



Administrative
Appeals
Tribunal



Annual Report 2012-13

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You can call the AAT on 1300 366 700 from anywhere in Australia. You will be connected to the AAT office in your capital city. Residents of northern NSW (postcodes 2460–2490) and the Northern Territory will be connected to the Brisbane Registry. Callers from fixed phone lines will be charged at local call rates; calls from mobiles may cost more.

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Administrative
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Annual Report 2012-13

This report

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

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

Photos on front cover: Graynoise

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ISSN 1035-3161

Designed by L&L Design

Printed by Paragon Printers Australasia



Administrative
Appeals
Tribunal

PRESIDENT'S CHAMBERS
The Hon Justice Duncan Kerr Chev LH

19 September 2013

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

Dear Attorney-General

In accordance with section 24R of the *Administrative Appeals Tribunal Act 1975*, I am pleased to present to you the annual report of the Administrative Appeals Tribunal covering the Tribunal's operations for the year ended 30 June 2013.

Yours sincerely

DUNCAN KERR

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CHAPTER 01

THE YEAR IN REVIEW

PRESIDENT'S OVERVIEW



The Administrative Appeals Tribunal was established in 1976 following the Parliament's acceptance of the recommendations of the report of the Commonwealth Administrative Review Committee (1971) and its conclusion that 'traditional supervision by the courts of the administrative process must be supplemented by provision for review ... on the merits of administrative decisions'.

The past 12 months saw the Tribunal take stock of its past and refocus on its future. In November 2012, the Tribunal undertook a comprehensive review of its opportunities and challenges. The result of that review led to the articulation of the Tribunal's vision – to be widely recognised as an accessible, expert and innovative organisation that ensures administrative justice for individuals and organisations and improves the quality of government decision-making.

Independent merits review of a wide range of administrative decisions made by Commonwealth agencies and ministers in the Administrative Appeals Tribunal gave citizens important rights under Australian law that are still little replicated anywhere else in the world. As Peter Cane observed in *Administrative Tribunals and Adjudication*, '[R]eview by the AAT ... involve[s] the transformation of the decision-making process from a two-party to a three-party affair by the insertion of a neutral third party'. Few citizens of other countries have such rights – and every member and all staff of the Tribunal are aware of their high responsibilities to ensure that the Tribunal fulfils its mission of undertaking high quality merits review in a manner that is fair, just, economical, informal and quick.

There are now some 450 Acts or regulations which confer jurisdiction on the Tribunal. The year under report saw the passage of legislation that will significantly add to the AAT's responsibilities. The Tribunal has a new Division to review decisions made by

DisabilityCare Australia under the National Disability Insurance Scheme (NDIS).

We have designed specific procedures for the review of decisions taken under the NDIS, to ensure accessibility and to avoid unnecessary interlocutory delays. I am grateful for the assistance of those members of the NDIS Advisory Group with whom the Tribunal consulted in preparing for this new jurisdiction. I want to thank the members of the Tribunal's ad hoc NDIS Implementation Committee, including its chair, Senior Member Jill Toohey, for their invaluable work in developing those new protocols during the year.

Our November 2012 strategic review recognised that the adjudicative function of the Tribunal, while essential for ensuring administrative justice, fits within a larger mechanism in which the majority of applications are successfully resolved without a formal hearing. The appointment of Justin Toohey as Director, Alternative Dispute Resolution reflects that understanding. I want to take this opportunity to acknowledge the Tribunal's appreciation for the work of its Client Service Officers and Conference Registrars whose contribution is often otherwise invisible.

The review also acknowledged some of the significant challenges the Tribunal faces. Among the more difficult to overcome will be aligning the Tribunal's property portfolio with the needs of members, staff and users under the financial guidelines and budgetary constraints that apply to the Tribunal. Achieving that objective will be particularly challenging because the AAT needs an expanded physical footprint to support its role as a review body under the NDIS but that function is subject to review after two years.

WE HAVE DESIGNED SPECIFIC PROCEDURES FOR THE REVIEW OF DECISIONS TAKEN UNDER THE NDIS, TO ENSURE ACCESSIBILITY AND TO AVOID UNNECESSARY INTERLOCUTORY DELAYS.

I regard it as essential that the Tribunal continue to have registries in every State capital and Canberra and I believe there is a good case for the Tribunal to establish a registry in Darwin. Without a solution to its property issues, the Tribunal may have to face the unpalatable choice of closing rather than opening new registries.

There is an extraordinary amount of good work going on within the Tribunal. My role as President extends to building cooperative arrangements with other Commonwealth merits review bodies. I chair the Commonwealth Tribunals Collaborative Forum that was established to report to government following the Strategic Review of Small and Medium Agencies in the Attorney-General's Portfolio (the Skehill review) and have taken steps to revive the Commonwealth Heads of Tribunals meetings to encourage the exchange of information and learning across what may be thought to be historic and artificial boundaries. Collectively as heads of merits review tribunals, we have taken action not only to improve our functional cooperative arrangements but also to reinforce to government the importance of the principles which underpin merits review decision-making.

Finally, I should express my appreciation for the work of the members of the Tribunal. This year, the Tribunal lost the services of longstanding Adelaide Executive Deputy President Deane Jarvis. To mark the high regard in which Deputy President Jarvis was held by the Tribunal, his departure was marked by a rare ceremonial sitting attended by many judges, lawyers and former colleagues.

Also leaving the Tribunal were the Honourable Justice Robert Buchanan and the Honourable Justice Peter Gray. Justice Buchanan and Justice Gray were valued judicial members of the Tribunal. When the Tribunal was first established, a considerable percentage of its hearings were undertaken by Federal Court judges – including Justice Gray. That percentage has declined over recent years and the Tribunal is currently engaged in discussions with the Federal Court to explore administrative mechanisms that might allow some greater utilisation by the Tribunal of its judicial members into the future.

Others leaving the Tribunal during the reporting year were Deputy President, the Honourable Dr Bruce McPherson CBE, Senior Members Mason Allen and Steve Karas AO, and Members Air Vice Marshal (Dr) Tony Austin AM (retired), Timothy Jenkins, Ian Laughlin and Dr Tim Hawcroft.

Balancing those departures I am happy to report that a number of new members have joined the Tribunal. We have gained the services of the Honourable Justice Dennis Cowdroy OAM and the Honourable Justice Nye Perram as judicial members of the Tribunal. Katherine Bean became our new full-time Executive Deputy President in Adelaide. Ian Molloy was appointed as a part-time Deputy President and Ronald Bartsch and Nicholas Gaudion were appointed as part-time Members.

Additionally, a number of existing members were reappointed during the year: Senior Members Ann Cunningham, Naida Isenberg and Peter Taylor SC and Members Dr Kerry Breen AM, Professor Graham Johnston AM, Professor Peter Reilly AO, Dr Saw Hooi Toh and Dr Robert Walters RFD. Dr Teresa Nicoletti's appointment was renewed and changed from part-time Member to part-time Senior Member.

The strength of the AAT lies in the independent judgment, skill and commitment of its members supported by the Tribunal's dedicated staff committed to fairness and professionalism. Section 24A of the *Administrative Appeals Tribunal Act 1975* places responsibility for managing the administrative affairs of the Tribunal in the hands of the President but effective implementation requires collective commitment to a common core of values and behaviours. I am confident that, whatever challenges lie ahead, the Tribunal will be capable of rising to meet them.

REGISTRAR'S REPORT



During 2012–13, the Tribunal continued to achieve its objective of providing a mechanism for independent merits review of administrative decisions that is fair, just, economical, informal and quick through the use of effective alternative dispute resolution processes and hearings.

The Tribunal maintained its level of performance, notwithstanding a nine per cent increase in its workload during the reporting year. Further information about the Tribunal's workload is set out in Chapter 3 and Appendix 4. The Tribunal also developed and implemented a number of key strategic and operational projects that will help it to achieve its vision of being an accessible, expert and innovative organisation that ensures administrative justice for individuals and organisations and improves the quality of government decision-making. I acknowledge the hard work of the members and staff of the Tribunal that has led to these achievements.

In November 2012, the President, Registrar, Executive Deputy Presidents and senior staff reviewed the Tribunal's Strategic Plan 2011–2014 to ensure it is properly aligned with current and future challenges and opportunities. The review resulted in the AAT Plan on a Page 2011–2014 which provides a concise and accessible guide to the Tribunal's key strategic goals and priorities. A copy of the Plan appears in Chapter 5 of this annual report on page 61.

A central element of the Plan is the Tribunal's commitment to further develop highly effective and integrated dispute resolution processes. To this end, in May 2013 Justin Toohey commenced in the new position of Director, Alternative Dispute Resolution with responsibility for coordinating and promoting the use of high quality alternative dispute resolution as an integral part of the

Tribunal's review process. This will include strengthening the interaction between members and Conference Registrars in relation to the management and resolution of cases. The new role builds on other important initiatives the Tribunal has introduced over the last two years such as the tailored professional development program for Conference Registrars and the introduction of arrangements for accrediting mediators.

From 1 July 2013, the Tribunal has jurisdiction to review decisions made by DisabilityCare Australia during the launch phase of the NDIS. A new practice direction and fact sheets explain how an application is made and the streamlined procedures the Tribunal will use. Two important aspects of the new procedure are the assignment of a dedicated Contact Officer who will be an applicant's primary contact throughout their case, and the convening of a Case Conference involving the applicant and DisabilityCare Australia to discuss whether the case can be resolved by agreement and, if not, to prepare a Case Plan about how the application will proceed. Arrangements for dealing with the new jurisdiction have been identified and implemented, and training sessions on assisting people with disability were held for registrars and staff in mid-2013. The Tribunal will hold its inaugural NDIS Seminar for members, registrars and key staff in September 2013.

During the year, the President approved the initiation of the Tribunal's Electronic Services and Information Management Program. The program provides a framework, including overarching governance arrangements, for undertaking a series of projects that will

ultimately result in a set of integrated technology systems that provide online services to the public, stakeholders, members and staff and tools for improving the management of the Tribunal's information and records.

In March 2013, the Tribunal launched AAT Online on its website. AAT Online is the platform for a suite of services to be made available over time that will use technology to enable better engagement between the Tribunal and its users. The first service is eCase Search which provides online access to select information about most applications lodged with the Tribunal from 18 March 2013.

Significant progress was made during the year towards developing a more comprehensive information and records management framework for the Tribunal that will be a critical element in its transition to digital recordkeeping. The Tribunal, in conjunction with the National Archives of Australia, also substantially completed a review of its records authority. The new authority is expected to be approved and implemented during the coming year.

The Tribunal considers the end of the leases for several of its registries over the next few years to be an important opportunity to ensure its accommodation is economically sustainable and more closely aligns with and supports the operational needs of its members, staff and users. In February 2013, the Tribunal adopted a property master plan that sets out the broad principles that it will use to select and manage its future accommodation. The master plan deals with preferred location, standard of fit-out, nature and size of rooms and work areas, accessibility, energy and environmental factors, and related matters. It will be complemented

by the findings of a review conducted in early 2013 that examined the accessibility and usability of Tribunal facilities for people with disability.

In January 2013, the Tribunal entered into a contract with Merrill Corporation for the provision of recording and transcription services in relation to Tribunal proceedings (other than in Tasmania, where the Federal Court's provider delivers these services) following a comprehensive tender process. The move to a new contract provided an opportunity for the Tribunal to upgrade the recording equipment in each registry to improve performance and achieve uniformity between registries.

The Tribunal continued to enhance its external and internal communications during 2012–13. In October 2012, the Tribunal started publishing the AAT Bulletin on its website. The Bulletin is a weekly publication containing a list of recent Tribunal decisions, information relating to appeals against Tribunal decisions and, from time to time, information on legislative changes that affect the Tribunal and other important developments. Internal communications were strengthened through the launch of a monthly digital newsletter for members and staff and changes to the look and functionality of the Tribunal's intranet.

During the reporting year, the Tribunal worked closely with the Attorney-General's Department on amendments to the Administrative Appeals Tribunal Act, including the creation of the new NDIS Division, and on changes to the *Administrative Appeals Tribunal Regulations 1976*. The Act and Regulations were amended in June 2013 to clarify the rules relating to when an application fee must be paid and what happens when a

fee is not paid. It is hoped that amendments to the Act designed to enhance its operations, and a rewrite of the Regulations, will be implemented during 2013–14.

The Tribunal recorded a small operating surplus for 2012–13, before taking depreciation into account, primarily as a result of increased revenue from services provided to other tribunals. The government's tight fiscal position means the Tribunal must continue to meet the challenges of operating in an environment of limited funding increases while costs escalate and funds must be found for important (and inevitable) initiatives relating to the new DisabilityCare Australia jurisdiction, accommodation, technology and information management.

During the year there were various changes in the membership and staff of the Tribunal. 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 the membership changes. There were also some important staff changes, including the appointment of Nerrilee Cuthbertson as Executive Director, Operations, Mary Novello as the Director, Library and Information Services and Peter Chang to the new role of Policy and Business Reporting Officer. I also record my thanks to Clare Byrt, Carolyn Krochmal and Susan Woodford who acted in the role of Executive Director, Operations pending the departure of Megan Cassidy on maternity leave and the subsequent appointment of Nerrilee Cuthbertson.

2012–13 HIGHLIGHTS AND ACHIEVEMENTS

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

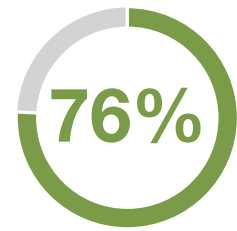
- 6,176 applications were lodged with the Tribunal – a nine per cent increase over the previous year.
- There was a 29 per cent increase in the number of applications received for review of social security decisions in the reporting year, due largely to an increase in applications for review of decisions about disability support pension.
- 6,042 applications were finalised by the Tribunal with 79 per cent finalised other than by way of a Tribunal decision on the merits following a hearing.
- 76 per cent of all applications were finalised within 12 months of lodgement and 88 per cent within 18 months.
- A new practice direction and set of fact sheets was developed setting out how the Tribunal will review decisions made by DisabilityCare Australia.
- Twenty-three members and Conference Registrars were accredited by the Tribunal under the National Mediator Accreditation Standards.
- eCase Search, the first AAT Online service, was launched, allowing parties, their representatives and the public to search for, and access, select information about most Tribunal applications 24 hours a day, seven days a week.
- A set of protocols and system changes enabling the Tribunal to increase the use of email as a primary means of communicating with parties and their representatives was implemented.
- The AAT Bulletin, a weekly publication with information about recent Tribunal decisions, was made available to external users.
- The Tribunal's first Agency Multicultural Plan was developed in accordance with the Australian Government's strengthened Multicultural Access and Equity Policy to ensure the Tribunal is responding to the needs of persons from culturally and linguistically diverse backgrounds.
- The Tribunal's Indigenous Access Working Group continued work on a pilot program in the Adelaide Registry to promote communication and consultation with legal centres who deal with Indigenous clients in relation to family assistance and social security issues.
- Consultation was undertaken with users in a variety of forums at the national and local levels.



applications lodged with the Tribunal – a 9% increase over the previous year



applications finalised other than by way of a Tribunal decision on the merits following a hearing



applications finalised within 12 months of lodgement

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

- The Tribunal made submissions to a number of reviews and inquiries, including the review of the *Safety, Rehabilitation and Compensation Act 1988* and the review of the *Freedom of Information Act 1982* and the *Australian Information Commissioner Act 2010*.
- The Tribunal participated in the Commonwealth Tribunals Collaborative Forum which, among other things, oversaw the preparation and adoption of a new Memorandum of Understanding on Learning and Development.
- Cooperative service arrangements continued with the Federal Court, Migration Review Tribunal/Refugee Review Tribunal, Social Security Appeals Tribunal and the Veterans' Review Board.
- Tribunal members and staff continued to be active participants in the activities of the Council of Australasian Tribunals and other forums.
- Tribunal members and staff gave presentations at a wide range of conferences and seminars.
- Following a Commercial Case Management Workshop and a Court-Annexed Mediation Workshop conducted by the Federal Court in 2012 as part of the Pacific Judicial Capacity Building Program, two Tribunal staff travelled to the Federated States of Micronesia and Samoa to provide follow-up support.
- The Tribunal conducted its eighth mooted competition for law students at Australian universities.
- Work experience placements were offered to students from a number of universities. The Tribunal also hosted two candidates from the Indigenous Cadetship program run by the South Australian Legal Services Commission and a representative from the Ombudsman's Office of Papua New Guinea.

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

- A monthly internal newsletter @ The AAT was launched to improve information sharing amongst members and staff.
- The intranet home page was redesigned to improve the accessibility of key information.
- A range of learning and development opportunities were made available for members, including a seminar on case appraisal and neutral evaluation and decision writing workshops.
- Conference Registrars attended a national seminar with sessions on case management, disability awareness and developments in the law.
- Work health and safety and risk management workshops were held with staff in all registries.
- The Tribunal commissioned an independent review of its health and safety risk arrangements.

Our organisation – to manage our resources strategically and effectively

- The Tribunal reviewed its Strategic Plan 2011–2014 which led to the development of the AAT Plan on a Page 2011–2014.
- A review was undertaken of the structure, membership and operation of the Tribunal's main committees.
- A tender process was conducted to select a provider for recording and transcription services in all Tribunal registries other than Hobart.
- Work continued on strengthening the Tribunal's framework for managing its information and records, including the development of a new records authority under the *Archives Act 1983*.
- The Tribunal commissioned a strategic review of its future property requirements and a report to assist the Tribunal improve the accessibility and usability of its premises.
- A security risk review was completed as part of the Tribunal's implementation of the Protective Security Policy Framework.

CHAPTER 02

**OVERVIEW OF
THE TRIBUNAL**

OVERVIEW OF THE TRIBUNAL

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

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

ESTABLISHMENT

The Tribunal was established by the *Administrative Appeals Tribunal Act 1975* and commenced operations on 1 July 1976. The *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, agencies and some other tribunals. In limited circumstances, the Tribunal can review administrative decisions made by state government and non-government bodies. The Tribunal can also review decisions made by the Norfolk Island Government.

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

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

Section 33 of the *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, citizenship and immigration, civil aviation, 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. From 1 July 2013, the Tribunal's jurisdiction includes the review of decisions made by DisabilityCare Australia.

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: 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.

From 1 July 2013, the Tribunal also has a National Disability Insurance Scheme Division.

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 87 members of the Tribunal at 30 June 2013. See Table 2.1 for the breakdown of full-time and part-time members by category. See Appendix 1 for a list of the Tribunal's members by state and territory, the divisions to which each non-presidential member was assigned at 30 June 2013, and a profile of each member other than the part-time judicial members.

PRESIDENT

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

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

OTHER PRESIDENTIAL MEMBERS

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

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

SENIOR MEMBERS

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

MEMBERS

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

Table 2.1 Tribunal membership, 30 June 2013

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 (3)
Senior Members		8	15	23 (11)
Members		2	32	34 (11)
Total	17	16	54	87 (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. The Executive Director, Information and Development is Christopher Matthies. The Executive Director, Operations was Megan Cassidy until Nerrilee Cuthbertson commenced in the role on 3 June 2013. 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 2013, the Tribunal had 163 staff.

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

REGISTRIES

PRINCIPAL REGISTRY

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

DISTRICT REGISTRIES

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

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

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

District Registry staff:

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

Table 2.2 lists the Executive Deputy Presidents/Senior Member at 30 June 2013, and Figure 2.3 shows the administrative structure of the Tribunal, including senior staff.

Table 2.2 Executive Deputy Presidents/Senior Member, 30 June 2013

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

TRIBUNAL COMMITTEES

A number of committees comprising Tribunal members and staff have been established to provide advice and assistance to the President in relation to the management of the Tribunal. Justice Kerr reviewed the role and composition of the committees during 2012–13.

ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

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

EXECUTIVE COMMITTEE

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

EXECUTIVE DEPUTY PRESIDENTS COMMITTEE

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

LIBRARY COMMITTEE

The Library Committee oversees the development and improvement of the Tribunal's library collection and the delivery of training related to the use of library services. It is chaired by Deputy President Hotop and consists of 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 identifies and oversees improvements relating to the management and resolution of applications before the Tribunal and facilitates the adoption of consistent best practice case management practices. It is chaired by the President and consists of three Executive Deputy Presidents, the Registrar, the Executive Directors, the Director, Alternative Dispute Resolution, and four District Registrars.

PRACTICE AND PROCEDURE CONSULTATIVE GROUP

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

PROFESSIONAL DEVELOPMENT COMMITTEE

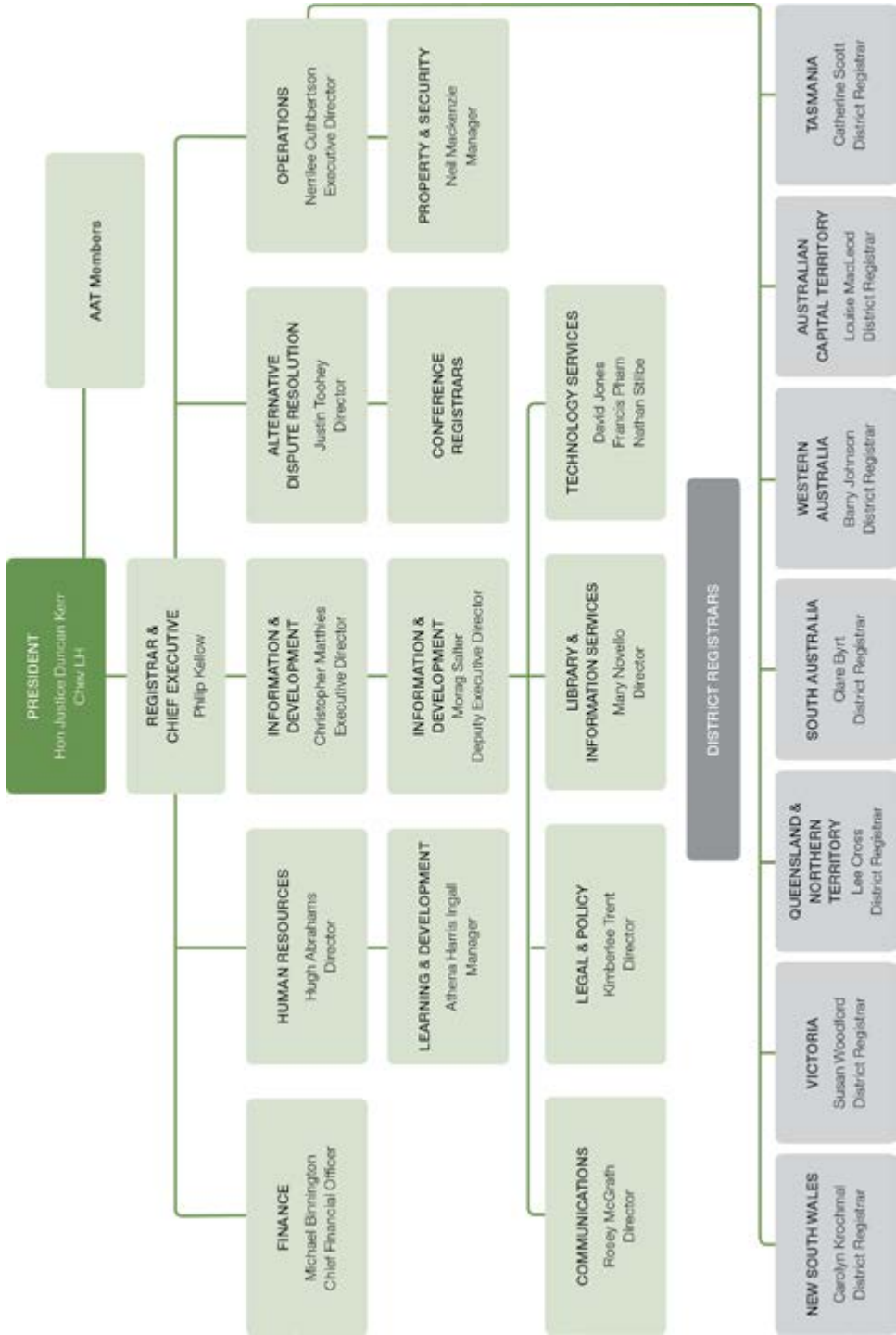
The Professional Development Committee considers matters relating to the professional development of Tribunal members and registrars. The committee is chaired by Deputy President Hotop and consists of members who have an interest in professional development, the Director, Alternative Dispute Resolution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

WARRANTS COMMITTEE

The Warrants Committee deals with issues relating to the functions that are carried out by members in their personal capacity under the *Surveillance Devices Act 2004*, the *Telecommunications (Interception and Access) Act 1979* and other similar legislation. The committee 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 page 63.

Figure 2.3 Administrative structure of the Tribunal, 30 June 2013



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 usually holds one or more conferences in person or by telephone with the parties 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 decision.

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:

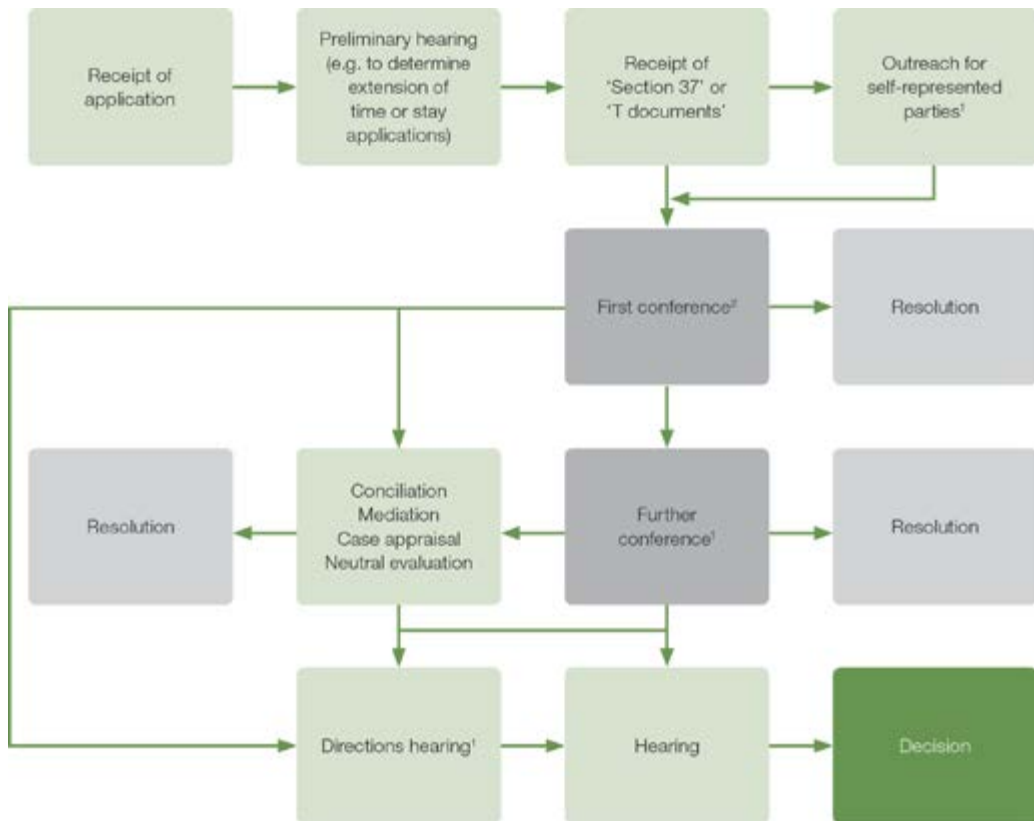
- a Small Taxation Claims Tribunal Practice Direction
- a Review of DisabilityCare Australia Decisions Practice Direction which applies from 1 July 2013
- two jurisdictional guides: the *Guide to the Social Security Jurisdiction* and the *Guide to the Workers' Compensation Jurisdiction*.

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 to 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. The Tribunal has developed a specific series of fact sheets to provide information on the Tribunal's procedures for reviewing decisions of DisabilityCare Australia, examples of which are shown on page 24.

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

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

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

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

INTERPRETING SERVICES

If a party requires an interpreter, the Tribunal engages one and meets the cost. The Tribunal arranges interpreters who are accredited by the National Accreditation Authority for Translators and Interpreters as Professional Interpreters. 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 on the Tribunal's website.

ACCESS BY PERSONS WITH DISABILITY

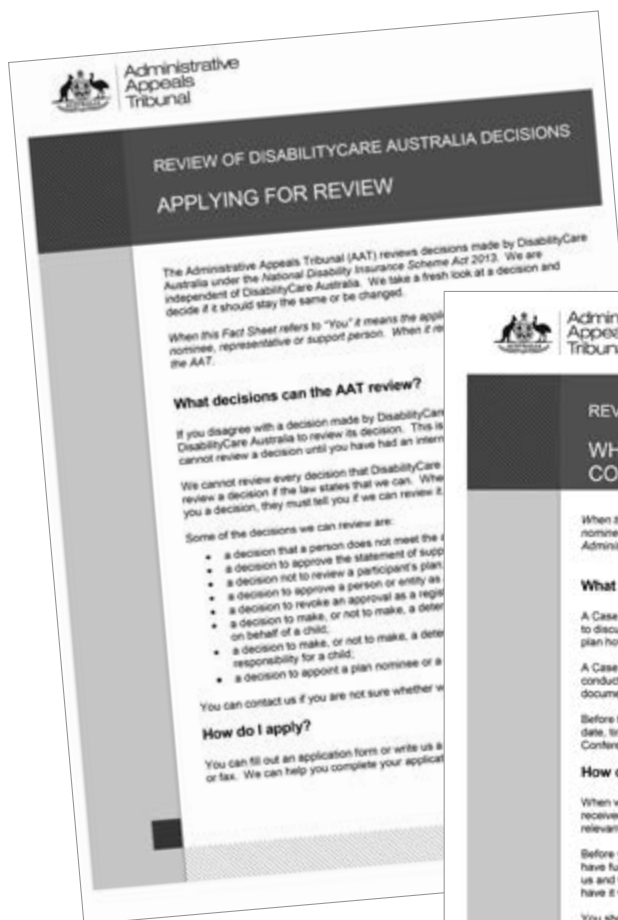
The Tribunal strives to make access easier for people with disability by:

- making electronic and printed material available in appropriate formats such as large print, and 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
- 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 a range of information for DisabilityCare Australia applicants. Shown are two examples – *Applying for Review* and *What Happens at a Case Conference?*

CHAPTER 03

OUR PERFORMANCE

OUR PERFORMANCE

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

WORKLOAD OVERVIEW

The Tribunal received 6,176 applications and finalised 6,042 applications in 2012–13. There were 4,594 applications current at 30 June 2013.

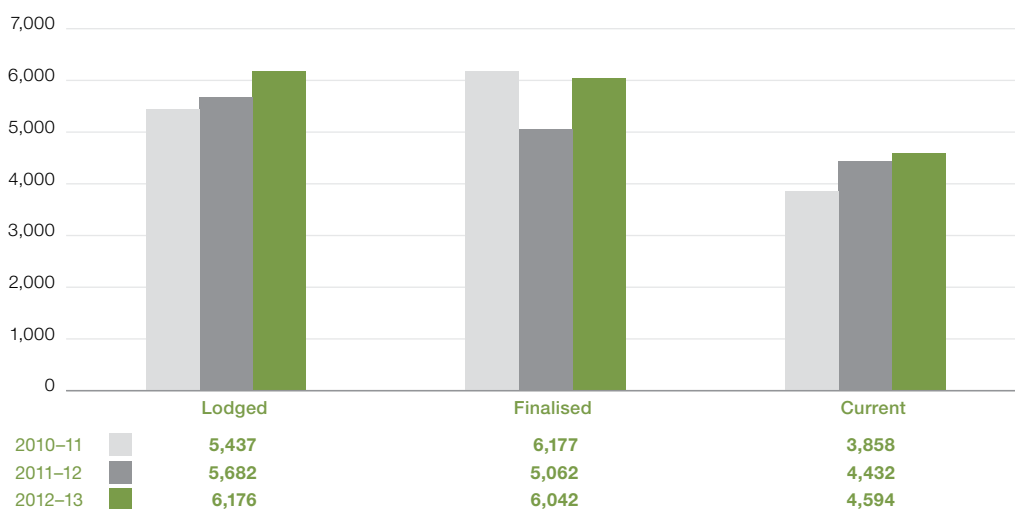
The number of applications lodged during the reporting year was nine per cent higher than the number lodged in 2011–12. This was mainly due to an increase in the number of applications for review of social security decisions in the year.

The number of applications finalised increased by 19 per cent in 2012–13. The higher number of finalisations in the tax, social security and workers' compensation jurisdictions reflect increases in lodgements in these areas.

The number of applications on hand at 30 June 2013 was four per cent higher than a year earlier. The majority of outstanding applications are less than 12 months old and the proportion of cases older than 12 months has not increased in 2012–13.

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 – Total



WORKLOAD BY JURISDICTION

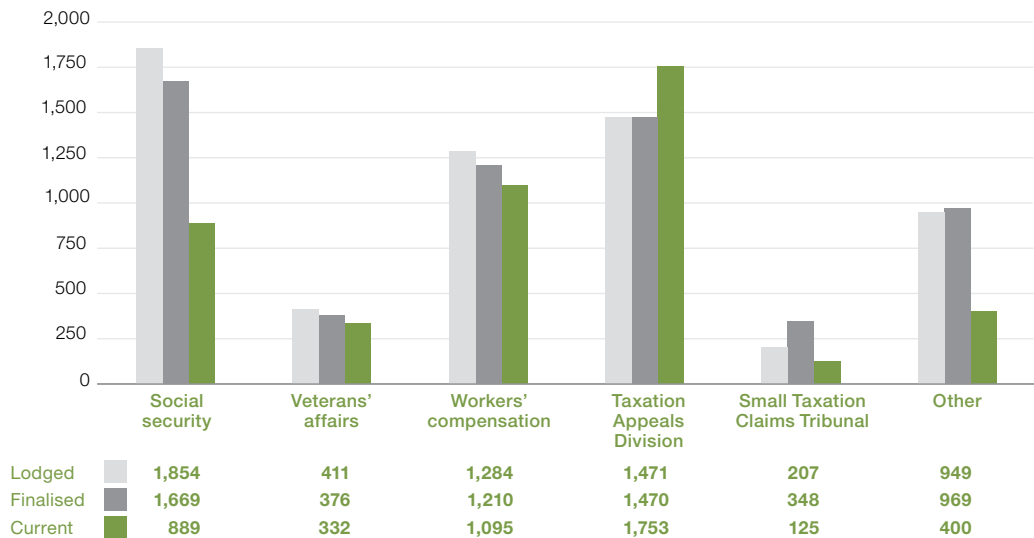
Applications for review of social security decisions were the most common type of application lodged with the Tribunal in 2012–13, constituting 30 per cent of all lodgements. Applications in the taxation and workers' compensation jurisdictions comprised 27 per cent and 21 per cent of all lodgements respectively, 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 the social security, veterans' affairs and workers' compensation jurisdictions. Similar numbers of applications were lodged and finalised in the Taxation Appeals Division and finalisations significantly exceeded lodgements in the Small Taxation Claims Tribunal.

The number of applications lodged and finalised in each of the Tribunal's major jurisdictions in 2012–13 and the number of applications on hand at 30 June 2013, is shown in Chart 3.2.

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

Chart 3.2 Applications lodged, finalised and current in 2012–13 – By jurisdiction



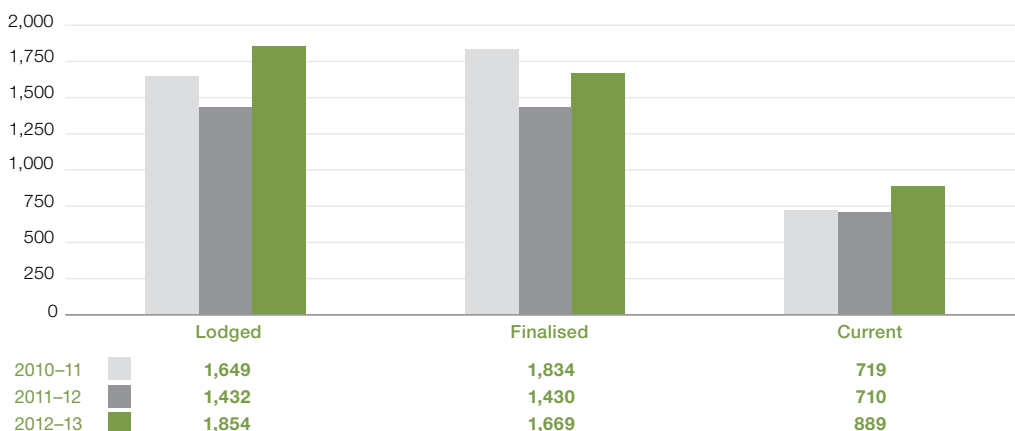
SOCIAL SECURITY

The number of applications made to the Tribunal for review of family assistance and social security decisions in 2012–13 was 29 per cent higher than in 2011–12, as shown in Chart 3.3. This reverses the trend of declining lodgements experienced from 2008–09 to 2011–12. Growth in the number of lodgements in 2012–13 relates to a significant increase in lodgements about disability support pension and an increase in applications about overpayments and debt recovery.

Applications lodged by the departments that administer family assistance and social security entitlements increased to 47 in 2012–13, up from 38 in the previous year.

The number of applications finalised in 2012–13 was 17 per cent higher than in 2011–12 and the number of applications on hand at 30 June 2013 was 25 per cent higher than a year earlier. Both trends reflect the increase in the number of applications lodged.

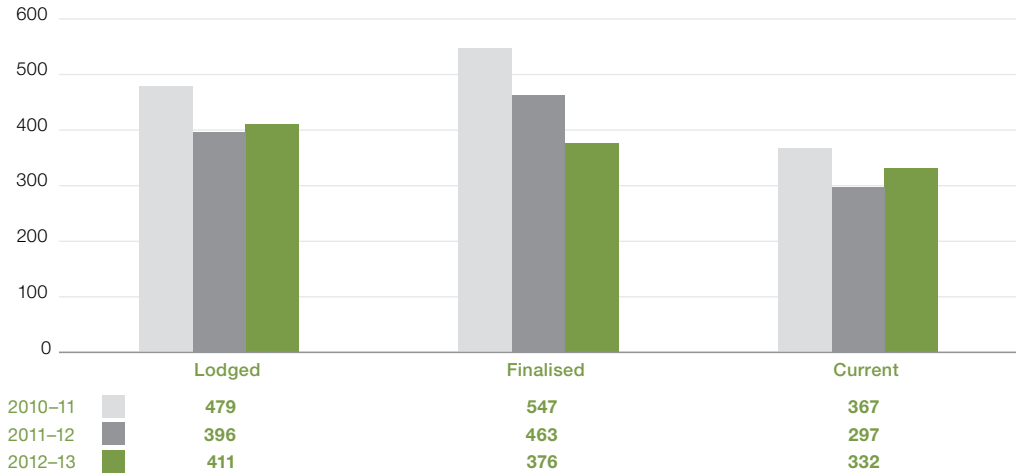
Chart 3.3 Applications lodged, finalised and current – Social security



VETERANS' AFFAIRS

The number of applications lodged in the veterans' affairs jurisdiction increased by four per cent in 2012–13. Applications for review of decisions under the *Veterans' Entitlements Act 1986* relating to disability pension and war widows pension remained steady. The small increase in this jurisdiction relates to a rise in the number of applications for review of decisions under the *Military Rehabilitation and Compensation Act 2004*.

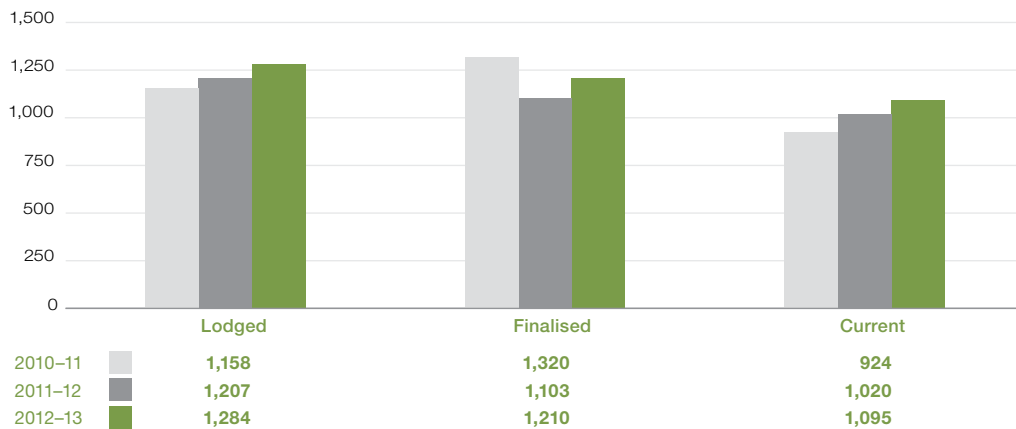
The number of applications finalised in the veterans' affairs jurisdiction in 2012–13 decreased by 19 per cent which is broadly consistent with the pattern of fewer lodgements in the last two reporting periods, as shown in Chart 3.4. The number of applications current at 30 June 2013 increased by 12 per cent.

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

WORKERS' COMPENSATION

Lodgements in the workers' compensation jurisdiction increased by six per cent in 2012-13. This can be attributed to an increase in applications for review of decisions made under the *Safety, Rehabilitation and Compensation Act 1988* by the Australian Postal Corporation and a number of the corporations that hold self-insurance licences under the Act. There was also a small increase in applications for review under the seafarers' compensation scheme.

The number of compensation applications finalised in 2012-13 rose by nearly ten per cent, which reflects the increase in lodgements in the previous reporting year. The seven per cent increase in the number of compensation applications on hand at 30 June 2013 is consistent with the increase in lodgements for 2012-13, as shown in Chart 3.5

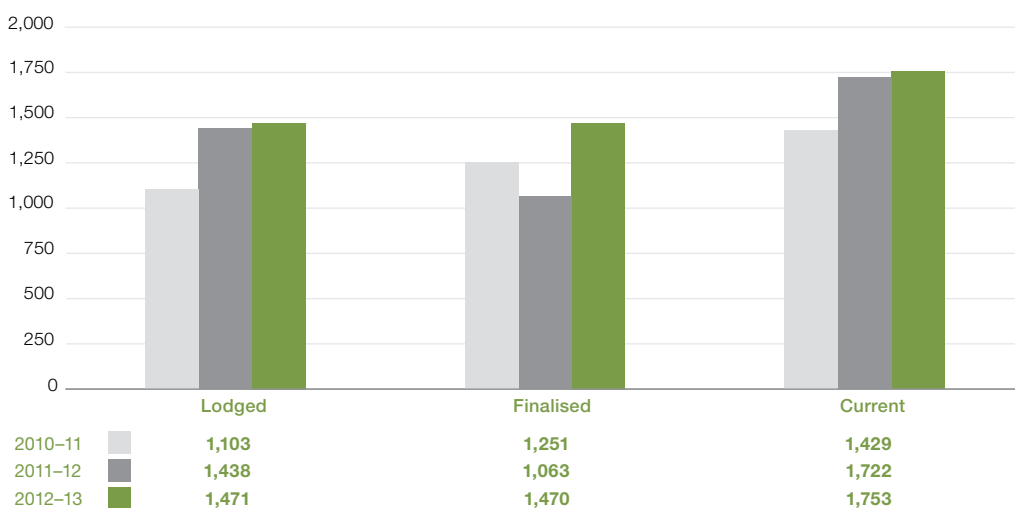
Chart 3.5 Applications lodged, finalised and current – Workers' compensation

TAXATION APPEALS DIVISION

The number of applications lodged in the Taxation Appeals Division increased marginally in 2012–13 by two per cent, as shown in Chart 3.6. The majority of lodgements in this jurisdiction continue to be applications for review of decisions about income tax.

There was a 39 per cent increase in the number of applications finalised in 2012–13 which correlates with the large increase in lodgements in the previous reporting year. The number of applications on hand in the Taxation Appeal Division at 30 June 2013 remained relatively steady.

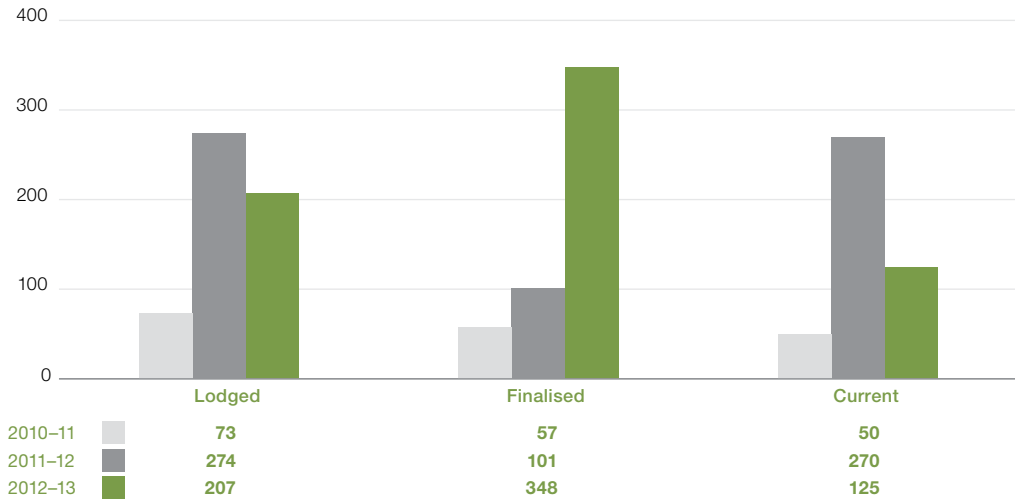
Chart 3.6 Applications lodged, finalised and current – Taxation Appeals Division



SMALL TAXATION CLAIMS TRIBUNAL

The number of lodgements in the Small Taxation Claims Tribunal fell by 24 per cent in 2012–13. While there was an increase in the number of applications for review of decisions about release from taxation liabilities, this was offset by a reduction in the number of applications for review of refusals to extend time to lodge objections and of decisions relating to superannuation contributions surcharge.

The number of finalisations increased three-fold in 2012–13. As a result, the number of Small Taxation Claims Tribunal applications on hand as at 30 June 2013 fell by 53 per cent.

Chart 3.7 Applications lodged, finalised and current – Small Taxation Claims Tribunal

PERFORMANCE

OUTCOME AND PROGRAM STRUCTURE

The Tribunal has one outcome specified in the 2012–13 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 2012–13. 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 3.8.

The Tribunal uses alternative dispute resolution to help the parties to a review try to reach agreement about how their case should be resolved. 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 3.8 shows, most applications lodged with the Tribunal are finalised other than by way of a decision following a hearing.

Table 3.8 Performance standards and results, 2012–13

Program description		Performance	
		standard ^a	result
Program 1.1 – Completed reviews of decisions			
Applications finalised without a hearing	Number of matters finalised without a hearing	5,218	4,767
	Percentage of matters having their first conference within 13 weeks	85%	89%
	Cost per completed application	\$3,158	\$3,538
Applications finalised with a hearing	Number of matters finalised with a hearing	1,476	1,275
	Percentage of matters progressed to hearing within 40 weeks	60%	60%
	Cost per completed application	\$14,628	\$16,641

^a Projection for 2012–13

Eighty-nine per cent of first conferences in 2012–13 were held within 13 weeks of lodgement. The Tribunal exceeded the performance standard in the Portfolio Budget Statements by four percentage points, as shown in Table 3.8.

The proportion of applications that progressed to hearing within 40 weeks of lodgement was 60 per cent, one percentage point lower than in 2011–12 but meeting the standard in the Portfolio Budget Statements.

The number of applications finalised by the Tribunal with and without a hearing was lower than the budget projections for 2012–13, 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 after receiving notice of an application to lodge the documents relating to the decision under review that are required under section 37 of the Administrative Appeals Tribunal Act
- the time between lodging an application and holding the first conference
- the time between lodging an application and holding a hearing
- the time taken by the Tribunal to deliver a decision following the last day of hearing or the date of receipt of further material after a hearing.

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

Timeliness results for 2012–13 and the past two reporting periods are shown in Chart 3.9.

Chart 3.9 Performance against time standards



The proportion of applications in which the Section 37 Documents were lodged within five weeks was marginally higher in 2012–13 than in the previous year. The result for timeliness in delivering decisions following a hearing was slightly lower in 2012–13 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 finalise the majority of applications within 12 months of lodgement and has set specific targets for each of the major jurisdictions. In relation to the Small Taxation Claims Tribunal, the Tribunal's goal is to finalise applications within 12 weeks of lodgement. The Tribunal's performance for 2012–13 and the two previous reporting years is in Table 3.10.

Table 3.10 Percentage of applications finalised within time standards

Jurisdiction	Target %	2010–11 %	2011–12 %	2012–13 %
All	—	72	78	76
Social security	90	91	93	93
Veterans' affairs	80	66	66	70
Workers' compensation	75	68	70	68
Taxation Appeals Division ^a	75	47	65	67
Small Taxation Claims Tribunal ^a	—	40	41	27

^a The method of calculating the timeliness results for the Taxation Appeals Division and the Small Taxation Claims Tribunal has changed in this year's annual report. It is common in this jurisdiction for applications relating to more than one tax period to be lodged at the same time and dealt with together during the review process. The timeliness results are based on the time taken to finalise the leading case in a set of related applications. The overall timeliness figure and the results for the other major jurisdictions are calculated on the basis of all applications finalised in the period.

In 2012–13, 76 per cent of all applications were finalised within 12 months of lodgement and 88 per cent within 18 months. While marginally lower than the results for 2011–12, they continue to be higher than the results for earlier years.

The proportion of applications finalised within 12 months in the social security jurisdiction in 2012–13 exceeded the 90 per cent target by three percentage points, consistent with the result for the previous reporting year. Sixty-seven per cent of all social security applications were finalised within six months of lodgement, and 98 per cent within 18 months.

The proportion of applications finalised in the veterans' affairs jurisdiction within 12 months in 2012–13 improved by four percentage points compared to the previous year. Eighty-eight per cent of applications were finalised within 18 months.

The Tribunal has focused on improving case management in the workers' compensation jurisdiction and has significantly improved its performance in relation to timeliness since 2009–10. While there was a two percentage point decline in the proportion of cases finalised within 12 months in 2012–13, the results remain higher than in the years before 2010–11. Ninety per cent of applications were finalised within 18 months, equalling the result for 2011–12. During

the reporting year, the Tribunal proposed the introduction of a number of additional strategies that seek to ensure applications are dealt with as effectively and efficiently as possible. More information about these strategies can be found in Chapter 4 of this annual report.

There was a marginal increase in the proportion of applications finalised within 12 months in the Taxation Appeals Division in 2012–13. Eighty-two per cent of applications were finalised within 18 months. The Tribunal's performance in this division continues to improve over time. In the Small Taxation Claims Tribunal, the proportion of applications finalised within 12 weeks decreased by 14 percentage points. 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. This applied, for example, to a number of cases dealt with during 2012–13 relating to superannuation contributions surcharge. See Appendix 7 of this annual report for a summary of some of these cases.

There are a number of reasons why an application may not be finalised within the Tribunal's time standards. The pace that applications progress through the pre-hearing stage is heavily influenced by the time the parties need to obtain expert evidence, undertake other investigations and gather relevant material. Some applications are delayed pending a decision by a department or agency on a related matter or 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 Tribunal continued to monitor the time that applications spend in each of the major stages of a review in 2012–13 and registries conducted regular file audits on older cases. The Tribunal will continue to seek to identify sources of avoidable delay, and work with stakeholders on minimising such delays.

EXTERNAL SCRUTINY

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

APPEALS FROM TRIBUNAL DECISIONS

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

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

In 2012–13, 72 appeals made under section 44 of the Administrative Appeals Tribunal Act were lodged with the Federal Court. There were 30 applications for judicial review made under other enactments, 21 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, 73 appeals lodged under section 44 of the Administrative Appeals Tribunal Act and 28 applications for judicial review under other enactments were finally determined in the courts. The Tribunal's decision was set aside in 38 cases, 38 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 2012–13 was 12 percentage points higher than in 2011–12.

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 seven requests for access to documents under the Freedom of Information Act in 2012–13. One request made in 2011–12 was outstanding at the beginning of the reporting period.

Table 3.11 shows the number of requests made over the last three years.

Table 3.11 Freedom of Information requests

	2010–11	2011–12	2012–13
Number of requests made	2 ^a	5	7

^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.

The outstanding request from 2011–12 and all requests made to the Tribunal in 2012–13 were finalised in the reporting period. There were no requests outstanding at 30 June 2013.

Of the requests that were finalised, two requests were granted in full and three were granted in part. Three requests were refused on the basis that the Tribunal held no documents falling within the scope of the request.

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

INFORMATION PUBLICATION SCHEME

Agencies subject to the Freedom of Information Act are required to publish information to the public as part of the Information Publication Scheme (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 2012–13, the Commonwealth Ombudsman received 27 approaches concerning the Tribunal, seven fewer than in the previous reporting year.

The Ombudsman did not conduct any investigations in relation to the approaches.

COMPLAINTS TO OTHER BODIES

There were three complaints to the Office of the Australian Information Commissioner during the reporting period, one was withdrawn and two were declined. There was one complaint made to the Australian Human Rights Commission. This complaint was terminated by the Commission.

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. Information on the extent of the Tribunal's compliance with the service standards (where information is available) is in Table 3.12.

Table 3.12 Service standards

Commitment	Result for 2012–13
We will treat you with respect and courtesy	
We will be polite, respectful and courteous and use language that is clear and understandable.	Tribunal members and staff strive to be polite, respectful and courteous and use language that is clear and understandable so that Tribunal users can understand the processes. Of the complaints finalised in 2012–13, 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.	The Tribunal's national 1300 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 107 hearings and two conciliations 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 – 6,052 other ADR processes – 12 directions hearings – 1,207 interlocutory hearings – 200 hearings – 49
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.

Table 3.12 continued

Commitment	Result for 2012–13
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 939 parties, shows the average time from lodgement of an application to Outreach was 37 days, approximately five weeks.
We will deal with you fairly	
A private conference will usually be held within 10 weeks of an application being lodged.	75 per cent of first conferences were held within 10 weeks of lodgement, down from 80 per cent in 2011–12.
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.	79 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 80 per cent in 2011–12 (see Chart 3.9).

COMPLAINTS TO THE TRIBUNAL

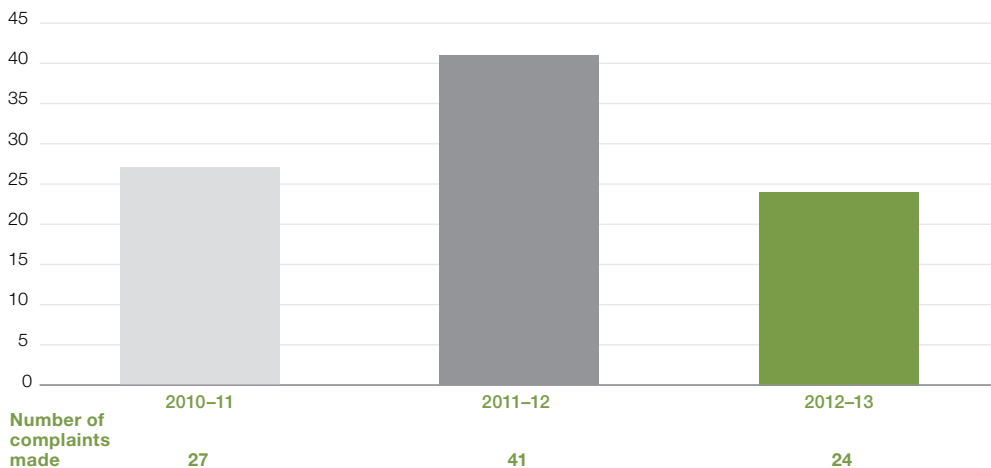
Complaints may be made orally or in writing. In accordance with guidelines adopted in 2013, complaints relating to Tribunal members are dealt with by the President, while complaints about staff members or other matters are dealt with by the Registrar, one of the Executive Directors or a District Registrar.

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

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

The Tribunal publishes information on its website as part of its Service Charter explaining how complaints can be made and how they will be responded to.

During 2012–13, the Tribunal received complaints from 24 individuals: 23 written and one oral. Chart 3.13 shows the number of complaints made over the three most recent reporting years.

Chart 3.13 Complaints to the Tribunal

The 24 complaints made in 2012–13 were about the issues shown in Table 3.14.

Table 3.14 Issues raised in complaints to the Tribunal

Issue	Number of complaints
Tribunal decisions	11
Conduct of Tribunal members	4
General procedural issues	4
Other parties to Tribunal proceedings	3
Conduct of Tribunal staff	2
Total	24

The Tribunal provided a substantive response to 25 complaints in 2012–13, responding within 20 working days to 15 of the complaints. The average number of days from complaint to final response was 22 working days.

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

ADDITIONAL FUNCTIONS CONFERRED ON TRIBUNAL MEMBERS

As well as performing their role under the 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 by the responsible minister to:

- issue telecommunications interception warrants and stored communications warrants under the *Telecommunications (Interception and Access) Act 1979*
- issue warrants and exercise related powers under the *Surveillance Devices Act 2004*
- 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*.

From 1 October 2012, all Deputy Presidents, and any non-presidential member who has been enrolled as a legal practitioner for at least five years, could be nominated to issue search warrants and exercise related powers under the *Tobacco Plain Packaging Act 2011*.

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 11 per cent increase in the number of appointments held in 2012–13.

Table 3.15 Applications relating to warrants, controlled operations and other functions considered by Tribunal members

	2010–11	2011–12	2012–13
Number of occasions on which applications considered	2,160	2,496	2,764

The Tribunal is flexible in performing these functions and members are available outside standard business hours. In the reporting period, there were 251 out-of-hours appointments (before 9 am or after 5 pm on weekdays or at any time on the weekend or on a public holiday).

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

In recognition of the importance of the functions performed by authorised members, the Tribunal hosted a one-day seminar in October 2012 which included sessions dealing with the interception and surveillance application process, how the ‘product’ from the use of warrants/surveillance devices is used in the prosecution process and with what effect, the political and community context in which telephone interception and other surveillance is taking place, and policy and legislative challenges (including the role of Public Interest Monitors in Queensland and Victoria).

The Tribunal also updated its guidelines which contain practical information about the exercise of these functions, and continued to liaise with the Attorney-General’s Department about legislative and administrative reforms. The Tribunal has raised with the Department the need for a robust and consistent data collection and reporting regime to improve government and community understanding of how the various schemes operate. The need for improved data collection was recognised by the Joint Parliamentary Committee on Intelligence and Security in its Report of the Inquiry into Potential Reforms of Australia’s National Security Legislation that was tabled on 24 June 2013.

PROCEEDS OF CRIME EXAMINATIONS

All presidential members of the Tribunal, and any Senior Member or Member, who has been enrolled as a legal practitioner for at least five years, may be appointed by the responsible minister as an approved examiner under the *Proceeds of Crime Act 2002* or the *Proceeds of Crime Regulations 2002*. Approved examiners are authorised to issue examination notices at the request of the Australian Federal Police and 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. The number of examinations held increased in 2012–13 but remains relatively low.

Table 3.16 Examinations held under the *Proceeds of Crime Act 2002*

	2010–11	2011–12	2012–13
Number of examination sessions held	12	2	28

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
- maintaining effective communication and engagement with our users and the public.

TRIBUNAL PRACTICE AND PROCEDURE

The Tribunal monitors the operation of the review process and seeks to identify ways in which practice and procedure can be improved to promote the effective and timely disposition of applications lodged with the Tribunal. The Practice and Procedure Consultative Group and the Practice and Procedure Committee oversee the Tribunal's management of applications made under the Administrative Appeals Tribunal Act. The Consultative Group met in April 2013. The Practice and Procedure Committee met twice during the year, in November 2012 and June 2013. For information about membership of these committees, see Chapter 2.

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

PROPOSED CHANGES TO PRACTICE AND PROCEDURE IN WORKERS' COMPENSATION CASES

During the reporting year, the Australian Government commissioned reviews in relation to the operation of the two Commonwealth laws that deal with workers' compensation: the *Safety, Rehabilitation and Compensation Act 1988* and the *Seafarers Rehabilitation and Compensation Act 1992*. The Tribunal made submissions to both reviews identifying a range of issues that affect the Tribunal's ability to deal with applications for review of workers' compensation decisions in the most effective and efficient manner. The reports of both reviews included recommendations that respond to the issues raised by the Tribunal and, if implemented, would enhance the Tribunal's capacity to resolve disputes more quickly.

Working within the existing legislative frameworks, the Tribunal aims to finalise workers' compensation applications within 12 months of lodgement. During the reporting year, the Tribunal proposed some additional strategies to promote the timely progress of applications in this jurisdiction.

The Tribunal identified a range of matters that it expects represented parties will do prior to the first conference, and to report on and otherwise discuss at the first conference. These include conferring about what the applicant is seeking and the issues in dispute as well as considering whether additional medical evidence or other investigations will be required and, if so, making appointments or other arrangements. The Tribunal is proposing to issue a standard notice to the parties at the commencement of an application setting out the Tribunal's expectations as to what must be done before the first case event and, more generally, how the application will be progressed. The notice will specify the months by which the Tribunal expects any conciliation or hearing will take place to ensure the application is finalised within 12 months. This will provide the Tribunal and the parties with a framework within which to manage progress of the case.

The Tribunal also developed two draft practice directions during the reporting year to deal with practice and procedure issues that arise most commonly in workers' compensation cases.

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

The second draft practice direction relates to the disclosure of video surveillance material. Such material has not generally been made available to the applicant or the Tribunal prior to its use during an applicant's cross-examination at the hearing. The draft Practice Direction relating to the Use of Video Surveillance Material proposes to require any party intending to rely on video surveillance material to disclose its existence and make the content available to the other party and the Tribunal prior to the hearing.

The Tribunal's proposals, including the two draft practice directions, were circulated to key stakeholders and made available on the Tribunal's website for comment. The Tribunal will implement the final set of changes in the next reporting period.

PRACTICE DIRECTION ON TIMING OF REQUESTS UNDER SECTION 50A OF THE ARCHIVES ACT 1983 OR SECTION 60A OF THE FREEDOM OF INFORMATION ACT 1982

When reviewing a decision under the *Archives Act 1983* or the *Freedom of Information Act 1982* about access to documents that relate to the security, defence or international relations of the Commonwealth, the Tribunal must, before determining that a document is not an exempt document under those Acts, request the Inspector-General of Intelligence and Security to appear and give evidence in relation to the documents. This procedure is set out in section 50A of the Archives Act and section 60A of the Freedom of Information Act.

In October 2012, the Tribunal and the Inspector-General entered into a Memorandum of Understanding that sets out the procedures to be followed in cases in which section 50A of the Archives Act or section 60A of the Freedom of Information Act may apply. On 5 December 2012, the Tribunal issued a practice direction which sets out the factors to be taken into account by the Tribunal when considering when to make a request under s 50A of the Archives Act or s 60A of the Freedom of Information Act and, in particular, whether to make the request prior to, or at the time of, the agency giving evidence or making submissions about the documents.

The practice direction is available on the Tribunal's website.

REVIEW OF DISABILITYCARE AUSTRALIA DECISIONS

The *National Disability Insurance Scheme Act 2013* (NDIS Act) was passed by the Parliament in March 2013 nominating the Tribunal as the external review body for decisions made under the Act. The Tribunal has jurisdiction to review a wide range of decisions made by DisabilityCare Australia, including decisions about who is eligible to access the scheme, the supports provided under the scheme and the registration of providers of supports.

The Tribunal worked closely with the NDIS Taskforce and the Attorney-General's Department during the reporting period in relation to the proposal that the Tribunal undertake the external review function. The President and the Registrar met with the NDIS Advisory Group to discuss the Tribunal's potential role and how it would review decisions.

On 1 July 2013, the *National Disability Insurance Scheme Legislation Amendment Act 2013* amended the Administrative Appeals Tribunal Act to create the NDIS Division. All reviews of decisions made under the NDIS Act will be conducted in the new division. The amending Act also introduced requirements relating to the assignment of non-presidential members to the division. Before a Senior Member or Member can be assigned to the NDIS Division, the Attorney-General must:

- be satisfied that the member has training, knowledge or experience relating to disability or other relevant knowledge or experience that will assist them in considering matters relating to the scheme

- must consult the Minister responsible for administering the NDIS Act about the proposed assignment.

The Tribunal has developed a case management model for the review of DisabilityCare Australia decisions that is designed to be accessible, fair, informal and quick. The model includes assigning a dedicated AAT Contact Officer for each applicant as soon as an application is received. The Tribunal has issued a practice direction and a series of fact sheets that explain in plain English how the Tribunal will conduct the reviews. These are available on the Tribunal's website.

The Tribunal has been undertaking work in a range of other areas to prepare for applications under the NDIS Act. The Tribunal is liaising with DisabilityCare Australia and other key stakeholders about issues relating to the operation of the proposed review process.

ALTERNATIVE DISPUTE RESOLUTION

The Tribunal makes extensive use of alternative dispute resolution (ADR). It is a core element of the review process. ADR processes assist the parties reach agreement or narrow the issues in dispute and contributes to a review process that is economical, informal and quick as well as fair and just.

A new position of Director, Alternative Dispute Resolution, was created and filled in May 2013 to promote and enhance the use of ADR in the Tribunal. The Director has started informal consultations on how to build on the Tribunal's current strengths in ADR and has visited each registry and liaised with several key stakeholders.

All Conference Registrars and several Tribunal members were accredited or re-accredited as mediators under the National Mediator Accreditation Standards in 2012–13. As at 30 June, the Tribunal had 23 accredited mediators who meet the national standards. The Tribunal is a Recognised Mediator Accreditation Body. This supports the Tribunal's policy 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. Maintaining accreditation is a key measure to ensure quality and consistency in mediation practice within the Tribunal.

The Tribunal's Conference Registrars met and workshopped possible ADR process and practice improvements in Brisbane in May 2013. A number of the suggestions will be explored further in developing an integrated dispute resolution strategy for the Tribunal. Opportunities for ADR practice improvements have also been built into the case management model for the review of DisabilityCare Australia decisions. These developments will contribute to the ongoing review of the Tribunal's Alternative Dispute Resolution Referral Guidelines. Work also commenced during the reporting year on improving the availability of performance data on ADR processes. This will be further developed in 2013–14.

The Tribunal continued to raise awareness of its ADR processes with external stakeholders during the reporting year. Members and staff spoke at external conferences and seminars about the Tribunal's approach. The Tribunal was 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. Members and staff were also active members of a number of other committees, including the ACT Law Society's ADR Committee, the Australian Taxation Office's National Tax Liaison Group Dispute Resolution Sub-committee, the Law Council of Australia's Alternative Dispute Resolution Committee and the Law Society of New South Wales's Dispute Resolution Committee.

During the reporting year, the Tribunal also agreed to participate in an independent study into the use and effectiveness of dispute resolution processes in tax disputes. The research is being conducted by the Australian Centre for Justice Innovation at Monash University and is being led by Member Professor Tania Sourdin.

CHANGES TO THE TRIBUNAL'S ACT AND REGULATIONS RELATING TO FEES

ACCESS TO JUSTICE (FEDERAL JURISDICTION) AMENDMENT ACT 2012

The *Access to Justice (Federal Jurisdiction) Amendment Act 2012* was enacted during the reporting year and contained, amongst a number of measures, amendments to provisions of the Administrative Appeals Tribunal Act relating to fees. The amendments commenced on 11 June 2013.

The amending Act repealed section 29A which specified that an application was not taken to be made unless a prescribed fee had been paid. A new section 69C was introduced which provides that the Tribunal may dismiss an application if a fee has not been paid within the time specified in the Administrative Appeals Tribunal Regulations. As the power to dismiss is discretionary, the Tribunal can allow an applicant additional time to pay an application fee in appropriate circumstances. These changes will enable the Tribunal to deal with the payment of fees in a more flexible manner.

The *Access to Justice (Federal Jurisdiction) Amendment Act 2012* also amended section 70 of the Administrative Appeals Tribunal Act, the regulation-making power, to broaden the power to make regulations for the payment of fees in relation to Tribunal proceedings.

ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT (FEES) REGULATION 2013

The *Administrative Appeals Tribunal Amendment (Fees) Regulation 2013* was made on 30 May 2013 and introduced a number of changes to the Administrative Appeals Tribunal Regulations.

On 11 June 2013, amendments were made which relate to the repeal of section 29A and the introduction of section 69C in the Administrative Appeals Tribunal Act. The Regulations provide that a fee for lodging an application is payable at the time the application is lodged. If the fee is not paid at that time, the Tribunal is not required to deal with the application unless, and until, the fee is paid. If the fee is not paid within six weeks after the application is lodged, the Tribunal may dismiss the application under section 69C.

Some further changes to the Regulations took effect on 1 July 2013. They were amended to provide that no fee is payable for lodging an application for review of a decision made under the NDIS Act. Some outdated references to provisions in other legislation were also corrected.

eSERVICES

The Tribunal is committed to providing accessible and effective services to our users and the public which includes developing online service options. In 2012–13, the Tribunal resolved to manage as a program the implementation of a suite of integrated systems to deliver online services and manage information electronically. The program encompasses a range of projects, some already underway and others to be undertaken over coming years. They include the development of AAT Online, the Tribunal's platform for a suite of services that will enable more efficient information exchange and delivery.

The first AAT Online service, eCase Search, was launched by the Tribunal in March 2013. Accessible 24 hours a day, eCase Search allows parties, their representatives and the public to search for, and access, select information about most Tribunal applications lodged from 18 March 2013. Parties and representatives can check the date and time of the next listing in their case or whether another party has lodged a particular document without needing to contact a registry.

During the reporting year, the Tribunal completed the implementation of a set of protocols and system changes that, pending the introduction of an electronic lodgement facility, 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.

In May 2013, the Tribunal commenced a pilot project with the Australian Taxation Office for the electronic notification of applications lodged in three of the Tribunal's registries. The pilot will be reviewed in 2013–14 and recommendations made in relation to the potential to extend the practice to all registries and for other decision-makers.

In 2013–14, the Tribunal will work on the development of online forms to offer applicants additional ways of applying to the Tribunal.

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 AND THE AAT BULLETIN

AAT Alerts are emails issued to ‘opt-in’ subscribers on a range of matters such as changes to fees, requests for comment on proposed changes to practice and procedure and invitations to attend liaison meetings in local registries. Eight AAT Alerts were issued over the course of the reporting year.

From October 2012, the AAT Bulletin, a weekly publication compiled by the Tribunal’s Legal and Policy area, has been made available to external users. It provides information on recent Tribunal decisions and information on appeals against Tribunal decisions. It also includes information on changes to the Tribunal’s jurisdiction and other important developments.

As at 30 June 2013, there were more than 750 subscribers to the AAT Alerts service and 370 subscribers to the AAT Bulletin.

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 2012–13.

The President and Registrar met with the heads of a number of departments and agencies whose decisions are reviewed by the Tribunal, including the Australian Charities and Not-for-profits Commissioner, the Australian Information Commissioner, the Clean Energy Regulator, the Chief Executive Officer of Comcare and the Secretaries of the Department of Families, Housing, Community Services and Indigenous Affairs, the Department of Human Services, the Department of Immigration and Citizenship and the Department of Veterans’ Affairs. Senior Tribunal staff met with senior managers from the Department of Human Services to discuss a range of operational issues arising in the child support and social security jurisdictions and there was ad hoc liaison with a range of other agencies, including the Australian Taxation Office and the Office of the Inspector-General of Intelligence and Security. The Tribunal also liaised with law enforcement agencies about the arrangements for dealing with applications for Tribunal members to exercise powers in their personal capacity.

District Registries arranged local liaison meetings with persons and organisations who appear regularly before the Tribunal – departments, agencies and other decision-makers, private legal practitioners, 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.

AGENCY MULTICULTURAL PLAN

In 2012–13, the Tribunal prepared its first Agency Multicultural Plan (AMP) in accordance with the Australian Government's strengthened Multicultural Access and Equity Policy which aims to improve responsiveness of government services to Australia's multicultural communities. The Tribunal engages with many people from culturally and linguistically diverse backgrounds in performing its role and strives to be accessible and responsive to their needs.

The AMP sets out actions the Tribunal will take over the two-year period from 1 July 2013 to 30 June 2015 to maintain and improve its performance in relation to the provision of services to users from culturally and linguistically diverse communities. The Tribunal's aim is to ensure that good practices are embedded in how we deliver our services.

Particular areas of focus in the Tribunal's first AMP include formalising, in strategies and plans, the Tribunal's existing commitment to multicultural access and equity, ensuring these issues are considered routinely in strategic planning and projects, strengthening the capability of members and staff to engage with culturally and linguistically diverse users and reviewing processes and information products to ensure they meet the needs of those users.

The Tribunal's AMP was approved in July 2013 and is available on the Tribunal's website. The Tribunal will report on its progress in relation to the AMP in the next annual report.

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.

During the reporting period, the Group continued to work on a pilot program in the Adelaide Registry to promote communication and consultation with legal centres who deal with Indigenous clients in relation to family assistance and social security issues.

The Group continues to explore options for relevant cultural competency training. As an element of this strategy, the online training program offered by the Centre for Cultural Competence Australia (CCCA) was recently trialled and favourably evaluated by Group members. The CCCA training program comprises ten components aimed at providing increased awareness of the history of Aboriginal and Torres Strait Islander peoples and their culture and kinship, enhancing skills for engaging with Aboriginal and Torres Strait Islander peoples and with local Indigenous communities.

The Group has commenced work on developing protocols for working with Indigenous users and on customised resources to be used during local community engagement activities and during information sessions for Indigenous legal service providers. The Group is also networking with law schools to promote Indigenous internship opportunities.

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
- promoting greater understanding of the Tribunal and its role within the broader context of the AAT as an agency aimed at improving the accountability and transparency of government and the quality of government decision-making.

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

The Tribunal maintained and developed its relationships with a range of departments and agencies, organisations and individuals during 2012–13.

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 membership, jurisdiction, legislation 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. The Tribunal liaised with the Department of Health and Ageing in relation to the arrangements for applying for the issue of search warrants or the exercise of related powers under the *Tobacco Plain Packaging Act 2011*. The Tribunal also liaised with the Department regarding the exposure draft of the Biosecurity Bill 2012 and the proposed jurisdiction for the Tribunal to undertake an expedited review of certain decisions relating to human health biosecurity measures.

SUBMISSIONS TO INQUIRIES AND REVIEWS

In 2012–13, the Tribunal made submissions to the following reviews:

- review of the *Safety, Rehabilitation and Compensation Act 1988* (October 2012)
- review of the *Freedom of Information Act 1982* and the *Australian Information Commissioner Act 2010* (December 2012)
- review of the Seacare Scheme (December 2012)
- review of the National Partnership Agreement on Legal Assistance Services (February 2013).

The Tribunal made a brief submission in December 2012 to the Senate Standing Committee on Legal and Constitutional Affairs in relation to their inquiry into the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 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.

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 COAT conferences as well as other training and networking opportunities. Tribunal members and staff were active contributors to the work of the Council. Justice Kerr became the Treasurer of the National COAT Executive in June 2013. Senior Member Anne Britton continued in her roles as the Secretary for the National COAT Executive and Convenor of the New South Wales Chapter. Deputy President Katherine Bean was the Secretary for the South Australian Chapter, and Member Regina Pertou and District Registrar Susan Woodford were committee members of the Victorian Chapter.

LIAISON WITH OTHER COMMONWEALTH TRIBUNALS

The Commonwealth merits review tribunals — the AAT, Migration Review Tribunal/Refugee Review Tribunal (MRT-RRT), Social Security Appeals Tribunal (SSAT) and the Veterans' Review Board (VRB) — maintained their cooperative relationship in a range of ways during 2012–13. Information about formal liaison arrangements are outlined below. There was also ongoing liaison and communication between officers of the tribunals about matters such as learning and development activities, property, staff vacancies and workforce planning.

Commonwealth Tribunals Collaborative Forum

The Commonwealth Tribunals Collaborative Forum was established in June 2012 following acceptance by the Australian Government of a recommendation in the *Report of the Strategic Review of Small and Medium Agencies in the Attorney-General's Portfolio*. The role of the Forum is to:

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

The Forum is convened by Justice Kerr and comprises the Principal Member and Registrar of each of the tribunals and representatives of the relevant portfolio departments. The Forum met on six occasions during the financial year. Its first report was provided to the Government in October 2012.

In its first year, the Forum:

- completed a detailed review of the recommendations of the Tribunal Efficiencies Working Group Report that was completed in 2004 to determine which of them might be given further consideration
- oversaw the preparation and adoption of a new Memorandum of Understanding on Learning and Development, which reaffirmed the commitment and existing arrangements between the tribunals for cooperative action and communication about learning and development activities
- established a Technology Working Party to identify and oversee collaborative projects concerning the use of technology – the Working Party has been asked to examine the feasibility of establishing a merits review tribunals web portal and to develop a high-level protocol to manage the naming and format of electronic documents used in tribunal proceedings.

The Forum's second report will be provided to the Government early in the 2013–14 financial year.

Commonwealth Heads of Tribunals

In April 2013, the President of the Tribunal arranged for the reinstatement of the Commonwealth Heads of Tribunals (CHOT) forum, which includes the AAT, MRT-RRT, SSAT, VRB and National Native Title Tribunal.

It is anticipated that the CHOT forum will meet twice a year to discuss matters of mutual interest that fall outside the scope of the Collaborative Forum, with the first meeting scheduled for August 2013. CHOT meetings may also provide an opportunity to meet with key agencies or bodies, and to hear from guest speakers on topics relevant to tribunal management.

OTHER FORUMS

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

District Registrar Clare Byrt was chair of the Law Society of South Australia's Administrative Law Committee. She also chaired a South Australian Civil and Administrative Tribunal subcommittee for the Law Society which organised a symposium on 'Best Practice in Tribunals: A Model for South Australia' in June 2013.

RESOURCE-SHARING ARRANGEMENTS

The Tribunal had in place arrangements with a number of organisations in relation to the provision of facilities and services in 2012–13, details of which are below.

Federal Court

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

Migration Review Tribunal/Refugee Review Tribunal

The Tribunal provides accommodation and hearing room facilities for MRT-RRT members, including hearing room assistance and videoconferencing facilities, in Adelaide, Brisbane and Perth. Tribunal staff receive applications and handle enquiries on behalf of the MRT-RRT.

Social Security Appeals Tribunal

The Tribunal provides hearing rooms and related facilities for the SSAT in its Canberra Registry.

Supreme Court of Norfolk Island

The Tribunal has 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 for review of decisions of the Norfolk Island Government.

Veterans' Review Board

The Tribunal made facilities available in its registries in Adelaide, Canberra and Perth for the VRB 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 Kerr is 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 gathering information on the Tribunal and its operations. These visits also provide an opportunity for the Tribunal to learn about the public law systems of other countries and how similar organisations undertake their work.

The Tribunal welcomed the following visitors during 2012–13:

- a delegation from the National Anti-Corruption Commission of Thailand led by its President, Mr Panthep Klanarongran
- Brian Thompson, a Member of the British Administrative Justice and Tribunals Council
- a delegation from the Supreme Commercial Court of the Russian Federation led by its Chief Justice, Mr Anton Ivanov.

International training and development

In 2012, the Federal Court conducted a Commercial Case Management Workshop and a Court-Annexed Mediation Workshop as part of the Pacific Judicial Capacity Building Program. Several participating countries requested follow-up assistance.

In February 2013, the Tribunal's Learning and Development Manager, Athena Harris Ingall, travelled to Kosrae, an island state of the Federated States of Micronesia. Ms Harris Ingall conducted mediation skills training for potential mediators and refresher training for certified court-annexed mediators. Conference Registrar Kim Lackenby travelled to Samoa to provide follow-up support in relation to both alternative dispute resolution and commercial case management.

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.

The Tribunal participated in the National Law Week Community Legal Expos held in Parramatta and Campbelltown in New South Wales in May 2013. Conference Registrars and other staff members provided information about the Tribunal to more than 150 interested members of the public.

MOOTING COMPETITION

The Tribunal held its eighth National Mooting Competition for Australian university students between June and October 2012. 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-eight teams participated in the 2012 competition.

The final involved teams from the University of Melbourne and the University of Queensland mooting before Justice Kerr, Deputy President James Constance and Senior Member Egon Fice. The winning team was the University of Queensland comprising Heath Manning, Aanand Jayachandran and Portia Tyle. Members of the University of Melbourne team were Thomas Wood, Ben Murphy and Nicholas Baum. The Registrar's Best Oralist Prize, donated by the Law Council of Australia, was presented to Aanand Jayachandran of the University of Queensland.

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. Short placements were also offered to two law students as part of the Indigenous Cadetship program run by the South Australian Legal Services Commission. Another short placement was provided to an officer from the Ombudsman's Office of Papua New Guinea who had been sponsored by the Commonwealth Ombudsman.

Three students from Bond University accepted placements at the Brisbane Registry attending a number of hearings and observing the work of the Tribunal. In April 2013, Brisbane Registry hosted approximately 60 Year 5 and 6 children from a local primary school.

The Hobart Registry (in conjunction with the President's Chambers located in Hobart) provided a placement for a student from the University of Tasmania.

The Tribunal provided opportunities for students to undertake a placement 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 continues to maintain its relationship with the University of Wollongong, placing one student in the Sydney Registry in the reporting period. The Tribunal is also a Partner Organisation in the University of New South Wales Law Faculty Public Interest Internship Program. Sydney Registry offered work experience to nine students giving them the opportunity to gain practical legal experience with a designated supervisor/mentor.

CHAPTER 05

**OUR ORGANISATION
AND OUR PEOPLE**

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
- to maintain a professional, productive, rewarding and safe workplace.

CORPORATE MANAGEMENT

The Tribunal has structures, policies and practices in place that contribute to sound corporate governance. See pages 13 to 19 in Chapter 2 for information on the Tribunal's senior leaders and their responsibilities, as well as the committees comprising Tribunal members and staff that provide advice and assistance in relation to the management of the Tribunal. Information relating to the Tribunal's Audit Committee is set out below.

CORPORATE PLANNING

The Tribunal undertook a planning process in 2010–11 which culminated in the adoption of the Tribunal's Strategic Plan 2011–2014 in August 2011. The plan set out revised vision and mission statements for the Tribunal as well as the Tribunal's core values and behaviours. Strategic priorities were 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 has developed work plans for specific actions to achieve these priorities which have been monitored and reviewed periodically. Key actions completed during the reporting period are noted in Chapter 1 of this report.

On 15 November 2012, the Tribunal held a strategic planning meeting involving the President, the Executive Deputy Presidents and Senior Member, the Registrar and senior staff to review the Tribunal's Strategic Plan and prioritise our activities in light of changes in the environment in which the Tribunal must operate. The outcome was the AAT Plan on a Page 2011–2014, a summary version of the Tribunal's headline planning document. It sets out the AAT's agreed vision, mission, core values and behaviours, key relationships, opportunities and challenges.



VISION

To be widely recognised as an accessible, expert and innovative organisation that ensures administrative justice for individuals and organisations and improves the quality of government decision-making.

MISSION

To undertake high quality independent merits review of administrative decisions in a manner that is fair, just, economical, informal and quick through the use of effective alternative dispute resolution processes and hearings.

CORE VALUES & BEHAVIOURS

We value:

- Accessibility
- Effective and courteous communication
- Efficiency and accountability
- Fairness and professionalism
- Quality, consistency and independence of decision-making

KEY RELATIONSHIPS

In delivering on its mission and vision the AAT will involve all members, conference registrars and staff and engage with:

- applicants and respondents, and those who represent them
- the Commonwealth Attorney-General's Department
- key government and non-government organisations
- the Federal Court and its judges
- other tribunals

KEY OPPORTUNITIES & CHALLENGES

The planning process identified several major opportunities and challenges including:-

- To build on its achievements and become a nationally and internationally recognised, highly innovative dispute resolution body.
- To promote merits review and the role of the AAT.
- To use new technologies to enhance the AAT's digital interface and deliver services electronically.
- To improve the AAT's workforce planning, metrics, reporting and communication.
- To use the opportunity of many leases ending in 2015-16 to align its property portfolio with the needs of members, staff and users.
- To deliver its mission and vision in an environment of budgetary constraints that impacts on the AAT and on the organisations whose decisions are subject to review.
- To develop effective arrangements for co-locating and partnering with other tribunals.
- To support its members who have responsibility for the issuing of telephone and surveillance warrants without detriment to the AAT's core functions.

STRATEGIC GOALS & PRIORITIES

The following list includes selected priorities only. A full summary may be found in the AAT's Strategic Plan 2011-2014

1. To provide a high quality merits review process

- Refocus the AAT's efforts on further developing highly effective and integrated dispute resolution processes to become a premier body in its field.
- Engage in active two-way communication with key user and professional bodies to increase understanding about the operation and advantages of the AAT and to receive feedback.
- Improve the AAT's capacity to manage information and deliver its services electronically.
- Capture and use data more effectively to monitor and manage performance, inform key decisions and be accountable to government and stakeholders.

2. A professional, productive, safe workplace

- Develop a workforce plan for the AAT having regard to future needs and relevant government policies.
- Attract and retain the best members, conference registrars and staff.
- Deliver a broader range of targeted and high quality professional development programs for members, conference registrars and staff.
- Strengthen the AAT's internal governance to ensure key decisions are well-informed and involve members, conference registrars and staff.
- Continue to build an organisation that works collaboratively through effective internal communication and dismantling of organisational barriers.

3. Manage our resources strategically & effectively

- Manage the budget to ensure adequate resourcing for critical projects such as information management, eServices and property.
- Develop the capacity to identify, plan and deliver key projects on time and to specification.
- Upgrade the content and organisation of the AAT's web site and intranet to better deliver information and services.
- Develop and implement property principles that ensure the AAT's accommodation is sustainable and provides a positive and productive environment for members, staff and users.

FINANCIAL MANAGEMENT

The Tribunal's audited financial statements for 2012–13 follow this chapter.

The Tribunal has reported an operating surplus of \$0.618 million in 2012–13 prior to unfunded depreciation charges. The surplus is a result of increased revenue from other agencies utilising the Tribunal's resources. The Tribunal's principal focus remains on its core business.

PURCHASING

The Tribunal observed the core principles of the Commonwealth Procurement Rules and relevant best practice guidelines in its purchasing activities in 2012–13. The Chief Executive Instructions and other guidance material are continually updated to ensure officials with purchasing duties comply with procurement requirements.

The Tribunal's competitive procurement processes ensure value for money for major purchases and contracts, as well as proper and effective competition. Open tender processes are employed unless the purchase is covered by a whole-of-government purchasing arrangement or a more limited tender is appropriate in the particular circumstances. 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 process.

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. The decision to engage a consultant is made in accordance with the Financial Management and Accountability Act and related regulations, including the Commonwealth Procurement Rules and relevant internal policies.

During 2012–13, the Tribunal entered into eight new consultancy contracts involving total actual expenditure of \$167,268. Four ongoing consultancy contracts were active for a total expenditure of \$24,941.

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

Table 5.1 Total actual expenditure on consultancy contracts

	2010–11	2011–12	2012–13
Total actual expenditure (incl GST)	\$99,627	\$253,338	\$192,209

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.

REPORTING ON PURCHASES

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

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

There were no contracts of \$100,000 or more let in 2012–13 that did not include a clause providing for the Auditor-General to have access to the contractor's premises.

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, compliance with the Financial Management and Accountability Act and fraud control.

During the reporting year, changes were made to the membership of the Audit Committee. It now comprises an independent chairperson, a part-time Tribunal member, a District Registrar and the Registrar. The changes strengthen the ability of the committee to provide robust oversight of the Tribunal's audit and compliance program.

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 Canberra and Sydney Registries. The Principal Registry finance and human resources operations are also audited annually. No major issues or risks were identified by the audits.

The Audit Committee has implemented various processes to enable the Registrar to complete the Certificate of Compliance for the 2012–13 financial year.

The Tribunal reviewed and updated its Fraud Control Plan, including its Fraud Risk Register in 2011–12. The next review is scheduled to occur during 2013–14.

CERTIFICATION OF TRIBUNAL FRAUD CONTROL ARRANGEMENTS

I, Philip Kellow, certify that I am satisfied that for 2012–13 the Tribunal:

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



Philip Kellow

Registrar

19 September 2013

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 a small decrease in the insurance premium in 2012–13.

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 Risk Management Plan is scheduled for review again in 2013–14.

The Tribunal's national Business Continuity Plan 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. Local Business Continuity Plans have also been developed for each registry.

MAINTAINING ETHICAL STANDARDS

The APS Values and Code of Conduct, aspects of the Commonwealth Procurement Rules and other standards relevant to ethical conduct are incorporated, as appropriate, into Tribunal policies, guidelines and instructions. 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.

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 staff induction process. All new staff are provided with a copy of the Values and the Code, as well as relevant excerpts from the *Crimes Act 1914* and the Information Privacy Principles, and must sign a statement confirming that they have read and understood these provisions. This information has been reviewed and updated in line with changes to the *Public Service Act 1999* that will apply from 1 July 2013.

In February 2013 after Parliament passed the Public Service Amendment Bill 2012, the Learning and Development Manager provided information to District Registrars, Deputy District Registrars and Principal Registry Managers about the revised APS Values and Code of Conduct and the new Employment Principles. Since then, a number of initiatives have been progressed for implementation in 2013–14 including:

- the Registrar providing information to all members and staff about the changes to the Values and the Code through the AAT's internal newsletter and on the Tribunal's intranet
- the Director, Human Resources providing a generic presentation on the changes to be delivered by managers at registry staff meetings
- training on the Values and the Code to be conducted across the Tribunal.

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 fit-out works were carried out during 2012–13. The Tribunal supported minor works in Adelaide to assist in the delivery of MRT-RRT services in accordance with the resource-sharing arrangements that operate in that registry.

In 2012–13, the Tribunal engaged Project Control Group Pty Ltd (PCG) to undertake a Strategic Property Review. The review report sets out broad principles that the Tribunal will use to select and manage its future accommodation and will be used to direct planning for the Tribunal's future property requirements as various leases come to an end in the next few years.

PCG were also engaged during the reporting period to manage a search and negotiation exercise for the Tribunal's accommodation in Canberra, ahead of the current lease expiry on 30 June 2014.

The Tribunal engaged Michael Small Consulting Pty Ltd in 2012–13 to undertake an access appraisal of the Sydney Registry. Recommendations from the review to improve accessibility and usability of Tribunal premises for people with disability, along with recommendations from internal assessments in the other Tribunal registries, will be considered and implemented in 2013–14.

To assess and improve its compliance with the Australian Government Protective Security Policy Framework, the Tribunal engaged the Australian Federal Police to undertake a Security Risk Review of the Tribunal's District Registries and Agilient Pty Ltd to undertake an Enterprise Security Risk Assessment. Recommendations of the review and assessment will be considered and implemented during 2013–14. Agilient Pty Ltd were also engaged to commence a review and update of the Tribunal's security policies, plans and procedures in 2012–13. These will be finalised and implemented in 2013–14.

The Tribunal places a high priority on security to ensure that members, staff and visitors are in safe and secure environments when in Tribunal offices. 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 arranges additional security services for alternative dispute resolution processes and hearings as required. If necessary, the Tribunal may arrange with the Family Court or the Federal Court to use their court rooms and security arrangements for hearings involving a security risk.

The Australian Government Security Vetting Agency undertakes security vetting of staff whose duties require a security clearance, in compliance with the 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 2013, the Tribunal had 163 staff: 109 ongoing and 54 non-ongoing, of whom 18 were engaged to undertake duties that are irregular or intermittent.

Table 5.2 shows the Tribunal's staffing numbers over the three most recent reporting years by engagement type, classification level, full-time/part-time status and gender. A more detailed breakdown of staffing at 30 June 2013, including by location, is in Appendix 2.

Table 5.2 Trends in total staffing numbers

	2010–11	2011–12	2012–13
Total	155	155	163
By engagement type			
Ongoing	102	102	109
Non-ongoing (irregular/intermittent)	53 (22)	53 (16)	54 (18)
By classification category			
SES	1	2	2
Executive Level	34	32	33
APS Level	120	121	128
By full-time/part-time status			
Full-time	115	112	117
Part-time (including irregular/intermittent)	40	43	46
By gender			
Men	51	49	47
Women	104	106	116

The increase in total staffing numbers since 30 June 2012 can be attributed predominantly to the recruitment of additional staff to support the operations of the MRT-RRT in the Adelaide, Brisbane and Perth Registries in accordance with arrangements agreed between the tribunals. In addition, two new positions that had been created as part of the restructure of the Tribunal's Principal Registry in 2011–12 were also filled in the reporting year. A number of positions that had been filled previously on a non-ongoing basis were filled on an ongoing basis during 2012–13 leading to the increase in the total number of ongoing staff.

The Tribunal continued to have a stable ongoing staffing complement with only four ongoing staff leaving the Tribunal in 2012–13. Consistent with previous years, turnover was greater among non-ongoing staff. The Tribunal's practice of engaging legal graduates to work with members of the Tribunal, usually for 12 to 18 months, contributes to this.

EMPLOYMENT AGREEMENTS AND ARRANGEMENTS

The Tribunal's collective workplace agreement, the *Administrative Appeals Tribunal Agency Agreement 2011–2014* was approved by Fair Work Australia on 22 August 2011 and came into force on 29 August 2011. It is due to expire on 30 June 2014. Most Tribunal staff are covered by the Agency Agreement.

As at 30 June 2013, four employees had entered into Individual Flexibility Arrangements. The terms and conditions of employment of two employees were set out in determinations made under section 24(1) of the *Public Service Act 1999*. No Tribunal employees were covered by an Australian Workplace Agreement.

More detail about the number of employees covered by the Agency Agreement and by individual employment arrangements at 30 June 2013 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

No performance bonuses were paid by the Tribunal in 2012–13. The Tribunal does not have a performance pay or bonus system for any employee.

NON-SALARY BENEFITS

Non-salary benefits available to the Tribunal's employees in 2012–13 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
- studies assistance.

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

Requests for studies assistance were approved in 2012–13 for studies in alternative dispute resolution, financial management, general tribunal services, law, management, project management and technology services. Twelve staff gained approval for financial support with total expenditure of \$23,536.

PERFORMANCE MANAGEMENT PROGRAM

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

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

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

LEARNING AND DEVELOPMENT IN THE TRIBUNAL

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

MEMBERS' PROFESSIONAL DEVELOPMENT

The Members' Professional Development Program is a comprehensive program based on a framework of competencies developed specifically for the Tribunal. The program comprises induction, mentoring, appraisal and other professional development opportunities. The Professional Development Committee advises on the Members' Professional Development Program.

The mentoring scheme involves pairing a more experienced member with each new member to assist new appointees gain a better understanding of the workings of the Tribunal and their role. Senior Member Narelle Bell was the Coordinator of the Mentoring Scheme during 2012–13.

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 until his term of appointment ended on 31 May 2013. Deputy President Stan Hotop has since taken over the role.

A range of learning activities was offered to members during 2012–13 to help them stay up-to-date with developments relevant to their work. Members attended in-house professional development sessions organised by individual registries and Principal Registry, including a seminar on case appraisal and neutral evaluation, decision writing workshops and individual and small group sessions on library and information services. Members also participated in a range of external seminars, workshops and other professional activities, including those organised by the Australian Institute of Administrative Law, the Council of Australasian Tribunals, the Law Council of Australia and other national and state-based professional bodies.

CONFERENCE REGISTRARS' PROFESSIONAL DEVELOPMENT PROGRAM

Conference Registrars 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 and performance appraisal. The *Conference Registrars' Professional Development Handbook* outlines the components of the program and provides practical assistance with its operation.

Conference Registrars participated in a range of internal and external professional development activities in 2012–13, including a two-day seminar in May 2013 focused on case management, disability awareness training and developments in the law. Access to continuing professional development also assisted Conference Registrars to meet requirements to remain accredited under the National Mediator Accreditation System.

STAFF LEARNING AND DEVELOPMENT

Learning and development for staff reflects the Tribunal's values and seeks to meet the learning needs of individuals and teams in all registries. Staff attended in-house programs as well as external conferences, seminars, workshops and other activities.

The Tribunal has a formal learning and development plan and strategies to encourage staff learning through on-the-job experiences, tasks and problem solving. Participants in learning and development activities provide feedback and the programs are refined to meet operational and strategic requirements.

Internal training sessions were delivered in a variety of modes during the reporting year, including through face-to-face delivery, e-learning programs and collaborative learning. Initiatives in the reporting period included team-strengthening workshops, sessions on managing difficult conversations and working effectively with Tribunal users, library training, a program on communication and influencing skills, and practice and procedure seminars.

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 has been established.

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 also represented on the Australasian Committee for Court Education.

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 took a number of steps during the reporting year to ensure that members and staff understand the *Work Health and Safety Act 2011* and their duties under it. Comcare's e-learning program for workers and managers was made available to all members and staff on the Tribunal's intranet. All staff with management or supervisory responsibilities were required to complete the module. The Tribunal also conducted work health and safety and risk management workshops with staff in all registries.

The Tribunal engaged the services of an external consultant, Konekt, in 2012–13 to conduct an independent review of the Tribunal’s health and safety risk arrangements. The Tribunal is continuing with the development and implementation of a number of work health and safety initiatives such as the Tribunal’s Rehabilitation Management System and processes to ensure the Tribunal is meeting its responsibilities to visitors to the Tribunal’s premises.

Health and wellbeing initiatives available to all employees during 2012–13 included:

- flu vaccinations
- eyesight testing
- providing taxis to increase personal safety in certain circumstances
- the Employee Assistance Program
- assistance with return to work costs.

The Tribunal completed its first 10,000 Steps Program that was launched during the 2012 National Staff Conference. This activity encouraged staff to undertake more walking as part of their daily routine to enjoy the health benefits of low-impact exercise. Over a nine week period, 12 teams comprising 58 members and staff took part in the program with over 36,413,455 steps being made.

The Tribunal continued to make available to members and staff e-learning modules on manual handling and ergonomics in the office, including as part of the Tribunal’s new starter induction program. Workstation assessments and training were undertaken in all registries and remedial action implemented as required.

All Tribunal First Aid Officers completed training in 2012–13 and received particular guidance in the use of external defibrillators which are available in all registries. The Tribunal also funds training for backup First Aid Officers to cover staff absences.

The Tribunal’s Health and Safety Committee met four times during the reporting year. The membership of the committee was increased to include two District Registrars, reflecting the responsibilities of ‘officers’ under the Work Health and Safety Act. 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. A national calendar of work health and safety events and requirements is to be introduced in 2013–14.

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

	2010–11	2011–12	2012–13
Number of accepted claims	1	1	4

NOTIFIABLE INCIDENTS AND INVESTIGATIONS

There were no notifiable incidents that the Tribunal was required to report to Comcare in 2012–13 under the Work Health and Safety Act. Comcare did not undertake any investigations in relation to the Tribunal during the reporting year, nor did it issue any notices to the Tribunal.

WORKPLACE HARASSMENT

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

The Tribunal's Workplace 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 Workplace Diversity Committee, which reviews the plan and looks for opportunities to promote the benefits of an inclusive work environment.

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

PRODUCTIVITY GAINS

The Tribunal pursued several initiatives in 2012–13 aimed at increasing productivity in relation to its operations. The Tribunal maintained its commitment to health and wellbeing initiatives to improve employee health and reduce unplanned absences. The reported level of unplanned absences due to illness decreased marginally in 2012–13.

Technology initiatives also contribute to productivity gains. The Human Resources Section commenced a major project implementing web recruitment functionality which will bring about improved controls, timeframes, transparency and consistency for its selection processes. Improvements to TRACS, the Tribunal's electronic case management system, continue to bring about 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. Progress was made in this area in 2012–13 with the launch of eCase Search which allows parties, their representatives and the public to access basic information about certain Tribunal cases online 24 hours a day, seven days a week.

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 2012–13, the trust did not receive any requests from staff for financial assistance. One interest-free loan approved in an earlier reporting period continues to be repaid.

INFORMATION AND DEVELOPMENT

The Tribunal's Information and Development Section is responsible for communications, 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 achieving the Tribunal's priorities set out in the Strategic Plan 2011–2014.

COMMUNICATIONS

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

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

INTERNAL COMMUNICATIONS

To determine the current level of satisfaction with internal communication, a survey was conducted in August 2012 with members and staff. The survey focused on determining what volume and frequency of communication would work best in the Tribunal. Respondents were also asked to nominate preferred channels for receiving key updates. The results and feedback were incorporated into a number of internal communication activities, including the:

- launch of a digital internal newsletter @ The AAT in February 2013 – the monthly newsletter includes messages from the President and Registrar, information about changes to legislation, jurisdiction and practice, updates on projects and contributions from members and staff about activities in their registry
- launch of a Communication Champions network – key contacts at each of the Tribunal's registries assist in gathering news and information for internal communication activities
- implementation of an enhanced intranet home page to improve the look and functionality of the Tribunal's intranet.

MEDIA ENQUIRIES

The Tribunal received 31 media enquiries in the reporting period from print, radio and television outlets. This was an increase of 14 on the previous year. Information was provided within 24 hours in relation to the majority of enquiries.

PUBLICATIONS

With the launch of the eCase Search tool in March 2013, the Tribunal created and updated a range of communication materials (key brochures, fact sheets and the website) to provide information about the new facility and how the Tribunal handles personal information. The updated materials were re-published on the website, including in a range of languages other than English.

The Tribunal also developed a new series of fact sheets during the reporting period relating to its new jurisdiction to review decisions made by DisabilityCare Australia. They provide information about applying to the Tribunal and on the key steps in the Tribunal's review process, including conferences, conciliation and hearings.

WEBSITE

The website provides information about the Tribunal and its services – for example, about applying for review, practice and procedure information and corporate information. In the financial year, the following new content was added to the website:

- AAT Online – the Tribunal's platform for electronic services which currently features the Tribunal's eCase Search facility
- the weekly AAT Bulletin which includes information about recent Tribunal decisions
- dedicated pages relating to the Tribunal's jurisdiction to review DisabilityCare Australia decisions.

During the reporting period, usage of the website continued to increase. The website generated around 546,000 hits (around 40,000 more than the previous year) with 45,700 visits per month.

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 and to meet the Tribunal's accountability obligations. 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 the Tribunal's Practice and Procedure Committee and Practice and Procedure Consultative Group.

During the reporting year, the area:

- implemented procedural changes associated with amendments to the Administrative Appeals Tribunal Regulations
- developed, and coordinated consultation on, proposed changes to case management in the workers' compensation jurisdiction and worked on the development of a comprehensive Tribunal privacy policy and related internal procedures for handling requests for access to information and documents held by the Tribunal
- launched three chapters of the revised Registry Procedures Manual and undertook significant work on revising the remaining chapters
- provided training to staff on practice and procedure developments
- advised on the ongoing development of the functionality and reporting capacity of the Tribunal's electronic case management system.

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 applicants. Library staff also organise and publish 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 2012–13, the Library Network delivered library orientation training to members' support staff, organised training sessions on a number of legal research databases, continued to negotiate access to a wider range of online information, improved the accessibility of the website and implemented the redesign of the intranet home page.

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. The Committee liaised regularly during the year about purchases.

INFORMATION MANAGEMENT

The Tribunal engaged external consultants Recordkeeping Innovation Pty Ltd in 2011–12 to conduct a review of its information and records management practices and assist the Tribunal develop a strategy to improve its practices. Following consideration of the report of the review, the Tribunal has identified a range of projects that it will undertake over the coming years in this area. The work forms part of the broader program for implementing a suite of integrated systems to deliver online services and manage information electronically.

In the reporting period, the Tribunal selected Acrodata to assist the Tribunal develop a more comprehensive and integrated information and records management program. Interviews and workshops were conducted with Tribunal members and staff to ensure the program will meet its needs. The Tribunal will focus on the implementation of the program during 2013–14.

The Tribunal continued work in 2012–13 on the development of a new records authority under the *Archives Act 1983* in consultation with the National Archives of Australia. It is anticipated that the new authority will be issued in 2013–14 and implemented as part of the information and records management program.

TECHNOLOGY SERVICES

The Tribunal's Technology Services team manages the planning, implementation and support of computer hardware, software, business systems and telecommunications used by the Tribunal.

The Technology Services team managed a range of projects in 2012–13 designed to ensure that the Tribunal's hardware and software are up-to-date, the network is secure and the Tribunal's members and staff are fully supported to undertake their work. Key achievements during the year included:

- commencement of a major server upgrade, including implementation of an enhanced business continuity and disaster recovery solution
- commencement of Secure Internet Gateway and Wide Area Network upgrade projects
- implementation of mandated email protective marking protocols
- work on enhanced network security measures
- implementation of enhancements to the Tribunal's case management system for the launch of the Tribunal's eCase Search facility.

The image features a solid green background. The text 'FINANCIAL STATEMENTS' is centered in the upper half. 'FINANCIAL' is in a light green, sans-serif font, while 'STATEMENTS' is in a white, bold, sans-serif font. There are decorative elements: a vertical white line on the right side, a white rectangular block at the bottom, and several areas with a fine, light green diagonal hatching pattern. One hatched area is on the left, another is on the right, and a third is at the bottom left. A solid green rectangular block is positioned at the bottom center, overlapping the white block.

FINANCIAL STATEMENTS

FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2013

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INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

I have audited the accompanying financial statements of Administrative Appeals Tribunal for the year ended 30 June 2013, which comprise: a Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income; Administered Schedule of Assets and Liabilities; Administered Reconciliation Schedule; Administered Cash Flow Statement; Schedule of Administered Commitments; Schedule of Administered Contingencies; and Notes to and forming part of the financial statements, including 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 2013 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
4 September 2013

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 2013 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

3 September 2013



MICHAEL BINNINGTON
Chief Financial Officer

3 September 2013

ADMINISTRATIVE APPEALS TRIBUNAL

Statement of Comprehensive Income for the period ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
EXPENSES			
Employee benefits	3A	23,066	21,692
Supplier	3B	12,809	13,044
Depreciation and amortisation	3C	1,928	1,886
Losses from assets sales	3D	-	2
Total expenses		37,803	36,624
LESS:			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	2,039	1,351
Total own-source revenue		2,039	1,351
GAINS			
Other	4B	1,378	313
Total gains		1,378	313
Total own-source income		3,417	1,664
Net cost of services		34,386	34,960
Revenue from Government	4C	33,077	34,579
Deficit attributable to the Australian Government		(1,309)	(381)
OTHER COMPREHENSIVE INCOME			
Items not subject to subsequent reclassification to profit or loss			
Changes in asset revaluation surplus		-	265
Total other comprehensive income		-	265
Total comprehensive loss attributable to the Australian Government		(1,309)	(116)

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

ADMINISTRATIVE APPEALS TRIBUNAL

Balance Sheet as at 30 June 2013

	Notes	2013 \$'000	2012 \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	5A	418	283
Trade and other receivables	5B	12,515	11,380
Total financial assets		12,933	11,663
Non-Financial Assets			
Leasehold improvements	6A,C	3,356	4,705
Plant and equipment	6B,C	1,923	1,438
Intangibles	6D,E	152	248
Other non-financial assets	6F	413	346
Total non-financial assets		5,844	6,737
Total Assets		18,777	18,400
LIABILITIES			
Payables			
Suppliers	7A	1,409	661
Total payables		1,409	661
Interest Bearing Liabilities			
Lease incentives	8A	742	813
Total interest bearing liabilities		742	813
Provisions			
Employee provisions	9A	6,615	6,071
Other provisions	9B	480	480
Total provisions		7,095	6,551
Total liabilities		9,246	8,025
Net assets		9,531	10,375
EQUITY			
Parent Entity Interest			
Contributed equity		3,610	3,145
Reserves		3,821	3,821
Retained surplus		2,100	3,409
Total parent entity interest		9,531	10,375
Total Equity		9,531	10,375

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

ADMINISTRATIVE APPEALS TRIBUNAL

Statement of Changes in Equity for the period ended 30 June 2013

	Retained earnings		Asset revaluation surplus		Contributed equity/capital		Total equity	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
Opening balance								
Balance carried forward from previous period	3,409	3,790	3,821	3,556	3,145	2,339	10,375	9,685
Adjusted opening balance	3,409	3,790	3,821	3,556	3,145	2,339	10,375	9,685
Comprehensive income								
Other comprehensive income	-	-	-	265	-	-	-	265
Deficit for the period	(1,309)	(381)	-	-	-	-	(1,309)	(381)
Total comprehensive income	(1,309)	(381)	-	265	-	-	(1,309)	(116)
Of which:								
Attributable to the Australian Government	(1,309)	(381)	-	265	-	-	(1,309)	(116)
Transactions with owners								
Contribution by owners								
Departmental capital budget	-	-	-	-	465	806	465	806
Sub-total transactions with owners	-	-	-	-	465	806	465	806
Closing balance as at 30 June	2,100	3,409	3,821	3,821	3,610	3,145	9,531	10,375

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

ADMINISTRATIVE APPEALS TRIBUNAL

Cash Flow Statement for period ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations		32,042	33,279
Sales of goods and rendering of services		1,939	1,230
Net GST received		919	1,293
Total cash received		34,900	35,802
Cash used			
Employees		(22,244)	(21,428)
Suppliers		(12,638)	(14,690)
Total cash used		(34,882)	(36,118)
Net cash from operating activities	10	18	(316)
INVESTING ACTIVITIES			
Cash used			
Purchase of plant and equipment		(348)	(305)
Total cash used		(348)	(305)
Net cash used by investing activities		(348)	(305)
FINANCING ACTIVITIES			
Cash received			
Contributed equity		465	806
Total cash received		465	806
Net cash from financing activities		465	806
Net increase in cash held		135	185
Cash and cash equivalents at the beginning of the reporting period		283	98
Cash and cash equivalents at the end of the reporting period	5A	418	283

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

ADMINISTRATIVE APPEALS TRIBUNAL

Schedule of Commitments as at 30 June 2013

	2013 \$'000	2012 \$'000
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments	(1,139)	(1,559)
Total commitments receivable	<u>(1,139)</u>	<u>(1,559)</u>
Commitments payable		
Other commitments		
Operating leases ^{1,2}	12,465	17,120
Other	65	12
Total other commitments	<u>12,530</u>	<u>17,132</u>
Total commitments payable	<u>12,530</u>	<u>17,132</u>
Net commitments by type	<u>11,391</u>	<u>15,573</u>
BY MATURITY		
Commitments receivable		
Net GST recoverable on commitments¹		
One year or less	(446)	(425)
From one to five years	(693)	(1,134)
Over five years	-	-
Total commitments receivable	<u>(1,139)</u>	<u>(1,559)</u>
Commitments payable		
Operating lease commitments		
One year or less	4,843	4,652
From one to five years	7,622	12,468
Over five years	-	-
Total operating lease commitments	<u>12,465</u>	<u>17,120</u>
Other commitments		
One year or less	65	12
From one to five years	-	-
Over five years	-	-
Total other commitments	<u>65</u>	<u>12</u>
Total commitments payable	<u>12,530</u>	<u>17,132</u>
Net commitments by maturity	<u>11,391</u>	<u>15,573</u>

Commitments are GST inclusive where relevant.

Note:

¹ These commitments comprise of leases of hearing rooms and office accommodation for the Tribunal.

² 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

Schedule of Contingencies *as at 30 June 2013*

There are no quantifiable contingent assets or liabilities as at 30 June 2013 (2012: 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 the period ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
EXPENSES			
Refund of application fees		279	280
Total expenses administered on behalf of Government		279	280
LESS:			
OWN-SOURCE INCOME			
Non-taxation revenue			
Application fees		771	689
Interest		-	1,291
Total non-taxation revenue		771	1,980
Total own-source revenue administered on behalf of Government		771	1,980
Net contribution by services		(492)	(1,700)
Surplus after income tax		492	1,700
Total comprehensive income		492	1,700

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

Administered Schedule of Assets and Liabilities as at 30 June 2013

	Notes	2013 \$'000	2012 \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	16A	3	-
Total financial assets		3	-
Total Assets administered on behalf of Government		3	-
Net assets		3	-

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

ADMINISTRATIVE APPEALS TRIBUNAL

Administered Reconciliation Schedule		
	2013	2012
	\$'000	\$'000
Opening administered assets less administered liabilities as at 1 July	-	-
Surplus / (deficit) items:		
Plus: Administered income	771	1,980
Less: Administered expenses	(279)	(280)
Administered transfers to/ from Australian Government:		
Appropriation transfers from OPA:		
Special appropriations (limited) s28 refunds	279	280
Transfers to OPA	(768)	(1,980)
Closing administered assets less administered liabilities as at 30 June	3	-

ADMINISTRATIVE APPEALS TRIBUNAL

Administered Cash Flow Statement for the period ended 30 June 2013

	2013 \$'000	2012 \$'000
OPERATING ACTIVITIES		
Cash received		
Application fees	771	689
Interest	-	1,291
Total cash received	771	1,980
Cash used		
Refund of application fees	(279)	(280)
Total cash used	(279)	(280)
Net cash flows from operating activities	492	1,700
Net Increase in Cash Held	492	1,700
Cash and cash equivalents at the beginning of the reporting period	-	-
Cash from Official Public Account for:		
- Appropriations	279	280
Cash to Official Public Account for:		
- Appropriations	(768)	(1,980)
Cash and cash equivalents at the end of reporting period	3	-
This schedule should be read in conjunction with the accompanying notes		

Schedule of Administered Commitments as at 30 June 2013

There were no administered commitments as at 30 June 2013 (2012: Nil).

Schedule of Administered Contingencies as at 30 June 2013

There were no administered contingencies as at 30 June 2013 (2012: Nil).

Notes to and forming part of the financial statements

ADMINISTRATIVE APPEALS TRIBUNAL

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the Tribunal

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

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

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

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

1.2 Basis of Preparation of the Financial Statements

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

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

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

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

The financial statements 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 executory contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

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

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 the carrying amounts of assets and liabilities within the next reporting period.

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standard Requirements

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

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

- **AASB 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.

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.

Notes to and forming part of the financial statements

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

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

In particular, the following disclosures will be required:

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

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

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

1.5 Revenue

Revenue from the sale of goods is recognised when:

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

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

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

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

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

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

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

Notes to and forming part of the financial statements

Resources Received Free of Charge

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

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

Revenue from Government

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

1.6 Gains

Resources Received Free of Charge

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

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

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

Sale of Assets

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

1.7 Transactions with the Government as Owner

Equity Injections

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

Restructuring of Administrative Arrangements

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

Other Distributions to Owners

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

1.8 Employee Benefits

Liabilities for ‘short-term employee benefits’ (as defined in AASB 119 *Employee Benefits*) and termination benefits 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.

Notes to and forming part of the financial statements

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

Leave

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

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

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 2013. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

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

Superannuation

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

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

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

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

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

1.9 Leases

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

The Tribunal does not have any finance leases. Operating lease payments are expensed on a straight line basis which is representative of the pattern of benefits derived from the leased assets.

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;

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

1.12 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 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 income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

1.17 Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, 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, property, plant and equipment were carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations were conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets' fair values as at the reporting

Notes to and forming part of the financial statements

date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets.

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

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

Depreciation

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

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

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

	<u>2013</u>	<u>2012</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 2013. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

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

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

Derecognition

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

1.18 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 (2012: 3 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2013. 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:

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

1.20 Reporting of Administered Activities

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

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

Administered Cash Transfers to and from the Official Public Account

Revenue collected by the Tribunal for use by the Government rather than the Tribunal is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance 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	2013	2012
	\$'000	\$'000
<u>Note 3A: Employee benefits</u>		
Wages and salaries	18,236	16,954
Superannuation		
Defined contribution plans	1,054	888
Defined benefit plans	1,870	1,743
Leave and other entitlements	1,830	2,055
Separation and redundancies	76	52
Total employee benefits	23,066	21,692
<u>Note 3B: Suppliers</u>		
Goods and services		
Consultants	232	128
Travel	491	403
IT services	910	770
Other	5,070	6,228
Total goods and services	6,703	7,529
Goods and Services are made up of:		
Provision of goods - external parties	318	368
Rendering of services - related entities	694	498
Rendering of services - external parties	5,691	6,663
Total goods and services	6,703	7,529
Other supplier expenses		
Operating lease rentals – external parties:		
Minimum lease payments	5,979	5,411
Workers compensation expenses	127	104
Total other supplier expenses	6,106	5,515
Total supplier expenses	12,809	13,044

Notes to and forming part of the financial statements

	2013	2012
	\$'000	\$'000
<u>Note 3C: Depreciation and Amortisation</u>		
Depreciation:		
Leasehold improvements	1,349	1,245
Plant and equipment	483	460
Total depreciation	1,832	1,705
Amortisation:		
Intangibles	96	181
Total amortisation	96	181
Total depreciation and amortisation	1,928	1,886

Note 3D: Losses from assets sales

Plant and equipment		
Carrying value of assets sold	-	2
Total losses from assets sales	-	2

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

Rendering of services - related entities	1,671	874
Rendering of services - external parties	368	477
Total sale of goods and rendering of services	2,039	1,351

GAINS**Note 4B: Other gains**

Resources received free of charge - services	1,100	38
Liabilities assumed by other departments	278	275
Total other gains	1,378	313

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

Appropriations:		
Departmental appropriations	33,077	34,579
Total revenue from Government	33,077	34,579

Notes to and forming part of the financial statements

	2013 \$'000	2012 \$'000
Note 5: Financial Assets		
<u>Note 5A: Cash and cash equivalents</u>		
Cash on hand or on deposit	418	283
Total cash and cash equivalents	418	283
<u>Note 5B: Trade and Other receivables</u>		
Goods and Services:		
Goods and services – related entities	199	238
Goods and services – external parties	104	95
Total receivables for goods and services	303	333
Appropriations receivable:		
For existing programs	11,935	10,900
Total appropriations receivable	11,935	10,900
Other receivables:		
GST receivable from the Australian Taxation Office	277	147
Total other receivables	277	147
Total trade and other receivables (Net)	12,515	11,380

No impairment has been recognised in 2013 (2012:Nil).

Receivables are expected to be recovered in:

No more than 12 months	12,515	11,380
More than 12 months	-	-
Total trade and other receivables (net)	12,515	11,380

Receivables are aged as follows:

Not overdue	12,498	11,368
Overdue by:		
0 to 30 days	3	4
31 to 60 days	14	4
61 to 90 days	-	3
More than 90 days	-	1
	17	12
Total receivables (gross)	12,515	11,380

Credit terms for goods and services were within 30 days (2012: 30 days).

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

Leasehold improvements at fair value	3,356	4,705
Total leasehold improvements	3,356	4,705

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

	2013 \$'000	2012 \$'000
Note 6B: Plant and Equipment		
Plant and equipment at fair value	1,923	1,438
Total plant and equipment	1,923	1,438

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 2013 an independent valuer, Australian Valuation Office, conducted the revaluations.

No revaluation adjustment was made for leasehold improvements (2012 increment \$323,142).

No revaluation adjustment was made for plant and equipment (2012 increment \$2,044).

Note 6C: Reconciliation of the Opening and Closing Balances of Leasehold Improvements, Plant and Equipment (2012-13)

	Leasehold Improvements \$'000	Plant and Equipment \$'000	Total \$'000
As at 1 July 2012			
Gross book value	4,705	1,438	6,143
Accumulated depreciation and impairment	-	-	-
Net book value 1 July 2012	4,705	1,438	6,143
Additions			
By purchase	-	968	968
Revaluations and impairments recognised in other comprehensive income	-	-	-
Depreciation expense	(1,349)	(483)	(1,832)
Disposals:			
Other	-	-	-
Net book value 30 June 2013	3,356	1,923	5,279
Net book value as at 30 June 2013 represented by:			
Gross book value	3,356	1,923	5,279
Accumulated depreciation and impairment	-	-	-
Net book value 30 June 2013	3,356	1,923	5,279

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 (2011-12)**

	Leasehold Improvements	Plant and Equipment	Total
	\$'000	\$'000	\$'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
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

	2013 \$'000	2012 \$'000
<u>Note 6D: Intangibles</u>		
Computer software		
Purchased	990	990
Accumulated amortisation	(838)	(742)
Total computer software	152	248
Total intangibles	152	248

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 (2012-13).**

Item	Computer Software Purchased \$'000	Total \$'000
As at 1 July 2012		
Gross book value	990	990
Accumulated amortisation and impairment	(742)	(742)
Net book value 1 July 2012	248	248
Additions		
By purchase or internally developed	-	-
Amortisation	(96)	(96)
Write-off		
Gross value of assets written off	-	-
Accumulated depreciation	-	-
Net book value 30 June 2013	152	152
Net book value as of 30 June 2013 represented by:		
Gross book value	990	990
Accumulated amortisation and impairment	(838)	(838)
Net book value 30 June 2013	152	152

Note 6E (Cont'd) : 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

Notes to and forming part of the financial statements

	2013 \$'000	2012 \$'000
<u>Note 6F: Other non-financial assets</u>		
Prepayments	413	346
Total other non-financial assets	413	346
Total other non-financial assets – are expected to be recovered in:		
No more than 12 months	408	346
More than 12 months	5	-
Total other non-financial assets	413	346

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

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

Trade creditors and accruals	1,409	661
Total suppliers payables	1,409	661

Suppliers payables expected to be settled within 12 months:

Related entities	254	99
External parties	1,155	562
Total suppliers payables	1,409	661

Settlement was usually made within 30 days.

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

Lease incentives ¹	742	813
Total other interest bearing liabilities	742	813

Interest bearing liabilities are expected to be settled in:

No more than 12 months	205	108
More than 12 months	537	705
Total interest bearing liabilities	742	813

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

	2013 \$'000	2012 \$'000
Note 9: Provisions		
<u>Note 9A: Employee provisions</u>		
Leave	5,762	4,617
Other	853	1,454
Total employee provisions	6,615	6,071
Employee provisions are expected to be settled in:		
No more than 12 months	5,972	5,264
More than 12 months	643	807
Total employee provisions	6,615	6,071
<u>Note 9B: Other provisions</u>		
Provision for restoration obligations	480	480
Total other provisions	480	480
Other provisions are expected to be settled in:		
No more than 12 months	150	-
More than 12 months	330	480
Total other provisions	480	480
	Provision for restoration	Total
	\$'000	\$'000
Carrying amount 1 July 2012	480	480
Additional provisions made	-	-
Amount used	-	-
Amounts reversed	-	-
Unwinding of discount or change in the discount rate	-	-
Closing balance 2013	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**

	2013 \$'000	2012 \$'000
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Cash and cash equivalents as per:		
Cash Flow Statement	418	283
Balance Sheet	418	283
Difference	<u>-</u>	<u>-</u>
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(34,386)	(34,960)
Add revenue from Government	33,077	34,579
Adjustments for non-cash items		
Depreciation/amortisation	1,928	1,886
Loss on disposal of assets	-	2
Changes in assets/liabilities		
(Increase)/decrease in net receivables	(1,135)	(1,421)
(Increase)/decrease in prepayments	(67)	149
Increase/(decrease) in employee provisions	544	(11)
Increase/(decrease) in suppliers payables	128	(516)
Increase/(decrease) in other payables	(71)	(24)
Net cash from/(used by) operating activities	<u>18</u>	<u>(316)</u>

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

At 30 June 2013, the Tribunal had no quantifiable contingent liabilities (2012: Nil).

Unquantifiable or Remote Contingencies

At 30 June 2013, the Tribunal had not identified any unquantifiable or remote contingencies (2012: 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

	2013	2012
	\$	\$
Short-term employee benefits:		
Salary	594,133	547,668
Annual leave accrued	36,910	38,320
Performance bonuses	-	-
Motor vehicle and other allowances	-	-
Total short-term employee benefits	631,043	585,988
Post-employment benefits:		
Superannuation	72,566	54,380
Total post-employment benefits	72,566	54,380
Other long term benefits		
Long-service leave	11,869	23,344
Total other long term benefits	11,869	23,344
Termination benefits		
<i>Public Services Act 1999 s37 incentive to retire</i>	76,386	-
Total termination benefits	76,386	-
Total senior executive remuneration expenses	791,864	663,712

Notes:

- Note 12A is prepared on an accrual basis.
- Note 12A excludes acting arrangements and part-year service where remuneration expensed for a senior executive was less than \$180,000.

Notes to and forming part of the financial statements

Note 12B: Average Annual Reportable Remuneration Paid to Substantive Senior Executives during the Reporting Period 2013

Average annual reportable remuneration ¹	Substantive Senior Executives	Reportable salary ²	Contributed superannuation ³	Reportable allowances ⁴	Bonus Paid ⁵	Total reportable remuneration
	No.	\$	\$	\$	\$	\$
Total reportable remuneration (including part-time arrangements):						
\$0 to \$180,000	2	77,057	9,412	-	-	86,469
\$180,000 to \$209,999	1	184,553	21,178	-	-	205,731
\$300,000 to \$329,999	1	266,349	33,870	-	-	300,219
Total number of substantive senior executives	4					

2012

Average annual reportable remuneration ¹	Substantive Senior Executives	Reportable salary ²	Contributed superannuation ³	Reportable allowances ⁴	Bonus Paid ⁵	Total reportable remuneration
	No.	\$	\$	\$	\$	\$
Total reportable remuneration (including part-time arrangements):						
\$0 to \$180,000	2	82,635	7,860	-	-	90,495
\$270,000 to \$299,999	1	261,769	27,915	-	-	289,684
Total	3					

Notes:

- 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.
- 'Reportable salary' includes the following:
 - gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
 - reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits);
 - exempt foreign employment income; and
 - salary sacrifice benefits.
- The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to substantive senior executives in that reportable remuneration band during the reporting period.
- 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
- 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

Notes to and forming part of the financial statements

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

Average annual reportable remuneration ¹	2013						2012					
	Other highly paid staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus Paid ⁵ \$	Total reportable remuneration \$	Other highly paid staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus Paid ⁵ \$	Total reportable remuneration \$
Total reportable remuneration (including part-time arrangements):												
\$180,000 to \$209,999	3	165,739	24,883	-	-	190,622	2	172,699	24,644	-	-	197,343
\$240,000 to \$269,999	1	220,343	33,933	-	-	254,276	2	237,894	26,715	-	-	264,609
\$270,000 to \$299,999	2	268,482	31,751	-	-	300,233	6	285,133	37,368	-	-	322,501
\$300,000 to \$329,999	1	295,476	40,279	-	-	335,755	2	306,037	34,003	216	-	340,256
\$330,000 to \$359,999	7	308,468	37,415	48	-	345,931	3	372,031	43,045	155	-	415,231
\$390,000 to \$419,999	1	358,389	48,998	65	-	407,452	3	383,206	46,479	75	-	429,760
\$420,000 to \$449,999	5	395,568	39,853	5,400	-	440,821	1	781,309	-	-	-	781,309
\$510,000 to \$539,999	1	481,275	44,345	-	-	526,620	19					
Total number of other highly paid staff	21											
Average annual reportable remuneration¹												
Total reportable remuneration (including part-time arrangements):												
\$180,000 to \$209,999	2	172,699	24,644	-	-	197,343	2	172,699	24,644	-	-	197,343
\$240,000 to \$269,999	2	237,894	26,715	-	-	264,609	2	237,894	26,715	-	-	264,609
\$300,000 to \$329,999	6	285,133	37,368	-	-	322,501	6	285,133	37,368	-	-	322,501
\$330,000 to \$359,999	2	306,037	34,003	216	-	340,256	2	306,037	34,003	216	-	340,256
\$390,000 to \$419,999	3	372,031	43,045	155	-	415,231	3	372,031	43,045	155	-	415,231
\$420,000 to \$449,999	3	383,206	46,479	75	-	429,760	3	383,206	46,479	75	-	429,760
\$780,000 to \$809,999	1	781,309	-	-	-	781,309	1	781,309	-	-	-	781,309
Total	19											

Notes to and forming part of the financial statements

Notes:

1. This table reports staff:
 - a) who were employed by the Tribunal during the reporting period;
 - b) whose reportable remuneration was \$180,000 or more for the financial period; and
 - c) were not required to be disclosed in Note 12B disclosures.
 Each row is an averaged figure based on headcount for individuals in the band.
2. 'Reportable salary' includes the following:
 - a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
 - b) reportable fringe benefits (at the net amount prior to 'grossing up' for tax purposes);
 - c) exempt foreign employment income; and
 - d) salary sacrificed benefits.
3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to other highly paid staff in that reportable remuneration band during the reporting period.
4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

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

	2013	2012
	\$'000	\$'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	38
Total	38	38

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

Cash and cash equivalents	418	283
Trade receivables	303	333
Total	721	616
Carrying amount of financial assets	721	616

Financial liabilities**At amortised cost:**

Trade creditors	1,409	661
Other interest bearing liabilities	742	813
Total	2,151	1,474
Carrying amount of financial liabilities	2,151	1,474

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. (2012: Nil).

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 2013. (2012: 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 2013. (2012: 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 (2013: \$302,434 and 2012: \$332,213). The Tribunal has assessed the risk of the default on payment and has allocated nil in 2013 (2012: 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 2013 \$'000	Not Past Due Nor Impaired 2012 \$'000	Past Due or Impaired 2013 \$'000	Past Due or Impaired 2012 \$'000
Cash and cash equivalents	418	283	-	-
Receivables for goods and services	286	321	17	12
Total	704	604	17	12

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

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

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

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 2013:

	On demand \$'000	Within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Trade creditors	-	1,409	-	-	-	1,409
Other interest bearing liabilities	-	205	308	229	-	742
Total	-	1,614	308	229	-	2,151

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
Trade creditors	-	661	-	-	-	661
Other interest bearing liabilities	-	108	519	186	-	813
Total	-	661	519	186	-	1,474

The entity had no derivative financial liabilities in either 2013 or 2012.

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	2013 \$'000	2012 \$'000
Financial Assets			
Total financial assets as per balance sheet		12,933	11,663
Less: non-financial instruments components:			
Appropriations receivable	5B	11,935	10,900
GST receivable	5B	277	147
Total non-financial instrument components		12,212	11,047
Total financial assets as per financial instruments note		721	616

Notes to and forming part of the financial statements**Note 16: Administered – Financial Assets**

	2013 \$'000	2012 \$'000
Note 16A: Cash and cash equivalents		
Cash on hand or on deposit	3	-
Total cash and cash equivalents	<u>3</u>	<u>-</u>

Note 17: Administered – Cash Flow Reconciliation

	2013 \$'000	2012 \$'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	3	-
Schedule of administered assets and liabilities	3	-
Difference	<u>-</u>	<u>-</u>
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	489	1,700
Net cash (used by) operating activities	<u>489</u>	<u>1,700</u>

Note 18: Administered - Contingent Assets and Liabilities

There were no administered contingent assets or liabilities as at 30 June 2013 (2012: Nil).

Note 19: Administered – Financial Instruments

	2013 \$'000	2012 \$'000
Note 19A: Categories of Financial Instruments		
Financial Assets		
Cash and cash equivalents	3	-
Carrying amount of financial assets	<u>3</u>	<u>-</u>

Note 20: Administered - Financial Assets Reconciliation

	2013 \$'000	2012 \$'000
Financial Assets		
Total financial assets as per balance sheet	3	-
Less: non-financial instruments components:	-	-
Total financial assets as per financial instruments note	<u>3</u>	<u>-</u>

Notes to and forming part of the financial statements

Note 21: Appropriations

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

	2013 Appropriations						Appropriation applied in 2013 (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			
DEPARTMENTAL Ordinary annual services ⁽³⁾	33,542	-	-	-	1,939	-	34,311	1,170
Total Departmental								
ADMINISTERED Ordinary annual services	-	-	-	-	-	-	-	-
Total Administered	-	-	-	-	-	-	-	-

Notes:

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

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

	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	35,385	-	-	-	1,425	-	36,810	(35,325)	1,485
ADMINISTERED Ordinary annual services	-	-	-	-	-	-	-	-	-
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 B: Departmental Capital Budgets ('Recoverable GST exclusive')

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

Notes:

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

Notes to and forming part of the financial statements

	2012 Capital Budget Appropriations			Capital Budget Appropriations applied in 2012 (current and prior years)			
	<i>Appropriation Act</i>	<i>FMA Act</i>		Payments for non-financial assets ⁽³⁾ \$'000	Payments for other purposes \$'000	Total payments \$'000	Variance \$'000
	Annual Capital Budget \$'000	Appropriations Reduced ⁽²⁾ \$'000	Section 32 \$'000	Total Capital Budget Appropriations \$'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

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

Authority	2013 \$'000	2012 \$'000
Appropriation Act (No.1) 2010-11	-	2,200
Appropriation Act (No.1) 2011-12	-	8,700
Appropriation Act (No.1) 2012-13	11,515	-
Appropriation Act (No.3) 2012-13	420	-
Total	11,935	10,900

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

Authority	Type	Purpose	2013 \$'000	2012 \$'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.	279	280
Total			279	280

Note 22: Special Accounts

Other Trust Monies	2013 \$'000	2012 \$'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 23: Compliance with Statutory Conditions for Payment from the Consolidated Revenue Fund

The Australian Government continues to have regard to developments in case law, including the High Court's most recent decision on Commonwealth expenditure in *Williams v Commonwealth* (2012) 288 ALR 410, as they contribute to the larger body of law relevant to the development of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risk and decide on any appropriate actions to respond to risks of expenditure not being consistent with constitutional or other legal requirements.

During 2012-13 additional legal advice was received that indicated there could be breaches of Section 83 under certain circumstances with payments for long service leave, goods and services tax and payments under determination of the Remuneration Tribunal.

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

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

The Tribunal is not aware of any specific breaches of Section 83 in respect of these additional items at the reporting date.

Monitoring of the risk of all identified potential s83 breaches will continue in 2013-14 via the Tribunal's internal audit programme.

Notes to and forming part of the financial statements**Note 24: Compensation and Debt Relief**

	2013	2012
	\$	\$
Compensation and Debt Relief - Departmental		
No 'Act of Grace' payments were expensed during the reporting period (2012: 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> (2012: nil).	-	-
No payments were provided under the <i>Compensation for Detriment caused by Defective Administration (CDDA) Scheme</i> during the reporting period (2012: nil).	-	-
No ex gratia payments were provided during the reporting period (2012: 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 (2012: nil)	-	-
Compensation and Debt Relief - Administered		
No 'Act of Grace' payments were expensed during the reporting period (2012: 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> (2012: nil).	-	-
No payments were provided under the <i>Compensation for Detriment caused by Defective Administration (CDDA) Scheme</i> during the reporting period (2012: nil).	-	-
No ex gratia payments were provided during the reporting period (2012: 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 (2012: nil)	-	-

Notes to and forming part of the financial statements**Note 25: 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	
	2013	2012
	\$'000	\$'000
Departmental		
Expenses	(37,803)	(36,624)
Own-source income	2,039	1,351
Administered		
Expenses	(279)	(280)
Own-source income	771	1,980
Net cost/(contribution) of outcome delivery	(35,272)	(33,573)

Note 26: Net Cash Appropriation Arrangements

	2013	2012
	\$'000	\$'000
Total comprehensive income (loss) less depreciation/amortisation expenses previously funded through revenue appropriations¹	619	1,770
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	(1,928)	(1,886)
Total comprehensive income (loss) – as per the Statement of Comprehensive Income	(1,309)	(116)

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 2013

President

The Hon Justice DJC Kerr, *Chev LH*

NEW SOUTH WALES

PRESIDENTIAL MEMBERS

Federal Court

The Hon Justice AC Bennett AO

The Hon Justice RF Edmonds

The Hon Justice JM Jagot

The Hon Justice DA Cowdroy OAM

The Hon Justice N Perram

Deputy Presidents

The Hon BJM Tamberlin QC

Mr RP Handley

Professor R Deutsch

Mr SE Frost

NON-PRESIDENTIAL MEMBERS

Senior Members

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

Ms NP Bell (G,S,V)

Ms N Isenberg (G,S,V)

Mr PW Taylor SC (G,T,V)

Ms JF Toohey (G,S,V)

Ms AK Britton (G,S,V)

Mr D Letcher QC (G,T,V)

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

Mrs G Lazanas (G,T,V)

Dr TM Nicoletti (G,V)

Members

Dr IS Alexander (G,V)

Mr R Bartsch (G)

Dr M Couch (G,V)

Mr N Gaudion (G)

Dr H Haikal-Mukhtar (G,V)

Dr W Isles (G,V)

Professor GAR Johnston AM (G,V)

Professor TM Sourdin (G,V)

Dr SH Toh (G,V)

VICTORIA

PRESIDENTIAL MEMBERS

Federal Court

The Hon Justice SC Kenny

The Hon Justice JE Middleton

Deputy Presidents

Miss SA Forgie
 Mr JW Constance
 Ms FJ Alpins

NON-PRESIDENTIAL MEMBERS**Senior Members**

Mr JR Handley (G,T,V)
 Mr GD Friedman (G,S,V)
 Mr FD O'Loughlin (G,T,V)
 Mr E Fice (G,S,T,V)

Members

Dr R Blakley (G,V)
 Dr KJ Breen AM (G,V)
 Brigadier C Ermert (retd) (G,T,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
 Mr I Molloy

NON-PRESIDENTIAL MEMBERS**Senior Members**

Mr BJ McCabe (G,S,T,V)
 Associate Professor PM McDermott
 RFD (G,T,V)
 Dr KStC Levy RFD (G,T,V)
 Mr RG Kenny (G,T,V)

Members

Dr ML Denovan (G,V)
 Dr GJ Maynard, Brigadier (retd) (G,V)
 Dr M Sullivan (G,V)
 Dr PL Wulf (G,T)

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

Ms KJ Bean

NON-PRESIDENTIAL MEMBERS**Senior Member**

Mr RW Dunne (G,T,V)

Members

Professor D Ben-Tovim (G,V)
 Lt Col R Ormston (retd) (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,S,T,V)

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

TASMANIA

PRESIDENTIAL MEMBERS

Family Court

The Hon Justice RJC Benjamin

Deputy President

The Hon RJ Groom AO

NON-PRESIDENTIAL MEMBERS

Senior Member

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

Member

Dr RJ Walters RFD (G,V)

AUSTRALIAN CAPITAL TERRITORY

PRESIDENTIAL MEMBERS

Family Court

The Hon Justice MM Finn

NON-PRESIDENTIAL MEMBERS

Senior Member

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

Members

Air Vice-Marshal FD Cox AO (ret'd) (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 to the Tribunal in that category of membership. Members are listed alphabetically.

Presidential members may exercise the powers of the Tribunal in all of the Tribunal's divisions. Senior Members and Members may exercise the powers of the Tribunal only in the divisions to which they have been assigned. The divisions to which Senior Members and Members have been assigned as at 30 June 2013 are indicated as follows:

G General Administrative Division

S Security Appeals Division

T Taxation Appeals Division

V Veterans' Appeals Division

APPOINTMENTS AND CESSATIONS, 2012-13

NEW APPOINTMENTS

The Hon Justice Dennis Cowdroy OAM

The Hon Justice Nye Perram

Deputy President Ian Molloy

Member Ronald Bartsch

Member Nicholas Gaudion

RE-APPOINTMENTS

Senior Member Ann Cunningham

Senior Member Naida Isenberg

Senior Member Peter Taylor SC

Member Dr Kerry Breen AM

Member Professor Graham Johnston AM

Member Professor Peter Reilly AO

Member Dr Saw Hooi Toh

Member Dr Robert Walters RFD

CHANGES TO APPOINTMENT

Ms Katherine Bean: from part-time Senior Member to full-time Deputy President

Dr Teresa Nicoletti: from part-time Member to part-time Senior Member

CESSATIONS

The Hon Justice Robert Buchanan

The Hon Justice Peter Gray

Deputy President, The Hon Dr Bruce McPherson CBE

Deputy President Deane Jarvis

Senior Member Mason Allen

Senior Member Steve Karas AO

Member Air Vice-Marshal (Dr) Tony Austin AM (retd)

Member Dr Tim Hawcroft

Member Timothy Jenkins

Member Ian Laughlin

MEMBER PROFILES

THE HON JUSTICE DUNCAN KERR, CHEV LH

LLB BA (SocW)

President

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

Justice Kerr became a judge of the Federal Court of Australia and President of the Administrative Appeals Tribunal in May 2012. He was elected to the executive of the Council of Australasian Tribunals in June 2013. He is a member of the board of the Association Internationale des Hautes Jurisdictions Administratives (International Association of Supreme Administrative Jurisdictions).

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).

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; appointment ended 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 until 1 December 2012.

FIONA ALPINS

BComm LLB (Hons)

Part-time Deputy President, Vic

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

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

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

AIR VICE-MARSHAL (DR) TONY AUSTIN AM

MBBS MPH FRACMA FRACGP DipAvMed GAICD

Part-time Member, NSW

First appointed 26 October 2009; appointment ended 31 December 2012

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 its Credentialling Committee. He also has an appointment as an Adjunct Associate Professor, Faculty of Health Sciences at the University of Queensland.

RONALD BARTSCH

BA BSc LLB LLM DipEd

Part-time Member, NSW

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

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

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

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

KATHERINE BEAN

BA LLB MA GradDipLegPrac

Full-time Deputy President, SA

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

Katherine Bean was admitted as a solicitor of the Supreme Court of New South Wales in 1990. She joined the office of the Australian Government Solicitor in Sydney the same year and remained with the AGS, first in Sydney and later in Adelaide, until 2009 when she was appointed to the Tribunal as a Senior Member. Immediately prior to her appointment, she held the position of General Counsel with the AGS in Adelaide.

Deputy President 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' affairs and workers' compensation jurisdictions. She was appointed as a Deputy President of the Tribunal on 1 June 2013.

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 2012–13, presenting seminars to members of the AAT and to chairpersons and members of the various New South Wales Health Professions Tribunals and Committees. She also continued in her role as a legal member of the Human Research Ethics Committee of the Western Sydney Local Health District.

Senior Member Bell was the Tribunal's Mentoring Coordinator during 2012–13. She is 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 before coming to Australia in 1984.

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

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

DR ROSLYN BLAKLEY

Part-time Member, Vic

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

Roslyn Blakley 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 Master in Health Law at the University of Sydney.

DR KERRY BREEN AM

MBBS MD FRACP

Part-time Member, Vic

First appointed 1 July 2006; current appointment until 30 November 2017

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 has been a member of the board of Sydney's Belvoir Street Theatre for over a decade.

Senior Member Britton is the Secretary of the Council of Australasian Tribunals and the Convenor of COAT's New South Wales Chapter. She chaired the planning committee for the 2012 COAT/ Australasian Institute of Judicial Administration Tribunals Conference, 'The Tribunal of Tomorrow', and has also chaired the planning committees for the New South Wales Chapter's 2012 and 2013 annual conferences.

Senior Member Britton is a member of the Tribunal's Professional Development Committee.

DR JAN CHANEY

Part-time Member, WA

First appointed 26 October 2009; current appointment until 25 October 2014

Jan Chaney has been in general medical practice in Perth since 1980 and was a part-time member of the Social Security Appeals Tribunal from 1989 to 1999. Prior to 1980, Dr Chaney was a resident medical officer in the Sir Charles Gairdner Hospital and the King Edward Memorial Hospital in Western Australia.

JAMES CONSTANCE

BA LLB (Hons)

Full-time Deputy President, Vic

First appointed 16 August 2004; current appointment until 8 December 2015

James Constance practised as a barrister and solicitor in the Australian Capital Territory and New South Wales from 1970 as an employed solicitor, sole practitioner and, for more than 22 years, as a partner in legal firms. 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 2012–13, Deputy President Constance was a member of the Tribunal's Executive Committee, the Executive Deputy Presidents Committee, the Practice and Procedure Committee and the Practice and Procedure Consultative Group. He also became Chair of the Trustees of the AAT Benevolent Trust.

DR MICHAEL COUCH

Part-time Member, NSW

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

Michael Couch has been a consultant occupational physician for more than 20 years. He has worked with a wide range of industries, including mining, manufacturing, police and other emergency services, transport, and Commonwealth and State Government departments. Over the past ten years, he has worked as a medico-legal consultant, through a national medico-legal consultancy and his own practice.

Dr Couch is an Independent Occupational Physician advising CGU Workers Compensation New South Wales. He was a Medical Appeal Panel member of the 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 (RETD)

Part-time Member, ACT

First appointed 24 August 2006; current appointment until 30 November 2015

Frank Cox trained with the Royal Australian Air Force as a pilot and held numerous flying and staff appointments during his military career. The last senior appointment he held was Assistant Chief of the Defence Force – Personnel. Air Vice-Marshal Cox is a graduate of the Royal College of Defence Studies (London) and the United States Air Force Air War College. After service with the RAAF, he worked as a consultant in human resource management. He was appointed to the Defence Force Remuneration Tribunal in 1999 and held the position of ex-service member for six years.

PROFESSOR ROBIN CREYKE

Full-time Senior Member, ACT

First appointed 14 September 2009; current appointment until 13 September 2014

Robin Creyke holds a Master of Laws from the Australian National University, a Bachelor of Laws from the University of Western Australia and a graduate diploma in small group learning and teaching from the University of Western Sydney. She has been a Professor of Law at the Australian National University since 2002 and held the Alumni Chair of Administrative Law from 2003. She has also held the position of Integrity Adviser to the Australian Taxation Office, Commissioner of the Australian Capital Territory's Independent Competition and Review Commission, member of the Social Security Appeals Tribunal and member of the Nursing Homes and Hostels Review Panel for the Australian Capital Territory. Professor Creyke was a member of the Administrative Review Council for 12 years until 2009 and is a member of the Administrative Law Committee of the Law Council of Australia.

Professor Creyke is the Executive Senior Member for the Australian Capital Territory. She was a member of the Tribunal's Executive Deputy Presidents Committee, the Practice and Procedure Committee, the Practice and Procedure Consultative Group and the Warrants Committee during 2012–13.

ANN CUNNINGHAM

LLB (Hons) FAICD

Part-time Senior Member, Tas

First appointed 5 September 1995; current appointment until 30 November 2017

Ann Cunningham was appointed as a part-time Member of the Tribunal in 1995 and became a Senior Member on 1 July 2006. She is a Presiding Member of the Tasmanian Resource Management and Planning Appeal Tribunal. Senior Member Cunningham is an accredited mediator and arbitrator and has worked as a mediator for the Supreme Court of Tasmania and the Magistrates Court. She worked as a barrister and solicitor in private practice for a number of years. Between 1984 and 1999, she was a Deputy Registrar of the Family Court of Australia.

Other positions that Senior Member Cunningham has held include Chairperson of the Board of the Public Trustee, Deputy President of the Tasmanian Mental Health Tribunal, Complaints Commissioner with the University of Tasmania and Independent Merits Reviewer for the Independent Protection Assessment Office. She is a Fellow of the Australian Institute of Company Directors, a Councillor on the Tasmanian AICD and a member of the Tasmanian Government Director Selection Advisory Panel.

DR MARELLA DENOVAN

BSc MBBS FRACGP JD

Part-time Member, Qld

First appointed 15 December 2005; current appointment until 30 November 2015

Marella Denovan holds a Bachelor of Science from Griffith University (1984), a Bachelor of Medicine/Bachelor of Surgery from the University of Queensland (1990), and a Juris Doctor from the University of Queensland (2004). She was a general practitioner in private practice between 1992 and 2001 and was awarded Fellowship of the Royal Australian College of General Practitioners in 2000. Dr Denovan was a part-time medical adviser with the Department of Veterans' Affairs between 2000 and 2001. Dr Denovan was previously a member of the Veterans' Review Board (2001–07) and the Social Security Appeals Tribunal (2003–05).

PROFESSOR ROBERT DEUTSCH

Part-time Deputy President, NSW

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

Robert Deutsch is a Professor of Taxation in the School of Taxation and Business Law within the Australian School of Business at the University of New South Wales. He was first appointed as a professor at UNSW in 1992 and was a Director of ATAX (1997–2001). He worked as a barrister in New South Wales from 1993 to 2006 and has also held positions as special counsel at Henry Davis York Solicitors (2006–07) and as a Director at KPMG (2007–11). Prior to joining UNSW, Professor Deutsch practised as a solicitor. He was a consultant, solicitor and then partner with Mallesons Stephen Jaques specialising in taxation law.

Professor Deutsch is a prolific author in tax and related fields. His key recent contributions have included numerous chapters in the *Australian Tax Handbook, Principles and Practice of Double Tax Agreements* (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.

BRIGADIER CONRAD ERMERT (RETD)

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 from 2003 until 2009. Brigadier Ermert successfully completed his Graduate Diploma in Legal Studies in 2012.

GERI ETTINGER

BA (Economics) LLB

Part-time Senior Member, NSW

First appointed 19 June 1991; current appointment until 25 October 2014

Geri Ettinger has worked both in the private and public sectors. She was Chief Executive of the Australian Consumers' Association, publisher of CHOICE Magazine, for more than 10 years and was also a long-serving member of the board of St George Bank.

Senior Member Ettinger has practised alternative dispute resolution for more than 20 years in relation to a wide range of disputes. She conducts ADR training, is a Specialist Accredited 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 Alternative Dispute Resolution 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.

Senior Member Ettinger is a member of the Tribunal's Alternative Dispute Resolution Committee.

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 2005. From 1967 to 1980, he was a pilot in the Royal Australian Air Force before working as a pilot for eight years with Associated Airlines (BHP and CRA Corporate Airline).

STEPHANIE FORGIE

LLB (Hons)

Full-time Deputy President, Vic

First appointed 8 September 1988; current appointment until 3 November 2021

Stephanie Forgie taught the law of contract and was in private practice before becoming the Deputy Master of the Supreme Court of the Northern Territory with quasi-judicial and management responsibilities. She worked in legal policy positions in the Attorney-General's Department and was closely involved in developing the *Freedom of Information Act 1982*, *Insurance Contracts Act 1984* and *Federal Proceedings (Costs) Act 1981*. She represented Australia at meetings considering international trade law and private international law issues and worked on the implementation of the United Nations Convention on Contracts for the International Sale of Goods. In 1985–86, she was Legal Adviser to the Deputy Prime Minister and Attorney-General, the Hon Lionel Bowen.

From 1987 to 1988, Deputy President Forgie was the Tribunal's Registrar. Since 1988 she has been a Deputy President. She has also held part-time positions as Deputy Chairperson, Land Tribunal and Member, Land Court (Queensland). For many years, she was responsible for case management in Brisbane and then in Melbourne and Adelaide and a member of the Tribunal's management committees. She was a member of the inaugural committee of the Victorian Chapter of the Council of Australasian Tribunals.

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 as 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.

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.

NICHOLAS GAUDION

BBus CA

Part-time Member, NSW

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

Nick Gaudion has been the Director of Forensic Accounting at Cutcher & Neale since 2006. He has practiced as a chartered accountant for over 15 years. Mr Gaudion specialises in damage quantification and valuations for litigation and other dispute resolution forums. Mr Gaudion began his career with Deloitte Touche Tohmastu in Melbourne in 1991. He conducted audits of small to medium size private and public companies for a number of years. After specialising in forensic accounting, he was seconded to Deloitte in Calgary, Canada for a period of 18 months to provide assistance with damage quantification claims in the manufacturing sector. Mr Gaudion has assisted in many areas of law including breach of contract, personal injury and family law.

THE HON RAYMOND GROOM AO

LLB

Part-time Deputy President, Tas

First appointed 5 July 2004; current appointment until 4 July 2014

Raymond Groom was admitted to practice in the Supreme Court of Victoria in 1968 and Tasmania in 1970. He was a partner in the Tasmanian firm of Crisp Hudson & Mann and committee member of the Bar Association of Tasmania. Whilst in practice, he appeared regularly as counsel before the Supreme Court and other Tasmanian courts and tribunals. He is a former Premier of Tasmania and Attorney-General of Tasmania.

Deputy President Groom was the sole assessor of claims under the *Stolen Generations of Aboriginal Children Act 2006* (Tas) and also the sole Independent Assessor of claims by individuals who had suffered abuse when in State care. Deputy President Groom is the chairman or director of several charities and community bodies.

Deputy President Groom is the Executive Deputy President for Tasmania. He was a member of the Tribunal's Executive Deputy Presidents Committee, the Practice and Procedure Committee and the Practice and Procedure Consultative Group during 2012–13.

PHILIP HACK SC

Full-time Deputy President, Qld

First appointed 9 January 2006; current appointment until 30 November 2015

Philip Hack took office as a Deputy President after a career as a barrister in private practice extending over some 23 years. He was admitted to practice as a barrister in 1981 and commenced private practice the following year. He was appointed Senior Counsel in and for the State of Queensland on 1 December 2000. Deputy President Hack had a broad practice at the Bar, successfully undertaking both criminal and criminal appellate work, as well as general civil, commercial, insolvency, revenue and public law cases at both trial and appellate level.

Deputy President Hack served on the Committee (later the Council) of the Bar Association of Queensland for more than 16 years until his appointment to the Tribunal. He was, for a number of years, the Honorary Treasurer of the Bar Association of Queensland and the Australian Bar Association. In 2011, he was elected an honorary life member of the Bar Association of Queensland. He is on the board of Hockey Queensland.

Deputy President Hack is the Executive Deputy President for Queensland and the Northern Territory. He was a member of the Executive Deputy Presidents Committee, the Practice and Procedure Committee and the Practice and Procedure Consultative Group during 2012–13.

DR HADIA HAIKAL-MUKHTAR

BSc (Hons) MBBS FRACGP DipGerMed LLB (Hons) GradCertHealthProfEd

Part-time Member, NSW

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

Hadia Haikal-Mukhtar holds degrees in science, medicine and law and is a Fellow of the Royal Australian College of General Practitioners. She has been a general practitioner since 1984 and has extensive experience in aged care. She is currently head of the Auburn Clinical School of the Sydney School of Medicine of the University of Notre Dame Australia and is a member of the Governing Board of the Western Sydney Local Health District. She is an examiner for the RACGP and the Australian Medical Council for international medical graduates. Dr Haikal-Mukhtar is a former member of the Medical Practitioners Board of Victoria and is currently a member of the Professional Standards Panels of the Victorian Board of the Medical Board of Australia. She also holds an appointment as a Deputy Director of the Professional Services Review Panel.

JOHN HANDLEY

Full-time Senior Member, Vic

First appointed 14 June 1989; current appointment until 3 May 2018

John Handley was appointed as a member of the Victorian Administrative Appeals Tribunal in 1988 and as a full-time tenured Senior Member of this Tribunal in 1989. He is a barrister and solicitor of the Supreme Court of Victoria and the High Court of Australia, and was in private practice between 1981 and 1988. He was a part-time member of the Crimes Compensation Tribunal during 1987 and 1988. From 1981 until 1988, he was a member of the Goulburn Valley College of TAFE. While in private legal practice in Shepparton during this time, he was also involved in the Shepparton self-help group and Council for Disabled Persons and, for a time, served as its President. He is an accredited mediator and has a special interest in dispute resolution and ombudstry.

Senior Member Handley is a member of the Tribunal's Alternative Dispute Resolution Committee and the Warrants Committee.

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. During 2012–13, he was the Convenor of the Tribunal's Warrants Committee and also a member of the Executive Deputy Presidents Committee, the Practice and Procedure Committee and the Practice and Procedure Consultative Group.

DR TIMOTHY (TIM) HAWCROFT

BVSc (Hons) MACVSc

Part-time Member, NSW

First appointed 1 July 2006; appointment ended 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 at Holding Redlich in Melbourne from 1987 to 1993 and at Dwyer Durack in Perth from 1993 to 1998. Since 2005, she has practised as a barrister, primarily in the areas of personal injuries and medical negligence.

Ms Hogan was a part-time Conference Registrar of the Tribunal from 2007 until her appointment as a Member. Between 2010 and 2012, Ms Hogan was an Independent Merits Reviewer for the Independent Protection Assessment Office. From December 2011 to June 2012 and again from October 2012, she has been a Deputy Registrar of the District Court of Western Australia.

Ms Hogan is a member of the Western Australian Bar Association, the Law Society of Western Australia and the Women Lawyers Association of Western Australia Inc. She is a nationally accredited mediator.

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. During 2012–13, he was the Convenor of the Tribunal's Library Committee and also a member of the Executive Deputy Presidents Committee, the Practice and Procedure Committee and the Practice and Procedure Consultative Group.

DR GORDON HUGHES**LLB (Hons) LLM PhD FAAL***Part-time Member, Vic**First appointed 5 July 2004; current appointment until 8 September 2014*

Gordon Hughes is a partner at Ashurst Australia and practises in the 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: 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 October 2014*

Mark Hyman has more than 17 years’ experience as a senior executive in developing and implementing policies and providing advice to government on a broad range of environment protection issues and legislation. He was formerly the Director of the Canberra Office of the 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 30 November 2017

Naida Isenberg was appointed as a part-time Member of the Tribunal in 2001 and as a part-time Senior Member in 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 and the Warrants Committee in 2012–13.

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 Master of Public Health (Occupational Health) at the University of Sydney in 1992 and gained a Fellowship of the Australasian Faculty of Occupational and Environmental Medicine in 2004. During this time, he was working for Qantas in both aviation and occupational medicine fields. In the latter part of his career, he was manager of the combined Medical Services at Qantas. Dr Isles is a director of the Australasian Medical Review Officers Association which sets standards and trains and accredits medical practitioners in drug and alcohol testing programs.

DEANE JARVIS

LLB (Hons) FAICD

Full-time Deputy President, SA

First appointed 1 July 2003; appointment ended 31 May 2013

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 Law Society's Planning, Environment and Administrative Law Committee and of its Costs and Property Committees. He was the Honorary Consul-General of Japan for South Australia from 2002 to 2003. He is a former examiner in administrative law and part-time tutor in Australian constitutional law at the University of Adelaide. He has provided 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 was the Executive Deputy President for South Australia until his retirement on 31 May 2013. He was the Chair of the Trustees of the AAT Benevolent Trust and of the Tribunal's Professional Development Committee, and a member of the Executive Deputy Presidents Committee, the Practice and Procedure Committee and the Practice and Procedure Consultative Group. He was also the Coordinator of the Members' Appraisal Scheme.

TIMOTHY JENKINS

FIA FIAA

Part-time Member, NSW

First appointed 1 July 2006; appointment ended 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. Before that, he was 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 2014

Graham Johnston is Emeritus Professor of Pharmacology and Medicinal Chemistry at the University of Sydney and trained as an organic chemist at the universities of Cambridge and Sydney. He brings expertise in chemistry, pharmacology and toxicology to the Tribunal. His scientific research is directed to the discovery of drugs to treat Alzheimer's disease, amnesia, anxiety, epilepsy and schizophrenia.

STEVE KARAS AO

BA (Hons) LLB

Part-time Senior Member, Qld

First appointed 26 September 2007; appointment ended 30 November 2012

Steve Karas was a Senior Member of the Immigration Review Tribunal from 1989 to 1999 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 that, 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. From 2002 until 2009, she was a partner at Baker & McKenzie where she led the Australian Tax Group for three years. From 2000 to 2002, she was a partner at PricewaterhouseCoopers. Between 2008 and 2011, she was Chair of The Tax Institute's GST Subcommittee and a representative at the Australian Taxation Office's National Tax Liaison GST Sub-committee. Senior Member Lazanas has a particular interest in promoting early dispute resolution and is currently Chair of The Tax Institute's Legal and Dispute Resolution Subcommittee and a representative at the Australian Taxation Office's National Tax Liaison Dispute Resolution Sub-committee. In addition to being a member of The Tax Institute, she is also a member of the Taxation Committee of the Law Council of Australia and a founding member 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.

In May 2013, Senior Member Levy was appointed Acting Chairperson of the Queensland Crime and Misconduct Commission. He is also appointed as a Professor to the Faculty of Law of Bond University and has taught 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 (RETD)

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 Commonwealth Department of Health with responsibilities at various times in food safety, Australian Government Health Service management, Creutzfeld-Jacob disease matters and finally as Chief Medical Adviser for Medical Devices at the Therapeutic Goods Administration.

BERNARD MCCABE

BA LLB GradDipLegPrac LLM (Corp&Comm) (Dist)

Full-time Senior Member, Qld

First appointed 1 July 2001; current appointment until 30 November 2016

Bernard McCabe was appointed as a part-time Member of the Tribunal in 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 Commonwealth Government's peak corporate law advisory body.

Senior Member McCabe continues to edit the consumer protection section of the *Australian Journal of Competition and Consumer Law* and is a member of the editorial committee of the *Corporate Governance eJournal*. During the past year, he has published in the area of trade practices law and lectured at Bond University and the University of Bergen in Norway. He also spoke about competition law, financial services law and administrative justice at conferences in Australia and overseas.

Senior Member McCabe is a member of the Tribunal's Professional Development 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. He is currently a member of the Queensland Civil and Administrative Tribunal.

Senior Member McDermott has published widely. He is the author of *Equitable Damages* (1994) and is a co-author of *Principles of the Law of Trusts* (3rd ed, 1996), *Company Law* (2nd ed, 2008) and *Fundamental Company Legislation 2008*.

Senior Member McDermott was a member of the Tribunal's Library Committee in 2012–13.

THE HON DR BRUCE MCPHERSON CBE

BA LLB PhD Hon LLD

Part-time Deputy President, Qld

First appointed 6 September 2007; appointment ceased 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. He was appointed to the Supreme Court of Queensland in 1982, as Senior Puisne Judge in 1990 and to the Court of Appeal in 1991. 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 Supreme Court of Queensland 1861–1960: history, jurisdiction, 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 of 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 past Chairman of the Federal Council of the Australian Medical Association, Deputy Chairman of the Australasian Medical Publishing Company and Chairman of the Council of AMA Victoria. He is a Fellow of the AMA. He is a qualified bioethicist who sits on the AMA's Ethics and Medico-Legal Committee, several hospital ethics committees and national government committees related to medical workforce and other healthcare issues. Dr McRae undertakes consultancies related to human research legal and ethical issues. He has significant undergraduate and postgraduate teaching experience and is an Adjunct Senior Lecturer at Monash University's Department of Epidemiology and Preventive Medicine.

IAN MOLLOY

LLB LLM GradDipTax

Part-time Deputy President, Qld

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

Ian Molloy is a graduate of the University of Sydney and University of Queensland. He was initially admitted as a solicitor in New South Wales having completed articles of clerkship. He joined the Queensland Bar in 1979 and also practises as counsel in Papua New Guinea and the Solomon Islands. His major fields of practice are commercial law and administrative law. He has appeared in several commissions of inquiry, and is an experienced arbitrator and mediator.

THE HON ROBERT NICHOLSON AO

BA LLB LLM MA

Part-time Deputy President, WA

First appointed 6 September 2007; current appointment until 26 October 2015

Robert Nicholson was a Judge of the Federal Court of Australia from 1995 to 2007. 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, 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 Senior Member, NSW

First appointed 24 August 2006; current appointment until 30 November 2017

Teresa Nicoletti is a partner at Piper Alderman Lawyers with more than 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 food, cosmetics, agrochemicals and industrial chemicals. Dr Nicoletti has a PhD in organic chemistry from the University of Western Australia and worked in the pharmaceutical industry for 13 years, both in senior management roles and as a consultant, before commencing legal practice.

FRANK O'LOUGHLIN

BEc LLB (Hons)

Part-time Senior Member, Vic

First appointed 23 September 2009; current appointment until 22 September 2014

Frank O'Loughlin is a practising member of the Victorian Bar. Prior to that, he was a partner of the firm Corrs Chambers Westgarth practising in taxation and commercial law. 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.

LIEUTENANT COLONEL BOB ORMSTON (RETD)

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 as well as attendance at the Royal Military College of Science, Shrivenham UK and the British Army Staff College, Camberley. He then worked for 10 years in strategic intelligence for the Office of National Assessments and in strategic policy for the Department of Defence. From 2000, he worked in the major events industry, including as General Manager/CEO 2007 World Police and Fire Games. He is currently the editor of the *Australian Defence Force Journal*, the official publication of the 'profession of arms' in Australia.

STEVEN PENGLIS

BJuris LLB

Part-time Senior Member, WA

First appointed 15 June 2005; current appointment until 31 May 2015

Steven Penglis is a senior member of the legal profession in Western Australia. Now practising solely as a barrister, he was with the national law firm Freehills from 1983 until 2012, becoming a partner in 1987. He was an elected member of the Legal Practice Board of Western Australia from 1996 until 2011, and was Chairman from 2002 until 2007. Senior Member Penglis was an elected member of the Council of the Law Society of Western Australia between 2002 and 2012.

REGINA PERTON OAM

BA LLB DipEd

Full-time Member, Vic

First appointed 9 August 2004; current appointment until 8 August 2014

Prior to joining the Tribunal in 2004, Regina Perton was a Senior Member of the Migration Review Tribunal and a Member of the Refugee Review Tribunal. She has also served as a member of the Immigration Review Tribunal, 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 has 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 Australian Institute of Administrative Law and the Council of Australasian Tribunals.

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 30 years of experience in legal practice and has worked in both the private and public sectors. She was a partner of national law firm Hunt & Hunt Lawyers from 1989 to 1999 and held a number of senior executive positions with the Australian Securities and Investments Commission from 1999 to 2008. Senior Member Redfern was the Executive Director, Enforcement from 2004 to August 2008 and was awarded a Commonwealth Public Service Medal in 2007 for outstanding public service in the field of corporate and financial services regulation and enforcement.

Senior Member Redfern was a member of the Enforcement Committee of the International Organisation of Securities Commissions from 2004 to 2007 and a member of the Law Committee of the Australian Institute of Company Directors from 2009 until 2012. She is a Fellow of the Institute of Chartered Secretaries and Administrators and a member of the Legislation Review Committee of Chartered Secretaries Australia.

In July 2010, Senior Member Redfern was appointed as a part-time legal member of the New South Wales Guardianship Tribunal. She was appointed as a part-time Deputy President in April 2013. Senior Member Redfern is also an independent consultant in governance, risk and compliance.

PROFESSOR PETER REILLY AO

Part-time Member, SA

First appointed 1 July 2006; current appointment until 30 November 2014

Peter Reilly has been a practising neurosurgeon since 1976. From 1994 until 2005, he was head of the Department of Neurosurgery at the Royal Adelaide Hospital. 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 of relevant professional organisations. He remains actively involved in the study of traumatic brain injuries.

ELIZABETH ANNE SHANAHAN

BSc MBBS FRACS LLB

Part-time Member, Vic

First appointed 19 June 1991; current appointment until 8 September 2014

Anne Shanahan is a cardiothoracic surgeon, now retired, who worked both in public and private hospitals in Victoria for 43 years. She is also a barrister, a Harvard alumnus and former Fulbright scholar. From 1973 until 1985, Miss Shanahan was a senior lecturer in the Department of Surgery at Monash University. She has served on numerous hospital committees and a hospital board of management, as well as the Health Service Commissioner's Review Council, a Health Insurance Commission committee and the Red Cross International Humanitarian Law Committee. Miss Shanahan is also a part-time member of the Superannuation Complaints Tribunal and the Victorian Civil and Administrative Tribunal.

Miss Shanahan is a member of the Tribunal's Professional Development Committee.

PROFESSOR TANIA SOURDIN

BA LLB GradDipLegPrac LLM PhD

Part-time Member, NSW

First appointed 1 July 2001; current appointment until 1 November 2014

Tania Sourdin is the Chair and Director of the Australian Centre for Justice Innovation at Monash University. She 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 six independent conflict schemes and currently has a number of evaluation projects in this area.

Professor Sourdin has worked across Australia, in New Zealand, Hong Kong, Canada, the United States of America, the United Kingdom, the United Arab Emirates and the Pacific. She is the author of books (including *Alternative Dispute Resolution* (4th ed, 2012) and *The Multi-Tasking Judge* (2013)), articles and papers and has presented widely on a range of topics including commercial dispute resolution, mediation, conflict resolution, complaints management, case management, collaborative lawyering, judicial dispute resolution, high conflict disputants and organisational change.

DR MARIAN SULLIVAN

Part-time Member, Qld

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

Marian Sullivan is a psychiatrist and has been in active clinical practice in adult, child and adolescent psychiatry for more than 25 years. She is a Fellow of the Royal Australian and New Zealand College of Psychiatrists. She has been a member of the Executive of the Faculty of Child and Adolescent Psychiatry of the RANZCP and was the editor of the *Bulletin of the Faculty of Child and Adolescent Psychiatry*. Dr Sullivan has also had involvement with the teaching of medical students and postgraduate trainees in psychiatry.

From 2006 to 2010, Dr Sullivan was a member of the Medical Board of Queensland. She was also Chair of the board's Health Assessment and Monitoring Committee which supervised impaired practitioners. Dr Sullivan has been an examiner for the Australian Medical Council. In 2008, Dr Sullivan was an invited delegate to the Australia 2020 Summit.

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 a Judge of the Federal Court of Australia where he served for a term of 14 years until 2009. 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.

From 2009 to 2011, Deputy President Tamberlin served as an Acting Justice of the New South Wales Supreme Court. In 2011, he was appointed as Commissioner inquiring into Electricity Transactions in New South Wales. Deputy President Tamberlin has taught constitutional law, world trade law and environment law at the University of Sydney Law School, and intellectual property law in Virginia (United States of America), Vietnam and Thailand. Over the past eight years, he has been actively involved in international forums on administrative law. He was extensively involved in the development of the Federal Court's eCourt program.

Deputy President Tamberlin is a member of the Tribunal's Alternative Dispute Resolution Committee.

PETER TAYLOR SC

Part-time Senior Member, NSW

First appointed 24 August 2006; current appointment until 30 November 2017

Peter Taylor is a barrister in private practice in New South Wales. He graduated from the University of Adelaide in 1974 with a Bachelor of Laws (Honours) and was made Senior Counsel in New South Wales in 1993. Senior Member Taylor practises in the following areas of law: commercial, building and construction, insurance, professional liability, equity and trusts and public authority tort. He was the Chair of the New South Wales Bar Association Advocacy Committee from 1996 to 2000 and a member of the Legal Profession Admission Board of New South Wales from 1994 to 2008.

From 1984 until 2005, Senior Member Taylor was the General Editor of *Ritchie's NSW Supreme Court Practice*. Since 2005, he has been the General Editor of *Ritchie's NSW Uniform Civil Procedure*.

DR SAW HOOI TOH

MBBS FRACGP

Part-time Member, NSW

First appointed 24 August 2006; current appointment until 30 November 2017

Saw Hooi Toh is a general practitioner with a special interest in medical education. She 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. Senior Member Toohey is an accredited mediator.

CHELSEA WALSH

Part-time Senior Member, WA

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

Before joining the Tribunal, Chelsea Walsh was a Senior Associate in the 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. Her Masters Degree and Honours Dissertation both had a taxation law focus.

DR ROBERT (ROB) WALTERS RFD

Part-time Member, Tas

First appointed 16 November 2006; current appointment until 30 November 2017

Rob Walters is a general practitioner in Hobart. He is a past Chair of the Australian Divisions of General Practice (now Australian General Practice Network), a position he held between 2002 and 2005. He continues to sit on a number of national boards and councils.

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

Dr Walters holds the rank of Colonel in the Australian Army Reserve, having joined the Australian Defence Force in 1972 as a National Serviceman. He is currently the Senior Medical Officer for Tasmania and a consultant to the Surgeon General of the Australian Defence Force on General Practice for the Army, Navy and Air Force. He served in East Timor in 2002.

Dr Walters is the Medical Director on the Tasmanian WorkCover Board and a past Chair of the Cancer Council of Tasmania.

BRIGADIER GERARD (GERRY) WARNER AM LVO (RETD)

BSc (Hons) DipMilStud FAICD

Part-time Member, WA

First appointed 15 June 2005; current appointment until 31 May 2015

Following graduation from the Royal Military College Duntroon, Gerry Warner's military career 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. 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. From 2005 until early 2013, he was CEO of RAAFA (WA Div) Inc and since 2006 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 a company director.

SIMON WEBB

Full-time Member, ACT

First appointed 16 July 2001; current appointment until 15 July 2014

Prior to his appointment to the Tribunal, Simon Webb held the office of Deputy Director of the Commonwealth Classification Board with extensive periods acting in the office of Director (1997–2001). During this period, he was Secretary of the Commonwealth, State and Territory Censorship Ministers' Council. From 1996 to 1998, he worked with the Australian Customs Service reviewing prohibited import and export regulations and related administrative procedures. In 1994, Mr Webb was appointed to the 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.

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 in 2012–13.

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 in the Caribbean.

Mr Wulf is admitted as a barrister of the Supreme Court of Queensland and High Court of Australia and predominantly practises in administrative law, international and domestic environmental law (including climate, environmental impact statements, fisheries, marine, oil and gas, and water) and native title/Indigenous law. He 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.

Dr Wulf is a member of the Tribunal's Alternative Dispute Resolution Committee.

APPENDIX 2: STAFF OF THE TRIBUNAL

Table A2.1 Employment by registry, 30 June 2013

Class	Registries								Total
	Sydney	Melbourne	Brisbane	Adelaide	Perth	Hobart	Canberra	Principal Registry ^a	
APS Level 2	–	2	3	–	4	–	1	–	10
AAT Broadband 3/4	21	17	17	11	9	3	6	5	89
APS Level 5	1	1	–	–	–	–	–	8	10
APS Level 6	2	3	1	2	2	–	1	8	19
Executive Level 1	–	–	–	–	–	–	–	10	10
Executive Level 2	5	4	3	3	2	–	3	3	23
SES Band 1	–	–	–	–	–	–	–	2	2
Total	29	27	24	16	17	3	11	36	163

Note: There are no staff at APS Level 1.

These figures include all full-time and part-time ongoing and non-ongoing staff, including 18 staff employed at various locations for duties that are irregular or intermittent. Staff on long-term leave are not included. If they have been replaced, the replacement staff are included.

^a Principal Registry staff are based in Sydney (19), Brisbane (14), Hobart (2) and Perth (1).

Table A2.2 Equal employment opportunity data, 30 June 2013

Class	Total staff	Women	Men	A&TSI	NESB	PWD
APS Level 2	10	7	3	–	–	–
AAT Broadband 3/4	89	70	19	1	26	3
APS Level 5	10	6	4	–	3	–
APS Level 6	19	9	10	–	7	–
Executive Level 1	10	5	5	–	3	–
Executive Level 2	23	18	5	–	3	1
SES Band 1	2	1	1	–	–	–
Total	163	116	47	1	42	4

A&TSI Aboriginal and Torres Strait Islanders

NESB People of non-English-speaking background

PWD People with disability

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

Table A2.3 Employment status, 30 June 2013

Class	Salary range	Full-time	Part-time	Irregular/Intermittent	Total	Individual Flexibility Arrangements	Individual s 24(1) Det	Agency Agreement
APS Level 1	\$41,500 – 45,864	–	–	–	–	–	–	–
APS Level 2	\$46,965 – 52,834	–	–	10	10	–	–	10
AAT Broadband 3/4	\$55,613 – 64,733	68	13	8	89	–	–	89
APS Level 5	\$66,496 – 70,513	9	1	–	10	–	–	10
APS Level 6	\$72,035 – 82,500	16	3	–	19	–	–	19
Executive Level 1	\$91,238 – 107,389	9	1	–	10	2	–	10
Executive Level 2	\$109,249 – 124,202	13	10	–	23	2	–	23
SES Band 1	\$126,686 – 145,259	2	–	–	2	–	2	–
Total		117	28	18	163	4*	2	161*

Individuals s 24(1) Det – determinations under section 24(1) of the *Public Service Act 1999*

* Note: The two Executive Level 1 and two Executive Level 2 staff with Individual Flexibility Arrangements are covered by the Agency Agreement.

APPENDIX 3: TRIBUNAL JURISDICTION

This appendix lists the laws – the Acts and legislative instruments – under which decisions may be made that are subject to review by the Tribunal as at 30 June 2013. The list does not include laws that were assented to or made in the reporting period but had not commenced at 30 June 2013. 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 Charities and Not-for-profits Commission Act 2012
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 2013) Order 2012
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 Regulations 1996
Biological Control Act 1984
Broadcasting Services Act 1992
Building Energy Efficiency Disclosure Act 2010
Business Names Registration Act 2011
Business Names Registration (Transitional and Consequential Provisions) Act 2011
Carbon Credits (Carbon Farming Initiative) Act 2011
Chemical Weapons (Prohibition) Act 1994
Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000
Child Disability Assessment Determination 2001
Child Support (Assessment) Act 1989
Child Support (Registration and Collection) Act 1988
Civil Aviation Act 1988
Civil Aviation (Buildings Control) Regulations 1988
Civil Aviation Regulations 1988
Civil Aviation Safety Regulations 1998
Classification (Publications, Films and Computer Games) Act 1995
Clean Energy Act 2011
Clean Energy Advances for Approved Care Organisations Administrative Scheme Determination 2012
Clean Energy Regulations 2011
Clothing and Household Textile (Building Innovative Capability) Scheme 2010
Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992
Coastal Trading (Revitalising Australian Shipping) Act 2012

Commerce (Trade Descriptions) Act 1905
Commercial Television Conversion Scheme 1999
Commonwealth Electoral Act 1918
Compensation (Japanese Internment) Act 2001
Competition and Consumer Act 2010
Continence Aids Payment Scheme 2010
Copyright Act 1968
Copyright Regulations 1969
Corporations 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 Force (Home Loans Assistance) Act 1990
Defence Force Regulations 1952
Defence Force Retirement and Death Benefits Act 1973
Defence Force (Superannuation) (Productivity Benefit) Determination 1988
Defence Home Ownership Assistance Scheme Act 2008
Defence Home Ownership Assistance Scheme Regulations 2008
Defence (Prohibited Words and Letters) Regulations 1957
Defence Reserve Service (Protection) Act 2001
Defence Service Homes Act 1918
Defence Trade Controls Act 2012
Defence Trade Controls Regulation 2013
Designs Act 2003
Designs Regulations 2004

Development Allowance Authority Act 1992

Disability Discrimination Act 1992

Disability (Access to Premises – Buildings) Standards 2010

Disability Services Act 1986

Eastern Tuna and Billfish Fishery Management Plan 2010

Education Services for Overseas Students Act 2000

Energy Efficiency Opportunities Act 2006

Environment Protection and Biodiversity Conservation Act 1999

Environment Protection and Biodiversity Conservation Regulations 2000

Environment Protection and Management Ordinance 1987

Environment Protection (Sea Dumping) Act 1981

ETR Payments Administrative Scheme (FaHCSIA) Determination 2012

Excise Act 1901

Excise Regulations 1925

Explosives Transport Regulations 2002

Export Control (Animals) Order 2004

Export Control (Eggs and Egg Products) Orders 2005

Export Control (Fees) Orders 2001

Export Control (Fish and Fish Products) Orders 2005

Export Control (Hardwood Wood Chips) Regulations 1996

Export Control (Meat and Meat Products) Orders 2005

Export Control (Milk and Milk Products) Orders 2005

Export Control (Organic Produce Certification) Orders

Export Control (Plants and Plant Products) Order 2011

Export Control (Poultry Meat and Poultry Meat Products) Orders 2010

Export Control (Prescribed Goods – General) Order 2005

Export Control (Rabbit and Ratite Meat) Orders 1985

Export Control (Unprocessed Wood) Regulations

Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010

Export Inspection and Meat Charges Collection Act 1985

Export Market Development Grants Act 1997

Fair Entitlements Guarantee Act 2012

Fair Work (Building Industry – Accreditation Scheme) Regulations 2005

Family Assistance Legislation Amendment (Child Care Budget and Other Measures) Act 2008

Family Assistance (One-off Payments to Families and Carers) Scheme 2004

Family Law (Family Dispute Resolution Practitioners) Regulations 2008

Family Law (Fees) Regulation 2012*Farm Help Advice and Training Scheme 1997**Farm Help Re-establishment Grant Scheme 1997**Farm Household Support Act 1992**Federal Circuit Court of Australia Act 1999***Federal Court and Federal Circuit Court Regulation 2012***Financial Institutions Supervisory Levies Collection Act 1998**Financial Sector (Business Transfer and Group Restructure) Act 1999**Financial Sector (Collection of Data) Act 2001**First Home Saver Accounts Act 2008**Fisheries Management Act 1991**Flexible Care Subsidy Principles 1997**Food Standards Australia New Zealand Act 1991**Foreign Passports (Law Enforcement and Security) Act 2005**Freedom of Information Act 1982**Fringe Benefits Tax Assessment Act 1986**Fuel Quality Standards Act 2000**Fuel Quality Standards Regulations 2001**Fuel Tax Act 2006**Gene Technology Act 2000**Gene Technology Regulations 2001**Governor-General Act 1974**Great Barrier Reef Marine Park Act 1975**Great Barrier Reef Marine Park (Aquaculture) Regulations 2000**Great Barrier Reef Marine Park Regulations 1983***Greenhouse and Energy Minimum Standards Act 2012***Hazardous Waste (Regulation of Exports and Imports) Act 1989**Hazardous Waste (Regulation of Exports and Imports) (OECD Decision) Regulations 1996**Hazardous Waste (Regulation of Exports and Imports) Regulations 1996**Health and Other Services (Compensation) Act 1995**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 2012**

Hearing Services Voucher Rules 1997

High Court of Australia (Fees) Regulation 2012

Higher Education Funding Act 1988

Higher Education Support Act 2003

Horse Disease Response Levy Collection Act 2011

Horticulture Marketing and Research and Development Services (Export Efficiency) Regulations 2002

Immigration (Guardianship of Children) Act 1946

Imported Food Control Act 1992

Income Tax Assessment Act 1936

Income Tax 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, 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

Minerals Resource Rent Tax Act 2012

Motor Vehicle Compensation Scheme 2004

Motor Vehicle Standards Act 1989

Motor Vehicle Standards Regulations 1989

Mutual Recognition Act 1992

Narcotic Drugs Act 1967

National Consumer Credit Protection Act 2009

National Consumer Credit Protection Regulations 2010

National Environment Protection Measures (Implementation) Act 1998

National Gambling Reform Act 2012

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

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

Product Stewardship (Voluntary Arrangements) Instrument 2012

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 (Trading Rules for Spectrum Licences) Determination 2012
Registration of Deaths Abroad Act 1984
Renewable Energy (Electricity) Act 2000
Renewable Energy (Electricity) Amendment (Transitional Provision) Regulations 2010
Renewable Energy (Electricity) Regulations 2001
Resale Royalty Right for Visual Artists Act 2009
Research Involving Human Embryos Act 2002
Residential Care Subsidy Principles 1997
Retirement Savings Accounts Act 1997
Retirement Savings Accounts Regulations 1997
Safety, Rehabilitation and Compensation Act 1988
Sanctions Principles 1997
Sea Installations Act 1987
Seafarers Rehabilitation and Compensation Act 1992
Sex Discrimination Act 1984
Shipping Reform (Tax Incentives) Act 2012
Shipping Registration Act 1981
Small Superannuation Accounts Act 1995
Social Security Act 1991
Social Security (Administration) Act 1999
Social Security and Veterans' Affairs Legislation Amendment (One-Off Payments and Other 2007 Budget Measures) Act 2007
Social Security (International Agreements) Act 1999
Social Security (Pension Valuation Factor) Determination 1998
Southern Bluefin Tuna Fishery Management Plan 1995
Southern Squid Jig Fishery Management Plan 2005
Space Activities Act 1998
Space Activities Regulations 2001
Steel Transformation Plan 2012
Stronger Futures in the Northern Territory Act 2012
Student Assistance Act 1973
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 Determination 2013
Water Efficiency Labelling and Standards (New South Wales) Act 2006 (NSW)
Wheat Export Marketing Act 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, 2012–13
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, 2012–13
A4.6	Applications current at 30 June 2013 – 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	Outcomes of appeals from Tribunal decisions – By jurisdiction

This statistical information on different aspects of the Tribunal's workload for 2012–13 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 2012–13, 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, 2012–13

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS FOR REVIEW OF DECISIONS – MAJOR JURISDICTIONS				
SOCIAL SECURITY				
Age pension/Pension bonus scheme	142		149	
Austudy payment	11		11	
Baby bonus	25		15	
Carer allowance and carer payment	59		72	
Compensation preclusion period	65		59	
Disability support pension	929		741	
Disaster recovery payment	10		5	
Family tax benefit	55		50	
Newstart allowance	81		80	
Overpayments and debt recovery	310		293	
Parenting payment	20		29	
Participation failure	38		43	
Rent assistance	14		19	
Special benefit	23		17	
Youth allowance	17		21	
Other	55		65	
Subtotal	1,854	30	1,669	28

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	72		51	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	234		214	
Service pension/Income support supplement/ Pension bonus	30		35	
Widows pension	67		69	
Other	8		7	
Subtotal	411	7	376	6
WORKERS' COMPENSATION				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision-maker</i>				
Asciano Services	10		11	
Australian Postal Corporation	283		187	
Chubb Security Services Limited	30		26	
Comcare	386		389	
Commonwealth Bank of Australia and related companies	33		38	
John Holland Group Pty Limited/John Holland Pty Limited/John Holland Rail Pty Limited	16		16	
K & S Freighters Pty Limited	25		14	
Linfox Armaguard Pty Limited/Linfox Australia Pty Limited	79		69	
Military Rehabilitation and Compensation Commission	146		140	
National Australia Bank Limited/National Wealth Management Services Limited	29		17	
Optus Administration Pty Limited	11		14	
Telstra Corporation Limited	81		145	
TNT Australia Pty Limited	23		23	
Transpacific Industries Pty Limited	37		35	
Other decision-makers	31		32	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	64		54	
Subtotal	1,284	21	1,210	20

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
TAXATION				
Taxation Appeals Division				
Excess contributions tax	24		21	
Fringe benefits tax	7		12	
Fuel schemes	1		2	
Goods and services tax	149		142	
Income tax (other than tax schemes)	1,140		1,140	
Income tax (tax schemes)	0		2	
Private rulings	56		24	
Self-managed superannuation fund regulation	6		2	
Superannuation contributions surcharge	5		30	
Superannuation guarantee charge	46		29	
Taxation administration	15		21	
Other	22		45	
<i>Subtotal</i>	<i>1,471</i>	<i>24</i>	<i>1,470</i>	<i>24</i>
Small Taxation Claims Tribunal				
Excess contributions tax	1		3	
Fringe benefits tax	0		1	
Goods and services tax	3		3	
Income tax	88		109	
Refusal of extension of time to lodge objection	48		117	
Release from taxation liabilities	64		29	
Superannuation contributions surcharge	0		79	
Superannuation guarantee charge	2		7	
Other	1		0	
<i>Subtotal</i>	<i>207</i>	<i>3</i>	<i>348</i>	<i>6</i>
Subtotal	1,678	27	1,818	30
SUBTOTAL for major jurisdictions	5,227	85	5,073	84

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS FOR REVIEW OF DECISIONS – BY PORTFOLIO				
AGRICULTURE, FISHERIES AND FORESTRY				
Fisheries	1		0	
Subtotal	1	< 1	0	0
ATTORNEY-GENERAL'S				
Background checking	2		3	
Bankruptcy	17		32	
Customs	30		37	
Human rights	1		1	
Marriage celebrants	0		1	
Personal property securities	4		3	
Prohibited imports and exports	0		1	
Waiver of fees in courts	3		3	
Subtotal	57	< 1	81	1
BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY				
Communications and media	0		1	
Subtotal	0	0	1	< 1
DEFENCE				
Defence Force retirement and death benefits	6		13	
Employer support payments	2		3	
Other	3		4	
Subtotal	11	< 1	20	< 1
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS				
Education services for overseas students	14		5	
Mutual recognition of occupations	9		6	
National vocational education and training regulation	69		49	
Rehabilitation services	2		2	
Subtotal	94	2	62	1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS				
Child care services	1		1	
Indigenous corporations	0		1	
Paid parental leave	20		15	
Subtotal	21	< 1	17	< 1
FINANCE AND DEREGULATION				
Electoral matters	1		1	
Lands acquisition	0		1	
Subtotal	1	< 1	2	< 1
FOREIGN AFFAIRS AND TRADE				
Export market development grants	10		8	
Passports	8		9	
Subtotal	18	< 1	17	< 1
HEALTH AND AGEING				
Aged care	16		22	
Food standards	0		1	
Industrial chemicals	3		1	
Pharmacists	17		20	
Therapeutic goods	8		10	
Other	2		4	
Subtotal	46	< 1	58	1
HUMAN SERVICES				
Child support – percentage of care review	27		32	
Child support – review of SSAT refusal to extend time	3		4	
Child support – other	16		12	
Subtotal	46	< 1	48	< 1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
IMMIGRATION AND CITIZENSHIP				
Business visa cancellation	5		7	
Citizenship	153		118	
Migration agent registration	6		8	
Protection visa cancellation or refusal	1		1	
Visa cancellation or refusal on character grounds	76		94	
Subtotal	241	4	228	4
INDUSTRY, INNOVATION, CLIMATE CHANGE, SCIENCE, RESEARCH AND TERTIARY EDUCATION				
Automotive industry	0		1	
Higher education funding	25		33	
Industry research and development	3		5	
National measurement system	2		1	
Patents, designs and trademarks	2		9	
Tertiary education regulation	2		1	
Subtotal	34	< 1	50	< 1
INFRASTRUCTURE AND TRANSPORT				
Airports regulation	3		1	
Aviation and maritime transport security	6		3	
Civil aviation	28		28	
Maritime safety	0		3	
Motor vehicle standards	5		7	
Subtotal	42	< 1	42	< 1
REGIONAL AUSTRALIA, LOCAL GOVERNMENT, ARTS AND SPORT				
Protection of movable cultural heritage	1		0	
Sports anti-doping matters	1		3	
Tax offsets for films	0		1	
Subtotal	2	< 1	4	< 1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES				
Environment protection and biodiversity	3		3	
Subtotal	3	< 1	3	< 1
TREASURY				
Auditors and liquidators registration	1		1	
Business names registration	10		9	
Consumer credit regulation	6		4	
Corporations and financial services regulation	26		25	
Tax agent registration	21		15	
Subtotal	64	1	54	< 1
SUBTOTAL for portfolios	681	11	687	11
APPLICATIONS FOR REVIEW OF DECISIONS – OTHER				
SECURITY APPEALS				
ASIO assessments	8		8	
Decisions of National Archives of Australia relating to ASIO records	1		0	
Subtotal	9	< 1	8	< 1
WHOLE OF GOVERNMENT				
<i>Archives Act 1983</i>	6		6	
<i>Freedom of Information Act 1982</i>	42		44	
Subtotal	48	< 1	50	< 1
CASE MANAGEMENT AND TRIBUNAL DECISIONS				
No jurisdiction/Uncertain jurisdiction	132		131	
Review of decision relating to fees	3		3	
Review of decision relating to taxation of costs	1		0	
Subtotal	136	2	134	2
SUBTOTAL for other	193	3	192	3

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS – OTHER ADMINISTRATIVE APPEALS TRIBUNAL ACT				
Application for extension of time to lodge an application for review of a decision	75		89	
Application under the AAT Act relating to a finalised case	0		1	
Subtotal	75	1	90	1
APPLICATIONS – NORFOLK ISLAND				
	0		0	
Subtotal	0	0	0	0
TOTAL^a	6,176	100	6,042	100

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

Chart A4.2 Applications lodged – By state and territory



Chart A4.3 Applications finalised – By state and territory

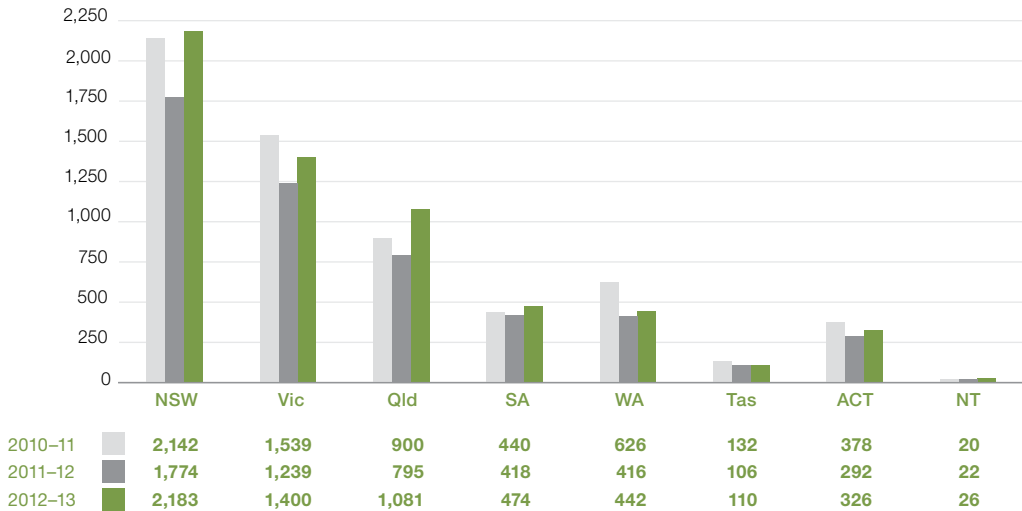


Table A4.4 Percentage of applications finalised without a hearing^a

Jurisdiction	2010-11 %	2011-12 %	2012-13 %
All	79	79	79
Social security	76	77	76
Veterans' affairs	73	73	71
Workers' compensation	87	87	87
Taxation			
Taxation Appeals Division	85	79	85
Small Taxation Claims Tribunal	82	90	73

^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, 2012–13

	All applications		Social security		Veterans' affairs		Workers' compensation		Taxation		Small Taxation Claims Tribunal		
	No	%	No	%	No	%	No	%	Taxation Appeals Division	No	%	No	%
BY CONSENT OR WITHDRAWN													
Decision affirmed ^a	396	7	10	<1	5	1	347	29	27	2	5	1	
Decision varied ^a	503	9	16	<1	18	5	42	3	339	23	82	24	
Decision set aside ^a	1,244	21	306	18	75	20	352	29	364	25	51	15	
Dismissed by consent ^b	71	1	18	1	1	<1	10	<1	26	2	1	<1	
Dismissed by operation of law ^c	203	3	203	12	0	0	0	0	0	0	0	0	
Withdrawn by applicant	1,635	27	526	32	155	41	274	23	334	23	70	20	
Subtotal	4,052	68	1,079	65	254	67	1,025	85	1,090	74	209	60	
BY DECISION													
Decision affirmed ^d	888	15	317	19	68	18	104	9	132	9	103	30	
Decision varied ^d	75	1	11	<1	4	1	5	<1	30	2	14	4	
Decision set aside ^d	312	5	70	4	37	10	52	4	62	4	13	4	
Subtotal	1,275	21	398	24	109	29	161	13	224	15	130	37	

Table A4.5 continued

	All applications		Social security		Veterans' affairs		Workers' compensation		Taxation		Small Taxation Claims Tribunal		
	No	%	No	%	No	%	No	%	Taxation Appeals Division	No	%	No	%
OTHER													
Dismissed by Tribunal ^e	205	3	78	5	7	2	6	<1	81	5	6	2	
No jurisdiction ^f	207	3	24	1	3	<1	15	1	30	2	1	<1	
Extension of time refused	104	2	80	5	1	<1	3	<1	2	<1	0	0	
No application fee paid	86	1	0	0	0	0	0	0	33	2	2	<1	
Other ^g	23	<1	10	<1	2	<1	0	0	10	<1	0	<1	
Subtotal	625	11	192	12	13	3	24	2	156	11	9	3	
TOTAL^h	5,952	100	1,669	100	376	100	1,210	100	1,470	100	348	100	

^a Applications finalised by the Tribunal in accordance with the 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*.

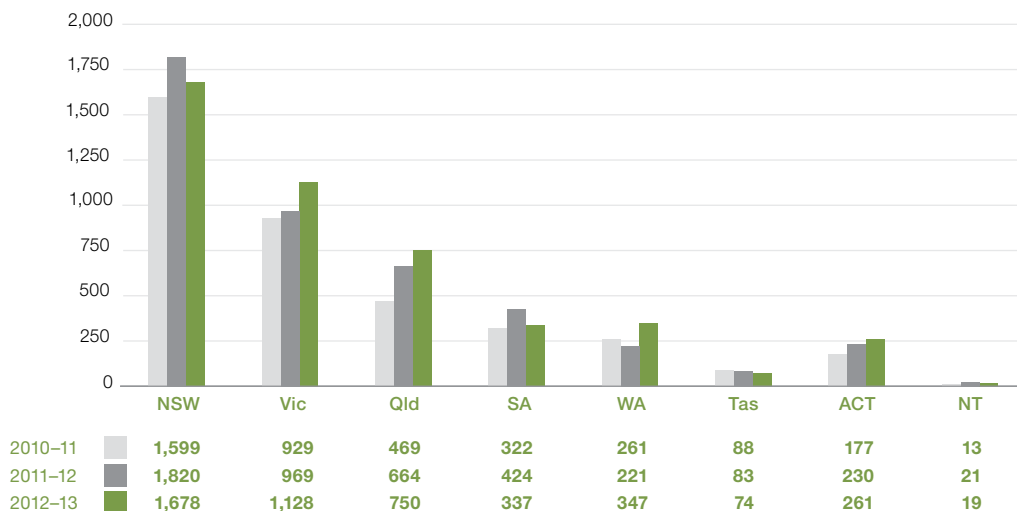
^d Applications finalised by a decision of the Tribunal under section 43 of the Administrative Appeals Tribunal Act.

^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 2013 – By state and territory**Table A4.7** Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal

Event type	2010-11	2011-12	2012-13
Conferences	6,897	6,761	7,606
Case appraisals	4	4	3
Conciliations	527	469	485
Mediations	38	49	42
Neutral evaluations	57	39	32
Interlocutory hearings ^a	380	373	437
Hearings	1,166	931	1,011

^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	2010–11		2011–12		2012–13	
	No	%	No	%	No	%
Judge alone	2	< 1	3	< 1	0	0
Judge with 1 other member	5	< 1	5	< 1	8	< 1
Judge with 2 other members	2	< 1	3	< 1	0	0
Deputy President alone	169	14	135	15	176	17
Deputy President with 1 other member	49	4	45	5	50	5
Deputy President with 2 other members	2	< 1	1	< 1	2	< 1
Senior Member alone	602	52	467	50	449	44
Senior Member with 1 other member	121	10	81	9	80	8
Senior Member with 2 other members	4	< 1	1	< 1	1	< 1
Member alone	189	16	180	19	235	23
Two Members	21	2	10	1	10	< 1
Three Members	0	0	0	0	0	0
TOTAL^a	1,166	100	931	100	1,011	100
Total multi-member tribunals	204	17	146	16	151	15

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

Table A4.9 Appeals against decisions of the Tribunal – By jurisdiction

Jurisdiction	2010–11		2011–12		2012–13	
	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b
Social security	16	0	11	1	8	0
Veterans' affairs	14	1	10	0	8	1
Workers' compensation	18	0	18	1	17	2
Taxation						
Taxation Appeals Division	14	1	17	1	22	4
Small Taxation Claims Tribunal	0	0	0	0	0	0
Immigration and citizenship	11	21	7	14	4	21
Other	25	0	12	2	13	2
TOTAL	98	23	75	19	72	30

^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	2010–11		2011–12		2012–13	
	Section 44	Other	Section 44	Other	Section 44	Other
SOCIAL SECURITY						
Allowed/Remitted	3	0	1	0	4	0
Dismissed	9	0	10	2	6	0
Discontinued	7	0	2	0	1	0
Subtotal	19	0	13	2	11	0
VETERANS' AFFAIRS						
Allowed/Remitted	5	0	6	0	5	0
Dismissed	4	0	9	1	3	1
Discontinued	3	1	0	0	0	0
Subtotal	12	1	15	1	8	1
WORKERS' COMPENSATION						
Allowed/Remitted	4	0	6	0	9	0
Dismissed	7	0	16	0	9	1
Discontinued	3	0	4	0	1	0
Subtotal	14	0	26	0	19	1
TAXATION						
Taxation Appeals Division						
Allowed/Remitted	3	0	7	1	7	1
Dismissed	9	1	5	1	11	1
Discontinued	1	1	5	0	3	0
Subtotal	13	2	17	2	21	2
Small Taxation Claims Tribunal						
Allowed/Remitted	1	0	0	0	0	0
Dismissed	0	0	0	0	0	0
Discontinued	0	0	0	0	0	0
Subtotal	1	0	0	0	0	0
Subtotal	14	2	17	2	21	2

Table A4.10 continued

Outcome	2010-11		2011-12		2012-13	
	Section 44	Other	Section 44	Other	Section 44	Other
IMMIGRATION AND CITIZENSHIP						
Allowed/Remitted	2	1	1	3	1	9
Dismissed	6	15	6	9	2	12
Discontinued	1	1	1	2	2	1
Subtotal	9	17	8	14	5	22
OTHER						
Allowed/Remitted	11	0	4	0	2	0
Dismissed	11	1	8	3	7	2
Discontinued	3	0	4	0	0	0
Subtotal	25	1	16	3	9	2
TOTAL	93	21	95	22	73	28
ALL						
Allowed/Remitted	29	1	25	4	28	10
Dismissed	46	17	54	16	38	17
Discontinued	18	3	16	2	7	1
TOTAL	93	21	95	22	73	28

^a Where a decision of a judge of the Federal Circuit Court, a single judge of the Federal Court or the Full Court of the Federal Court has been appealed, only the ultimate result is counted for the purpose of these statistics.

APPENDIX 5: RESOURCING TABLES

The Tribunal has one outcome specified in the 2012–13 Portfolio Budget Statements:

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

The Tribunal is a single program agency. The primary deliverable is completed reviews of decisions, and there are two paths to achieving it:

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

RESOURCE STATEMENTS

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

Table A5.1 Tribunal resource statement – 2012–13

	Actual available appropriation for 2012–13 \$'000	Payments made 2012–13 \$'000	Balance remaining 2012–13 \$'000
	(a)	(b)	(a)-(b)
Ordinary Annual Services¹			
Departmental appropriation ²	46,664	34,311	12,353
Total Available Annual Appropriations and payments	46,664	34,311	
Special appropriations			
Special appropriations limited by entitlement			
FMA Act 1997 s28(2)		279	
Total special appropriations		279	
Total net resourcing and payments for Administrative Appeals Tribunal	46,664	34,590	

1 Appropriation Bill (No. 1) 2012–13 and Appropriation Bill (No. 3) 2012–13. Includes \$11.183m from prior periods and \$1.939m in S.31 agency receipts.

2 Includes an amount of \$0.465m in 2012–13 for the Departmental Capital Budget. For accounting purposes this amount has been designated as 'contributions by owners'.

EXPENSES BY OUTCOMES

Table A5.2 shows how the 2012–13 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* 2012–13 \$'000	Actual Expenses 2012–13 \$'000	Variation 2012–13 \$'000
	(a)	(b)	(a) – (b)
Program 1.1: Administrative Appeals Tribunal			
Administered expenses			
Special appropriations	700	279	421
Departmental expenses			
Departmental appropriation ¹	34,162	34,497	(335)
Expenses not requiring appropriation in the Budget year	3,206	3,306	(100)
Total expenses for Outcome 1	38,068	38,082	(14)
	2011–12	2012–13	
Average Staffing Level (number)	158	160	

* Full year budget, including any subsequent adjustment made to the 2012–13 Budget.

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

APPENDIX 6: APPLICATION FEES

APPLICATION FEES AND REFUNDS

The rules relating to 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 for the payment and refund of fees are in regulations 19 and 19AA of the Administrative Appeals Tribunal Regulations. Subject to the exceptions described below, an application fee is payable for lodging an application:

- for review of a decision
- for a decision on whether a person was entitled to be given a statement of reasons for a decision
- for a declaration, under the Freedom of Information Act, that a statement of reasons for a decision is not adequate.

Prior to 11 June 2013, an application to the Tribunal was not taken to be made unless the prescribed fee was paid: section 29A of the Administrative Appeals Tribunal Act. That section was repealed by the *Access to Justice (Federal Jurisdiction) Amendment Act 2012*.

From 11 June 2013, if an application is not accompanied by an applicable fee, the Tribunal is not required to deal with the application unless, and until, the fee is paid. If the fee is not paid within six weeks after an application is lodged, the Tribunal may dismiss the application under section 69C of the Administrative Appeals Tribunal Act.

APPLICATION FEE AMOUNTS

The standard application fee in 2012–13 was \$816, and the fee to lodge an application in the Small Taxation Claims Tribunal was \$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
- any decision under the Freedom of Information Act made in relation to a document that relates to a decision specified in Schedule 3 to the Administrative Appeals Tribunal Regulations.

Schedule 3 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
- in receipt of youth allowance, Austudy payment or benefits under the ABSTUDY Scheme.

The Tribunal can order that a \$100 fee is payable rather than the standard application fee if it considers that payment of the full fee would cause financial hardship to the person.

The fee payable to lodge an application in the Small Taxation Claims Tribunal must be paid in all circumstances.

ONE FEE PAYABLE

If two or more applications relate to the same applicant and may be conveniently heard before the Tribunal at the same time, the Tribunal may order that only one fee is payable for those applications.

REFUNDS

A person is entitled to a:

- full refund if they have paid an application fee that was not payable
- partial refund if they paid the standard application fee but were entitled to pay the \$100 fee.

A person is also entitled to a partial refund if the person paid the standard application fee or the equivalent of a standard application fee and the Tribunal certifies that the 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 2012–13

In 2012–13, the Tribunal received \$771,228 and refunded \$279,300 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 \$718,434 (see Tables A6.1, 6.2 and 6.3).

The Tribunal refused eight applications to reduce the application fee on financial hardship grounds. There were three applications for review of decisions of this kind. In all three cases the decision was affirmed (unchanged).

Table A6.1 Fee revenue summary: total, refunded and forgone

Total fee revenue	\$771,228
Total refunded	\$279,300
Total revenue forgone	\$718,434
Applications: fees reduced	287
Applications: fees not paid for additional applications lodged by the same applicant	665

Table A6.2 Reduced fees paid

Reason	Number of applications affected
Applicant eligible to pay reduced fee	203
Fee reduced by Tribunal on financial hardship grounds	84
Total	287

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 collected
Standard application fee	624
Reduced fee	23
STCT fee	18
Total	665

APPENDIX 7: DECISIONS OF INTEREST

BROADCASTING

TODAY FM SYDNEY PTY LTD AND AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

[2012] AATA 544; 22 August 2012

Justice AC Bennett; Senior Member AK Britton

Whether an additional licence condition should be imposed on the applicant's radio broadcasting licence and, if so, in what terms

Mr Kyle Sandilands is a co-host of the live-to-air radio program 'The Kyle and Jackie O Show' on Today FM in Sydney. In late 2011, he co-hosted a television program which received an unfavourable review from a journalist. On 22 November 2011, Mr Sandilands made some remarks on-air against the journalist. Both Today FM and Mr Sandilands later apologised for any offence caused by the comments.

Following receipt of a complaint and an investigation, the Australian Communications and Media Authority (the Authority) found that Today FM had breached clause 1.3(a) of the *Commercial Radio Australia Codes of Practice and Guidelines 2011* (the Code) which requires that program content must not offend 'generally accepted standards of decency'. The Authority imposed a condition on Today FM's broadcasting licence under the *Broadcasting Services Act 1992* requiring that, for a period of five years, Today FM must comply with clause 1.3(a) of the Code, develop and implement a training program in relation to clause 1.3(a) and provide the Authority with evidence of its delivery. Today FM applied to the Tribunal for review of the decision.

Today FM argued that the requirement to comply with clause 1.3(a) should not be imposed because that clause lacks certainty, resting on indefinite phrases such as 'generally accepted standards of decency' and 'unjustified language'. It also contended that, given the seriousness of the penalties that arise from a breach of a condition and the voluntary steps it had taken to address the Authority's concerns, this part of the condition was a disproportionate response to the breach. More generally, Today FM argued that the condition should not apply to all its program content and that its period of operation should be reduced from five years to two.

The Tribunal found that cl 1.3(a) of the Code is amenable to being made a condition of a radio broadcasting licence. It found that, while concepts of ‘offence’, ‘decency’ and ‘indecenty’ are not amenable to empirical measurement and may change over time, it does not follow that they are inherently uncertain. It also found that imposing a requirement to comply with the Code was an appropriate, measured and proportionate regulatory response, given the character of Today FM’s breach and other instances of non-compliance, including an earlier incident involving Mr Sandilands.

The Tribunal noted that the history of Today FM’s breaches of the decency provisions of the Code related to two particular programs. It reached the view that the condition should attach to the offending programs rather than to all Today FM programs but it should be in place for the full period of five years.

The Tribunal imposed a modified condition requiring Today FM to comply with clauses 1.3(a) and 1.3(b) of the Code in relation to the programs involved in earlier breaches of the Code and any live-to-air program hosted by Mr Sandilands. In addition, it ordered that Today FM employ two content monitors for the ‘The Kyle and Jackie O Show’ program and maintain a broadcast delay of 30 seconds. The condition required training on compliance with the Code at least once every six months for all employees and contractors involved in the production and presentation of programs produced by Today FM and the presentation of a report to the Authority within 14 days of each training cycle.

FOOD STANDARDS

AXIOME PTY LTD ON BEHALF OF COGNIS GMBH AND FOOD STANDARDS AUSTRALIA NEW ZEALAND

[2012] AATA 551; 24 August 2012

Deputy President RP Handley; Emeritus Professor GAR Johnston, Member

Whether the Australia New Zealand Food Standards Code should be amended to include Tonalin CLA as a ‘novel food’

In 2008, Axiome Pty Ltd applied under the *Food Standards Australia New Zealand Act 1991* to have Tonalin CLA approved as a novel food under the Australia New Zealand Food Standards Code. The sale of novel foods is prohibited if they are not listed in the Code. The application stated that the purpose of Tonalin CLA, a chemically defined mixture of conjugated linoleic acid triglycerides, is as a useful adjunct in weight control programs and diets. Examples of its potential application in food included milk products, soy beverages, fruit based beverages, yoghurt and yoghurt products, nutrition bars and table spreads.

A novel food is defined in the Code to be a non-traditional food that requires an assessment of public health and safety considerations. A non-traditional food is defined as a food, a substance derived from food, or any other substance that does not have a history of human consumption in Australia or New Zealand.

The application was rejected by Food Standards Australia New Zealand (FSANZ). Its reasons for the decision included that the overall evidence base was not sufficient to demonstrate the safety of Tonalin CLA at the recommended daily intake. In making the decision, FSANZ had regard to the findings of an Epidemiology Scientific Advisory Group it had organised to provide an expert assessment of CLA.

The Tribunal was provided with evidence concerning the regulation of the consumption of CLA in the European Union, the United States of America, New Zealand and other countries. This included that CLA may be sold as a dietary supplement in capsule form in New Zealand. Evidence was given at the hearing by five expert witnesses with qualifications in biochemistry or medicine on a range of matters, including about studies on the effects of CLA and assessments of its safety.

The Tribunal considered first whether Tonalin CLA was a novel food as defined in the Code. It agreed with FSANZ that it was a non-traditional food. There was insufficient evidence to establish that Tonalin CLA has a history of human consumption in Australia or New Zealand either as a food, a substance derived from a food, or other substance. It seemed likely that a significant proportion of any consumption in New Zealand was in capsule form. Such capsules were represented as being for 'therapeutic use' and thereby excluded from consideration as 'food' under the Act. The weight of the evidence also satisfied the Tribunal that Tonalin CLA required further assessment of the public health and safety considerations, having regard to the potential for adverse effects in humans. Given these findings, the Tribunal concluded that Tonalin CLA was a novel food.

The Tribunal then considered whether FSANZ's decision not to vary the Code was the correct or preferable decision on the basis of the evidence. Having regard to the protection of public health and safety, the Tribunal was not satisfied from the best available scientific evidence before it that Tonalin CLA was safe for human consumption as an additive to food.

The decision under review was affirmed.

FREEDOM OF INFORMATION

AUSTRALIAN BROADCASTING CORPORATION AND HERALD AND WEEKLY TIMES PTY LIMITED

AUSTRALIAN BROADCASTING CORPORATION AND TENNANT

[2012] AATA 914; 21 December 2012

Justice DJC Kerr, President; Senior Member AK Britton

Whether certain documents were covered by the exemption in the Freedom of Information Act 1982 relating to the ABC's 'program material'

The Herald and Weekly Times Pty Ltd and Mr Tennant made unrelated requests to the Australian Broadcasting Corporation (ABC) for access to documents under the Freedom of Information Act. The Herald and Weekly Times requested documents relating to salaries and other payments made

to program makers engaged on 13 ABC television and radio programs. Mr Tennant requested policies and other documents relating to the classification of television programs broadcast on the ABC.

Section 7(2) and Part II of Schedule 2 of the Act work together to provide that the ABC is exempt from the operation of the Act in respect of documents in relation to its program material. The ABC refused both requests on the basis that the documents constituted 'program material' or 'documents in relation to program material'.

Both the Herald and Weekly Times and Mr Tennant applied to the Office of the Australian Information Commissioner for review of the decisions. The Freedom of Information Commissioner set aside both decisions, finding that the connection between the documents sought and the ABC's program material was so remote there was not even an indirect relationship between them. The ABC applied to the Tribunal for review of each decision.

The Tribunal considered the scope and meaning of the exemption for program material. As to scope, the Tribunal held that the exemption applies only in relation to documents which are 'program material' and not for any wider class of documents with some extended relationship or connection to those documents: that is, documents 'in relation to program material'. The words 'program material' do extend beyond the program itself. 'Program material' was held to mean a document that is a program, all versions of the whole or any part of the program, any transmission or publication of the program, a document of any content or form embodied in the program as well as any document acquired or created for the purpose of creating the program, whether or not incorporated into the completed program. It may also include documents created after broadcast.

The Tribunal found that the documents requested by Herald and Weekly Times were not 'program material'. It also found that, even if its conclusion on the scope of the exemption were incorrect, they were not documents 'in relation to program material'. The connection between the class of documents requested and 'program material' was both remote and tenuous. In relation to the documents requested by Mr Tennant, the Tribunal found that, while the classification symbol displayed on an ABC program constituted exempt 'program material', the other documents falling within the scope of Mr Tennant's request were neither 'program material' nor documents 'in relation to program material'.

The Tribunal affirmed the Freedom of Information Commissioner's decisions, except in relation to the classification symbol incorporated in any ABC program.

HEALTH PROFESSIONALS

ALEKOZOGLU AND MEDICARE PARTICIPATION REVIEW COMMITTEE

[2012] AATA 937; 21 December 2012

Deputy President JW Constance; Dr R Blakley, Member

Whether a medical practitioner should be disqualified from providing Medicare services following repeated instances of inappropriate practice

Dr Alekozoglou is a general practitioner who has conducted a bulk-billing practice in Melbourne for many years. On three occasions between 1997 and 2011, his practice was reviewed under the Professional Services Review Scheme, part of the Medicare Scheme established by the *Health Insurance Act 1973*. Following each review, it was determined that Dr Alekozoglou had engaged in inappropriate practice as defined in the Act. Various actions were taken as a result. In 2011, Dr Alekozoglou agreed that he should be reprimanded, repay a certain proportion of the Medicare benefits he had received, be disqualified from providing a particular Medicare service for 12 months and be fully disqualified from receiving payment for Medicare services for a period of one month.

In accordance with the requirements of the Act, a Medicare Participation Review Committee was established following the review in 2011. The Committee determined that Dr Alekozoglou should be fully disqualified from providing services under the Act for a further period of three months. Dr Alekozoglou applied to the Tribunal for review of this decision.

The Tribunal considered a number of factors in determining what the preferable decision should be in this case. These included the repeated instances of inappropriate practice by Dr Alekozoglou, his failure to address his lack of understanding of requirements of the Medicare Benefits Schedule, his attitude to claiming payment for services not properly provided and his continued provision of a high volume of services to a large number of patients with the risk that he will not provide proper care of those patients. The Tribunal also took into account the need to protect public funds from claims for inappropriate practices and the potential dislocation of Dr Alekozoglou's practice and consequent effect on his patients that would flow from a full disqualification.

The Tribunal concluded that any difficulties which may arise from Dr Alekozoglou being fully disqualified for a period were far outweighed by the various considerations in favour of such action. The Tribunal decided that, in view of Dr Alekozoglou's history of repeated inappropriate practice over a long period and his reluctance to take meaningful steps to remedy the situation, a significant period of full disqualification in addition to the period of disqualification already served by Dr Alekozoglou was appropriate. The Tribunal varied the decision under review but only as to the time at which the disqualification period of three months was to commence.

SOCIAL SECURITY

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

[2013] AATA 51; 1 February 2013

Dr KS Levy, Senior Member

Whether the applicant was an Australian resident for the purpose of qualifying for the disability support pension

Mr Dyer commenced receiving disability support pension (DSP) in 1998. Since April 1999, he has spent considerable amounts of time living in the Philippines. From February 2005, he usually remained in the Philippines for three months and then returned to Australia for one to three weeks at a time. He would return to Australia approximately every 13 weeks in order to continue to be eligible to be paid DSP. If he was absent from Australia for more than 13 weeks – the maximum portability period – DSP was no longer payable.

On 1 July 2011, the eligibility requirements for DSP set out in the *Social Security Act 1991* were amended to include an ongoing requirement that a person must be an Australian resident. This is subject to certain exceptions that were not relevant in this case. In March 2012, Mr Dyer's DSP was cancelled on the basis that he was no longer considered to be an Australian resident.

The first issue for the Tribunal was whether Mr Dyer was an 'Australian resident' as defined in section 7 of the Act. The Tribunal considered the factors outlined in section 7(3) of the Act to which regard must be had when deciding whether a person is residing in Australia, including the accommodation used by Mr Dyer in Australia, his family relationships, his employment, business and financial ties with Australia, the nature and extent of any assets in Australia and the frequency and duration of his travel outside Australia. The Tribunal concluded that Mr Dyer was not an Australian resident at the date of cancellation of DSP.

The second issue for the Tribunal was whether various amendments to the portability rules for DSP since 2000 applied to Mr Dyer. Mr Dyer considered he should be able to have DSP paid to him indefinitely while living overseas under rules which previously existed.

The Tribunal reviewed the amendments made to the portability provisions in 2000 and 2004 and the saving provisions which were enacted at the time. It noted that Centrelink records suggested Mr Dyer was not affected by the amendments in 2000. However, the Tribunal found that, whatever flexibility was available to Mr Dyer at an earlier time, it had subsequently expired. The 2004 amendments elicited an intention that the saving provisions available to a person in Mr Dyer's position living outside Australia would be overridden if he re-entered Australia. As Mr Dyer had re-entered Australia after the 2004 amendments commenced, the Tribunal concluded that he could not rely on the earlier saving provision. He was subject to the current statutory provisions.

The Tribunal affirmed the decision under review.

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

[2012] AATA 924; 24 December 2012

Professor T Sourdin, Member

Whether the applicant was an Australian resident for the purpose of qualifying for the disability support pension

The applicant originally qualified for DSP in 1984. He suffers from schizophrenia and other health problems and could be described as being homeless. For more than a decade, he has travelled to various countries in South-East Asia, spending a considerable time out of Australia. In March 2012, the applicant was found not to meet the residence requirements in the *Social Security Act 1991* and his DSP was cancelled.

The evidence before the Tribunal was that the applicant has lived in a variety of places in Australia, mostly outdoors, where he constructs a shelter. While he does not stay in places for lengthy periods, he most closely identifies with Darwin as his 'home' base where he has rights to camp on Aboriginal land. He aspired to own a caravan in Australia which would allow him to continue to move around and offered security and protection from the climate. The applicant said that he travels to Asia to obtain some respite from being homeless. This travel and the availability of cheap food and lodging meant that his mental and physical health could be maintained.

The Tribunal had regard to the criteria set out in section 7(3) of the Act which must be considered when deciding whether a person is an Australian resident. In relation to the nature of the accommodation used by the applicant in Australia, the Tribunal agreed with the applicant that it was also relevant to consider whether ties or connections exist to other countries or places outside Australia. The applicant has no ties to any other country, does not stay in any particular South-East Asian country or place, and does not have settled or permanent accommodation outside Australia. While he may not have permanent accommodation and does not live in a house, the applicant was found to have 'settled' accommodation in Australia.

In relation to the other factors, the Tribunal noted the applicant has some family relationships and these are continuing and that he has no family ties or connections overseas. Given his situation, minimal weight could be given to the nature and extent of his employment, business or financial ties with Australia and the nature and extent of his assets located in Australia. The applicant's pattern of travel suggested he could be considered as not meeting the resident requirements but it was agreed he was not a resident of any country outside Australia. The applicant's evidence was that he intended to remain in Australia.

The Tribunal noted that the factors were finely weighted but, on balance, were in the applicant's favour. It concluded that the applicant has ties to Australia and no ties to another country that would outweigh these ties. The Tribunal set aside the decision under review.

TAXATION

WALSH AND COMMISSIONER OF TAXATION WILSON AND COMMISSIONER OF TAXATION BRIDGE AND COMMISSIONER OF TAXATION

[2012] AATA 451; [2012] AATA 452; [2012] AATA 453; 18 July 2012

YOUNG AND COMMISSIONER OF TAXATION LYON AND COMMISSIONER OF TAXATION

[2013] AATA 347; 28 May 2013

Deputy President DG Jarvis

Whether the Commonwealth superannuation surcharge legislation validly applied to the applicants

The applicants held senior positions within the South Australian and Western Australian public services. Each applicant was a member of either the South Australian Superannuation Fund established pursuant to the *Superannuation Act 1988* (SA) or the Gold State Super Scheme administered by the Western Australian Government Employees Superannuation Board. The Commissioner of Taxation determined that the applicants were liable to pay superannuation contribution surcharge in relation to various tax years under the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997*.

In 2009, the High Court of Australia held in *Clarke v Commissioner of Taxation* (2009) 240 CLR 272 that the provisions of the legislation that imposed a surcharge on superannuation contributions could not validly apply to a member of the Parliament of South Australia in respect of his membership of a constitutionally protected superannuation fund. The Court referred to the implied constitutional limitation that a law of the Commonwealth that substantially interferes with the rights of a State to determine the terms and conditions on which the State engages persons at the 'higher levels of government' constitutes an impermissible interference with the capacity of the State to perform its constitutional functions.

The applicants objected to assessments raised against them on the basis that the legislation could not validly apply to them as they had held positions at the 'higher levels of government'. The Commissioner of Taxation disallowed their objections in full or in part and the applicants applied to the Tribunal for review of the decisions.

In the first set of cases relating to Mr Walsh, Mr Wilson and Mr Bridge, a preliminary issue arose as to whether the Tribunal had jurisdiction to determine a question involving the constitutional validity of the legislation. The Tribunal concluded that, while it did not have jurisdiction to reach a conclusion having legal effect that legislation is unconstitutional, it could form an opinion on whether legislation can apply within constitutional limits to particular persons in particular circumstances and it could act on that opinion in determining applications for review of administrative decisions.

The Tribunal then considered whether the applicants were persons engaged at the 'higher levels of government'. It took the view that this does not depend simply on the position of the person in the hierarchy of government. The Tribunal needed to assess the roles and functions of each position and evaluate the degree to which the exercise of, or capacity for the exercise of, the constitutional powers and functions of the State would be impaired, curtailed or weakened by the application of the legislation to the applicant.

The applicants held various positions within the South Australian government over the relevant period. The Commissioner of Taxation had accepted that the legislation could not be applied to periods when a person was a chief executive officer of a government department or agency and conceded during the review that the legislation did not apply to Mr Walsh when he was the Executive Director, Cabinet Office in the Department of the Premier and Cabinet nor to Mr Bridge when he was Director of the Office of Year 2000 Compliance. In respect of the remaining disputed positions, the Tribunal was not satisfied that the implied limitation applied. The effect of the legislation on the applicants in those positions did not significantly burden, curtail or weaken the capacity of the State to carry out its constitutional functions.

In relation to Mr Young and Mr Lyon, the principal issue was whether the implied constitutional limitation applied to them in their position as Deputy State Solicitors of Western Australia. The Tribunal accepted that the Commissioner of Taxation had correctly conceded that the legislation could not validly apply to one of the applicants during periods when he had been acting in the position of State Solicitor of Western Australia.

The Tribunal examined in detail the relationship between Mr Young and Mr Lyon and those to whom they were providing advice, as well as the significance of that advice, and found that the applicants were part of a small group of senior executive officers within the State Solicitor's Office who shared the responsibility for fulfilling the key function of assisting the Attorney-General and providing legal advice to the Government of Western Australia. The Tribunal also noted that the applicants did not operate under a strict public service type administrative structure with a clear internal hierarchy and that requests for them to advise and their resulting advice occurred without the involvement of the State Solicitor. In addition, their salaries were determined by an independent tribunal, as was the case with other persons such as judicial officers, parliamentarians, persons holding statutory offices and departmental heads. The Tribunal concluded that the legislation could not validly apply to the applicants.

THERAPEUTIC GOODS

ASPEN PHARMACARE AUSTRALIA PTY LTD AND MINISTER FOR HEALTH AND AGEING

[2012] AATA 362; 15 June 2012

[2012] AATA 376; 20 June 2012

[2013] AATA 197; 5 April 2013

Justice DJC Kerr, President; Dr T Nicoletti, Senior Member

Whether the registration of certain pain medications containing dextropropoxyphene should be cancelled

Products containing dextropropoxyphene (DPP) have been available for therapeutic use in Australia since at least 1970. Aspen Pharmacare Australia Pty Ltd markets two products containing DPP - Di-Gesic and Doloxene - which are used therapeutically for the relief of mild to moderate pain.

A prescription medicine cannot be sold in Australia unless it is registered in the Australian Register of Therapeutic Goods. Section 30(2)(a) of the *Therapeutic Goods Act 1989* provides that the Secretary of the Department of Health and Ageing may cancel the registration of goods if 'it appears to the Secretary that the quality, safety or efficacy of the goods is unacceptable'. In November 2011, a delegate of the Secretary gave notice of a proposal to cancel the registration of products containing DPP. On reconsideration, a delegate of the Minister affirmed the cancellation decision.

The applicant applied to the Tribunal for review of the decision and requested that the decision be stayed. Justice Downes, then President, granted a stay subject to various undertakings to allow the applicant to continue supplying Di-Gesic and Doloxene until further order.

The Tribunal then conducted a substantive hearing and published a decision setting out its views on a range of matters. It concluded that there was no evidence to suggest that the quality of either of the goods was unacceptable. In respect of efficacy and safety, the Tribunal held that a decision-maker who must form a view as to whether the safety of a particular therapeutic good is so far from the required standard as to be unacceptable must balance the efficacy of the goods against the risks of the harm or injury to which their use or misuse may give rise.

The Tribunal accepted that there was a relatively small difference between a therapeutic dose of DPP and the amount sufficient to create a risk of serious adverse harm or even the risk of fatality. For that reason, if there would always be one or more suitable efficacious alternative pain relief medicines for mild-to-moderate pain with no such risk of accidental overdose, the balance would tip in favour of deregistration. However, the Tribunal found that DPP is the only weak opioid available for a small number of patients who are unable to metabolise either codeine or tramadol. There is a small but not insignificant group of patients for whom there is no available weak opioid or suitable analgesic alternative to DPP for mild to moderate pain.

The Tribunal remitted the matter to the Minister for reconsideration under section 42D of the Administrative Appeals Tribunal Act to enable consideration to be given to whether additional conditions to ensure acceptable safety could be imposed under section 28 of the Therapeutic Goods Act which would permit Di-Gesic and Doloxene to remain available to those for whom it remained appropriate. In September 2012, the Minister affirmed the original decision and the proceedings resumed pursuant to section 42D(8) of the Administrative Appeals Tribunal Act.

Following a further hearing in February 2013, the Tribunal determined that, subject to the imposition of appropriate conditions pursuant to section 28 of the Therapeutic Goods Act, the quality, safety and efficacy of Di-Gesic and Doloxene is not unacceptable and the products should remain on the Register. The Tribunal identified the types of conditions required, including continuation of significant safety warnings in the product information and consumer medical information, periodic safety reminders to doctors and pharmacists, and conditions providing a high level of assurance that doctors will prescribe the products appropriately.

HEALTH WORLD LIMITED AND MINISTER FOR HEALTH AND AGEING

[2013] AATA 388; 7 June 2013

Deputy President PE Hack SC; Senior Member RG Kenny; Dr GJ Maynard, Member

Whether an advertisement for a therapeutic good breached the legislative scheme

Health World Limited is the supplier of a tablet called Urinary Tract Support (UTS) which falls within the definition of 'therapeutic good' in the *Therapeutic Goods Act 1989*. In 2010, a complaint was made to the Therapeutic Goods Administration about Health World's advertising of UTS on three websites. The advertisement included statements to the effect that UTS may relieve symptoms of urinary tract infections, such as cystitis, and promote urinary tract health.

The Complaints Resolution Panel determined that Health World's advertising of UTS breached the Act and the *Therapeutic Goods Advertising Code 2007* (the Code). Health World was subsequently ordered to withdraw the advertisement found on its website, to withdraw and not use certain representations about UTS, and to arrange for the publication of a retraction. Health World sought review of that decision.

The Tribunal noted that, before the reviewable decision was made, Health World had amended the standard indications and product specific indications of UTS on the Australian Register of Therapeutic Goods. Health World's website advertisement was amended to reflect the altered indications shown in the Register which related to the traditional Chinese medicinal use of the ingredients of UTS.

The Tribunal considered first whether the original advertisement breached the Act or various elements of the Code.

Section 42DL(1)(c) of the Act prohibits the publication or broadcast of an advertisement that contains a representation about serious forms of certain diseases, conditions, ailments or defects, including urogenital diseases and conditions, unless prior approval has been obtained for such a reference. On the medical evidence, the Tribunal was satisfied that cystitis is a urogenital disease but was not satisfied that it is a serious form of urogenital disease or condition. As such, the advertisement did not breach section 42DL(1)(c) of the Act nor paragraph 5(2) of the Code which is in similar terms.

Paragraph 4(1)(b) of the Code requires an advertisement for therapeutic goods to contain correct and balanced statements only and claims which the sponsor has already verified. The Tribunal found that the advertisement did breach this part of the Code because it did not contain a reference to the traditional Chinese medicine use of UTS. While the claims made in the advertisement were supported by Chinese medicine, the claims had not been verified for the purpose of paragraph 4(1)(b) of the Code as the advertisement did not explicitly assert reliance on traditional Chinese medicine use.

Paragraphs 4(2)(a), (b) and (c) of the Code specify that an advertisement must not be likely to arouse unwarranted and unrealistic expectations of product effectiveness, be likely to lead to consumers self-diagnosing or inappropriately treating potentially serious diseases, or mislead or be likely to mislead. The Tribunal was not satisfied on the evidence that the advertisement breached any of these requirements. The Tribunal did not consider that a reasonable reader would be misled or be likely to be misled because the claims made in the advertisement had not been verified by the standards of Western scientific medicine.

The Tribunal noted that a conclusion that the Code had been breached would usually warrant an order for the withdrawal of the advertisement. However, the Tribunal found this was not necessary in the circumstances as Health World had already withdrawn the advertisement. The Tribunal did not consider a retraction was necessary in the circumstances.

The Tribunal set aside the decision under review and substituted a decision that the initial decision be revoked.

VOCATIONAL EDUCATION AND TRAINING REGULATION

IVY EDUCATION GROUP PTY LTD AND AUSTRALIAN SKILLS QUALITY AUTHORITY

[2013] AATA 138; 14 March 2013

Deputy President RP Handley

Whether the applicant's registration as a registered training organisation should be cancelled

Ivy Business College was first registered as a registered training organisation (RTO) in June 2009 by the New South Wales Vocational Education and Training Accreditation Board. The Board conducted audits in 2010 and 2011 and found the college to be non-compliant with the

National Vocational Education and Training (VET) Quality Framework, resulting in the imposition of a condition on the college's registration. On 1 July 2011, the Australian Skills Quality Authority became the regulator under the *National Vocational Education and Training Regulator Act 2011*.

In September 2011, the college was purchased by Ivy Education Group Pty Ltd. Following an application to the Authority to add further qualifications to the scope of its registration, the college was audited in February 2012. The Authority found the college non-compliant with the Standards for NVR Registered Training Organisations (the Standards). The Authority notified the college that it intended to cancel the college's registration as an RTO and to refuse the application to add further qualifications to its scope. The college submitted evidence of its rectification of the identified areas of non-compliance but the Authority decided to cancel the college's registration as an RTO. The applicant applied to the Tribunal for review of the decision.

The Authority submitted that the point in time at which compliance with the provisions of the Standards should be considered is the date of cancellation of registration and not the date of the Tribunal hearing. The Tribunal found that the Act allowed for a series of interactions leading up to a decision to cancel registration, including audits, submissions from the RTO and notice of intention to impose sanctions, and allowed RTOs to address non-compliance issues raised. The Act focuses on issues rather than the particular timing of a decision. The Tribunal held that there is no temporal element in the Act necessitating deviation from the general approach that the Tribunal is to take into account all the relevant information available to it at the time of making a decision.

On all the evidence before it, the Tribunal was satisfied that the college was non-compliant with a significant number of the Standards and that the extent of the non-compliance was significant. The Tribunal expressed concern about the governance of the college and was not confident the issues of non-compliance could be easily fixed. There had been sufficient opportunities for this to have occurred. The Tribunal also considered the need to protect the interests of students at the college and the broader public interest in ensuring that vocational education and training colleges operate at the required standard and that Australia's reputation is maintained.

The Tribunal concluded that the appropriate sanction in the circumstances was that the college's registration as an RTO should be cancelled. The Tribunal affirmed the decision under review but ordered that the cancellation should take effect in 30 calendar days to give students the opportunity to apply to transfer their enrolments elsewhere.

WORKERS' COMPENSATION

AS-SAYEED AND COMCARE

[2013] AATA 210; 10 April 2013

Professor RM Creyke, Senior Member; Dr P Wilkins, Member

Whether the applicant's employment made a significant contribution to his back pain – Use of the concurrent evidence procedure to take evidence from expert witnesses

Mr As-Sayeed began working for the ACT Government in 2004. After experiencing back pain in 2005, a workstation assessment was conducted and he was provided with a new chair. This was replaced by another type of chair some years later after a rehabilitation assessment was undertaken when he had an ankle injury. In 2008, Mr As-Sayeed was promoted to Information Manager. This role had a significant workload, involved continuous desk work and resulted in him not always taking regular breaks.

In November 2010, Mr As-Sayeed reported suffering from back pain which he attributed to his chair and long periods spent at his workstation. While getting ready for work one day, Mr As-Sayeed coughed and immediately felt a dramatic pain in his back. He was taken by ambulance to hospital and did not return to work until some months after the incident. He later submitted a claim to Comcare for compensation for a 'displacement of intervertebral disc – lumbar' injury. Comcare rejected the claim and Mr As-Sayeed applied to the Tribunal for review.

There was evidence before the Tribunal from a number of medical experts, including two occupational physicians and the applicant's general practitioner. Prior to the hearing, it was agreed that evidence would be taken concurrently from these three experts. The concurrent evidence procedure involves two or more experts giving evidence at the same time. It provides a forum in which, in addition to providing their own evidence, experts can listen to, question and comment on the evidence of the other experts.

Specific questions to be asked of the medical witnesses were drafted by the parties and agreed to by the Tribunal. These related to the diagnosis of the condition, whether it was an injury or aggravation, its connection with Mr As-Sayeed's employment and its effect. The questions were provided to the experts prior to the hearing so they could formulate their answers. On the morning of the hearing, the experts were given 30 minutes to confer alone. Two of the experts appeared in person and one by telephone. The evidence given at the hearing revealed there was agreement amongst the experts on all questions other than whether Mr As-Sayeed's employment contributed to his condition. However, the majority view was that there was such a contribution.

The Tribunal found that Mr As-Sayeed suffered a pain condition associated with degenerative disease of the lumbar spine and that it was an aggravation of that disease. The Tribunal was satisfied that the symptoms had become more prominent in at least the month prior to the incident and this was due principally to conditions at work. On balance, the Tribunal found that his low back pain was significantly contributed to by his employment. The Tribunal set aside the decision under review.

APPENDIX 8: SPEECHES, PUBLICATIONS AND OTHER ACTIVITIES

Tribunal members and staff undertake a wide range of activities that assist to raise awareness of the Tribunal's role, procedures and activities. Members and staff give speeches at conferences and seminars, participate in training and education activities, publish articles and are involved in other publications. The list of activities for 2012–13 is in three sections: speeches and presentations; training and other activities; and publications. The first two sections are arranged by date and the third in alphabetical order.

Table A8.1 Speeches and presentations

Title/role	Event/organisation	Participant/ speaker(s)	Date
Concept of the Integrity Branch	2012 National Administrative Law Conference, Australian Institute of Administrative Law, Adelaide	Senior Member Professor Robin Creyke	19 July 2012
Integrity across Different Kinds of Decision-Making: Panel discussion	2012 National Administrative Law Conference, Australian Institute of Administrative Law, Adelaide	Justice Duncan Kerr, President	20 July 2012
Tribunal Advocacy	Bar Readers' Course, South Australian Bar Association, Adelaide	Deputy President Deane Jarvis	30 August 2012
Reflections on Australian Freedom of Information Law Reform	University of Melbourne, Master of Laws Course, Freedom of Information Module, Melbourne	Deputy President Stephanie Forgie	11 September 2012

Table A8.1 continued

Title/role	Event/organisation	Participant/speaker(s)	Date
The Challenges of Migration Law: Background Information Regarding the Role of the AAT	Migration Conference 2012, Migration Institute of Australia, Sydney	Justice Duncan Kerr, President	15 September 2012
Veterans' Entitlements Act and the AAT	Queensland Tri-Service RLO Training Day, Royal Australian Air Force, Amberley	Senior Member Associate Professor Peter McDermott	15 September 2012
The Intersection of Merits and Judicial Review: Looking Forward	Promoting Administrative Justice Conference, The University of Queensland TC Beirne School of Law and Queensland Civil and Administrative Tribunal, Brisbane	Justice Duncan Kerr, President	26 September 2012
Determining and Articulating the Correct or Preferable Decision	Promoting Administrative Justice Conference, The University of Queensland TC Beirne School of Law and Queensland Civil and Administrative Tribunal, Brisbane	Senior Member Bernard McCabe	26 September 2012
Let's Go Upstairs: Resolving GST Disputes in the AAT	2012 GST Corporate Intensive, Corporate Tax Association, Melbourne	Deputy President Stephen Frost	15 October 2012
Tax Dispute Resolution: The AAT Perspective	Taxation Workshop, Law Council of Australia, Yuroke, Victoria	Justice Duncan Kerr, President	27 October 2012
Information Rights and the Sands of Time (A Tale of Piglets, Wolves and the Misses Hood)	Second National Information Law Conference, Australian Government Solicitor, Canberra	Deputy President Stephanie Forgie	14 November 2012

Table A8.1 continued

Title/role	Event/organisation	Participant/ speaker(s)	Date
Decision Writing	Motor Accidents Assessment Service 2012 Annual Conference, Sydney	Senior Member Anne Britton	16 November 2012
Operational Service Claims under the Veterans' Entitlements Act	Queensland Tri-Service RLO Training Day, Royal Australian Air Force, Amberley	Senior Member Associate Professor Peter McDermott	17 November 2012
Alternative Dispute Resolution: Panel discussion	National Tax Conference 2012, Institute of Chartered Accountants Australia, Sydney	Deputy President Stephen Frost	22 November 2012
Dispute Management and Mediation Outcomes: A Mediator's Perspective	Alternative Dispute Resolution Seminar, Legalwise, Canberra	Conference Registrar Kim Lackenby	22 November 2012
Self-Represented Parties: Walking the Tightrope	Workers Compensation Commission Annual Conference, Sydney	Senior Member Anne Britton	30 November 2012
Chair	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Sydney	Justice Duncan Kerr, President	7 December 2012
Passages in the Law	Lunchtime Speaker Series, Carroll & O'Dea Lawyers, Sydney	Deputy President Brian Tamberlin	12 February 2013
Dealing with Government Administrators, the Political System and the Media	Tribunal Leadership Conference, Council of Australasian Tribunals, Melbourne	Justice Duncan Kerr, President	14 February 2013
How to Conduct a Matter in the AAT	Law Society of South Australia Forum 2013, Adelaide	Senior Member Katherine Bean Conference Registrar Jennifer Lock	15 February 2013

Table A8.1 continued

Title/role	Event/organisation	Participant/speaker(s)	Date
The Conference Process: Case Management and ADR at the Administrative Appeals Tribunal	Running a Merits Review Seminar, Legalwise, Canberra	Conference Registrar Kim Lackenby	20 February 2013
Why Mediation Should Matter to You	ACT Law Society Seminar, Canberra	Conference Registrar Kim Lackenby	21 February 2013
Preparing and Presenting a GST Case before the AAT	Second Annual GST Conference, Television Education Network, Gold Coast	Deputy President Stephen Frost	1 March 2013
Administrative Justice in Australia	Faculty of Law, University of Bergen, Norway	Senior Member Bernard McCabe	1 March 2013
Integrity in Good Decision-Making	Decision-Making and Writing Reasons Seminar, Legalwise, Brisbane	Senior Member Dr Ken Levy	7 March 2013
Decision-Making for Self-Represented Parties	Decision-Making and Writing Reasons Seminar, Legalwise, Melbourne	Member Regina Perton	14 March 2013
The AAT: Practical Aspects	Postgraduate Administrative Law Unit of Study, University of Canberra, Canberra	Conference Registrar Siobhán Ní Fhaoláin	14 March 2013
Integrity in Tribunal Decision-Making	Council of Australasian Tribunals Victorian Chapter Conference, Melbourne	Senior Member Professor Robin Creyke	15 March 2013
Concurrent Evidence and Advocacy – a Perspective from the Bench and Bar	ACT Bar Association Seminar, Canberra	Justice Duncan Kerr, President	16 March 2013
Challenges and Opportunities of Merits Review	International Association of Refugee Law Judges Australasian Chapter Regional Conference, Sydney	Justice Duncan Kerr, President	23 March 2013

Table A8.1 continued

Title/role	Event/organisation	Participant/speaker(s)	Date
Administrative Decision-Making	Queensland Tri-Service RLO Training Day, Royal Australian Air Force, Amberley	Senior Member Associate Professor Peter McDermott	20 April 2013
The Developing Jurisprudence of the GST: A View from the AAT	25th GST Conference, UNSW Australian School of Business, Brisbane	Deputy President Stephen Frost	22 April 2013
Carving out the Philosophy of their Tribunals' Existence	Australian Institute of Administrative Law Lunchtime Seminar, Canberra	Justice Duncan Kerr, President	1 May 2013
The Scope of Council By-Law Making Powers After The Street Preachers Case	Australian Association of Constitutional Law and Australian Institute of Administrative Law Seminar, Adelaide	Deputy President Deane Jarvis	14 May 2013
Changes to Disability Support Pension Eligibility and Management of Applications in the AAT	Professional Development Session, Legal Aid WA	Conference Registrar Rowena Hodgson	30 May 2013
Tax Dispute Resolution: The AAT Perspective	Tax Bar Association of Victoria Seminar, Melbourne	Justice Duncan Kerr, President	4 June 2013
Tribunal Member: Confused About the Role? How to Play it? Who Decides?	Best Practice for Tribunals: A Model for South Australia Symposium, Council of Australasian Tribunals and Law Society of South Australia, Adelaide	Senior Member Professor Robin Creyke	14 June 2013
A Freedom to be Fair	Excellence in Government Decision-Making Symposium, Australian Government Solicitor, Canberra	Justice Duncan Kerr, President	21 June 2013

Table A8.2 Professional development and other activities

Title/role	Event/organisation	Participant/speaker(s)	Date
Mooting Competition Adjudicator	AAT National Mooting Competition 2012	Justice Duncan Kerr, President Deputy Presidents: James Constance; Philip Hack; Robin Handley; Stan Hotop and Deane Jarvis Senior Members: Katherine Bean; Anne Britton; Rodney Dunne; Egon Fice; Naida Isenberg; Gina Lazanas; Bernard McCabe; Peter McDermott; Steven Penglis and Jill Toohey Member Conrad Ermert	August – October 2012
Panel Members for Mock Hearing	Advocates Training Course, Department of Veterans' Affairs, Canberra	Senior Member Katherine Bean and Senior Member Naida Isenberg	6 September 2012
Presiding Judge for Mock Trials	Tasmanian Advocacy Convention, Hobart	Justice Duncan Kerr, President	17 November 2012
Adjudicator for Practice Moot	Jessup International Law Moot Court Competition, Hobart	Justice Duncan Kerr, President	30 January 2013
Trainer for Mediation Skills Training	Pacific Judicial Capacity Development Program, Federal Court of Australia, Kosrae, Federated States of Micronesia	Athena Harris Ingall, Manager, Learning and Development	11 – 15 February 2013
Facilitator for Alternative Dispute Resolution and Commercial Case Management Workshop	Pacific Judicial Capacity Development Program, Federal Court of Australia, Apia, Samoa	Conference Registrar Kim Lackenby	26 February – 1 March 2013

Table A8.3 Publications

Title	Author	Citation/Publisher
<i>An 'Integrity' Branch</i>	Senior Member Professor Robin Creyke	(2012) 70 AIAL Forum 33
<i>Australasian Dispute Resolution Service</i>	Member Professor Tania Sourdin	Looseleaf Service, Thomson Reuters, Sydney, 2013
Editorial Board Member, AIAL Forum	Senior Member Professor Robin Creyke	Australian Institute of Administrative Law
<i>Good Faith, Bad Faith? Making an Effort in Dispute Resolution</i>	Member Professor Tania Sourdin	(2012) 2 (1) Dictum: the Victoria Law School Journal 19
<i>Improving accountability in the Solomon Islands: A Review of Auditor General Enabling Legislation</i>	Senior Member Dr Ken Levy (co-author)	Asia Pacific Law Review, vol 20, no 1, pp 45-62
<i>Mind the Gap: Making Evidence-Based Decisions about Self-Represented Litigants</i>	Member Professor Tania Sourdin (co-author)	(2013) 22 Journal of Judicial Administration 191
<i>Self-Represented Litigants: Gathering Useful Information – Final Report</i>	Member Professor Tania Sourdin (co-author)	Australian Centre for Justice Innovation, Monash University, June 2012
<i>Tribunals – 'Carving Out the Philosophy of Their Existence': The Challenge of the 21st Century</i>	Senior Member Professor Robin Creyke	(2012) 71 AIAL Forum 19
Veterans' Affairs Editor, Administrative Law Decisions Reports	Senior Member Professor Robin Creyke	LexisNexis

APPENDIX 9: OTHER REPORTING REQUIREMENTS

ADVERTISING AND MARKET RESEARCH

The Tribunal did not undertake any advertising campaigns in 2012–13. Nor did it conduct any market research in the reporting period.

Non-campaign advertising expenditure of \$38,524 (inclusive of GST) was paid to Adcorp Australia for advertising employment vacancies in 2012–13. This includes advertising for the recruitment of new members that was paid by the Attorney-General's Department on the Tribunal's behalf.

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 were due in 2012–13, nor were any major refurbishments undertaken.

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 A9.1 Environmental performance reporting

Theme	Steps taken to reduce effect	Measures to review and improve reducing the effect
Energy efficiency	Asking staff to switch off lights when offices and meeting rooms are not in use. Energy ratings of office machines are a consideration when replacement is necessary.	General energy consumption across all registries fell by a small amount during the reporting year.
Vehicles	Ensuring that the average Green rating of the Tribunal's leased vehicles is as high as possible.	Of the Tribunal's two leased vehicles as at 30 June 2013, one has a Green rating of 9.5 and the other has a Green rating of 15.5. Petrol consumption fell during the reporting year to 9.5 litres per 100km.
Waste	Using office waste recycling schemes.	All registries recycle paper. Two registries also recycle glass, plastics and metals, and two other registries recycle toner cartridges. The Adelaide Registry recycles paper, comingled, organic and battery materials. As the Tribunal uses whole-of-building recycling schemes, separate data on recycling quantities is not currently available.
Water	The Tribunal installs water saving devices such as dual-flush cisterns and waterless urinals in any updates to premises.	The Tribunal is not able to access data on water consumption in each of its tenancies, as there are no separate water meters.

GRANTS PROGRAMS

The Tribunal does not administer any grants programs.

CHANGES TO DISABILITY REPORTING IN ANNUAL REPORTS

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007–08, reporting on the employer role was transferred to the Australian Public Service Commission's State of the Service Report and the APS Statistical Bulletin. These reports are available at www.apsc.gov.au. From 2010–11, departments and agencies have no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy 2010–2020 which sets out a ten year national policy framework to improving the lives of people with disability, promote participation and create a more inclusive society. A high level two-yearly report will track progress against each of the six outcome areas of the Strategy and present a picture of how people with disability are faring. The first of these reports will be available in 2014, 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 matters 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 hearing	A hearing to deal with procedural matters such as the exchange of statements or documents or to clarify issues relating to the conduct of a hearing. They may also be held to progress a matter in which there has been delay by a party. Directions hearings are conducted by Tribunal members.
Dismissal of application	The Tribunal may, in certain circumstances, dismiss an application without proceeding to review the decision. An application may be dismissed, for example, at the request of the parties, if the applicant fails to appear at an ADR process, directions hearing or hearing, or if the Tribunal is satisfied that the application is frivolous or vexatious.
FMO	Finance Minister's Order
GST	Goods and Services Tax
Hearing	The occasion at which the parties 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.
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
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 participant in the proceeding before the Tribunal. A party can be the person who makes the application to the Tribunal, the decision-maker or other respondent to the application and any other person joined to the proceedings.
Party joined	A person, department or agency whose interests are affected by a decision under review may be made a party to the proceeding by order of the Tribunal. This person, department, or agency is a party joined.
Portfolio Budget Statements	Statements prepared to explain the Budget appropriations for agencies within a portfolio in terms of outcomes and programs.
PSS	Public Sector Superannuation Scheme
PSSap	Public Sector Superannuation accumulation plan
RRT	Refugee Review Tribunal
Remit	The Tribunal may set aside a decision and remit it (send it back) to the original decision-maker to be reconsidered in accordance with any directions or recommendations of the Tribunal.
Respondent	The party who responds to or answers an application; usually the department, agency or organisation that made the original decision.
Section 37 Documents	The statement and documents that a decision-maker must provide to the Tribunal and the other party under section 37 of the Administrative Appeals Tribunal Act. They are generally known as the 'T Documents' and include the reasons for the decision under review and all other relevant documents.
Set aside	The Tribunal may set aside a decision under review. The effect is that the Tribunal disagrees with the original decision and may make a new decision or remit the matter (send it back) to the original decision-maker.
SSAT	Social Security Appeals Tribunal
Stay order	An order of the Tribunal to suspend the operation or implementation of the decision under review until the matter is determined or resolved.
Summons	A notice issued by the Tribunal requiring 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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