 5	6	5	1	-	3	-
APS 6	20	11	9	-	8	-
Exec 1	9	4	5	-	2	-
Exec 2	23	18	5	-	3	1
SES 1	2	1	1	-	-	-
Total	155	106	49	1	43	4

A&TSI = Aboriginal and Torres Strait Islanders

NESB = people of non-English-speaking background

PWD = people with disabilities

Note: The data in this table is based in part on information voluntarily provided by staff.

TABLE A2.3 EMPLOYMENT STATUS, 30 JUNE 2012

CLASS	SALARY RANGE	FULL-TIME	PART-TIME	IRREGULAR/INTERMITTENT	TOTAL	AWA	FLEXIBILITY TERM	INDIVIDUAL S24(1) DET	AGENCY AGREEMENT
APS 1	\$40,291 - 44,528	-	-	-	-	-	-	-	-
APS 2	\$45,597 - 51,295	-	-	10	10	-	-	-	10
AAT 3/4	\$53,993 - 62,847	69	10	6	85	-	-	-	85
APS 5	\$64,559 - 68,459	6	-	-	6	-	-	-	6
APS 6	\$69,937 - 80,097	16	4	-	20	-	-	-	20
Exec 1	\$88,580 - 104,261	8	1	-	9	-	-	2	7
Exec 2	\$106,067 - 120,584	12	11	-	23	1	-	-	22
SES 1	\$122,191 - \$141,028	1	1	-	2	-	-	2	0
Total		112	27	16	155	1	0	4	150

AWA - Australian Workplace Agreement

s24(1) Det - section 24(1) determination under the *Public Service Act 1999*

Note: The two Exec 1 staff with section 24(1) determinations are also 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 2012. The list does not include laws that were assented to or made in the reporting period but had not commenced at 30 June 2012.

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

Aboriginal and Torres Strait Islander Commission (Regional Council Election) Rules 1990

ACIS Administration Act 1999

Accreditation Grant Principles 2011

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 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

Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994

Air Navigation Act 1920

Air Navigation (Aircraft Engine Emissions) Regulations

Air Navigation (Aircraft Noise) Regulations 1984

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 Citizenship Act 2007
Australian Hearing Services Act 1991
Australian Meat and Live-stock Industry Act 1997
Australian Meat and Live-stock Industry (Beef Export to the USA – Quota Year 2012) Order 2011
Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998
Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2012
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 Amendment Regulations 2006 (No. 1)
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 Advances for Approved Care Organisations Administrative Scheme Determination 2012
Clothing and Household Textile (Building Innovative Capability) Scheme 2010
Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992
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 Act 2001
Corporations (Aboriginal and Torres Strait Islander) Act 2006
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 (Employer Support Payments) Determination 2005
 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
 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
 Education Services for Overseas Students Regulations 2001
 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 Work (Building Industry – Accreditation Scheme) Regulations 2005
Family Assistance Legislation Amendment (Child Care Budget and Other Measures) Act 2008
Family Assistance (One-off Payments to Families and Carers) Scheme 2004
Family Law (Family Dispute Resolution Practitioners) Regulations 2008
Family Law Regulations 1984
Farm Help Advice and Training Scheme 1997
Farm Help Re-establishment Grant Scheme 1997
Farm Household Support Act 1992
Federal Court of Australia Regulations 2004
Federal Magistrates Act 1999
Federal Magistrates Regulations 2000
Film Licensed Investment Company Act 2005
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
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
Healthcare Identifiers Act 2010
Health Insurance Act 1973
Health Insurance (Eligible Collection Centres) Approval Principles 2010
Hearing Services Administration Act 1997
Hearing Service Providers Accreditation Scheme 1997
Hearing Services Rules of Conduct 2005
Hearing Services Voucher Rules 1997
High Court of Australia (Fees) Regulations 2004
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 Regulations 1936
Income Tax Assessment Act 1997
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 3, 6, 9, 12, 15, 16, 17, 18, 19, 21, 25, 27, **28**, 30, 31, 32, 33, 34, 35, 41, 42, 43, 44, 47, 49, 50, 52, 54, 58, 59, 60, 91, 93, 94, 95, 96, 97 and 98
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
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 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
Navigation Act 1912
Northern Prawn Fishery Management Plan 1995
Northern Territory National Emergency Response Act 2007
Nuclear Non-Proliferation (Safeguards) Act 1987
Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003
Occupational Superannuation Standards Regulations
Offshore Minerals Act 1994
Offshore Petroleum and Greenhouse Gas Storage Act 2006

Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011
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
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
Radiocommunications Act 1992
Radiocommunications (Space Licence Allocation) Determination 2001
Radiocommunications (Spectrum Licence Allocation – 2GHz Band) Determination 2000
Radiocommunications (Spectrum Licence Allocation) Determination 2000
Radiocommunications (Spectrum Licence Allocation – Open Outcry Auction) Determination 1998
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
Safety, Rehabilitation and Compensation Act 1988
Sanctions Principles 1997
Sea Installations Act 1987
Seafarers Rehabilitation and Compensation Act 1992
Sex Discrimination Act 1984
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
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
Stevedoring Levy (Collection) Act 1998
Student Assistance Act 1973
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 Pre-paid Public Mobile Telecommunications Services) Determination 2000
Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 1)
Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 2)
Telecommunications Service Provider (Premium Services) Determination 2004 (No. 1)
Telecommunications Universal Service Management Agency Act 2012
Telecommunications Universal Service Obligation (Eligible Revenue) Determination 2003
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 Strategic Investment Program Scheme 1999
Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme 2005
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 (Cth)

Water Efficiency Labelling and Standards Act 2005 (ACT)

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 (New South Wales) Act 2006 (NSW)

Wheat Export Accreditation Scheme 2008

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

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 2011–12
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 2011–12
A4.6	Applications current at 30 June 2012, 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 from decisions of the Tribunal by jurisdiction
A4.10	Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction, and total

This statistical information on different aspects of the Tribunal's workload for 2011–12 includes some data for earlier years for comparative purposes.

Table A4.1 sets out information on applications lodged with, and applications finalised by, the Tribunal in 2011–12, divided into five groups, and then into areas. The five groupings are:

- applications for review of decisions in the Tribunal's major jurisdictions – social security, veterans' affairs, workers' compensation and taxation
- other applications for review of decisions by Australian Government portfolio
- applications for review of decisions under the *Archives Act 1983*, *Australian Security Intelligence Organisation Act 1979*, *Freedom of Information Act 1982*, decisions of the Tribunal and decisions in relation to which the Tribunal does not have jurisdiction
- other types of applications made under the Administrative Appeals Tribunal Act, and
- applications for review of decisions of the Norfolk Island Government.

TABLE A4.1 APPLICATIONS LODGED AND APPLICATIONS FINALISED, 2011–12

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	NO	%	NO	%
APPLICATIONS FOR REVIEW OF DECISIONS – MAJOR JURISDICTIONS				
SOCIAL SECURITY				
Age pension/Pension bonus scheme	148		148	
Austudy payment	6		11	
Baby bonus	15		22	
Carer allowance and carer payment	81		80	
Compensation preclusion period	45		44	
Disability support pension	582		505	
Disaster recovery payment	10		16	
Family tax benefit	43		43	
Newstart allowance	86		87	
Overpayments and debt recovery	255		316	
Parenting payment	29		30	
Participation failure	32		27	
Rent assistance	10		11	
Special benefit	10		6	
Youth allowance	32		39	
Other	48		45	
Subtotal	1,432	25	1,430	28

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	NO	%	NO	%
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	36		36	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	237		300	
Service pension/Income support supplement/Pension bonus	37		21	
Widows' pension	71		92	
Other	15		14	
Subtotal	396	7	463	9
WORKERS' COMPENSATION				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision maker</i>				
Asciano Services	16		13	
Australian Postal Corporation	179		181	
Chubb Security Services Limited	12		6	
Comcare	417		377	
Commonwealth Bank of Australia	34		22	
John Holland Group Pty Ltd/John Holland Pty Ltd/ John Holland Rail Pty Ltd	24		15	
K & S Freighters Pty Limited	18		10	
Linfox Armaguard Pty Limited/Linfox Australia Pty Limited	55		56	
Military Rehabilitation and Compensation Commission	136		121	
National Australia Bank Limited	23		20	
Optus Administration Pty Limited	13		13	
Telstra Corporation Limited	146		139	
TNT Australia Pty Ltd	24		25	
Transpacific Industries Pty Ltd	35		16	
Other decision makers	25		20	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	50		69	
Subtotal	1,207	21	1,103	22

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	NO	%	NO	%
TAXATION				
Taxation Appeals Division				
Excess contributions tax ^a	20		19	
Fringe benefits tax	9		12	
Fuel schemes	0		22	
Goods and services tax	162		91	
Income tax (other than tax schemes)	1,112		772	
Income tax (tax schemes)	0		28	
Private rulings	26		29	
Self-managed superannuation fund regulation	5		10	
Superannuation contributions surcharge ^a	49		27	
Superannuation guarantee charge	18		19	
Taxation administration	14		13	
Other	23		21	
Subtotal	1,438	25	1,063	21
Small Taxation Claims Tribunal				
Excess contributions tax ^a	8		6	
Goods and services tax	3		4	
Income tax	87		39	
Refusal of extension of time to lodge objection	94		23	
Release from taxation liabilities	24		18	
Superannuation contributions surcharge ^a	52		10	
Superannuation guarantee charge	6		1	
Subtotal	274	5	101	2
Subtotal	1,712	30	1,164	23
SUBTOTAL for major jurisdictions	4,747	84	4,160	82

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	NO	%	NO	%
APPLICATIONS FOR REVIEW OF DECISIONS – BY PORTFOLIO				
ATTORNEY-GENERAL'S				
Background checking	4		3	
Bankruptcy	22		13	
Customs	31		29	
Human rights	0		1	
Marriage celebrants	2		3	
Prohibited imports and exports	1		0	
Waiver of fees in courts	4		4	
Subtotal	64	1	53	1
BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY				
Communications and media	1		0	
Subtotal	1	< 1	0	0
CLIMATE CHANGE AND ENERGY EFFICIENCY				
Renewable energy	0		1	
Subtotal	0	0	1	< 1
DEFENCE				
Defence Force retirement and death benefits	12		14	
Employer support payments	2		2	
Other	6		4	
Subtotal	20	< 1	20	< 1
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS				
Mutual recognition of occupations	8		6	
National vocational education and training regulation	40		21	
Rehabilitation services	5		4	
Subtotal	53	< 1	31	< 1
FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS				
Indigenous corporations	2		0	
Paid parental leave	3		3	
Subtotal	5	< 1	3	< 1

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	NO	%	NO	%
FINANCE AND DEREGULATION				
Electoral matters	0		2	
Lands acquisition	1		0	
Subtotal	1	< 1	2	< 1
FOREIGN AFFAIRS AND TRADE				
Export market development grants	5		6	
Passports	6		6	
Subtotal	11	< 1	12	< 1
HEALTH AND AGEING				
Aged care	17		14	
Pharmacists	25		24	
Therapeutic goods	12		8	
Other	6		5	
Subtotal	60	1	51	1
HUMAN SERVICES				
Child support – percentage of care review	27		26	
Child support – review of SSAT refusal to extend time	10		15	
Child support – other	7		4	
Subtotal	44	< 1	45	< 1
IMMIGRATION AND CITIZENSHIP				
Business visa cancellation	1		1	
Citizenship	131		146	
Migration agent registration	11		5	
Protection visa cancellation or refusal	1		3	
Visa cancellation or refusal on character grounds	98		87	
Subtotal	242	4	242	5

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	NO	%	NO	%
INFRASTRUCTURE AND TRANSPORT				
Airports	2		4	
Civil aviation	29		26	
Maritime safety	2		0	
Motor vehicle standards	10		14	
Subtotal	43	< 1	44	< 1
INDUSTRY, INNOVATION, SCIENCE, RESEARCH AND TERTIARY EDUCATION				
Higher education funding	39		26	
Industry research and development	1		1	
Patents, designs and trademarks	7		3	
Other	0		1	
Subtotal	47	< 1	31	< 1
REGIONAL AUSTRALIA, LOCAL GOVERNMENT, ARTS AND SPORT				
Leases on national land	1		2	
Protection of movable cultural heritage	0		1	
Sports anti-doping matters	3		1	
Tax offsets for films	2		2	
Subtotal	6	< 1	6	< 1
SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES				
Environment protection and biodiversity	2		1	
Great Barrier Reef Marine Park	0		1	
Subtotal	2	< 1	2	< 1
TREASURY				
Auditors and liquidators registration	1		0	
Consumer credit regulation	2		3	
Corporations and financial services regulation	31		30	
Tax agent registration	7		12	
Subtotal	41	< 1	45	< 1
SUBTOTAL for portfolios	640	11	588	12

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	NO	%	NO	%
APPLICATIONS FOR REVIEW OF DECISIONS – OTHER				
SECURITY APPEALS				
ASIO assessments	4		3	
Decisions of National Archives of Australia relating to ASIO records	1		1	
Subtotal	5	< 1	4	< 1
WHOLE-OF-GOVERNMENT				
<i>Archives Act 1983</i>	4		1	
<i>Freedom of Information Act 1982</i>	20		41	
Subtotal	24	< 1	42	< 1
CASE MANAGEMENT AND TRIBUNAL DECISIONS				
No jurisdiction/Uncertain jurisdiction	160		174	
Review of decisions relating to fees	4		5	
Subtotal	164	3	179	4
SUBTOTAL for other	193	3	225	4
APPLICATIONS – OTHER ADMINISTRATIVE APPEALS TRIBUNAL ACT				
Application for extension of time to lodge an application for review of a decision	99		86	
Application under the AAT Act relating to a finalised case	3		3	
Subtotal	102	2	89	2
APPLICATIONS – NORFOLK ISLAND				
	0		0	
Subtotal	0	0	0	0
TOTAL ^b	5,682	100	5,062	100

^a The Tribunal recently commenced using a unique case type for applications for review of these types of decisions. Some applications lodged or finalised during 2011–12 may have been recorded under a different case type.

^b Percentages do not total 100% due to rounding.

CHART A4.2 APPLICATIONS LODGED, BY STATE AND TERRITORY

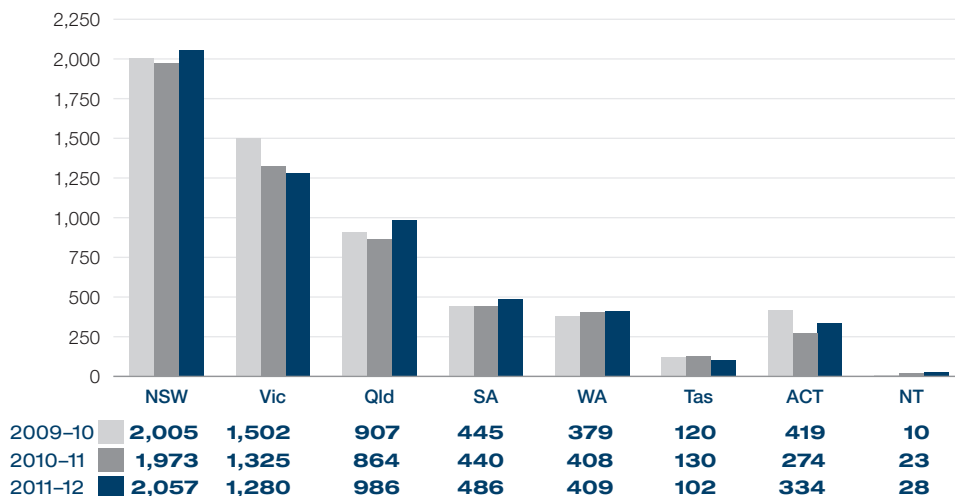


CHART A4.3 APPLICATIONS FINALISED, BY STATE AND TERRITORY



TABLE A4.4 PERCENTAGE OF APPLICATIONS FINALISED WITHOUT A HEARING^a

JURISDICTION	2009-10 %	2010-11 %	2011-12 %
All	82	79	79
Social security	77	76	77
Veterans' affairs	75	73	73
Workers' compensation	85	87	87
Taxation			
Taxation Appeals Division	92	85	79
Small Taxation Claims Tribunal	95	82	90

^a Applications finalised by the Tribunal without it completing the review and giving a decision on the merits under section 43 of the Administrative Appeals Tribunal 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 2011-12

	ALL APPLICATIONS		SOCIAL SECURITY		VETERANS' AFFAIRS		WORKERS' COMPENSATION		TAXATION APPEALS DIVISION		TAXATION SMALL TAXATION CLAIMS TRIBUNAL	
	NO	%	NO	%	NO	%	NO	%	NO	%	NO	%
By consent or withdrawn												
Decision affirmed ^a	313	6	7	<1	1	<1	297	27	5	<1	0	0
Decision varied ^a	402	8	12	<1	25	5	59	5	282	27	17	17
Decision set aside ^a	1,054	21	291	20	139	35	305	28	217	20	17	17
Dismissed by consent ^b	27	<1	8	<1	0	0	3	<1	10	<1	1	1
Dismissed by operation of law ^c	214	4	214	15	0	0	0	0	0	0	0	0
Withdrawn by applicant	1,363	27	441	31	159	34	258	23	242	23	52	52
Subtotal	3,373	68	973	68	324	70	922	83	756	71	87	86
By decision												
Decision affirmed ^d	695	14	243	17	73	16	92	8	124	12	9	9
Decision varied ^d	64	1	12	<1	6	1	5	<1	30	3	0	0
Decision set aside ^d	292	6	69	5	48	10	47	4	67	6	1	1
Subtotal	1,051	21	324	23	127	27	144	13	221	21	10	10

	ALL APPLICATIONS		SOCIAL SECURITY		VETERANS' AFFAIRS		WORKERS' COMPENSATION		TAXATION	
	NO	%	NO	%	NO	%	NO	%	TAXATION APPEALS DIVISION	SMALL TAXATION CLAIMS TRIBUNAL
Other										
Dismissed by Tribunal ^e	162	3	87	6	6	1	14	1	41	4
No jurisdiction ^f	200	4	2	<1	0	0	6	<1	17	2
Extension of time refused	65	1	32	2	1	<1	10	<1	1	<1
No application fee paid	82	2	0	0	2	<1	0	0	20	2
Other ^g	40	<1	12	<1	3	<1	7	<1	7	<1
Subtotal	549	11	133	9	12	3	37	3	86	8
Total^h	4,973	100	1,430	100	463	100	1,103	100	1,063	101

^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 Administrative Appeals Tribunal Act) or at any stage of review proceedings (section 42C).

^b Applications dismissed by consent under section 42A(1) of the Administrative Appeals Tribunal 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*.

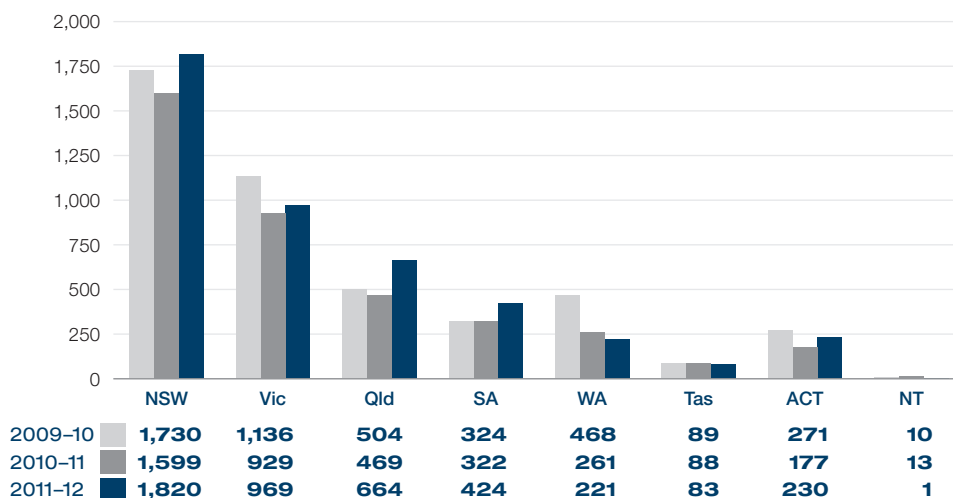
^d Applications finalised by a decision of the Tribunal under section 43 of the Administrative Appeals Tribunal Act.

^e Applications dismissed under section 42A(2) of the Administrative Appeals Tribunal 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 Administrative Appeals Tribunal 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 2012, BY STATE AND TERRITORY**TABLE A4.7 ALTERNATIVE DISPUTE RESOLUTION PROCESSES, INTERLOCUTORY HEARINGS AND HEARINGS CONDUCTED BY THE TRIBUNAL**

EVENT TYPE	2009-10	2010-11	2011-12
Conferences	8,265	6,897	6,761
Case appraisals	8	4	4
Conciliations	507	527	469
Mediations	46	38	49
Neutral evaluations	49	57	39
Interlocutory hearings ^a	497	380	373
Hearings	1,277	1,166	931

^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 Administrative Appeals Tribunal Act
- to stay the operation or implementation of a reviewable decision
- to dismiss an application
- to reinstate an application.

TABLE A4.8 CONSTITUTION OF TRIBUNALS FOR HEARINGS

TRIBUNAL TYPE	2009–10		2010–11		2011–12	
	NO	%	NO	%	NO	%
Judge alone	3	<1	2	< 1	3	< 1
Judge with 1 other member	4	<1	5	< 1	5	< 1
Judge with 2 other members	1	<1	2	< 1	3	< 1
Deputy President alone	175	14	169	14	135	15
Deputy President with 1 other member	62	5	49	4	45	5
Deputy President with 2 other members	9	<1	2	< 1	1	< 1
Senior Member alone	649	51	602	52	467	50
Senior Member with 1 other member	167	13	121	10	81	9
Senior Member with 2 other members	5	<1	4	< 1	1	< 1
Member alone	178	14	189	16	180	19
Two Members	22	2	21	2	10	1
Three Members	2	<1	0	0	0	0
Total^a	1,277	100	1,166	100	931	100
Total multi-member tribunals	272	21	204	17	146	16

^a Percentages do not total 100% due to rounding.

TABLE A4.9 APPEALS AGAINST DECISIONS OF THE TRIBUNAL, BY JURISDICTION

JURISDICTION	2009–10		2010–11		2011–12	
	SECTION 44 ^a	OTHER ^b	SECTION 44 ^a	OTHER ^b	SECTION 44 ^a	OTHER ^b
Social security	16	0	16	0	11	1
Veterans' affairs	11	1	14	1	10	0
Workers' compensation	18	1	18	0	18	1
Taxation						
Taxation Appeals Division	17	0	14	1	17	1
Small Taxation Claims Tribunal	1	0	0	0	0	0
Immigration and citizenship	4	13	11	21	7	14
Other	16	4	25	0	12	2
Total	83	19	98	23	75	19

^a Appeals lodged in the Federal Court under section 44 of the Administrative Appeals Tribunal Act. In some circumstances, a party may lodge an application seeking relief under section 44 of the Administrative Appeals Tribunal 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 FROM TRIBUNAL DECISIONS — BY JURISDICTION^a

OUTCOME	2009-10		2010-11		2011-12	
	SECTION 44	OTHER	SECTION 44	OTHER	SECTION 44	OTHER
Social security						
Allowed/Remitted	4	0	3	0	1	0
Dismissed	19	0	9	0	10	2
Discontinued	2	1	7	0	2	0
Subtotal	25	1	19	0	13	2
Veterans' affairs						
Allowed/Remitted	7	1	5	0	6	0
Dismissed	7	0	4	0	9	1
Discontinued	1	0	3	1	0	0
Subtotal	15	1	12	1	15	1
Workers' compensation						
Allowed/Remitted	3	0	4	0	6	0
Dismissed	8	0	7	0	16	0
Discontinued	6	1	3	0	4	0
Subtotal	17	1	14	0	26	0
Taxation						
Taxation Appeals Division						
Allowed/Remitted	7	0	3	0	7	1
Dismissed	9	0	9	1	5	1
Discontinued	4	0	1	1	5	0
Subtotal	20	0	13	2	17	2
Small Taxation Claims Tribunal						
Allowed/Remitted	0	0	1	0	0	0
Dismissed	0	0	0	0	0	0
Discontinued	1	0	0	0	0	0
Subtotal	1	0	1	0	0	0
Subtotal	21	0	14	2	17	2

OUTCOME	2009-10		2010-11		2011-12	
	SECTION 44	OTHER	SECTION 44	OTHER	SECTION 44	OTHER
Immigration and citizenship						
Allowed/Remitted	3	3	2	1	1	3
Dismissed	5	8	6	15	6	9
Discontinued	2	0	1	1	1	2
Subtotal	10	11	9	17	8	14
Other						
Allowed/Remitted	6	1	11	0	4	0
Dismissed	11	1	11	1	8	3
Discontinued	2	2	3	0	4	0
Subtotal	19	4	25	1	16	3
Total	107	18	93	21	95	22
ALL						
Allowed/Remitted	30	5	29	1	25	4
Dismissed	59	9	46	17	54	16
Discontinued	18	4	18	3	16	2
Total	107	18	93	21	95	22

^a Where a decision of a Federal Magistrate, 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 2011–12 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.

There is one program group relating to this outcome:

Program group 1.1 — Completed review of decisions

Program 1.1.1 — Applications finalised without a hearing

Program 1.1.2 — Applications finalised with a hearing

RESOURCE STATEMENT

Table A5.1 shows the Tribunal's various sources of funding.

TABLE A5.1 TRIBUNAL RESOURCE STATEMENT – 2011–12

	ACTUAL AVAILABLE APPROPRIATION FOR 2011-12 \$'000	PAYMENTS MADE 2011-12 \$'000	BALANCE REMAINING 2011-12 \$'000
	(A)	(B)	(A) – (B)
Ordinary annual services			
Departmental appropriation ^{1,2}	46,313	35,130	11,183
Total available annual appropriations and payments	46,313	35,130	
Special appropriations			
Special appropriations limited by entitlement			
FMA Act 1997 s28(2)		280	
Total special appropriations		280	
Total net resourcing and payments for Administrative Appeals Tribunal	46,313	35,410	

¹ Appropriation Bill (No. 1) 2011-12 and Appropriation Bill (No. 3) 2011-12. Includes \$9.698m from prior periods and \$1.230m in S.31 agency receipts.

² Includes an amount of \$0.806m in 2011-12 for the Departmental Capital Budget.

EXPENSES BY OUTCOME

Table A5.2 shows how the 2011–12 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 1

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* 2011-12 \$'000	ACTUAL EXPENSES 2011-12 \$'000	VARIATION 2011-12 \$'000
	(A)	(B)	(A) – (B)
Program 1.1: Completed review of decisions			
Administered expenses			
Special appropriations	700	280	420
Departmental expenses			
Departmental appropriation ¹	35,664	34,423	1,241
Expenses not requiring appropriation in the Budget year	2,141	2,201	(60)
Total expenses for Outcome 1	38,505	36,904	1,601
	2010-11	2011-12	
Average Staffing Level (number)	160	158	

* Full year budget, including any subsequent adjustment made to the 2011–12 Budget.

¹ Departmental appropriation combines 'Ordinary annual services (Appropriation Bill No. 1)' and 'Revenue from independent sources (s31)'.

180 APPENDIX 6: APPLICATION FEES

APPLICATION FEES AND REFUNDS

The rules governing fees that are payable to lodge applications with the Tribunal are in the Administrative Appeals Tribunal Act and the Administrative Appeals Tribunal Regulations. The primary rules relating to the payment and refund of fees are in regulations 19 and 19AA.

An application to the Tribunal is not taken to be made unless any prescribed fee is paid. Subject to a number of exceptions, 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, and
- for a declaration, under the Freedom of Information Act, that a statement of reasons for a decision is not adequate.

APPLICATION FEE AMOUNTS

The standard application fee in 2011–12 was \$777, and the fee to lodge an application in the Small Taxation Claims Tribunal was \$77.

From 1 July 2012, the standard application fee is \$816, and the fee to lodge an application in the Small Taxation Claims Tribunal is \$81.

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, and
- any decision under the Freedom of Information Act that relates to a request made before 1 November 2010 and concerns a document that relates to a decision specified in Schedule 3 to the Administrative Appeals Tribunal Regulations.

Schedule 3 decisions include those in the areas of family assistance and social security, 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, or
- 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 satisfied 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, or
- 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 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 2011–12

In 2011–12, the Tribunal received \$688,593 and refunded \$280,114 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 \$700,695 (see Tables A6.1, 6.2, 6.3).

The Tribunal refused 12 applications to reduce the application fee on financial hardship grounds. There were four applications for review of decisions of this kind. In one case, the decision was affirmed (unchanged) and, in three cases, the decision was overturned.

TABLE A6.1 APPLICATION FEES SUMMARY

Total fee revenue	\$688,593
Total refunded	\$280,114
Total revenue forgone	\$700,695
Applications: fees reduced	307
Applications: fees not paid	763

TABLE A6.2 APPLICATIONS WHERE REDUCED FEE PAID

REASON	NUMBER OF APPLICATIONS AFFECTED
Applicant eligible to pay reduced fee	208
Fee reduced by Tribunal on financial hardship grounds	99
Total	307

TABLE A6.3 APPLICATIONS WHERE NO FEE PAYABLE FOR ADDITIONAL APPLICATIONS LODGED BY THE SAME APPLICANT

CATEGORY	NUMBER OF ADDITIONAL APPLICATIONS FOR WHICH FEE WAS NOT PAYABLE
Standard application fee	619
Reduced fee	35
STCT fee	109
Total	763

APPENDIX 7: DECISIONS OF INTEREST

CITIZENSHIP

TODD AND MINISTER FOR IMMIGRATION AND CITIZENSHIP

[2011] AATA 851; 1 December 2012

Justice GK Downes, President

Whether the applicant was eligible for Australian citizenship – Whether his bridging visa 'ceased to have effect' when he departed Australia such that he later became an unlawful non-citizen

Mr Todd, a citizen of the United Kingdom, came to Australia in 2006 on a long stay business visa. That visa permitted him to leave and re-enter the country. He left Australia in October 2009 for one week while his business visa was still in operation. Prior to leaving, Mr Todd had applied for an employer nomination visa. As a result, he also received a bridging visa which was to operate between the expiry of the business visa and the decision on the employer nomination visa application. That visa was subsequently granted.

In January 2011, Mr Todd applied to become an Australian citizen. However, his application was refused on the grounds that he had been an unlawful non-citizen for a period during the four years prior to his application. The Department of Immigration and Citizenship found that Mr Todd's departure in 2009, though lawful under his business visa, had led to the revocation of the bridging visa. This resulted in a gap of 11 days in December 2009 between the expiry of the business visa and the grant of the employer nomination visa during which he was an unlawful non-citizen.

The Department argued before the Tribunal that the relevant provisions of the *Migration Act 1958* should be interpreted to mean that the bridging visa had effect when it was granted and ceased to have effect when Mr Todd left Australia. Previous decisions of the Tribunal in similar cases had reached different views on the effect of the provisions.

The Tribunal held that the words of the Act did not cause the bridging visa to cease to be in effect or prevent it from coming into effect in the circumstances of this case. Mr Todd's departure and return in October 2009 had no reference to his bridging visa which did not come into effect until after his business visa expired. The Tribunal noted that a primary goal of government decision making is good government. It would not be good administration to authorise conduct on the one hand – departure and return under a visa – and penalise a person for taking advantage of that authorisation on the other.

The Tribunal set aside the reviewable decision and remitted the matter to the Department for grant of citizenship.

CONSUMER CREDIT REGULATION

RENT TO OWN (AUST) PTY LTD AND AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

[2011] AATA 689; 6 October 2011

Justice GK Downes, President; Deputy President PE Hack SC

Whether Rent to Own (Aust) Pty Ltd should be granted an Australian credit licence under the National Consumer Credit Protection Act 2009 – Whether the Tribunal has a discretion to grant a licence with conditions which would adequately protect the public interest

Mr Tapping was a director and the controlling mind of Rent to Own (Aust) Pty Ltd. He held a similar position with Cash on Tap Pty Ltd (previously called Aussie Payday Loans Pty Ltd). Both businesses involved the provision of credit to consumers.

On 1 July 2011, it became necessary for operators of such businesses to have an Australian credit licence granted under the *National Consumer Credit Protection Act 2009*. The Australian Securities and Investments Commission (ASIC) refused to grant Rent to Own a licence because they had reason to believe that Mr Tapping was likely to contravene certain obligations under the Act. Mr Tapping sought a review of ASIC's decision.

Mr Tapping, as director of Rent to Own and Cash on Tap, had previously made undertakings accepting that the corporations had contravened the *Consumer Credit (Queensland) Act 1994* (the Code). Aussie Payday Loans was also prosecuted in the Queensland Magistrates Court. When completing Rent to Own's application for a credit licence, Mr Tapping did not disclose these matters. Mr Tapping maintained that he had done no wrong.

The Tribunal found that Mr Tapping, as the controlling mind of Rent to Own and Cash on Tap, had been responsible for making numerous contracts containing multiple contraventions of the Code, including the charging of excessive interest rates. This series of breaches represented a pattern of conduct and Mr Tapping did not take steps to discover what his obligations were and how they could be performed. Accordingly, the Tribunal found there was reason to believe that Rent to Own would likely contravene its obligations under the Act if granted a licence.

The Tribunal considered whether the public interest could be adequately protected by a grant of a licence with conditions and found that this was not the case. The Tribunal reasoned that the central consideration in discretionary administrative decision making is good regulation and good administration, not an overanxious desire to permit regulated activity wherever possible. The Tribunal decided that it was up to Mr Tapping to bring about the changes to enable qualification for a licence and not up to ASIC or the Tribunal to seek to rehabilitate him by imposing certain conditions.

The Tribunal reached the view that Rent to Own should remain bound by its existing contracts and was entitled to receive payments under them. The Tribunal set aside the decision under review and decided that a licence should be granted but limited to performing and enforcing existing contracts.

CULTURAL HERITAGE PROTECTION

BRINSMEAD AND MINISTER FOR THE ARTS

[2011] AATA 753; 26 October 2011

Deputy President JW Constance; Mr C Ermert, Member

Whether an export permit should be granted for a steam locomotive – Whether its loss would significantly diminish the cultural heritage of Australia

Mr Brinsmead was the owner of a 1914 Marshall steam road locomotive manufactured in England in 1914. The *Protection of Movable Cultural Heritage Act 1986* required that he obtain a permit if he wanted to export the locomotive. The Act provides that the Minister shall not grant an export permit if satisfied that the object is of such importance to Australia, or a part of Australia, that its loss to Australia would significantly diminish the cultural heritage of Australia. The Minister refused to issue the export permit.

As required by the Act, the Minister had referred the application for the permit to the National Cultural Heritage Committee (the Committee) which, in turn, referred the application to two expert examiners. The material before the Tribunal included reports from the two expert examiners and the recommendations of the Committee.

The expert examiners considered the locomotive was a rare surviving example of this type of engine and that nothing of equivalent quality was held in public collections in Australia. It was also said to be significant for its association with the Hillgrove mining field in northern New South Wales. They considered its export would negatively affect its potential contribution to research and interpretation of key historic themes and significant industries during the early 20th century. Both experts recommended that the export permit be refused. The Committee agreed with the expert examiners.

The Tribunal found that both expert examiners were very experienced in their respective fields and had provided detailed and well-reasoned reports. The Tribunal did not agree with submissions made on behalf of Mr Brinsmead that the documentation in respect of the locomotive was not strong and that there are a number of machines of similar quality in Australia. The Tribunal accepted that the locomotive has a particular provenance and fulfilled a particular role in the Hillgrove area.

The Tribunal was satisfied that the locomotive is of such importance to Australia, or alternatively to the Hillgrove area in northern New South Wales, that its loss would significantly diminish the cultural heritage of Australia. The Tribunal affirmed the decision under review.

CUSTOMS

ALDI STORES (A LIMITED PARTNERSHIP) AND CHIEF EXECUTIVE OFFICER OF CUSTOMS

[2012] AATA 151; 8 March 2012

Deputy President RP Handley

Whether the applicant's products imported into Australia were disposable pants rather than nappies and therefore not subject to import duty

In 2008, Aldi Stores (A Limited Partnership) successfully applied under the *Customs Act 1901* for a tariff concession order in respect of disposable pants for babies and toddlers. The effect of the order was that no duty was payable on those goods. The order contained a description of the goods to which it applied: disposable pants comprising pre-fastened and/or re-fastenable stretch side panels, delayed fluid absorbency and outer cover graphics. The order stated they were for use by small children to assist with toilet training.

In 2010, Aldi applied to the Australian Customs and Border Protection Service (Customs) for a tariff advice in relation to another type of goods described as 'Disposable pants Mamia brand re-fastenable and prefastened', contending that the tariff concession order applied to those goods. The goods were marketed by Aldi as 'Mamia Toddler Unisex Nappies'. Customs decided that the order did not apply as the goods did not meet the description. Aldi paid duty under protest and applied to the Tribunal for review of the decision.

The Tribunal observed that the task of a decision maker in this type of case is to ascertain the identity of the goods as at the time of their importation and as they would present themselves to an informed observer. This determination must be made objectively without reference to the intentions of the manufacturer, the exporter or the importer. The material before the Tribunal included evidence from an expert in textile technology as well as evidence from the product development manager for baby and child care products from a competitor of Aldi.

The Tribunal considered that an examination of the goods in question by an informed observer would indicate their principal purpose was to absorb and contain a child's excrement. It noted that the packaging described the goods as 'nappies' with no reference to the word 'pants' and the goods appeared to have the characteristics of nappies. They were supplied with the sides in an unfastened state and appeared intended to be placed around a child when the child was lying down.

The Tribunal held that the reference in the tariff concession order to the stated use of disposable pants – to assist children in toilet training – confirmed that the meaning of 'pants' in that order was not that of ordinary nappies. The Tribunal was satisfied that an informed observer would conclude that the goods in question should be identified as disposable nappies and not as pants. Even if they could be identified as pants, the Tribunal found that they did not have stretch side panels or delayed fluid absorbency. As the goods did not meet the description under the tariff concession order, the Tribunal affirmed the decision under review.

ENERGY AND FUEL GRANTS

AUTECH MINING PTY LTD AND COMMISSIONER OF TAXATION

[2011] AATA 821; 18 November 2011

Senior Member C Walsh

Whether the applicant was entitled to claim credits for diesel fuel purchased for use in its operations

Autech Mining Pty Ltd claimed off-road credits and fuel tax credits for diesel fuel purchased for use in its front-end wheel loaders. The front-end loaders were used to load iron ore from stockpiles within storage sheds at the Port of Esperance in Western Australia onto hoppers. The hoppers directed the ore onto conveyor belts which transported the ore out to a ship berthed at port for loading. As part of the process of loading the ore onto the hoppers, different classes of ore were blended according to customer specifications.

The Australian Taxation Office decided that Autech was not entitled to the off-road credits claimed for the period 15 July 2003 to 7 July 2006 and fuel tax credits claimed for the period 1 July 2006 to 30 June 2008. The central issue for determination by the Tribunal was whether Autech's operations were mining operations pursuant to section 11 of the *Energy Grants (Credits) Scheme Act 2003* and, in particular, whether Autech's operations in the storage sheds constituted 'beneficiation' of the ore within the meaning of the Act.

The Tribunal noted that the relevant provisions of the Act had previously been found in the *Customs Act 1901*. The Tribunal referred to the Second Reading Speech to the Bill that introduced those earlier provisions in which it was stated that the intention was not that the legislation should be defined broadly and beneficially. Amendments to the various definitions, particularly 'beneficiation', were intended to make it clear that, while the physical act of mining or beneficiation is eligible for rebate, activities that are said to be integral to, associated with or connected with these activities are not eligible.

The evidence before the Tribunal was that the blending of different classes of ore carried out by Autech was 'tweaking' of the ore 'product' for delivery in accordance with the terms of its contract. The Tribunal noted that the Act provided that, in determining whether a particular process constitutes beneficiation, regard must be had to the nature of the technical process but no regard is to be had to any market considerations that might affect the decision to subject that mineral or those ores to that process. The Tribunal found that the blending at port was a deliberate process designed to make the product loaded on the ship more marketable by meeting customer specifications and, therefore, must be disregarded in determining whether there was a process of beneficiation.

The Tribunal concluded that Autech's operations at the port did not constitute beneficiation and were therefore not mining operations within the meaning of the Act. Autech was not eligible for the off-road credits and fuel tax credits. The Tribunal affirmed the decisions under review.

FINANCIAL SERVICES REGULATION

FRASER AND AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

[2011] AATA 944; 19 December 2011

Deputy President PE Hack SC; Dr KS Levy RFD, Senior Member

Whether the applicant should be banned permanently from providing financial services

Mr Fraser worked as a financial planner, acting as an authorised representative of Bridges Personal Investment Services (Bridges). In June 2011, the Australian Securities and Investments Commission (ASIC) imposed a banning order on Mr Fraser, permanently banning him from providing a financial service on the basis that he had not complied with a financial services law, there was reason to believe he would not comply with a financial services law in the future and there was reason to believe he was not of good fame and character.

Mr Fraser's arrangement with Bridges involved a base salary plus a proportion of the fee paid by customers for the preparation of financial plans. The balance of the fee was shared between the building society which made referrals to Mr Fraser and Bridges. On 37 occasions between April 2006 and May 2008, Mr Fraser failed to account to Bridges and the building society for their percentage of fees. Mr Fraser falsely noted on the fee invoice that the fee had been waived. Mr Fraser's business partner suggested Mr Fraser advise Bridges of what he had been doing and Mr Fraser did so. After an investigation, Mr Fraser's authority to act for Bridges was revoked.

The Tribunal examined the circumstances surrounding Mr Fraser's dishonest conduct, the likelihood of his not complying with a financial services law in the future and whether he was of good fame and character. The Tribunal found that a more charitable view should be taken of Mr Fraser's conduct as the amount of money involved in the impugned conduct was quite modest, the conduct was undertaken at a time when Mr Fraser was quite new to the industry, and the conduct should be considered by reference to his unblemished conduct before and after the period of misconduct. The Tribunal found Mr Fraser's conduct, while dishonest, was out of character and did not provide reason to believe he was not of good fame and character.

The Tribunal found that the dishonesty of Mr Fraser's conduct was at the lower end of the scale of seriousness, and Mr Fraser demonstrated an intention to comply with his obligations in the future. The Tribunal varied the decision and imposed a banning order of six months.

FREEDOM OF INFORMATION

PHILIP MORRIS LIMITED AND PRIME MINISTER

[2011] AATA 556; 15 August 2011

Deputy President SA Forgie

Whether certain documents held by the Office of the Prime Minister in relation to the plain packaging of tobacco products were exempt from disclosure under the Freedom of Information Act 1982

Under the *Freedom of Information Act 1982*, Philip Morris Limited asked the Prime Minister for access to documents relating to the plain packaging of tobacco products. Philip Morris challenged the decision made on its request only in so far as it refused access to five documents, either in whole or in part, on the basis that they were subject to legal professional privilege and so exempt under section 42 of the Act, or exempt under section 36. The claims for exemption related to, or to references in other documents to, a 'Legal Advice' prepared by the Department of Foreign Affairs and Trade (DFAT) (DFAT advice) and an 'Advice' prepared by the Australian Government Solicitor (AGS) (AGS advice).

Both advices had been prepared at the request of the Department of Health and Ageing (DHA). The requests had been directed to AGS and DFAT according to the directions given in Appendix A of the Legal Services Directions made by the Attorney-General under the *Judiciary Act 1903*. The Tribunal rejected a submission that legal professional privilege necessarily attaches to Commonwealth legal work tied to an agency under those directions.

The Tribunal characterised both advices as legal advices that had been given for the dominant purpose of responding to DHA's request for legal advice. The AGS advice had also been prepared and given in the course of a professional and independent relationship of solicitor and client. Consequently, the AGS advice was subject to legal professional privilege and exempt under section 42.

The Tribunal was not satisfied that the necessary professional independent relationship existed between DFAT and DHA because: part of the DFAT advice was prepared by officers who were admitted legal practitioners and part by officers who were either not admitted or did not have a law degree; and documents relating to their legal advice were not quarantined from policy and other areas of DFAT.

The DFAT advice was, however, subject to legal professional privilege and exempt under section 42 of the Act because DHA had mistakenly (but reasonably in view of the Legal Services Directions) believed that it was seeking advice from a lawyer or legal practitioner.

Disclosure of the advices was limited to the Prime Minister and others within the Commonwealth administration having direct interests in plain tobacco packaging policy. The privilege, which belongs to the Commonwealth, had not been waived.

The Tribunal also found that both advices met the requirements of section 36(1)(a) of the Act. Their disclosure would be contrary to the public interest only because to do so would be a breach of legal professional privilege. Therefore, they were exempt under section 36 of the Act.

The Tribunal affirmed the decision under review.

LEASES ON NATIONAL LAND

EMBASSY OF BELGIUM AND MINISTER FOR REGIONAL AUSTRALIA, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT; EMBASSY OF FINLAND AND MINISTER FOR REGIONAL AUSTRALIA, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT

[2012] AATA 238; 27 April 2012

Justice GK Downes, President; Mr S Webb, Member

Whether increases in the annual rent payable for the land on which the Belgian and Finnish embassies are located were properly calculated

The Kingdom of Belgium and the Republic of Finland hold 99-year Crown leases over two parcels of diplomatic mission land in the Australian Capital Territory on which their embassies are located. In 2011, the Minister for Regional Australia, Regional Development and Local Government undertook reappraisals of the unimproved value for rental purposes of the land on which the Belgian and Finnish embassies stand in accordance with the *Leases (Special Purposes) Ordinance 1925 (ACT)*. A reappraisal of this kind must be undertaken every twentieth year following commencement of a lease and rent paid under the lease is calculated at two per cent of the unimproved value of the land. The 2011 reappraisals led to an increase in annual rent payable for both the Belgian and Finnish embassies. They applied to the Tribunal for a review of those decisions.

The applicants submitted that, as the diplomatic leases were restricted to the named country alone, the leases were non-tradeable and there would be no market for the leased lands. For this reason, the value of the leases could not be determined according to usual market-based principles and should be nominal or nil in value.

The Tribunal determined that, even if each hypothetical 'sale' is confined to the actual lessees, it must proceed on the basis that each lessee is a willing but not overanxious purchaser and the Minister is a willing but not overanxious vendor. Even though the demand for, and supply of, diplomatic mission land may not accord with the traditional conception of a market, it is not correct to proceed on the basis that there is no market whatsoever.

The Tribunal noted that a country seeking to establish a diplomatic mission is not confined to doing so on designated diplomatic mission land but may privately acquire land that is subject to land use and zoning restrictions. Therefore, the Tribunal concluded that, in order to determine the unimproved value, regard must be had to market variables – such as demand, supply and sales of comparable land – as well as the particular attributes of the land and the terms of the lease.

The Tribunal undertook a comparative analysis with reference to sales of comparable diplomatic, community facility and residential lands, and had regard to the relative size, location and topography, development potential and zoning of the land leased by Belgium and Finland. The Tribunal concluded that substantial value attached to the Belgian and Finnish land, rejecting the proposition that the leases had nil or a nominal value only. The Tribunal affirmed the decisions under review.

MILITARY COMPENSATION

KERMODE AND MILITARY REHABILITATION AND COMPENSATION COMMISSION

[2012] AATA 188; 2 April 2012

Deputy President DG Jarvis, Professor D Ben-Tovim, Member

Whether the applicant's service on HMAS Melbourne at the time of its collision with HMAS Voyager on 10 February 1964 materially contributed to the applicant's claimed conditions of post-traumatic stress disorder, claustrophobia and alcohol abuse

Mr Kermode was a steward on board HMAS Melbourne when it collided with HMAS Voyager on 10 February 1964. It was Australia's worst peacetime naval disaster. Mr Kermode began receiving treatment for post-traumatic stress disorder (PTSD) and claustrophobia in 1997. In the same year, he lodged an application for compensation under the *Safety, Rehabilitation and Compensation Act 1988* for PTSD, claustrophobia and alcohol abuse, which he claimed were caused by the collision. The Military Rehabilitation and Compensation Commission accepted Mr Kermode's claim for these conditions in July 1997, determining that his military service had contributed in a material degree to the conditions.

In November 2003, Mr Kermode claimed compensation for permanent impairment. After referring him to a consultant psychiatrist for assessment, the Commission determined in January 2007 that he had no present entitlement to compensation for medical expenses, weekly incapacity payments, permanent impairment, or household and attendant care services. In August 2007, the Commission made a further decision to revoke its 1997 determination to accept liability. Mr Kermode sought review by the Tribunal of the Commission's decisions.

In 1995, Mr Kermode had lodged proceedings against the Commonwealth in the Supreme Court of New South Wales claiming damages for PTSD sustained as a result of the Voyager collision. The proceedings were heard before a judge and jury in September 2002. After a lengthy trial, the jury was not satisfied that he was suffering from PTSD. Judgment was entered against him and he was ordered to pay the Commonwealth's legal costs. This caused him distress and he was admitted to hospital in November 2002 for a few weeks. In 2007, bankruptcy proceedings were issued for the recovery of the costs, causing him further distress.

The evidence before the Tribunal included extensive historical medical records and medical opinions, evidence from Mr Kermode as to the events at the time of the collision and their effect on him, evidence from his wife as to his behaviour, and evidence from his treating psychiatrist who had seen him on many occasions since 1997, as well as from other consultant psychiatrists called by both parties. The Tribunal decided that it was satisfied Mr Kermode was suffering from PTSD and claustrophobia as a result of the Voyager collision and that the Commission's acceptance of liability in 1997 should not have been revoked. The Tribunal also decided that the Commission remained liable for compensation from and after January 2007.

The Tribunal found that Mr Kermode's condition became worse as a result of the rejection of the common law proceedings, the resulting order for costs and the steps taken to enforce the costs order. The Tribunal was satisfied these were independent intervening events and that the Commission was not liable for the expenses of hospitalisation or increased medical expenses that arose from those matters. The Tribunal also found that the Commission was not liable for alcohol dependence or alcohol abuse, as Mr Kermode had ceased suffering from those conditions approximately 10 years earlier when he was diagnosed with diabetes, and then substantially modified his drinking habits.

As the Commission had rejected Mr Kermode's claim for permanent impairment, it did not consider the level of impairment. The Tribunal decided that it had jurisdiction to determine that claim, and proceeded to assess the degree of permanent impairment and non-economic loss.

The Tribunal set aside the decision under review and remitted the matter for reconsideration in accordance with its reasons for decision.

SOCIAL SECURITY

TYNAN AND SECRETARY, DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS

[2012] AATA 339; 6 June 2012

Senior Member JF Toohey

Whether a husband was disqualified from receiving a carer allowance because his wife was a resident in a nursing home

In 2006, Mr Tynan's wife suffered a severe stroke and was admitted to a nursing home. From early 2010, he has picked her up from the nursing home in the morning and cared for her in the family home for six to seven hours per day, returning her to the nursing home in the evening. Mr Tynan applied for a carer allowance under section 954A of the *Social Security Act 1991*, a supplementary payment available to a person who provides daily care in a private home for someone with special needs. Mr Tynan's claim was rejected.

At issue before the Tribunal was whether the care and attention Mrs Tynan was receiving met the requirements specified in the Act and, in particular, whether Mr Tynan was disqualified from receiving carer allowance because his wife was receiving paid care in a nursing home.

The Tribunal found that the care and attention provided by Mr Tynan addressed the special care needs of Mrs Tynan and that it was provided by Mr Tynan daily for a total of at least 20 hours per week.

The Department argued that, because Mrs Tynan received care and attention from nursing home staff, Mr Tynan could not satisfy the requirement in the Act that the care and attention must be received by the care receiver either:

- from the claimant alone, or
- together with another person whose work in providing the care and attention is not on wages at or above the relevant minimum wage.

The Tribunal held, however, that Mr Tynan satisfied the first element of this requirement and the second element did not operate as an exclusion. It serves only to preclude a person from relying on professional care to meet the minimum 20 hours per week. Nothing in the Act disqualifies a carer because the care receiver also receives paid care somewhere other than the private home.

The Tribunal was also satisfied that Mrs Tynan was receiving care and attention in a private home that was the residence of the claimant, but not the residence of both the claimant and the care receiver. The nursing home was Mrs Tynan's residence.

The Tribunal set aside the decision under review and found that Mr Tynan qualified for carer allowance.

TAXATION

GENERAL AVIATION MAINTENANCE PTY LTD AND COMMISSIONER OF TAXATION

[2012] AATA 120; 28 February 2012

Senior Member F O'Loughlin

Whether the applicant was liable to pay superannuation contributions for people who were engaged to make tandem parachute jumps with its clients

General Aviation Maintenance Pty Ltd provided services for people to make tandem parachute jumps, either with or without video recordings of the descent. General Aviation Maintenance's customers were harnessed to tandem masters who were paid by General Aviation Maintenance to pack parachutes, operate the parachute equipment during tandem jumps and make video recordings of the descents. General Aviation Maintenance did not make superannuation contributions for tandem masters and one of the masters lodged a complaint.

The issue before the Tribunal was whether the tandem master was an 'employee' or deemed employee of General Aviation Maintenance such that General Aviation Maintenance was liable to pay the superannuation guarantee charge.

The Tribunal considered General Aviation Maintenance's business operations and the role of the tandem master. The Tribunal found that there was no written employment contract between the tandem master and General Aviation Maintenance. However, such a contract had existed between the previous owner of the business and the tandem master. The Tribunal found that General Aviation Maintenance had regarded itself as a party to a contract with the tandem master as the tandem master continued to provide his services after the change in ownership. The Tribunal also found that the tandem master's services were an integral part of the business of General Aviation Maintenance. It noted that the tandem master's image was used in General Aviation Maintenance's advertising and General Aviation Maintenance exercised control over the way the tandem master undertook his duties. The Tribunal decided that regulation by a third party such as the Civil Aviation Safety Authority did not break the employment nexus if one was established. The Tribunal also decided that the use by the tandem master of his own equipment for non-core business activities did not displace the employment relationship.

The Tribunal concluded that the tandem master was an employee of General Aviation Maintenance, as the term is ordinarily understood, and that all amounts paid to him were salary or wages on which superannuation is calculated. The Tribunal also decided that General Aviation Maintenance paid the tandem master to perform or to participate in entertainment or a similar activity that involved physical or other personal skills, and to produce a film for customers. The Tribunal determined that this was payment for a service which enlivened the statutory definition of employee.

The Tribunal referred the matter back to the decision maker to recalculate the amount owing based on a revised figure for the tandem master's total earnings.

VETERANS' AFFAIRS

RE SKIPWORTH AND REPATRIATION COMMISSION

[2012] AATA 306; 21 May 2012

Senior Member K Bean

Whether the applicant was entitled to pension at the special rate – Whether osteoarthritis of both knees alone was responsible for incapacity to work and loss of earnings

Mr Skipworth suffered osteoarthritis of both knees as a result of his operational service in the Australian Army between 1970 and 1972. On discharge from the Army, he worked as a lift mechanic which involved climbing and kneeling. He sought medical advice in 2010 after experiencing pain in his knees at work and was advised to undergo bilateral knee replacement surgery. Mr Skipworth resigned from work because he assumed, although he was not so advised by medical practitioners, that he could not continue to work after the surgery. It became apparent after the surgery that he could no longer carry out his duties as a lift mechanic. He received a pension at 100 per cent of the general rate and sought a pension at the special rate.

There was no dispute that Mr Skipworth's condition of osteoarthritis was war-caused, nor that the injury led to his incapacity for work. The issue was whether, by reason of incapacity from that injury alone, Mr Skipworth was prevented from continuing to undertake remunerative work and thereby suffered a loss of salary or wages that he would not have suffered if he was free of that incapacity.

The Repatriation Commission submitted that, by resigning, Mr Skipworth could not satisfy the 'alone' test as his decision was an independent cause of ceasing remunerative work, separate to the incapacity from his injury.

The Tribunal decided that, as a matter of logic, Mr Skipworth's decision to retire did not have a real causal effect on the ultimate outcome of Mr Skipworth not being able to continue in employment. Mr Skipworth's inability to return to work would have eventuated whether he resigned or not and to find otherwise would be somewhat artificial and at odds with reality in the particular facts and circumstances of this case.

The Tribunal set aside the reviewable decision and decided that Mr Skipworth was entitled to a pension at the special rate.

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 and its role. Members and staff give speeches at conferences and seminars, participate in training and education activities and submit articles for publication. The list of activities for 2011–12 is in three sections: speeches and presentations; professional development and other activities; and publications. The first two sections are arranged by date and the third in alphabetical order by title.

TABLE A8.1 SPEECHES AND PRESENTATIONS

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT/ SPEAKER(S)	DATE
Moving on Up: Merits Review at the AAT	Department of Veterans' Affairs, Advocacy Course	Senior Member Professor Robin Creyke	4 July 2011
Guide to Practice and Procedure at the AAT	Brimbank Melton Community Legal Service	Conference Registrar Lyn Carins	7 July 2011
Tribunals in a broader context: Why have administrative review?	Queensland Civil and Administrative Tribunal, Conference	Senior Member Professor Robin Creyke	11 July 2011
A Duty to Inquire and Official Notice and the Use of Experts in Tribunal Proceedings	Council of Australasian Tribunals, Western Australian Chapter Seminar, Perth	Senior Member Professor Robin Creyke	15 July 2011
	Australian Institute of Administrative Law/Council of Australasian Tribunals, South Australian Chapter Seminar, Adelaide		18 July 2011
Writing Reasons for Decision	Law Society of New South Wales, Government Lawyers Seminar, Sydney	Senior Member Anne Britton	18 July 2011
Future Directions	Australian Institute of Administrative Law, 2011 National Administrative Law Conference, Canberra	Justice Garry Downes, President	22 July 2011

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT/ SPEAKER(S)	DATE
Pitfalls in Decision Making	New South Wales Guardianship Tribunal, Member Training Day	Senior Member Anne Britton	22 July 2011
Merits Review in South Australia – the Need for Reform	Law Society of South Australia, Overturning Government Decisions Seminar, Adelaide	District Registrar Clare Byrt	26 August 2011
The Principles of Merits Review	Legalwise, Running a Merits Review Case Seminar, Sydney	Senior Member Anne Britton	7 September 2011
GST in the AAT	The Tax Institute, 2011 National GST Intensive, Melbourne	Deputy President Stephen Frost	9 September 2011
Tribunal Advocacy	South Australian Bar Association, Bar Readers' Course Adelaide	Senior Member Katherine Bean	15 September 2011
Merits Review and Tribunals	Local Government Association of South Australia, Governance Residential Seminar	District Registrar Clare Byrt	22 September 2011
Appeal-proofing Decisions	Veterans' Review Board, Annual Conference	Senior Member Anne Britton	22 September 2011
Alternative Dispute Resolution at the AAT	Australian Taxation Office/ Law Council of Australia, Dispute Resolution Workshop, Adelaide	Senior Member Rod Dunne District Registrar Clare Byrt	6 October 2011
The Elegance of Consistent Administrative Decision-making: A tale of hedgehogs and foxes	Australian Government Solicitor, Excellence in Decision-making Administrative Law Symposium, Melbourne	Deputy President Stephanie Forgie	13 October 2011
ADR Practice – Dispute Resolution in Australia	University of Sydney, Master of Laws Program, Dispute Resolution in Australia Unit of Study, Sydney	Senior Member Geri Ettinger	15 October 2011
Twenty Five Years of Tax Cases in the AAT: Eleven years of the 'practical business tax'	Corporate Tax Association, 2011 GST Corporate Intensive, Sydney	Justice Garry Downes, President	17 October 2011

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT/ SPEAKER(S)	DATE
Enhancing Access, Flexibility and Efficiency: ADR processes in the Australian Administrative Appeals Tribunal	The City University of Hong Kong School of Law, 2011 International Conference on Access to Non-Judicial Justice, Hong Kong	District Registrar Clare Byrt	27 October 2011
Alternative Dispute Resolution at the AAT	Australian Taxation Office/ Law Council of Australia, Dispute Resolution Workshop, Hobart	Senior Member Ann Cunningham	17 November 2011
Commercial Mediation	Asia Pacific Mediation Leadership Forum, 1st Asia Pacific Mediation Leadership Summit: 'From Talk to Action', Bangkok	Senior Member Geri Ettinger	2–4 December 2011
Balancing Act: providing a fair hearing for self-represented parties	Australian Government Solicitor, Workers Compensation Forum, Canberra	Senior Member Anne Britton	23 February 2012
Judicial Review and the Administrative Review Council	The Law Society of Western Australia and The University of Western Australia, Law Summer School 2012, Perth	Senior Member Professor Robin Creyke	24 February 2012
Recent Developments at the AAT		Deputy President Stan Hotop	24 February 2012
Procedural Justice in Tribunals	Fair Work Australia, Members Conference	Senior Member Professor Robin Creyke	27 February 2012
Overview of the Tribunal	University of Canberra, Postgraduate Administrative Law Unit of Study	Conference Registrar Siobhan Ni Fhaolain	15 March 2012
Alternative Dispute Resolution – Australian Developments	Shanghai University, International ADR and Arbitration Forum, Shanghai	Member Professor Tania Sourdin	23 March 2012
Chair	Law Council of Australia Commonwealth Compensation and Employment Law Committee, Hot Topics in Commonwealth Compensation Seminar, Melbourne	Justice Garry Downes, President	4 May 2012
Issues in Self-Representation	Legalwise, Running a Merits Review Case Seminar, Melbourne	Member Regina Perton	31 May 2012

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT/ SPEAKER(S)	DATE
Should Tribunals Go Social?: Chair	Australasian Institute of Judicial Administration/ Council of Australasian Tribunals, 2012 Annual Tribunals Conference, Sydney	Senior Member Anne Britton	7 June 2012
Management of Voluminous and Complex Cases: Panel member		Deputy President Robin Handley	8 June 2012
Tribunals as the Generic Face of Justice: A challenge for the 21st century		Senior Member Professor Robin Creyke	8 June 2012
Alternative Dispute Resolution - Neutral evaluation and case appraisal	Federal Court of Australia/ Law Society of New South Wales, Fitting the Forum to the Fuss - ADR: More than Mediation? Examining the ADR Toolkit Seminar, Sydney	Senior Member Geri Ettinger	12 June 2012

TABLE A8.2 PROFESSIONAL DEVELOPMENT AND OTHER ACTIVITIES

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT/ SPEAKER(S)	DATE
Mooting Competition Adjudicator	Bond University High School's Mooting Competition 2011	Senior Member Bernard McCabe	30 July 2011
Mooting Competition Adjudicator	AAT National Mooting Competition 2011	Justice Garry Downes, President Deputy Presidents: Julian Block, Stephen Frost, Philip Hack SC, Robin Handley and Deane Jarvis Senior Members: Katherine Bean, Anne Britton, Rod Dunne, Egon Fice, Naida Isenberg, Bernard McCabe, Frank O'Loughlin and Jill Toohey Members: Conrad Ermert and Peter Wulf	August– October 2011

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT/SPEAKER(S)	DATE
Mediation hypothetical – Mediator	Joint Australian Taxation Office/Law Council of Australia Dispute Resolution Workshop, Canberra	Conference Registrar Kim Lackenby	5 December 2011
Community Legal Expo	National Law Week, Sydney	Kelly Burke, Casey Comans, Michelle Corcoran, Lyn Hespe, Athena Ingall, Christian Taylor, Adele Veness	14 May 2012

TABLE A8.3 PUBLICATIONS

TITLE	AUTHOR	CITATION/PUBLISHER
<i>Alternative Dispute Resolution</i> , 4th edition	Member Professor Tania Sourdin	Thomson Reuters
<i>Control of Government Action: Text, Cases and Commentary</i> , 3rd edition	Senior Member Professor Robin Creyke (co-author)	LexisNexis Butterworths
Eleven years of the 'practical business tax'	Justice Garry Downes, President	(2012) 50 (5) Law Society Journal 70
Future Directions in Administrative Law Part 1	Justice Garry Downes, President	(2011) 67 AIAL Forum 35
Future Directions in Administrative Law Part 2	Justice Garry Downes, President	(2011) 67 AIAL Forum 39
<i>Laying Down the Law</i> , 8th edition	Senior Member Professor Robin Creyke (co-author)	LexisNexis Butterworths
The Practice of the Administrative Appeals Tribunal in relation to Medical Evidence	Deputy President Deane Jarvis	(2012) 86 Australian Law Journal 34

200 APPENDIX 9: OTHER REPORTING REQUIREMENTS

ADVERTISING AND MARKET RESEARCH

Urbis Pty Ltd was paid \$79,422.75 (inclusive of GST) in 2011–12 to conduct a user satisfaction study. Further details of the study are set out in Chapter 4 of this annual report.

The Tribunal did not undertake any advertising campaigns in 2011–12.

Non-campaign advertising expenditure of \$13,949.97 (inclusive of GST) was paid to Adcorp Australia for advertising employment vacancies in 2011–12.

Table A9.1 shows the amounts paid for non-campaign advertising in the past three reporting periods.

TABLE A9.1 TRENDS IN NON-CAMPAIGN ADVERTISING EXPENDITURE

YEAR	ORGANISATION	COST (INCLUSIVE OF GST)
2009–10	Adcorp Australia	\$16,661.07
2010–11	Adcorp Australia	\$2,428.14 ^a
2011–12	Adcorp Australia	\$13,949.97

^a This figure differs from the figure given in the 2010–11 Annual Report. The correct figure was not included in that report.

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. The Tribunal gives consideration to the principles of ecologically sustainable development when arranging new leases and refurbishments. No leases or refurbishments were due in 2011–12.

The Tribunal limits its impact on the environment in day-to-day administrative functions by implementing simple staff-based measures such as switching off lights, recycling office waste and encouraging leasing of vehicles with a high Green 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	<p>Asking staff to switch off lights when offices and meeting rooms are not in use.</p> <p>Energy ratings of office machines are a consideration when replacement is necessary.</p>	General energy consumption across all registries fell by two per cent during the reporting year.
Vehicles	Ensuring that the average Green rating of the Tribunal's leased vehicles is as high as possible.	All but one of the Tribunal's seven leased vehicles (as at 30 June 2012) has a Green rating greater than 10. Two are hybrid vehicles with a rating of 17.5. Petrol consumption across the Tribunal fell during the reporting year due to a decrease in the fleet size.
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. A new recycling scheme in the Adelaide Registry includes paper, commingled, 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 a new National Disability Strategy which sets out a ten year national policy framework for improving life for Australians with disability, their families and carers. A high level report to track progress for people with disability at a national level will be produced by the Standing Council on Community, Housing and Disability Services to the Council of Australian Governments, and will be available at www.fahcsia.gov.au.

The Social Inclusion Measurement and Reporting Strategy agreed by the Government in December 2009, will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency annual reports. More detail on social inclusion can be found at www.socialinclusion.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 hearings	A hearing to deal only 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. 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	A hearing is 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.
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.
KPI	Key Performance Indicators
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
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 relation to the review process.

Party	A party is 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 respondent is the party who responds to or answers an application; usually the department, agency or organisation that made the original decision.
Section 37 Documents	These are 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 also 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	A stay order is 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 summons is 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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