



Administrative  
Appeals Tribunal

# ANNUAL REPORT

2016–17

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# **ANNUAL REPORT**

**2016–17**

## This report

An electronic version of this annual report is on the AAT's website at <http://www.aat.gov.au/about-the-aat/corporate-information/annual-reports>.

More information about the Tribunal is on the website, [www.aat.gov.au](http://www.aat.gov.au).

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## Administrative Appeals Tribunal

25 September 2017

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

Dear Attorney-General

We are pleased to present to you the annual report of the Administrative Appeals Tribunal for the year ended 30 June 2017 in accordance with section 24R of the *Administrative Appeals Tribunal Act 1975* and section 46 of the *Public Governance, Performance and Accountability Act 2013*. The report includes information about the operation of the Tribunal's divisions and the Immigration Assessment Authority:

This report has been prepared in accordance with the requirements for annual reports prescribed by sections 17AB to 17AJ of the *Public Governance, Performance and Accountability Rule 2014*.

The report includes:

- the annual performance statement for the Tribunal in accordance with paragraph 39(1)(b) of the *Public Governance, Performance and Accountability Act 2013* and section 16F of the *Public Governance, Performance and Accountability Rule 2014*, and
- the annual financial statements for the Tribunal in accordance with subsection 43(4) of the *Public Governance, Performance and Accountability Act 2013*.

Yours sincerely

**JUSTICE DAVID THOMAS**  
President

**SIAN LEATHEM**  
Registrar  
Accountable Authority

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# CHAPTER 1

// The year in review

# President's overview



**Justice David Thomas**

It is a privilege to be appointed President of the Administrative Appeals Tribunal and to present this annual report on the operations of the Tribunal. I look forward to leading the AAT at this important time as we continue to harmonise and improve our services following the amalgamation of the AAT with the Migration Review Tribunal, Refugee Review Tribunal and Social Security Appeals Tribunal in 2015.

So much has been achieved already and I would like to thank the former President of the AAT, Justice Duncan Kerr *Chev LH*, whose term as President ended on 15 May 2017. Justice Kerr presided over the Tribunal during a period of tremendous change. The amalgamation of Commonwealth merits review tribunals has been the most significant change to administrative law since the establishment of the AAT. Justice Kerr's steadfast leadership during this challenging time was instrumental to the success of the amalgamation. I would also like to thank Justice John Logan RFD who served as acting President prior to my appointment.

The AAT is today far closer to the generalist merits review tribunal that was envisaged when it was established over 40 years ago. However, as Justice Kerr noted in last year's annual report, heritage legislative differences in practice and procedure between the Tribunal's divisions remain.

During 2016–17, the Tribunal participated in an inter-agency review of options to harmonise procedures led by Andrew Metcalfe AO with support from the Attorney-General's Department. I am hopeful that the work undertaken will lead to recommendations for legislative change that will allow the AAT to better realise the full benefits of the amalgamation.

I am committed to ensuring that the AAT continues to provide an independent, accessible, fair and quick way to have decisions made by the Australian Government reviewed on their merits. This important task requires us to stand in the shoes of the original decision-maker and remake the decision. In most cases, we have new or additional information that was not available to the original decision-maker. Having regard to all of the facts and circumstances of a case, the Tribunal must reach the correct decision according to the law. In cases where there is a discretion, we must make the preferable decision, not on the basis of personal preference, but taking into account factors set out in the law and relevant policy.

## Tribunal membership, workload and performance in 2016–17

The Tribunal welcomed the appointment of 48 new members and the re-appointment of 66 serving members in 2016–17 with significant appointments announced in December and June. In the same period, the appointments of 63 members expired. Amongst those whose terms came to an end were some members from the pre-amalgamation AAT and from the former MRT, RRT and SSAT. I thank all those members for their dedicated service.

The number of applications lodged with the AAT increased by 24 per cent during the reporting period, from 41,432 in 2015–16 to 51,426 in 2016–17. There were increases in applications in most of our major areas of work. This was most marked in the Migration and Refugee Division which received 7,675 more applications year on year, an increase of 41 per cent.

The AAT finalised 42,224 applications in 2016–17, 11 per cent more than in 2015–16. While we were able to increase the number of reviews completed in

most areas of work, the growth in lodgements led to an increase in the total number of applications on hand at 30 June 2017, particularly in the Migration and Refugee Division. We exceeded our overall target of finalising 75 per cent of cases within 12 months, with many cases finalised within shorter timeframes.

The Immigration Assessment Authority, the separate office within the Migration and Refugee Division which undertakes fast track reviews of certain protection visa decisions, also dealt with a significantly larger caseload in 2016–17: the IAA received 2,664 referrals and finalised 1,604 cases. In the reporting period, additional funding was committed by the government that will facilitate an increase in the number of Reviewers available to undertake the work.

## Tribunal integration in 2016–17

The Tribunal continued to make progress in our efforts to create an integrated organisation following the amalgamation of tribunals.

In the reporting period, the AAT moved to a single location in Adelaide and Perth. Significant progress was also made towards the co-location of our offices in Brisbane and Melbourne in the second half of 2017, which will complete the consolidation of our accommodation across Australia. This significant milestone for the amalgamated Tribunal is the result of enormous effort and dedication on the part of many people, particularly the AAT's Property & Projects team.

As we come together in co-located premises, we are able to operate more effectively as a single tribunal, building relationships between members and staff who have not worked together previously and offering more integrated services to our users. The AAT has also continued to take steps to break down silos between the Tribunal's different divisions and increase our flexibility to utilise member skills as effectively as possible as well as improve consistency across divisions. Many members of the Tribunal are now cross-assigned to more than one of the Tribunal's divisions.

Implementation of the amalgamated AAT's comprehensive professional development program for members reached a further milestone in 2016–17. A core aspect of the program is the appraisal scheme which helps members reflect on their performance in relation to key competencies and identify any areas where they might benefit from some support or further development. It also seeks to ensure consistency

and standards across all divisions, jurisdictions and registries of the AAT. The appraisal scheme was launched in August 2016 and the goal is to have 60 per cent of members appraised by the end of 2017.

## Looking ahead

A key area of focus in 2017–18 will be dealing with the Tribunal's increased caseload. We will work to ensure we have the range of resources needed to manage the workload and employ them in the most effective manner.

We will seek to continue the work already commenced to pursue opportunities for legislative changes that will harmonise procedures in the AAT. Legislative harmonisation has the potential to reduce complexity in AAT procedures, enhance our ability to effectively and efficiently manage cases across divisions and make the review process simpler. We will also maintain our efforts to harmonise non-legislative areas of difference, and identify and implement improvements in the way that different types of cases are managed. In this respect, I am greatly encouraged by some of the pilot programs we are already undertaking to innovate our approach to case management and review.

Having developed a high-level stakeholder engagement framework in 2016–17, the AAT undertook various meetings with users and other stakeholders in the reporting period. We will be looking to expand this program in 2017–18, reflecting our commitment to further engagement with our stakeholders in order to obtain feedback on our services, improve the operation of the review process and promote trust and confidence in our processes. With this in mind, we are reviewing existing policy and processes relating to the publication of AAT decisions.

With the bricks and mortar work of the amalgamation now largely complete, we have an opportunity to increase our focus on some of the less tangible aspects of the tribunal merger. A planned National Conference in early 2018 will provide a chance for members and senior staff from our registries across Australia to come together, for the first time for those who have recently joined us. Opportunities such as this will help establish a distinct and cohesive AAT culture that supports our reputation as a world-class merits review tribunal.

Challenges remain. However, the Tribunal is well placed to build on what we have already achieved and I am excited by the opportunities ahead of us.

# Registrar's review



**Sian Leathem**

Serving as Registrar of the AAT continues to be both challenging and rewarding. Members and staff worked together successfully in 2016–17 to increase the number of cases finalised, giving tens of thousands of individuals and organisations the opportunity to challenge decisions that affected their interests. At the same time, we have built on the work of the previous year, taking further steps to develop the AAT following amalgamation with the MRT, RRT and SSAT in July 2015. A significant and complex program of work is required to fully realise the intended benefits of the amalgamation and, whilst much has been achieved, there is still much to do to fully integrate and modernise the AAT.

Key achievements during the reporting period in relation to the four high-level strategies identified in our Strategic Plan 2015–20 are outlined below.

## Creating an integrated, national Tribunal

Following amalgamation, AAT members and staff dealing with reviews largely continued to work within a divisional framework, reflecting arrangements in the former tribunals. A key focus for the AAT is to move over time to a single, integrated registry providing effective services

to support the review process in all divisions. A number of initiatives during 2016–17 helped us make progress in relation to this goal.

We implemented a revised senior executive structure in August 2016, moving from three Division Registrars to two Executive Directors with functional responsibility for Registry Operations and Review Support respectively. We commissioned a review of our current registry environment which identified a set of proposals for transitioning to more integrated services. To inform future steps, we also developed detailed maps of registry processes across all case types in one of our locations. This work will be undertaken across other locations in 2017–18.

## Transforming how we work and maximising our use of technology

We undertook various projects during 2016–17 aimed at improving the way cases are managed to increase efficiency and support the effectiveness of the review process. Trials in different types of cases variously explored the use of triage, outreach and different review pathways to progress cases and, in appropriate circumstances, finalise cases without the need for a hearing.

We are committed to providing review processes that are accessible to the wide range of people who are involved in cases at the AAT, particularly those who represent themselves. New video guides to be launched in the first quarter of 2017–18 were developed to assist our users better understand our review processes. We also established an internal Accessibility Advisory Group to provide a cohesive and strategic approach to reviewing and making improvements to the accessibility of our services.

Our digital strategy, which was adopted during the reporting period, provides a high-level roadmap for the delivery of a series of digital initiatives over time to improve how cases are managed for internal and external users and to foster greater information sharing across the AAT. In accordance with the strategy, we made substantial progress in developing a more intuitive and integrated

website which will be launched in the first half of 2017–18. We also worked on the development of a single online lodgement solution. The AAT's Social Services and Child Support Division transitioned to a fully digital case file in 2016–17 and we worked with the Department of Immigration and Border Protection on setting up a trial for the electronic provision of the departmental documents in the Migration and Refugee Division.

We established an Information and Technology Governance Committee in 2016–17 to promote a systematic whole-of-agency approach to managing information and our information technology resources. We also continued to make improvements to our systems, undertaking further work on consolidating our IT networks, upgrading our human resource information system and implementing a new electronic system for on-boarding new members and staff.

## Engaging with our stakeholders, members and staff

The AAT has a broad range of stakeholders, including parties and representatives, agencies and organisations whose decisions we review, peak bodies for persons who represent parties at the AAT, community and advocacy organisations, parliament and the media. We engage with our stakeholders in various ways using a range of communication methods. In 2016–17, the Tribunal launched a Twitter account as an additional channel to communicate information about the AAT.

During 2016–17, we undertook surveys of AAT members and staff in relation to our key forms of internal communication and collaboration, including our intranet, monthly newsletter and regular all-of-AAT forums. The responses provided useful information to understand how members and staff use the intranet and prefer to receive information. They helped inform improvements to our intranet and internal communication activities.

## Optimising our resources

The significant body of work the AAT is undertaking to further harmonise and integrate our systems and practices as well as changing the way we work requires the coordination of a large set of

interdependent projects. During the reporting period, we established a Transformation Program Steering Committee and a Program Management Office to oversee and direct this work.

We implemented a number of initiatives in 2016–17 relevant to the management and development of our staff, including the introduction of a Workforce Development Plan 2016–20 containing six initiatives designed to improve the capabilities of our workforce together with a new online performance appraisal system and appraisal policy. After a lengthy period of negotiations and significant effort on the part of the bargaining representatives, we were very pleased to have our new AAT enterprise agreement enter into force on 9 June 2017.

The AAT ended the financial year with an operating surplus which can be attributed primarily to lower than anticipated operating costs, particularly in relation to the review of National Disability Insurance Scheme decisions and the operations of the IAA. In relation to the coming year, we are well placed to fund our core work while also pursuing strategic projects that will position us to operate more efficiently and effectively into the future.

## Looking ahead

As we look ahead, an ongoing challenge for the AAT will be to deliver our change program while also ensuring we continue to provide high-quality and timely reviews in the context of a diverse and increasing caseload. We will maintain our focus on transitioning to integrated registry structures, progressing our digital strategy, and developing the capabilities of our members and staff to meet current and future demands. In relation to our stakeholders, we will seek to improve the availability of relevant and timely information that explains what we do as well as implement mechanisms to better understand the views and needs of our users in relation to our services, particularly in designing our new digital systems.

Our performance results reflect the hard work and dedication of the members and staff of the AAT. I would like to thank them for their efforts in the reporting year.





# CHAPTER 2

// Overview of the AAT

The AAT was established by the *Administrative Appeals Tribunal Act 1975* and commenced operations on 1 July 1976. On 1 July 2015, the Migration Review Tribunal, Refugee Review Tribunal and Social Security Appeals Tribunal were amalgamated with the AAT.

## Our role and function

The AAT conducts independent merits review of administrative decisions made under Commonwealth laws. We review decisions made by Australian Government ministers, departments and agencies and, in limited circumstances, decisions made by state and territory government and non-government bodies. We also review decisions made under Norfolk Island laws.

The AAT's functions, powers and procedures are set out primarily in the Administrative Appeals Tribunal Act, Parts 5 and 7 of the *Migration Act 1958* and in social services legislation that confers jurisdiction on us.

## Our jurisdiction

The AAT can review decisions made under more than 400 Commonwealth Acts and legislative instruments. A person can only apply to us for a review of a decision if a law states that we can review the decision. We do not have a general power to review decisions.

The types of decisions that we most commonly review relate to:

- child support
- family assistance and social security
- migration and refugee visas
- taxation
- veterans' entitlements, and
- workers' compensation under Commonwealth laws.

We also review a wide range of other decisions, such as decisions about Australian citizenship, bankruptcy, civil aviation, corporations and financial services regulation, customs, freedom of information, the National Disability Insurance Scheme, paid parental leave, passports, and security assessments by the Australian Security Intelligence Organisation.

We can review decisions made under 34 Norfolk Island laws, including decisions about building, land valuation and planning.

The list of Commonwealth and Norfolk Island laws, under which decisions may be made that can be reviewed by the AAT, is on our website.

## Our powers

Merits review of an administrative decision involves taking a fresh look at the facts, law and policy relating to that decision. In most cases, the AAT can look at new information that was not available to the original decision-maker. We consider all the material before us, and decide what the legally correct decision is or, if there can be more than one correct decision, the preferable decision. We can exercise all the powers and discretions available to the original decision-maker. We have the power to:

- affirm a decision
- vary a decision
- set aside a decision and substitute a new decision, or
- remit a decision to the decision-maker for reconsideration.

# Our outcome, program and purpose

The AAT has a single outcome specified in the 2016–17 Portfolio Budget Statements:

*Provide correct or preferable decisions through a mechanism of independent review of administrative decisions that is accessible, fair, just, economical, informal, quick and proportionate.*

We are a single-program agency.

The AAT's objective is set out in section 2A of the Administrative Appeals Tribunal Act. In carrying out our functions, the AAT must pursue the objective of providing a mechanism of review that:

- is accessible
- is fair, just, economical, informal and quick
- is proportionate to the importance and complexity of a matter, and
- promotes public trust and confidence in the decision-making of the AAT.

The AAT provides administrative justice for individuals and organisations seeking to challenge decisions that affect their interests and, more broadly, contributes to improving the quality of government decision-making.

## Our organisation

The AAT consists of the President and other members who may be appointed as Deputy Presidents, Senior Members or Members. Their primary role is to hear and decide applications for review of decisions.

Applications made to the AAT are managed in one of eight divisions:

- Freedom of Information Division
- General Division
- Migration and Refugee Division
- National Disability Insurance Scheme Division
- Security Division
- Social Services and Child Support Division
- Taxation and Commercial Division, and
- Veterans' Appeals Division.

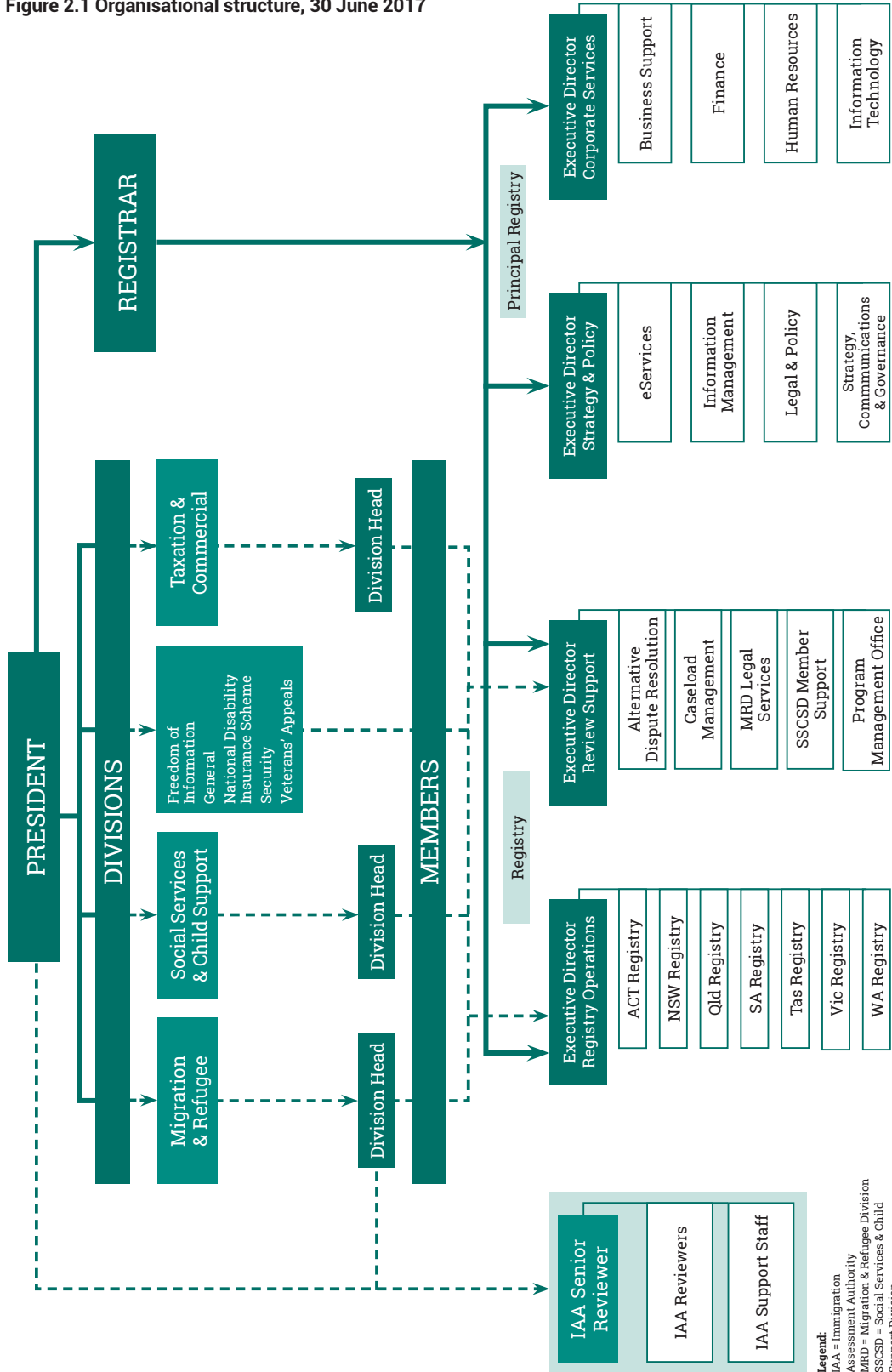
A Deputy President may be assigned as the Head of one or more divisions. A Deputy President or Senior Member may be assigned as the Deputy Head of one or more divisions.

The President is responsible for the overall management of the Tribunal with the assistance of the Division Heads and the Registrar. Staff assist the AAT to carry out our functions.

The AAT also hosts the Immigration Assessment Authority, a separate office within the Migration and Refugee Division. More information about the Immigration Assessment Authority is in Chapter 5.

Figure 2.1 shows our organisational structure.

Figure 2.1 Organisational structure, 30 June 2017



**Legend:**  
 IAA = Immigration Assessment Authority  
 MRD = Migration & Refugee Division  
 SSCSD = Social Services & Child Support Division

## Members of the AAT

AAT members are appointed by the Governor-General on a full-time or part-time basis for a term of up to seven years. Members may be reappointed.

Qualification requirements for the various member categories are in the Administrative Appeals Tribunal Act. The President of the AAT must be a judge of the Federal Court of Australia. The other members may be:

- judges of the Federal Court or Family Court of Australia
- lawyers of at least five years' standing, or
- persons with relevant knowledge or skills.

Members of the AAT come from a variety of backgrounds with expertise in areas such as accountancy, aviation, disability, law, medicine, migration, military affairs, public administration, science, social welfare and taxation.

The President and Deputy Presidents can exercise powers in any of the AAT's divisions. Senior Members and Members may only exercise powers in the division or divisions to which they are assigned.

At 30 June 2017, there were 322 members of the AAT. Table 2.2 shows the breakdown of the membership by category. Appendix 1 lists all AAT members at 30 June 2017, including the divisions to which each Senior Member and Member was assigned.

**Table 2.2 AAT membership, 30 June 2017<sup>a</sup>**

CATEGORY OF MEMBER	JUDGE (WOMEN)	FULL-TIME (WOMEN)	PART-TIME (WOMEN)	TOTAL (WOMEN)
President	1 (0)			1 (0)
Deputy Presidents:				
Federal Court judges	13 (4)			13 (4)
Family Court judges	5 (2)			5 (2)
Non-judicial		9 (3)	6 (1)	15 (4)
Senior Members		23 (12)	19 (6)	42 (18)
Members		62 (31)	184 (104)	246 (135)
<b>TOTAL</b>	<b>19 (6)</b>	<b>94 (46)</b>	<b>209 (111)</b>	<b>322 (163)</b>

<sup>a</sup> These figures include 52 members whose terms of appointment expired on 30 June 2017 and do not include 30 new members whose terms of appointment commence in 2017–18.

### President, Division Heads and Deputy Division Heads

The President of the AAT during the reporting year until 15 May 2017 was Justice Duncan Kerr *Chev LH*. Justice John Logan *RFD* was the acting President from 16 May until 26 June 2017. On 27 June 2017, Justice David Thomas was appointed as a Judge of the Federal Court and as President of the AAT for a term of seven years.

Table 2.3 lists the AAT's Division Heads and Deputy Division Heads at 30 June 2017.

**Table 2.3 Division Heads and Deputy Division Heads, 30 June 2017**

DIVISION	NAME
<b>Division Heads</b>	
Migration and Refugee Division	Deputy President Jan Redfern PSM
Social Services and Child Support Division	Deputy President Jim Walsh
Taxation and Commercial Division	Deputy President Bernard McCabe
<b>Deputy Division Heads</b>	
Migration and Refugee Division	Senior Member Dr Irene O'Connell
Social Services and Child Support Division	Senior Member Suellen Bullock
Social Services and Child Support Division	Senior Member Irene Tsiakas

See Appendix 1 for profiles of the President, Division Heads and Deputy Division Heads.

## Staff of the AAT

The Registrar is a statutory office holder appointed by the Governor-General on the nomination of the President. In addition to assisting the President in managing the AAT's administrative affairs, the Registrar undertakes functions relating to the management of applications that are conferred by the Administrative Appeals Tribunal Act and other enactments. The Registrar is Sian Leathem who began a five-year appointment on 7 April 2015.

During 2016–17, the President, the Division Heads and the Registrar were assisted by five officers in Senior Executive Service positions. Table 2.4 lists the SES employees at 30 June 2017. For information on their areas of responsibility, see Figure 2.1.

**Table 2.4 Senior Executive Service employees, 30 June 2017**

POSITION	NAME
Executive Director, Corporate Services	Jacqueline Fredman
Executive Director, Registry Operations	Elizabeth Connolly
Executive Director, Review Support	Bernadette Ryan
Executive Director, Strategy and Policy	Christopher Matthies
Senior Reviewer, Immigration Assessment Authority	Sobet Haddad

Other staff are employed under the *Public Service Act 1999* as ongoing, non-ongoing or intermittent employees. At 30 June 2017, there were 573 staff. See Chapter 4 and Appendix 2 for more detailed staffing information.

## Registries

### District Registries

Applicants and other users of the AAT are able to access the Tribunal through registries in each state capital city and in the Australian Capital Territory, as well as through arrangements for the provision of registry services on Norfolk Island. We provide services to users in the Northern Territory from our other registries.

Staff in AAT registries:

- process applications and facilitate the listing and conduct of alternative dispute resolution processes and hearings
- liaise with parties and representatives about their cases and give them information about the AAT's operations and procedures, and
- provide administrative and other support services to conference registrars and members.

Conference registrars conduct the majority of the alternative dispute resolution processes which are held by the AAT in certain divisions. At 30 June 2017, dedicated national teams provided caseload support and legal services for the Migration and Refugee Division and member support services for the Social Services and Child Support Division.

## Principal Registry

Principal Registry staff advise and assist the President and the Registrar in managing the AAT's administrative affairs, and provide services to members and staff. They are responsible for business support, corporate legal and policy support, financial and human resource management, library and information services, strategy, communications and governance support and technology services.

# Our processes

The AAT's processes vary according to the type of decision we are reviewing. The differences reflect procedural requirements set out in the Administrative Appeals Tribunal Act, Migration Act and social services legislation as well as particular case management approaches we have developed to deal with the broad range of decisions we review. The main features of our procedures are outlined below.

Our procedures are intended to give an applicant, and any other party to a review, a reasonable opportunity to present their case. While parties may elect to be represented or assisted by a lawyer or other person, a significant proportion of parties represent themselves and we have designed our procedures to facilitate their participation in the review. Details of the accessibility measures we employ, including the use of interpreters, are in Chapter 3.

## Steps in a review

When we receive a valid application, we notify the decision-maker who must give us a copy of the decision and all of the documents they hold that are relevant to the review. In divisions other than the Migration and Refugee Division, the decision-maker must also give a copy of these documents to the applicant and any other party at the same time. In the Migration and Refugee Division, the applicant may request a copy of the documents we hold in relation to their review.

In the Migration and Refugee Division and the Social Services and Child Support Division, the decision-maker does not take part in the review. In the other divisions, the decision-maker is an active party.

A key feature of merits review is the opportunity for the applicant and any other party to give us new information to consider in the review. At different stages of the review process, we may invite or direct a party to give us information that will be relevant to the case. The AAT also has the power to require non-parties to give us documents that are relevant to a review.

In some types of reviews, we hold conferences or directions hearings to talk to the parties about the issues and give directions about what the parties must do and by when to progress the case. When a review involves more than one party, we help them try to reach an agreed outcome without the need for a hearing while ensuring steps are taken to prepare for a hearing in the event it cannot be resolved by agreement. As well

as conferences, we use other types of alternative dispute resolution processes to try to resolve cases by agreement, including conciliation, mediation, case appraisal and neutral evaluation. In some types of reviews, the case is listed directly for a hearing.

The hearing gives an applicant, and any other party, an opportunity to provide evidence and present arguments about the decision under review. It also allows the AAT to ensure that all issues arising in the review are addressed. A hearing is conducted by the member or members directed by the President to constitute the Tribunal for the purposes of the review. The Tribunal may be constituted by one, two or three members but most reviews are conducted by a single member. The Tribunal is not bound by the rules of evidence and aims to conduct hearings with as little formality and technicality as is appropriate in the circumstances.

Hearings are held in person, by telephone and by video. They are conducted in public, unless the Tribunal directs that a hearing be held in private or legislation requires a private hearing. Hearings must be held in private in refugee cases in the Migration and Refugee Division, in applications for review of ASIO security assessments, and in all cases in the Social Services and Child Support Division.

Following the hearing, the Tribunal makes a decision on the review and must give reasons for that decision. The decision and reasons may be given orally on the day or they may be sent in writing at a later date.

## Directions, guides and guidelines

We prepare and publish a range of policy and procedure documents, designed to help parties and their representatives understand our processes and what is expected of them during a review.

The President issues practice directions and jurisdictional guides which explain the procedures that apply for particular types of applications. Other presidential directions and guidelines deal with particular aspects of our operations such as the allocation of cases to divisions, how the Tribunal is constituted for a review and the use of expert evidence. We have also developed process models that describe each stage of our alternative dispute resolution processes. Fact sheets are prepared to provide more targeted information in relation to particular types of cases.

The full suite of practice documents is on the AAT website.

# Additional functions conferred on AAT members

As well as performing their role under the Administrative Appeals Tribunal Act, AAT members may, in their personal capacity, exercise powers under a range of other Acts.

## Warrants, controlled operations and other functions

Members of the AAT who meet the qualification requirements set out in the relevant legislation may be nominated by the responsible Minister to:

- issue telecommunications interception warrants, stored communications warrants and journalist information warrants under the *Telecommunications (Interception and Access) Act 1979*
- issue warrants and exercise related powers under the *Surveillance Devices Act 2004*
- issue delayed notification search warrants and vary controlled operations authorities under the *Crimes Act 1914*
- issue examination notices under the *Building and Construction Industry (Improving Productivity) Act 2016*
- make continued preventative detention orders under the *Criminal Code Act 1995*



- 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*
- issue monitoring warrants and exercise other powers in relation to the *Narcotic Drugs Act 1967*, and
- issue search warrants and exercise related powers under the *Tobacco Plain Packaging Act 2011*.

For some of these functions, only the President and Deputy Presidents may be nominated to exercise the power. For other functions, Senior Members and Members enrolled as a legal practitioner for at least five years may also be nominated.

All AAT members are authorised to exercise a range of powers relating to monitoring providers and compliance with student visa conditions under the *Education Services for Overseas Students Act 2000* and the Migration Act.

Table 2.5 shows the number of occasions on which AAT members considered applications under any of the above Acts over the past three years. There was a slight decrease in 2016–17.

**Table 2.5 Applications relating to warrants, controlled operations and other functions, 2014–15 to 2016–17**

	2014–15	2015–16	2016–17
Number of occasions on which applications considered	2,786	2,849	2,751

The AAT is flexible in performing these functions and members are available outside standard business hours. In the reporting period, 137 out-of-hours appointments were held.

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, and some are only granted after conditions are imposed, including conditions in relation to privacy. In some instances, the warrant is issued for a lesser period of time than that sought by the law enforcement agency.

## Proceeds of crime examinations

The President, any Deputy President, and any Senior Member or Member 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 to oversee compulsory examinations in connection with confiscation proceedings.

Table 2.6 shows the number of examination sessions conducted by AAT members in the last three years. There has been a large increase in the number of examination sessions conducted in 2016–17.

**Table 2.6 Examinations held under the *Proceeds of Crime Act 2002*, 2014–15 to 2016–17**

	2014–15	2015–16	2016–17
Number of examination sessions held	57	49	114



# CHAPTER 3

// Our performance

# Annual Performance Statement

## Introductory statement

I, Sian Leathem, as the accountable authority of the AAT present the 2016–17 annual performance statement of the AAT, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013*. In my opinion, this annual performance statement is based on properly maintained records, accurately reflects the performance of the entity and complies with subsection 39(2) of the *Public Governance, Performance and Accountability Act*.

## Our purpose

The role of the AAT is to provide independent review on the merits of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. Merits review of an administrative decision involves considering afresh the facts, law and policy relating to that decision. We decide what is the correct or preferable decision based on the material before us and may affirm, vary or set aside the decision under review.

The AAT's objective is set out in section 2A of the *Administrative Appeals Tribunal Act*. In carrying out our functions, the AAT must pursue the objective of providing a mechanism of review of administrative decisions that:

- is accessible
- is fair, just, economical, informal and quick
- is proportionate to the importance and complexity of the matter, and
- promotes public trust and confidence in the decision-making of the Tribunal.

The AAT provides administrative justice for individuals and organisations seeking to challenge decisions that affect their interests and, more broadly, contributes to improving the quality of government decision-making.

## Results

### Performance criterion 1: Number of applications finalised

#### Target

50,670 applications finalised in 2016–17

#### Criterion source

AAT Corporate Plan 2016–17 (page 7) and Program 1.1, 2016–17 Portfolio Budget Statements, Attorney-General's Portfolio (page 48)

#### Result

The AAT finalised 42,224 applications in 2016–17.

This criterion is an indicator of the scale of the AAT's activity in carrying out our role of reviewing decisions that affect the interests of individuals and organisations.

The number of applications we finalised in 2016–17 was 11 per cent higher than the number finalised in 2015–16. In particular, we completed a substantially larger number of cases in each of our three divisions with the highest volume of applications: the Migration and Refugee Division finalised 18,908 applications (17 per cent more than in 2015–16), the Social Services and Child Support Division finalised 16,407

applications (6 per cent more than in 2015–16) and the General Division finalised 5,414 applications (14 per cent more than in 2015–16).

While the increase in finalisations was significant, the result for 2016–17 is 17 per cent lower than the target set out in the Portfolio Budget Statements. In part, this is because the target included an estimate for the number of applications for review of National Disability Insurance Scheme decisions expected to be finalised in 2016–17 that was considerably higher than the number of applications received. It also relates to the fact that the AAT's ability to finalise applications is dependent on the resources, particularly the number of members, available to deal with our caseload. The number of applications finalised in 2016–17 reflects what we were able to achieve with the members appointed to the AAT during the reporting year.

Further information relating to the number of applications finalised by division and major areas of work within divisions can be found in Tables 3.4, 3.5 and 3.9.

### **Performance criterion 2: Timeliness of finalisation of applications**

#### **Target**

75 per cent of applications finalised within 12 months of lodgement in 2016–17

#### **Criterion source**

AAT Corporate Plan 2016–17 (page 7) and Program 1.1, 2016–17 AAT Portfolio Budget Statements, Attorney-General's Portfolio (page 48)

#### **Result**

In 2016–17, 82 per cent of applications were finalised within 12 months of lodgement.

This criterion is an indicator of the extent to which the AAT is providing a mechanism of review that is quick.

The time taken to finalise applications varies between the AAT's divisions and for different types of cases based on a diverse range of factors, including the nature and complexity of the cases, differences in the procedures that apply to the review of decisions, the priority given to certain types of cases and the overall level of resources available to deal with applications. The 75 per cent target for the AAT as a whole takes into account these variations.

We exceeded our overall timeliness target by seven percentage points in 2016–17 and the result is two percentage points higher than the 80 per cent achieved in 2015–16. We improved or maintained the proportion of applications finalised within 12 months in five of our eight divisions with a six percentage point improvement in the Migration and Refugee Division and a three percentage point improvement in the Taxation and Commercial Division. Average finalisation times were shorter in some areas of our work, particularly as a result of a targeted strategy in relation to refugee cases. However, they were marginally longer in most areas reflecting that we were applying existing resourcing to an increasing caseload.

Further information relating to the timeliness of the review process by division and major areas of work within divisions can be found in Tables 3.4, 3.5 and 3.9.

### **Performance criterion 3: Judicial review outcomes**

#### **Target**

Number of appeals allowed is less than five per cent of all AAT decisions that could have been appealed

#### **Criterion source**

AAT Corporate Plan 2016–17 (page 8)

## Result

The number of appeals allowed in 2016–17 amounted to three per cent of decisions made by the AAT in 2015–16 that could have been appealed to the courts.

This criterion is an indicator of the extent to which the AAT is providing a mechanism of review that is fair and just and that promotes public trust and confidence in the AAT's decision-making.

Our decisions may be appealed to the courts and an appeal may be allowed if the AAT has made an error of law in relation to how the review was conducted or in reaching the decision. This criterion uses the total number of decisions that could have been appealed to the courts as the base as only a proportion of decisions are appealed. The criterion looks at the number of appeals allowed by the courts in the most recent financial year against the number of appealable decisions made by the AAT in the previous year on the basis that a majority of appeals lodged in relation to decisions made in a year are finalised in the following year.

The result for 2016–17 is two percentage points better than the target and represents an improvement on last year's performance of 3.3 per cent. The vast majority of appeals finalised in 2016–17 related to decisions of the Migration and Refugee Division or the former Migration Review Tribunal and Refugee Review Tribunal. There was a small improvement in this indicator for the Migration and Refugee Division with the lower proportion of successful appeals in 2016–17. The result was slightly higher for the other divisions. However, the number of appeals against decisions made in these divisions continued to be low leading to the improvement in the overall result.

Further information relating to outcomes of appeals by division can be found in Tables 3.12 and A4.5.

## Analysis of performance against our purpose

The AAT operates in a dynamic environment. We are a demand-led organisation and do not control the type or volume of applications made to us which relate to decisions made across the spectrum of Australian Government activity. The number of applications lodged with the AAT grew by 24 per cent in 2016–17. While the largest increases were in the Migration and Refugee Division, lodgements also rose in many other areas of our work. There are constraints in our ability to easily adjust our resources to respond to changes in the caseload. In particular, the appointment of the members who hear and decide cases is a matter for government. Any newly appointed members also require time to develop their knowledge and capacity.

The AAT maintained a significant change program in 2016–17 arising from the amalgamation of the MRT, RRT and SSAT with the AAT on 1 July 2015 and our strategic priority of transforming the way we work. Key projects included trialling improvements in our case management approaches, the co-location of our offices across Australia, the integration of our registry services, the consolidation of our ICT infrastructure and work on our digital strategy. These projects required the engagement of members and staff across the AAT while we carried out our core function of reviewing decisions.

Within this operational context, we continued to provide a mechanism of review of administrative decisions in accordance with our statutory objective in 2016–17. The Tribunal's efforts to operate more effectively and efficiently resulted in a substantial rise in the number of applications we finalised during the reporting year as well as an improvement in our timeliness. While we did not reach the target set out in our Corporate Plan in relation to finalisations and did not keep pace with the increase in lodgements, these matters were largely beyond our control. We exceeded our other performance targets relating to the timeliness and quality of our processes and decision-making. We also had in place a range of mechanisms to promote the accessibility of our services, including free access to interpreters. As a result of our work during 2016–17, a significant number of individuals and organisations were able to exercise their right to challenge administrative decisions, contributing to the accountability and transparency of government.

# Financial performance

The 2016–17 financial statements for the AAT report total revenue from ordinary activities of \$146.9 million and expenses of \$150.1 million. When depreciation of \$8.4 million is excluded, there was a surplus of \$5.2 million which was largely due to lower than anticipated operating costs, particularly in relation to the review of NDIS decisions and the operations of the Immigration Assessment Authority. We expect activity in relation to these jurisdictions to increase in 2017–18 and the forward years.

At 30 June 2017, the AAT was in a sound position in relation to net worth and liquidity, reporting net assets of \$82.9 million, represented by assets of \$148.0 million and liabilities of \$65.1 million. We had unspent appropriations totalling \$96.1 million of which \$0.4 million was held in cash. Unspent appropriations are available to settle liabilities as and when they fall due and for future asset replacements and improvements.

We administered application fees on behalf of the government. Details of administered revenue are set out in the financial statements.

The financial statements for 2016–17, which commence on page 61, have been audited by the Australian National Audit Office.

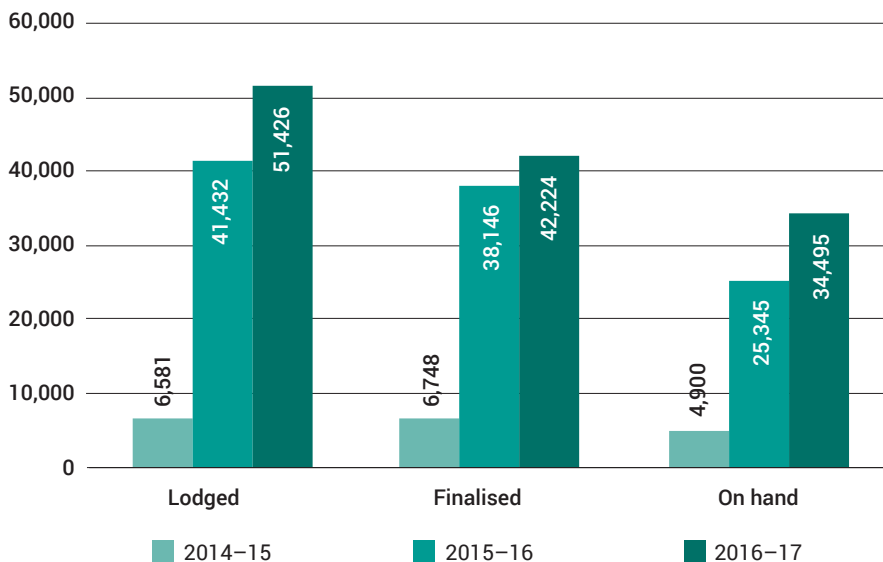
The tables summarising our total resourcing and the total payments we made during the reporting period are in Appendix 3.

## Caseload overview

The AAT received 51,426 applications and finalised 42,224 applications in 2016–17. There were 34,495 applications on hand at 30 June 2017.

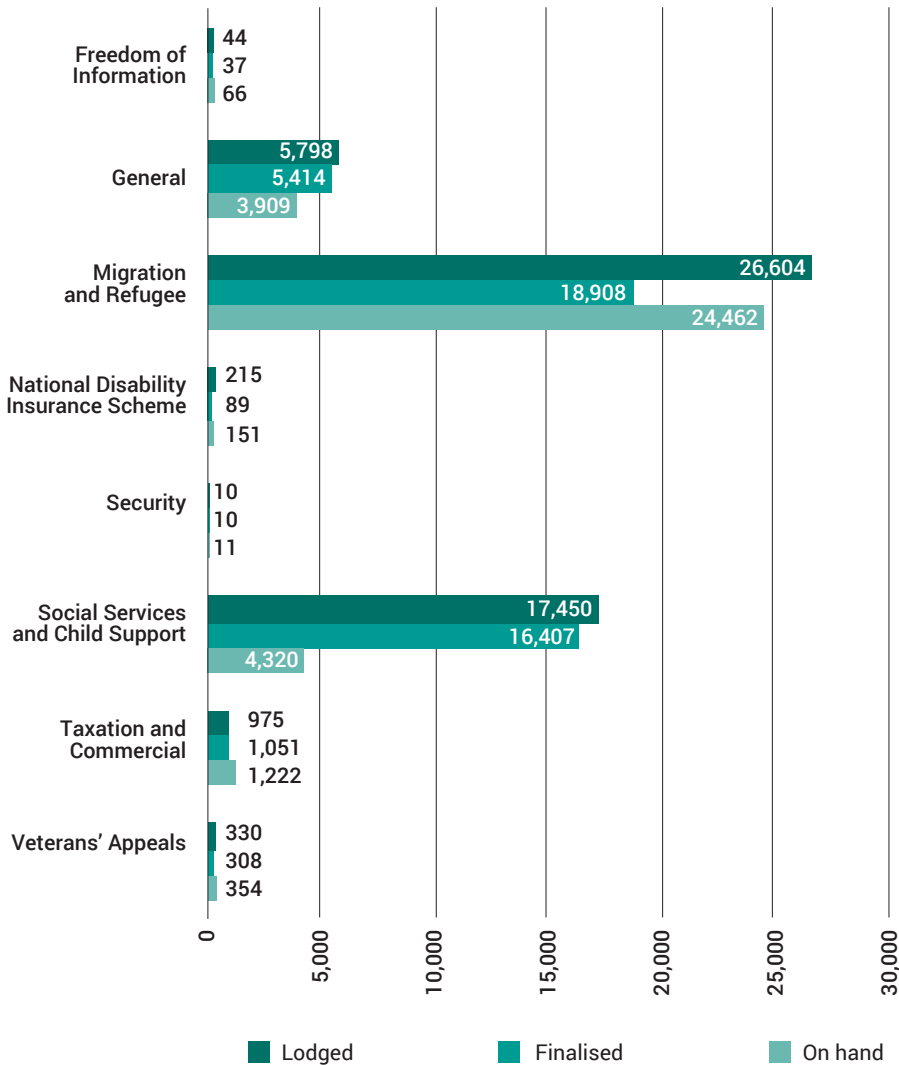
Chart 3.1 illustrates the number of applications lodged and finalised in the last three financial years, and the number of applications on hand at 30 June in each year. The significant increase in our workload from the 2015–16 financial year reflects the amalgamation of the MRT, RRT and SSAT with the AAT from 1 July 2015.

**Chart 3.1 Total applications lodged, finalised and on hand, 2014–15 to 2016–17**



The number of applications lodged with us in 2016–17 was 24 per cent higher than the 41,432 lodged in 2015–16. Finalisations in the reporting period rose by 11 per cent from the 38,146 applications finalised in 2015–16. The overall number of applications on hand at 30 June 2017 is 36 per cent higher than at 30 June 2016.

**Chart 3.2 Applications lodged, finalised and on hand, 2016–17 – By division**



As shown in Chart 3.2, the size of our workload varies significantly between divisions: 52 per cent of lodgements during the reporting year were in the Migration and Refugee Division, 34 per cent in the Social Services and Child Support Division and 11 per cent in the General Division. Fewer than four per cent of lodgements were dealt with in the FOI, NDIS, Security, Taxation and Commercial, and Veterans' Appeals Divisions.



We were able to keep pace with incoming applications in the Security Division and Taxation and Commercial Division which finalised the same or more than the number of applications lodged in the reporting period. Clearance rates were lower in the other divisions.

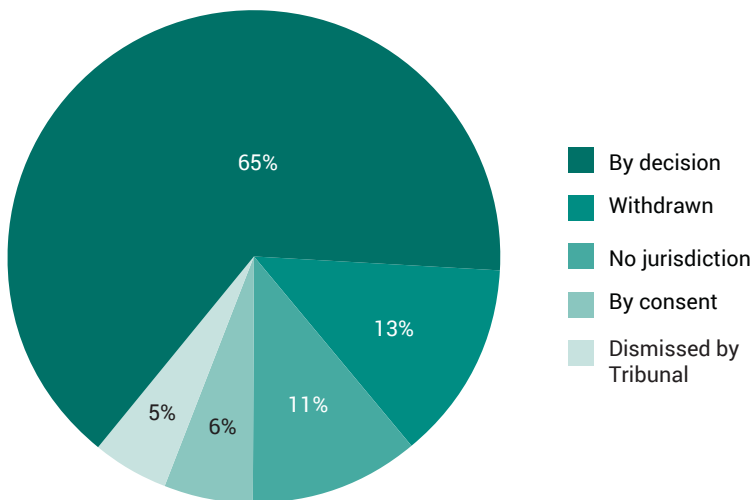
Of the 34,495 applications on hand at 30 June 2017, 71 per cent were applications in the Migration and Refugee Division, 13 per cent in the Social Services and Child Support Division and 11 per cent in the General Division. Applications in the FOI, NDIS, Security, Taxation and Commercial, and Veterans' Appeals Divisions made up the remaining five per cent of current applications.

More detailed information about the operations of the AAT's divisions is set out below. Information about the types of applications lodged and finalised in 2016–17 is also available in Appendix 4.

Applications made to us may be finalised in different ways as illustrated in Chart 3.3. In 2016–17, the majority of applications were finalised by the Tribunal making a decision on the review, generally after conducting a hearing but on the papers in certain circumstances. In six per cent of finalised cases, the reviewable decision was either affirmed, varied or set aside in accordance with an agreement reached between the parties. Almost 30 per cent of applications were withdrawn, finalised on the basis that they did not meet the requirements for a valid application or otherwise dismissed without the Tribunal reviewing the decision.

The Tribunal changed the decision under review in 26 per cent of all applications for review of a decision finalised in 2016–17. Further information on outcomes of reviews by division and major areas of work within certain divisions is available in Appendix 4.

**Chart 3.3 Mode of finalisation of applications for review of decisions, 2016–17<sup>a</sup>**



<sup>a</sup> 'Dismissed by Tribunal' includes applications dismissed by consent, for failure to appear before the Tribunal, for failure to proceed with an application or to comply with a direction of the AAT or on the basis that the application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT. 'No jurisdiction' includes applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit, the AAT has refused to extend the time for applying for a review or the application fee has not been paid.

# Operation of divisions

This section provides more information on the operations of the AAT's eight divisions in 2016–17. As the largest of the divisions, the Migration and Refugee Division and Social Services and Child Support Division are dealt with separately. Our other divisions are discussed together.

## Freedom of Information, General, National Disability Insurance Scheme, Security, Taxation and Commercial, and Veterans' Appeals Divisions

The FOI, General, NDIS, Security, Taxation and Commercial, and Veterans' Appeals Divisions deal with applications relating to a very broad range of reviewable decisions. Workload grew by six per cent in these divisions in the reporting year: 7,372 applications were lodged compared with 6,960 in 2015–16. Key statistics in relation to workload and timeliness for each of the divisions and major areas of work within divisions are set out in Table 3.4.

### General Division

The General Division has the largest caseload of these divisions with two areas of work having the highest volume of applications: second review of Centrelink decisions and the review of decisions made under Commonwealth workers' compensation legislation.

There was a three per cent increase in applications for second review of Centrelink decisions in 2016–17, consistent with a further rise in first review applications finalised by the Social Services and Child Support Division during the reporting year. Sixty per cent of applications related to disability support pension with applications relating to age pension, family tax benefit and newstart allowance making up a further 24 per cent of lodgements. We maintained our timeliness in dealing with these applications. Liaison meetings were held with stakeholders during the year, including the Department of Human Services, legal aid commissions and community legal centres, to discuss case management practices and services provided for applicants.

Following the 20 per cent increase in 2015–16, lodgements in the workers' compensation jurisdiction grew by a further seven per cent in 2016–17, primarily as a result of additional applications for review of decisions made under the *Safety, Rehabilitation and Compensation Act 1988* by Comcare and the Military Rehabilitation and Compensation Commission. While finalisations rose by 21 per cent in the reporting year, the growth in lodgements in recent years has led to a 14 per cent rise in the number of applications on hand at 30 June 2017. These cases are complex and a significant amount of investigation and evidence gathering, particularly in relation to medical evidence, takes place only after an application is lodged which can extend the review process. The proportion of applications finalised within 12 months in this reporting period was four percentage points lower than the 65 per cent result achieved in 2015–16. The caseload continues to be monitored and liaison undertaken with regular users to seek to ensure applications are being progressed as efficiently and effectively as possible.

The next largest volume of applications in the General Division were reviews of decisions about Australian citizenship and visa decisions relating to character. Lodgements relating to decisions about citizenship grew by 17 per cent in 2016–17 to 322. Of the 268 applications that were finalised, the decision under review was affirmed by the Tribunal in 19 per cent of cases and set aside in 23 per cent of cases. Approximately four-fifths of the cases in which the decision was set aside were finalised by consent in accordance with terms of agreement reached by the applicant and the Minister for Immigration and Border Protection with the remainder heard and determined by the Tribunal. Thirty-five per cent of applications were withdrawn while the balance were either not valid applications or otherwise dismissed by the Tribunal.

Table 3.4 Caseload overview, 2015–16 to 2016–17 – FOI, General, NDIS, Security, Taxation and Commercial, and Veterans' Appeals Divisions

DIVISION/AREA OF WORK	LOGGED		FINALISED		ON HAND AT YEAR END		% FINALISED WITHIN 12 MONTHS		MEDIAN TIME TO FINALISE (WEEKS)	
	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17
<b>Freedom of Information</b>	37	44	57	37	60	66	81%	65%	34	38
<b>General</b>	5,460	5,798	4,764	5,414	3,556	3,909	84%	82%	22	24
<i>Centrelink (2nd review)</i>	2,463	2,532	2,314	2,456	1,224	1,272	92%	91%	20	21
<i>Workers' compensation<sup>a</sup></i>	1,797	1,919	1,373	1,659	1,756	2,003	66%	61%	41	42
<i>Other</i>	1,200	1,347	1,077	1,299	576	634	91%	91%	12	13
<b>National Disability Insurance Scheme</b>	48	215	33	89	27	151	97%	99%	17	9
<b>Security</b>	16	10	14	10	13	11	64%	80%	29	41
<b>Taxation and Commercial</b>	1,057	975	1,268	1,051	1,331	1,222	71%	74%	30	27
<i>Taxation</i>	921	854	1,136	920	1,251	1,152	68%	70%	32	29
<i>Other<sup>b</sup></i>	136	121	132	131	80	70	82%	87%	24	20
<b>Veterans' Appeals</b>	342	330	365	308	333	354	66%	62%	40	43
<b>TOTAL</b>	<b>6,960</b>	<b>7,372</b>	<b>6,501</b>	<b>6,909</b>	<b>5,320</b>	<b>5,713</b>	<b>79%</b>	<b>78%</b>	<b>26</b>	<b>26</b>

<sup>a</sup> These figures include applications for review of decisions about defence-related claims under the Safety, Rehabilitation and Compensation Act 1988 which are formally allocated to the Veterans' Appeals Division.

<sup>b</sup> These figures include all non-taxation applications managed within the Taxation and Commercial Division whether or not formally allocated to that division: see the Review of Taxation and Commercial Decisions Practice Direction.

Applications for review of character-related visa decisions rose from 77 in 2015–16 to 183 in 2016–17. These were applications about:

- decisions to refuse or cancel a visa under section 501 of the Migration Act
- decisions under section 501CA of the Migration Act not to revoke a mandatory visa cancellation under section 501, and
- decisions to refuse or cancel a protection visa relying on sections 5H(2), 36(1C) or 36(2C)(a) or (b) of the Migration Act.

Forty-six per cent of these applications were required to be dealt with on an expedited basis and finalised within 12 weeks after the applicant was notified of the decision. These cases are prioritised over other types of reviews.

Of the 168 applications finalised in 2016–17, the Tribunal affirmed the decision under review in 52 per cent of cases. The decision was set aside in 19 per cent of cases: three applications were finalised by consent in accordance with terms of agreement reached by the parties while the remainder were heard and determined by the Tribunal. Almost 30 per cent of applications were withdrawn, did not meet the requirements for a valid application or were otherwise dismissed.

## Freedom of Information Division

The FOI Division deals with applications for review of decisions made under the *Freedom of Information Act 1982* as well as decisions made under the *Archives Act 1983* (except for those in respect of access to a record of the Australian Security Intelligence Organisation) and the *Privacy Act 1988*. The number of applications lodged during the reporting year was marginally higher than in 2015–16 but the caseload remains low overall.

## National Disability Insurance Scheme Division

With the commencement of the national rollout of the NDIS from 1 July 2016, the number of applications for review of decisions made under the *National Disability Insurance Scheme Act 2013* is growing. There was a more than fourfold increase in lodgements in 2016–17, predominantly in New South Wales and the Australian Capital Territory. Approximately three-quarters of applications related to plans made under the Scheme and, in particular, whether the funding for supports sought by a participant is reasonable and necessary. The remainder concerned whether a person is eligible to access the Scheme. Consistent with 2015–16, only a relatively small proportion of applications were finalised by way of a Tribunal decision following a hearing. The majority of applications were resolved during the pre-hearing process.

We engaged with stakeholders in this jurisdiction in various forums during the reporting year. We conducted liaison meetings with the disability advocacy service providers who provide support to applicants, legal aid commissions and the National Disability Insurance Agency. We also participated in the NDIS Appeals Advisory Group forums convened by the Department of Social Services.

## Security Division

The Security Division deals with applications about security assessments made by ASIO under the *Australian Security Intelligence Organisation Act 1979* and applications about decisions under the *Archives Act* in respect of access to an ASIO record. The number of applications dealt with by the Division remained low in 2016–17 with a small decrease in lodgements during the reporting year.

## Taxation and Commercial Division

The Taxation and Commercial Division deals with applications for review of decisions of key regulators and other decision-makers, including the Australian Financial Security Authority, the Australian Securities and Investments Commission, the Australian Taxation Office, the Civil Aviation Safety Authority and the Tax Practitioners Board. Unlike most of the other divisions in which cases are managed during the pre-hearing

process by AAT conference registrars, applications in this Division are generally allocated to a member who manages the case from lodgement to finalisation, working with the parties to tailor a strategy that will most effectively deal with the issues in dispute.

The number of applications for review of taxation decisions lodged in 2016–17 was eight per cent lower than the number lodged in 2015–16. This continues the trend from previous years which may be linked to the Australian Taxation Office's use of processes that facilitate early resolution of disputes where possible. Lodgements in relation to commercial decisions were marginally lower in the reporting year. The Division achieved a three percentage point improvement in the proportion of applications finalised within 12 months with a corresponding decrease in the average time to resolution.

## Veterans' Appeals Division

The Veterans' Appeals Division reviews a range of decisions made about benefits for current and former members of the Australian Defence Force and their families, including under the *Military Rehabilitation and Compensation Act 2004* and the *Veterans' Entitlements Act 1986*. There was a slight decrease in lodgements in 2016–17 compared with the previous reporting year. While applications under the Military Rehabilitation and Compensation Act remained steady, applications relating to the Veterans' Entitlements Act declined in 2016–17. Similar to the workers' compensation jurisdiction, the process of gathering additional evidence in many of these cases can extend the review process. The proportion of applications finalised within 12 months declined by four percentage points in 2016–17. Liaison meetings were undertaken with regular users to facilitate the sharing of information and assist the Division to manage cases as efficiently as possible.

## Alternative dispute resolution

The AAT uses ADR in all of these divisions other than the Security Division to help parties understand and narrow the issues in dispute, identify further evidence that will be gathered, and try to reach agreement about how their case should be resolved. During the reporting year, 79 per cent of applications in these divisions were finalised without the Tribunal making a decision following a hearing. At least one ADR process was held in 75 per cent of all finalised cases which were validly lodged. On average, parties spent 78 minutes per case in ADR processes and they continue to be a cost-effective mechanism for achieving review outcomes. Some registries experienced a higher workload per ADR practitioner in the reporting year and we explored different ways of ensuring resources were available in areas of higher demand, including the greater use of videoconferencing and the use of a panel of contractors.

## Appeals

The number of appeals lodged against decisions of the AAT in these divisions, while continuing to be low overall, grew from 79 in 2015–16 to 92 in 2016–17. The number of appeals as a proportion of all decisions that could have been appealed in the reporting year was four per cent as in the previous year. The Tribunal's decision was set aside in 31 per cent of appeals finalised during the reporting period, two percentage points higher than in 2015–16.

## Migration and Refugee Division

The Migration and Refugee Division reviews decisions made under the Migration Act about a wide range of visas which permit non-citizens to travel to, enter and remain in Australia on a permanent or temporary basis. These include decisions to refuse to grant visas, to cancel visas and to refuse to approve business sponsors, nominated positions and business activities. Reviewable decisions are generally made by delegates of the Minister for Immigration and Border Protection.

The Division received 26,604 applications in 2016–17, 41 per cent more than the number lodged in 2015–16 and the highest number of applications since the establishment of the Division or its predecessor tribunals. The most significant caseload increases were in the business/work, protection and student visa categories which together represented nearly 80 per cent of all cases on hand at 30 June 2017. While the number of applications finalised by the Division in 2016–17 rose by 17 per cent compared to 2015–16, we were not able to keep pace with the growth in lodgements given the available member resources. Key statistics in relation to workload and timeliness for the major areas of work within the Division are set out in Table 3.5.

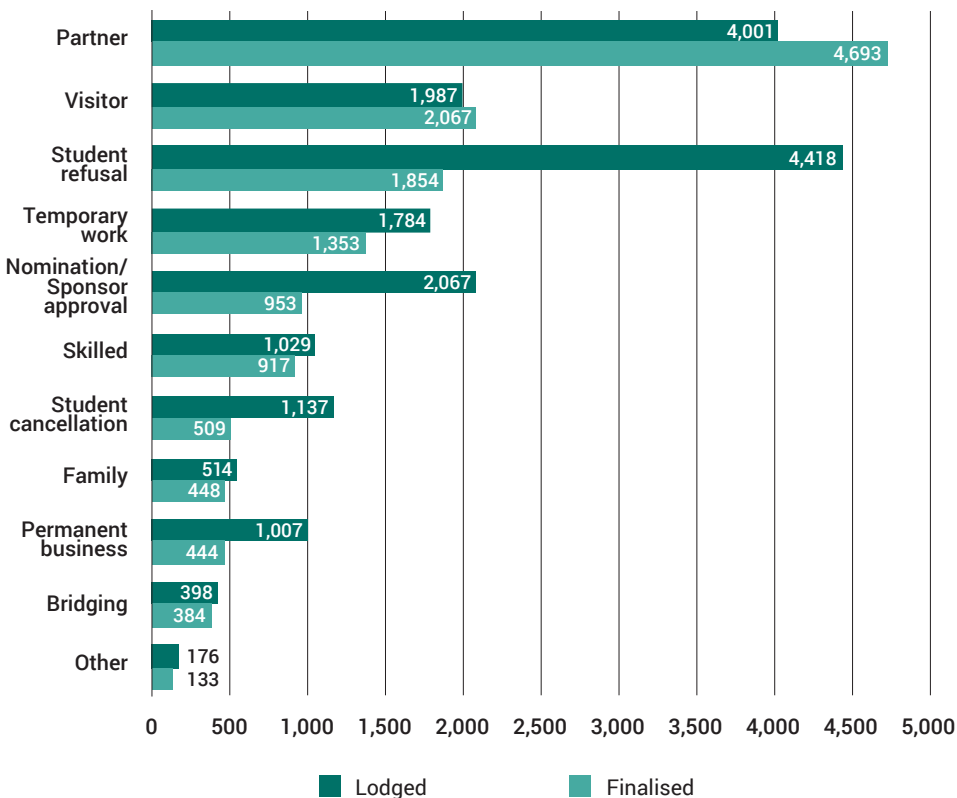
**Table 3.5 Caseload overview, 2015–16 to 2016–17 – Migration and Refugee Division**

AREA OF WORK	LODGED		FINALISED		ON HAND AT YEAR END		% FINALISED WITHIN 12 MONTHS		MEDIAN TIME TO FINALISE (WEEKS)	
	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17
Migration	14,307	18,518	12,511	13,755	11,330	16,092	67%	70%	36	39
Refugee	4,622	8,086	3,600	5,153	5,434	8,370	36%	54%	64	47
<b>TOTAL</b>	<b>18,929</b>	<b>26,604</b>	<b>16,111</b>	<b>18,908</b>	<b>16,764</b>	<b>24,462</b>	<b>60%</b>	<b>66%</b>	<b>42</b>	<b>40</b>

### Migration cases

The majority of lodgements and finalisations in the Division in 2016–17 related to decisions about permanent and temporary entry migration visas. Chart 3.6 shows the number of applications lodged and finalised by key visa categories in the reporting period.

**Chart 3.6 Migration lodgements and finalisations by key visa categories, 2016–17**



The most common type of migration cases lodged in 2016–17 were applications relating to business or work visas, including business skills visas, skilled visas and temporary work visas, as well as decisions about nomination and sponsorship. These cases represented 32 per cent of migration lodgements and 22 per cent of all lodgements, 19 per cent of all finalisations and 24 per cent of all current applications in the Division at the end of the reporting year. Lodgements in this caseload grew by 44 per cent from 2015–16, particularly in relation to temporary work visas and nomination and sponsorship decisions. It continues to be a complex and technical caseload impacted by legislative and regulatory changes.

Applications relating to decisions to refuse or cancel student visas represented 30 per cent of migration lodgements and 21 per cent of all lodgements. There was an increase of 98 per cent from 2015–16. Student visa refusal and cancellation cases comprised 12 per cent of all finalisations and represented 22 per cent of cases on hand in the Division at 30 June 2017.

Applications for review of decisions to refuse or cancel partner and family visas represented 24 per cent of migration lodgements, 17 per cent of all lodgements in the Division and 27 per cent of all finalisations in the reporting year. Lodgements in this caseload decreased by seven per cent between 2015–16 and 2016–17. This caseload comprised 17 per cent of the active cases in the Division at 30 June 2017, reducing in number by 13 per cent from the previous year.

There was a seven per cent increase in applications relating to visitor visas for tourists and persons visiting relatives in Australia which represented 11 per cent of migration lodgements and seven per cent of all lodgements. Two per cent of the migration caseload and one per cent of all lodgements were about bridging visas which provide temporary lawful status to non-citizens in Australia. The number of bridging visa applications lodged in 2016–17 was 28 per cent lower than the previous reporting period.

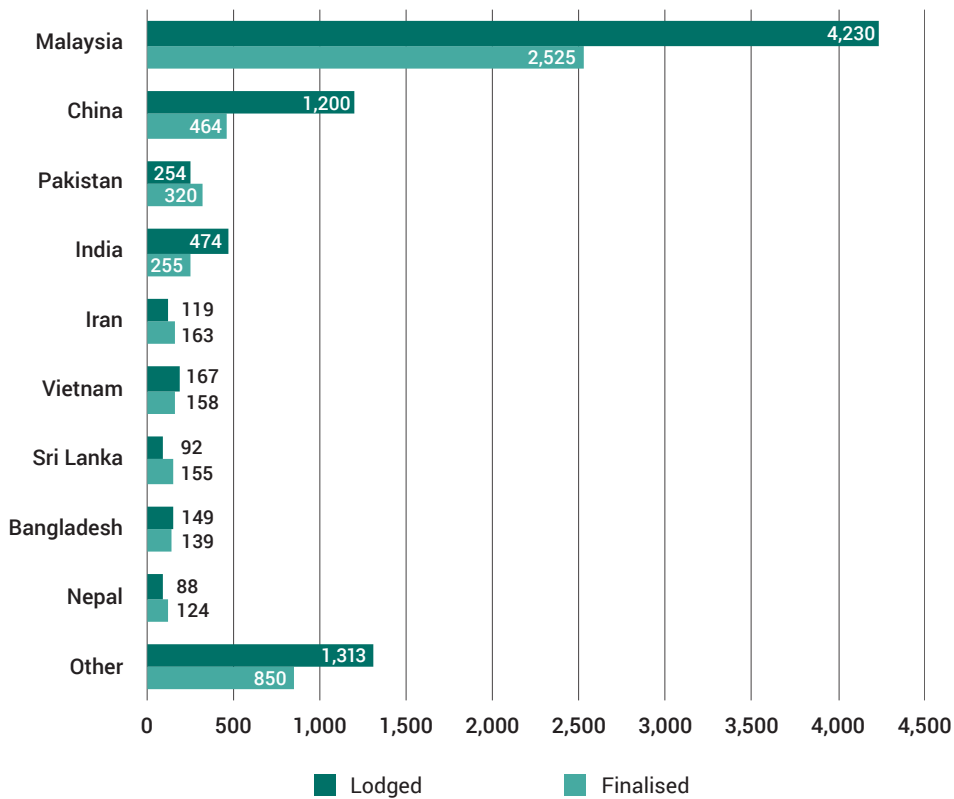
## Refugee cases

Applications for review of decisions about protection visas require the AAT to consider whether or not the applicant is a person to whom Australia has protection obligations and, in particular, whether they are a refugee or, in the alternative, entitled to complementary protection. This area of work represented 30 per cent of all lodgements in the Division in 2016–17, 27 per cent of all finalisations and approximately one-third of the Division's active caseload at 30 June 2017.

Lodgements in relation to protection visa decisions were 75 per cent higher in 2016–17 than in 2015–16. This can be attributed to a further significant increase in the number of applications relating to Malaysian nationals which comprised 52 per cent of all lodgements concerning protection visas. The number of applications from Chinese nationals also doubled in the reporting period. Applications relating to nationals from these two countries represented 59 per cent of the active refugee caseload at 30 June 2017. Chart 3.7 shows the number of lodgements and finalisations in 2016–17 by the applicant's country of origin.

The number of applications relating to protection visas lodged by unauthorised maritime arrivals decreased further from 187 in 2015–16 to 146 in the reporting year. The Division does not review decisions made in relation to unauthorised maritime arrivals who entered Australia after 13 August 2012 and before 1 January 2014. These decisions are reviewed by the Immigration Assessment Authority which is covered in Chapter 5 of this report.

**Chart 3.7 Refugee lodgements and finalisations by country of origin, 2016–17**



### Cancellation cases

Applications to the Division for review of decisions to cancel permanent and temporary visas grew by 74 per cent in 2016–17. An overview of the cancellation caseload which otherwise forms part of the migration and refugee caseloads detailed above is set out in Table 3.8. The number of cancellation cases on hand at 30 June 2017 was more than double the number at 30 June 2016.

**Table 3.8 Cancellation caseload overview, 2016–17**

AREA OF WORK	LODGED		FINALISED		ON HAND AT YEAR END	
	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17
<i>Migration</i>	1,141	1,898	1,070	1,190	619	1,327
<i>Refugee</i>	48	168	29	110	31	89
<b>TOTAL</b>	<b>1,189</b>	<b>2,066</b>	<b>1,099</b>	<b>1,300</b>	<b>650</b>	<b>1,416</b>



## Caseload strategy

The Division's caseload strategy for 2016–17 aimed to reduce the age of the active caseload, particularly for refugee cases, and identify and implement case management strategies to more effectively and efficiently finalise cases. As foreshadowed in the 2015–16 annual report, the Division undertook a number of case management projects in 2016–17 which were generally successful and contributed to the Division exceeding its indicative member finalisation targets by 10 per cent.

In relation to the migration caseload, a number of strategies were trialled for certain types of visitor visa cases, including the use of hearing lists. The visitor visa project achieved a considerable reduction in the size of the active caseload in New South Wales and the average age of active visitor cases was also reduced. In the partner visa caseload, pilots were conducted in a number of locations. Key features included triaging cases to identify appropriate review pathways and staff undertaking outreach with parties prior to hearing. Pre-hearing events were also trialled in the business caseload resulting in higher numbers of earlier withdrawals. These projects contributed to the improvement in the proportion of migration cases finalised within 12 months from 67 per cent in 2015–16 to 70 per cent in 2016–17.

In relation to the refugee caseload, a taskforce was established to reduce the number and age of protection visa cases awaiting allocation to a member and to trial different case management processes. Key elements of the approach adopted included triaging cases, batching cases according to country and issues, providing members with targeted country information packages and facilitating member focus groups to develop expertise in particular countries. The taskforce achieved significant gains in reducing the number of older active cases in a number of country cohorts and improving the timeliness of decision-making. The Division finalised 43 per cent more refugee cases than in the previous reporting year with the proportion of cases finalised within 12 months rising from 36 per cent in 2015–16 to 54 per cent in 2016–17.

Despite these improvements, the Division was unable to reduce the caseload on hand because of the significant increase in lodgements and reduced member resources. The ongoing challenge for the Division will be to reduce the active caseload and meet timeliness measures. In addition to seeking the appointment of additional members to deal with the workload, the Division proposes undertaking further case management projects in 2017–18, including making increased use of staff, to promote more timely and efficient finalisation of cases.

## Outcomes of reviews

In 2016–17, the Division varied, remitted or set aside the decision under review in 38 per cent of finalised migration cases compared with 37 per cent in 2015–16. The original decision was affirmed in 37 per cent of finalised cases in 2016–17. In relation to the refugee caseload, 11 per cent of cases were remitted to the Department in 2016–17 compared with 16 per cent in 2015–16. The decision under review was affirmed in 62 per cent of cases. The remaining applications were either withdrawn, did not meet application requirements or were dismissed by the Tribunal on the basis that the applicant failed to appear.

As in other divisions, decisions are commonly changed on review because the Tribunal has new or additional evidence that was not available to the original decision-maker. A change in the applicant's circumstances since the time of the original decision can also be relevant. Taking all of the evidence before us into account, the Tribunal may reach different conclusions when we apply the law and make a decision.

## Appeals

There were 3,644 applications for judicial review of Migration and Refugee Division decisions lodged with the Federal Circuit Court of Australia during the reporting period which represents 22 per cent of all decisions made in 2016–17 that could have been appealed. The number of appeals was higher than in the previous year but, as the Division made more decisions in the reporting year, the rate of appeal dropped by one percentage point.

Of judicial review applications finalised in 2016–17, one in five appeals resulted in the decision of the AAT or the former MRT or RRT being set aside by the courts, an improvement on the set-aside rate of approximately one in four decisions in 2015–16. Of these successful appeals, 78 per cent were remitted by consent: the Minister for Immigration and Border Protection agreed that the Tribunal had made a legal error and the decision should be set aside. Ten per cent of the consent remittals were because of a decision of the Full Court of the Federal Court noted in our 2015–16 annual report that overruled previous judicial interpretation of the law (*Waensila v Minister for Immigration and Border Protection* [2016] FCAFC 32). A further 9.5 per cent of consent remittals concerned error relating to the treatment of non-disclosure certificates issued by delegates of the Minister of the kind identified in *Minister for Immigration and Border Protection v Singh* [2016] FCAFC 183 which is discussed below.

## Engagement

The Division engages with key stakeholders in a variety of ways. Regular meetings were held with representatives of the Department of Immigration and Border Protection during the year to discuss strategic and high-level operational issues. There was liaison with the Department of Foreign Affairs and Trade which provides country information reports for use in refugee decision-making. Members were given country information briefing sessions and meetings were held with Australian overseas representatives. As outlined in Appendix 6, the Division also held community liaison meetings across the country in 2016–17 to exchange information with key stakeholders.

## Social Services and Child Support Division

The Social Services and Child Support Division reviews a wide range of decisions made by officers of the Department of Human Services, including decisions about:

- family assistance, social security and student assistance entitlements (referred to as Centrelink decisions)
- child support, and
- paid parental leave.

The Division received 17,450 applications in 2016–17, representing a 12 per cent increase on the number of applications lodged in the previous year. The number of applications finalised increased to 16,407, six per cent more than in 2015–16. With the continued growth in lodgements, the number of cases on hand at 30 June 2017 rose by 32 per cent compared with the number of active cases at 30 June 2016.

Key statistics in relation to caseload and timeliness for the major areas of work within the Division are set out in Table 3.9.

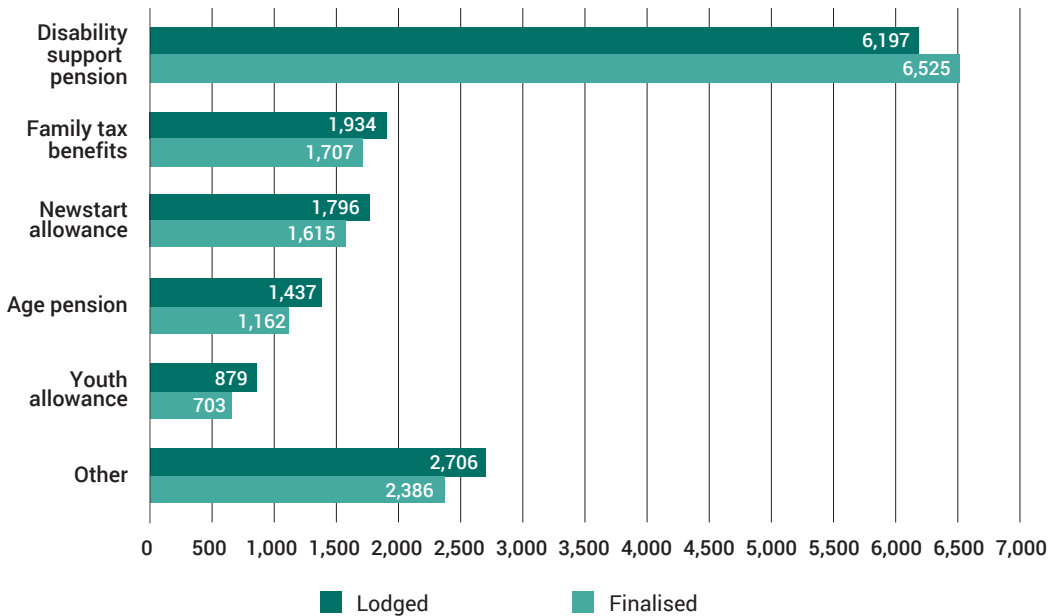
**Table 3.9 Caseload overview, 2015–16 to 2016–17 – Social Services and Child Support Division**

AREA OF WORK	LODGED		FINALISED		ON HAND AT YEAR END		% FINALISED WITHIN 12 MONTHS		MEDIAN TIME TO FINALISE (WEEKS)	
	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17
Centrelink (1st review)	13,201	14,949	13,215	14,098	2,694	3,547	>99%	>99%	11	13
Child support	2,136	2,241	2,098	2,063	533	725	>99%	>99%	12	13
Paid parental leave	206	260	221	246	34	48	100%	>99%	10	10
<b>TOTAL</b>	<b>15,543</b>	<b>17,450</b>	<b>15,534</b>	<b>16,407</b>	<b>3,261</b>	<b>4,320</b>	<b>&gt;99%</b>	<b>&gt;99%</b>	<b>11</b>	<b>13</b>

Applications relating to Centrelink decisions constituted 86 per cent of all lodgements in the Division in the reporting year and were 13 per cent higher than in 2015–16. As shown in Chart 3.10, lodgements relating to decisions about disability support pension continued to be the most common type of application, comprising 41 per cent of all Centrelink lodgements. However, lodgements about decisions of this kind decreased in 2016–17 for the first time in recent years with five per cent fewer applications than in the previous reporting year. Applications increased in relation to the other main payment types: 73 per cent in relation to age pension, 40 per cent in relation to newstart allowance, 24 per cent in relation to family tax benefit and 13 per cent in relation to youth allowance.

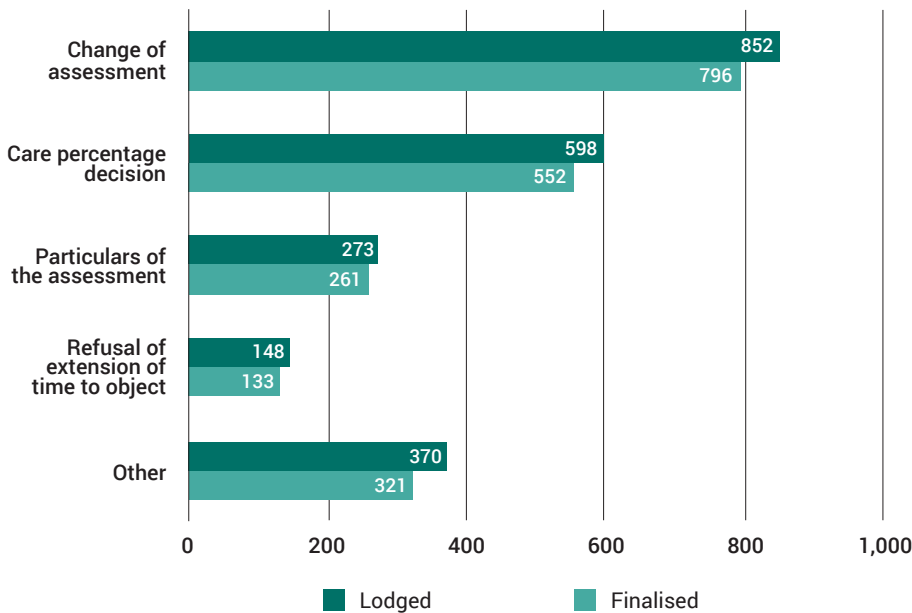
The most common types of decisions in relation to which applications were made were those rejecting a claim or about a debt. These were followed by decisions to suspend or cancel a payment and those concerning the rate of payment. The number of applications lodged, seeking review of one or more Centrelink decisions about a debt rose to 5,319 in 2016–17 from 3,365 in 2015–16. Excluding applications finalised on the basis that the Division could not review the decision, generally because no internal review had been conducted, there was a 55 per cent increase in applications of this kind from the previous reporting period.

**Chart 3.10 Centrelink lodgements and finalisations by key payment types, 2016–17**



Lodgements relating to child support decisions represented 13 per cent of all applications received in 2016–17 and increased by five per cent from the previous year. Chart 3.11 illustrates the most common types of decisions under review. Applications relating to requests to change a child support assessment (how much child support is payable) and determinations about percentages of care for a child comprised almost two-thirds of all lodgements.

**Chart 3.11 Child support lodgements and finalisations by key decision types, 2016–17**



Applications relating to paid parental leave continued to form only a small part of the Division's overall caseload with 260 applications lodged in the reporting period. This amounts to a 26 per cent increase from 2015–16.

The number of Centrelink applications finalised increased by seven per cent in 2016–17, while child support finalisations were consistent with the previous reporting period. Median finalisation times for Centrelink and child support applications were 13 weeks, compared to 11 and 12 weeks respectively in 2015–16. Given the record volume of applications received in 2016–17, a small reduction in active members and periodic uncertainty as to member appointments with a consequent inability to list cases before affected members for periods of time, this was a reasonable result. Dealing with the caseload in a timely manner will continue to be a challenge for the Division in 2017–18, particularly with the available number of members.

### Developments in 2016–17

The Social Services and Child Support Division is the only division in which applications may be lodged orally. Lodgement by telephone remained the most common method of commencing a review in 2016–17 with 65 per cent of all applications lodged this way. However, applications made online accounted for 22 per cent of all lodgements this year, up from 12 per cent in the previous year.

In our 2015–16 annual report, we noted concerns relating to the sufficiency of, and extent of redactions to, documents lodged by the Department of Human Services under section 37 of the Administrative Appeals Tribunal Act which affect the Division's capacity to efficiently conduct reviews. The Division and the Department continued their engagement during the reporting year in relation to these matters. Work was undertaken to clarify the types of documents required to be included for particular types of decisions such as disability pension rejections, income-related social security debts and matters relating to valuation of real property. The former President also issued a new practice direction, *Lodgement of Documents under Section 37 and 38AA of the AAT Act in the Social Services and Child Support Division*, on 15 May 2017 which clarifies the circumstances in which information may be redacted without the need for an order from the Tribunal. The Division continues to monitor the quality of the documents as well as the volume of requests that need to be made for further information.

In 2016–17, the Division devised and commenced a number of strategic caseload management trials. They have involved caseload practice managers, staff with significant expertise in relation to the Division's jurisdiction, triaging certain Centrelink and child support cases and undertaking outreach with the parties in select cases. Benefits of this approach include applicants and other parties having a better understanding of the decision under review, the issues in the application and the scope of the Tribunal's powers at an early stage of the review as well as the potential for an earlier resolution to be reached in some cases. The trials will continue into 2017–18.

During the reporting year, an increasing number of decisions were made with the Tribunal delivering the decision and the reasons for decision orally at the end of a hearing as an effective and responsive way to provide applicants with a timely decision. Ten per cent of all first review decisions were delivered orally. Most commonly, we provided oral reasons for decision in Centrelink cases, with written reasons provided upon request by a party.

The Division continued to facilitate legal advice clinics in our Adelaide, Brisbane, Melbourne and Sydney registries during 2016–17, enabling applicants to seek independent advice about their first review cases.

## Second review and appeals

Certain categories of decisions made by the Social Services and Child Support Division, including most decisions in Centrelink cases as well as select child support and paid parental leave decisions, can be reviewed by the AAT's General Division. Other decisions are subject to review by the courts on appeal.

Of the 2,532 applications lodged in the General Division during the reporting period for second review of Centrelink decisions, 90 were lodged by the Secretary of the Department of Social Services and one by the Secretary of the Department of Education and Training. Of the 111 Secretary appeals finalised in the period, our decision remained unchanged in 49 per cent of the applications: 44 applications were withdrawn, the decision was affirmed following a hearing in seven applications, one decision was affirmed by consent and two applications were dismissed by agreement. The Division's decision was set aside or varied after hearing in 44 applications and set aside or varied by consent in 13 applications. Information relating to the outcomes of all applications for second review can be found in Appendix 4.

In the reporting period, there were 23 statutory appeals from our child support decisions lodged in the Federal Circuit Court and the Federal Court, compared with a total of 33 appeals in the preceding year. The number of appeals as a proportion of all decisions that could have been appealed in the reporting year remained low at one per cent. In relation to the outcomes of the 28 appeals finalised in 2016–17, five were allowed and 23 dismissed or discontinued.

# External scrutiny

The AAT's operations are subject to external scrutiny through various mechanisms. The principal form of scrutiny in relation to how we conduct reviews and our decisions is by way of review in the courts. Our operations are also subject to scrutiny through requests made under the Freedom of Information Act, complaints to the Commonwealth Ombudsman and other bodies, audits by the Australian National Audit Office and parliamentary scrutiny.

## Appeals

There are three primary appeal pathways for review by the courts of the decisions we make.

- A party may appeal to the Federal Court, on a question of law, from most types of final decisions made in divisions other than the Migration and Refugee Division under section 44 of the Administrative Appeals Tribunal Act. The Federal Court may transfer the appeal to the Federal Circuit Court unless the Tribunal was constituted by, or included, the President or a Deputy President.
- A party to a first review of a child support decision dealt with by the Social Services and Child Support Division may appeal, on a question of law, to the Federal Circuit Court under section 44AAA of the Administrative Appeals Tribunal Act unless the Tribunal was constituted by, or included, the President or a Deputy President.
- An applicant or the Minister for Immigration and Border Protection may seek judicial review under Part 8 of the Migration Act of most AAT decisions made under that Act. Applications relating to decisions made in the Migration and Refugee Division must be lodged in the Federal Circuit Court. Applications relating to most decisions dealt with in the General Division must be lodged in the Federal Court.

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

As shown in Table 3.12, 3,759 appeals were lodged in 2016–17, 97 per cent of which were applications for judicial review of decisions made by the Migration and Refugee Division or the former MRT or RRT. The proportion of migration and refugee decisions that were appealed was considerably higher than for our other divisions.

There were 2,743 appeals relating to decisions of the AAT, MRT, RRT and SSAT finally determined in the courts during the reporting year. Overall, the Tribunal's decision was set aside in 20 per cent of those appeals. However, this amounted to only 3 per cent of all decisions made in 2015–16 that could have been appealed to the courts.

**Table 3.12 Court appeals lodged and finalised, 2015–16 to 2016–17 – By division<sup>a</sup>**

DIVISION	COURT APPEALS LODGED				COURT APPEALS FINALISED <sup>d</sup>					
	Lodged <sup>b</sup>		Proportion of total AAT decisions <sup>c</sup>		Finalised		Proportion allowed against total appeals finalised		Proportion allowed against total decisions <sup>e</sup>	
	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17	2015–16	2016–17
FOI, General, NDIS, Security, Taxation and Commercial, and Veterans' Appeals	79	92	4%	4%	96	98	29%	31%	1.3%	1.4%
Migration and Refugee	3,269	3,644	23%	22%	2,958	2,617	24%	20%	3.7%	3.6%
Social Services and Child Support <sup>f</sup>	33	23	2%	1%	33	28	9%	18%	0.2%	0.3%
<b>TOTAL</b>	<b>3,381</b>	<b>3,759</b>	<b>19%</b>	<b>18%</b>	<b>3,087</b>	<b>2,743</b>	<b>24%</b>	<b>20%</b>	<b>3.3%</b>	<b>3.0%</b>

<sup>a</sup> These figures include appeals lodged or finalised in the reporting year that relate to decisions made by the AAT, MRT, RRT or SSAT prior to 1 July 2015 as well as decisions made by the AAT from 1 July 2015.

<sup>b</sup> These figures include some appeals lodged in relation to decisions made in a previous year.

<sup>c</sup> These figures represent the number of appeals lodged in 2015–16 and 2016–17 as a proportion of all AAT decisions made in those respective years that could have been appealed to the courts.

<sup>d</sup> 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.

<sup>e</sup> These figures represent the number of successful appeals in 2015–16 and 2016–17 as a proportion of all decisions of the AAT, MRT, RRT and SSAT made in the previous financial year that could have been appealed to the courts.

<sup>f</sup> Only child support and employer-related paid parental leave decisions may be appealed to the courts under section 44 or 44AAA of the Administrative Appeals Tribunal Act. Other decisions are subject to second review in the AAT.

More information on appeals lodged and determined during the reporting year by major areas of work within divisions is available in Table A4.5 in Appendix 4.

During the reporting year, a number of judicial decisions had an impact on our procedures and decision-making.

### ***Aulakh v Minister for Immigration and Border Protection [2017] FCCA 544***

The applicant sought judicial review of a decision of the MRT that affirmed a decision to refuse her a skilled visa on the basis that she had obtained a skills assessment to support her application using employment references that were false or misleading. The MRT took evidence from the purported author of one of the references at the hearing as well as from the applicant and the applicant's husband. The MRT found that the applicant had not been employed by the referee, as claimed, on the basis of inconsistencies between the evidence the referee gave to the Department and the MRT as well as inconsistencies between the evidence of the referee, the applicant and the applicant's husband at hearing about the terms of the applicant's employment. The Court held that the MRT fell into jurisdictional error as its conclusion was not supported by the evidence and the MRT could not have reached this conclusion if it were acting reasonably because the inconsistencies were minor. This and other similar cases being remitted to the Tribunal on the grounds of legal unreasonableness, illogicality and irrationality impact on the Division by increasing uncertainty in relation to the boundaries of permissible decision-making. The Minister has appealed this decision to the Federal Court.

### ***DZAFH v Minister for Immigration & Anor* [2017] FCCA 387**

The applicant, who was in immigration detention, sought judicial review of a decision of the RRT that it did not have jurisdiction to review the decision to refuse to grant him a protection visa because his application was lodged outside the prescribed seven working-day time limit set out in regulation 4.31 of the *Migration Regulations 1994*. Before the RRT made its decision, it sent the applicant a letter noting the prescribed period to apply for review had expired and inviting him to comment on the validity of his review application. The Court found that:

- the RRT's calculation of the prescribed period was incorrect because it had not included the day on which the applicant was notified of the original decision in calculating the prescribed period, and
- the correct interpretation of regulation 4.31 is that the prescribed time period begins on the day the applicant is taken to have been notified of the original decision.

The effect of the judgment is that the time available to applicants to apply for review of a protection visa decision under Part 7 of the Migration Act is calculated as being one day shorter than the previous approach taken by the AAT. The AAT took steps to advise stakeholders of the change. The judgment does not affect how the prescribed time period for applying for review of a migration decision under Part 5 of the Migration Act is calculated.

### ***MZAFZ v Minister for Immigration and Border Protection* [2016] FCA 1081 *Minister for Immigration and Border Protection v Singh* [2016] FCAFC 183**

In *MZAFZ*, the appellant sought judicial review of a decision of the RRT that affirmed a decision to refuse her a protection visa. The Department of Immigration and Border Protection file which was given to the RRT included a certificate issued by a delegate of the Minister under section 438 of the Migration Act certifying that it would be contrary to the public interest to disclose certain information in the file. The appellant argued that the section 438 certificate was invalid and that the Tribunal's failure to put the material purportedly covered by the certificate to the appellant for comment constituted a denial of procedural fairness. The Court found that the certificate issued by the delegate was invalid on its face as the stated basis for the certificate was that it contained internal working documents which is neither a necessary nor sufficient basis for a public interest immunity claim. The Court inferred that the RRT had acted on the invalid certificate with the result that the RRT had made a jurisdictional error. The Court also held that, even if the certificate had been valid, procedural fairness required the RRT to disclose its existence to the applicant, give the applicant an opportunity to make submissions about its validity, tell the applicant how the RRT was going to take into account the information it covered and give the applicant an opportunity to ask the RRT to disclose the information, which it had a discretion to do.

In *Singh*, a delegate of the Minister refused to grant the respondent a skilled visa on the basis that the skills assessment he submitted in support of his application was a bogus document. The respondent applied to the MRT for review of the decision and a delegate of the Minister issued a certificate under section 375A of the Migration Act requiring the MRT to ensure that certain information held on its file would not be disclosed to anyone. The MRT gave the respondent particulars of adverse information contained within the Departmental file and invited him to comment on or respond to the information, but it did not disclose the existence of the certificate. The MRT affirmed the delegate's decision and the respondent sought judicial review of the MRT decision. The Full Court of the Federal Court held that the MRT had denied the respondent procedural fairness by not informing him of the existence of the certificate.

The judgments in *MZAFZ* and *Singh* have established principles that the AAT must apply in cases where there is a non-disclosure certificate issued by the Minister, including assessing the validity of the certificate and considering what to disclose to the applicant in light of the AAT's procedural fairness obligations. Following these judgments, the AAT has engaged with the Department about the use of these certificates and made changes to its procedures in handling cases involving these certificates, including in relation to assessing the



validity of certificates and returning invalid certificates to the Department for reconsideration. These judgments are likely to result in a large number of AAT decisions being set aside on appeal and remitted for re-determination.

### ***Negri v Secretary, Department of Social Services* [2016] FCA 879**

This judgment discussed the extent to which the reasons for a Tribunal decision, given orally, may differ from those given in writing after a request has been made by a party for a written statement of reasons under section 43(2A) of the Administrative Appeals Tribunal Act. The Court observed that written reasons may more fully explain the Tribunal's findings and reasoning, improve expression and clarity and even include a matter that was on the Tribunal's mind at the time of the oral decision but not stated due to oversight. However, the Court concluded that the Tribunal is not permitted to substantially divert from the reasoning upon which its decision was made. It is permitted to explain that reasoning differently and, in doing so, is required to address the matters specified in section 43(2B), namely its findings on material questions of fact and a reference to the evidence or other material on which those findings were based.

## **Freedom of information**

Two applications were lodged with the Office of the Australian Information Commissioner in 2016–17 seeking review of decisions we made in relation to requests for access to documents under the Freedom of Information Act. Two applications were finalised during the reporting year, one of which was an outstanding review relating to a decision of the former MRT. No decisions were made that have had, or may have, a significant effect on our operations.

### **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. 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. The AAT's plan is on our website.

## **Complaints to external bodies**

The Australian Human Rights Commission advised us of two complaints about the AAT in 2016–17. One complaint was finalised during the reporting period with the complainant electing not to proceed with the complaint.

The Commonwealth Ombudsman received 61 approaches concerning the AAT during the reporting period. The Ombudsman finalised 62 approaches within the reporting period and no investigations were conducted.

The Office of the Australian Information Commissioner received five and closed seven privacy complaints relating to the AAT in 2016–17. In relation to finalised complaints of which the AAT was given notice, one complaint was withdrawn, two were finalised on the basis that there had been no interference with the complainant's privacy and one was settled.

## **Reports on the operations of the AAT**

The AAT's operations were not the subject of any report by the Auditor-General, any parliamentary committee or by the Commonwealth Ombudsman during the reporting period.

# Service to users

The AAT strives to be accessible to our wide range of users and potential users, including people from different cultural and linguistic backgrounds and people with disability. We employ various measures to assist people to apply to the Tribunal and participate in the review process, particularly where a person is representing themselves. We have an internal Accessibility Advisory Group which provides advice on accessibility issues and acts as a point of coordination for activities aimed at improving accessibility. We also liaise with the Judicial Council on Cultural Diversity, an advisory body formed to assist courts and tribunals respond to the needs of culturally diverse communities.

## Information about the AAT and assistance in relation to the review process

We offer written information about our role and procedures in plain language in a variety of formats. These materials include practice directions, guides, guidelines and fact sheets. Some information is made available in community languages and in videos. We also make resources available to help people understand how we will apply the law, including the Guide to Refugee Law in Australia which is available on our website and AAT decisions which are published on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)). We publish a selection of written decisions made in the Migration and Refugee Division and in the Social Services and Child Support Division's child support jurisdiction. Most written decisions made in other divisions are published.

AAT staff respond to enquiries from parties and representatives about the review process and proactively contact self-represented parties in some types of cases to explain our processes as well as identify whether a party will require an interpreter or assistance because of a disability. We make information available to parties about legal aid services, community legal centres, and other persons or organisations that may be able to provide advice and assistance in relation to the review process, or how to find such assistance.

In New South Wales, Queensland, South Australia, Victoria and Western Australia, the AAT has worked with legal aid commissions and community legal centres to establish legal advice schemes. A solicitor attends the AAT and provides advice and minor assistance to self-represented parties in certain types of cases, particularly reviews of Centrelink decisions. Further assistance, such as representation, may be provided if a person meets eligibility requirements.

## People from culturally and linguistically diverse backgrounds

We take steps to ensure our users from culturally and linguistically diverse backgrounds are able to communicate with us effectively and also seek to address other cultural diversity issues in delivering our services.

### Interpreting services

If a party or witness requires an interpreter, we engage one and meet the cost. We generally use interpreters accredited by the National Accreditation Authority for Translators and Interpreters at the 'Professional Interpreter' level. If an interpreter is not available in a language at that level, we may use an interpreter accredited as a 'Paraprofessional Interpreter' or, if NAATI does not offer accreditation testing in the language, an interpreter recognised by NAATI.

We have developed information for interpreters in relation to our procedures and terminology, as well as guidelines relating to the role of the interpreter.

## Indigenous Australians

The AAT is committed to improving access for Indigenous Australians, including by educating members and staff on how to work effectively and respectfully with Indigenous users and their communities. Members and staff have access to an eLearning module designed to improve Indigenous cultural awareness, as well as our internal guide on working with Aboriginal and Torres Strait Islander people.

## Persons with disability

We aim to make access easier for people with disability by:

- ensuring our website meets the World Wide Web Consortium's Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) web standard to Level AA
- making ReadSpeaker, a text-to-speech software service, available on our website
- providing portable hearing loop systems in Tribunal premises
- facilitating telephone contact for people with a hearing or speech impairment
- making all of our premises wheelchair accessible and ensuring other premises used by the AAT are accessible, and
- providing facilities for participation in conferences and hearings by telephone or video-link.

## Service Charter

We have a Service Charter which sets out the standards of service that people can expect when they deal with us. Information on the extent of our compliance with those standards during 2016–17 (where information is available) is in Table 3.13.

The Service Charter also includes information about how users can give us feedback, including how to make a complaint about the AAT. It also sets out our standards for responding to complaints. More information relating to the handling of complaints made to us during the reporting period is set out below.

**Table 3.13 Performance against service standards, 2016–17**

COMMITMENT	RESULT FOR 2016–17
<b>We will treat you with respect and courtesy</b>	
We will be polite, respectful and courteous and use language that is clear and understandable.	Of the 190 complaints finalised in 2016–17, five involved adverse findings in relation to issues of this kind.
<b>We will make ourselves accessible</b>	
Staff will answer telephone queries from 8:30am to 5:00pm on working days. You can contact us on 1800 228 333 from anywhere in Australia.	Staff were available to answer telephone queries from 8:30am to 5:00pm on each working day throughout the year. Our national 1800 telephone number was available throughout the year.
All correspondence will include our contact details.	All AAT correspondence includes contact details for the Tribunal.
Wheelchair access and portable hearing loop systems are available at each registry.	All AAT premises were wheelchair accessible. Portable induction loops were available at each of our registries.
Hearings will be held in capital cities and in regional centres (where possible).	We held hearings in all capital cities and eight regional locations.

COMMITMENT	RESULT FOR 2016–17
We conduct many hearings by phone or videoconference.	We conducted the following number of case events by telephone or video-link: <ul style="list-style-type: none"> <li>• conferences – 7,011</li> <li>• other alternative dispute resolution processes – 14</li> <li>• directions hearings – 2,264</li> <li>• interlocutory hearings – 481</li> <li>• hearings – 10,417 (1,847 in the Migration and Refugee Division, 8,465 in the Social Services and Child Support Division and 105 in other divisions).</li> </ul>
If you need an interpreter we will provide one free of charge.	We arranged for an interpreter to participate in any alternative dispute resolution process or hearing where needed. Interpreters were provided free of charge.
We have information about our procedures available from our offices and on our website.	Our website contains information about our procedures. AAT staff assist applicants to access this information, including providing the information in printed form. AAT staff also provide verbal information about Tribunal processes.

**We will deal with you fairly**

You or your representative will have a reasonable opportunity to present your case.	We provide parties with an opportunity to present their case in various ways depending on the type of decision we are reviewing. Parties may provide information and submissions at any time during the review as well as in response to specific requests from the Tribunal. We generally hold a hearing at which parties may give evidence and make submissions before the Tribunal makes a decision in a case.
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**We will operate in an efficient manner**

We will acknowledge receipt of applications.	The average time for acknowledging receipt of applications during the reporting period was 2 days.
We will respond to enquiries within a reasonable time.	Of the 190 complaints finalised in 2016–17, none involved adverse findings in relation to issues of this kind.

## Complaints to the Tribunal

Complaints may be made to us orally or in writing. We encourage members and staff to address issues or concerns that are raised by people with whom they are dealing at the time of the interaction where this is possible. In circumstances where issues cannot be readily resolved, the person will be advised that they may make a written complaint, including by way of our online feedback form.

We aim to provide a final response to a written complaint within 20 working days. If more time is required because of the complexity of the complaint or the need to consult with other persons before providing a response, we advise the complainant of progress in handling the complaint.

We treat all complaints seriously and conduct investigations in an impartial manner as quickly as possible having regard to the principles of procedural fairness. Possible responses to complaints include the provision of information or an explanation, an apology, a change to practice and procedure or consideration of additional training and development for AAT personnel.

During 2016–17, the AAT received 194 complaints, an increase of 56 compared with the previous reporting period. Table 3.14 shows the number of complaints made to the AAT over the last two years and the number of complaints received for every 1,000 applications we finalised. While somewhat higher than 2015–16, the rate of complaints remains low.

**Table 3.14 Complaints made to the AAT, 2015–16 to 2016–17**

	2015–16	2016–17
Complaints made	138	194
Applications finalised	38,146	42,224
Complaints per 1,000 applications	3.6	4.6

Table 3.15 shows the subject matter of the complaints received in the reporting period.

**Table 3.15 Issues raised in complaints to the AAT, 2016–17**

ISSUE	NUMBER OF COMPLAINTS
Tribunal decisions	73
Conduct of members	46
Procedural issues	28
Delay/timeliness	17
Conduct of staff	11
Privacy	4
Fee refund	4
Conduct of conferences	4
Other	7
<b>TOTAL</b>	<b>194</b>

We provided a response to 190 complaints in 2016–17, responding to 177 of those complaints within 20 working days. The average number of days from complaint to final response was seven working days.

We formed the view that we could have handled matters more appropriately in 18 complaints which raised issues concerning administrative error, how Tribunal members and personnel communicated with users, procedure and timeliness. We offered an apology in each case and raised the matters with the relevant areas and personnel.



# CHAPTER 4

// Management and accountability

# Corporate governance

The AAT's governance framework comprises arrangements and practices that enable us to set our direction and manage our operations to achieve our purpose in an effective, ethical and accountable way. Key elements of the framework include our management structures, committees, business planning, risk management and our instructions, policies and procedures.

## Senior management and committees

Under the Administrative Appeals Tribunal Act, the President is responsible for ensuring the expeditious and efficient discharge of the AAT's business and for managing the Tribunal's administrative affairs. Division Heads assist the President by directing AAT business in their divisions.

The Registrar assists the President in managing the AAT's administrative affairs and is:

- the Accountable Authority for the AAT under the Public Governance, Performance and Accountability Act, and
- the Agency Head for the purposes of the Public Service Act.

Senior Executive Service employees support the President, Division Heads and the Registrar to manage the Tribunal's operations.

The names of the AAT's senior leaders in 2016–17 and their areas of responsibility are detailed in Chapter 2.

The President and the Registrar were supported in carrying out their roles during the reporting period by a number of committees. The key committees were as follows.

- The Senior Leadership Group, comprising the President, the Division Heads, the Registrar and the SES staff, met regularly throughout the year to review and provide advice in relation to significant and complex matters, including caseload management, financial management, planning, risk management and significant whole-of-AAT issues.
- The Transformation Program Steering Committee, comprising the Division Heads and the Registrar, was established in 2016–17 to oversee and direct major projects and other work relating to the harmonisation, integration and transformation of our organisation, services and systems.
- The Tribunal Executive Group, comprising the Registrar and SES staff, met regularly to review and provide advice on corporate and operational management issues.
- The Audit and Risk Committee, comprising an independent chair, two independent members and two AAT representatives, provided independent advice and assurance to the Registrar on a range of aspects of governance including audit, financial management, risk management and other compliance obligations.

Several other committees provided forums for consulting with members and staff during the year. They included the following key committees.

- The Members' Leadership Group, comprising the President, Division Heads, Deputy Division Heads, other Deputy Presidents and Senior Members with management roles, and the Registrar.
- The National Consultative Committee, the peak staff consultative body.
- The Operations Leadership Group and Principal Registry Management Group, which involve senior managers in the operational and corporate areas respectively.



## Business planning

In 2016–17 we developed and published a corporate plan, as required under section 35 of the Public Governance, Performance and Accountability Act. The Corporate Plan 2016–17 described our purpose, the environment in which we operate, and how we planned to measure our performance and achieve our goals. The Annual Performance Statement, an assessment of our performance against the measures in the plan, is in Chapter 3 of this report.

Our Strategic Plan 2015–20 which was developed in 2015–16 sets out four high-level strategies for achieving our vision and mission: to create an integrated, national Tribunal; to improve how we work and maximise our use of technology; to nurture relationships and partnerships; and to make the best use of our resources and build capacity. These strategies informed operational plans and priorities developed for the year. Some of our key achievements in 2016–17 are noted in Chapter 1.

## Risk management

The AAT's risk management framework was revised during the reporting year. It sets out our approach to identifying and managing strategic and operational risks as an integral part of our activities. We have a whole-of-AAT Risk Register which is reviewed annually.

In addition to external audit requirements, the AAT has an internal audit program to provide assurance in relation to our control environment and other aspects of our operations as well as to identify opportunities for improvement. The program is reviewed annually. During 2016–17, the AAT's internal auditors undertook a number of reviews, including in relation to our asset management, FOI processes, information technology function and procurement processes. Management responds to any issues identified in internal and external audit activities and these are monitored by the Audit and Risk Committee.

No instances of significant non-compliance with finance law were reported to the Minister for Finance under paragraph 19(1)(e) of the Public Governance, Performance and Accountability Act in relation to the reporting year.

Awareness-raising sessions were conducted in relation to our revised risk management framework during 2016–17. The AAT's Business Continuity Management Committee and Protective Security Committee also met regularly.

## Fraud control

The AAT is committed to preventing, detecting and dealing with fraud in relation to our operations. Our fraud control framework includes our Fraud Control Plan and a summary guide for employees on recognising and reporting fraud in the amalgamated AAT. A comprehensive review of the fraud control framework was commenced during the reporting year. Fraud control awareness is included in the induction program for new employees and work was undertaken on a revised online learning module on fraud control which will be released in 2017–18.

## CERTIFICATION OF AAT FRAUD CONTROL ARRANGEMENTS

I, Sian Leathem, certify that the AAT:

- has prepared fraud risk assessments and fraud control plans
- has in place appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the AAT, and
- has taken all reasonable measures to deal appropriately with fraud relating to the AAT.



**Sian Leathem**  
**Registrar**  
**25 September 2017**

## Maintaining ethical standards

The AAT promotes and encourages the maintenance of appropriate standards of ethical behaviour.

The enterprise agreements in force in the AAT during 2016–17 both included a commitment by management and staff to work in accordance with the APS Values, Code of Conduct and Employment Principles. Training relating to the APS ethical framework forms part of our induction process. All new staff were given a copy of the APS Values, Code of Conduct and Employment Principles as well as relevant excerpts from the *Crimes Act 1914* and the Australian Privacy Principles, and were required to sign a statement confirming they had read and understood them.

The APS Values, Code of Conduct and Employment Principles are available on our intranet and work was undertaken during the reporting year on a new mandatory online learning module to be introduced in 2017–18. Rules and standards relevant to ethical conduct are incorporated into our policies, guidelines and instructions.

The AAT has developed a Conduct Guide for AAT Members which provides guidance on appropriate conduct and professional behaviour for members in their professional duties and their private conduct as it affects those duties.

## Management of human resources

Our members and staff are integral to carrying out our role effectively. We continue to develop our workforce and the workplace environment so that members and staff are able to provide high-quality services that meet the needs of users.

### Staffing overview

At 30 June 2017, the AAT employed 573 staff under the Public Service Act: 427 ongoing and 146 non-ongoing, of whom 21 were engaged to undertake duties that are irregular or intermittent. There were 32 staff engaged in the work of the Immigration Assessment Authority.

Table 4.1 shows the number of ongoing and non-ongoing employees on 30 June 2016 and 30 June 2017 by job classification, employment status, gender and location. It also contains information about the number of AAT staff identifying as Indigenous, as being from a non-English speaking background, and as a person with disability. A more detailed breakdown of staffing at 30 June 2017 by major organisational unit, job classification, gender and location is in Appendix 2.

**Table 4.1 Workforce profile, 30 June 2016 and 30 June 2017<sup>a</sup>**

	AT 30 JUNE 2016			AT 30 JUNE 2017		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing	Total
<b>Job classification</b>						
APS Level 1	1	0	<b>1</b>	1	0	<b>1</b>
APS Level 2	9	19	<b>28</b>	7	18	<b>25</b>
AAT Broadband 3/4 <sup>b</sup>	176	70	<b>246</b>	N/A	N/A	<b>N/A</b>
APS Level 3	N/A	N/A	<b>N/A</b>	6	33	<b>39</b>
APS Level 4	N/A	N/A	<b>N/A</b>	161	61	<b>222</b>
APS Level 5	52	4	<b>56</b>	58	10	<b>68</b>
APS Level 6	87	5	<b>92</b>	88	4	<b>92</b>
Executive Level 1	51	4	<b>55</b>	55	6	<b>61</b>
Executive Level 2	38	8	<b>46</b>	46	14	<b>60</b>
SES Band 1	6	0	<b>6</b>	5	0	<b>5</b>
<b>Total</b>	<b>420</b>	<b>110</b>	<b>530</b>	<b>427</b>	<b>146</b>	<b>573</b>
<b>Employment status</b>						
Full-time	350	74	<b>424</b>	362	107	<b>469</b>
Part-time	70	11	<b>81</b>	65	18	<b>83</b>
Irregular/intermittent	0	25	<b>25</b>	0	21	<b>21</b>
<b>Total</b>	<b>420</b>	<b>110</b>	<b>530</b>	<b>427</b>	<b>146</b>	<b>573</b>
<b>Gender</b>						
Female	265	70	<b>335</b>	266	95	<b>361</b>
Male	155	40	<b>195</b>	161	51	<b>212</b>
<b>Total</b>	<b>420</b>	<b>110</b>	<b>530</b>	<b>427</b>	<b>146</b>	<b>573</b>
<b>Location</b>						
New South Wales	213	39	<b>252</b>	202	63	<b>265</b>
Victoria	129	28	<b>157</b>	127	40	<b>167</b>
Queensland	38	17	<b>55</b>	45	19	<b>64</b>
South Australia	17	7	<b>24</b>	25	4	<b>29</b>
Western Australia	13	10	<b>23</b>	19	11	<b>30</b>
Tasmania	3	4	<b>7</b>	2	1	<b>3</b>
Australian Capital Territory	7	5	<b>12</b>	7	8	<b>15</b>
<b>Total</b>	<b>420</b>	<b>110</b>	<b>530</b>	<b>427</b>	<b>146</b>	<b>573</b>
<b>Equal employment opportunity data<sup>c</sup></b>						
Indigenous	7	0	<b>7</b>	6	2	<b>8</b>
Non-English speaking background	103	19	<b>122</b>	105	38	<b>143</b>
People with disability	10	3	<b>13</b>	10	4	<b>14</b>

<sup>a</sup> These figures are a headcount of all ongoing and non-ongoing staff. Staff on long-term leave (greater than three months as at 30 June 2017) or on temporary transfer to another agency are not included. These figures also include the Immigration Assessment Authority Senior Reviewer and Reviewers, and staff made available to assist the Immigration Assessment Authority.

<sup>b</sup> The AAT Broadband 3/4 was abolished on 9 June 2017 when the new AAT enterprise agreement took effect.

<sup>c</sup> These figures are based on information voluntarily provided by staff.

The increase in the AAT's staffing complement between 30 June 2016 and 30 June 2017 was in line with planned staffing levels and largely the result of the recruitment of more non-ongoing staff to work in the IAA, the AAT's registries and the Principal Registry to deal with increased workloads and the delivery of key projects. During 2016–17, our ongoing staff turnover rate, when compared to the ongoing staff commencement rate, was steady and within the expected range. Slightly more ongoing staff commenced compared to ongoing staff who separated. Movements of ongoing staff to other APS agencies were not included in calculating the staff turnover rate.

In 2016–17, work continued in relation to our strategic workforce initiatives. The AAT Workforce Development Plan 2016–20 was implemented, specifying six initiatives designed to identify and meet workforce capability needs and deliver organisational performance outcomes. The AAT progressed work on a number of initiatives in the plan, including the development of a workforce planning process for senior management and investigation of approaches to developing a staff leadership capability framework. A dedicated recruitment team was established to streamline and improve our recruitment practices.

## Employment agreements and arrangements for AAT staff

The framework for the terms and conditions of employment for APS staff at the AAT includes an enterprise agreement for non-SES staff and section 24(1) determinations under the Public Service Act for SES staff.

From 1 July 2016 to 8 June 2017, non-SES staff were covered by the *Administrative Appeals Tribunal Agency Agreement 2011–2014* which had nominally expired on 30 June 2014. Following the successful conclusion of almost three years of enterprise bargaining, the *AAT Enterprise Agreement 2017–2020* came into effect on 9 June 2017. The new enterprise agreement will be in operation for three years and will nominally expire on 9 June 2020.

At 30 June 2017, 568 non-SES staff were covered by the enterprise agreement: 15 of these staff also had an individual flexibility arrangement. Five SES staff were covered by section 24(1) determinations. Table 4.2 shows the salary ranges available to AAT employees at 30 June 2017 by classification level.

**Table 4.2 Salary ranges for AAT staff, 30 June 2017**

JOB CLASSIFICATION	SALARY RANGE
APS Level 1	\$44,027–50,127
APS Level 2	\$49,825–57,744
APS Level 3/Graduate	\$59,000–63,104
APS Level 4	\$63,251–72,314
APS Level 5	\$70,546–78,755
APS Level 6	\$76,422–90,377
Executive Level 1	\$96,795–123,164
Executive Level 2	\$115,903–139,536
SES Band 1	\$168,000–198,000

### Senior Executive Service employee remuneration

Remuneration for the AAT's SES employees was determined having regard to the remuneration for SES staff in similar Australian Government agencies. The remuneration package included cash in lieu of a motor vehicle in accordance with common Australian Government practice.

## Performance pay

The AAT did not have a performance pay or bonus system for any staff in 2016–17, nor did it pay a performance bonus to any staff.

## Non-salary benefits

Non-salary benefits available to staff in 2016–17 included:

- two weeks of paid maternity/parenting leave in addition to the legislated minimum
- access to our Studies Assistance Scheme
- contributions to relevant professional memberships
- ability to participate in a public transport loans scheme, and
- health and wellbeing benefits such as assistance for group participation in health and fitness activities, the Employee Assistance Program, eyesight testing and flu vaccinations.

Employees of the AAT were also able to access a range of salary sacrifice benefits, including additional superannuation, leased motor vehicles and airline lounge memberships.

## Developing our members and staff

Learning and development is a priority for the AAT. In 2016–17, we delivered a wide range of activities to meet the needs of members and staff and strengthen the capability of the amalgamated AAT. We routinely sought feedback from participants to evaluate the effectiveness of training and development initiatives.

### Member professional development

The AAT has a comprehensive Member Professional Development Program which is based on a framework of competencies specific to the AAT. The program comprises induction, mentoring, appraisal and other learning and development opportunities.

A formal induction program was conducted for two groups of new members in the reporting period. It included a comprehensive introduction to the AAT, the role of a member, introduction to procedural fairness, conduct of a hearing and decision writing. The program was complemented by specific divisional induction activities. New members were paired with an experienced mentor.

The AAT's Member Appraisal Scheme combines self-assessment with an appraisal conducted by a Division Head, other senior member or experienced former member in relation to the framework of competencies. The revised scheme developed for the amalgamated AAT was launched in August 2016 with 124 members appraised during the reporting period.

Members attended a range of in-house professional development sessions during 2016–17 as well as external seminars, workshops and other professional activities, including conferences arranged by the Council of Australasian Tribunals.

### Conference registrar professional development

The AAT's Conference Registrar Professional Development Program is also based on a framework of competencies developed for the AAT and includes induction, mentoring, reflective learning, peer review and performance appraisal. Professional development activities in 2016–17 focused on developing technology skills to explore new modes of ADR delivery, including via web-based videoconferencing as well as the use of interactive case preparation tools. Most conference registrars attended the National Mediation Conference in September 2016, participating in a range of sessions relating to the theme of innovation and future developments in ADR.

## Staff learning and development

Learning and development for other staff during 2016–17 responded to identified training needs and involved the use of various delivery methods, including in-house courses, online learning, external seminars and conferences.

A Leadership Development Program was established for SES, Executive Level and APS Level 6 staff. Current and emerging leaders were selected to participate in leadership programs offered by the Australia New Zealand School of Government, Queensland University of Technology and other providers. All Executive Level leaders participated in a Contemporary Leadership Challenges Workshop. Directors and District Registrars participated in a two-day forum which incorporated leadership development activities.

Activities were conducted to support staff in newly co-located premises. This included training in dealing with difficult behaviours and workshops which included topics such as emotional intelligence, resilience and team building. Building capability in project management was also a key theme of the year. Project management fundamentals and Agile project management workshops were conducted in-house. Select staff also attended specialist external project management courses.

Staff and senior managers engaged in a mentoring program over a six-month period.

The AAT's Learning Management System was enhanced during the reporting year with a growing library of relevant online training modules. This included a new online induction package which was formally launched in October 2016.

Our Studies Assistance Scheme provided ongoing and certain non-ongoing staff with access to financial support and/or study leave to develop their own capability, and that of the AAT, through vocational and tertiary education. During 2016–17, 14 employees accessed support for studies in areas such as commerce and law.

## Staff performance management program

The AAT introduced a revised Performance Appraisal Scheme in 2016–17 which is supported by an electronic performance appraisal system and a range of resources to assist staff and managers to conduct transparent and effective performance management processes. The scheme requires staff to have a performance agreement which sets out capability and behavioural expectations required in a role, learning and development priorities as well as performance achievements. The electronic system provides the ability to record performance conversations and feedback given during the course of the year. Implementation training was provided to support the launch of the electronic system in the reporting year. Training was also provided to supervisors in delivering effective performance appraisal feedback. Salary advancement through the APS classification pay points was linked to performance assessments.

## Workplace diversity

The AAT is committed to being an organisation that values diversity in the workplace. At 30 June 2017, 63 per cent of staff were women with strong representation across all classification levels. Twenty-six per cent of our staff identified as being from a non-English speaking background, up three per cent from 2015–16. Our Workplace Diversity Plan 2016–17 was developed to help us continue to build an organisation that reflects the diversity in the Australian community and maximises the opportunities and knowledge a diverse workforce can offer.

In 2016–17 we rolled out an Indigenous cultural awareness online training module which is available to all members and staff. We also participated in the APSC Indigenous Pathways Graduate Program, engaging one graduate who will undertake four three-month rotations in different areas of the AAT. We will continue our engagement with the program in 2017–18. Harmony Day events occurred in state offices.

# Work health and safety

We are committed to providing and maintaining a safe and healthy work environment through cooperative, consultative relationships. We seek to introduce and promote measures for ensuring the health, safety and welfare of all employees.

In 2016–17, the AAT's WHS committees and WHS coordinator undertook a number of reviews to ensure we comply with the *Work Health and Safety Act 2011* and the *Safety, Rehabilitation and Compensation Act 1988*. The Rehabilitation Management System structure was revised and simplified, integrating it into the WHS Management System. An audit of the Rehabilitation Management System was undertaken achieving a 100 per cent conformance rating. An early intervention process was also introduced. Regular news articles were published providing staff with updated information on WHS initiatives. Information on work health and safety was incorporated into member and staff inductions in 2016–17.

Health and wellbeing initiatives undertaken in 2016–17 included 189 workstation assessments with related follow-up actions, 313 flu vaccinations, as well as regular audits of emergency evacuation preparedness and first aid facilities. Other health and wellbeing initiatives included reimbursement for eyesight testing and subsidised group health and fitness activities. Sit/stand workstations were installed in fit-outs completed in 2016–17. A new Employee Assistance Program contract was entered into in 2016–17, providing a broader range of support options for members, staff and their immediate families.

## Notifiable incidents and investigations

One dangerous incident arising out of the conduct of the AAT's business occurred and was reported to Comcare in 2016–17 under the Work Health and Safety Act. No investigations were conducted in relation to the AAT during the reporting year and no notices were given to the AAT under Part 10 of the Work Health and Safety Act.

## Compensation

The AAT continues to have a low number of accepted compensation claims over time, as shown in Table 4.3. Three staff were provided with early intervention support during the reporting year.

**Table 4.3 Trends in compensation claims, 2014–15 to 2016–17**

	2014–15	2015–16	2016–17
Number of claims accepted	0	0	2

## Workplace harassment

In 2016–17 we updated our policy relating to harassment in the workplace to deal comprehensively with the prevention and elimination of harassment, bullying and discrimination. The policy articulates our expectations of members, managers and other staff in preventing and dealing with inappropriate conduct or other discriminatory action. Seven Workplace Harassment Contact Officers, including one member, were available to members and staff during 2016–17.

## Productivity gains

The AAT continued to consolidate and streamline our operations in 2016–17. We moved to single locations in Adelaide and Perth which offered opportunities for productivity gains through further streamlining of local management and more integrated delivery of aspects of registry services. Management of the Brisbane Registry was streamlined ahead of its planned co-location in July 2017.

We introduced a number of initiatives in 2016–17 to improve case allocation, case management processes and support for members to address our increasing workload in particular areas and to deal with specific backlogs. The initiatives assisted the Tribunal to deal more efficiently and effectively with these parts of our caseload.

# Purchasing

The AAT's procurement policies and practices reflect the principles and requirements set out in the Commonwealth Procurement Rules. Our Accountable Authority Instructions and other guidance material support AAT staff undertaking purchasing activities to focus on securing value for money, encouraging competition, ensuring the efficient, effective, economical and ethical use of government resources, providing accountability and transparency, and ensuring compliance with other Australian Government policies.

In relation to major purchases and contracts, open tender processes were employed unless the procurement was covered by a mandatory whole-of-government arrangement, a multi-use list or panel arrangement was available, or a limited tender was appropriate in the particular circumstances. For purchases and contracts below the mandatory tender threshold, at least three quotes were generally required, together with an assessment of the need justifying the purchase request and an analysis of why the selected quote would achieve value for money.

The AAT supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance's website: [www.finance.gov.au/procurement/statistics-on-commonwealth-purchasing-contracts](http://www.finance.gov.au/procurement/statistics-on-commonwealth-purchasing-contracts). We supported small business participation by utilising the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000, by communicating in clear, simple language, by presenting information in accessible formats and by using electronic systems to facilitate on-time payment of invoices.

## Consultants

The AAT uses consultants where there is a need for independent research or assessment, or for specialist knowledge or skills that are not available within the AAT. Any decision to engage a consultant is made after considering the skills and resources required for the task, internal capacity and the cost effectiveness of contracting an external service provider. Consultants are selected in accordance with the Commonwealth Procurement Rules and relevant internal policies. Consultants were engaged in 2016–17 to investigate issues, carry out independent reviews and evaluations and provide independent advice, information and solutions to assist in our decision-making.

During 2016–17, fifteen new consultancy contracts were entered into involving total actual expenditure of \$182,525. In addition, ten ongoing consultancy contracts were active during the period, involving total actual expenditure of \$644,892.

Table 4.4 sets out the AAT's total actual expenditure on all consultancies in the three most recent reporting years.

**Table 4.4 Total actual expenditure on consultancy contracts, 2014–15 to 2016–17**

	2014–15	2015–16	2016–17
Total actual expenditure (incl GST)	\$293,963	\$568,856	\$827,417



## Reporting on purchases

Purchases were gazetted as required. Details of all contracts of \$100,000 or more that were current in the most recent calendar or financial year were available on the AAT's website in accordance with the Senate order on agency contracts.

There were no contracts of \$100,000 or more let in 2016–17 that did not include a clause providing for the Auditor-General to have access to the contractor's premises.

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.

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](http://www.tenders.gov.au).



# CHAPTER 5

// Immigration Assessment Authority

The Immigration Assessment Authority is established under the Migration Act as a separate office within the AAT's Migration and Refugee Division. It commenced operations in October 2015.

## Role and function

The role of the IAA is to conduct reviews of fast track reviewable decisions. These are decisions, generally made by delegates of the Minister for Immigration and Border Protection, to refuse to grant a protection visa to a fast track applicant. Fast track applicants are unauthorised maritime arrivals who entered Australia between 13 August 2012 and 31 December 2013 who have not been taken to an offshore processing country and have been permitted by the Minister to make a protection visa application. Fast track applicants are also persons specified by the Minister by instrument.

The IAA's objective is set out in section 473FA of the Migration Act. In carrying out its functions, the IAA must provide a mechanism of limited review that is efficient, quick, free of bias and consistent with the procedural requirements set out in the Migration Act. The IAA is independent of the Minister and the Department of Immigration and Border Protection.

## Structure of the IAA

The IAA consists of the President of the AAT, the Division Head of the Migration and Refugee Division, the Senior Reviewer and the Reviewers.

The President and the Division Head are responsible for the overall operation and administration of the IAA. The Senior Reviewer is responsible for managing the IAA, subject to the directions of, and in accordance with policies determined by, the President and the Division Head. The Senior Reviewer must be a Senior Executive Service employee and the Reviewers must also be engaged under the Public Service Act. At 30 June 2017, Ms Sobet Haddad was the Senior Reviewer and there were 24 Reviewers.

For the purposes of the Public Governance, Performance and Accountability Act and the Public Service Act, the IAA is considered to be part of the AAT.

Figure 2.1 in Chapter 2 illustrates the organisational structure of the AAT, including the IAA. More information about IAA staffing is available in Appendix 2.

## Steps in a review

The Department automatically refers fast track reviewable decisions to the IAA unless the applicant is an excluded fast track review applicant.

Referrals are electronic and contain the decision-maker's statement of reasons for the decision. The Department must also give the IAA any material provided by the referred applicant to the decision-maker before the decision was made and any other material considered by the Department to be relevant to the review. In the majority of cases, the IAA reviews the decision on the papers. While the IAA has no duty to do so, it can get, request or accept any new information that was not before the Department, but may only consider it in exceptional circumstances. The IAA may request new information be given to it in writing or at an interview. The IAA does not conduct hearings. The President has issued a practice direction applying to procedures in the IAA to assist in the efficient conduct of reviews.

The IAA can:

- affirm the fast track reviewable decision to refuse the referred applicant a protection visa, or
- remit the matter to the Department for reconsideration with directions, including that the referred applicant is a refugee within the meaning of subsection 5(1) of the Migration Act.

# Performance

## Caseload information

As shown in Table 5.1, the number of referrals to the IAA increased significantly from 264 cases in 2015–16 to 2,664 cases in 2016–17. After receiving the first cases in October 2015, the number of referrals increased significantly in the last quarter of 2015–16 with referral rates remaining consistent throughout 2016–17.

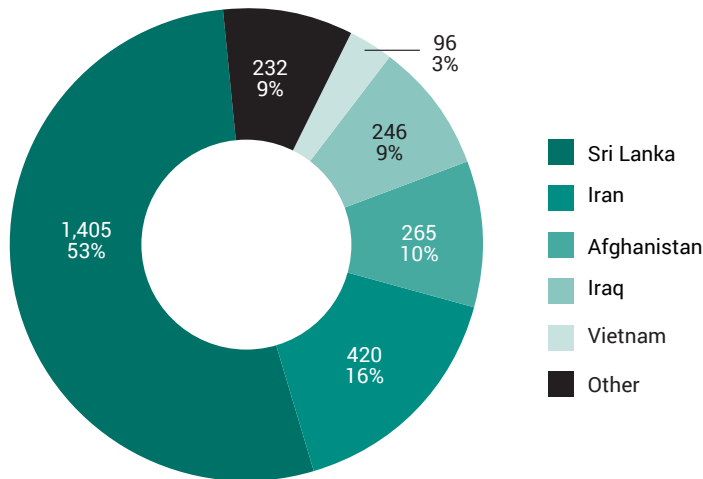
The top five countries of origin of referred applicants in 2016–17 were Sri Lanka, Iran, Afghanistan, Iraq and Vietnam. Chart 5.2 shows the number and proportion of referrals made for these five and all other countries.

**Table 5.1 Caseload overview, 2015–16 to 2016–17 – IAA**

	REFERRALS	FINALISATIONS	ON HAND AT YEAR END	MEDIAN TIME TO FINALISE (WEEKS)
2015–16 <sup>a</sup>	264	130	134	5
2016–17	2,664	1,604	1,194	11

<sup>a</sup> The IAA commenced operations in October 2015.

**Chart 5.2 IAA referrals by country of origin, 2016–17**



The IAA recruited additional Reviewers in 2016–17 and finalised 1,604 cases. The IAA affirmed the decision in 1,333 cases. The decision was remitted to the Department for reconsideration in 261 cases. Ten cases were finalised on the basis that they were referred to the IAA in error. Table 5.3 shows the outcomes for cases finalised in 2015–16 and 2016–17.

**Table 5.3 Outcomes of IAA reviews, 2015–16 to 2016–17**

	DECISION AFFIRMED		DECISION REMITTED		OTHER <sup>a</sup>	
	No	% of total	No	% of total	No	% of total
2015–16	94	72%	36	28%	0	N/A
2016–17	1,333	83%	261	16%	10	<1%

<sup>a</sup> Cases referred to the IAA in error.

The median number of weeks from referral to decision for the reporting period was 11 weeks.

## Appeals

An applicant or the Minister may seek judicial review of decisions made by the IAA under Part 8 of the Migration Act. Applications must be made to the Federal Circuit Court and decisions may be subject to further appeal.

Table 5.4 shows the number of judicial review applications lodged in 2015–16 and 2016–17 in respect of IAA decisions.

**Table 5.4 Court appeals lodged, 2015–16 to 2016–17 – IAA**

	2015–16	2016–17 <sup>a</sup>
Number lodged	46	1,048

<sup>a</sup> This figure includes applications lodged in relation to IAA decisions made in the previous year.

During the reporting year, the Federal Circuit Court finalised 115 judicial review applications. In 25 of the applications, the case was remitted to the IAA: 18 by consent and seven by judgment. There have been 56 further appeals to the Federal Court: the Minister appealed five of the judgment decisions and applicants appealed 51 of the decisions dismissing the judicial review application.

## Complaints

During 2016–17, the IAA did not receive any complaints.

# **FINANCIAL STATEMENTS**



## INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

### Opinion

In my opinion, the financial statements of the Administrative Appeals Tribunal for the year ended 30 June 2017:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Administrative Appeals Tribunal as at 30 June 2017 and its financial performance and cash flows for the year then ended.

The financial statements of the Administrative Appeals Tribunal, which I have audited, comprise the following statements as at 30 June 2017 and for the year then ended:

- Statement by the Registrar and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement; and
- Notes to and forming part of the financial statements.

### Basis for Opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Administrative Appeals Tribunal in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* to the extent that they are not in conflict with the *Auditor-General Act 1997* (the Code). I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Accountable Authority's Responsibility for the Financial Statements

As the Accountable Authority of the Administrative Appeals Tribunal the Registrar is responsible under the *Public Governance, Performance and Accountability Act 2013* for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Reduced Disclosure Requirements and the rules made under that Act. The Registrar is also responsible for such internal control as the Registrar determines is necessary to enable the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.



In preparing the financial statements, the Registrar is responsible for assessing the Administrative Appeals Tribunal's ability to continue as a going concern, taking into account whether the Administrative Appeals Tribunal's operations will cease as a result of an administrative restructure or for any other reason. The Registrar is also responsible for disclosing matters related to going concern as applicable and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

#### **Auditor's Responsibilities for the Audit of the Financial Statements**

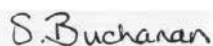
My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit 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;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Registrar;
- conclude on the appropriateness of the Registrar's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Administrative Appeals Tribunal's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Administrative Appeals Tribunal to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Serena Buchanan  
Senior Executive Director  
Delegate of the Auditor-General  
Canberra  
8 September 2017

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**ADMINISTRATIVE APPEALS TRIBUNAL**

**STATEMENT BY THE REGISTRAR AND CHIEF FINANCIAL OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2017 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Administrative Appeals Tribunal will be able to pay its debts as and when they fall due.



Sian Leathem  
Registrar

8 September 2017



David Donovan  
Chief Financial Officer

8 September 2017

## Statement of Comprehensive Income

for the period ended 30 June 2017

		2017	2016	Original Budget
	Notes	\$'000	\$'000	\$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Employee Benefits	1.1A	101,613	94,316	114,648 1
Suppliers	1.1B	32,974	32,160	30,064 2
Depreciation and amortisation	3.2A	8,395	7,404	6,290
Write-Down and Impairment of Assets	1.1C	4,320	-	- 3
Losses from asset sales	3.2A	36	15	-
Other Expenses	1.1D	2,729	-	- 4
<b>Total expenses</b>		<b>150,067</b>	<b>133,895</b>	<b>151,002</b>
<b>Own-Source Income</b>				
<b>Own-source revenue</b>				
Sale of Goods and Rendering of Services	1.2A	895	743	1,177
Other Revenue	1.2B	85	102	-
<b>Total own-source revenue</b>		<b>980</b>	<b>845</b>	<b>1,177</b>
<b>Gains</b>				
Other Gains	1.2C	1,453	1,442	1,379
<b>Total gains</b>		<b>1,453</b>	<b>1,442</b>	<b>1,379</b>
<b>Total own-source income</b>		<b>2,433</b>	<b>2,287</b>	<b>2,556</b>
<b>Net cost of services</b>		<b>(147,634)</b>	<b>(131,608)</b>	<b>(148,446)</b>
Revenue from Government	1.2D	144,442	123,529	142,156 5
Share of associates and joint ventures				
<b>Deficit before income tax on continuing operations</b>		<b>(3,192)</b>	<b>(8,079)</b>	<b>(6,290)</b>
Income tax expense		-	-	-
<b>Deficit after income tax on continuing operations</b>		<b>(3,192)</b>	<b>(8,079)</b>	<b>(6,290)</b>
<b>OTHER COMPREHENSIVE INCOME</b>				
<b>Items not subject to subsequent reclassification to net cost of services</b>				
Changes in asset revaluation surplus		(188)	1,053	-
<b>Total other comprehensive income/(loss)</b>		<b>(188)</b>	<b>1,053</b>	<b>-</b>

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

### **Budget Variances Commentary**

Variances are considered to be “major” based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Statement of Comprehensive Income, they are total expenses or total revenue.

#### **1 Employee Benefits**

The variance against Employee Benefits was due to lower member appointments and lower than anticipated workload for the National Disability Insurance Scheme (NDIS) referred to the AAT.

#### **2 Suppliers**

The variance against Suppliers predominantly relates to increased hearing related costs. This was not anticipated at the time of the Original Budget.

#### **3 Write-Down and Impairment of Assets**

Write-Down and Impairment of Assets expense largely relates to impairment of leasehold fit-out at two premises AAT currently occupies in Melbourne. The AAT expects to vacate these premises by December 2017. This was not anticipated at the time of the Original Budget.

#### **4 Other Expenses**

Other Expenses relate to estimated amounts payable on lease obligations at premises AAT currently occupies in Melbourne. The AAT expects to vacate these premises by December 2017. The leases expire in 2019 and 2023 and estimates include minimum obligations under these lease contracts as well as amounts payable upon surrender. This was not anticipated at the time of the Original Budget.

#### **5 Revenue from Government**

The variance against Revenue from Government is due to the demand-driven funding model in place in the Migration and Refugee Division, inherited from the Migration Review Tribunal and Refugee Review Tribunal at amalgamation. The funding model is based on appropriation at budget for finalising 18,000 decisions per annum, adjusted for any variances above (additional appropriation) or below (handing back appropriation) that number, at Portfolio Additional Estimates Statements (PAES). The Migration and Refugee Division finalised 18,905 decisions in 2016-17.

## Statement of Financial Position

as at 30 June 2017

	Notes	2017 \$'000	2016 \$'000	Original Budget \$'000	
<b>ASSETS</b>					
<b>Financial assets</b>					
Cash and Cash Equivalents	3.1A	367	489	807	
Trade and Other Receivables	3.1B	98,639	63,515	74,657	1
<b>Total financial assets</b>		<b>99,006</b>	<b>64,004</b>	<b>75,464</b>	
<b>Non-financial assets</b>					
Buildings	3.2A	39,819	33,293	31,135	2
Plant and Equipment	3.2A	3,871	2,573	6,077	3
Computer Software	3.2A	4,330	3,968	2,225	4
Other Non-Financial Assets	3.2B	991	545	675	
<b>Total non-financial assets</b>		<b>49,011</b>	<b>40,379</b>	<b>40,112</b>	
<b>Total assets</b>		<b>148,017</b>	<b>104,383</b>	<b>115,576</b>	
<b>LIABILITIES</b>					
<b>Payables</b>					
Suppliers	3.3A	9,418	1,899	8,925	
Other Payables	3.3B	26,379	24,989	4,643	5
<b>Total payables</b>		<b>35,797</b>	<b>26,888</b>	<b>13,568</b>	
<b>Interest bearing liabilities</b>					
Leases		-	-	25	
<b>Total interest bearing liabilities</b>		<b>-</b>	<b>-</b>	<b>25</b>	
<b>Provisions</b>					
Employee Provisions	6.1A	20,799	20,189	21,044	
Other Provisions	3.4A	8,507	2,330	1,741	6
<b>Total provisions</b>		<b>29,306</b>	<b>22,519</b>	<b>22,785</b>	
<b>Total liabilities</b>		<b>65,103</b>	<b>49,407</b>	<b>36,378</b>	
<b>Net assets</b>		<b>82,914</b>	<b>54,976</b>	<b>79,198</b>	
<b>EQUITY</b>					
Contributed equity		86,374	55,056	61,133	
Reserves		4,953	5,141	13,409	
Retained surplus/(Accumulated deficit)		(8,413)	(5,221)	4,656	
<b>Total equity</b>		<b>82,914</b>	<b>54,976</b>	<b>79,198</b>	

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

### **Budget Variances Commentary**

Variances are considered to be “major” based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Statement of Financial Position, it is total equity.

#### 1 Trade and Other Receivables

The variance against Trade and Other Receivables predominantly relates to higher appropriation receivable at the end of reporting period as a result of lower operating expenditure recorded for the year. Refer to the Cash Flow Statement for detailed commentary.

#### 2 Buildings

The variance against Buildings relates to closing balance of 2015-16 not available at the time of developing the Original Budget.

#### 3 Plant and Equipment

The variance against Plant and Equipment relates to closing balance of 2015-16 not available at the time of developing the Original Budget.

#### 4 Computer Software

The variance against Computer Software is the result of continued spending on system developments as part of improvements to amalgamated operations at the AAT.

#### 5 Other Payables

The variance against Other Payables relates to an accurate closing balance of 2015-16 not available at the time of developing the Original Budget.

#### 6 Other Provisions

The variance against Other Provisions is due to provision for minimum obligation at premises the AAT currently occupies but will vacate by December 2017. The leases expire in 2019 and 2023 and estimated provisions include minimum obligation under the lease contracts as well as consideration to surrender. This information was not available at the time of developing the Original Budget.

For commentary on variances in Equity, refer to Statement of Changes in Equity.

## Statement of Changes in Equity

for the period ended 30 June 2017

	Notes	2017 \$'000	2016 \$'000	Original Budget \$'000	
<b>CONTRIBUTED EQUITY</b>					
<b>Opening balance</b>					
Balance carried forward from previous period		55,056	6,201	38,715	1
<b>Adjusted opening balance</b>		<b>55,056</b>	<b>6,201</b>	<b>38,715</b>	
<b>Transactions with owners</b>					
<b>Contributions by owners</b>					
Equity injection - Appropriations		18,343	-	18,343	
Departmental capital budget		4,075	4,633	4,075	
Restructuring	8.1	8,900	44,222	-	2
<b>Total transactions with owners</b>		<b>31,318</b>	<b>48,855</b>	<b>22,418</b>	
Transfers between equity components		-	-	-	
<b>Closing balance as at 30 June</b>		<b>86,374</b>	<b>55,056</b>	<b>61,133</b>	
<b>RETAINED EARNINGS</b>					
<b>Opening balance</b>					
Balance carried forward from previous period		(5,221)	2,858	10,946	
<b>Adjusted opening balance</b>		<b>(5,221)</b>	<b>2,858</b>	<b>10,946</b>	
<b>Comprehensive income</b>					
Surplus/(Deficit) for the period		(3,192)	(8,079)	(6,290)	3
<b>Total comprehensive income</b>		<b>(3,192)</b>	<b>(8,079)</b>	<b>(6,290)</b>	
Transfers between equity components		-	-	-	
<b>Closing balance as at 30 June</b>		<b>(8,413)</b>	<b>(5,221)</b>	<b>4,656</b>	
<b>ASSET REVALUATION RESERVE</b>					
<b>Opening balance</b>					
Balance carried forward from previous period		5,141	4,088	13,409	4
<b>Adjusted opening balance</b>		<b>5,141</b>	<b>4,088</b>	<b>13,409</b>	
<b>Comprehensive income</b>					
Other comprehensive income		(188)	1,053	-	
<b>Total comprehensive income</b>		<b>(188)</b>	<b>1,053</b>	<b>-</b>	
Transfers between equity components		-	-	-	
<b>Closing balance as at 30 June</b>		<b>4,953</b>	<b>5,141</b>	<b>13,409</b>	
<b>TOTAL EQUITY</b>					
<b>Opening balance</b>					
Balance carried forward from previous period		54,976	13,147	63,070	
<b>Adjusted opening balance</b>		<b>54,976</b>	<b>13,147</b>	<b>63,070</b>	
<b>Comprehensive income</b>					
Surplus/(Deficit) for the period		(3,192)	(8,079)	(6,290)	
Other comprehensive income		(188)	1,053	-	
<b>Total comprehensive income</b>		<b>(3,380)</b>	<b>(7,026)</b>	<b>(6,290)</b>	
<b>Transactions with owners</b>					
<b>Contributions by owners</b>					
Equity injection - Appropriations		18,343	-	18,343	
Departmental capital budget		4,075	4,633	4,075	
Restructuring		8,900	44,222	-	
<b>Total transactions with owners</b>		<b>31,318</b>	<b>48,855</b>	<b>22,418</b>	
Transfers between equity components		-	-	-	
<b>Closing balance as at 30 June</b>		<b>82,914</b>	<b>54,976</b>	<b>79,198</b>	

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



## **Accounting Policy**

### 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.

## **Budget Variances Commentary**

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Statement of Changes in Equity, it is total equity.

### 1 Contributed equity - opening balance

The variance against Contributed equity - opening balance is predominantly due to delayed recognition of cash and receivable amounts of the Social Security Appeals Tribunal at amalgamation. This was recognised in 2016-17 upon formalisation of a section 75 determination.

### 2 Contributions by owners - restructuring

The variance against Contributions by owners - restructuring is due to recognition of cash and receivable amounts of the Social Security Appeals Tribunal budgeted in 2015-16 but recognised in 2016-17 upon formalisation of a section 75 determination.

### 3 Comprehensive income - deficit for the period

Lower than budgeted deficit is due to a combination of factors not anticipated at the time of developing the Original Budget. For detailed commentary refer to Statement of Comprehensive income.

### 4 Asset revaluation reserve - opening balance

The variance against Asset revaluation reserve - opening balance relates to closing balance of 2015-16 not available at the time of developing the Original Budget.

## Cash Flow Statement

for the period ended 30 June 2017

	Notes	2017 \$'000	2016 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>				
<b>Cash received</b>				
Appropriations		137,979	131,591	141,782
Sale of goods and rendering of services		909	751	1,177
Other		4,465	18,458	-
<b>Total cash received</b>		<b>143,353</b>	<b>150,800</b>	<b>142,959</b>
<b>Cash used</b>				
Employees		(100,092)	(97,958)	(114,182)
Suppliers		(30,773)	(30,294)	(28,777)
Net GST paid		(622)	(232)	-
<b>Total cash used</b>		<b>(131,487)</b>	<b>(128,484)</b>	<b>(142,959)</b>
<b>Net cash from/(used by) operating activities</b>		<b>11,866</b>	<b>22,316</b>	<b>-</b>
<b>INVESTING ACTIVITIES</b>				
<b>Cash used</b>				
Purchase of property, plant and equipment		(17,276)	(27,244)	(22,418)
<b>Total cash used</b>		<b>(17,276)</b>	<b>(27,244)</b>	<b>(22,418)</b>
<b>Net cash from/(used by) investing activities</b>		<b>(17,276)</b>	<b>(27,244)</b>	<b>(22,418)</b>
<b>FINANCING ACTIVITIES</b>				
<b>Cash received</b>				
Contributed equity		5,288	4,633	22,418
Cash received on restructuring of administrative arrangements		-	220	-
<b>Total cash received</b>		<b>5,288</b>	<b>4,853</b>	<b>22,418</b>
<b>Net cash from/(used by) financing activities</b>		<b>5,288</b>	<b>4,853</b>	<b>22,418</b>
<b>Net increase/(decrease) in cash held</b>		<b>(122)</b>	<b>(75)</b>	<b>-</b>
Cash and cash equivalents at the beginning of the reporting period		489	564	807
<b>Cash and cash equivalents at the end of the reporting period</b>	3.1A	<b>367</b>	<b>489</b>	<b>807</b>

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

### Budget Variances Commentary

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Cash Flow Statement, it is total equity.

#### 1 Operating Activities - Cash received - Other

The variance against Operating Activities - Cash received - Other relates to fit-out incentive received for AAT's new office in Adelaide not anticipated at time of developing the Original Budget.

#### 2 Operating Activities - Cash used - Employees

The variance against Operating Activities - Cash used - Employees is due to an underspend in employee benefits. For commentary refer to Statement of Comprehensive Income.

#### 3 Investing Activities - Cash used - Purchase of property, plant and equipment

The variance against Investing Activities - Cash used - Purchase of property, plant and equipment is predominantly due to delayed co-location in Melbourne, Perth and Brisbane.

#### 4 Financing Activities - Cash received - Contributed equity

The variance against Financing Activities - Cash received - Contributed equity is due to delayed capital projects.

**Administered Schedule of Comprehensive Income**

for the period ended 30 June 2017

	Notes	2017 \$'000	2016 \$'000	Original Budget \$'000	
<b>NET COST OF SERVICES</b>					
<b>Expenses</b>					
Bad Debts					
(Refugee Review post decision fees)	2.1	4,867	2,307	2,600	1
Other Expenses	2.1	6,083	5,256	6,400	
<b>Total expenses</b>		<b>10,950</b>	<b>7,563</b>	<b>9,000</b>	
<b>Income</b>					
<b>Non-taxation revenue</b>					
Other Revenue	2.2	36,241	26,633	28,361	2
<b>Total non-taxation revenue</b>		<b>36,241</b>	<b>26,633</b>	<b>28,361</b>	
<b>Total revenue</b>		<b>36,241</b>	<b>26,633</b>	<b>28,361</b>	
<b>Total income</b>		<b>36,241</b>	<b>26,633</b>	<b>28,361</b>	
<b>Net (cost of)/contribution by services</b>		<b>25,291</b>	<b>19,070</b>	<b>19,361</b>	
<b>Surplus/(Deficit)</b>		<b>25,291</b>	<b>19,070</b>	<b>19,361</b>	
<b>Total comprehensive income/(loss)</b>		<b>25,291</b>	<b>19,070</b>	<b>19,361</b>	

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

**Budget Variances Commentary**

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Administered Schedule of Comprehensive Income, they are total administered expenses or total administered revenue.

1 Bad Debts (Refugee Review post decision fees)

The variance against Bad Debts is due to more decisions finalised in 2016-17 by the Migration and Refugee Division. The management of Refugee Review post-decision fees receivable is carried out by the Department of Immigration and Border Protection and provision of doubtful debt is made based on the actual repayment trend.

2 Other Revenue

The variance against Other Revenue relates to higher volume of applications received by the AAT in 2016-17.

**Administered Schedule of Assets and Liabilities**

as at 30 June 2017

	Notes	2017 \$'000	2016 \$'000	Original Budget \$'000	
<b>ASSETS</b>					
<b>Financial assets</b>					
Cash and Cash Equivalents	4.1A	218	162	135	1
Trade and Other Receivables	4.1B	2,727	2,801	2,210	2
<b>Total financial assets</b>		<b>2,945</b>	<b>2,963</b>	<b>2,345</b>	
<b>Total assets administered on behalf of Government</b>					
		<b>2,945</b>	<b>2,963</b>	<b>2,345</b>	
<b>LIABILITIES</b>					
<b>Payables</b>					
Suppliers	4.2A	283	437	-	3
<b>Total payables</b>		<b>283</b>	<b>437</b>	<b>-</b>	
<b>Total liabilities administered on behalf of Government</b>					
		<b>283</b>	<b>437</b>	<b>-</b>	
<b>Net assets/(liabilities)</b>		<b>2,662</b>	<b>2,526</b>	<b>2,345</b>	

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

**Budget Variances Commentary**

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Administered Schedule of Assets and Liabilities, it is administered net assets.

1 Cash and Cash Equivalents

The variance against Cash and Cash Equivalents is due to higher volume of applications received by the AAT in 2016-17.

2 Trade and Other Receivables

Trade and Other Receivables balance is made up of Refugee Review post decision fees receivable and is driven by the number of applications received and finalised by the AAT. The number of applications received fluctuates from year to year and is beyond the AAT's control.

3 Suppliers

The variance against Suppliers relates to refunds due to applicants as at 30 June 2017. Amounts outstanding are minor and unpredictable due to the timing of decisions and payment runs, and so are not budgeted for separately.

**Administered Reconciliation Schedule**

		2017	2016
	Notes	\$'000	\$'000
<b>Opening assets less liabilities as at 1 July</b>		<b>2,526</b>	<b>3</b>
<b>Adjusted opening assets less liabilities</b>		<b>2,526</b>	<b>3</b>
<b>Net (cost of)/contribution by services</b>			
Income	2.2	36,241	26,633
Expenses	2.1		
Payments to entities other than corporate Commonwealth entities		(10,950)	(7,563)
Special appropriations (limited)			
Payments to entities other than corporate Commonwealth entities		6,126	5,333
Appropriation transfers to OPA			
Transfers to OPA		(31,282)	(23,389)
Restructuring		-	1,509
<b>Closing assets less liabilities as at 30 June</b>		<b>2,661</b>	<b>2,526</b>

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

**Accounting Policy*****Administered Cash Transfers to and from the Official Public Account***

Revenue collected by the AAT for use by the Government rather than the AAT is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. 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 AAT on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

**Administered Cash Flow Statement***for the period ended 30 June 2017*

	Notes	2017 \$'000	2016 \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Application fees		31,446	23,435
<b>Total cash received</b>		<b>31,446</b>	<b>23,435</b>
<b>Cash used</b>			
Refund of application fees		6,237	5,343
<b>Total cash used</b>		<b>6,237</b>	<b>5,343</b>
<b>Net cash from/(used by) operating activities</b>		<b>25,209</b>	<b>18,092</b>
<b>INVESTING ACTIVITIES</b>			
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Cash received on restructuring of administrative arrangements		-	123
<b>Total cash received</b>		<b>-</b>	<b>123</b>
<b>Net cash from/(used by) financing activities</b>			
		<b>-</b>	<b>123</b>
<b>Cash from Official Public Account</b>			
Appropriations		6,126	5,333
<b>Total cash from Official Public Account</b>		<b>6,126</b>	<b>5,333</b>
<b>Cash to Official Public Account</b>			
Appropriations		(31,279)	(23,389)
<b>Total cash to Official Public Account</b>		<b>(31,279)</b>	<b>(23,389)</b>
Cash and Cash Equivalents at the beginning of the reporting period		162	3
<b>Cash and Cash Equivalents at the end of the reporting period</b>	4.1A	<b>218</b>	<b>162</b>

This schedule should be read in conjunction with the accompanying notes.

## Notes to and forming part of the financial statements

### Overview

#### Objectives of the Entity

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

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

The AAT'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*, the *Administrative Appeals Tribunal Regulation 2015*, the *Migration Act 1958* and the *Migration Regulations 1994*. Additional administered revenues may be remitted by the AAT to Government where there is no right for the AAT to retain the revenue as departmental revenue.

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

#### The Basis of Preparation

The Financial Statements are general purpose financial statements and are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR) for reporting periods ending on or after 1 July 2015; and
- b) Australian Accounting Standards and Interpretations – Reduced Disclosure Requirements 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.

#### New Accounting Standards

##### *Adoption of New Australian Accounting Standard Requirements*

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

The following amending standards were issued prior to the signing of the statement by the Accountable Authority and Chief Financial Officer, were applicable to the current reporting period, and had a material effect on the AAT's financial statements:

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions <sup>1</sup> , and adjustment to financial statements
AASB 124 Related Party Disclosures	The standard applies to not-for-profit public sector entities for 2016-17. This will require the disclosure of remuneration for key management personnel and the disclosure of transactions with related parties.

1. When transitional provisions apply, all changes in accounting policy are made in accordance with their respective transitional provisions.

All other new standards that were issued prior to the sign-off date and are applicable to the current reporting period did not have a material effect, and are not expected to have a future material effect, on AAT's financial statements.

Notes to and forming part of the financial statements

*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 signing of the statement by the Accountable Authority and Chief Financial Officer, and are expected to have a material impact on AAT's financial statements for future reporting periods:

Standard/ Interpretation	Application date for the AAT <sup>1</sup>	Nature of impending change/s in accounting policy and likely impact on initial application
AASB 15 Revenue from contracts with customers	01-July-2018	<p>AASB 15 represents the replacement standard for AASB 118 'Revenue', AASB 111 'Construction Contracts' and Interpretation 12 'Service Concession Arrangements'.</p> <p>The core principle of the standard requires an entity to recognise revenue such that it depicts the transfer of promised goods or services to a customer in an amount that reflects the consideration to which the entity expects to be entitled in exchange for those goods or services. The standard will require:</p> <ul style="list-style-type: none"> <li>- contracts (either written, verbal or implied) to be identified, together with the separate performance obligations within the contract;</li> <li>- determination of the transaction price, adjusted for the time value of money excluding credit risk;</li> <li>- allocation of the transaction price to the separate performance obligations on a basis of relative stand-alone selling price of each distinct good or service, or an estimation approach if no distinct observable prices exist; and</li> <li>- recognition of revenue when each performance obligation is satisfied.</li> </ul>
AASB 9 Financial Instruments	01-July-2018	<p>AASB 9 changes the accounting for impairment of financial assets, classification and measurement of all financial assets and liabilities, and hedge accounting.</p> <p>Impairment of financial assets - The new impairment model uses a forward looking (expected loss model) such that an entity is required to recognise expected credit losses rather than losses incurred.</p> <p>Classification and measurement - All financial assets are required to be measured at fair value unless they are intended to be held, and cash flows solely represent principal and interest. When financial assets are measured at fair value, changes in fair value are recognised through either profit or loss or other comprehensive income depending on the specific classification.</p> <p>Hedge accounting - The new standard simplifies the hedge accounting rules including the elimination of the 80%-12% quantitative threshold for qualifying for hedge accounting.</p>
AASB 16 Leases	01-July-2019	<p>The revised standard replaces AASB 117 Leases and provides a single lessee accounting model, requiring lessee to recognise assets and liabilities for all leases unless the lease term is 12 months or less or the underlying asset has a low value. Lessors continue to classify leases as operating or finance, with AASB 16's approach to lessor accounting substantially unchanged from its predecessor, AASB 117.</p>

1. AAT's expected initial application date is when the accounting standard becomes operative at the beginning of AAT's reporting period.

All other new standards, revised standards, interpretations and amending standards that were issued prior to the sign-off date and are applicable to future reporting periods are not expected to have a future material impact on AAT's financial statements.



## Notes to and forming part of the financial statements

### Taxation

AAT is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

### 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, 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.

### Events After the Reporting Period

#### Departmental

There were no events after the reporting period that had the potential to significantly affect the ongoing structure and financial activities of the Administrative Appeals Tribunal.

#### Administered

There were no events after the reporting period that had the potential to significantly affect the ongoing structure and financial activities of the Administrative Appeals Tribunal.

**Financial Performance**

This section analyses the financial performance of the AAT for the year ended 30 June 2017.

**1.1 Expenses**

	2017	2016
	\$'000	\$'000
<b>1.1A: Employee Benefits</b>		
Wages and salaries	79,281	72,136
Superannuation		
Defined contribution plans	6,576	5,703
Defined benefit plans	7,241	7,037
Leave and other entitlements	8,515	8,992
Separation and redundancies	-	448
<b>Total employee benefits</b>	<b>101,613</b>	<b>94,316</b>

**Accounting Policy**

Accounting policies for employee related expenses are contained in Note 6.1A of the People and relationships section.

**1.1B: Suppliers****Goods and services supplied or rendered**

Consultants	743	694
Travel	1,211	704
IT services	3,604	3,393
Hearing related	3,304	2,824
Property operating	4,240	4,793
Other	4,086	4,741
<b>Total goods and services supplied or rendered</b>	<b>17,188</b>	<b>17,149</b>
Goods supplied	542	668
Services rendered	16,646	16,481
<b>Total goods and services supplied or rendered</b>	<b>17,188</b>	<b>17,149</b>

**Other suppliers**

Operating lease rentals	15,331	14,638
Workers compensation expenses	455	373
<b>Total other suppliers</b>	<b>15,786</b>	<b>15,011</b>
<b>Total suppliers</b>	<b>32,974</b>	<b>32,160</b>

**Leasing commitments**

The AAT in its capacity as lessee holds commercial office accommodation leases in Canberra, Sydney, Melbourne, Brisbane, Adelaide and Perth, where lease payments are subject to fixed or market review increases as listed in the lease agreements. An arrangement equivalent to a commercial office accommodation lease is presently being negotiated in relation to Commonwealth-owned law courts accommodation in Hobart and no commitment is recognised at this time.

**Commitments for minimum lease payments in relation to non-cancellable operating leases are payable as follows:**

Within 1 year	13,786	12,304
Between 1 to 5 years	54,851	45,659
More than 5 years	55,438	44,343
<b>Total operating lease commitments</b>	<b>124,075</b>	<b>102,306</b>

**Accounting Policy**

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

Notes to and forming part of the financial statements

	2017	2016
	\$'000	\$'000
<b><u>1.1C: Write-Down and Impairment of Assets</u></b>		
Impairment of property, plant and equipment	4,145	-
Impairment on intangible assets	175	-
<b>Total write-down and impairment of assets</b>	<b>4,320</b>	<b>-</b>
<b><u>1.1D: Other Expenses</u></b>		
Onerous lease expense	2,729	-
<b>Total other expenses</b>	<b>2,729</b>	<b>-</b>

Notes to and forming part of the financial statements

**1.2 Own-Source Revenue and gains**

	2017	2016
	\$'000	\$'000

**Own-Source Revenue**

**1.2A: Sale of Goods and Rendering of Services**

Rendering of services	895	743
<b>Total sale of goods and rendering of services</b>	<b>895</b>	<b>743</b>

**Accounting Policy**

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The stage of completion is determined by reference to services performed to date as a percentage of total services to be performed.

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.

**1.2B: Other Revenue**

Remuneration of auditors	85	102
<b>Total other revenue</b>	<b>85</b>	<b>102</b>

**Accounting Policy**

*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 entity as a consequence of a restructuring of administrative arrangements (refer to Note 8.1).

**Gains**

**1.2C: Other Gains**

Resources received free of charge	1,101	1,097
Liabilities assumed by other departments	352	345
<b>Total other gains</b>	<b>1,453</b>	<b>1,442</b>

**1.2D: Revenue from Government**

Appropriations		
Departmental appropriations	144,442	123,529
<b>Total revenue from Government</b>	<b>144,442</b>	<b>123,529</b>

**Accounting Policy**

*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 entity 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.

## Income and Expenses Administered on Behalf of Government

This section analyses the activities that the AAT does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

### 2.1 Administered - Expenses

	2017 \$'000	2016 \$'000
<b>2.1: Other Expenses</b>		
Refund of application fees	6,083	5,256
Bad debts expense	4,867	2,307
<b>Total other expenses</b>	<b>10,950</b>	<b>7,563</b>

### 2.2 Administered - Income

	2017 \$'000	2016 \$'000
<b>Revenue</b>		
<b>2.2: Other Revenue</b>		
Application fees	36,241	26,633
<b>Total other revenue</b>	<b>36,241</b>	<b>26,633</b>

Notes to and forming part of the financial statements

## Financial Position

This section analyses AAT's assets used to conduct its operations and the operating liabilities incurred as a result. Employee related information is disclosed in the People and Relationships section.

### 3.1 Financial Assets

	2017 \$'000	2016 \$'000
<b>3.1A: Cash and Cash Equivalents</b>		
Cash on hand or on deposit	367	489
<b>Total cash and cash equivalents</b>	<b>367</b>	<b>489</b>
<b>3.1B: Trade and Other Receivables</b>		
<b>Goods and services receivables</b>		
Goods and services	2,625	1,277
<b>Total goods and services receivables</b>	<b>2,625</b>	<b>1,277</b>
<b>Appropriations receivables</b>		
Appropriation receivable	93,742	61,956
Receivable from Department of Finance	2,006	-
<b>Total appropriations receivables</b>	<b>95,748</b>	<b>61,956</b>
<b>Other receivables</b>		
Statutory receivables	266	282
<b>Total other receivables</b>	<b>266</b>	<b>282</b>
<b>Total trade and other receivables (gross)</b>	<b>98,639</b>	<b>63,515</b>
<b>Total trade and other receivables (net)</b>	<b>98,639</b>	<b>63,515</b>

Credit terms for goods and services were within 30 days (2016: 30 days).

#### Accounting Policy

##### *Loans and Receivables*

Trade receivables, loans and other receivables that have fixed or determinable payments and 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.

Notes to and forming part of the financial statements

**3.2 Non-Financial Assets**

**3.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles**

	Buildings \$'000	Plant and equipment \$'000	Computer Software \$'000	Total \$'000
<b>As at 1 July 2016</b>				
Gross book value	33,293	2,573	16,810	52,676
Accumulated depreciation, amortisation and impairment	-	-	(12,842)	(12,842)
<b>Total as at 1 July 2016</b>	<b>33,293</b>	<b>2,573</b>	<b>3,968</b>	<b>39,834</b>
<b>Additions</b>				
Purchase	15,644	3,026	2,456	21,126
Revaluations and impairments recognised in other comprehensive income	(205)	17	-	(188)
Impairments recognised in net cost of services	(4,145)	-	(175)	(4,320)
Depreciation and amortisation	(4,764)	(1,713)	(1,918)	(8,395)
Disposals				
Other	(4)	(32)	-	(36)
<b>Total as at 30 June 2017</b>	<b>39,819</b>	<b>3,871</b>	<b>4,331</b>	<b>48,021</b>
<b>Total as at 30 June 2017 represented by</b>				
Gross book value	43,964	3,871	19,266	67,101
Accumulated depreciation, amortisation and impairment	(4,145)	-	(14,936)	(19,081)
<b>Total as at 30 June 2017</b>	<b>39,819</b>	<b>3,871</b>	<b>4,330</b>	<b>48,020</b>

As the AAT does not own any buildings, the building category consists of leasehold improvements.

As at 30 June 2017, two leasehold fit-out and intangible assets are expected to be sold or disposed of within the next 12 months and were provisioned for.

**Revaluations of non-financial assets**

All revaluations were conducted in accordance with the revaluation policy stated below and at Note 7.3. On 30 June 2017, an independent valuer conducted the revaluations.

**Contractual commitments for the acquisition of property, plant, equipment and intangible assets**

As at the reporting date, the AAT had entered into contractual commitment to the order of \$2.256m (exclusive of GST) for the acquisition of leasehold improvements, property, plant and equipment.

## Notes to and forming part of the financial statements

### Accounting Policy

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.

#### Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, 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 taken up by the entity where there exists an obligation to restore the property to its original condition. These costs are included in the value of the entity's leasehold improvement with a corresponding provision for the 'make good' recognised.

#### Revaluations

Following initial recognition at cost, property, plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is 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 are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated 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 entity 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:

	2017	2016
Leasehold improvements	Lessor or estimated useful life and lease term	Lessor or estimated useful life and lease term
Plant and equipment	3 to 20 years	3 to 20 years

#### Impairment

All assets were assessed for impairment at 30 June 2017. 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 of disposal 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 entity were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

#### 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.

#### Intangibles

The entity's intangibles comprise internally developed and 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 life. The useful lives of the entity's software are 3 to 20 years (2016: 3 to 20 years).

All software assets were assessed for indications of impairment as at 30 June 2017.

### Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the AAT has made the following judgements that have 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.



Notes to and forming part of the financial statements

**3.2 Non-Financial Assets continued**

	2017	2016
	<b>\$'000</b>	<b>\$'000</b>

**3.2B: Other Non-Financial Assets**

Prepayments	991	545
<b>Total other non-financial assets</b>	<b>991</b>	<b>545</b>

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

**3.3 Payables**

	2017	2016
	<b>\$'000</b>	<b>\$'000</b>

**3.3A: Suppliers**

Trade creditors and accruals	9,418	1,899
<b>Total suppliers</b>	<b>9,418</b>	<b>1,899</b>

Settlement was usually made within 30 days.

**3.3B: Other Payables**

Salaries and wages	1,082	523
Lease incentive	25,297	24,466
<b>Total other payables</b>	<b>26,379</b>	<b>24,989</b>

**Accounting Judgements and Estimates**

The AAT received incentives in the form of rent free periods and contributions on entering operating leases. Lease incentives are amortised on a straight line basis which is representative of the pattern of benefits derived from the incentives.

**3.4 Other Provisions**

**3.4A: Other Provisions**

	Onerous contract provision \$'000	Provision for restoration \$'000	Total \$'000
<b>As at 1 July 2016</b>	-	2,330	2,330
Additional provisions made	6,033	328	6,361
Amounts used	-	(78)	(78)
Amounts reversed	-	(149)	(149)
Unwinding of discount or change in discount rate	-	43	43
<b>Total as at 30 June 2017</b>	<b>6,033</b>	<b>2,474</b>	<b>8,507</b>

**Accounting Judgements and Estimates**

The AAT currently has six (2016: seven) agreements for the leasing of premises which have provisions requiring the AAT to restore the premises to their original condition at the conclusion of the leases. The AAT has made a provision to reflect the present value of the anticipated future costs. The calculation of this provision requires assumptions in determining the costs required to restore the premises to their original condition, which, because of the long-term nature of the liability, is the most significant uncertainty. This uncertainty may result in future actual expenditure differing from amounts currently provided. The provision recognised is reviewed annually and updated based on the facts and circumstances known at the time.

Present obligation arising under onerous contracts are recognised and measured as a provision. An onerous contract is considered to exist where the AAT has a contract under which the unavoidable costs of meeting the obligations under the contract exceed the economic benefits expected to be received under it. It is probable that the AAT will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation. The amount recognised as a provision is the best estimate of the expenditure required to settle the obligation as at the end of the reporting period, taking into account the risks and uncertainties.

## Assets and Liabilities Administered on Behalf of the Government

This section analyses assets used to conduct operations and the operating liabilities incurred as a result the AAT does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

### 4.1 Administered - Financial Assets

	2017	2016
	\$'000	\$'000

#### 4.1A: Cash and Cash Equivalents

Cash on hand or on deposit	218	162
<b>Total cash and cash equivalents</b>	<b>218</b>	<b>162</b>

#### 4.1B: Trade and Other Receivables

<b>Other receivables</b>		
Fees	10,070	10,650
<b>Total other receivables</b>	<b>10,070</b>	<b>10,650</b>
<b>Total trade and other receivables (gross)</b>	<b>10,070</b>	<b>10,650</b>
<b>Less impairment allowance</b>	<b>(7,343)</b>	<b>(7,849)</b>
<b>Total trade and other receivables (net)</b>	<b>2,727</b>	<b>2,801</b>

Credit terms for goods and services were within 30 days (2016: 30 days).

#### Reconciliation of the Impairment Allowance

	Other receivables
	\$'000
<b>Movements in relation to 2017</b>	
As at 1 July 2016	7,849
Amounts written off	(5,373)
Amounts recovered and reversed	-
Increase/(Decrease) recognised in net cost of services	4,867
<b>Total as at 30 June 2017</b>	<b>7,343</b>

	Other receivables
	\$'000
<b>Movements in relation to 2016</b>	
As at 1 July 2015	8,486
Increase/(Decrease) recognised in net cost of services	(637)
<b>Total as at 30 June 2016</b>	<b>7,849</b>

#### Accounting Policy

##### Loans and Receivables

Where loans and receivables are not subject to concessional treatment, they are carried at amortised cost using the effective interest method. Gains and losses due to impairment, derecognition and amortisation are recognised through profit or loss.

##### **Accounting Judgements and Estimates**

Collectability of debt is reviewed at the end of the reporting period. Impairment allowances are made when the collectability of the debt is judged to be less, rather than more, likely.

### 4.2 Administered - Payables

	2017	2016
	\$'000	\$'000

#### 4.2A: Suppliers

Trade creditors and accruals	283	437
<b>Total suppliers</b>	<b>283</b>	<b>437</b>

Settlement was usually made within 30 days.

**Funding**

This section identifies AAT's funding structure.

**5.1 Appropriations****5.1A: Annual Appropriations ('Recoverable GST exclusive')****Annual Appropriations for 2017**

	Annual Appropriation <sup>1</sup> \$'000	Adjustments to appropriation <sup>2</sup> \$'000	Total appropriation \$'000	Appropriation applied in 2017 (current and prior years) \$'000	Variance <sup>3</sup> \$'000
<b>Departmental</b>					
Ordinary annual services	142,194	15,452	157,646	143,353	14,293
Capital Budget <sup>4</sup>	4,075	-	4,075	4,075	-
Other services					
Equity Injections	18,343	-	18,343	1,213	17,130
Loans	-	-	-	-	-
<b>Total departmental</b>	<b>164,612</b>	<b>15,452</b>	<b>180,064</b>	<b>148,641</b>	<b>31,423</b>

1. In 2016-17 \$4.126m in departmental appropriation was permanently withheld under a Section 51 Determination of the PGPA Act (in accordance with Financial Reporting Rules Part 6 Div 3), for variance below the budgeted 18,000 Migration and Refugee Division decisions finalised in 2015-16.

2. PGPA Act Section 74 receipts relate to revenue received for rendering of services, and PGPA Act Section 75 transfers relate to cash and receivable amounts of the Social Security Appeals Tribunal now recognised as a result of formalisation of the determination in 2016-17.

3. Variance is substantially attributable to cash underspend during the year and the timing of payments.

4. Departmental Capital Budgets are appropriated through Appropriation Act (No.1). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

**Annual Appropriations for 2016**

	Annual Appropriation \$'000	Adjustments to appropriation <sup>1</sup> \$'000	Total appropriation \$'000	Appropriation applied in 2016 (current and prior years) \$'000	Variance <sup>2</sup> \$'000
<b>Departmental</b>					
Ordinary annual services	136,929	63,965	200,894	150,579	50,315
Capital Budget <sup>4</sup>	4,633	-	4,633	5,603	(970)
Other services					
Equity Injections	-	-	-	-	-
Loans	-	-	-	-	-
Assets and liabilities	-	-	-	-	-
<b>Total departmental</b>	<b>141,562</b>	<b>63,965</b>	<b>205,527</b>	<b>156,182</b>	<b>49,345</b>

1. PGPA Act Section 74 receipts relates to revenue received for rendering of services, and PGPA Act Section 75 transfers relate to appropriation receivable balances of the Migration Review Tribunal and Refugee Review Tribunal in 2015-16.

2. Variance is substantially attributable to cash underspend during the year and the timing of payments.

3. Departmental Capital Budgets are appropriated through Appropriation Act (No.1). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

Notes to and forming part of the financial statements

**5.1B: Unspent Annual Appropriations ('Recoverable GST exclusive')**

	2017	2016
	\$'000	\$'000
<b>Departmental</b>		
Appropriation Act (No. 3) 2014-15	-	23,614
Appropriation Act (No. 1) 2015-16	278	33,005
Appropriation Act (No. 3) 2015-16	700	9,706
Appropriation Act (No. 1) 2016-17	75,595	-
Appropriation Act (No. 2) 2016-17	17,130	-
Appropriation Act (No. 3) 2016-17	38	-
<b>Total departmental</b>	<b>93,741</b>	<b>66,325</b>

**5.1C: Special Appropriations ('Recoverable GST exclusive')**

	Appropriation applied	
	2017	2016
	\$'000	\$'000
<b>Authority</b>		
Public Governance, Performance and Accountability Act 2013 s.77(e), Administered	6,126	5,333
<b>Total special appropriations applied</b>	<b>6,126</b>	<b>5,333</b>

**5.2 Net Cash Appropriation Arrangements**

	2017	2016
	\$'000	\$'000
<b>Total comprehensive income/(loss) less depreciation/amortisation expenses previously funded through revenue appropriations</b>	<b>8,207</b>	<b>8,457</b>
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	(8,395)	(7,404)
<b>Total comprehensive income/(loss) - as per the Statement of Comprehensive Income</b>	<b>(188)</b>	<b>1,053</b>

## People and relationships

This section describes a range of employment and post employment benefits provided to our people and our relationships with other key people.

### 6.1 Employee Provisions

	2017 \$'000	2016 \$'000
<b>6.1A: Employee Provisions</b>		
Leave	20,799	20,189
<b>Total employee provisions</b>	<b>20,799</b>	<b>20,189</b>

#### Accounting policy

Liabilities for short-term employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

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.

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 entity'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 has been determined by reference to the work of an actuary as at 30 June 2017. 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 AAT 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

The AAT's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), or the PSS accumulation plan (PSSap), or other superannuation funds held outside the Australian Government.

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's administered schedules and notes.

The AAT makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The AAT 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.

#### Accounting Judgements and Estimates

The employee benefits provisions have been estimated in accordance with AASB 119 Employee Benefits and reflect the expected value of those benefits.

## Notes to and forming part of the financial statements

### 6.2 Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the AAT. AAT has determined the key management personnel to be the AAT President, Registrar, Division Heads, Senior Reviewer of the Immigration Assessment Authority, the Executive Directors and the Portfolio Minister. Key management personnel remuneration is reported in the table below:

	2017	2016
	\$'000	\$'000
Short-term employee benefits	2,362	2,015
Post-employment benefits	383	289
Other long-term employee benefits	260	222
Termination benefits	-	90
<b>Total key management personnel remuneration expenses<sup>1</sup></b>	<b>3,005</b>	<b>2,616</b>

The total number of key management personnel that are included in the above table are 10 (2016: 11).

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister and the AAT President, which are set by the Remuneration Tribunal. The Portfolio Minister's remuneration and other benefits are not paid by the AAT and the AAT President's remuneration and other benefits are reimbursed to the Federal Court of Australia by the AAT.

### 6.3 Related Party Disclosures

#### Related party relationships:

The AAT is an Australian Government controlled entity. Related parties to the AAT are key management personnel including the Commonwealth Cabinet, and other Australian Government entities.

#### Transactions with related parties:

Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes, receipt of a Medicare rebate or higher education loans. These transactions have not been separately disclosed in this note.

Significant transactions with related parties can include:

- purchases of goods and services;
- asset purchases, sales transfers or leases; and
- debts forgiven.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the AAT, it has been determined that there are no material related party transactions to be separately disclosed.

## Managing uncertainties

This section analyses how the AAT manages financial risks within its operating environment.

### 7.1 Contingent Assets and Liabilities

#### **Quantifiable Contingencies**

There are no quantifiable contingent liabilities or assets at 30 June 2017.

#### **Unquantifiable Contingencies**

There are no unquantifiable or remote contingencies at 30 June 2017.

#### **Quantifiable Administered Contingencies**

There are no quantifiable contingent liabilities or assets at 30 June 2017.

#### **Unquantifiable Administered Contingencies**

There are no unquantifiable or remote contingencies at 30 June 2017.

Notes to and forming part of the financial statements

**7.2 Financial Instruments**

	2017	2016
	\$'000	\$'000
<b>7.2A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
Cash and cash equivalents	367	489
<b>Loans and receivables</b>		
Goods and services receivables	2,625	1,277
<b>Total financial assets</b>	<b>2,992</b>	<b>1,766</b>
<b>Financial Liabilities</b>		
<b>Financial liabilities measured at amortised cost</b>		
Trade creditors and accruals	9,418	1,899
<b>Total financial liabilities measured at amortised cost</b>	<b>9,418</b>	<b>1,899</b>
<b>Total financial liabilities</b>	<b>9,418</b>	<b>1,899</b>

**Accounting Policy**

**Financial Assets**

The AAT classifies its financial assets in the following categories:

- a) 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.

**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 held at amortised cost* - if there is objective evidence that an impairment loss has been incurred for loans and receivables or held to maturity investments held at amortised cost, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the Statement of Comprehensive Income.

*Financial assets held 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.

**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 interest basis.

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).



## Notes to and forming part of the financial statements

### 7.3 Fair Value Measurement

#### Accounting Policy

All revaluations are in accordance with the revaluation policy stated in Note 3.2. On 30 June 2017 an independent valuer, Australian Valuation Solution (AVS) conducted the revaluations. In accordance with AASB 13, AVS followed two approaches in determining the fair values of the assets: Market approach and Depreciated Replacement Cost approach. The selection of the most appropriate technique to measure fair value is dependent on the nature of the asset being measured and the exit market within which the asset would transact. No individual assets were measured using multiple valuation techniques.

**Market approach** – This approach provides an indication of value by comparing the subject asset with similar assets for which price information is available. Market evidence has primarily been sourced from national physical and online auction markets and dealer enquiries. These inputs to the fair value measurements are considered level 2 (apart from the library collection, which is level 3) in the fair value hierarchy as they have been observed from the market and AVS has been required to utilise minimal professional judgement to make adjustments for differences in asset characteristics.

**Cost approach** – The cost approach reflects the amount that would be required to replace the service capacity of an asset at the reporting date. Current replacement costs have been developed from recently analysed fit-out projects undertaken by the entity, other government agencies and building cost publications such as Rawlinsons and Cordells. Consideration has been given to an assets location, size, layout, fit-out density, function, quality and the conditions of relevant construction markets.

For the period ending 30 June 2017, there has been no transfer between value input.

#### 7.3A: Fair Value Measurement

	Fair value measurements at the end of the reporting period	
	2017 \$'000	2016 \$'000
<b>Non-financial assets</b>		
Leasehold improvements	23,601	33,293
Plant and Equipment - Other	143	2,128
Plant and Equipment - Library Collection	207	300
Plant and Equipment - Computer equipment	865	146

**Other information**

This section outlines the restructuring and details of asset and liabilities transferred to the AAT. No restructuring has occurred for the year ended 30 June 2017.

**8.1 Restructuring****8.1A: Restructuring**

	2017	2016	
		Social Security Appeals Tribunal (SSAT) <sup>1</sup>	Migration Review Tribunal and Refugee Review Tribunal (MRT-RRT) <sup>1</sup>
	\$'000	\$'000	\$'000
<b>FUNCTIONS ASSUMED<sup>3</sup></b>			
<b>Assets recognised</b>			
Cash and cash equivalents	-	208	12
Trade and other receivables	-	8,770	53,564
Leasehold improvements	-	3,775	4,815
Plant and equipment	-	529	1,150
Intangibles	-	1,957	2,913
Other non financial assets	-	165	62
<b>Total assets recognised</b>	-	15,404	62,516
<b>Liabilities recognised</b>			
Suppliers	-	460	244
Other payables	-	3,172	5,757
Employee provisions	-	4,196	9,127
Other provisions	-	1,171	671
<b>Total liabilities recognised</b>	-	8,999	15,799
<b>Net assets/(liabilities) recognised<sup>2</sup></b>	-	6,405	46,717
<b>Income assumed</b>			
Recognised by the receiving entity	-	-	-
Recognised by the losing entity	-	-	-
<b>Total income assumed</b>	-	-	-
<b>Expenses assumed</b>			
Recognised by the receiving entity	-	-	-
Recognised by the losing entity	-	-	-
<b>Total expenses assumed</b>	-	-	-

1. On 1 July 2015, the MRT-RRT and SSAT were merged with the AAT pursuant to the *Tribunals Amalgamation Act 2015*. All assets, liabilities and commitments of the MRT-RRT and SSAT were transferred to the AAT, except for \$8.9m in cash and receivable of the SSAT, which were recognised on completion of the section 75 Determination. The amalgamated AAT continues to operate as a non-corporate entity under the PGPA Act from 1 July 2015.

2. The net assets/(liabilities) from all entities were \$53.1m, including \$8.9m in cash and receivable of the SSAT, which was not recognised as contributed equity until 2016-17 subsequent to formalisation of section 75 Determination.

3. In respect of functions assumed, the net book values of assets and liabilities were transferred to the AAT for no consideration.

Notes to and forming part of the financial statements

**8.1B: Administered - Restructuring**

	2017	2016	
		Social Security Appeals Tribunal (SSAT) <sup>1</sup>	Migration Review Tribunal and Refugee Review Tribunal (MRT-RRT) <sup>1</sup>
	\$'000	\$'000	\$'000
<b>FUNCTIONS ASSUMED<sup>3</sup></b>			
<b>Assets recognised</b>			
Cash and cash equivalents	-	-	123
Trade and other receivables	-	-	1,910
<b>Total assets recognised</b>	-	-	2,033
<b>Liabilities recognised</b>			
Suppliers	-	-	524
<b>Total liabilities recognised</b>	-	-	524
<b>Net assets/(liabilities) recognised<sup>2</sup></b>	-	-	1,509
<b>Income assumed</b>			
Recognised by the receiving entity	-	-	-
Recognised by the losing entity	-	-	-
<b>Total income assumed</b>	-	-	-
<b>Expenses assumed</b>			
Recognised by the receiving entity	-	-	-
Recognised by the losing entity	-	-	-
<b>Total expenses assumed</b>	-	-	-

1. On 1 July 2015, the MRT-RRT and SSAT were merged with the AAT pursuant to the *Tribunals Amalgamation Act 2015*. All assets, liabilities and commitments of the MRT-RRT and SSAT were transferred to the AAT. The amalgamated AAT continues to operate as a non-corporate entity under the PGPA Act from 1 July 2015.

2. The net assets/(liabilities) assumed from MRT-RRT were \$1.5m and SSAT did not have an administered function.

3. In respect of functions assumed, the net book values of assets and liabilities were transferred to the AAT for no consideration.



# APPENDIXES

# Appendix 1: Members of the AAT

This appendix contains:

- a list of the AAT's members at 30 June 2017
- a table showing the number of Senior Members and Members assigned to each of the AAT's divisions at 30 June 2017
- lists of members whose term of appointment or re-appointment commenced in 2016–17 and members whose term of appointment ended during the reporting year, and
- profiles of the President, the Division Heads and the Deputy Division Heads.

## Members at 30 June 2017

The list of the AAT's members at 30 June 2017 is set out Table A1.1. It is ordered by membership category, full-time/part-time status and then alphabetically. For members who have been reappointed to the AAT, the first appointment date is the date from which there have been continuous appointments to the AAT. For members of the former MRT, RRT or SSAT who became members of the AAT on 1 July 2015, the first appointment date is listed as 1 July 2015.

The President and Deputy Presidents can exercise the powers of the Tribunal in any of the AAT'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 were assigned as at 30 June 2017 are indicated in the table as follows:

G	General Division
F	Freedom of Information Division
M	Migration and Refugee Division
N	National Disability Insurance Scheme Division
Sec	Security Division
So	Social Services and Child Support Division
T	Taxation and Commercial Division
V	Veterans' Appeals Division

**Table A1.1 Members of the AAT, 30 June 2017**

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
<b>President</b>				
The Honourable Justice David Thomas	27/06/2017	26/06/2024	Qld	
<b>Deputy Presidents</b>				
<b>Judges of the Federal Court of Australia</b>				
The Honourable Justice Michael Barker	24/11/2010	09/05/2020	WA	
The Honourable Justice Berna Collier	12/11/2015	11/11/2020	Qld	
The Honourable Justice Jennifer Davies	12/11/2015	11/11/2020	Vic	
The Honourable Justice Andrew Greenwood	23/11/2005	23/11/2020	Qld	
The Honourable Justice Jayne Jagot	24/11/2010	23/11/2020	NSW	
The Honourable Justice Susan Kenny	24/11/2010	23/11/2020	Vic	

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
The Honourable Justice John Logan RFD	24/11/2010	23/11/2020	Qld	
The Honourable Justice John Middleton	24/11/2010	23/11/2020	Vic	
The Honourable Justice Tony Pagone	29/05/2015	28/05/2020	Vic	
The Honourable Justice Nye Perram	16/05/2013	15/05/2018	NSW	
The Honourable Justice Alan Robertson	12/11/2015	9/05/2020	NSW	
The Honourable Justice Antony Siopis	23/11/2005	7/07/2018	WA	
The Honourable Justice Richard White	29/05/2015	28/05/2020	SA	
<b>Judges of the Family Court of Australia</b>				
The Honourable Justice Robert Benjamin	23/11/2005	23/11/2020	Tas	
The Honourable Justice Victoria Bennett	29/05/2015	28/05/2020	Vic	
The Honourable Justice David Berman	29/05/2015	28/05/2020	SA	
The Honourable Justice Colin Forrest	29/05/2015	28/05/2020	Qld	
The Honourable Justice Janine Stevenson	29/05/2015	28/05/2020	NSW	
<b>Non-judicial Deputy Presidents – Full-time</b>				
Ms Katherine Bean	7/12/2009	31/05/2018	SA	
Mr James Constance	9/12/2010	8/12/2022	NSW	
Miss Stephanie Forgie	8/09/1988	3/11/2021	Vic	
Mr Gary Humphries	1/01/2015	31/12/2019	ACT	
Dr Christopher Kendall	5/09/2014	29/06/2020	WA	
Mr Bernard McCabe	1/07/2001	24/03/2019	NSW	
Dr Peter McDermott RFD	15/11/2004	30/11/2022	Qld	
Ms Jan Redfern PSM	21/03/2016	20/03/2023	NSW	
Mr Jim Walsh	1/07/2015	24/03/2019	Qld	
<b>Non-judicial Deputy Presidents – Part-time</b>				
Ms Fiona Alpins	5/04/2012	30/06/2017	Vic	
The Honourable Dennis Cowdroy OAM	1/03/2016	28/02/2021	NSW	
Professor Robert Deutsch	5/04/2012	30/06/2017	NSW	
Mr Stephen Frost	24/08/2006	30/06/2017	NSW	
Major General Gregory Melick AO RFD SC	5/09/2014	4/09/2019	Tas	
Mr Ian Molloy	11/04/2013	10/04/2018	Qld	
<b>Senior Members</b>				
<b>Senior Members – Full-time</b>				
Mr John Billings	1/07/2015	30/06/2019	Vic	M N
Ms Suellen Bullock	1/07/2015	30/06/2017	NSW	G So
Mr John Cipolla	1/07/2015	30/06/2021	NSW	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Dr Damien Cremean	1/06/2015	31/05/2020	Vic	G Sec V
Dr Denis Dragovic	30/05/2016	29/05/2023	Vic	M
Mr Egon Fice	12/06/2003	31/05/2018	Vic	G F Sec T V
Mr George Haddad	1/07/2015	30/06/2017	Vic	M
Mr Bruce Harvey	1/07/2015	24/07/2018	SA	N So
Ms Miriam Holmes	1/07/2015	30/06/2017	Vic	G M
Ms Josephine Kelly	1/07/2015	11/11/2020	NSW	G M N Sec T V
Ms Louise Nicholls	1/07/2015	30/06/2024	NSW	M N
Mr Andrew Nikolic AM CSC	16/01/2017	15/01/2024	Vic	G F Sec V
Dr Irene O'Connell	1/07/2015	25/02/2021	NSW	M
Ms Adria Poljak	30/05/2016	29/05/2019	NSW	G M Sec
Dr James Popple	1/01/2015	31/12/2017	ACT	G F N Sec T V
Ms Kira Raif	1/07/2015	30/06/2021	NSW	M
Ms Sue Raymond	1/07/2015	30/06/2017	SA	G M
Mr Giles Short	1/07/2015	30/06/2017	NSW	G M
Mr Theo Tavoularis	13/06/2016	12/06/2021	Qld	G F T V
Ms Jill Toohey	17/08/2009	4/09/2017	NSW	G F N Sec T V
Ms Irene Tsiakas	1/07/2015	10/07/2018	Vic	G So
Ms Chelsea Walsh	1/06/2010	5/05/2019	WA	G F Sec T V
Ms Antoinette Younes	1/07/2015	30/06/2024	NSW	M
<b>Senior Members – Part-time</b>				
Mr Peter Britten-Jones	25/03/2016	24/03/2021	SA	G F T
Mr Anthony Cotter	5/09/2014	4/09/2019	Qld	G T V
Ms Ann Cunningham	5/09/1995	30/11/2017	Tas	G F M N Sec T V
Mr Donald Davies	1/03/2016	28/02/2021	Qld	G M V
Mr Rodney Dunne	15/06/2005	31/05/2018	SA	G F Sec T V
Ms April Freeman	30/05/2016	29/05/2023	Qld	So
Mr Milton Griffin QC	16/01/2017	15/01/2024	Qld	G M N
Ms Naida Isenberg	1/07/2001	30/11/2017	NSW	G F M Sec V
Ms Linda Kirk	30/01/2017	29/01/2024	NSW	G T V
Ms Gina Lazanas	5/04/2012	30/06/2024	NSW	G F T V
Dr Nicholas Manetta	5/08/2013	4/08/2018	SA	G F T V



NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Professor Michael McGrowdie	30/05/2016	29/05/2019	NSW	G F V
Dr Teresa Nicoletti	24/08/2006	30/11/2017	NSW	G F T V
Mr Peter Nolan	30/05/2016	29/05/2021	Qld	G F
Mr Francis O'Loughlin <sup>a</sup>	23/09/2009	30/06/2024	Vic	G F T V
Mr Shahyar Roushan	1/07/2015	30/06/2019	NSW	M
Mr John Sosso	30/05/2016	29/05/2023	Qld	G F V
Mr William Stefaniak	25/03/2016	24/03/2021	NSW	G F
Mr Peter Taylor SC	24/08/2006	30/11/2017	NSW	G F T V
<b>Members</b>				
<b>Members – Full-time</b>				
Ms Glynis Bartley	1/07/2015	30/06/2017	NSW	M
Ms Diana Benk	1/07/2015	31/12/2017	NSW	So
Ms Moira Brophy	13/06/2016	12/06/2019	NSW	M So V
Mrs Danica Buljan	16/01/2017	15/01/2024	Vic	M
Ms Anna Burke	16/01/2017	15/01/2024	Vic	G F V
Mr Clyde Campbell	30/05/2016	29/05/2023	Qld	M
Mr Tony Caravella	1/07/2015	30/06/2017	WA	M N
Ms Suzanne Carlton	1/07/2015	30/06/2017	SA	M
Mr Christian Carney	1/07/2015	30/06/2017	NSW	M
Mr Kent Chapman	4/04/2016	3/04/2021	Qld	M So
Ms Helena Claringbold	1/07/2015	30/06/2024	NSW	M
Ms Justine Clarke	1/08/2016	31/07/2021	Vic	M
Ms Denise Connolly	1/07/2015	29/06/2020	NSW	M N
Mr Michael Cooke <sup>b</sup>	1/07/2015	30/06/2024	NSW	M
Ms Mary-Ann Cooper	1/07/2015	30/06/2017	Vic	M
Mr David Corrigan	1/07/2015	30/06/2017	Vic	M
Ms Angela Cranston	30/05/2016	29/04/2021	NSW	M
Mr Glen Cranwell	1/07/2015	30/06/2017	Qld	M So
Mr Brendan Darcy	1/07/2015	29/06/2020	Vic	M
Ms Dione Dimitriadis	1/07/2015	30/06/2017	NSW	M
Mr Antonio Dronjic	1/07/2015	30/06/2019	Vic	M
Ms Michelle East	6/02/2017	5/02/2024	WA	G M
Mr Tigiilagi Eteuati	1/07/2015	29/06/2020	Qld	M
Ms Rosa Gagliardi	1/07/2015	30/06/2024	Vic	M
Mr Filip Gelev	1/07/2015	30/06/2017	Vic	M
Ms Amanda Goodier	1/07/2015	30/06/2017	WA	G M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Michelle Grau	1/07/2015	30/06/2017	Qld	M N
Mr Bruce Henry	1/07/2015	30/06/2017	Qld	M
Ms Fiona Hewson	1/07/2015	30/09/2017	Vic	So
Ms Geraldine Hoeben	1/07/2015	29/06/2020	NSW	M
Ms Diane Hubble	1/07/2015	30/06/2017	Vic	M
Dr Colin Huntly	16/01/2017	15/01/2024	WA	M
Mr Mark Hyman	30/05/2016	29/05/2019	NSW	G So
Mr Michael Judd	16/01/2017	15/01/2024	WA	M
Mr Simon Letch	16/05/2016	15/05/2019	Qld	So
Mr John Longo	1/07/2015	31/12/2017	Vic	So
Mr Russell Matheson	16/01/2017	15/01/2024	NSW	M
Mr David McCulloch	1/07/2015	30/06/2024	NSW	M
Mr Nicholas McGowan	1/07/2015	30/06/2024	NSW	M
Ms Alison Mercer	1/07/2015	30/06/2019	Vic	M
Mr Justin Meyer	4/04/2016	3/04/2021	Vic	M
Mr Donald Morris	26/02/2016	25/02/2021	Tas	G M Sec So V
Ms Sydelle Muling	1/07/2015	30/06/2017	Vic	M
Mr Steven Norman	1/07/2015	30/06/2024	NSW	M
Ms Kim Parker	16/01/2017	15/01/2024	Vic	G N T V
Ms Amanda Paxton	1/07/2015	29/06/2020	Vic	M
Ms Regina Pertou OAM	9/08/2004	4/09/2024	Vic	G F N Sec V
Mr Hugh Sanderson	1/07/2015	30/06/2019	NSW	M
Ms Hannelore Schuster	6/02/2017	5/02/2024	NSW	F So
Ms Frances Simmons	1/07/2015	30/06/2024	NSW	M
Mr Christopher Smolicz	1/07/2015	30/06/2019	SA	M
Ms Linda Symons	1/07/2015	30/06/2024	NSW	M
Mr Jeffrey Thomson	30/05/2016	29/05/2021	Qld	So
Mr Christopher Thwaites	1/07/2015	30/06/2017	Vic	M N
Ms Kate Timbs	1/07/2015	29/06/2020	NSW	M So
Ms Gina Towney	1/07/2015	30/06/2017	NSW	M
Mr Peter Vlahos	30/05/2016	29/05/2023	Vic	M
Ms Jennifer Cripps Watts	30/05/2016	29/05/2021	NSW	M So
Mr Stuart Webb	1/07/2015	30/06/2017	Vic	M
Mr Robert Wilson	1/07/2015	29/06/2020	NSW	M
Mr Paul Windsor	1/07/2015	29/06/2020	Vic	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Magdalena Wysocka	1/07/2015	30/06/2017	Vic	M
<b>Members – Part-time</b>				
Dr Ion Alexander	2/08/2004	30/09/2017	NSW	G F V
Mr Matt Amundsen	1/07/2015	30/09/2017	Qld	So
Ms Robyn Anderson	1/07/2015	30/06/2019	Vic	M So
Mr William Appleton	1/07/2015	30/06/2019	Vic	G So
Ms Joanne Bakas	1/07/2015	31/12/2017	SA	M So
Mr Sean Baker	1/07/2015	30/06/2021	Vic	M
Ms Wendy Banfield	1/07/2015	30/06/2024	NSW	M
Mr David Barker	1/07/2015	29/06/2020	NSW	M
Ms Michelle Baulch	1/07/2015	30/06/2019	Tas	So
Ms Angela Beckett	1/07/2015	30/06/2019	NSW	So
Professor David Ben-Tovim	26/02/2016	25/02/2021	SA	G
Ms Jane Bishop	1/07/2015	15/08/2017	Qld	M So
Dr Timothy Bohane	1/07/2015	25/05/2019	NSW	G So
Ms Alexandra Bordujenko	1/07/2015	31/03/2019	Qld	G So
Ms Chantal Bostock	1/07/2015	30/06/2017	NSW	M
Ms Margret Bourke	1/07/2015	30/06/2019	Vic	M
Ms Rhonda Bradley	30/05/2016	29/05/2019	Qld	N So
Ms Stephanie Brakespeare	16/01/2017	15/01/2024	WA	So
Ms Ann Brandon-Baker <sup>b</sup>	25/07/2016	30/06/2024	NSW	M
Dr Christhilde Breheny	1/07/2015	30/06/2018	Tas	So
Ms Tina Bubutievski	1/04/2016	31/03/2019	NSW	So
Mr William Budiselik	1/07/2015	30/09/2017	WA	So
Ms Nicole Burns	1/07/2015	29/06/2020	Vic	M
Ms Kate Buxton	1/07/2015	15/05/2019	Qld	G So
Mr Alex Byers	1/07/2015	30/06/2019	Qld	So
Dr Louise Bygrave	30/05/2016	29/05/2021	NSW	G F N So V
Dr Niall Cain	1/07/2015	15/05/2019	Vic	G So
Mr Andrew Cameron	14/03/2016	13/03/2021	Vic	G
Ms Mary Cameron	1/07/2015	30/06/2017	Vic	M
Mr Neill Campbell	1/07/2015	30/09/2017	Vic	So
Professor Terry Carney AO	1/07/2015	30/09/2017	NSW	So
Ms Catherine Carney-Orsborn	1/07/2015	30/06/2024	NSW	M
Mr Andrew Carson	25/03/2016	24/03/2019	Vic	So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Jennifer Cavanagh	1/07/2015	30/06/2024	Qld	G So
Ms Rieteke Chenoweth	1/07/2015	30/06/2017	NSW	M
Ms Jennifer Ciantar	1/07/2015	30/06/2017	NSW	M N
Ms Christine Cody	1/07/2015	29/06/2020	NSW	M
Mr Timothy Connellan	1/07/2015	29/06/2020	Vic	M
Ms Erika Cornwell	1/07/2015	31/03/2019	NSW	So
Dr Michael Couch	5/04/2012	30/06/2024	NSW	G V
Ms Lynne Coulson Barr	5/08/2013	4/08/2018	Vic	G F N
Ms Gabrielle Cullen	1/07/2015	30/06/2024	NSW	M
Mr Steven Cullimore	1/07/2015	30/06/2019	SA	So
Ms Jean Cuthbert	1/07/2015	30/06/2019	NSW	G So
Ms Jenny D'Arcy	1/07/2015	30/09/2017	NSW	So
Mr John Devereux	1/07/2015	31/03/2019	Qld	So
Mr David Dobell	1/07/2015	30/06/2017	NSW	M
Ms Kruna Dordevic	1/07/2015	30/06/2024	NSW	So
Mr Marshal Douglas	30/05/2016	29/05/2019	NSW	G So V
Ms Amanda Ducrou	1/07/2015	31/03/2019	Vic	So
Mr Bronte Earl	1/07/2015	30/06/2019	SA	So
Ms Kathryn Edmonds	1/07/2015	30/06/2019	NSW	So
Ms Anne-Marie Elias	25/03/2016	24/03/2021	NSW	So
Mr Warren Evans	21/09/2006	30/09/2017	WA	G F V
Ms Nicola Findson	1/07/2015	29/06/2020	WA	M
Ms Tania Flood	1/07/2015	29/06/2020	NSW	M
Ms Julie Forgan	30/05/2016	29/05/2019	SA	N So
Ms Mila Foster	30/05/2016	29/05/2021	NSW	M
Mr Neil Foster	1/07/2015	30/09/2017	Qld	So
Mr Mark Fuller	1/07/2015	30/09/2017	SA	So
Mrs Lana Gallagher	16/01/2017	15/01/2024	WA	G M So
Mr Ian Garnham	1/07/2015	29/06/2020	Vic	M
Mr Nicholas Gaudion	11/04/2013	10/04/2018	NSW	G F T
Mr Steve Georgiadis	1/07/2015	30/06/2019	SA	M N
Dr Jonathan Gillis	25/03/2016	24/03/2019	NSW	So
Mr Paul Glass	30/05/2016	29/05/2019	Vic	So
Dr Martin Glasson	1/07/2015	30/06/2019	NSW	So
Mr John Godfrey	30/05/2016	30/06/2017	NSW	M
Ms Anne Grant	1/07/2015	31/03/2019	Vic	M So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Jocelyn Green	1/07/2015	30/09/2017	Qld	So
Dr Heidi Gregory	30/05/2016	29/05/2019	Vic	G So V
Dr Beverley Grehan	16/05/2016	15/05/2019	Qld	So
Ms Dominique Grigg <sup>d</sup>	25/03/2016	24/03/2021	Qld	G F T
Ms Patricia Hall	1/07/2015	30/06/2019	Qld	So
Mr Adam Halstead	1/07/2015	31/03/2019	NSW	So
Ms Tamara Hamilton-Noy	1/07/2015	31/03/2019	Vic	So
Mr Christopher Hardy	1/07/2015	30/06/2024	NSW	M
Ms Kerry-Anne Hartman	1/07/2015	30/06/2017	NSW	M
Mr Louie Hawas <sup>c</sup>	25/03/2016	30/06/2024	Vic	M
Mr Michael Hawkins	30/05/2016	29/05/2023	Qld	M
Ms Rea Hearn-Mackinnon	1/07/2015	30/06/2017	Vic	M
Mr Brook Hely	1/07/2015	30/06/2017	Vic	M
Mr Peter Higgins	1/07/2015	31/12/2017	Vic	So
Mr Adrian Ho	1/07/2015	30/06/2017	Vic	M
Dr Susan Hoffman	1/07/2015	31/03/2019	WA	M So
Ms Linda Holub	1/07/2015	29/06/2020	NSW	M
Ms Rachel Homan	1/07/2015	30/06/2017	NSW	M
Mr Michael Horsburgh AM	1/07/2015	30/09/2017	NSW	So
Dr Gordon Hughes	5/07/2004	30/09/2017	Vic	G F T V
Dr Bernard Hughson	1/12/2010	25/02/2021	ACT	G
Ms Penelope Hunter	1/07/2015	29/06/2020	NSW	M
Dr William Isles	5/04/2012	30/06/2024	NSW	G F N V
Mr Peter Jensen	1/07/2015	30/09/2017	Qld	G So
Mr James Jolliffe	1/07/2015	30/06/2017	NSW	M
Mr Michael Jones	1/07/2015	1/10/2017	WA	So
Ms Kate Juhasz	30/05/2016	29/05/2023	Qld	So
Ms Suhad Kamand	1/07/2015	30/06/2017	NSW	M
Ms Christine Kannis	1/07/2015	29/06/2020	WA	M So
Mr Marten Kennedy	1/07/2015	27/09/2024	SA	G M So
Mr William Kennedy	30/05/2016	29/05/2019	NSW	M So
Dr Sofia Khan	30/05/2016	29/05/2019	NSW	G So V
Mr Robert King	1/07/2015	30/09/2017	Qld	So
Dr Eric Knight	30/05/2016	29/05/2021	NSW	So
Ms Donna Lambden	1/07/2015	30/09/2017	SA	So
Ms Julia Leonard	1/07/2015	30/06/2019	NSW	So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Mr Stephen Lewinsky	1/07/2015	30/09/2017	Vic	G So
Ms Susan Lewis	1/07/2015	30/06/2019	Vic	So
Ms Hilary Lovibond	1/07/2015	30/06/2017	Vic	M
Mr Bruce MacCarthy	1/07/2015	30/06/2017	NSW	M
Ms Katie Malyon	1/07/2015	30/06/2024	NSW	M
Mr Michael Manetta	30/05/2016	29/05/2021	SA	So
Dr Geoffrey Markov	1/07/2015	30/06/2019	Vic	So
Ms Jane Marquard	30/05/2016	29/05/2021	NSW	M
Ms Maxina Martellotta	1/07/2015	31/03/2019	WA	N So
Dr Graham Maynard	16/01/2017	15/01/2024	Qld	G V
Ms Sally Mayne	1/07/2015	30/06/2019	NSW	So
Ms Melissa McAdam	1/07/2015	30/06/2024	NSW	M
Professor Ronald McCallum AO	5/08/2013	4/08/2018	NSW	G F N
Mr David McKelvey	1/07/2015	30/09/2017	Qld	G So
Mr Alan McMurrin	16/01/2017	15/01/2024	NSW	M
Ms Fiona Meagher	1/07/2015	29/06/2020	Qld	M
Ms Belinda Mericourt	1/07/2015	30/06/2017	NSW	M
Ms Kathryn Millar	1/07/2015	30/06/2024	SA	G M So
Mr Paul Millar	1/07/2015	29/06/2020	NSW	M
Ms Adrienne Millbank	30/05/2016	29/05/2021	Vic	M
Ms Jillian Moir	1/07/2015	30/09/2017	NSW	So
Ms Lilly Mojsin	1/07/2015	30/06/2024	NSW	M
Ms Deborah Morgan	1/07/2015	30/06/2017	SA	M
Ms Mara Moustafine	1/07/2015	30/06/2024	NSW	M Sec
Mr Andrew Mullin	1/07/2015	30/06/2017	NSW	M
Ms Alison Murphy	16/01/2017	15/01/2024	Vic	M
Mr Jack Nalpantidis	1/07/2015	30/09/2017	Vic	So
Dr Bennie Ng	25/03/2016	24/03/2021	Vic	G F
Mr Paul Noonan	1/07/2015	30/06/2019	Vic	M So
Lieutenant Colonel Robert Ormston (Rtd)	1/09/2011	30/09/2017	SA	G F Sec V
Mr Christopher Packer	16/01/2017	15/01/2024	Vic	M
Ms Sophia Panagiotidis	1/07/2015	30/09/2017	Vic	M So
Ms Lisa-Maree Piccolo	1/07/2015	30/06/2017	Vic	M
Mr Bryan Pickard	1/07/2015	30/09/2017	Qld	So
Ms Susan Pinto	1/07/2015	30/06/2017	NSW	M
Professor Julie Quinlivan	1/07/2015	30/06/2018	WA	G So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Mr Seamus Rafferty	30/05/2016	29/05/2021	WA	G M So
Dr Aruna Reddy	1/07/2015	30/06/2019	Vic	G So
Ms Saxon Rice	30/05/2016	29/05/2023	Qld	M
Ms Andrea Schiwy	1/07/2015	30/06/2019	Tas	So
Dr Harry Schwarz	1/07/2015	25/05/2019	Vic	So
Miss Anne Shanahan	19/06/1991	16/04/2018	Vic	G F V
Mr Rodger Shanahan	1/07/2015	30/06/2024	NSW	M Sec
Ms Annette Sheffield	1/07/2015	30/09/2017	Qld	So
Ms Wan Shum	1/07/2015	30/06/2019	NSW	M
Mr James Silva	2/08/2016	1/08/2021	NSW	M
Ms Rania Skaros	1/07/2015	30/06/2019	NSW	M
Ms Roslyn Smidt	1/07/2015	29/06/2020	NSW	M
Ms Alison Smith	1/07/2015	30/06/2019	Vic	So
Ms Angela Smith	1/07/2015	30/09/2017	NSW	So
Ms Meena Sripathy	1/07/2015	30/06/2019	NSW	M
Ms Frances Staden	1/07/2015	30/09/2017	ACT	So
Ms Rosemary Stafford	1/07/2015	30/09/2017	Qld	G So
Dr Leslie Stephan	26/06/2015	25/06/2020	SA	G V
Mr David Stevens	1/07/2015	30/06/2017	Vic	So
Ms Jennifer Strathearn	1/07/2015	30/09/2017	SA	M So
Dr Bruce Swanson	1/07/2016	30/06/2019	SA	G So
Ms Karen Synon	1/07/2015	29/06/2020	Vic	M
Ms Sandra Taglieri	5/08/2013	4/08/2018	Tas	G F N
Ms Robin Taylor	1/07/2016	30/06/2019	NSW	So
Mr Ian Thompson	5/08/2013	4/08/2018	SA	G F N
Mr Robert Titterton	1/07/2015	30/06/2017	NSW	M
Dr Saw Hooi Toh	24/08/2006	30/11/2017	NSW	G F N V
Ms Andrea Treble	1/07/2015	30/09/2017	Vic	So
Ms Susan Trotter	1/07/2015	29/06/2020	Qld	M N So
Ms Mary Urquhart <sup>d</sup>	1/07/2015	30/06/2024	Vic	M
Ms Catherine Wall	1/07/2015	30/06/2017	Vic	M
Dr Robert Walters RFD	16/11/2006	30/11/2017	Tas	G F V
Brigadier Anthony Warner AM LVO (Rtd)	15/06/2005	31/05/2018	WA	G F N Sec V
Mr Simon Webb	16/07/2001	4/12/2017	ACT	G F Sec V
Ms Yvonne Webb	1/07/2015	30/06/2019	SA	So
Ms Rachel Westaway <sup>b</sup>	1/07/2015	30/06/2024	Vic	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Mr Patrick White	1/07/2015	30/06/2017	Qld	So
Dr Peter Wilkins MBE	24/08/2006	25/02/2021	ACT	G
Ms Judith Williams	1/07/2015	15/05/2019	Qld	So
Ms Carolyn Wilson	1/07/2015	30/06/2017	SA	M
Ms Allison Windsor	1/07/2015	15/11/2017	SA	So
Mr Perry Wood <sup>b</sup>	25/03/2016	30/06/2024	Vic	M
Ms Natasha Yacoub	1/07/2015	30/06/2017	Vic	M

<sup>a</sup> Part-time Deputy President from 1 July 2017

<sup>b</sup> Full-time Senior Member from 1 July 2017

<sup>c</sup> Part-time Senior Member from 1 July 2017

<sup>d</sup> Full-time Member from 1 July 2017

Table A1.2 shows the number of Senior Members and Members assigned to each of the AAT's divisions at 30 June 2017.

**Table A1.2 Number of Senior Members and Members assigned to each AAT division, 30 June 2017**

DIVISION	SENIOR MEMBER FULL-TIME	SENIOR MEMBER PART-TIME	MEMBER FULL-TIME	MEMBER PART-TIME	TOTAL
Freedom of Information	6	13	3	18	<b>40</b>
General	14	17	7	46	<b>84</b>
Migration and Refugee	13	5	52	81	<b>151</b>
National Disability Insurance Scheme	6	2	6	14	<b>28</b>
Security	8	3	2	5	<b>18</b>
Social Services and Child Support	3	1	13	94	<b>111</b>
Taxation and Commercial	6	10	1	3	<b>20</b>
Veterans' Appeals	8	13	5	17	<b>40</b>



# Appointments and cessations

## New members – term commenced in 2016–17

### President

The Hon Justice David Thomas

### Senior Members

Milton Griffin QC

Linda Kirk

Andrew Nikolic AM CSC

### Members

Stephanie Brakespeare

Ann Brandon-Baker

Danica Buljan

Anna Burke

Michelle East

Lana Gallagher

Dr Colin Huntly

Michael Judd

Russell Matheson

Dr Graham Maynard

Alan McMurrin

Alison Murphy

Christopher Packer

Kim Parker

James Silva

Hannelore Schuster

## Re-appointed members – term commenced in 2016–17

### Deputy Presidents

Fiona Alpins

Professor Robert Deutsch

Stephen Frost

### Senior Members

John Billings

John Cipolla

Frank O'Loughlin

Gina Lazanas

Kira Raif

Shahyar Roushan

### Members

Dr Ion Alexander

Matt Amundsen

Robyn Anderson

William Appleton

Sean Baker

Michelle Baulch

Angela Beckett

Margret Bourke

William Budiselik

Alex Byers

Neill Campbell

Professor Terry Carney AO

Justine Clarke

Dr Michael Couch

Steven Cullimore

Jean Cuthbert

Jenny D'Arcy

Antonio Dronjic

Alan Duri

Bronte Earl

Kathryn Edmonds

Warren Evans

Neil Foster

Mark Fuller

Steve Georgiadis

Dr Martin Glasson

Jocelyn Green

Patricia Hall

Fiona Hewson

Michael Horsburgh AM

Dr Gordon Hughes

Dr William Isles

Peter Jensen

Marten Kennedy

Robert King

Donna Lambden

Julia Leonard

Stephen Lewinsky

Susan Lewis

Dr Geoffrey Markov

Sally Mayne

David McKelvey

Alison Mercer

Jillian Moir

Jack Nalpantidis

Paul Noonan

Lieutenant Colonel Robert  
Ormston (Rtd)

Sophia Panagiotidis

Bryan Pickard

Dr Aruna Reddy

Hugh Sanderson

Andrea Schiwy

Annette Sheffield

Wan Shum

Rania Skaros

Alison Smith

Angela Smith

Christopher Smolicz

Meena Sripathy

Frances Staden

Rosemary Stafford

Jennifer Strathearn

Dr Bruce Swanson

Robin Taylor

Andrea Treble

Yvonne Webb

## Members – term ended in 2016–17

### President

The Hon Justice Duncan Kerr  
*Chev LH*

### Deputy Presidents

The Hon Justice Christine Dawe  
Fiona Alpins  
Professor Robert Deutsch  
Stephen Frost

### Senior Members

Suellen Bullock  
George Haddad  
Miriam Holmes  
Sue Raymond  
Giles Short

### Members

Glynis Bartley  
Ronald Bartsch  
Chantal Bostock  
Mary Cameron  
Tony Caravella  
Suzanne Carlton  
Christian Carney  
Rieteke Chenoweth  
Jennifer Ciantar  
Mary-Ann Cooper  
David Corrigan  
Glen Cranwell  
Dione Dimitriadis  
David Dobell  
Alan Duri  
Brigadier Conrad Ermert (Rtd)  
Filip Gelev  
Elaine Geraghty  
John Godfrey  
Amanda Goodier  
Michelle Grau  
Kerry-Anne Hartman  
Rea Hearn-Mackinnon  
Brook Hely  
Bruce Henry  
Adrian Ho

Dr Maria Ho  
Rachel Homan  
Diane Hubble  
James Jolliffe  
Suhad Kamand  
Hilary Lovibond  
Bruce MacCarthy  
Belinda Mericourt  
Deborah Morgan  
Sydelle Muling  
Andrew Mullin  
Lisa-Maree Piccolo  
Susan Pinto  
David Stevens  
Alexandra Strang  
Dr Marian Sullivan  
Christopher Thwaites  
Robert Titterton  
Gina Towney  
The Hon Judith Troeth AM  
Catherine Wall  
Stuart Webb  
Patrick White  
Carolyn Wilson  
Mark Woodacre  
Magdalena Wysocka  
Natasha Yacoub

# Profiles

## President

### **The Honourable Justice David Thomas**

Justice Thomas was appointed as a judge of the Federal Court of Australia and President of the AAT on 27 June 2017. His Honour previously served as a Justice of the Supreme Court of Queensland and as President of the Queensland Civil and Administrative Tribunal from 2013. Prior to his judicial appointment, Justice Thomas was a commercial litigation solicitor for more than 30 years and was a partner in the law firm Minter Ellison.

His Honour's appointment to the AAT is for seven years.

## Division Heads

### **Mr Bernard McCabe**

Deputy President Bernard McCabe is Division Head of the Taxation and Commercial Division. He was appointed a Deputy President of the Tribunal and assigned to be Division Head on 25 March 2016 for a term of three years.

Mr McCabe was first appointed as a part-time Member of the Tribunal in 2001 and later as a full-time Senior Member in 2003. Mr McCabe was an Associate Professor of Law at Bond University. He was also a member of the Legal Committee of the Companies and Securities Advisory Committee between 1998 and 2001.

### **Ms Jan Redfern PSM**

Deputy President Jan Redfern is Division Head of the Migration and Refugee Division. She was appointed a Deputy President of the Tribunal and assigned to be Division Head from 21 March 2016 for a term of seven years.

Ms Redfern previously served the AAT as a Senior Member from 2009 to 2014. She was a Principal Member of the NSW Civil and Administrative Tribunal's Guardianship Division from 1 January 2015 and, before that, a legal member and Deputy President of the NSW Guardianship Tribunal.

Prior to these appointments, Ms Redfern held a number of senior executive positions with the Australian Securities and Investments Commission from 1999 to 2008. In 2007 she was awarded a Commonwealth Public Service Medal for outstanding public service in the field of corporate and financial services regulation and enforcement.

### **Mr Jim Walsh**

Deputy President Jim Walsh is Division Head of the Social Services and Child Support Division. He was appointed a Deputy President of the Tribunal and assigned to be Division Head on 25 March 2016 for a term of three years.

Prior to his current appointment, Mr Walsh served as an acting Deputy President of the Tribunal and acting Division Head of the Social Services and Child Support Division from July 2015. Mr Walsh was previously a Deputy Principal Member of the Social Security Appeals Tribunal (2012–2015) and, before that, a Senior Member (2010–2012) and Director (2002–2010) for the Queensland Registry.

Prior to these appointments, Mr Walsh held senior positions in Centrelink and the then Department of Social Security.

## Deputy Division Heads

### **Ms Suellen Bullock**

Senior Member Suellen Bullock was Deputy Division Head of the Social Services and Child Support Division until 30 June 2017. Ms Bullock became a Senior Member of the AAT on 1 July 2015 and was assigned to be Deputy Division Head for a term of two years.

Ms Bullock was a Deputy Principal Member of the Social Security Appeals Tribunal (2012–2015) and, before that, a Senior Member (2010–2012) and Director (2006–2010) for the NSW and ACT Registries. She previously held tribunal appointments as a full-time Senior Member of the AAT, a part-time Senior Member of the Veterans' Review Board and a member of the then NSW Administrative Decisions Tribunal in the Equal Opportunity Division.

Ms Bullock has also worked as a social worker at Legal Aid NSW and in Queensland, as an Investigation Officer and Executive Officer in the NSW Ombudsman's Office, and as the Internal Ombudsman at Sutherland Shire Council.

### **Dr Irene O'Connell**

Senior Member Dr Irene O'Connell is Deputy Division Head of the Migration and Refugee Division. She was appointed as Deputy Principal Member of the Migration Review Tribunal and Refugee Review Tribunal on 30 June 2015 for a term of five years and became a Senior Member of the Migration and Refugee Division of the AAT upon amalgamation on 1 July 2015. She was assigned to be Deputy Division Head on 1 July 2015 as well as being appointed as an acting Deputy President and assigned to be acting Division Head. Her acting roles ceased upon Ms Redfern's appointment as Head of the Migration and Refugee Division from 21 March 2016.

Dr O'Connell was a member of the Refugee Review Tribunal from 2000 to 2005, the Migration Review Tribunal and Refugee Review Tribunal from 2005 to 2007 and a Senior Member from 2007 to 2014. She was Principal Reviewer for the Independent Protection Assessment Authority from 2010 to 2012.

Dr O'Connell previously held positions as an academic at the University of Sydney lecturing in jurisprudence and as an Examiner for the NSW Legal Practitioners Admission Board.

### **Ms Irene Tsiakas**

Senior Member Irene Tsiakas is a Deputy Division Head of the Social Services & Child Support Division. She became a Senior Member of the AAT on 1 July 2015 and was assigned to be Deputy Division Head for a term of three years.

Ms Tsiakas practiced as a solicitor in private practice and later in the Family Law Division of the Australian Legal Aid Office/Victorian Legal Aid Commission. Ms Tsiakas conducted administrative reviews for the Child Support Agency from 2001 to 2006 and was a part-time member of the Migration Review Tribunal and Refugee Review Tribunal from 2003 to 2007.

Ms Tsiakas was appointed as a part-time member of the Social Security Appeals Tribunal in 1988, then as a full-time member and acting Assistant Senior Member in 2007. From 2012 she became the acting Senior Member for the Victorian and Tasmanian Registries and in 2013 became a Deputy Principal Member.

# Appendix 2: Additional staffing statistics

Table A2.1 provides a breakdown of staff employed by the AAT under the Public Service Act 1999 at 30 June 2017 by major organisational unit, classification and gender. For Registry Operations, a breakdown by location is also provided.

**Table A2.1 Staff by classification, registry and gender, 30 June 2017<sup>a</sup>**

Job classification	Principal Registry		Registry Operations										Review Support		Immigration Assessment Authority		All						
			Sydney		Melbourne		Brisbane		Adelaide		Perth		Hobart		Canberra								
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	Total		
APS Level 1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	1
APS Level 2	0	0	4	2	4	2	1	3	1	0	3	2	0	0	1	2	0	0	0	0	14	11	25
APS Level 3	1	1	9	3	7	4	1	1	1	0	2	1	0	0	0	1	6	1	0	0	27	12	39
APS Level 4	12	10	50	18	39	21	16	10	10	3	10	4	3	0	4	3	1	3	3	2	148	74	222
APS Level 5	16	12	11	6	11	2	0	1	2	1	0	0	0	0	0	4	1	1	0	45	23	68	
APS Level 6	25	23	9	3	9	2	1	2	1	1	1	1	0	0	1	0	7	6	0	54	38	92	
EL 1	12	19	2	4	3	0	0	2	0	0	0	0	0	0	0	11	7	1	0	29	32	61	
EL 2	3	6	1	0	2	0	1	2	1	1	0	1	0	0	1	0	12	5	18	6	39	21	60
SES Band 1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	4	1	5	
<b>Total</b>	<b>70</b>	<b>72</b>	<b>87</b>	<b>36</b>	<b>75</b>	<b>31</b>	<b>20</b>	<b>21</b>	<b>17</b>	<b>6</b>	<b>16</b>	<b>9</b>	<b>3</b>	<b>0</b>	<b>7</b>	<b>6</b>	<b>42</b>	<b>23</b>	<b>24</b>	<b>8</b>	<b>361</b>	<b>212</b>	<b>573</b>

<sup>a</sup> These figures include all ongoing and non-ongoing staff. Staff on long-term leave (of greater than three months at 30 June 2017) or on temporary transfer to another agency are not included.

**Legend**

'F' = female; 'M' = male; 'EL' = Executive Level

# Appendix 3: Resourcing tables

This appendix contains:

- a table summarising the total resources of the AAT and the total payments made by the AAT during 2016–17, and
- a table showing the total expenses for the AAT's outcome.

## Resource Statement

**Table A3.1 AAT resource statement, 2016–17**

	Actual available appropriation for 2016–17 \$'000	Payments made 2016–17 \$'000	Balance remaining 2016–17 \$'000
	(a)	(b)	(a) – (b)
<b>Ordinary annual services<sup>1</sup></b>			
Departmental appropriation <sup>2</sup>	242,764	148,763	94,001
<b>Total available annual appropriations and payments</b>	<b>242,764</b>	<b>148,763</b>	<b>94,001</b>
<b>Special appropriations</b>			
<b>Special appropriations limited by criteria/entitlement</b>			
<i>Public Governance, Performance and Accountability Act 2013 – s77</i>		6,237	
<b>Total special appropriations</b>		<b>6,237</b>	
<b>Total net resourcing and payments for Administrative Appeals Tribunal</b>	<b>242,764</b>	<b>155,000</b>	

<sup>1</sup> Appropriation Act (No. 1) 2016–17 and Appropriation Act (No. 3) 2016–17. Includes \$66.826m from prior periods, \$8.900m in section 75 transfers and \$6.552m in section 74 retained revenue receipts.

<sup>2</sup> Includes an amount of \$4.075m in 2016–17 for the departmental capital budget and an \$18.343m equity injection. For accounting purposes this amount has been designated as 'contributions by owners'.

# Expenses by Outcome

**Table A3.2 Expenses for outcome**

<b>Outcome 1:</b> Provide correct or preferable decisions through a mechanism of independent review of administrative decisions that is accessible, fair, just, economical, informal, quick and proportionate.	<b>Budget* 2016–17 \$'000</b>	<b>Actual expenses 2016–17 \$'000</b>	<b>Variation 2016–17 \$'000</b>
	(a)	(b)	(a) – (b)
<b>Program 1.1: Administrative Appeals Tribunal</b>			
Administered expenses			
Special appropriations	9,000	10,950	(1,950)
Departmental expenses			
Departmental appropriation <sup>1</sup>	143,371	133,134	10,237
Expenses not requiring appropriation in the Budget year	7,669	16,933	(9,264)
<b>Total expenses for Program 1</b>	<b>160,040</b>	<b>161,017</b>	<b>(977)</b>
<b>Total expenses for Outcome 1</b>	<b>160,040</b>	<b>161,017</b>	<b>(977)</b>
	<b>2015–16</b>	<b>2016–17</b>	
<b>Average staffing level (number)<sup>2</sup></b>	473	517	

\* Full year budget, including any subsequent adjustment made to the 2016–17 budget at Additional Estimates.

<sup>1</sup> Departmental appropriation combines ordinary annual services (Appropriation Act Nos. 1 and 3) and retained revenue receipts under section 74 of the Public Governance, Performance and Accountability Act.

<sup>2</sup> Average staffing level numbers do not include Tribunal members.

# Appendix 4: Additional caseload statistics

This appendix contains the following tables providing additional information about the AAT's activities:

- A4.1 Applications lodged and applications finalised, 2016–17
- A4.2 Outcomes of reviews – Proportion of applications in which the AAT changed the decision under review by division and major areas of work within divisions, 2015–16 to 2016–17
- A4.3 Outcomes of reviews – By division and major areas of work within divisions, 2016–17
- A4.4 Number of alternative dispute resolution processes, directions hearings and hearings, 2014–15 to 2016–17
- A4.5 Court appeals lodged and finalised – By division and major areas of work within divisions, 2016–17

**Table A4.1 Applications lodged and applications finalised, 2016–17**

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
<b>APPLICATIONS FOR REVIEW OF DECISIONS UNDER COMMONWEALTH LAWS – BY AUSTRALIAN GOVERNMENT PORTFOLIO</b>				
<b>AGRICULTURE AND WATER RESOURCES</b>				
Agricultural and veterinary chemicals	9		11	
Export and import control	1		1	
Meat and live-stock	1		1	
<b>Subtotal</b>	<b>11</b>	<b>&lt;1%</b>	<b>13</b>	<b>&lt;1%</b>
<b>ATTORNEY-GENERAL'S</b>				
Archives (other than decisions relating to ASIO records)	2		1	
Archives decisions relating to ASIO records	0		0	
ASIO security assessments	10		10	
Background checking	1		2	
Bankruptcy	16		11	
Freedom of information	39		34	
Marriage celebrants	6		7	
Personal property securities	2		2	
Privacy	3		2	
Waiver of fees in courts	5		4	
<b>Subtotal</b>	<b>84</b>	<b>&lt;1%</b>	<b>73</b>	<b>&lt;1%</b>



	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
<b>COMMUNICATIONS AND THE ARTS</b>				
Protection of movable cultural heritage	0		1	
Tax offset for films	0		2	
<b>Subtotal</b>	<b>0</b>	<b>0%</b>	<b>3</b>	<b>&lt;1%</b>
<b>DEFENCE (including VETERANS' AFFAIRS)</b>				
Defence Force retirement and death benefits	6		4	
<i>Military Rehabilitation and Compensation Act 2004</i>	103		92	
<i>Safety, Rehabilitation and Compensation Act 1988</i> (defence-related claims)	178		127	
Veterans' entitlements	227		216	
Other	3		4	
<b>Subtotal</b>	<b>517</b>	<b>1%</b>	<b>443</b>	<b>1%</b>
<b>EDUCATION AND TRAINING</b>				
Child care services/registered carers	13		4	
Education services for overseas students	23		17	
Higher education funding	62		63	
Mutual recognition of occupations	61		81	
National vocational education and training regulation	92		73	
School education	1		1	
Tertiary education quality and standards	6		5	
Trade support loans	0		1	
<b>Subtotal</b>	<b>258</b>	<b>&lt;1%</b>	<b>245</b>	<b>&lt;1%</b>
<b>EMPLOYMENT</b>				
Fair entitlements guarantee	21		43	
<i>Safety, Rehabilitation and Compensation Act 1988</i> (other than defence-related claims)	1,704		1,468	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	37		64	
<b>Subtotal</b>	<b>1,762</b>	<b>3%</b>	<b>1,575</b>	<b>4%</b>
<b>ENVIRONMENT AND ENERGY</b>				
Clean energy regulation	0		1	
Great Barrier Reef Marine Park	2		1	
Hazardous waste	1		2	
<b>Subtotal</b>	<b>3</b>	<b>&lt;1%</b>	<b>4</b>	<b>&lt;1%</b>

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
<b>FINANCE</b>				
Electoral matters	1		2	
<b>Subtotal</b>	<b>1</b>	<b>&lt;1%</b>	<b>2</b>	<b>&lt;1%</b>
<b>FOREIGN AFFAIRS AND TRADE</b>				
Export market development grants	7		3	
Passports	18		18	
<b>Subtotal</b>	<b>25</b>	<b>&lt;1%</b>	<b>21</b>	<b>&lt;1%</b>
<b>HEALTH</b>				
Aged care	43		35	
Medicare	5		3	
Pharmacists	7		11	
Sports anti-doping	1		2	
Therapeutic goods	1		3	
<b>Subtotal</b>	<b>57</b>	<b>&lt;1%</b>	<b>54</b>	<b>&lt;1%</b>
<b>IMMIGRATION AND BORDER PROTECTION</b>				
Citizenship	322		268	
Customs	16		23	
Migration agent registration	8		9	
Prohibited imports and exports	0		1	
Visa decisions (other than relating to character)	26,604		18,908	
Visa decisions relating to character	183		168	
<b>Subtotal</b>	<b>27,133</b>	<b>53%</b>	<b>19,377</b>	<b>46%</b>
<b>INDUSTRY, INNOVATION AND SCIENCE</b>				
Automotive industry	1		1	
Industry research and development	21		17	
Patents, designs and trade marks	5		6	
<b>Subtotal</b>	<b>27</b>	<b>&lt;1%</b>	<b>24</b>	<b>&lt;1%</b>
<b>INFRASTRUCTURE AND REGIONAL DEVELOPMENT</b>				
Airports	1		2	
Aviation and maritime transport security	1		0	
Civil aviation	20		28	
Maritime safety	2		5	
Motor vehicle standards	12		10	
<b>Subtotal</b>	<b>36</b>	<b>&lt;1%</b>	<b>45</b>	<b>&lt;1%</b>

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
<b>PRIME MINISTER AND CABINET</b>				
Aboriginal corporations, councils and associations	1		1	
<b>Subtotal</b>	<b>1</b>	<b>&lt;1%</b>	<b>1</b>	<b>&lt;1%</b>
<b>SOCIAL SERVICES</b>				
Centrelink (first review and second review)	17,481		16,554	
Child support (first review and second review)	2,343		2,156	
National Disability Insurance Scheme	215		89	
National Rental Affordability Scheme	1		2	
Paid parental leave (first review and second review)	269		257	
<b>Subtotal</b>	<b>20,309</b>	<b>39%</b>	<b>19,058</b>	<b>45%</b>
<b>TREASURY</b>				
Banking	1		1	
Business names registration	19		20	
Consumer credit	5		6	
Corporations and financial services	32		37	
Insurance and superannuation	1		1	
Tax agents	13		25	
Taxation	854		920	
<b>Subtotal</b>	<b>925</b>	<b>2%</b>	<b>1,010</b>	<b>2%</b>
<b>SUBTOTAL for PORTFOLIOS</b>	<b>51,149</b>	<b>99%</b>	<b>41,948</b>	<b>99%</b>
<b>APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT – OTHER</b>				
Applications for extension of time without application for review	113		107	
Applications relating to decisions not subject to AAT review	159		164	
Applications relating to decisions about AAT application fees	5		4	
<b>Subtotal</b>	<b>277</b>	<b>&lt;1%</b>	<b>275</b>	<b>&lt;1%</b>
<b>APPLICATIONS UNDER NORFOLK ISLAND LAWS</b>				
Planning	0		1	
<b>Subtotal</b>	<b>0</b>	<b>0%</b>	<b>1</b>	<b>&lt;1%</b>
<b>TOTAL<sup>a</sup></b>	<b>51,426</b>	<b>100%</b>	<b>42,224</b>	<b>100%</b>

<sup>a</sup> Percentages may not total 100% due to rounding.

**Table A4.2 Outcomes of reviews – Proportion of applications in which the AAT changed the decision under review by division and major areas of work within divisions, 2015–16 to 2016–17**

DIVISION/AREA OF WORK	PROPORTION OF APPLICATIONS IN WHICH THE AAT CHANGED THE DECISION UNDER REVIEW <sup>a</sup>	
	2015–16	2016–17
<b>Freedom of Information</b>	<b>39%</b>	<b>32%</b>
<b>General</b>	<b>23%</b>	<b>24%</b>
<i>Centrelink (2nd review)</i>	20%	21%
<i>Workers' compensation<sup>b</sup></i>	33%	31%
<i>Other</i>	18%	22%
<b>Migration and Refugee</b>	<b>32%</b>	<b>31%</b>
<i>Migration</i>	37%	38%
<i>Refugee</i>	16%	11%
<b>National Disability Insurance Scheme</b>	<b>42%</b>	<b>25%</b>
<b>Security</b>	<b>7%</b>	<b>0%</b>
<b>Social Services and Child Support</b>	<b>24%</b>	<b>22%</b>
<i>Centrelink (1st review)</i>	22%	20%
<i>Child support</i>	41%	34%
<i>Paid parental leave</i>	6%	7%
<b>Taxation and Commercial</b>	<b>44%</b>	<b>37%</b>
<i>Taxation</i>	49%	40%
<i>Other<sup>c</sup></i>	10%	13%
<b>Veterans' Appeals</b>	<b>49%</b>	<b>34%</b>
<b>ALL AAT</b>	<b>28%</b>	<b>26%</b>

<sup>a</sup> The decision under review is treated as having been changed if the AAT varies or sets aside the decision or remits the matter to the decision-maker for reconsideration by way of a decision under section 43 of the Administrative Appeals Tribunal Act or section 349 or 415 of the Migration Act, or by way of a decision made in accordance with terms of agreement reached by the parties under section 34D or 42C of the Administrative Appeals Tribunal Act.

<sup>b</sup> These figures include applications for review of decisions about defence-related claims under the *Safety, Rehabilitation and Compensation Act 1988* which are formally allocated to the Veterans' Appeals Division.

<sup>c</sup> These figures include all non-taxation applications managed within the Taxation and Commercial Division whether or not formally allocated to that division: see the Review of Taxation and Commercial Decisions Practice Direction.

**Table A4.3 Outcomes of reviews – By division and major areas of work within divisions, 2016–17**

Table A4.3.1 General Division<sup>a</sup>

	CENTRELINK (2ND REVIEW)		WORKERS' COMPENSATION <sup>b</sup>		OTHER		TOTAL	
	No	% of total	No	% of total	No	% of total	No	% of total
<b>By decision<sup>c</sup></b>								
Decision affirmed	509	21%	102	6%	229	19%	840	16%
Decision varied or set aside	140	6%	69	4%	79	7%	288	5%
<b>Subtotal</b>	<b>649</b>	<b>26%</b>	<b>171</b>	<b>10%</b>	<b>308</b>	<b>26%</b>	<b>1,128</b>	<b>21%</b>
<b>By consent</b>								
Decision affirmed <sup>d</sup>	17	1%	562	34%	8	1%	587	11%
Decision varied or set aside <sup>d</sup>	372	15%	445	27%	183	15%	1,000	19%
Dismissed by consent <sup>e</sup>	27	<1%	7	<1%	21	2%	55	1%
Dismissed by operation of law <sup>f</sup>	333	14%	N/A	N/A	0	0%	333	6%
<b>Subtotal</b>	<b>749</b>	<b>30%</b>	<b>1,014</b>	<b>61%</b>	<b>212</b>	<b>18%</b>	<b>1,975</b>	<b>37%</b>
<b>Other</b>								
Withdrawn by applicant	726	30%	416	25%	331	28%	1,473	28%
Dismissed by Tribunal <sup>g</sup>	159	6%	45	3%	281	23%	485	9%
No jurisdiction <sup>h</sup>	173	7%	13	<1%	70	6%	256	5%
<b>Subtotal</b>	<b>1,058</b>	<b>43%</b>	<b>474</b>	<b>29%</b>	<b>682</b>	<b>57%</b>	<b>2,214</b>	<b>42%</b>
<b>TOTAL<sup>i</sup></b>	<b>2,456</b>	<b>100%</b>	<b>1,659</b>	<b>100%</b>	<b>1,202</b>	<b>100%</b>	<b>5,317</b>	<b>100%</b>

<sup>a</sup> The figures in this table relate only to the outcomes of applications for review of decisions, including where a related application for extension of time is refused.

<sup>b</sup> These figures include applications for review of decisions about defence-related claims under the *Safety, Rehabilitation and Compensation Act 1988* which are formally allocated to the Veterans' Appeals Division.

<sup>c</sup> Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

<sup>d</sup> Applications finalised by the AAT in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D) or at any stage of review proceedings (section 42C).

<sup>e</sup> Applications dismissed by consent under section 42A(1).

<sup>f</sup> If an application for a review of a Centrelink or paid parental leave decision 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.

<sup>g</sup> Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

<sup>h</sup> Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit, the AAT has refused to extend the time for applying for a review or the application fee has not been paid.

<sup>i</sup> Percentages may not total 100% due to rounding.

Table A4.3.2 FOI, NDIS, Security, and Veterans' Appeals Divisions<sup>a</sup>

	FREEDOM OF INFORMATION		NATIONAL DISABILITY INSURANCE SCHEME		SECURITY		VETERANS' APPEALS	
	No	% of total	No	% of total	No	% of total	No	% of total
<b>By decision<sup>b</sup></b>								
Decision affirmed	8	22%	6	7%	0	0%	46	15%
Decision varied or set aside	8	22%	2	2%	0	0%	25	8%
<b>Subtotal</b>	<b>16</b>	<b>43%</b>	<b>8</b>	<b>9%</b>	<b>0</b>	<b>0%</b>	<b>71</b>	<b>23%</b>
<b>By consent</b>								
Decision affirmed <sup>c</sup>	0	0%	1	1%	0	0%	3	<1%
Decision varied or set aside <sup>c</sup>	4	11%	20	22%	0	0%	81	26%
Dismissed by consent <sup>d</sup>	1	3%	0	0%	1	10%	2	<1%
<b>Subtotal</b>	<b>5</b>	<b>14%</b>	<b>21</b>	<b>24%</b>	<b>1</b>	<b>10%</b>	<b>86</b>	<b>28%</b>
<b>Other</b>								
Withdrawn by applicant	13	35%	40	45%	8	80%	143	46%
Dismissed by Tribunal <sup>e</sup>	1	3%	5	6%	1	10%	5	2%
No jurisdiction <sup>f</sup>	2	5%	15	17%	0	0%	3	<1%
<b>Subtotal</b>	<b>16</b>	<b>43%</b>	<b>60</b>	<b>67%</b>	<b>9</b>	<b>90%</b>	<b>151</b>	<b>49%</b>
<b>TOTAL<sup>g</sup></b>	<b>37</b>	<b>100%</b>	<b>89</b>	<b>100%</b>	<b>10</b>	<b>100%</b>	<b>308</b>	<b>100%</b>

<sup>a</sup> The figures in this table relate only to the outcomes of applications for review of decisions, including where a related application for extension of time is refused.

<sup>b</sup> Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

<sup>c</sup> Applications finalised by the AAT in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D) or at any stage of review proceedings (section 42C).

<sup>d</sup> Applications dismissed by consent under section 42A(1).

<sup>e</sup> Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

<sup>f</sup> Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit, the AAT has refused to extend the time for applying for a review or the application fee has not been paid.

<sup>g</sup> Percentages may not total 100% due to rounding.

Table A4.3.3 Migration and Refugee Division

	MIGRATION		REFUGEE		TOTAL	
	No	% of total	No	% of total	No	% of total
<b>By decision<sup>a</sup></b>						
Decision affirmed <sup>b</sup>	5,110	37%	3,202	62%	8,312	44%
Decision varied, remitted or set aside	5,276	38%	548	11%	5,824	31%
<b>Subtotal</b>	<b>10,386</b>	<b>76%</b>	<b>3,750</b>	<b>73%</b>	<b>14,136</b>	<b>75%</b>
<b>Other</b>						
Withdrawn by applicant	2,011	15%	317	6%	2,328	12%
Dismissed by Tribunal <sup>b</sup>	443	3%	499	10%	942	5%
No jurisdiction <sup>c</sup>	915	7%	587	11%	1,502	8%
<b>Subtotal</b>	<b>3,369</b>	<b>24%</b>	<b>1,403</b>	<b>27%</b>	<b>4,772</b>	<b>25%</b>
<b>TOTAL<sup>d</sup></b>	<b>13,755</b>	<b>100%</b>	<b>5,153</b>	<b>100%</b>	<b>18,908</b>	<b>100%</b>

<sup>a</sup> Applications finalised by a decision of the AAT under section 349 or 415 of the Migration Act.

<sup>b</sup> The Tribunal may dismiss an application if an applicant does not appear before the Tribunal at a hearing under section 362B(1A) or 426A(1A) of the Migration Act. The decision to dismiss the application may be confirmed under section 362B(1C)(b), 362B(1E), 426A(1C)(b) or 426A(1E). Under sections 362B(1F) and 426A(1F), a dismissal decision confirmed by the Tribunal is taken to be a decision to affirm the decision under review. Therefore, the total number of migration decisions affirmed is 5,553 or 40% of all migration decisions (comprised of 5,110 decisions affirmed and 443 applications dismissed by the Tribunal). The total number of refugee decisions affirmed is 3,701 or 72% of all refugee decisions (comprised of 3,202 decisions affirmed and 499 applications dismissed by the Tribunal).

<sup>c</sup> Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit or the application fee has not been paid.

<sup>d</sup> Percentages may not total 100% due to rounding.

Table A4.3.4 Social Services and Child Support Division

	CENTRELINK (1ST REVIEW) <sup>a</sup>		CHILD SUPPORT <sup>b</sup>		PAID PARENTAL LEAVE <sup>a</sup>		TOTAL	
	No	% of total	No	% of total	No	% of total	No	% of total
<b>By decision<sup>c</sup></b>								
Decision affirmed	8,023	52%	561	28%	160	64%	8,744	50%
Decision varied or set aside	3,152	20%	651	33%	17	7%	3,820	22%
<b>Subtotal</b>	<b>11,175</b>	<b>73%</b>	<b>1,212</b>	<b>61%</b>	<b>177</b>	<b>71%</b>	<b>12,564</b>	<b>71%</b>
<b>By consent</b>								
Decision affirmed <sup>d</sup>	N/A	N/A	0	0%	N/A	N/A	0	0%
Decision varied or set aside <sup>d</sup>	N/A	N/A	37	2%	N/A	N/A	37	<1%
Dismissed by consent <sup>e</sup>	26	<1%	127	6%	0	0%	153	<1%
Dismissed by operation of law <sup>f</sup>	0	0%	N/A	N/A	0	0%	0	0%
<b>Subtotal</b>	<b>26</b>	<b>&lt;1%</b>	<b>164</b>	<b>8%</b>	<b>0</b>	<b>0%</b>	<b>190</b>	<b>1%</b>
<b>Other</b>								
Withdrawn by applicant	1,058	7%	229	11%	22	9%	1,309	7%
Dismissed by Tribunal <sup>g</sup>	488	3%	94	5%	4	2%	586	3%
No jurisdiction <sup>h</sup>	2,651	17%	298	15%	48	19%	2,997	17%
<b>Subtotal</b>	<b>4,197</b>	<b>27%</b>	<b>621</b>	<b>31%</b>	<b>74</b>	<b>29%</b>	<b>4,892</b>	<b>28%</b>
<b>TOTAL<sup>i</sup></b>	<b>15,398</b>	<b>100%</b>	<b>1,997</b>	<b>100%</b>	<b>251</b>	<b>100%</b>	<b>17,646</b>	<b>100%</b>

<sup>a</sup> A single application may relate to more than one reviewable decision. These figures include outcomes for all decisions that have been reviewed.

<sup>b</sup> The figures in this column relate only to the outcomes of applications for review of decisions, including where a related application for extension of time is refused.

<sup>c</sup> Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

<sup>d</sup> Applications finalised by the AAT in accordance with terms of agreement reached by the parties under section 42C.

<sup>e</sup> Applications dismissed by consent under section 42A(1).

<sup>f</sup> If an application for a review of a Centrelink or paid parental leave decision 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.

<sup>g</sup> Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

<sup>h</sup> Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit or the AAT has refused to extend the time for applying for a review.

<sup>i</sup> Percentages may not total 100% due to rounding.



Table A4.3.5 Taxation and Commercial Division<sup>a</sup>

	TAXATION		OTHER <sup>b</sup>		TOTAL	
	No	% of total	No	% of total	No	% of total
<b>By decision<sup>c</sup></b>						
Decision affirmed	87	9%	25	21%	112	11%
Decision varied or set aside	52	6%	11	9%	63	6%
<b>Subtotal</b>	<b>139</b>	<b>15%</b>	<b>36</b>	<b>30%</b>	<b>175</b>	<b>17%</b>
<b>By consent</b>						
Decision affirmed <sup>d</sup>	25	3%	2	2%	27	3%
Decision varied or set aside <sup>d</sup>	316	34%	5	4%	321	31%
Dismissed by consent <sup>e</sup>	37	4%	4	3%	41	4%
<b>Subtotal</b>	<b>378</b>	<b>41%</b>	<b>11</b>	<b>9%</b>	<b>389</b>	<b>37%</b>
<b>Other</b>						
Withdrawn by applicant	263	29%	47	39%	310	30%
Dismissed by Tribunal <sup>f</sup>	108	12%	22	18%	130	12%
No jurisdiction <sup>g</sup>	32	3%	5	4%	37	4%
<b>Subtotal</b>	<b>403</b>	<b>44%</b>	<b>74</b>	<b>61%</b>	<b>477</b>	<b>46%</b>
<b>TOTAL<sup>h</sup></b>	<b>920</b>	<b>100%</b>	<b>121</b>	<b>100%</b>	<b>1,041</b>	<b>100%</b>

<sup>a</sup> The figures in this table relate only to the outcomes of applications for review of decisions, including where a related application for extension of time is refused.

<sup>b</sup> These figures include all non-taxation applications managed within the Taxation and Commercial Division whether or not formally allocated to that division: see the Review of Taxation and Commercial Decisions Practice Direction.

<sup>c</sup> Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

<sup>d</sup> Applications finalised by the AAT in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D) or at any stage of review proceedings (section 42C).

<sup>e</sup> Applications dismissed by consent under section 42A(1).

<sup>f</sup> Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

<sup>g</sup> Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit, the AAT has refused to extend the time for applying for a review or the application fee has not been paid.

<sup>h</sup> Percentages may not total 100% due to rounding.

**Table A4.4 Number of alternative dispute resolution processes, directions hearings and hearings, 2014–15 to 2016–17**

EVENT TYPE	2014–15	2015–16	2016–17
Conferences <sup>a</sup>	7,775	8,082	8,260
Conciliations <sup>a</sup>	523	529	546
Other ADR processes (case appraisals, mediations and neutral evaluations) <sup>a</sup>	23	25	20
Directions hearings <sup>b</sup>	1,721	2,788	2,669
Interlocutory hearings <sup>c</sup>	625	741	785
Hearings	1,183	24,856	26,638

<sup>a</sup> The AAT holds alternative dispute resolution processes in all divisions other than the Migration and Refugee, Security, and Social Services and Child Support Divisions.

<sup>b</sup> The AAT holds directions hearings in all divisions other than the Migration and Refugee Division.

<sup>c</sup> Interlocutory hearings are hearings listed in all divisions other than the Migration and Refugee, and Social Services and Child Support Divisions in relation to the AAT's jurisdiction and applications for orders of the following kind: to extend the time to lodge an application for a review, to be joined as a party to a proceeding, to make a confidentiality order, to stay the operation or implementation of a decision under review, to dismiss an application or to reinstate an application.

**Table A4.5 Court appeals lodged and finalised – By division and major areas of work within divisions, 2016–17**

DIVISION/AREA OF WORK	COURT APPEALS LODGED		COURT APPEALS FINALISED <sup>c</sup>			
	Lodged <sup>a</sup>	Proportion of total AAT decisions <sup>b</sup>	Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
	No	%	No	No	No	%
<b>Freedom of Information</b>	<b>3</b>	<b>17%</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>25%</b>
<b>General</b>	<b>58</b>	<b>3%</b>	<b>17</b>	<b>44</b>	<b>61</b>	<b>28%</b>
<i>Centrelink (2nd review)</i>	15	2%	4	14	18	22%
<i>Workers' compensation<sup>d</sup></i>	17	7%	6	14	20	30%
<i>Other</i>	26	4%	7	16	23	30%
<b>Migration and Refugee</b>	<b>3,644</b>	<b>22%</b>	<b>516</b>	<b>2,101</b>	<b>2,617</b>	<b>20%</b>
<i>Migration</i>	1,846	16%	306	1,076	1,382	22%
<i>Refugee</i>	1,798	37%	210	1,025	1,235	17%
<b>National Disability Insurance Scheme</b>	<b>2</b>	<b>8%</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>100%</b>
<b>Security</b>	<b>0</b>	<b>N/A</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>Social Services and Child Support Division<sup>e</sup></b>	<b>23</b>	<b>1%</b>	<b>5</b>	<b>23</b>	<b>28</b>	<b>18%</b>
<b>Taxation and Commercial</b>	<b>17</b>	<b>6%</b>	<b>5</b>	<b>15</b>	<b>20</b>	<b>25%</b>
<i>Taxation</i>	10	4%	3	12	15	20%
<i>Other<sup>f</sup></i>	7	10%	2	3	5	40%
<b>Veterans' Appeals</b>	<b>12</b>	<b>15%</b>	<b>6</b>	<b>6</b>	<b>12</b>	<b>50%</b>
<b>TOTAL</b>	<b>3,759</b>	<b>18%</b>	<b>551</b>	<b>2,192</b>	<b>2,743</b>	<b>20%</b>

<sup>a</sup> These figures include some appeals lodged in relation to decisions made in a previous year.

<sup>b</sup> This figure represents the number of appeals lodged in 2016–17 as a proportion of all AAT decisions made in 2016–17 that could have been appealed to the courts.

<sup>c</sup> 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.

<sup>d</sup> These figures include applications for review of decisions about defence-related claims under the *Safety, Rehabilitation and Compensation Act 1988* which are formally allocated to the Veterans' Appeals Division.

<sup>e</sup> Only child support decisions and employer-related paid parental leave decisions may be appealed to the courts under section 44 or 44AAA of the Administrative Appeals Tribunal Act. Other decisions are subject to second review in the AAT.

<sup>f</sup> These figures include all non-taxation applications managed within the Taxation and Commercial Division whether or not formally allocated to that division: see the Review of Taxation and Commercial Decisions Practice Direction.

# Appendix 5: Other mandatory information

## Advertising and market research

Under section 311A of the *Commonwealth Electoral Act 1918*, the AAT is required to set out particulars of any payments of \$13,001 or more (inclusive of GST) paid to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising organisations.

The AAT did not undertake any advertising campaigns in 2016–17. Non-campaign advertising expenditure of \$16,297.80 was paid to Dentsu Mitchell for advertising employment vacancies.

There were no other reportable payments made in 2016–17.

## Grants

The AAT does not administer any grants programs.

## Disability reporting mechanism

Since 1994, non-corporate Commonwealth entities 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 reports and the *APS Statistical Bulletin*. These reports are available at [www.apsc.gov.au](http://www.apsc.gov.au). From 2010–11, entities have no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by the National Disability Strategy 2010–2020, which sets out a 10-year national policy framework to improve 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 progress reports was published in 2014, and can be found at [www.dss.gov.au](http://www.dss.gov.au).

## Ecologically sustainable development and environmental performance

The AAT does not develop or administer legislation or policy relating to the environment but takes steps to ensure our operations are undertaken in an environmentally sustainable way.

When arranging new leases and refurbishments in 2016–17, we gave consideration to the principles of ecologically sustainable development. The AAT's Long Term Accommodation Masterplan, adopted in May 2015, states a preference for leases in buildings with NABERS ratings of at least 4.5 and refers to compliance with a range of Australian Government policies, including the Energy Efficiency in Government Operations Policy and the National Waste Policy. The AAT signed one lease for a new premise in Melbourne in 2016–17 which included the required Green Lease Schedule. This building has a NABERS rating of 4.5.

We also limit our impact on the environment in day-to-day operations by implementing simple measures such as ensuring lights and electrical devices are switched off when not required, encouraging double-sided printing, providing facilities to support staff who walk or cycle to work, and recycling office waste.

**Table A5.1 Environmental performance reporting, 2016–17**

THEME	STEPS TAKEN TO REDUCE EFFECT	MEASURES TO REVIEW AND IMPROVE REDUCING THE EFFECT
Energy efficiency	Install sensor-controlled lighting in any new fit-outs or refurbishments to tenancies.  Consider energy ratings of office machines when replacement is necessary.	The AAT is not able to access consolidated data on electricity consumption across all tenancies.
Waste	Participate in office waste recycling schemes.	All registries recycled paper during the reporting year.  Some registries also recycled glass, plastics, metals, toner cartridges, organic material and e-waste such as batteries.  As the AAT participates in whole-of-building recycling schemes with other tenants, separate data on recycling quantities is not currently available.
Water	Install water saving devices such as dual-flush cisterns and waterless or low-water urinals in any new fit-outs or refurbishments to tenancies.	The AAT is not able to access data on water consumption in each of its tenancies.

## Corrections of material errors in previous annual report

No errors requiring correction have been identified in the previous annual report.

# Appendix 6: Speeches, publications and other external activities

AAT members and staff undertake a wide range of activities that assist to raise awareness of our role, procedures and activities. They give speeches and are panel members at conferences and seminars, participate in training and other engagement activities, and publish articles. Members and staff also serve on the committees of associations and other bodies relevant to the work of the AAT. The record of activities for 2016–17 is in four lists:

- speeches and presentations
- training and other engagement activities
- publications, and
- service on committees.

**Table A6.1 Speeches and presentations, 2016–17**

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
<i>Review of Administrative Action</i>	Directorate of Army Administrative Inquiries Conference, Brisbane	Deputy President Peter McDermott	10 August 2016
<i>How to Effectively Run an Administrative Appeals Tribunal Case</i>	49th Western Australia State Convention, The Tax Institute, Perth	Deputy President Stephen Frost	12 August 2016
<i>Firm but Fair: The Art of a Good Tribunal Hearing</i>	2016 Annual Conference, Council of Australasian Tribunals NSW Chapter, Sydney	Deputy President Jan Redfern	26 August 2016
<i>Legal Research Refresher</i>		Christopher Matthies, Executive Director Strategy and Policy	26 August 2016
<i>The Amalgamated Administrative Appeals Tribunal – A Year in Review and the Years in Prospect</i>	Seminar, Australian Institute of Administrative Law, Canberra	Justice Duncan Kerr and Sian Leatham, Registrar	30 August 2016
<i>Music Therapy: Some Reflections from a Lawyer</i>	Music Therapy Symposium: Music, Health, Wellbeing and the National Disability Insurance Scheme, Melbourne Neuroscience Institute, Melbourne	Member Professor Ron McCallum	2 September 2016
<i>Alternative Dispute Resolution and Settlements – the View from the Administrative Appeals Tribunal</i>	Taxation Workshop, Law Council of Australia, Sydney	Deputy President Bernard McCabe	9 September 2016
<i>Perspectives on Efficiency and Economy in Tribunal Decision-making: The Tribunal's and the Applicant's Perspectives</i>	2016 National Administrative Law Conference, Australian Institute of Administrative Law, Brisbane	Deputy President Bernard McCabe	22 September 2016

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
<i>Automated Decision-making, Public Law and the Courts</i>	2016 National Golden Gavel Conference, Southern Young Lawyers Committee of Tasmania and Law Society of Tasmania, Hobart	Justice Duncan Kerr	7 October 2016
<i>Efficiency in Tribunal Decision-making</i>	Seminar, Queensland Civil and Administrative Tribunal, Brisbane	Deputy President Bernard McCabe	7 October 2016
<i>Oral Decision-making</i>	Seminar, NSW Civil and Administrative Tribunal Guardianship Division, Sydney	Deputy President Bernard McCabe	11 October 2016
<i>Interpreters in Courts &amp; Tribunals: Tricks and Traps for Users</i>	Seminar, Australian Institute of Administrative Law, Canberra	Member Rieteke Chenoweth	13 October 2016
<i>Alternative Dispute Resolution and the Duty to Act in Good Faith</i>	Personal Injuries Conference 2016, Queensland Law Society, Brisbane	Justin Toohey, Director Alternative Dispute Resolution	21 October 2016
<i>Challenges and Changes</i>	2016 Conference, Council of Australasian Tribunals South Australian Chapter, Adelaide	Justice Duncan Kerr	26 October 2016
<i>Merits Review at the Administrative Appeals Tribunal</i>	Department of Veterans' Affairs, Canberra	Sian Leathem, Registrar	21 November 2016
<i>Update on Tier-two Social Security Matters, National Disability Insurance Scheme Appeals and the Amalgamation of the Administrative Appeals Tribunal</i>	Seminar, Legal Aid WA, Perth	Conference Registrar Rowena Hodgson	24 November 2016
<i>What is a Question of Law following Haritos v Commissioner of Taxation (2015) 233 FCR 315?</i>	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Sydney	Justice Duncan Kerr	25 November 2016
<i>The Role of Administrative Law in our System of Government</i>	Macquarie Tax Practitioners Group, Sydney	Deputy President Bernard McCabe	29 November 2016
<i>National Disability Insurance Scheme in the Administrative Appeals Tribunal: Update and Overview of Management</i>	National Disability Insurance Scheme Appeals Forum, Sydney	District Registrar Catherine Cashen	8 December 2016
<i>Appearing at the Administrative Appeals Tribunal – a Practical Guide</i>	Seminar, 2017 Intensive, The Law Society of the ACT, Canberra	Deputy President Gary Humphries and Conference Registrar Siobhan Ni Fhaolain	16 February 2017
<i>Alternative Dispute Resolution at the Administrative Appeals Tribunal and the Federal Court</i>	Lecture, Dispute Management Course, Australian National University, Canberra	Conference Registrar Kim Lackenby	23 February 2017
<i>Panel Member: Approaches to Decision-making in the Immigration Portfolio: From Computers to Humans to Merits Review Hearings</i>	Immigration Law Conference, Law Council of Australia, Sydney	Deputy President Jan Redfern	24 February 2017

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
<i>How to Run a Merits Review Application before the Administrative Appeals Tribunal</i>	Seminar, NSW Bar Association, Sydney	Justice Duncan Kerr and Deputy President Bernard McCabe	21 March 2017
<i>Address</i>	Launch of <i>Administrative Law – The Laws of Australia</i> by Mark Robinson SC, Sydney	Justice Duncan Kerr	22 March 2017
<i>Tribunals – What Are They Doing?</i>	6th National Access to Justice and Pro Bono Conference, The Law Society of South Australia, Adelaide	Justice Duncan Kerr	23 March 2017
<i>Alternative Dispute Resolution and Self-Representation in the Administrative Appeals Tribunal</i>	Administrative Law Half Day Conference, Law Institute of Melbourne, Melbourne	Justin Toohey, Director Alternative Dispute Resolution	24 March 2017
<i>Where are Reviews Won and Lost?</i>	Administrative Law Half Day Conference, Law Institute of Melbourne, Melbourne	Deputy President Fiona Alpins	27 March 2017
<i>The Process – How to, including Freedom of Information and Changes to the Administrative Appeals Tribunal</i>	To Appeal or Not to Appeal – Social Security Law Seminar, Financial and Consumer Rights Council, Melbourne	Senior Member Irene Tsiakas	28 March 2017
<i>The Current Eligibility Criteria for the Disability Support Pension</i>		Member Sophia Panagiotidis	28 March 2017
<i>Panel members: Appeals – from All Perspectives</i>	Forum, Victoria Disability Advocacy Network, Melbourne	Member Regina Pertou and Conference Registrar Brian Leaver	21 April 2017
<i>Role of the Administrative Appeals Tribunal and Practical Tips for Potential Agents</i>	Lecture, Australian Migration Law and Practice Course, Murdoch University, Perth	Member Tony Caravella	2 May 2017
<i>Introduction to the Administrative Appeals Tribunal</i>	Lecture, Administrative Law Course, Royal Melbourne Institute of Technology, Melbourne	Conference Registrar Mersina Stratos	18 May 2017
<i>Freedom of Information</i>	Lecture, Military Administrative Law Course, Australian National University College of Law, Canberra	Senior Member James Popple	6 June 2017
<i>Welcome and Opening Address</i>	2017 Joint Conference of the Council of Australasian Tribunals National and NSW Chapter, Sydney	Justice Duncan Kerr	8 June 2017
<i>Firm but Fair: The Art of a Good Tribunal Hearing</i>	Seminar, Council of Australasian Tribunals South Australian Chapter, Adelaide	Deputy President Jan Redfern	26 June 2017
<i>The Duty to Assist the Tribunal</i>	National Litigation Conference, FOI and Litigation Branch, Department of Human Services, Sydney	Deputy President Bernard McCabe	29 June 2017



**Table A6.2 Training and other engagement activities, 2016–17**

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Mentor	The University of Wollongong Lucy Mentoring Program, Wollongong	Conference Registrar Athena Harris Ingall	25 July 2016
Presenter	Alternative Dispute Resolution Information Session, Comcare, Canberra	Justin Toohey, Director Alternative Dispute Resolution	26 July 2016
Adjudicator	The University of New South Wales Faculty of Law Advanced Negotiation Competition, Sydney	Conference Registrar Athena Harris Ingall	1 August 2016
Presenter	Alternative Dispute Resolution Information Session, Comcare, Melbourne	Justin Toohey, Director Alternative Dispute Resolution and Conference Registrar Mersina Stratos	2 August 2016
Adjudicator	AAT National Mooting Competition 2016	Justice Duncan Kerr  Deputy Presidents Katherine Bean, Jim Constance, Stephanie Forgie, Stephen Frost, Gary Humphries, Christopher Kendall, Bernard McCabe, Peter McDermott and Jim Walsh  Senior Members Peter Britten-Jones, Damien Cremean, Ann Cunningham, Egon Fice, Josephine Kelly, Michael McGrowdie, Theo Tavoularis and Jill Toohey  Members Louise Bygrave, Tony Caravella, Amanda Goodier, Donald Morris and Rodger Shanahan	August – October 2016
Tribunal Member for Mock Hearings	Migration Institute of Australia Practice Ready Program, Sydney	Member Katie Malyon	10 August 2016
Adjudicator	AAT Negotiating Outcomes on Time Competition, Brisbane	Justice Duncan Kerr  Justin Toohey, Director Alternative Dispute Resolution  Conference Registrars Nicole Barker, Lyn Carins, Jodie Gamble, Jennifer Lock, Siobhan Ni Fhaolain and Mersina Stratos  District Registrars Deborah Mitchell and Martyn Hagan	September – October 2016

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Session Chair: <i>Online Dispute Resolution, eMediation and Computer Assisted Dispute Event and The World is our Oyster</i>	National Mediation Conference 2016, Gold Coast	Justin Toohey, Director Alternative Dispute Resolution	11–15 September 2016
Adjudicator	Moot, University of Tasmania, Hobart	Justice Duncan Kerr	21 September 2016
Assessor	Administrative Law Hearing Assessment, Leo Cussen Institute, Melbourne	Member John Longo	17 October 2016, 21 November 2016, 17 May 2017 and 19 June 2017
Moderator for panel discussion: <i>Legal Implications of Big Data</i>	Public Law Weekend, Centre for International and Public Law, Australian National University, Canberra	Senior Member James Popple	28 October 2016
Presenter	Visit to the AAT by Judge Ana Paula da Fonseca Lobo of the Supreme Administrative Court of Portugal, Sydney	Deputy Presidents Stephen Frost, Bernard McCabe and Jan Redfern  Senior Members Suellen Bullock, Josephine Kelly and Jill Toohey  Sian Leathem, Registrar  Elizabeth Connolly, Executive Director Registry Operations  Conference Registrars Athena Harris Ingall, Mary Rebehy and Stephen Shepherd  District Registrar Carolyn Krochmal  Sandra Koller, Director Legal and Policy and Kate Buring, Senior Legal Officer  Allan Teves, Registry Manager	5–9 December 2016
Radio Interviewee	The Anangu Lands Paper Tracker, Adelaide	Zaharoula Karzis-Wyatt, Team Leader and Outreach Coordinator	20 January 2017
Tribunal Member for Mock Hearings	Migration Institute of Australia Practice Ready Program, Sydney	Member Robert Titterton	10 February 2017
Participant	Department of Immigration and Border Protection – Non-Governmental Organisations Dialogue on Humanitarian Issues, Canberra	Deputy President Jan Redfern, Senior Member Dr Irene O'Connell and Senior Reviewer Sobet Haddad	13 March 2017

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Adjudicator	AAT Negotiating Outcomes on Time Competition, Brisbane	Justice John Logan Justin Toohey, Director Alternative Dispute Resolution Conference Registrars Nicole Barker, Mary Desses, Jodie Gamble, Athena Harris Ingall, Franca Petrone, Kim Richardson, Stephen Shepherd and Mersina Stratos District Registrar Catherine Cashen	March–May 2017
Mentor	The University of Sydney Lucy Mentoring Program, Sydney	Member Jane Marquard	1 April 2017
Presenter	Visit to the AAT by Judges and Executive Staff from the Supreme People's Court of the People's Republic of China, Sydney	Deputy President Jim Constance, Sian Leathem, Registrar Sandra Koller, Director Legal and Policy	4 April 2017
Tribunal Member for Mock Hearings	Migration Institute of Australia Practice Ready Program, Sydney	Member Belinda Mericourt	5 April 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Melbourne	Deputy President Jan Redfern, Senior Member Dr Irene O'Connell, Senior Member Miriam Holmes, Senior Member Sydelle Muling, Senior Reviewer Sobet Haddad and District Registrar Susan Woodford	3 May 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Sydney	Deputy President Jan Redfern, Senior Member Dr Irene O'Connell, Senior Member John Cipolla, Senior Member Louise Nicholls, Senior Reviewer Sobet Haddad and District Registrar Carolyn Krochmal	10 May 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Brisbane	Deputy President Jan Redfern, Senior Member Dr Irene O'Connell, Member Michelle Grau, Senior Reviewer Sobet Haddad, Joseph Schinella, Registry Manager, Don Smyth, Senior Project Officer and Deputy District Registrar James Barden	17 May 2017

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Chair	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Melbourne	Member Regina Pertou	19 May 2017
Tribunal Member for Mock Hearings	Migration Institute of Australia Practice Ready Program, Sydney	Member Wendy Banfield	19 May 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Adelaide	Deputy President Jan Redfern, Senior Member Dr Irene O'Connell, Senior Member Sue Raymond and District Registrars Catherine Cashen and Ian Phillips	24 May 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Perth	Senior Member Dr Irene O'Connell, Member Amanda Goodier and District Registrar Barry Johnson	26 May 2017
Presenters	Visit to the AAT by Judge Nilufer Sulku of the Council of State of Turkey, Sydney	Deputy Presidents Jim Constance, Stephen Frost, Bernard McCabe and Jan Redfern  Senior Members Suellen Bullock and Adria Poljak  Members Jennifer Cripps Watts, Linda Holub and William Kennedy  Sian Leatham, Registrar  Conference Registrars Mary Desses, Kim Richardson and Stephen Shepherd  District Registrar Carolyn Krochmal  Sandra Koller, Director Legal and Policy  Allan Teves, Registry Manager	1 – 8 June 2017
Participants	Expert Roundtable on Mental Health and Refugee Status Determination, Sydney	Deputy President Jan Redfern, Senior Member Dr Irene O'Connell and Senior Reviewer Sobet Haddad	7 June 2017

**Table A6.3 Publications, 2016–17**

TITLE	AUTHOR	CITATION/PUBLISHER
'Debt Recovery by Centrelink and the Family Assistance Office', Chapter 7.5 in <i>Lawyers' Practice Manual Victoria</i>	Inge Sheck	Thomson Reuters
'Editorial: The Interplay between Technology and the Law', <i>Precedent</i> No. 139, April 2017, 2	Justice Duncan Kerr	Australian Lawyers Alliance

Table A6.4 lists the roles performed by members and staff who served on the committees of associations or other bodies during all or part of the reporting year.

**Table A6.4 Service on committees, 2016–17**

ORGANISATION	PARTICIPANT	ROLE
Alternative Dispute Resolution Committee of the Law Society of the ACT	Conference Registrar Kim Lackenby	Chair
Asia Pacific Chapter of the International Association of Refugee Law Judges	Member Sean Baker	Secretary
Australian Institute of Administrative Law – National Executive	Deputy President Gary Humphries	Officer
Australian Institute of Administrative Law – Victorian Chapter	Member Regina Perton	Committee member
Council of Australasian Tribunals – National Executive	Justice Duncan Kerr	Chair
	Justice David Thomas	Treasurer
Council of Australasian Tribunals – NSW Chapter	Member Jennifer D'Arcy	Committee member
	Sian Leathem, Registrar	Committee member
Council of Australasian Tribunals – Queensland Chapter	Justice David Thomas	Convenor
Council of Australasian Tribunals – South Australian Chapter	Deputy President Katherine Bean	Committee member
	Member Marten Kennedy	Treasurer
Council of Australasian Tribunals – Victorian Chapter	Senior Member Irene Tsiakas	President / Committee member
	Member Regina Perton	Committee member
	District Registrar Susan Woodford	Committee member / Vice President
Council of Australasian Tribunals – Member Induction Program Steering Committee	Conference Registrar Athena Harris Ingall	Committee member
National Alternative Dispute Resolution Network	Justin Toohey, Director Alternative Dispute Resolution	Chair
National Mediation Conference 2016 – Organising Committee	Justin Toohey, Director Alternative Dispute Resolution	Committee member
Women Lawyers Association NSW	Member Katie Malyon	Committee member

# Appendix 7: List of requirements

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
<b>17AD(g) Letter of transmittal</b>			
17AI	Page iii	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory
<b>17AD(h) Aids to access</b>			
17AJ(a)	Pages iv–v	Table of contents.	Mandatory
17AJ(b)	Pages 152–156	Alphabetical index.	Mandatory
17AJ(c)	Pages 148–151	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	Appendix 7, pages 140–145	List of requirements.	Mandatory
17AJ(e)	Page ii	Details of contact officer.	Mandatory
17AJ(f)	Page ii	Entity's website address.	Mandatory
17AJ(g)	Page ii	Electronic address of report.	Mandatory
<b>17AD(a) Review by accountable authority</b>			
17AD(a)	Chapter 1, pages 2–5	A review by the accountable authority of the entity.	Mandatory
<b>17AD(b) Overview of the entity</b>			
17AE(1)(a)(i)	Chapter 2, page 8	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Chapter 2, pages 9–13	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Chapter 2, page 9	A description of the outcomes and programs administered by the entity.	Mandatory
17AE(1)(a)(iv)	Chapter 2, page 9	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(b)	Not applicable	An outline of the structure of the portfolio of the entity.	Portfolio departments – mandatory
17AE(2)	Not applicable	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
<b>17AD(c)</b>	<b>Report on the performance of the entity</b>		
	<b>Annual Performance Statements</b>		
17AD(c)(i); 16F	Chapter 3, pages 18–20	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
<b>17AD(c)(ii)</b>	<b>Report on Financial Performance</b>		
17AF(1)(a)	Chapter 1, page 5  Chapter 3, page 21	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Appendix 3, page 116	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	Not applicable	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory
<b>17AD(d)</b>	<b>Management and accountability</b>		
	<b>Corporate Governance</b>		
17AG(2)(a)	Chapter 4, page 47	Information on compliance with section 10 (fraud systems).	Mandatory
17AG(2)(b)(i)	Chapter 4, page 48	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Chapter 4, page 48	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory
17AG(2)(b)(iii)	Chapter 4, page 48	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory
17AG(2)(c)	Chapter 4, pages 46–48	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d)–(e)	Not applicable: see Chapter 4, page 47	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance.	If applicable, Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
<b>External Scrutiny</b>			
17AG(3)	Chapter 3, pages 36–39	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	Chapter 3, pages 37–39	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	Not applicable: see Chapter 3, page 39	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory
17AG(3)(c)	Not applicable	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
<b>Management of Human Resources</b>			
17AG(4)(a)	Chapter 4, pages 48–53	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(b)	Chapter 4, Table 4.1, page 49	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: <ul style="list-style-type: none"> <li>• Statistics on staffing classification level;</li> <li>• Statistics on full-time employees;</li> <li>• Statistics on part-time employees;</li> <li>• Statistics on gender;</li> <li>• Statistics on staff location;</li> <li>• Statistics on employees who identify as Indigenous.</li> </ul>	Mandatory
17AG(4)(c)	Chapter 4, page 50	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory
17AG(4)(c)(i)	Chapter 4, page 50	Information on the number of SES and non-SES employees covered by agreements etc, identified in paragraph 17AG(4)(c).	Mandatory
17AG(4)(c)(ii)	Chapter 4, Table 4.2, page 50	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	Chapter 4, page 51	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Not applicable: see Chapter 4, page 51	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	Not applicable	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory
17AG(4)(d)(iii)	Not applicable	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	Not applicable	Information on aggregate amount of performance payments.	If applicable, Mandatory



PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
<b>Assets Management</b>			
17AG(5)	Not applicable	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities.	If applicable, Mandatory
<b>Purchasing</b>			
17AG(6)	Chapter 4, pages 54–55	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
<b>Consultants</b>			
17AG(7)(a)	Chapter 4, page 54	A summary statement detailing the number of new contracts engaging consultants entered into during the period; the total actual expenditure on all new consultancy contracts entered into during the period (inclusive of GST); the number of ongoing consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST).	Mandatory
17AG(7)(b)	Chapter 4, page 54	A statement that " <i>During [reporting period], [specified number] new consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing consultancy contracts were active during the period, involving total actual expenditure of \$[specified million].</i> "	Mandatory
17AG(7)(c)	Chapter 4, page 54	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory
17AG(7)(d)	Chapter 4, page 55	A statement that " <i>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.</i> "	Mandatory
<b>Australian National Audit Office Access Clauses</b>			
17AG(8)	Not applicable: see Chapter 4, page 55	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
<b>Exempt Contracts</b>			
17AG(9)	Not applicable: see Chapter 4, page 55	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory
<b>Small Business</b>			
17AG(10)(a)	Chapter 4, page 54	A statement that " <i>[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance's website.</i> "	Mandatory
17AG(10)(b)	Chapter 4, page 54	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	Not applicable	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that " <i>[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website.</i> "	If applicable, Mandatory
<b>Financial Statements</b>			
17AD(e)	Pages 62–97	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
<b>17AD(f) Other mandatory information</b>			
17AH(1)(a)(i)	Not applicable	If the entity conducted advertising campaigns, a statement that " <i>During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website.</i> "	If applicable, Mandatory
17AH(1)(a)(ii)	Appendix 5, page 130	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	Not applicable	A statement that " <i>Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity's website].</i> "	If applicable, Mandatory
17AH(1)(c)	Appendix 5, page 130	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Chapter 3, page 39	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
17AH(1)(e)	Not applicable: see Appendix 5, page 131	Correction of material errors in previous annual report.	If applicable, mandatory
17AH(2)		Information required by other legislation	
	Chapter 4, page 53	Work health and safety information required by the <i>Work Health and Safety Act 2011</i> .	Mandatory
	Appendix 5, page 130	Advertising and market research information required by the <i>Commonwealth Electoral Act 1918</i> .	If applicable, Mandatory
	Appendix 5, pages 130–131	Ecologically sustainable development and environmental performance information required by the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	Mandatory



# END MATTER

# Glossary

AASB	Australian Accounting Standards Board.
AAT	Administrative Appeals Tribunal.
Administrative Appeals Tribunal Act	<i>Administrative Appeals Tribunal Act 1975</i> .
ADR	Alternative dispute resolution, the umbrella term for a range of processes for resolving a dispute, other than at a hearing.
Affirm	If the Tribunal affirms a decision, the original decision is not changed.
Applicant	The individual or organisation that has lodged an application with the Tribunal.
Application for extension of time	An application for a review of a decision must be lodged with the Tribunal within a certain time limit. However, in some jurisdictions, an application may be made to the Tribunal to extend the time for lodging an application.
Appropriation	An amount authorised by parliament to be drawn from the Consolidated Revenue Fund or Loan Fund for a particular purpose, or the amount so authorised. Appropriations are contained in specific legislation – notably, but not exclusively, the Appropriation Acts.
APS	Australian Public Service.
APS employee	A person engaged under the <i>Public Service Act 1999</i> .
ASIO	Australian Security Intelligence Organisation.
Asylum seeker	A person who is outside their country of origin, has applied for recognition as a refugee in another country and is awaiting a decision on their application.
AusTender	The Australian Government's procurement information system.
AustLII	The Australasian Legal Information Institute publishes a website that provides free internet access to Australasian legal materials, including published AAT decisions.
AVS	Australian Valuation Solutions.
Bridging visa	A bridging visa is a temporary visa generally granted to an eligible non-citizen to enable them to remain lawfully in Australia for one of a number of specified reasons, the most common being while they are awaiting the outcome of an application for a substantive visa.
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.
China	The People's Republic of China.
COAT	Council of Australasian Tribunals.
Complementary protection	Circumstances where there are substantial grounds for believing that, as a necessary and foreseeable consequence of being removed from Australia to a receiving country, there is a real risk a person will suffer significant harm.

Conciliation	An alternative dispute resolution process in which a Tribunal member, conference registrar or other person 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, conference registrar or other person 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	An order made by the Tribunal directing that a hearing or part of a hearing be held in private, or prohibiting or restricting the publication or other disclosure of information tending to reveal the identity of a party, witness or related person, information comprising evidence or about evidence, or information otherwise lodged with or given to the Tribunal.
CSS	Commonwealth Superannuation Scheme.
DCB	Departmental capital budget.
Directions hearing	A brief hearing conducted by a Tribunal member to discuss the progress of a case or deal with issues arising in a case, particularly if there has been delay by a party.
Dismissal of application	Finalising an application without proceeding to review the decision. An application may be dismissed in defined circumstances, including if the applicant fails to appear at an ADR process, directions hearing or hearing; fails to proceed with an application; or fails to comply with a direction.
FBT	Fringe Benefits Tax.
FCA	Federal Court of Australia.
FCAFC	Full Court of the Federal Court of Australia.
FCCA	Federal Circuit Court of Australia.
FOI	Freedom of information.
Freedom of Information Act	<i>Freedom of Information Act 1982.</i>
FRR	<i>Public Governance, Performance and Accountability (Financial Reporting) Rule 2015.</i>
GST	Goods and Services Tax.
Guide to Refugee Law	The Guide to Refugee Law in Australia was developed in 1996 as a reference tool for members and staff of the RRT. It contains an analysis of the legal issues relevant to the determination of refugee status in Australia and is regularly updated to reflect developments in the law.
Hearing	The occasion at which the parties may present evidence and submissions in relation to the decision under review to the Tribunal member(s) who will decide the case.
IAA	Immigration Assessment Authority.

Interlocutory application	Any application made by a party that relates to an application for a review of a decision, including any of the following kinds of application: to extend the time to lodge an application for a review; to be joined as a party to a proceeding; to make a confidentiality order; to stay the operation or implementation of the decision under review; to dismiss an application; or to reinstate an application.
IPS	Information Publication Scheme.
Jurisdiction	The scope of the Tribunal's power to review decisions.
Mediation	An alternative dispute resolution process during which a Tribunal member, conference registrar or other person 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.
Migration Act	<i>Migration Act 1958.</i>
MRT	Migration Review Tribunal.
NAATI	National Accreditation Authority for Translators and Interpreters.
NDIS	National Disability Insurance Scheme.
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.
Non-ongoing APS employee	An APS employee engaged for a specific term or the duration of a specified task.
Ongoing APS employee	An APS employee employed on a continuing basis.
OPA	Official Public Account.
Outcome	In relation to the Portfolio Budget Statements, the results, impacts or consequences of actions by government on the Australian community.
Party	A participant in the proceedings before the Tribunal. A party can be the person who makes the application to the Tribunal and, in certain divisions, the decision-maker or other respondent to the application and any other person joined to the proceedings.
Party joined	A person whose interests are affected by a decision under review who is made a party to a proceeding by order of the Tribunal.
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013.</i>
Portfolio Additional Estimates Statements	Portfolio Additional Estimates Statements inform parliament of changes in resourcing since the Budget, providing information on new measures and their impact on the financial and non-financial planned performance of agencies.
Portfolio Budget Statements	Portfolio Budget Statements explain the Budget appropriations for entities within a portfolio in terms of outcomes and programs.
Program	An activity or group of activities that deliver benefits, services or transfer payments to individuals, industry/business or the community as a whole and are the primary vehicles for government entities to achieve the intended results of their outcome statements.



Protection visas	A class of visas, a criterion for which is that the applicant for the visa is a non-citizen in Australia to whom Australia has protection obligations (the applicant is a refugee or is owed complementary protection) or is a non-citizen in Australia who is the spouse or a dependant of a non-citizen who holds a protection visa.
PSS	Public Sector Superannuation Scheme.
PSSap	Public Sector Superannuation accumulation plan.
Public Governance, Performance and Accountability Act	<i>Public Governance, Performance and Accountability Act 2013.</i>
Public Service Act	<i>Public Service Act 1999.</i>
Refugee	A person who is outside their country and is unable or unwilling to go back because they have a well-founded fear of being persecuted because of their race, religion, nationality, political opinion or membership of a particular social group.
Registry	An office of the AAT.
Remit	If the Tribunal remits a matter, it sends the matter 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 in certain divisions, usually the department, agency or organisation that made the original decision.
RRT	Refugee Review Tribunal.
SES	Senior Executive Service.
Set aside	If the Tribunal sets aside a decision under review, the original decision no longer stands. The Tribunal may make a new decision or remit the matter 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.
Tribunal	Administrative Appeals Tribunal.
Unauthorised maritime arrivals	Asylum seekers that arrive in Australia by boat without a visa.
Vary	If the Tribunal varies a decision under review, the original decision is changed or altered in some way.
WHS	Work health and safety.
Work Health and Safety Act	<i>Work Health and Safety Act 2011.</i>

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