



Administrative
Appeals Tribunal

Annual
Report

2017-18

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Website

www.aat.gov.au

Annual
Report
2017–18

This report

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More information about the AAT is on the website, www.aat.gov.au.

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Assistant Director, Communications
Principal Registry
Administrative Appeals Tribunal
GPO Box 9955
SYDNEY NSW 2001

Tel: 02 9276 5132
Fax: 02 9276 5599
Email: communications@aat.gov.au

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Administrative Appeals Tribunal

2 October 2018

The Hon Christian Porter MP
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 2018 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 faithfully

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



The Administrative Appeals Tribunal has now been operating as an amalgamated tribunal for three years. I am proud to be leading an organisation that continues to deliver expert merits review whilst undergoing significant transformation.

The ability for people and organisations to seek independent review of government decisions is an important feature of our system of government. In 2017–18, the AAT reviewed a wide range of decisions that have a direct impact on people's lives, including decisions about income support for pensioners and veterans, child support, the supports to be included in a National Disability Insurance Scheme plan, tax assessments and whether a visa should be granted or cancelled.

Parties have the opportunity to participate in alternative dispute resolution processes and hearings at the AAT, during which they are able to speak directly with a Tribunal registrar or member about their case. These and other processes we employ differ from those at the primary decision-making level, enabling parties to provide more information relevant to their case and for that evidence to be tested before a decision is made. While AAT members are bound by the same law as the original decision-maker, they make a decision with the benefit of additional information and the opportunity to engage with the parties. It follows that the member may make a different decision from the original decision-maker due to new information, rather than necessarily taking a different view from that of the original decision-maker.

The AAT's statutory objective requires us to promote public trust and confidence in our decision-making. Tribunal members must give reasons for their decisions, explaining how they have assessed the evidence, and how they have applied the law to the facts of the individual case. We took a number of steps in 2017–18 to improve access to information about our decisions.

We implemented a revised decisions publication policy to increase the number and range of written decisions we publish and to enhance the transparency of our processes for publishing decisions, including how they are selected for publication. The AAT has published well over 4,000 written decisions made in 2017–18 and is among the jurisdictions publishing the highest volume of decisions in Australia.

To increase the accessibility of information about our decisions, we also launched a new monthly publication, *The Review*. It provides plain English summaries of a selection of decisions, offering an additional avenue for the public to learn about the role of the AAT. Plain English summaries of some decisions of interest are also now available on our website.

Membership and workload

In 2017–18, 59 new members commenced with the AAT, with 69 existing members reappointed to the Tribunal, a number of whom have been reappointed at a more senior membership level. There were 32 members whose terms of appointment came to an end this year and I thank them for their committed service to the AAT.

The number of applications the Tribunal is receiving continues to climb. More than 58,000 applications were lodged this year, a further increase of 14 per cent over the number received last year. While lodgements in the Social Services and Child Support Division were lower than the record levels experienced in 2016–17, the trend of increasing lodgements in the Migration and Refugee Division continued with 43 per cent more applications than last year.

We were able to finalise approximately 40,000 applications in 2017–18, five per cent fewer than the number completed last year as a result of having a reduced number of members available to deal with our caseload across the full year. We continued to exceed our performance target for the timely review of decisions, finalising 77 per cent of cases within 12 months of lodgement. I thank all members and staff for their dedication and hard work in achieving these results in the circumstances.

With the increasing lodgements over time and reduced number of cases finalised this reporting year, the total number of applications we have on hand has grown to exceed 53,000 at 30 June 2018. Approximately four-fifths of this pending caseload are applications in the Migration and Refugee Division.

The Immigration Assessment Authority received approximately 2,200 referrals to review fast track protection visa decisions in 2017–18, 17 per cent fewer than in 2016–17. With an increased number of Reviewers, the Authority was able to finalise almost 2,500 referrals this year, resulting in a 22 per cent reduction in the number of referrals on hand.

Harmonisation

As noted in earlier annual reports, some of the procedural differences between the AAT, the Migration Review Tribunal, the Refugee Review Tribunal and the Social Security Appeals Tribunal that were retained at the time of the amalgamation are not conducive to an integrated tribunal with optimal case pathways. The inter-agency review of options to harmonise procedures led by Andrew Metcalfe AO identified a number of opportunities for further harmonisation through both legislative and non-legislative means. Proposals we are keen to pursue include:

- the use of conferencing processes in the Migration and Refugee Division and the Social Services and Child Support Division, and
- the introduction of directions hearings and the power to make enforceable directions in the Migration and Refugee Division.

These measures would deliver greater flexibility, providing a wider range of options for case pathways which can be tailored to suit the requirements of particular cohorts of cases. They would also bring significant benefits in improving overall efficiency and timeliness, helping parties and their representatives understand what they need to do in each case and setting clear expectations for moving them forward. We continue to work with the Attorney-General's Department and other agencies to progress the proposals.

A key element of a truly integrated tribunal is building a cohesive and collaborative culture. This can be challenging in an organisation like the AAT which operates in multiple locations across Australia with regular changes in membership and a large number of part-time members. Our second National Conference as an amalgamated tribunal, held in May 2018, was a valuable opportunity for members and senior staff to come together, particularly those who have recently joined us. The theme of the conference was consolidating tribunal skills, with the program focusing on core competencies such as procedural fairness, conducting hearings and decision-writing. Such opportunities for professional development and to develop a cohesive working environment are integral to the continued development of a unified culture within the AAT.

Going forward

The major challenge for the AAT in 2018–19 and future years will be addressing the large and growing backlog of cases, particularly in the Migration and Refugee Division. The cumulative effect of member appointments over recent years means we now have some 30 fewer members than at the time of amalgamation with a caseload that has increased by 42 per cent since 2015–16. Furthermore, the current funding model for the Migration and Refugee Division only enables it to deliver approximately 18,000 finalised cases per year. While we continue to identify ways to manage our workload more efficiently and implement those not requiring legislative change, this will not be enough. More members will be required to hear and determine applications. To maintain flexibility to deal with fluctuating caseloads, we have favoured a model which assumes the appointment of sessional members. We have made recommendations for the appointment of additional part-time members and will continue to work with government in relation to the Tribunal's membership and resourcing needs.

Another key focus for the Tribunal in the first half of 2018–19 will be the statutory review required by section 4 of the *Tribunals Amalgamation Act 2015*. To be undertaken by the former High Court judge Hon Ian Callinan AC, the review will examine the effect of the amendments made by that Act and the other matters specified by the Attorney-General in the terms of reference. It offers another opportunity to consider the legislative and non-legislative changes that could further improve the operations of the Tribunal.

One matter I intend to raise for consideration in the review is the current framework for the terms and conditions of AAT members. With legacy arrangements continuing to apply in relation to some aspects of their working arrangements, I believe it is important to clarify and standardise these matters. This is likely to involve a combination of legislative amendments and the review of internal policies and procedures. Standardising terms and conditions will facilitate members working more easily across the AAT's divisions. To this end, we will also be pursuing the cross-assignment of more members to additional divisions to maximise our responsiveness to fluctuations in divisional caseloads.

A key element of a truly integrated tribunal is building a cohesive and collaborative culture. This can be challenging in an organisation like the AAT which operates in multiple locations across Australia with regular changes in membership and a large number of part-time members.

With our large volume of cases, we need to ensure members are able to hear and decide cases as efficiently as possible. Another area of focus in 2018–19 will be implementing different approaches to the provision of support for members. Trials already underway, which involve Tribunal staff providing more consistent assistance to one or more assigned members, are producing promising outcomes. The new model aims to improve productivity and enhance job satisfaction for members and staff alike.

There is undoubtedly more work for us to do to deliver the full benefits of the amalgamation but I am heartened by all that has been accomplished so far. I remain steadfast in my expectation that the AAT has the capacity and resilience to implement the changes required to progress further towards a truly integrated organisation and to manage our significant caseload while continuing to provide high-quality independent merits review.

Registrar's review

Sian Leathem



It continues to be a privilege to serve the AAT and work with the President, Justice Thomas, as we strive to further the AAT's vision to be an expert, innovative and respected tribunal that delivers high-quality reviews.

During the reporting year, we completed a review of our Strategic Plan 2015–20 to ensure it remains an appropriate guide for our future direction, including the ongoing task of developing an integrated tribunal following amalgamation with the MRT, RRT and SSAT in 2015. In addition to giving the many thousands of individuals and organisations who apply to us the opportunity to have their decisions reviewed, we made substantial progress in 2017–18 in relation to other strategic objectives and priorities. Some of the key achievements are set out below.

Creating an integrated, national tribunal

The AAT was operating from multiple locations in most cities when we amalgamated. As a result, one of our major tasks in recent years has been to consolidate our accommodation. I am pleased to report that, in the first half of the financial year, we co-located our registry services in Brisbane and Melbourne, bringing our co-location program to completion. Registry services now operate from single offices in each city where we are located. This was a very large and complex undertaking involving much hard work on the part of many people.

Physical co-location makes accessing our services simpler for our users. It also contributes to our ability to further harmonise our operations across divisions and locations which remains a key strategic priority. By continuing to harmonise processes where it makes sense to do so, we will improve the consistency, efficiency and effectiveness of our operations for the benefit of external users, and our members and staff.

During the reporting period, we completed the mapping of registry processes across all divisions and registries in order to identify current resource needs and to inform future decisions relating to harmonising or streamlining processes. We formally instituted a Registry Transformation Program to explore new business processes and ways of organising registries to better support efficient case management and assist members in finalising matters. An early focus of the program is to cross-train staff, consolidate the management of registry teams, and ensure all registries can support the full range of review applications. This program will continue over the coming year.

Transforming how we work and maximising our use of technology

We are committed to being a tribunal that is accessible to all users with case pathways that are efficient, proportionate and timely. We are also focused on increasing over time the availability and uptake of online services that make it easier for people to interact with us.

During 2017–18, we continued to develop and trial new ways of managing different types of cases, particularly in the Centrelink, child support, migration and refugee caseloads. These variously involve early assessment of cases to select an appropriate pathway, improved communication with the parties about their review and enhanced preparation of cases for hearing which deliver efficiencies and assist to reduce backlogs.

Our internal Accessibility Advisory Group reviewed our operations against best practice standards which has resulted in a number of recommendations for improving our services that will be progressed in the next 12 to 18 months. In addition, we worked on improving the information we make available to help people understand what we do and what they need to do during a review. We launched six new information videos explaining our role and processes, which have been translated into a number of key community languages, as well as a version that features a presenter speaking directly to the camera with an Auslan interpreter. We developed a new series of fact sheets for the most common types of migration cases which provide parties with clear information about the kind of issues and evidence that are relevant in these types of cases. We also developed an online tool designed for community workers to help their clients provide relevant information to the AAT in reviews of disability support pension decisions.

In relation to our digital strategy, the reporting year saw the introduction of an improved online lodgement form for applications in the Social Services and Child Support Division as well as the final step in the integration of our online forms with our case management systems resulting in reduced data entry for staff and more efficient processing of applications. For internal users, the introduction of an enhanced remote access solution enables members and staff to work more effectively and securely away from the office. We also undertook work on the first iteration of a user portal which will enable parties in any type of case to upload documents electronically at any point of the review process.

Engaging with our stakeholders and building public trust and confidence

Ongoing engagement with our users and other stakeholders continued through the reporting year via a range of methods. In May 2018, we conducted our second survey of parties and representatives about their experiences with the AAT as part of our broader strategy for obtaining user feedback on our services. We are currently reviewing our approach to stakeholder engagement to ensure we are supporting our strategic objectives and this will continue to be a priority in the coming year.

In response to the increased media interest shown in the AAT, we developed our capabilities and systems for engaging with the media in 2017–18. This forms part of our broader strategy to promote the availability to stakeholders and the public of accurate and timely information about the AAT and our activities. Justice Thomas has mentioned in his overview two other key elements of this strategy, increasing the number and range of decisions we publish and the launch of *The Review*, our new monthly newsletter.

Optimising our resources and building capacity

The AAT is undertaking a large program of work to further harmonise and integrate our operations while simultaneously dealing with a growing caseload. Building our capability and capacity is therefore critical to our success.

A focus for us during the reporting year was considering how we ensure organisational priorities, planning and the delivery of projects are effectively aligned and managed. We are taking steps to enhance our program governance arrangements as well as consolidating our Program Management Office, project management methodologies and supporting technology systems.

We remain committed to the professional development of our members and staff. We commenced the development of a leadership capability framework and also undertook a further training needs analysis to help inform future training programs for staff. We facilitated participation by members and staff in a wide range of learning and development activities throughout the reporting year, including the National Conference.

Looking ahead

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 members. For the 2018–19 year, we are well-placed to fund strategic projects that will position us to operate more effectively and efficiently into the future as well as undertake our core work. In particular, we have the capacity to accommodate the appointment of additional members to help deal with the Tribunal's increasing caseload.

We will continue to direct our efforts to providing parties and their representatives with merits review that is accessible, fair and, as far as possible, timely. The statutory review will provide another opportunity for us to take stock of how far we have come in realising the objectives of the amalgamation and the further steps we are taking to fully integrate and modernise the AAT.

I would like to thank our members and staff for their hard work and continued commitment to the AAT and its important role in Australian society which I am certain will be maintained in 2018–19.



CHAPTER 2

MEMBER

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.

Our 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 does not have a general power to review decisions. We can only review a decision if a law states that the decision can be reviewed by the AAT.

We can review decisions made under more than 400 Commonwealth Acts and legislative instruments. The types of decisions that we most commonly review relate to:

- Australian citizenship
- child support
- family assistance and social security
- migration and refugee visas
- the National Disability Insurance Scheme
- taxation
- veterans' entitlements, and
- workers' compensation under Commonwealth laws.

We also review a wide range of other decisions, including decisions about aged care, bankruptcy, child care services, civil aviation, corporations and financial services regulation, customs, education regulation, freedom of information, paid parental leave, passports, and security assessments by the Australian Security Intelligence Organisation.

We can review decisions made under a small number of Norfolk Island laws, including decisions about building, land valuation and planning.

A 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, we 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 2017–18 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.

Our objective is set out in section 2A of the Administrative Appeals Tribunal Act. In carrying out our functions, we 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 a matter, and
- promotes public trust and confidence in the decision-making of the AAT.

We provide administrative justice for individuals and organisations seeking to challenge decisions that affect their interests and, more broadly, contribute 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.

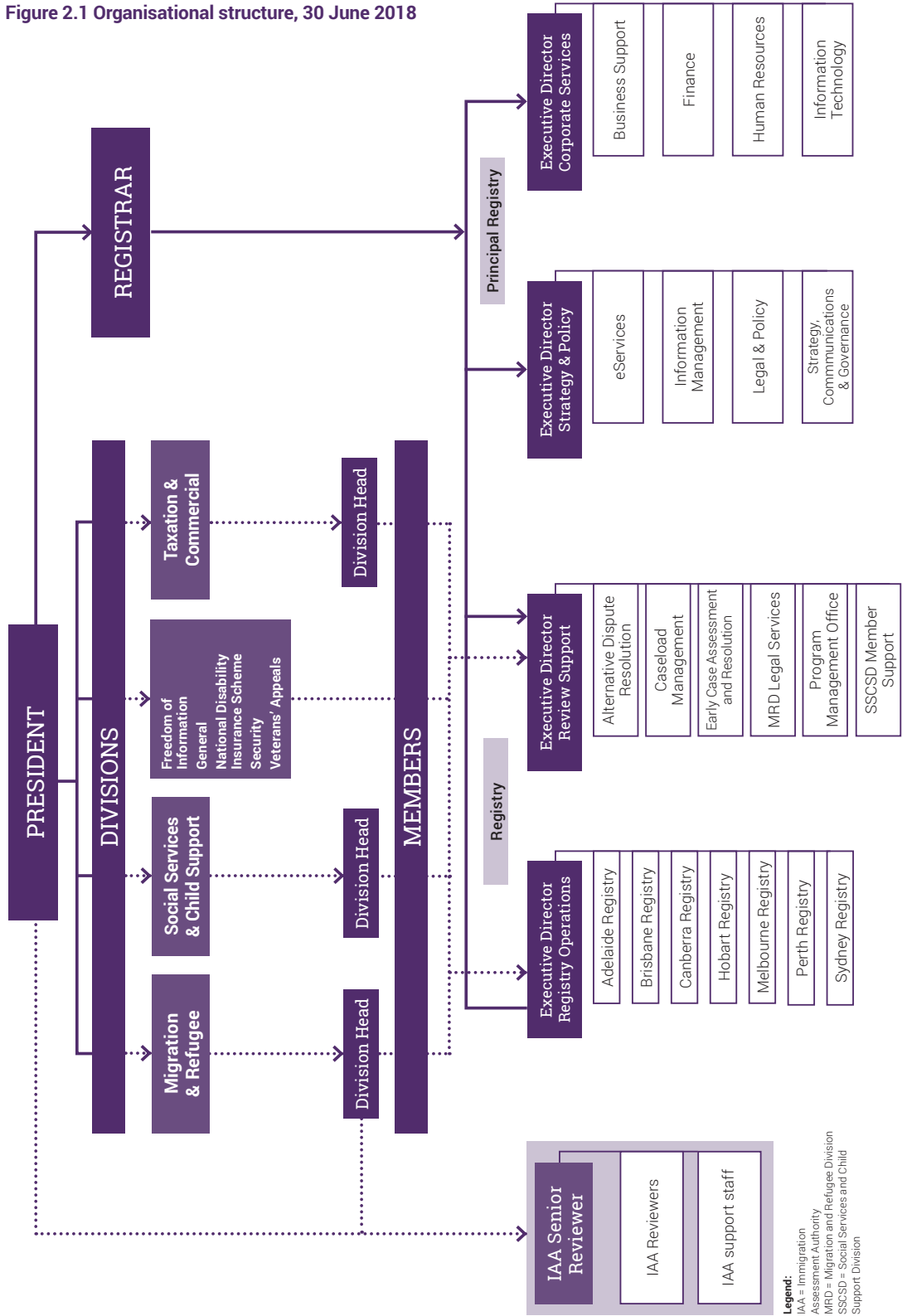
A Deputy President may be assigned as the Head of one or more divisions. A Deputy President or Senior Member may be assigned as the Deputy Head of one or more divisions.

The President is responsible for the overall management of the AAT 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 2018



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
- people with special knowledge or skills.

Members come from a diverse range of backgrounds with expertise in areas such as accountancy, 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 2018, there were 296 members of the AAT. Table 2.2 shows the breakdown of the membership by category. Appendix 1 lists all AAT members at 30 June 2018, including the divisions to which each Senior Member and Member was assigned.

Table 2.2 AAT membership, 30 June 2018

CATEGORY OF MEMBER	JUDGE (WOMEN)	FULL-TIME (WOMEN)	PART-TIME (WOMEN)	TOTAL (WOMEN)
President	1 (0)			1 (0)
Deputy Presidents				
Federal Court judges	10 (4)			10 (4)
Family Court judges	5 (2)			5 (2)
Non-judicial		9 (2)	6 (0)	15 (2)
Senior Members		27 (10)	21 (6)	48 (16)
Members		68 (34)	149 (82)	217 (116)
TOTAL	16 (6)	104 (46)	176 (88)	296 (140)

President, Division Heads and Deputy Division Head

The President of the AAT is Justice David Thomas. He was appointed as a Judge of the Federal Court and as President of the AAT on 27 June 2017 for a term of seven years.

Table 2.3 lists the AAT's Division Heads and Deputy Division Head at 30 June 2018.

Table 2.3 Division Heads and Deputy Division Head, 30 June 2018

DIVISION	NAME
Division Heads	
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
Deputy Division Head	
Migration and Refugee Division	Senior Member Dr Irene O'Connell

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

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 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 2017–18, 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 2018. For information on their areas of responsibility, see Figure 2.1.

Table 2.4 Senior Executive Service employees, 30 June 2018

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 2018, there were 660 staff under the Public Service Act. See Chapter 4 and Appendix 2 for more detailed staffing information.

Registries

District Registries

Applicants and other users are able to access the AAT 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 our 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 our operations and procedures, and
- provide administrative and other support services to registrars and members.

Conference registrars conduct the majority of the alternative dispute resolution processes held by the AAT in the Freedom of Information, General, NDIS, Taxation and Commercial, and Veterans' Appeals Divisions. Case assessment registrars and caseload practice managers undertake early case assessment and triaging of different types of applications in the Migration and Refugee Division and the Social Services and Child Support Division. At 30 June 2018, 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 also 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 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, migration agent 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 an application that meets the application requirements, 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. 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-making Department 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 usually 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 resolve cases by agreement, including conciliation, mediation, case appraisal and neutral evaluation. In other 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-link. 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 Australian Security Intelligence Organisation 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 the stages 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 and fact sheets is on the AAT website.

Additional functions conferred on AAT members

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

Warrants, controlled operations and other functions

Members who meet the qualification requirements 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 examination notices under the *Building and Construction Industry (Improving Productivity) Act 2016*
- issue delayed notification search warrants and vary controlled operations authorities under the *Crimes Act 1914*
- make continued preventative detention orders under the *Criminal Code Act 1995*
- issue notices relating to investigations by the Fair Work Ombudsman under the *Fair Work Act 2009*
- 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 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 members considered applications under any of the above Acts over the past three years.

Table 2.5 Applications relating to warrants, controlled operations and other functions, 2015–16 to 2017–18

	2015–16	2016–17	2017–18
Number of occasions on which applications considered	2,849	2,751	2,440

We are flexible in performing these functions and members are available outside standard business hours. In the reporting period, 183 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.

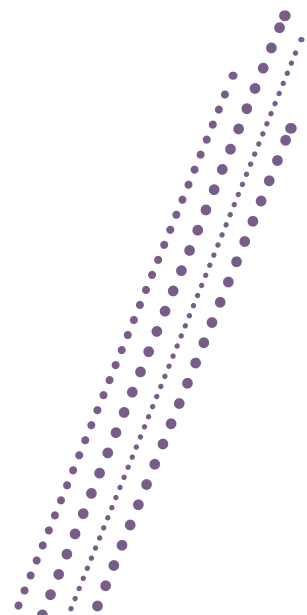
Proceeds of crime examinations

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 members in the last three years.

Table 2.6 Examinations held under the *Proceeds of Crime Act 2002*, 2015–16 to 2017–18

	2015–16	2016–17	2017–18
Number of examination sessions held	49	114	70





CHAPTER 3

Our
performance

Annual Performance Statement

Introductory statement

I, Sian Leathem, as the accountable authority of the AAT present the 2017–18 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 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.

Results

Performance criterion 1: Number of applications finalised

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.

Target

44,410 applications finalised in 2017–18

Criterion source

AAT Corporate Plan 2017–18 (page 7) and Program 1.1, 2017–18 Portfolio Budget Statements, Attorney-General's Portfolio (page 48)

Result

The AAT finalised 40,040 applications in 2017–18, five per cent fewer than the 42,224 applications finalised in 2016–17 but five per cent more than the 38,146 applications finalised in 2015–16. In relation to the two divisions with the highest volume of work, the Migration and Refugee Division finalised 17,960 applications (five per cent fewer than last year) and the Social Services and Child Support Division

finalised 15,075 applications (eight per cent fewer than last year). Our six other divisions finalised 7,005 applications (one per cent more than last year).

The number of applications finalised in 2017–18 is 10 per cent lower than the target set out in the Portfolio Budget Statements. While the decrease in finalisations in the Social Services and Child Support Division reflects fewer lodgements in that division in 2017–18, the overall number of applications lodged with the AAT and the number of cases we have on hand continued to grow in 2017–18, particularly in the Migration and Refugee Division. The below target performance for finalisations is primarily due 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 reviews completed reflects what we were able to achieve with the members appointed to the AAT during the reporting year.

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

Performance criterion 2: Proportion of applications finalised within a time standard

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

Target

75 per cent of applications finalised within 12 months of lodgement

Criterion source

AAT Corporate Plan 2017–18 (pages 7–8) and Program 1.1, 2017–18 AAT Portfolio Budget Statements, Attorney-General's Portfolio (page 48)

Result

In 2017–18, 77 per cent of applications were finalised within 12 months of lodgement, two percentage points above the target. However, the result is two percentage points lower than the 80 per cent achieved in 2015–16 and five percentage points lower than the 82 per cent achieved in 2016–17.

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 continued to finalise a high proportion of applications within 12 months of lodgement in the General, National Disability Insurance Scheme, and Social Services and Child Support Divisions. Our timeliness performance declined, however, in other divisions, including the Migration and Refugee, Taxation and Commercial, and Veterans' Appeals Divisions. As for performance criterion 1, the key factor contributing to increases in the time taken to finalise applications is the number of members available to deal the AAT's caseload, particularly the growing backlog of cases in the Migration and Refugee Division.

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: Proportion of appeals against AAT decisions allowed by 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.

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 2017–18 (pages 8–9)

Result

The number of appeals allowed in 2017–18 amounted to 3.1 per cent of decisions made by the AAT in 2016–17 that could have been appealed to the courts.

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 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 the AAT as a whole in 2017–18 is nearly two percentage points better than the target and is consistent with the results in 2015–16 (3.3 per cent) and 2016–17 (3 per cent). The vast majority of appeals finalised relate to decisions of the Migration and Refugee Division, or the former Migration Review Tribunal and Refugee Review Tribunal. The result for the Migration and Refugee Division for 2017–18 on this indicator (3.6 per cent) is consistent with previous years. For the Social Services and Child Support Division, there was a decrease in the proportion of appeals allowed in 2017–18 (0.1 per cent) while the result was slightly higher for the remaining divisions. The number of appeals against decisions made in these divisions continued to be relatively low.

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

Performance criterion 4: Number of AAT decisions published

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

Target

At least 4,000 decisions published

Criterion source

AAT Corporate Plan 2017–18 (page 9)

Result

4,918 AAT decisions made in 2017–18 were published.

The AAT may publish our decisions and the reasons for them, subject to the requirement not to publish information, the disclosure of which is prohibited or restricted by legislation or by an order of the Tribunal. Since 27 November 2017, the AAT publishes decisions in accordance with our revised Publication of Decisions Policy. It specifies that we will publish a randomly selected proportion of written decisions in

the high-volume categories of cases in the Migration and Refugee Division and in child support cases in the Social Services and Child Support Division, and all written decisions in other types of cases, subject to confidentiality requirements. Publishing statements of reasons for AAT decisions promotes the transparency of our operations by informing parties, representatives and the general public about the work of the Tribunal.

The result for 2017–18 well exceeds the target. The number of published decisions made in 2017–18 is also significantly greater than the approximately 3,000 decisions made in 2015–16 and 2,500 decisions made in 2016–17 that have been published.

Further information relating to the publication of decisions can be found in Chapter 3.

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 14 per cent in 2017–18 to 58,780, after a 24 per cent increase in the previous year, driven primarily by increases in lodgements in the Migration and Refugee Division. 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.

During 2017–18 the AAT continued to progress the significant change program arising from the amalgamation of the MRT, RRT and SSAT with the AAT on 1 July 2015. Key projects included completing the co-location of our offices across Australia, ongoing trials of improvements in our case management approaches, the integration of our registry services, improving our accessibility, 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 2017–18. While we did not reach the target set out in our Corporate Plan in relation to finalisations and have been unable to 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, and the publication of our decisions. We also had in place a range of mechanisms to promote the accessibility of our services, including free access to interpreters, availability of information about our role and procedures in a range of languages and formats, and the conduct of hearings in regional locations. As a result of our work during 2017–18, a significant number of individuals and organisations continued to be able to exercise their right to challenge administrative decisions, contributing to the accountability and transparency of government.

Financial performance

The 2017–18 financial statements for the AAT report total revenue from ordinary activities of \$153.9 million and expenses of \$154.1 million. When depreciation of \$10.0 million is excluded, there was a surplus of \$9.8 million. This surplus was largely due to lower than anticipated operating costs, particularly in relation to members and staff. We expect costs in these areas to increase in 2018–19 and the forward years to address our increasing workloads.

At 30 June 2018, the AAT was in a sound position in relation to net worth and liquidity, reporting net assets of \$86.6 million, represented by assets of \$144.7 million and liabilities of \$58.1 million. We had unspent appropriations totalling \$81.1 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.

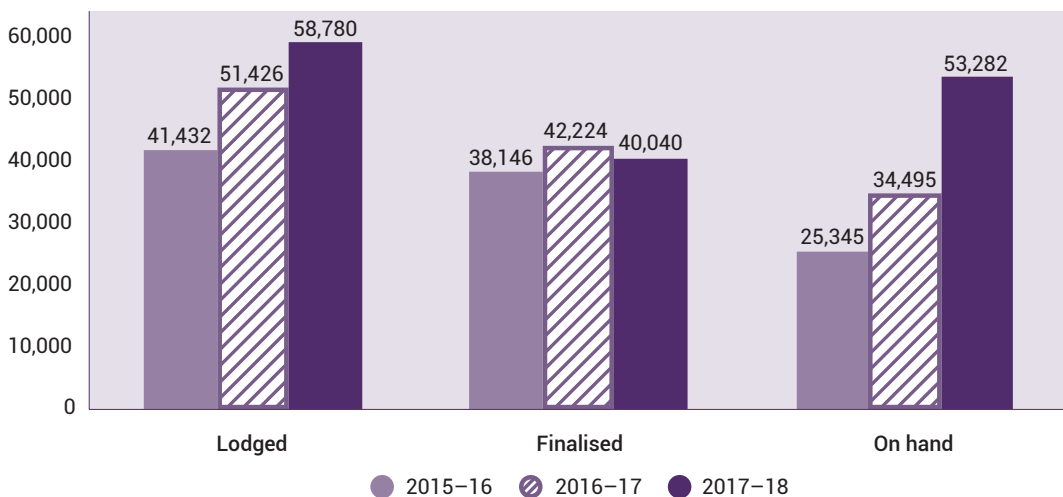
The financial statements for 2017–18, which commence on page 71, have been audited by the Australian National Audit Office.

The tables summarising our total resourcing, total payments and total expenses for the reporting year are in Appendix 3.

Caseload overview

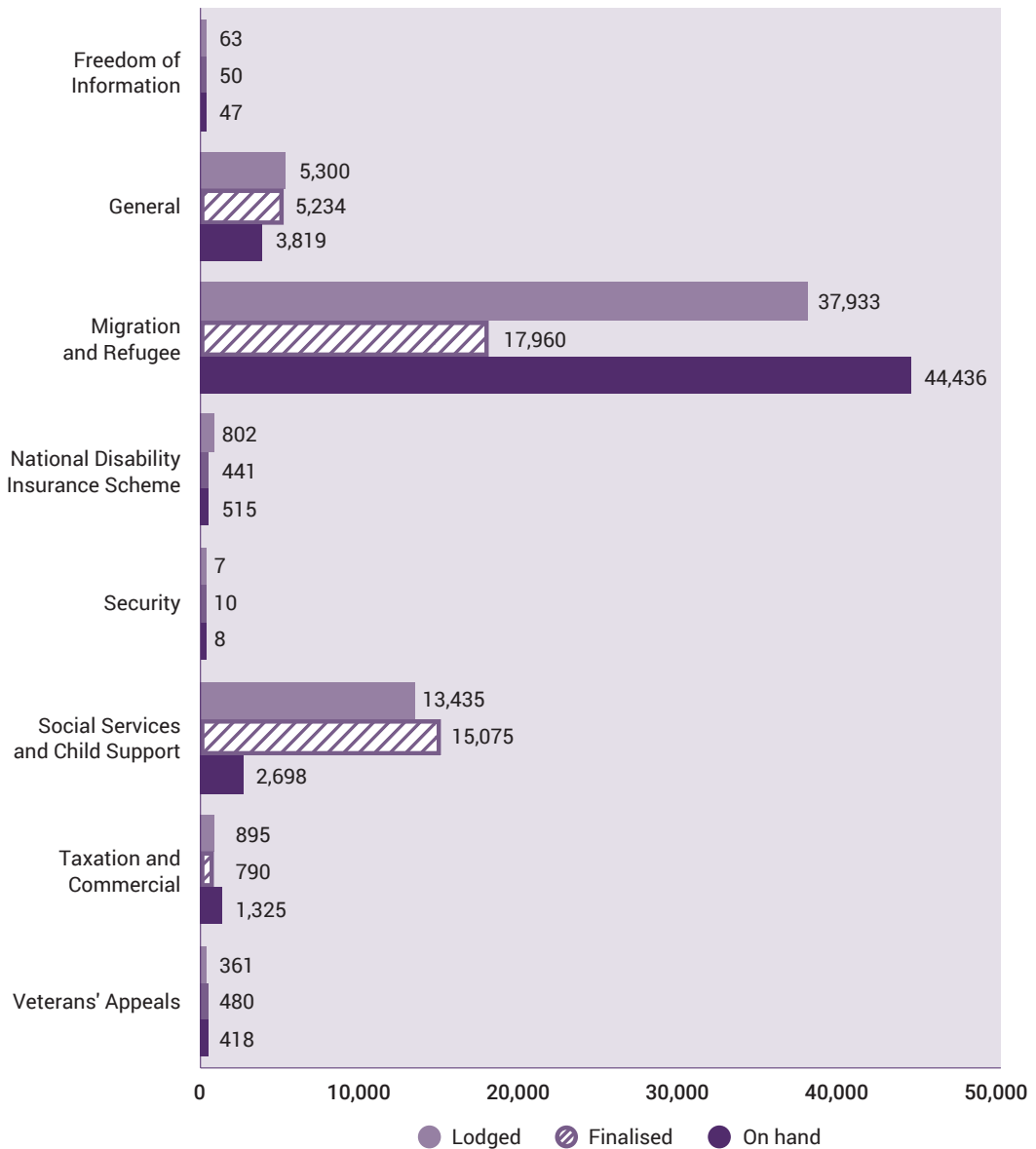
The AAT received 58,780 applications and finalised 40,040 applications in 2017–18. There were 53,282 applications on hand at 30 June 2018. Chart 3.1 illustrates the number of applications lodged and finalised in the last three financial years, and the number of applications on hand at 30 June in each year.

Chart 3.1 Total applications lodged, finalised and on hand, 2015–16 to 2017–18



The number of applications lodged with us in 2017–18 was 14 per cent higher than the number lodged in 2016–17, which was 24 per cent higher than the number of lodgements in the previous year. Finalisations in the reporting period fell by five per cent from the 42,224 applications finalised in 2016–17. The overall number of applications on hand at 30 June 2018 is 54 per cent higher than at 30 June 2017.

Chart 3.2 Applications lodged, finalised and on hand, 2017–18 – By division



As shown in Chart 3.2, the size of our workload varies significantly between divisions: 65 per cent of applications made in 2017–18 were in the Migration and Refugee Division, 23 per cent in the Social Services and Child Support Division and nine 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 finalised more applications than we received in the reporting period in the FOI, Security, Social Services and Child Support, and Veterans' Appeals Divisions with a clearance rate close to 100 per cent achieved in the General Division. Clearance rates were lower in the other divisions, particularly the Migration and Refugee Division, and the National Disability Insurance Scheme Division, which experienced significant increases in lodgements.

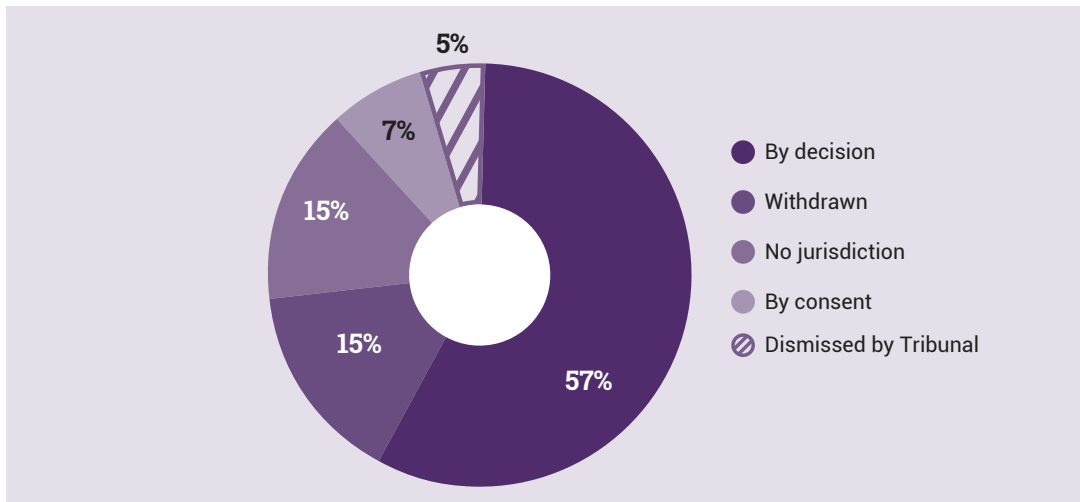
Of the 53,282 applications on hand at 30 June 2018, 83 per cent were in the Migration and Refugee Division, seven per cent in the General Division and five per cent in the Social Services and Child Support Division. Applications in the FOI, NDIS, Security, Taxation and Commercial, and Veterans' Appeals 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 2017–18 is also available in Appendix 4.

Applications made to us may be finalised in different ways as illustrated in Chart 3.3. In 2017–18, 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 seven per cent of finalised cases, the reviewable decision was either affirmed, varied or set aside by a consent agreement reached between the parties. Around a third 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. Higher proportions of applications were withdrawn or failed to meet application requirements in 2017–18 compared with the previous year, particularly in the Migration and Refugee Division.

The Tribunal changed the decision under review in 23 per cent of all applications finalised in 2017–18, three percentage points lower than the result for 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, 2017–18^a



^a 'By decision' are applications finalised by a decision of the AAT on the merits under section 43 of the Administrative Appeals Tribunal Act or section 349 or 415 of the Migration Act. 'No jurisdiction' are 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. 'By consent' are applications finalised in accordance with terms of agreement reached by the parties under section 34D, 42A(1) or 42C of the Administrative Appeals Tribunal Act. 'Dismissed by Tribunal' are applications dismissed for failure to appear before the Tribunal, failure to proceed with an application or comply with a direction of the Tribunal 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.

Operation of divisions

This section provides more information on the operations of the AAT's eight divisions in 2017–18.

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 a wide variety of reviewable decisions. There was a marginal increase in workload in these divisions in the reporting year: 7,412 applications were lodged compared to 7,372 in 2016–17.

Key statistics in relation to workload and timeliness for each of the divisions and major areas of work within divisions for the last three financial years are set out in Table 3.4.

Table 3.4 Caseload overview, 2015–16 to 2017–18 – FOI, General, NDIS, Security, Taxation and Commercial, and Veterans' Appeals Divisions

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

DIVISION/AREA OF WORK	LODGED	FINALISED	ON HAND AT YEAR END	% FINALISED WITHIN 12 MONTHS	MEDIAN TIME TO FINALISE (WEEKS)
National Disability Insurance Scheme	215	89	151	99%	9
Security	10	10	11	80%	41
Taxation and Commercial	975	1,051	1,222	74%	27
<i>Taxation</i>	854	920	1,152	70%	29
<i>Other</i>	121	131	70	87%	20
Veterans' Appeals^a	330	308	354	62%	43
TOTAL	7,372	6,909	5,713	78%	26
2017–18					
Freedom of Information	47	50	63	65%	37
General	5,300	5,234	3,819	81%	25
<i>Centrelink (2nd review)</i>	1,919	2,267	920	90%	22
<i>Workers' compensation^a</i>	1,583	1,540	1,877	57%	47
<i>Other</i>	1,798	1,427	1,022	92%	13
National Disability Insurance Scheme	802	441	515	98%	19
Security	7	10	8	50%	54
Taxation and Commercial	895	790	1,325	63%	35
<i>Taxation</i>	826	717	1,260	62%	36
<i>Other</i>	69	73	65	67%	30
Veterans' Appeals	361	480	418	56%	47
TOTAL	7,412	7,005	6,148	80%	26

^a For 2015–16 and 2016–17, applications for review of decisions about defence-related claims under the *Safety, Rehabilitation and Compensation Act 1988*, while formally allocated to the Veterans' Appeals Division, were included in the figures for 'Workers' compensation'. For 2017–18, all applications of this kind as well as applications for review of decisions under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* are included in the figures for the Veterans' Appeals Division.

General Division

The General Division^a had the largest caseload of these divisions in the reporting year. The areas of work with the largest volume of applications were second review of Centrelink decisions and the review of decisions made under Commonwealth workers' compensation legislation.

There was a 24 per cent reduction in applications for second review of Centrelink decisions in 2017–18. This can be attributed to a decrease in the number of first review applications finalised by the Social Services and Child Support Division during the reporting year as well as a slight decline in the rate of parties seeking second review of decisions. Applications relating to disability support pension constituted 47 per cent of lodgements in this area of work, with applications relating to age pension, family tax benefit and newstart allowance making up a further 31 per cent. We maintained our overall timeliness in dealing with these applications in 2017–18 with a median finalisation time of 22 weeks.

In relation to the workers' compensation jurisdiction, legislative changes that commenced on 12 October 2017 had the effect that claims relating to members of the Australian Defence Force and their dependants previously dealt with under the *Safety, Rehabilitation and Compensation Act 1988* became subject to the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*. Data relating to applications for review of decisions of this kind have been included in the Veterans' Appeals Division figures for this reporting year. When these matters are excluded, there was a nine per cent decrease in the number of lodgements about decisions under the *Safety, Rehabilitation and Compensation Act 1988* and the *Seafarers Rehabilitation and Compensation Act 1992* in 2017–18. The proportion of applications finalised within 12 months was four per cent lower than the 61 per cent result achieved in 2016–17 and the median time taken to finalise cases increased to 47 weeks. 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 with the AAT which can extend the review process. The availability of members to hear and decide these cases in some registries was also a contributing factor.

The next largest volume of applications in the General Division were reviews of decisions about Australian citizenship and visa decisions relating to character. Applications for review of decisions about citizenship grew by 88 per cent in 2017–18 to 605. Of the 484 applications finalised in the reporting year, the AAT changed the decision under review in 19 per cent of cases: 14 per cent in accordance with the terms of a consent agreement reached between the applicant and the Minister and five per cent by way of decision following a hearing. The proportion of applications in which decisions were set aside was marginally lower than in 2016–17. In 15 per cent of cases, the AAT affirmed the decision under review. Thirty-eight per cent of applications were withdrawn while the remainder failed to meet the requirements for a valid application (20 per cent) or were otherwise dismissed (8 per cent).

Applications for review of decisions about visas made on character-related grounds rose from 183 in 2016–17 to 235 in 2017–18. These were applications about:

- decisions to refuse or cancel a visa under section 501 of the Migration Act: 94 applications
- decisions under section 501CA of the Migration Act not to revoke a mandatory visa cancellation under section 501: 130 applications, and
- decisions to refuse a protection visa relying on sections 5H(2), 36(1C) or 36(2C)(a) or (b) of the Migration Act: 11 applications.

Most of the applications relating to decisions under sections 501 and 501CA of the Migration Act 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 cases.

Of the 230 applications finalised in 2017–18, the decision under review was changed in 23 per cent of cases, one per cent in accordance with terms of agreement reached between the applicant and the Minister and the remainder by way of decision following a hearing. The AAT affirmed the decision under review in 56 per cent of cases. For the 146 applications relating to the cancellation of a visa on character grounds, including decisions under section 501CA, the decision under review was changed in 16 per cent of cases and affirmed by the Tribunal in 61 per cent. The proportion of applications in which the decision was set aside was marginally higher in this reporting period than in 2016–17. Approximately 21 per cent of all 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* and the *Privacy Act 1988* 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). There was a slight increase in the number of applications lodged in 2017–18 with 38 relating to freedom of information decisions. The overall caseload remains low.

National Disability Insurance Scheme Division

As the NDIS is rolled out across Australia, the number of applications for review of decisions made under the *National Disability Insurance Scheme Act 2013* continues to grow. Lodgements increased from 215 in 2016–17 to 802 in 2017–18 with significant increases experienced in New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory. Applications about plans for participants in the Scheme, primarily whether the funding for supports approved by the National Disability Insurance Agency is reasonable and necessary, continued to be the most common type of application, constituting almost 60 per cent of all lodgements. However, there was a marked increase in the proportion of applications relating to whether a person is eligible to access the Scheme, up from approximately 24 per cent in 2016–17 to 42 per cent in 2017–18.

Consistent with previous years, only a small proportion of applications were finalised by way of a Tribunal hearing and decision in the reporting year. The majority of applications were resolved during our pre-hearing processes, finalised either in accordance with terms of agreement reached between the applicant and the National Disability Insurance Agency (43 per cent) or withdrawn (39 per cent). The AAT changed the decision under review in 42 per cent of applications, 40 per cent by consent of the parties.

We continued to finalise most applications within 12 months of lodgement in 2017–18 with a median time to finalisation of 19 weeks.

Security Division

The Security Division deals with applications for review of security assessments made by the Australian Security Intelligence Organisation 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 in 2017–18 was low, consistent with previous years.

Taxation and Commercial Division

Applications for review of decisions of key Australian Government regulators are allocated to the Taxation and Commercial Division, including decisions made by the Australian Financial Security Authority, the Australian Prudential Regulation Authority, the Australian Securities and Investments Commission, the Australian Taxation Office and the Tax Practitioners Board. The Division also manages some other types of applications formally allocated to the General Division that benefit from the case management approach set out in the Review of Taxation and Commercial Decisions Practice Direction.

The number of applications for review of taxation decisions lodged in 2017–18 was marginally lower than in the previous year, continuing the trend of recent years. There were also fewer lodgements across the range of commercial decisions that the AAT can review. There was a decrease in the number of applications finalised in the reporting year and an increase in the average number of weeks taken to finalise cases. Key factors contributing to this result include a decrease in the number of members with taxation and commercial expertise available to deal with the caseload, the complexity of the cases and the finalisation of a number of longstanding applications during 2017–18.

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 dependants, including under the *Military Rehabilitation and Compensation Act 2004*, the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* and the *Veterans' Entitlements Act 1986*. There were fewer lodgements in relation to all three areas of decision-making in 2017–18. In particular, the number of applications under the Military Rehabilitation and Compensation Act fell by almost 60 per cent due to the introduction of the single appeal pathway for decisions under the Act which means decisions are first reviewed by the Veterans' Review Board. The proportion of applications finalised within 12 months declined further in 2017–18. As with the workers' compensation jurisdiction, the time required to gather additional evidence in these types of cases can prolong the review process.

Alternative dispute resolution

Given the diversity of applications dealt with by these divisions, a range of strategies are employed to ensure individual matters or particular cohorts of cases are dealt with in the most appropriate and efficient way. 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, 80 per cent of applications in these divisions were finalised without the AAT making a decision following a hearing. At least one ADR process was held in 73 per cent of all finalised cases which were validly lodged. On average, parties spent 76 minutes across two ADR processes per case. The majority of ADR processes conducted by the AAT were conferences with conciliations the next most common type. See Table A4.4 in Appendix 4 for the numbers of ADR processes held. ADR continues to be a highly cost-effective mechanism for achieving review outcomes.

Appeals

The number of appeals and other applications lodged in the courts in relation to decisions made in these divisions grew from 112 in 2016–17 to 146 in 2017–18, primarily due to an increase in the number of applications for judicial review of decisions about visas made on character-related grounds under the Migration Act. Of the appeals that were finalised during this reporting year, the AAT's decision was set aside in 39 per cent of cases, which is seven percentage points higher than in 2016–17. The proportion of appeals allowed was higher in a number of areas, including taxation and commercial, and veterans' decisions.

Engagement

The Tribunal engaged with stakeholders across these jurisdictions in various ways during 2017–18. Registries arranged local liaison meetings with people and organisations who appear regularly before the Tribunal, including departments and agencies whose decisions we review, disability advocacy organisations, community legal centres, legal aid commissions and private legal practitioners. The meetings were a forum to share information about legislative or procedural changes, to discuss practice and procedure issues and to obtain feedback from users on our services and any proposals for changes. Liaison meetings were held with representatives of decision-making agencies, including the Australian Taxation Office, Comcare and the Department of Veterans' Affairs, in relation to strategic and operational issues and to explore opportunities to improve review processes such as a pilot for a fast track process for selected workers' compensation applications in the Canberra Registry. We also engaged with stakeholders in the Centrelink jurisdiction as part of developing an online Disability Support Pension Interview Tool for community workers.

Migration and Refugee Division

The Migration and Refugee Division reviews decisions made under the Migration Act relating to a wide range of visas that 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 and to cancel visas as well as related decisions to refuse to approve business sponsors, nominated positions and business activities. Reviewable decisions are generally made by delegates of the Minister administering the Migration Act.

Caseload

The Division received 37,933 applications in 2017–18, the highest number of applications lodged since the establishment of the Division or its predecessor tribunals. This is a 43 per cent increase on the number of applications that were lodged in 2016–17 and double the number of lodgements in 2015–16. Due to the high volume of applications received in this and the previous reporting year and the overall reduction in available member resources, the Division has not been able to keep pace with the growth in lodgements. The Division finalised 17,960 cases in the reporting year leaving an active caseload at 30 June 2018 of 44,436 matters, 82 per cent more than at the end of the previous reporting year.

The Division received 37,933 applications in 2017–18, the highest number of applications lodged since the establishment of the Division or its predecessor tribunals.

Key statistics in relation to workload and timeliness for the major areas of work within the Migration and Refugee Division for the last three financial years are set out in Table 3.5.

Table 3.5 Caseload overview, 2015–16 to 2017–18 – Migration and Refugee Division

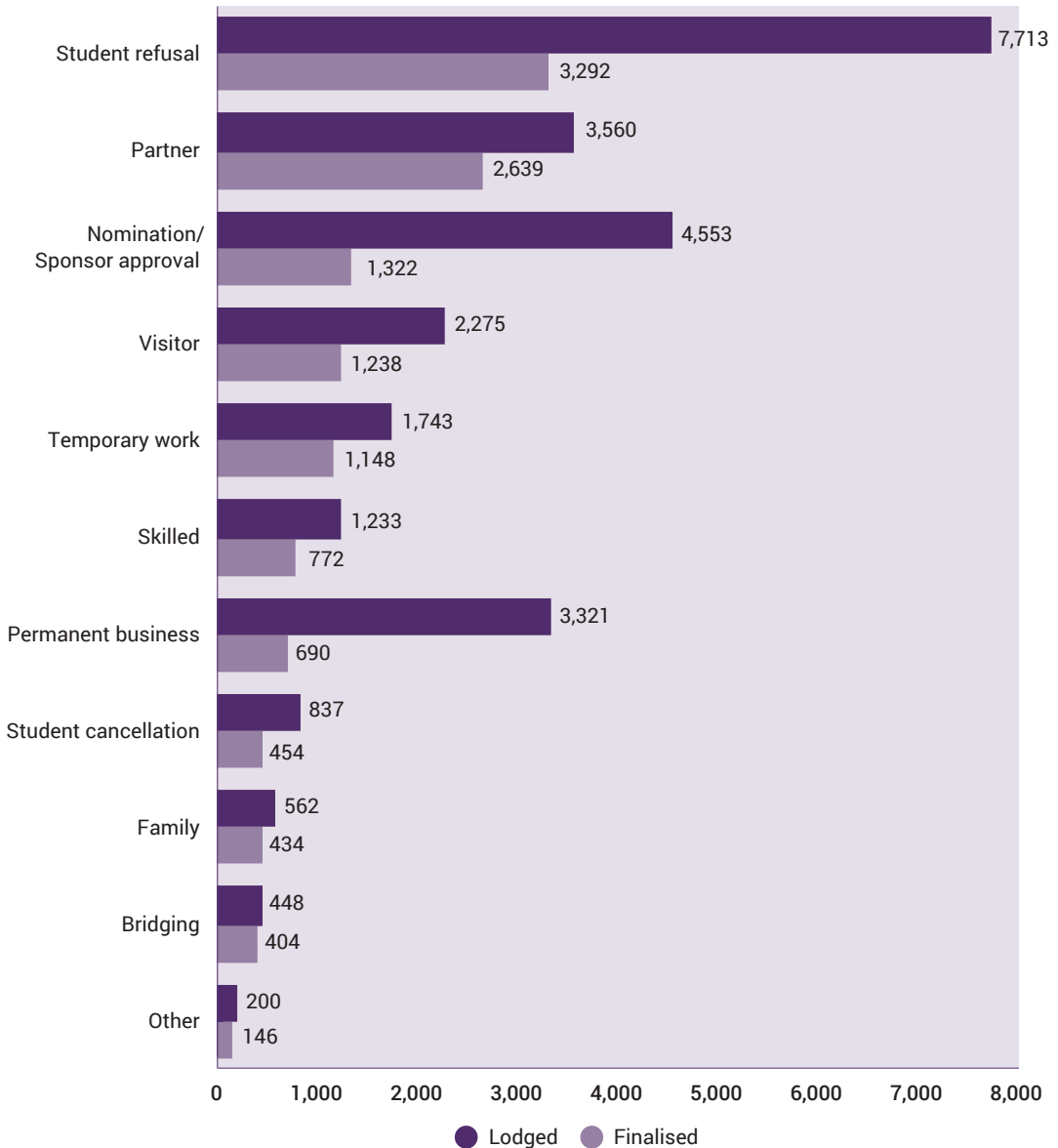
AREA OF WORK	2015–16	2016–17	2017–18
Migration			
Lodged	14,307	18,518	26,445
Finalised	12,511	13,755	12,539
On hand at year end	11,330	16,092	29,991
% finalised within 12 months	67%	70%	53%
Median time to finalise (weeks)	36	39	50
Refugee			
Lodged	4,622	8,086	11,488
Finalised	3,600	5,153	5,421
On hand at year end	5,434	8,370	14,445
% finalised within 12 months	36%	54%	66%
Median time to finalise (weeks)	64	47	31
TOTAL			
Lodged	18,929	26,604	37,933
Finalised	16,111	18,908	17,960
On hand at year end	16,764	24,462	44,436
% finalised within 12 months	60%	66%	57%
Median time to finalise (weeks)	42	40	46

Migration cases

Seventy per cent of lodgements and finalisations in the Division in 2017–18 related to decisions about permanent and temporary entry migration visas. These applications comprised 67 per cent of the Division's active caseload at 30 June 2018.

Chart 3.6 shows the number of applications lodged and finalised in the reporting period by key visa categories.

Chart 3.6 Migration lodgements and finalisations by key visa categories, 2017–18



Applications for review of decisions about migration visas increased 43 per cent between 2016–17 and 2017–18. The most common type of applications received in 2017–18 related to business or work visas, including business skills visas, skilled visas and temporary work visas, as well as decisions about nomination and sponsorship. Lodgements in this area of work increased by 84 per cent compared to the previous reporting year and comprised 29 per cent of all applications received in the Division.

Lodgements relating to decisions to refuse or cancel student visas were the next most common type of case, representing 23 per cent of all lodgements and a 54 per cent increase on lodgements of this type received in the previous reporting period. Applications about family and partner visas, 11 per cent of the Division’s applications in 2017–18, decreased nine cent from 2016–17. Applications about visitor visas for tourists and people wanting to visit relatives and about bridging visas increased during the reporting period but remain a smaller part of the overall workload.

The number of finalised migration cases fell by nine per cent in 2017–18 with the average time to finalisation increasing by 11 weeks to 50 weeks. Similar to the spread of lodgements, applications relating to business or work visas comprised 22 per cent of all Division finalisations, followed by student refusal or student cancellation reviews (21 per cent), partner and family visa cases (17 per cent), visitor visas (7 per cent) and bridging visas (2 per cent).

In 2017–18, the Division changed the decision or otherwise remitted the matter to the Department of Home Affairs in 29 per cent of finalised migration cases compared with 38 per cent in 2016–17. The original decision was affirmed in 35 per cent of cases. The remainder of the applications were either withdrawn (20 per cent), did not meet application requirements (10 per cent) or were dismissed by the Tribunal on the basis that the applicant failed to appear at a hearing (5 per cent).

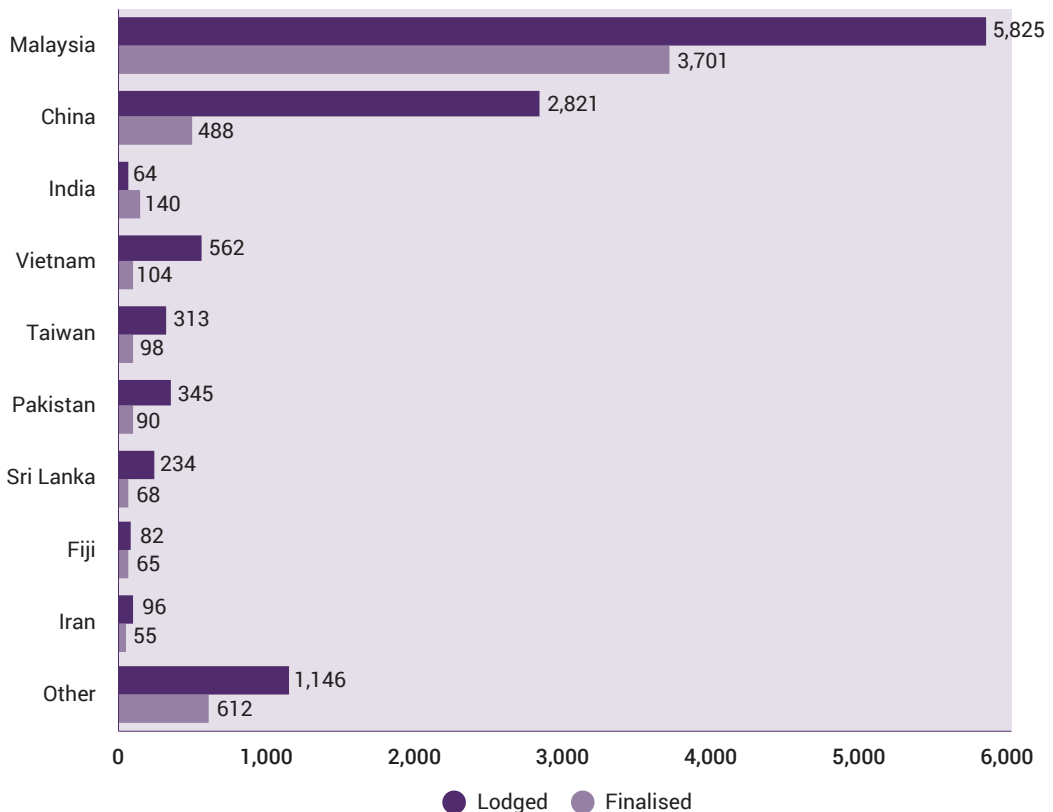
As in other divisions, decisions are commonly changed on review because of the availability of new or additional evidence that was not before the original decision-maker. A change in the applicant’s circumstances since the time of the original decision can also be relevant under the law in many cases.

Refugee cases

Applications about protection (refugee) visas comprised 30 per cent of both lodgements and finalisations in the Division in 2017–18 and represented 33 per cent of all cases on hand at 30 June 2018. The majority of the applications were for review of decisions refusing to grant protection visas which generally require the Division to consider whether or not the applicant is a person to whom Australia has protection obligations: whether they are a refugee or, in the alternative, entitled to complementary protection.

Chart 3.7 shows the number of lodgements and finalisations in 2017–18 by the country of reference for the applicant.

Chart 3.7 Refugee lodgements and finalisations by country of reference, 2017–18



The number of applications about refugee decisions has increased sharply over the past two financial years with lodgements increasing by 42 per cent in 2017–18 compared with 2016–17. This can be attributed in large part to sustained high levels of lodgements relating to Malaysia which comprised 51 per cent of all lodgements concerning protection visas. The number of applications relating to the People’s Republic of China increased by 135 per cent in the reporting year and comprised 25 per cent of all refugee lodgements. Applications relating to these two countries represented 65 per cent of the active refugee caseload at 30 June 2018.

The number of applications lodged by unauthorised maritime arrivals increased from 146 in 2016–17 to 249 in 2017–18. The Division does not generally review decisions made in relation to unauthorised maritime arrivals who entered Australia after 13 August 2012. Those decisions are reviewed by the Immigration Assessment Authority which is covered in Chapter 5 of this report.

The Division finalised five per cent more refugee cases in 2017–18 than in 2016–17. Five per cent of all finalised cases were remitted to the Department of Home Affairs compared with 11 per cent in 2016–17. The decision under review was affirmed in 43 per cent of cases and the remaining applications either did not meet application requirements (32 per cent), were dismissed by the Tribunal on the basis that the applicant failed to appear at a hearing (12 per cent) or were withdrawn (8 per cent). The decrease in the percentage of refugee applications in which the decision was changed can be attributed to the high volume of decisions made in cases relating to Malaysian nationals, the majority of whom were found not to engage Australia’s protection obligations. The increase in the number and proportion of refugee cases in which the Division did not have jurisdiction to review the decision related to a high number of applications from Malaysian nationals seeking review of a primary decision that the Division had already reviewed. Under the Migration Act, the Division cannot review a decision that it has already considered. These cases, which are generally finalised in a short period of time, contributed to the average time for finalising refugee cases in 2017–18 decreasing from 47 to 31 weeks.

Cancellation cases

Following a significant increase in 2016–17, applications to the Division seeking review of decisions to cancel permanent or temporary migration or protection visas as well as to cancel or limit sponsor approvals decreased by 19 per cent in the reporting year. The number of cancellation cases on hand increased, however, by 52 per cent. The Division has been unable to allocate cancellation cases to deal with this caseload effectively, due to the reduction of members undertaking reviews. The Division also deferred considering a cohort of cancellation reviews due to a legal issue concerning the delegation of the primary decision-maker to cancel the visa. This issue is being considered by the Federal Circuit Court of Australia and affected reviews will be progressed once the court’s determination is available.

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. Student cancellation cases, of which a majority related to breach of conditions, accounted for almost half of all lodgements and finalisations and comprised 61 per cent of active cases as at 30 June 2018. Applications relating to decisions to cancel bridging or substantive visas on criminal grounds, including on the basis that a non-citizen has been charged with a criminal offence, remain a minor part of the Division’s caseload, comprising approximately one per cent of all applications finalised in the Division.

Table 3.8 Cancellation caseload overview, 2015–16 to 2017–18

AREA OF WORK	2015–16	2016–17	2017–18
Migration			
Lodged	1,141	1,898	1,522
Finalised	1,070	1,190	882
On hand at year end	619	1,327	1,969

AREA OF WORK	2015–16	2016–17	2017–18
Refugee			
Lodged	48	168	143
Finalised	29	110	53
On hand at year end	31	89	179
TOTAL			
Lodged	1,189	2,066	1,665
Finalised	1,099	1,300	935
On hand at year end	650	1,416	2,148

Caseload strategy

The annual caseload strategy for the Division set out the planned allocation of resources to achieve strategic goals, including identifying opportunities for innovation to facilitate the making of better, timely and consistent decisions and to reduce the age of the caseload, particularly for refugee cases, business cases and student refusals, which represented significant proportions of the active caseload. The Division's projection for the number of applications that would be finalised in 2017–18 based on the available member resources was 16,000 reviews. As a result of various case management initiatives undertaken during the period and the unusually high number of applications by Malaysian nationals seeking review of decisions the Division had already reviewed, the 17,960 cases finalised in the reporting year was 12 per cent above the projection.

In 2017–18 the Division continued to build on caseload projects that commenced in previous reporting periods in the refugee and partner caseloads and introduced new initiatives in the business and work categories and in the student refusal caseload. These successful initiatives were facilitated by the introduction of early case assessments registrars, caseload practice managers and case assessment teams which focused on pre-constitution processes such as triage, batching and case management to increase efficiencies in the decision making process.

Challenges for the Division this reporting year included the sustained high volume of lodgements, the loss of experienced members and the overall reduction in member resources in the Division in recent financial years. The delayed assignment of newly appointed members in the reporting year also impacted on the capacity of the Division to reduce the active caseload and meet timeliness measures across many case categories. Protracted delay in the review process not only creates additional uncertainty for applicants but generally makes claims more complicated.

The diversity and complexity of the Division's caseload and the dynamic nature of migration legislation and related case law also poses challenges to efficient, yet robust decision-making. The Division has sought the appointment of additional sessional members to deal with the surge in the caseload and will continue to enhance pre-constitution processes in 2018–19. A key area of focus in the next financial year will be to improve administrative and case management support for members so that members in the Division have the same quality of file preparation and hearing support available to members in other divisions.

Appeals

There were 3,393 applications for judicial review of Migration and Refugee Division decisions lodged with the Federal Circuit Court during the reporting year which represents 23 per cent of all decisions made in 2017–18 that could have been appealed. The number of appeals was lower than in the previous financial year but, as fewer decisions were made, the appeal rate was similar to 2016–17.

The courts set aside a decision of the Division or of the former MRT or RRT in 22 per cent of judicial review applications finalised in 2017–18, an increase on the set-aside rate of 20 per cent in 2016–17. Of these

successful appeals, 84 per cent were remitted by consent: the Minister agreed that the Tribunal had made a legal error and the decision should be set aside. In 34 per cent of the remitted cases, the legal error identified was a denial of procedural fairness arising out of non-disclosure certificates issued by delegates of the Minister of the kind found in *Minister for Immigration and Border Protection v Singh* [2016] FCAFC 183 which was discussed in last year's annual report. When these cases are excluded from the total number of remitted cases, the proportion of successful appeals was 16 per cent, which is less than four per cent of the total decisions made in the previous reporting period that could have been appealed and consistent with appeal success rates of preceding years.

Engagement

The Division engaged with external stakeholders across a number of forums in 2017–18. Throughout the year, regular meetings were held with representatives of the Department of Home Affairs to discuss strategic and high-level operational issues that impact the conduct of reviews and the Division's workload. Representatives of the Department of Foreign Affairs and Trade, which provides country information reports for use in refugee decision-making, met with the Division to discuss country information issues and also presented briefing sessions to members.

Community liaison meetings that were reinstated in 2016–17 were continued in the reporting period, with the second series of these events held in each state throughout November 2017. The meetings provided an opportunity for the Division to exchange information on operational, procedural and caseload issues with key external stakeholders, including peak migration agent bodies and advocates. Further information on these meetings is available at Appendix 6.

The AAT developed a new suite of fact sheets in 2017–18 in relation to various types of decisions reviewed by the Division and sought feedback from peak migration agent and legal bodies in relation to their content. The fact sheets provide information on the issues considered in particular review types to assist applicants to present their case. Applicants are now provided with any relevant fact sheet when we acknowledge receipt of their application. The fact sheets are also available on our website. Further fact sheets and consultation with external stakeholders is planned.

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, farm household support, social security and student assistance entitlements (Centrelink decisions)
- child support
- paid parental leave.

Caseload

The Division received a total of 13,435 applications in 2017–18, a 23 per cent decrease in lodgements compared with the previous year. Consistent with the decline in lodgements, the number of applications finalised fell to 15,075, eight per cent fewer than in 2016–17. There were 2,698 cases on hand at 30 June 2018, a decrease of 38 per cent compared with the number of cases on hand at 30 June 2017.

Key statistics in relation to workload and timeliness for the major areas of work within the Division for the last three financial years are set out in Table 3.9.

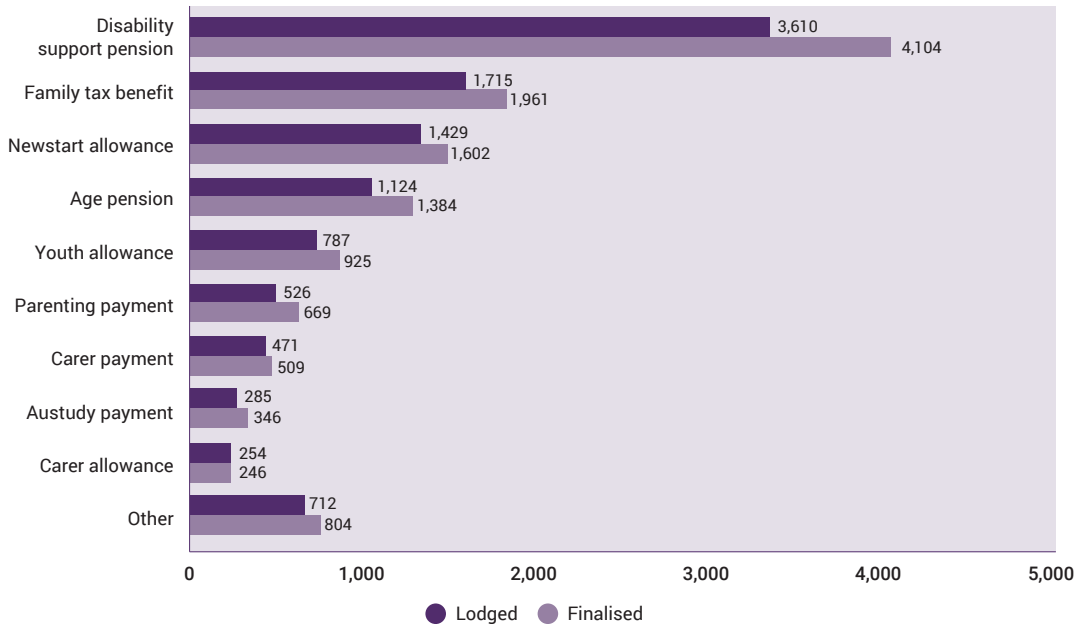
Table 3.9 Caseload overview, 2015–16 to 2017–18 – Social Services and Child Support Division

AREA OF WORK	2015–16	2016–17	2017–18
Centrelink (1st review)			
Lodged	13,201	14,949	10,913
Finalised	13,215	14,098	12,550
On hand at year end	2,694	3,547	1,912
% finalised within 12 months	>99%	>99%	>99%
Median time to finalise (weeks)	11	13	10
Child support			
Lodged	2,136	2,241	2,328
Finalised	2,098	2,063	2,299
On hand at year end	533	725	769
% finalised within 12 months	>99%	>99%	99%
Median time to finalise (weeks)	12	13	15
Paid parental leave			
Lodged	206	260	194
Finalised	221	246	226
On hand at year end	34	48	17
% finalised within 12 months	100%	>99%	100%
Median time to finalise (weeks)	10	10	6
TOTAL			
Lodged	15,543	17,450	13,435
Finalised	15,534	16,407	15,075
On hand at year end	3,261	4,320	2,698
% finalised within 12 months	>99%	>99%	>99%
Median time to finalise (weeks)	11	13	11

Centrelink

Applications relating to Centrelink decisions constituted 81 per cent of all lodgements in the Division in the reporting year and were 27 per cent lower than in 2016–17. Chart 3.10 shows the number of lodgements and finalisations in 2017–18 by key payment types.

Chart 3.10 Centrelink lodgements and finalisations by key payment types, 2017–18



Lodgements relating to decisions about disability support pension continued to be the most common type of application, comprising 33 per cent of all Centrelink lodgements. However, lodgements about decisions of this kind decreased by 42 per cent in 2017–18. The number of applications received relating to each of the other main payment types also fell during the reporting period: family tax benefit by 11 per cent, newstart allowance by 20 per cent, age pension by 22 per cent and youth allowance by 10 per cent.

The types of decisions that were most commonly the subject of applications made in the reporting period were those about a debt (40 per cent) and those rejecting a claim (38 per cent), followed by decisions to cancel a payment (7 per cent), about the rate of payment (7 per cent) and about the start date of a payment (5 per cent). While decisions about debt formed the largest proportion of all Centrelink applications lodged in 2017–18, the actual number of applications lodged seeking review of one or more Centrelink decisions about a debt fell 18 per cent from 5,319 in 2016–17 to 4,366 in 2017–18.

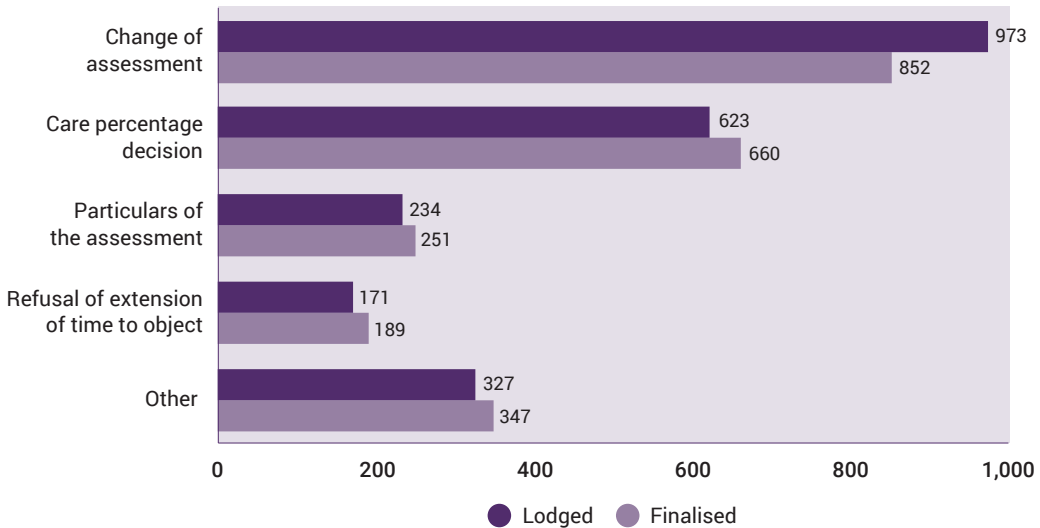
Finalised applications about Centrelink decisions decreased by 11 per cent in 2017–18, consistent with the decrease in lodgements. The median finalisation time for Centrelink decisions improved in the reporting period to 10 weeks compared with 13 weeks in 2016–17.

The Division finalised applications relating to a total of 14,168 Centrelink decisions, 23 per cent of which were set aside or varied and 49 per cent affirmed. In relation to the balance, the application to review the decision was either finalised on the basis that the decision was not subject to review by the AAT (15 per cent), withdrawn by the applicant (9 per cent) or dismissed by the Tribunal (3 per cent). The outcomes are broadly similar to the previous reporting period.

Child support

Lodgements relating to child support decisions represented 17 per cent of all applications received in 2017–18 and increased by four per cent from the previous year. Chart 3.11 illustrates the most common types of decisions under review. Applications relating to requests to change an assessment of how much child support is payable and determinations about the percentage of care for a child comprised 69 per cent of all child support lodgements.

Chart 3.11 Child support lodgements and finalisations by key decision types, 2017–18



In the child support jurisdiction, the number of applications finalised increased by 11 per cent compared with the previous reporting period, reflecting increases in lodgements. The Tribunal affirmed the decision under review in 25 per cent of cases and set aside or varied the decision following a hearing in 33 per cent of cases. The decision was set aside or varied in accordance with terms of a consent agreement reached by the parties in two per cent of cases with a further nine per cent of applications dismissed by consent. The remaining applications were either withdrawn by the applicant (11 per cent), dismissed by the Tribunal (7 per cent) or did not proceed to a substantive review as the decision was not reviewable or the application was not lodged within the time limit and no extension of time was granted (13 per cent).

Paid parental leave

Applications relating to paid parental leave continued to form a small part of the Division's overall caseload with 194 lodgements in 2017–18, 25 per cent fewer than in 2016–17. The Division finalised applications for review relating to a total of 232 decisions, 51 per cent of which were affirmed and 10 per cent set aside or varied. In relation to the balance, the application to review the decision was either withdrawn by the applicant, dismissed by the Tribunal or finalised on the basis that the decision was not subject to review by the AAT.

Caseload strategy

In 2017–18, the Division further developed and refined a number of caseload management initiatives aimed at assisting the parties to better understand the issues in the review and facilitating earlier resolution where appropriate. We have focused on early case assessment and outreach in select types of cases in both the Centrelink and child support jurisdictions. They are generally undertaken by case assessment registrars and caseload practice managers with significant expertise in relation to the Division's jurisdiction.

In relation to Centrelink cases, more straightforward matters are selected for outreach or for a fast track hearing. Approximately 10 per cent of all Centrelink applications were finalised either by applicants deciding not to proceed to hearing after outreach contact or, more commonly, following a fast track hearing. For cases finalised by way of a fast track hearing, the Tribunal's decision was generally given orally on the day. The fast-track approach significantly reduced the average time to finalise these applications.

In child support change of assessment cases, early case assessment and outreach is employed in most cases to assist parties to seek to resolve their application by agreement without the need for a Tribunal directions hearing or hearing and the imposition of a Tribunal decision. In many other child support matters, an early directions hearing is conducted to clarify the issues in dispute and explain the scope of the Tribunal's powers. A total of 248 applications were finalised by the Tribunal making a decision in accordance with an agreement reached by the parties, representing 11 per cent of all finalised child support applications matters in the reporting year.

The Division continued to increase the number of applications in which the Tribunal delivered its decision and the reasons for the decision orally at the end of a hearing. This method has proven to be effective and provides applicants with a timely outcome and explanation. The decision and reasons were given orally in 14 per cent of Centrelink applications finalised in 2017–18, an increase of four percentage points from 2016–17.

Appeals

Certain categories of decisions made by the Division can be reviewed a second time by the AAT's General Division. These include substantive decisions to affirm, vary or set aside a Centrelink decision and select child support and paid parental leave decisions. Other decisions can be appealed to the courts.

In 2017–18, 1,919 applications were lodged in the General Division for second review of Centrelink decisions, 72 for review of child support decisions and 12 for review of paid parental leave decisions. Of the second review applications lodged in respect of Centrelink decisions, 75 were lodged by the Secretary of the Department of Social Services and five by the Secretary of the Department of Education and Training. Seventy Secretary appeals were finalised in the period and the Division's decision remained unchanged in 46 per cent of those applications: 25 applications were withdrawn, the decision was affirmed following a hearing in six applications and one decision was affirmed by consent. The Division's decision was set aside or varied after hearing in 26 applications and set aside or varied by consent in 12 applications. Information relating to the outcomes of all applications for second review of Centrelink decisions can be found in Appendix 4. A small number of child support and paid parental leave decisions were set aside or varied in second review applications finalised in 2017–18.

In the reporting period, there were a total of 26 statutory appeals from child support decisions lodged in the Federal Circuit Court and the Federal Court, three more than in 2016–17. The number of appeals as a proportion of decisions that could be appealed remained low. The courts finalised a total of 25 appeals in 2017–18: two were allowed and 23 dismissed or discontinued.

Engagement

The Division engaged with the Department of Human Services in relation to a broad range of operational issues in 2017–18. We aim to maintain an effective relationship with the Department, ensuring there is regular communication and discussion about legislative changes, procedures, workload and other current or future matters that will impact on the Division. This enables practical issues arising in our caseload to be addressed at an early stage.

We also liaised with organisations that represent or provide support to applicants seeking review of decisions in the Division, including legal aid commissions and welfare rights centres.

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, on a question of law, to the Federal Court under section 44 of the Administrative Appeals Tribunal Act from most types of final decisions made in divisions other than the Migration and Refugee Division. 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 administering the Migration Act may seek judicial review under Part 8 of the that Act of most AAT decisions relating to visas. 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, 3,565 appeals were lodged in 2017–18, 95 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 continued to be considerably higher than for our other divisions.

There were 2,864 appeals relating to decisions of the AAT, MRT or RRT finally determined in the courts during the reporting year. Overall, the Tribunal's decision was set aside in 23 per cent of those appeals. However, this amounted to only slightly more than 3 per cent of all decisions made in 2016–17 that could have been appealed to the courts.

Table 3.12 Court appeals lodged and finalised, 2015–16 to 2017–18 – By division^a

	COURT APPEALS LODGED		COURT APPEALS FINALISED ^d		
	Lodged ^b	Proportion of total AAT decisions ^c	Finalised	Proportion allowed against total appeals finalised	Proportion allowed against total decisions ^e
FOI, General, NDIS, Security, Taxation and Commercial, and Veterans' Appeals Divisions					
2015–16 ^f	87	4%	87	28%	1.1%
2016–17 ^f	112	5%	98	32%	1.4%
2017–18	146	6%	104	39%	1.8%

	COURT APPEALS LODGED		COURT APPEALS FINALISED ^d		
	Lodged ^b	Proportion of total AAT decisions ^c	Finalised	Proportion allowed against total appeals finalised	Proportion allowed against total decisions ^e
Migration and Refugee Division					
2015–16	3,269	23%	2,958	24%	3.7%
2016–17	3,644	22%	2,617	20%	3.6%
2017–18	3,393	23%	2,735	22%	3.6%
Social Services and Child Support Division^g					
2015–16	33	2%	33	9%	0.2%
2016–17	23	1%	28	18%	0.3%
2017–18	26	1%	25	8%	0.1%
TOTAL					
2015–16 ^f	3,389	19%	3,078	24%	3.3%
2016–17 ^f	3,779	18%	2,743	20%	3.0%
2017–18	3,565	19%	2,864	23%	3.1%

^a These figures include appeals lodged or finalised in the relevant reporting year in relation to decisions made by the AAT or decisions made by the MRT, RRT or SSAT prior to 1 July 2015.

^b These figures include some appeals lodged in relation to decisions made in a previous year.

^c These figures represent the number of appeals lodged as a proportion of all AAT decisions made in that reporting year that could have been appealed to the courts.

^d 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.

^e These figures represent the number of successful appeals as a proportion of all decisions of the AAT (or of the MRT, RRT or SSAT for 2015–16) made in the previous financial year that could have been appealed to the courts.

^f The figures for the FOI, General, NDIS, Security, Taxation and Commercial, and Veterans' Appeals Divisions and the totals for the 2015–16 and 2016–17 financial years have been revised as part of implementing a consistent approach across divisions to counting appeals. Previously, if an application to extend the time for lodging an appeal against a decision made in the FOI, General, NDIS, Security, Taxation and Commercial, or Veterans' Appeals Division was lodged, the matter was counted for the purpose of this table only if that application was granted by the relevant court and the substantive appeal was lodged. These figures now include matters in all divisions subject to any type of initial application made to a court.

^g 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. In general, other decisions made on first review in the Social Services and Child Support Division 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 small number of judicial decisions had a significant impact on our procedures and decision-making.

BCR16 v Minister for Immigration and Border Protection [2017] FCAFC 96
Grey v Minister for Immigration and Border Protection [2018] FCCA 1564

The applicant applied to the AAT for a review of a decision to cancel his visa which required payment of a review application fee, or a reduced fee which was half the amount of the full application fee. The applicant submitted a request for a fee reduction. AAT staff told the applicant on multiple occasions that he needed to pay the full fee or at least the reduced fee before the prescribed period to apply for review ended or the AAT may find that it did not have jurisdiction to review the decision. He did not pay any fee before the end of the prescribed period and the AAT found that, as the fee (or at least half the fee) had not been paid, the application was not valid and it did not have jurisdiction.

The Federal Circuit Court found that the AAT will not have jurisdiction to review a matter unless an applicant pays at least half of the application fee within the prescribed period to apply for review. If the AAT rejects a fee reduction request then the applicant should still be given a reasonable timeframe to pay the balance of the fee even if the prescribed period has since lapsed.

Guder v Minister for Immigration and Border Protection [2017] FCCA 2527
Minister for Immigration and Border Protection v Guder [2018] FCA 626

These judgments concerned a provision of the *Migration Regulations 1994* which requires an applicant for a temporary business entry Subclass 457 visa to undertake a specified English language test and achieve a certain score within a specified period: paragraph 457.223(4)(eb) of Schedule 2 to the Regulations. In this case, the period specified was three years from the date of the visa application. The MRT found the applicant's English test results did not meet the required scores and told the applicant this during the hearing. The applicant asked the MRT what she could do and the MRT referred her to her representative who was not present. The MRT then affirmed the decision two years before the specified period had ended.

At first instance, the Federal Circuit Court held the applicant was not afforded a meaningful hearing opportunity and the MRT needed to ensure the applicant was aware that an issue arising was whether she should be afforded more time within the specified period to try and meet the English language requirements. The Federal Court upheld the Federal Circuit Court's judgment. Following this judgment, in cases where this requirement is in issue, the AAT needs to consider putting the applicant on notice of the time period available for meeting the requirement and their ability to request an adjournment.

He v Minister for Immigration and Border Protection [2017] FCAFC 206

In this judgment, a Full Court of the Federal Court discussed how the AAT should approach the task of deciding whether a person is the 'spouse' of another person as defined in subsection 5F(2) of the Migration Act in relation to a partner visa. The decision-maker must consider all the circumstances of the relationship, including the prescribed matters set out in regulation 1.15A(3) of the Migration Regulations which include the financial and social aspects of the relationship, the nature of the household, and the nature of the persons' commitment to each other.

The Court held that, in considering all of the circumstances of a relationship, the AAT is required to identify and make findings on the relevant circumstances of the relationship, including the prescribed matters and any other relevant circumstances, and that it should think of these matters as questions which must be answered, not merely thought about. In this case, the Court accepted that the Tribunal had made findings on the relevant matters and dismissed the appeal. Whether the parties are 'spouses' (or 'de facto partners', which has a similar definition) is often the main issue in partner visa cases before the AAT, and this judgment provides useful guidance on how the AAT should approach these cases.

Freedom of information

In 2017–18, the Office of the Australian Information Commissioner notified the AAT of four applications for review of decisions we made in relation to requests for access to documents under the Freedom of Information Act. Three applications were finalised during the reporting year. One application was finalised by a decision affirming the AAT's decision and one was withdrawn. In relation to the third application, a decision was made not to undertake the review under section 54W(b) of the Act. 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 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 notified us of one complaint about the AAT in 2017–18 and three complaints were finalised during the reporting year. In two cases the complainant elected not to proceed with the complaint. The third complaint was declined as lacking substance.

The Commonwealth Ombudsman received 66 approaches concerning the AAT during the reporting year. The Ombudsman finalised 65 approaches within the reporting year and no investigations were conducted.

The Office of the Australian Information Commissioner received three privacy complaints relating to the AAT in 2017–18 and closed two.

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 the Commonwealth Ombudsman in 2017–18.

The Joint Standing Committee on Migration commenced an inquiry during the reporting year into the review processes associated with visa cancellations on criminal grounds. The AAT made a submission to the inquiry about our role and procedures in relation to these decisions.

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 make an application 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.

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

We offer information about our role and procedures in plain language in a variety of formats on our website. Our written materials include practice directions, guides, guidelines and fact sheets. We also have a series of videos available in English, in seven community languages and in an accessible version which cover key aspects of our processes, including applying for a review, conferences and hearings.

We make a range of resources available online to help people understand how we apply the law and what information is relevant when we review a decision. These include fact sheets for some commonly reviewed decisions and an interactive tool that community workers can use to assist people who are seeking review of a decision about disability support pension. The Guide to Refugee Law in Australia on our website provides guidance on legal issues relevant to the assessment of protection visas. AAT decisions are published on the Australasian Legal Information Institute website (www.austlii.edu.au).

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, disability advocacy services and other people 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 for a case event at the AAT, such as a conference or a hearing, we engage one and meet the cost. We generally use interpreters certified by the National Accreditation Authority for Translators and Interpreters at the 'Certified Interpreter' level (previously 'Professional Interpreter' level). If an interpreter is not available in a language at that level, we may use an interpreter certified as a 'Certified Provisional Interpreter' (previously 'Paraprofessional Interpreter') or, if NAATI does not offer certification testing in the language, an interpreter recognised by NAATI.

We also use the Translating and Interpreting Service as needed for telephone calls and other interactions with users.

We have developed information for interpreters in relation to our procedures and terminology, as well as guidelines relating to the role of the interpreter. Our internal Interpreter Advisory Group provides advice on interpreter issues and acts as a point of coordination for activities aimed at improving our interpreter arrangements.

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.

People 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 hearing augmentation and 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

Our Service Charter 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 2017–18 (where information is available) is in Table 3.13.

The Service Charter 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 year is set out below.

Table 3.13 Performance against service standards, 2017–18

COMMITMENT	RESULT FOR 2017–18
We will treat you with respect and courtesy	
We will be polite, respectful and courteous and use language that is clear and understandable.	In the 2018 user feedback survey, average positive ratings (the average of strongly agree and agree ratings) for whether members, registrars and staff were courteous and respectful were 80 per cent for parties and 87 per cent for representatives. Average positive ratings for whether members, registrars and staff explained things clearly were 73 per cent for parties and 85 per cent for representatives. Of the 211 complaints finalised in 2017–18, two involved adverse findings in relation to issues of this kind.
We will make ourselves accessible	
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 relevant contact details for the Tribunal.
Wheelchair access and portable hearing loop systems are available at each registry.	All AAT premises were wheelchair accessible. Hearing augmentation and hearing loop systems 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 six regional locations.
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"> • conferences – 7,272 • other alternative dispute resolution processes – 55 • directions hearings – 2,678 • interlocutory hearings – 620 • hearings – 9,165 (1,180 in the Migration and Refugee Division, 7,923 in the Social Services and Child Support Division and 62 in other divisions).
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, directions hearing 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 in written and audiovisual formats. AAT staff assist applicants to access this information, including providing the information in printed form. Staff also provide verbal information about Tribunal processes. In the 2018 user feedback survey, average positive ratings for the quality of our information products, including the website, were 71 per cent for parties and 81 per cent for representatives.

COMMITMENT	RESULT FOR 2017–18
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. If an application proceeds to a formal determination, we generally hold a hearing at which parties may give evidence and make submissions before the Tribunal makes a decision in a case. In the 2018 user feedback survey, 67 per cent of parties agreed that registrars gave them a chance to explain their case at a conference. In relation to hearings, 75 per cent of parties and 80 per cent of representatives agreed that the member gave the parties a chance to present their case.
We will give you the reasons for making the decision in your case. These may be given orally or in writing.	Reasons for the Tribunal's decision in a review were given to parties either orally at the hearing or in writing.
We will operate in an efficient manner	
We will acknowledge receipt of applications.	The average time for acknowledging receipt of applications during the reporting year was 1 day.
We will respond to enquiries within a reasonable time.	Of the 211 complaints finalised in 2017–18, none involved adverse findings in relation to issues of this kind.

Complaints to the AAT

Complaints may be made to us orally or in writing. When issues or concerns are raised by people directly with members and staff, we encourage them to address the matters at the time of the interaction where 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 people 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 2017–18, the AAT received 223 complaints, an increase of 15 per cent compared with the previous reporting year. Table 3.14 shows the number of complaints made to the AAT over the last three years and the number of complaints received for every 1,000 applications we finalised. The rate of complaints was somewhat higher again in 2017–18.

Table 3.14 Complaints made to the AAT, 2015–16 to 2017–18

	2015–16	2016–17	2017–18
Complaints made	138	194	223
Applications finalised	38,146	42,224	40,013
Complaints per 1,000 applications finalised	3.6	4.6	5.6

Table 3.15 shows the subject matter of the complaints received in the reporting year. The increase in complaints in 2017–18 can be attributed primarily to more complaints about the decisions made by the Tribunal in reviews, the conduct of members and privacy.

Table 3.15 Issues raised in complaints to the AAT, 2017–18

ISSUE	NUMBER OF COMPLAINTS
Tribunal decisions	81
Conduct of members	67
Procedural issues	26
Delay/timeliness	18
Privacy	9
Conduct of staff	8
Conduct of alternative dispute resolution processes	7
Fee refund	2
Publication of Tribunal decisions	2
Other	3
TOTAL	223

We provided a response to 211 complaints in 2017–18, responding to 193 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 19 complaints. They raised issues concerning administrative error, how members and staff communicated with users, privacy, procedural issues and timeliness. We offered an apology in each case and raised the matters with the relevant areas and personnel.

Communications and engagement

The AAT is committed to engaging with the broad range of external stakeholders who use our services or have an interest in our work. Engagement activities allow us to learn about developments that may affect us, obtain feedback on and improve our services, develop cooperative relationships that facilitate the delivery of our services, and promote understanding of our role and operations which help to build public trust and confidence in our decision-making.

Engagement

The President, Registrar and other senior representatives of the AAT met with a range of people and organisations in 2017–18 to discuss issues relating to the operations of the AAT, including the Secretaries of the Attorney-General's Department and the Department of Home Affairs. Regular liaison meetings continued with the Law Council of Australia and representatives of the United Nations High Commissioner for Refugees. Senior staff worked closely with the Attorney-General's Department during the reporting year on matters such as our membership, jurisdiction, legislation and budget.

The AAT also undertook more targeted liaison with stakeholders in relation to the operation of the review process in particular areas of the AAT's caseload as well as with users at the local registry level. Further details of this jurisdictional and local engagement have been outlined earlier in this Chapter.

Feedback from parties and representatives

User feedback survey

The AAT undertakes surveys with users of our services to assess the extent to which we are meeting our statutory objective and to identify areas in which we may be able to improve our services. The most recent survey was conducted in May 2018.

Individuals and organisations who were parties to an application finalised by the AAT between 1 November 2017 and 28 February 2018 were invited to complete the survey. Representatives of parties involved in one or more cases finalised in the same period were also invited to complete the survey. Invitations were sent by email and SMS and the survey was conducted online. Responses were received from 1,198 parties and 572 representatives involved in applications across the AAT's divisions.

The results for the 2018 survey were broadly consistent with those from the last survey conducted in 2016. Overall, the AAT's services were rated positively both by parties and representatives with representatives generally providing more strongly positive ratings. Responses from parties who did not receive a favourable outcome, about half of those who responded, were generally lower, and sometimes significantly lower, than those who received a favourable outcome leading to these lower average positive ratings.

When asked about their experience of applying for a review, 75 per cent of parties and 94 per cent of representatives agreed the process was easy, an improvement on the 2016 results. In relation to the information products the AAT makes available, users were asked what they thought about our website, letters, fact sheets, practice directions, guides and videos, including how easy they were to understand. Average positive ratings were 71 per cent for parties and 81 per cent for representatives.

Questions we asked about interactions with AAT staff, including the ability of staff to explain things clearly as well as their knowledge and manner, elicited average favourable responses of 75 per cent for parties and 84 per cent for representatives, a similar outcome to the 2016 survey. Conference and hearing processes, including their level of formality and the conduct of members and registrars, were also rated positively overall by parties (69 per cent and 78 per cent respectively for conferences and hearings) and representatives (86 per cent and 81 per cent respectively).

In relation to perceptions of the review process overall, 61 per cent of parties and 77 per cent of representatives agreed the process was conducted to a high standard. With respect to fairness and independence, 79 per cent of representatives agreed the review process was fair with 82 per cent rating positively the independence of the Tribunal from the decision-maker. Consistent with the 2016 survey, the ratings given by parties in relation to these matters were lower (53 per cent and 63 per cent respectively) with responses correlating strongly to the outcome of their review. Two-thirds of parties agreed, however, that they were able to present their case to the AAT and that the AAT listened to them and they felt respected. In relation to timeliness, 59 per cent of parties and 54 per cent of representatives considered the review process was completed in a reasonable time with some variation between divisions. These results, which are lower than the 2016 survey, reflect the challenges the AAT faces in finalising applications in a timely manner in some divisions.

The AAT is examining the findings from the survey, as well as the comments and suggestions made by the participants, to identify areas for improvement in our services.

Other feedback mechanisms

We gather feedback from our users through a number of other mechanisms to understand their experience at the AAT. We use this information to identify and implement ways to improve our services.

Parties and representatives can apply to the AAT using our online lodgement systems on our website.

We invite users to respond to a brief survey to gather feedback on their experience of using our online services. Users can also opt in to provide further input to the design of new services.

During the reporting year, we also commenced a user experience project to better understand the needs of people engaging with the AAT and identify opportunities for improvement. The project will include inviting users to participate in an online forum to obtain targeted feedback about their experience with the AAT.

Publication of decisions

In carrying out our functions, the AAT must pursue the objective of promoting public trust and confidence in our decision-making. Publication of written statements of reasons for AAT decisions contributes to the achievement of this objective by informing parties, representatives and the public about our role and procedures, how we interpret and apply the law, and why we have made the decision in individual cases.

During the reporting year, we developed and published a revised policy relating to the publication of AAT decisions. It replaced publication practices that had been in place in the former AAT, MRT, RRT and SSAT and which largely continued after the tribunals were amalgamated. Under the revised policy, we generally publish:

- all written decisions in the Freedom of Information, General, National Disability Insurance Scheme, Security, Taxation and Commercial, and Veterans' Appeals Divisions
- all written decisions in certain types of cases in the Migration and Refugee Division and a randomly selected proportion of decisions in the higher volume categories of cases, and
- a randomly selected proportion of child support decisions in the Social Services and Child Support Division.

The application of the policy has resulted in an increase in the number and range of AAT decisions published and has enhanced the transparency of our processes for publishing decisions. We have published 4,918 decisions made in 2017–18, comprising 3,554 Migration and Refugee Division decisions, 203 child support decisions made in the Social Services and Child Support Division and 1,161 decisions made in our other divisions. We intend to further increase the number of decisions published during 2018–19.

We review the policy annually, including the targets specified for specific categories of cases. Our Publication of Decisions Policy is available on our website.

The Review – monthly newsletter

In February 2018 we launched a monthly newsletter, *The Review*, to promote the availability of information about our decision-making and provide topical information about the AAT. Each issue includes stories about the AAT and short plain English summaries of a range of recent decisions. *The Review* has been well received by the AAT's wide range of stakeholders.



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 administrative affairs of the Tribunal. Division Heads assist the President by directing 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 2017–18 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, Division Heads, Registrar and SES staff, met regularly throughout the year to review and provide advice on significant and complex matters relating to the management of the Tribunal, including caseload, finances, planning, risk and other significant whole-of-AAT issues
- the Transformation Program Steering Committee, comprising the Division Heads and the Registrar, met regularly 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 other 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, Executive Deputy Presidents and the Registrar
- the National Consultative Committee, the peak staff consultative body, comprising management representatives and at least one staff representative from each state and territory in which the AAT is located
- the Operations Leadership Group and Principal Registry Management Group, which involve senior managers in the operational and corporate areas respectively.

Business planning

In 2017–18 we developed and published a corporate plan, as required under section 35 of the Public Governance, Performance and Accountability Act. The Corporate Plan 2017–18 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.

Our Strategic Plan 2015–20, developed in 2015–16, was reviewed in the reporting period and sets out four high-level strategies for achieving our vision and mission:

- create an integrated, national Tribunal
- improve how we work and maximise our use of technology
- engage with stakeholders and build public trust and confidence, and
- build capacity and make the best use of our resources.

These strategies informed operational plans and priorities developed for the year. Some of our key achievements in 2017–18 are noted in Chapter 1.

Risk management

The AAT's risk management framework sets out our approach to identifying and managing strategic and operational risks as an integral part of our activities. Our whole-of-AAT Risk Register was revised and reviewed by the Audit and Risk Committee during 2017–18.

In addition to external audit requirements, we have 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 2017–18, our internal auditors undertook a number of reviews, including in relation to our case management systems, compliance with the Public Governance, Performance and Accountability Act, contract management, financial control framework, staff performance management and work health and safety. Management responds to 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.

Our Business Continuity Management Committee and Protective Security Committee met regularly during 2017–18. We finalised a revised Business Continuity and Disaster Recovery Plan for the organisation during the reporting period and conducted a range of other audits and training sessions relating to security in the AAT.

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, Fraud Risk Assessment and Register, and a summary guide for employees on recognising and reporting fraud. The Fraud Control Plan was comprehensively reviewed and republished during the reporting year. Fraud control awareness formed part of the induction program for new employees. We also finalised a new online learning module on fraud control which will be mandatory for all employees to complete in 2018–19.

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
2 October 2018

Maintaining ethical standards

We promote and encourage the maintenance of appropriate standards of ethical behaviour in a range of ways both for members and staff.

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.

In relation to staff, the AAT enterprise agreement includes a commitment by management and staff to work in accordance with the APS Values, Code of Conduct and Employment Principles. Information relating to the APS ethical framework forms part of our induction process and ongoing awareness-raising activities are also undertaken. During the reporting year, specific APS Code of Conduct training was offered to all staff.

Rules and standards relevant to ethical conduct are incorporated into our policies, guidelines and instructions.

Management of human resources

The AAT's members and staff are integral to carrying out our role as an independent merits review tribunal 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 2018, there were 296 members appointed to the AAT. More information about members is set out in Chapter 2 and Appendix 1.

At 30 June 2018, the AAT employed 660 staff under the Public Service Act: 474 ongoing and 186 non-ongoing, of whom 32 were engaged to undertake duties that are irregular or intermittent. There were 43 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 2017 and 30 June 2018 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 2018 by major organisational unit, job classification, gender and location is in Appendix 2.

Table 4.1 Workforce profile, 30 June 2017 and 30 June 2018^a

	AT 30 JUNE 2017			AT 30 JUNE 2018		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing	Total
Job classification						
APS Level 1	1	0	1	1	0	1
APS Level 2	7	18	25	8	30	38
APS Level 3	6	33	39	11	48	59
APS Level 4	161	61	222	184	59	243
APS Level 5	58	10	68	61	13	74
APS Level 6	88	4	92	101	6	107
Executive Level 1	55	6	61	62	7	69
Executive Level 2	46	14	60	41	23	64
SES Band 1	5	0	5	5	0	5
Total	427	146	573	474	186	660
Employment status						
Full-time	362	107	469	394	132	526
Part-time	65	18	83	80	22	102
Irregular/intermittent	0	21	21	0	32	32
Total	427	146	573	474	186	660
Gender						
Female	266	95	361	307	122	429
Male	161	51	212	167	64	231
Total	427	146	573	474	186	660
Location						
New South Wales	202	63	265	227	65	292
Victoria	127	40	167	135	52	187
Queensland	45	19	64	51	36	87
Western Australia	19	11	30	24	16	40
South Australia	25	4	29	26	9	35
Tasmania	2	1	3	2	2	4
Australian Capital Territory	7	8	15	9	6	15
Total	427	146	573	474	186	660
Equal employment opportunity^b						
Indigenous	6	2	8	6	4	10
Non-English speaking background	105	38	143	124	43	167
People with disability	10	4	14	9	4	13

^a 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 2018) 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.

^b These figures are based on information voluntarily provided by staff.

The increase in the AAT's staffing complement between 30 June 2017 and 30 June 2018 was consistent with planned staffing levels, principally to deal with the increase in our workload, particularly in the Migration and Refugee Division and the IAA, but also to help deliver key strategic projects for the organisation. Our turnover of ongoing staff increased marginally but remained in the expected range compared to the wider APS. New practices were adopted for forecasting and managing our average staffing level in line with the approved staffing allocation.

A range of activities to support the initiatives outlined in the AAT Workforce Development Plan 2016–20 were either completed or advanced in 2017–18. We reviewed our processes for filling short-term vacancies and introduced a new system to streamline the on-boarding of new members and staff. The integration of registry services was supported through a range of registry process mapping activities. Targeted professional development continued to be a core workforce initiative supporting members and staff in their day-to-day duties. Work also commenced on the development of an AAT leadership capability framework covering staff from the APS5 to EL2 levels. It will be a tool to assist with managing career progression, will underpin leadership training and development, and will also be linked into recruitment and selection.

Employment agreements and arrangements for AAT staff

The framework for the terms and conditions of employment for APS staff includes an enterprise agreement for non-SES staff and section 24(1) determinations under the Public Service Act for SES staff. The *AAT Enterprise Agreement 2017–2020* came into effect on 9 June 2017. It will be in operation for three years and nominally expires on 9 June 2020.

At 30 June 2018, 655 non-SES staff were covered by the enterprise agreement with 17 of these also having an individual flexibility arrangement. Five SES staff were covered by section 24(1) determinations. Table 4.2 shows the salary ranges available to employees at 30 June 2018 by classification level.

Table 4.2 Salary ranges for AAT staff, 30 June 2018

JOB CLASSIFICATION	SALARY RANGE
APS Level 1	\$44,908–50,127
APS Level 2	\$50,822–57,744
APS Level 3/Graduate	\$60,180–63,104
APS Level 4	\$64,516–72,314
APS Level 5	\$71,957–78,755
APS Level 6	\$77,950–90,377
Executive Level 1	\$98,731–123,164
Executive Level 2	\$118,221–139,536
SES Band 1	\$174,532–201,960

Senior Executive Service employee remuneration

Remuneration for 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 2017–18, nor did we pay a performance bonus to any staff.

Non-salary benefits

Non-salary benefits available to staff in 2017–18 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 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 continues to be a priority for the AAT. In 2017–18, 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.

During the reporting year, substantial work was undertaken on the introduction of a new learning management system for the AAT known as educAATe. To be launched in 2018–19, educAATe will have a large library of readily accessible online training modules for members and staff which will be extended over time.

Major professional development activities

Major professional development activities undertaken during 2017–18 supported the strategic goals of creating an integrated, national organisation and building capacity.

In December 2017, mediator training was conducted with a group of members and staff to develop their alternative dispute resolution skills. The training was delivered in accordance with the National Mediator Accreditation System standards.

The AAT's second National Conference was held between 28 and 30 May 2018. It provided an opportunity to bring together members and senior staff who are located across Australia to undertake professional development based on our competency frameworks as well as to share information and strengthen relationships. The Attorney-General, the Hon Christian Porter MP, addressed the conference. The conference's theme of 'Consolidating tribunal skills' was reflected in presentations and workshops covering topics such as conducting a fair and effective hearing, dealing with medical evidence, privacy and confidentiality, decision-making and decision writing.

Member professional development

We have a comprehensive Member Professional Development Program based on a framework of competencies specific to the AAT, which describes the essential attributes required by members to perform their functions competently. The program comprises induction, mentoring, appraisal and other learning and development opportunities.

A formal induction program was conducted for four groups of new members in the reporting period. It included a comprehensive introduction to the AAT as well as sessions on the role of a member, 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.

Members attended a range of in-house professional development sessions during 2017–18 as well as external seminars, workshops and other professional activities, including conferences arranged by the Council of Australasian Tribunals.

Conference registrar professional development

The 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 2017–18 included a two-day training course, Conciliation in the Shadow of the Law, which focused on developing conciliation skills. Conference registrars also participated in the AAT National Conference, accessing the general training and collaboration opportunities as well as some sessions designed specifically for conference registrars. During the reporting year, conference registrars had the opportunity to develop their coaching, mentoring and presentation skills through their participation in the AAT's Negotiated Outcomes On Time Competition for university students and the mediation training for members and staff.

Staff learning and development

Learning and development activities for other staff during 2017–18 responded to identified training needs and involved various delivery methods, including in-house courses, online learning, external seminars, and conferences. A further training needs analysis was conducted during the reporting year and will inform priorities and programs from 2018–19.

A continued area of focus during 2017–18 was to provide training for staff in dealing with change. Activities were conducted to support staff in newly co-located premises in Brisbane, Perth and Melbourne. These included training in dealing with challenging behaviour as well as leading teams through change covering topics such as emotional intelligence, resilience and team building.

APS Code of Conduct training was provided at all of our offices, focusing on workplace scenarios and practical examples of breaches with the aim of promoting a respectful workplace and to reinforce professional standards of behaviour. We also conducted training on unconscious bias, particularly in the context of recruitment.

A selection of staff and senior managers engaged in a mentoring program over a six-month period.

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 2017–18, 19 employees accessed support for studies in areas such as commerce, information technology and law.

Staff performance management program

We launched a revised Performance Appraisal Scheme and electronic performance appraisal system in 2016–17. The Scheme requires staff to have a performance agreement which sets out capability and behavioural expectations required in a role as well as learning and development priorities. It also covers the processes for reviewing and rating performance, and performance-based salary advancement.

In 2017–18, work continued to embed the overall process and to support the usage of the system. A review of the electronic system was conducted and work has commenced on making improvements identified in that review.

To support effective performance management of staff at the AAT, further training was delivered in 2017–18 on coaching and motivating others. This training detailed various coaching models and highlighted the value of regular performance feedback.

Workplace diversity

The AAT is an organisation that values diversity in the workplace. At 30 June 2018, 65 per cent of staff were women, with strong representation across all classification levels. Twenty-five per cent of our staff identified as being from a non-English speaking background, and there was an increase in the number of staff identifying as Indigenous during the reporting year.

Our Workplace Diversity Plan sets the foundation for the AAT to build an organisation reflective of the diversity in the Australian community. It is intended to assist the AAT in promoting and maximising the opportunities and knowledge that can be gained from an inclusive and diverse workforce. In 2017–18 we also established a Diversity and Inclusion Activity Plan which sets out a list of practical activities that the AAT will be involved in to promote and encourage diversity and inclusion.

We continued our participation in the APSC Indigenous Pathways Graduate Program during the reporting year, engaging one graduate who will undertake four three-month rotations in different areas of the AAT.

Work health and safety

We are committed to providing and maintaining a safe and healthy work environment through cooperative, consultative relationships. We use a range of mechanisms to promote a positive health and safety culture, including regular intranet news articles about WHS initiatives.

In 2017–18, the AAT’s WHS committees and WHS coordinator undertook a number of activities to ensure we comply with the *Work Health and Safety Act 2011* and the *Safety, Rehabilitation and Compensation Act 1988*. The Rehabilitation Management System was audited and updated to improve rehabilitation outcomes. A Work Health and Safety Management Plan was also developed.

We undertook a number of health and wellbeing initiatives during the reporting year. We delivered the annual flu vaccination program with an increase in participation to 383 employees, 18 per cent higher than in 2016–17. We continued to perform workstation assessments for new employees and others as part of co-location and also reimbursed staff for eyesight testing and optical correction costs. We supported national and global health awareness campaigns such as the National Ride2Work Day, National Safe Work Month, R U Ok Day and had teams participating in the Global Challenge, a health and wellbeing initiative to help employees develop healthy activity habits.

Notifiable incidents and investigations

No notifiable incidents arising out of the conduct of the AAT’s business occurred in 2017–18. 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, 2015–16 to 2017–18

	2015–16	2016–17	2017–18
Number of claims accepted	0	2	3

Workplace harassment

Our comprehensive policy on the prevention and elimination of harassment, bullying and discrimination in the workplace articulates our expectations of members, managers and other staff. To support workplace harassment prevention, a number of initiatives were undertaken during the reporting year, including encouraging staff to view Safe Work Australia’s virtual seminar on Building a Bully-Free Workplace broadcast on Work Mental Health Day and sharing articles supporting positive mental health. Six Workplace Harassment Contact Officers, including one member, were available to members and staff during 2017–18.

Productivity gains

The AAT continued to consolidate and streamline our operations in 2017–18. Our registries moved to single locations in Brisbane and Melbourne, offering opportunities for productivity gains through streamlining local management and integrating the delivery of aspects of registry services. Management of the Melbourne Registry was streamlined ahead of its co-location in late 2017.

We introduced and further developed initiatives 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.

The ongoing implementation of the AAT's digital strategy also delivered productivity improvements during the reporting year. Greater integration was achieved between our single online lodgement platform and case management systems, eliminating data entry previously required of staff and minimising the number of systems that must be maintained.

“The AAT continued to consolidate and streamline our operations in 2017–18. Our registries moved to single locations in Brisbane and Melbourne, offering opportunities for productivity gains through streamlining local management and integrating the delivery of aspects of registry services.”

Purchasing

The AAT's procurement policies and practices reflect the principles and requirements in the Commonwealth Procurement Rules. We relied on our Accountable Authority Instructions and other guidance material in 2017–18 to ensure that staff with purchasing duties focused 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 or prequalified tender processes were employed unless the procurement was covered by a mandatory whole-of-government arrangement or a standing offer or 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.

We support small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises and Small Enterprise participation statistics are available on the Department of Finance's website: 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, 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 noted above. Consultants were engaged in 2017–18 to investigate issues, carry out independent reviews and evaluations, and provide independent advice, information and solutions to assist in our decision-making.

During 2017–18, 19 new consultancy contracts were entered into involving total actual expenditure of \$553,855. In addition, six ongoing consultancy contracts were active during the period, involving total actual expenditure of \$374,862.

The following table 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, 2015–16 to 2017–18

	2015–16	2016–17	2017–18
Total actual expenditure (incl GST)	\$568,856	\$827,417	\$928,717

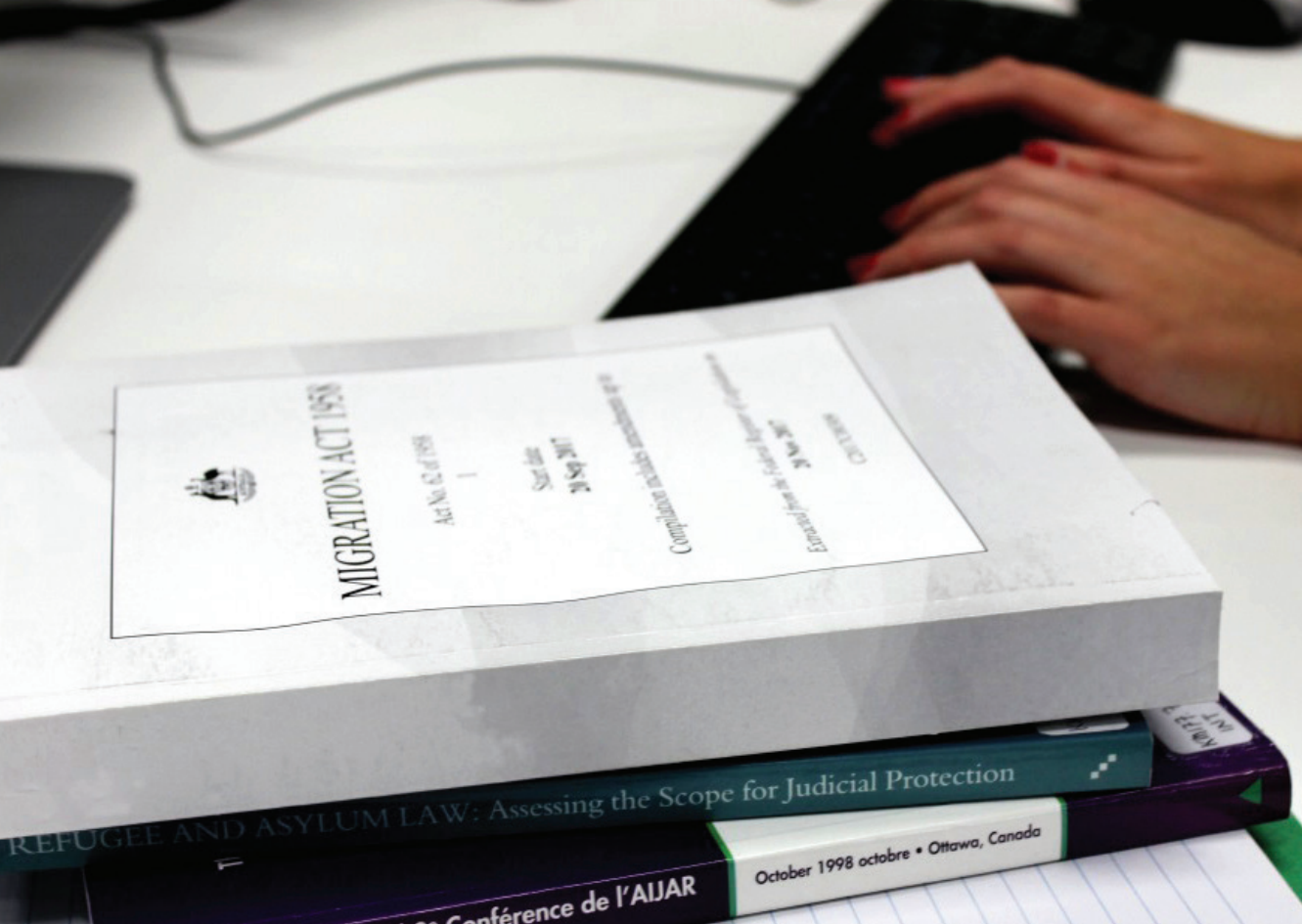
Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website www.tenders.gov.au.

Reporting on purchases

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 2017–18 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.



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 administering the Migration Act, 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 other 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 Authority 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 Home Affairs.

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 2018, Ms Sobet Haddad was the Senior Reviewer and there were 32 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 was marginally lower in 2017–18 than in 2016–17. The IAA received an average of 185 referrals per month in 2017–18.

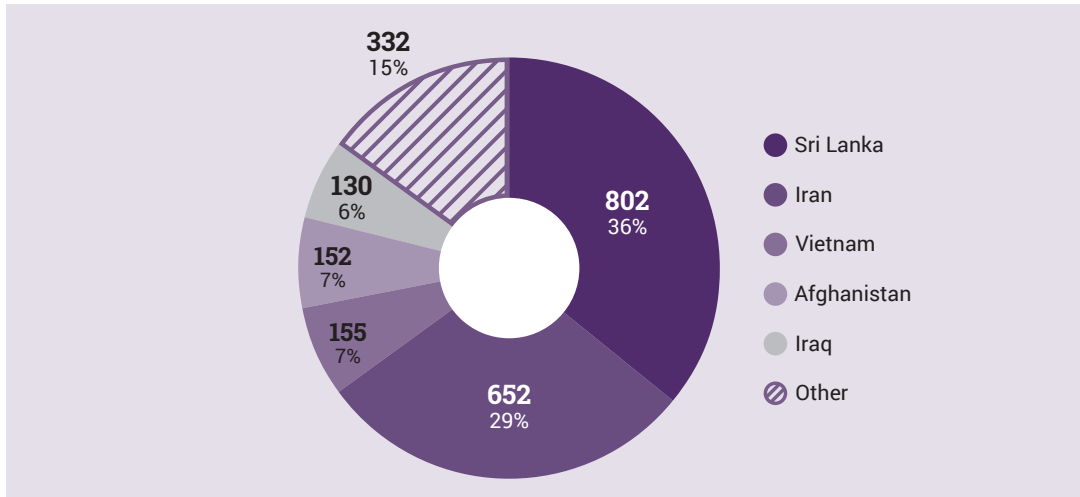
The top five countries of reference of referred applicants in 2017–18 were Sri Lanka, Iran, Vietnam, Afghanistan and Iraq. Chart 5.2 shows the number and proportion of referrals made for these five and all other countries.

Table 5.1 IAA caseload overview, 2015–16 to 2017–18

	REFERRALS	FINALISATIONS	ON HAND AT YEAR END	MEDIAN TIME TO FINALISE (WEEKS)
2015–16 ^a	264	130	134	5
2016–17	2,664	1,604	1,194	11
2017–18	2,223	2,481	936	28

^a The IAA commenced operations in October 2015.

Chart 5.2 IAA referrals by country of reference, 2017–18



The IAA finalised 2,481 cases in 2017–18, 55 per cent more than the number finalised in 2016–17. The significant increase in finalisations resulted in a 22 per cent decrease in the number of on-hand cases as at 30 June 2018 compared with the end of the previous reporting year. The median number of weeks from referral to decision for the reporting period was 28 weeks.

The IAA affirmed the decision under review in 2,217 cases. The decision was remitted to the Department for reconsideration in 238 cases. Twenty-six 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, 2016–17 and 2017–18.

Table 5.3 Outcomes of IAA reviews, 2015–16 to 2017–18

	DECISION AFFIRMED		DECISION REMITTED		OTHER ^a	
	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%
2017–18	2,217	89%	238	10%	26	1%

^a Cases referred to the IAA in error.

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. As shown in Table 5.4, a significant proportion of IAA decisions are subject to judicial review. In the period to 30 June 2018, all initial applications have been lodged by applicants who did not receive a favourable decision.

During the reporting year, the Federal Circuit Court finalised 462 judicial review applications. In 88 of those applications (19 per cent), the case was remitted to the IAA: 62 by consent and 26 by judgment. There have been 234 further appeals lodged, including 198 to the Federal Court and 36 to the High Court. Of these appeals, four were Minister's appeals and the remaining 230 were by applicants appealing a decision to dismiss the judicial review application.

Table 5.4 shows the outcomes of judicial review applications that have been finally determined in the last three financial years. As at 30 June 2018, a total of 2,653 applications remain unresolved, including appeals against decisions of the Federal Circuit Court.

Table 5.4 IAA court appeals lodged and finalised, 2015–16 to 2017–18

	COURT APPEALS LODGED		COURT APPEALS FINALISED ^c		
	Lodged ^a	Proportion of total IAA decisions ^b	Allowed	Dismissed or Discontinued	Total appeals finalised
	No	%	No	No	No
2015–16	46	35.4%	1	0	1
2016–17	1,056	65.8%	19	34	53
2017–18	1,933	77.9%	100	228	328
TOTAL	3,035	72.0%	120	262	382

^a These figures include some appeals lodged in relation to decisions made in a previous year.

^b This figure represents the number of appeals lodged in each period as a proportion of all IAA decisions made in that reporting year that could have been appealed to the courts.

^c 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.

Significant court decision

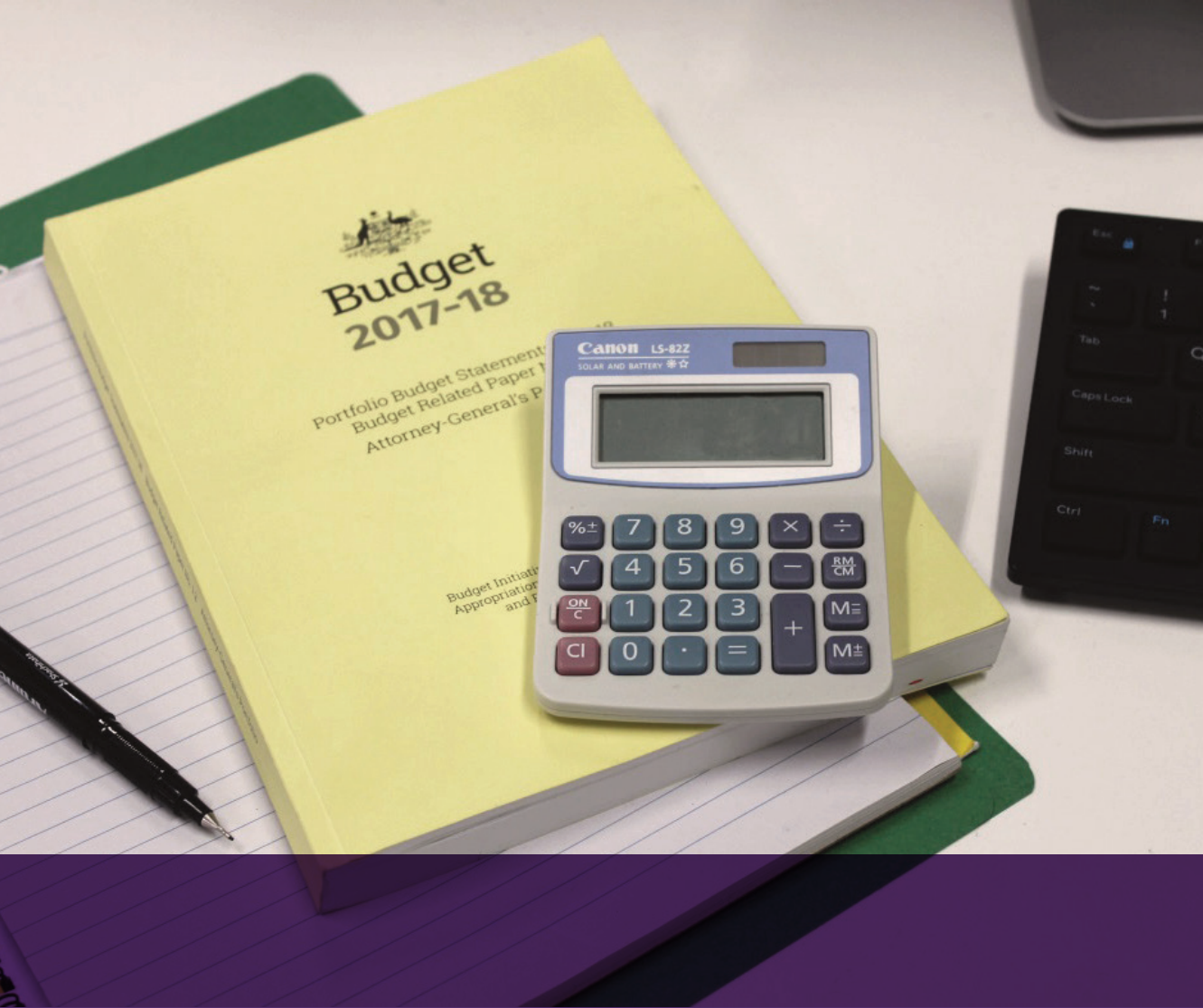
Plaintiff M174/2016 v Minister for Immigration and Border Protection [2018] HCA 16

In this case, the High Court considered for the first time the legislative provisions relating to the IAA's review process. The applicant sought to have the decisions of both the Minister's delegate and the IAA quashed on the basis that the delegate did not invite him to comment on certain information and thereby failed to comply with the procedural fairness obligations set out in the code of procedure in the Migration Act. Following referral to the IAA, the applicant requested that the IAA interview him and other persons, and submitted further documents responding to the information obtained by the delegate. The IAA was satisfied it could take one of the further documents into account but declined to conduct interviews as it considered he had been given an opportunity to present his claims and respond to relevant issues.

The High Court held that the delegate's decision was a 'fast track reviewable decision' regardless of whether there was compliance with the code of procedure. The IAA's task was to consider the application afresh and determine for itself whether or not it was satisfied that the criteria for the grant of the visa were met. The High Court did observe, however, that where a delegate fails to put information in accordance with the code of procedure, the IAA may need to consider exercising its discretion to invite the applicant to give new information in response to the relevant information. In this case, the delegate did not fail to comply with the code of procedure in respect of the particular information and so the issue did not arise. The High Court also held that the IAA had not acted unreasonably in deciding not to conduct interviews.

Complaints

During 2017–18, 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 2018:

- (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 2018 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 2018 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, comprising an Overview note.

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* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. 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.

GPO Box 707 CANBERRA ACT 2601
19 National Circuit BARTON ACT
Phone (02) 6203 7300 Fax (02) 6203 7777

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 entity's operations will cease as a result of an administrative restructure or for any other reason. The Registrar is also responsible for disclosing, as applicable, matters related to going concern 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



Rahul Tejani
Acting Executive Director
Delegate of the Auditor-General

Canberra
6 September 2018

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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 2018 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

6 September 2018



David Donovan
Chief Financial Officer

6 September 2018

Statement of Comprehensive Income

for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original budget \$'000	
NET COST OF SERVICES					
Expenses					
Employee benefits	1.1A	106,992	100,606	126,247	1
Suppliers	1.1B	35,080	33,981	32,304	
Depreciation and amortisation	3.2A	10,069	8,395	6,290	2
Write-down and impairment of assets	1.1C	(490)	4,320	-	3
Losses from asset sales	3.2A	111	36	-	
Other expenses	1.1D	2,373	2,729	-	4
Total expenses		154,135	150,067	164,841	
Own-Source Income					
Own-source revenue					
Sale of goods and rendering of services	1.2A	831	895	1,177	
Other revenue	1.2B	80	85	-	
Total own-source revenue		911	980	1,177	
Gains					
Other gains	1.2C	525	1,453	1,361	
Total gains		525	1,453	1,361	
Total own-source income		1,436	2,433	2,538	
Net cost of services		(152,699)	(147,634)	(162,303)	
Revenue from Government	1.2D	152,450	144,442	156,013	
Share of associates and joint ventures					
Deficit before income tax on continuing operations		(249)	(3,192)	(6,290)	
Income tax expense		-	-	-	
Deficit after income tax on continuing operations		(249)	(3,192)	(6,290)	
OTHER COMPREHENSIVE INCOME					
Items not subject to subsequent reclassification to net cost of services					
Changes in asset revaluation surplus		87	(188)	-	
Total other comprehensive income/(loss)		87	(188)	-	

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 than budgeted member appointments and staff engagements, and lower than anticipated workload for the National Disability Insurance Scheme (NDIS).

2 Depreciation and amortisation

The variance against depreciation and amortisation predominantly relates to fit-out at co-located AAT registries. This increase is now reflected at 2018-19 Budget.

3 Write-down and impairment of assets

The impact of asset write-downs and impairment adjustments is not considered as part of the budget process as it is difficult to estimate. AAT provided for impairment of leasehold fit-out at its Melbourne premises in 2016-17 in anticipation of early termination of the leases. The excess in this impairment provision has now written back upon vacating the premises in December 2017.

4 Other expenses

Other expenses relate to estimated amounts payable on lease obligations at a Melbourne premises AAT no longer occupies. The lease expires in 2019, and estimates include minimum obligations under the lease contracts. This was not anticipated at the time of the original budget.

Statement of Financial Position

as at 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	3.1A	363	367	489
Trade and other receivables	3.1B	81,977	98,639	72,465
Total financial assets		82,340	99,006	72,954
Non-financial assets				
Buildings	3.2A	50,854	39,819	48,886
Plant and equipment	3.2A	4,641	3,870	2,855
Computer software	3.2A	4,768	4,331	1,731
Other non-financial assets	3.2B	2,108	991	546
Total non-financial assets		62,371	49,011	54,018
Total assets		144,711	148,017	126,972
LIABILITIES				
Payables				
Suppliers	3.3A	1,775	9,418	1,899
Other payables	3.3B	30,734	26,379	25,039
Total payables		32,509	35,797	26,938
Provisions				
Employee provisions	6.1A	22,327	20,799	20,189
Other provisions	3.4A	3,322	8,507	2,330
Total provisions		25,649	29,306	22,519
Total liabilities		58,158	65,103	49,457
Net assets		86,553	82,914	77,515
EQUITY				
Contributed equity		90,175	86,374	90,175
Reserves		5,040	4,953	5,141
Accumulated deficit		(8,662)	(8,413)	(17,801)
Total equity		86,553	82,914	77,515

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 during the year. Refer to the cash flow statement for detailed commentary.

2 Plant and equipment

The variance against plant and equipment is due to increased investment in technology and hardware infrastructure to enhance operational efficiency.

3 Computer software

The variance against computer software is the result of system developments in case management and financial management reporting systems to support amalgamated operations.

4 Other payables

The variance against other payables relates to landlord fit-out incentive received from co-located premises at Brisbane and Melbourne. This information was not available at the time of developing the original budget.

5 Employee provisions

The variance against employee provisions relates to provision made for separation and redundancy benefits. Refer to note 6.1 for AAT’s policy.

Statement of Changes in Equity*for the period ended 30 June 2018*

	Notes	2018 \$'000	2017 \$'000	Original budget \$'000
CONTRIBUTED EQUITY				
Opening balance				
Balance carried forward from previous period		86,374	55,056	86,374
Adjusted opening balance		86,374	55,056	86,374
Transactions with owners				
Contributions by owners				
Equity injection - appropriations		-	18,343	-
Departmental capital budget	5.1A	3,801	4,075	3,801
Restructuring		-	8,900	-
Total transactions with owners		3,801	31,318	3,801
Transfers between equity components		-	-	-
Closing balance as at 30 June		90,175	86,374	90,175
RETAINED EARNINGS				
Opening balance				
Balance carried forward from previous period		(8,413)	(5,221)	(11,511)
Adjusted opening balance		(8,413)	(5,221)	(11,511)
Comprehensive income				
Deficit for the period		(249)	(3,192)	(6,290) ¹
Total comprehensive income		(249)	(3,192)	(6,290)
Transfers between equity components		-	-	-
Closing balance as at 30 June		(8,662)	(8,413)	(17,801)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		4,953	5,141	5,141
Adjusted opening balance		4,953	5,141	5,141
Comprehensive income				
Other comprehensive income		87	(188)	-
Total comprehensive income		87	(188)	-
Transfers between equity components		-	-	-
Closing balance as at 30 June		5,040	4,953	5,141
TOTAL EQUITY				
Opening balance				
Balance carried forward from previous period		82,914	54,976	80,004
Adjusted opening balance		82,914	54,976	80,004
Comprehensive income				
Deficit for the period		(249)	(3,192)	(6,290)
Other comprehensive income		87	(188)	-
Total comprehensive income		(162)	(3,380)	(6,290)
Transactions with owners				
Contributions by owners				
Equity injection - appropriations		-	18,343	-
Departmental capital budget		3,801	4,075	3,801
Restructuring		-	8,900	-
Total transactions with owners		3,801	31,318	3,801
Transfers between equity components		-	-	-
Closing balance as at 30 June		86,553	82,914	77,515

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 Comprehensive income - deficit for the period

For detailed commentary, refer to statement of comprehensive income.

Cash Flow Statement

for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		161,535	137,979	157,882
Sale of goods and rendering of services		1,069	909	1,177
Other		9,594	4,465	-
Total cash received		172,198	143,353	159,059
Cash used				
Employees		(105,435)	(99,085)	(127,491)
Suppliers		(55,480)	(31,780)	(31,568)
Net GST paid		(204)	(622)	-
Total cash used		(161,119)	(131,487)	(159,059)
Net cash from/(used by) operating activities		11,079	11,866	-
INVESTING ACTIVITIES				
Cash used				
Purchase of property, plant and equipment		(21,846)	(17,276)	(16,801)
Total cash used		(21,846)	(17,276)	(16,801)
Net cash from/(used by) investing activities		(21,846)	(17,276)	(16,801)
FINANCING ACTIVITIES				
Cash received				
Contributed equity	5.1A	10,763	5,288	16,801
Cash received on restructuring of administrative arrangements		-	-	-
Total cash received		10,763	5,288	16,801
Net cash from/(used by) financing activities		10,763	5,288	16,801
Net increase/(decrease) in cash held		(4)	(122)	-
Cash and cash equivalents at the beginning of the reporting period		367	489	489
Cash and cash equivalents at the end of the reporting period	3.1A	363	367	489

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 a fit-out incentive received for AAT's new office in Brisbane that was not anticipated at the 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 the statement of comprehensive income.

3 Operating activities - cash used - suppliers

The variance against operating activities - cash used - suppliers is predominantly due to a payment made on early termination of a Melbourne leased premises.

4 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 completion of Melbourne and Brisbane fit-out works.

5 Financing activities - cash received - contributed equity

The variance against financing activities - cash received - contributed equity is due to fit-out works being partially funded by lease incentives received.

Administered Schedule of Comprehensive Income

for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original budget \$'000	
NET COST OF SERVICES					
Expenses					
Bad debts (Refugee review post decision fees)	2.1	4,288	4,867	2,600	1
Other expenses	2.1	5,020	6,083	6,400	2
Total expenses		9,308	10,950	9,000	
Income					
Non-taxation revenue					
Other revenue	2.2	49,749	36,241	28,361	3
Total non-taxation revenue		49,749	36,241	28,361	
Total revenue		49,749	36,241	28,361	
Total income		49,749	36,241	28,361	
Net (cost of)/contribution by services		40,441	25,291	19,361	
Surplus/(Deficit)		40,441	25,291	19,361	
Total comprehensive income/(loss)		40,441	25,291	19,361	

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)

Bad debts are provided on refugee review post decision fees receivable on an annual basis based on repayment history. Variance is predominantly driven by repayment history and is beyond AAT's control.

2 Other expenses

Other expenses predominantly consist of application fees refunded to appeal applicants when the Migration Review or General divisions affirm or set aside decisions under review. This variance is the combined result of lower number of reviews and outcomes from reviews in 2017-18.

3 Other revenue

The variance against other revenue relates to the higher volume of applications received by the AAT in 2017-18.

Administered Schedule of Assets and Liabilities

as at 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original budget \$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	4.1A	308	218	138	1
Trade and other receivables	4.1B	2,814	2,727	2,210	2
Total financial assets		3,122	2,945	2,348	
Total assets administered on behalf of Government					
		3,122	2,945	2,348	
LIABILITIES					
Payables					
Suppliers	4.2A	287	283	-	3
Total payables		287	283	-	
Total liabilities administered on behalf of Government					
		287	283	-	
Net assets		2,835	2,662	2,348	

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 volumes of applications received by the AAT in 2017-18.

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 2018. 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

		2018	2017
	Notes	\$'000	\$'000
Opening assets less liabilities as at 1 July		2,661	2,526
Adjusted opening assets less liabilities		2,661	2,526
Net (cost of)/contribution by services			
Income	2.2	49,749	36,241
Expenses			
Payments to entities other than corporate Commonwealth entities	2.1	(9,308)	(10,950)
Special appropriations (limited)			
Payments to entities other than corporate Commonwealth entities		4,994	6,126
Appropriation transfers to OPA			
Transfers to OPA		(45,261)	(31,282)
Closing assets less liabilities as at 30 June		2,835	2,661

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 2018*

	Notes	2018 \$'000	2017 \$'000
OPERATING ACTIVITIES			
Cash received			
Application fees		45,373	31,446
Total cash received		<u>45,373</u>	<u>31,446</u>
Cash used			
Refund of application fees		5,016	6,237
Total cash used		<u>5,016</u>	<u>6,237</u>
Net cash from operating activities		<u>40,357</u>	<u>25,209</u>
INVESTING ACTIVITIES			
FINANCING ACTIVITIES			
Cash from Official Public Account			
Appropriations		4,994	6,126
Total cash from Official Public Account		<u>4,994</u>	<u>6,126</u>
Cash to Official Public Account			
Appropriations		(45,261)	(31,279)
Total cash to Official Public Account		<u>(45,261)</u>	<u>(31,279)</u>
Cash and Cash Equivalents at the beginning of the reporting period		218	162
Cash and Cash Equivalents at the end of the reporting period	4.1A	<u>308</u>	<u>218</u>
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 2017; 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. Where necessary, the comparative information for the preceding financial year has been reclassified to achieve consistency in disclosure with current financial year amounts. The financial statements are presented in Australian dollars.

New Accounting Standards

All 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.

The AAT will adopt AASB 16 for FY 2018-19 but the impact of this accounting standard is not known at the date of preparation of this financial statement.

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.

Notes to and forming part of the financial statements

Financial Performance

This section analyses the financial performance of the AAT for the year ended 30 June 2018.

1.1 Expenses

	2018	2017
	\$'000	\$'000
1.1A: Employee benefits		
Wages and salaries	83,728	78,274
Superannuation		
Defined contribution plans	7,348	6,576
Defined benefit plans	6,809	7,241
Leave and other entitlements	7,459	8,515
Separation and redundancies	1,648	-
Total employee benefits	106,992	100,606

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

Property operating	5,554	4,240
IT Services	2,773	2,430
Hearing related	2,773	3,304
Contractors	2,355	1,007
Travel	1,890	1,211
Subscriptions	1,291	1,190
Outsourced Services	1,444	1,317
Consultants	1,054	743
Office support	892	1,050
Training & development	746	426
Other	1,157	1,277
Total goods and services supplied or rendered	21,929	18,195
Goods supplied	787	542
Services rendered	21,142	17,653
Total goods and services supplied or rendered	21,929	18,195

Other suppliers

Operating lease rentals	12,995	15,331
Workers compensation expenses	156	455
Total other suppliers	13,151	15,786
Total suppliers	35,080	33,981

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. No commitment is recorded in relation to the AAT's occupancy of the Commonwealth-owned law courts in Hobart, which are occupied under a memorandum of understanding with the Department of Finance.

Commitments for minimum lease payments in relation to non-cancellable

operating leases are payable as follows:

Within 1 year	18,685	13,786
Between 1 to 5 years	72,027	54,851
More than 5 years	56,342	55,438
Total operating lease commitments	147,054	124,075

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

	2018	2017
	\$'000	\$'000
<u>1.1C: Write-Down and impairment of assets</u>		
Impairment of property, plant and equipment	(490)	4,145
Impairment on intangible assets	-	175
Total write-down and impairment of assets	(490)	4,320
<u>1.1D: Other expenses</u>		
Onerous lease expense	2,373	2,729
Total other expenses	2,373	2,729

Notes to and forming part of the financial statements

1.2 Own-Source Revenue and gains

	2018	2017
	\$'000	\$'000

Own-Source Revenue

1.2A: Sale of goods and rendering of services

Rendering of services	831	895
Total sale of goods and rendering of services	831	895

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	80	85
Total other revenue	80	85

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.

Gains

1.2C: Other gains

Resources received free of charge	173	1,101
Liabilities assumed by other departments	352	352
Total other gains	525	1,453

1.2D: Revenue from Government

Appropriations		
Departmental appropriations	152,450	144,442
Total revenue from Government	152,450	144,442

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

	2018 \$'000	2017 \$'000
2.1: Other expenses		
Refund of application fees	5,020	6,083
Bad debts expense	4,288	4,867
Total other expenses	9,308	10,950

2.2 Administered - Income

	2018 \$'000	2017 \$'000
Revenue		
2.2: Other revenue		
Application fees	49,749	36,241
Total other revenue	49,749	36,241

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

	2018 \$'000	2017 \$'000
3.1A: Cash and cash equivalents		
Cash on hand or on deposit	363	367
Total cash and cash equivalents	363	367
3.1B: Trade and other receivables		
Goods and services receivables		
Goods and services	600	2,625
Total goods and services receivables	600	2,625
Appropriations receivables		
Appropriation receivable	80,741	93,742
Receivable from Department of Finance	-	2,006
Total appropriations receivables	80,741	95,748
Other receivables		
Statutory receivables	636	266
Total other receivables	636	266
Total trade and other receivables (gross)	81,977	98,639
Total trade and other receivables (net)	81,977	98,639

Credit terms for goods and services were within 30 days (2017: 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
As at 1 July 2017				
Gross book value	43,964	3,870	19,266	67,100
Accumulated depreciation, amortisation and impairment	(4,145)	-	(14,935)	(19,080)
Total as at 1 July 2017	39,819	3,870	4,331	48,020
Additions				
Purchase	15,508	3,010	3,328	21,846
Revaluations and impairments recognised in other comprehensive income	227	(140)	-	87
Reversal of impairments recognised in net cost of services	490	-	-	490
Depreciation and amortisation	(5,184)	(1,994)	(2,891)	(10,069)
Disposals				
Other	(6)	(105)	-	(111)
Total as at 30 June 2018	50,854	4,641	4,768	60,263
Total as at 30 June 2018 represented by				
Gross book value	50,854	4,641	22,594	78,089
Accumulated depreciation, amortisation and impairment	-	-	(17,826)	(17,826)
Total as at 30 June 2018	50,854	4,641	4,768	60,263

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

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 7.3. On 30 June 2018, an independent valuer conducted the revaluations. Total revaluation increment recognised in other comprehensive income is \$87,000 (2017: revaluation decrease recognised in other comprehensive loss of \$188,000).

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

As at the reporting date, the AAT has no contractual commitments 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:

	2018	2017
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 2018. 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 (2017: 3 to 20 years).

All software assets were assessed for indications of impairment as at 30 June 2018.

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

	2018	2017
	\$'000	\$'000

3.2B: Other non-financial assets

Prepayments	2,108	991
Total other non-financial assets	2,108	991

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

3.3 Payables

	2018	2017
	\$'000	\$'000

3.3A: Suppliers

Trade creditors and accruals	1,775	9,418
Total suppliers	1,775	9,418

Settlement was usually made within 30 days.

3.3B: Other payables

Salaries and wages	1,112	1,082
Lease incentive	29,622	25,297
Total other payables	30,734	26,379

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

3.4 Other provisions

3.4A: Other provisions

	Onerous contract provision \$'000	Provision for restoration \$'000	Total \$'000
As at 1 July 2017	6,033	2,474	8,507
Additional provisions made	2,273	-	2,273
Amounts used	(5,572)	(1,902)	(7,474)
Unwinding of discount or change in discount rate	-	16	16
Total as at 30 June 2018	2,734	588	3,322

Accounting Judgements and Estimates

The AAT is required to restore two (2017: six) of its leased commercial office accommodation 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 obligations 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

	2018	2017
	\$'000	\$'000

4.1A: Cash and cash equivalents

Cash on hand or on deposit	308	218
Total cash and cash equivalents	308	218

4.1B: Trade and other receivables

Other receivables		
Fees	12,792	10,070
Total other receivables	12,792	10,070
Total trade and other receivables (gross)	12,792	10,070
Less impairment allowance	(9,978)	(7,343)
Total trade and other receivables (net)	2,814	2,727

Credit terms for goods and services were within 30 days (2017: 30 days).

Reconciliation of the impairment allowance

	Other receivables
	\$'000
Movements in relation to 2018	
As at 1 July 2017	7,343
Amounts written off	(1,653)
Amounts recovered and reversed	-
Increase/(Decrease) recognised in net cost of services	4,288
Total as at 30 June 2018	9,978

Movements in relation to 2017	Other receivables
	\$'000
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
Total as at 30 June 2017	7,343

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

	2018	2017
	\$'000	\$'000

4.2A: Suppliers

Trade creditors and accruals	287	283
Total suppliers	287	283

Settlement was usually made within 30 days.

Notes to and forming part of the financial statements

Funding

This section identifies AAT's funding structure.

5.1 Appropriations

5.1A: Annual appropriations ('Recoverable GST exclusive')

Annual appropriations for 2018

	Annual appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2018 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	156,037	10,251	166,288	172,198	(5,910)
Capital budget ⁴	3,801	-	3,801	10,763	(6,962)
Other services	-	-	-	-	-
Equity injections	-	-	-	-	-
Loans	-	-	-	-	-
Total departmental	159,838	10,251	170,089	182,961	(12,872)

1. In 2017-18 \$1.478m 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 estimates variations.

2. PGPA Act Section 74 receipts relate to lease incentives received and revenue received for rendering of services.

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

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

Annual appropriations for 2017

	Annual appropriation \$'000	Adjustments to appropriation ¹ \$'000	Total appropriation \$'000	Appropriation applied in 2016 (current and prior years) \$'000	Variance ² \$'000
Departmental					
Ordinary annual services	142,194	15,452	157,646	143,353	14,293
Capital budget ⁴	4,075	-	4,075	4,075	-
Other services	-	-	-	-	-
Equity injections	18,343	-	18,343	1,213	17,130
Loans	-	-	-	-	-
Total departmental	164,612	15,452	180,064	148,641	31,423

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.

Notes to and forming part of the financial statements

5.1B: Unspent annual appropriations ('Recoverable GST exclusive')

	2018	2017
	\$'000	\$'000
Departmental		
Appropriation Act (No. 1) 2015-16	-	278
Appropriation Act (No. 3) 2015-16	-	700
Appropriation Act (No. 1) 2016-17	10,458	75,595
Appropriation Act (No. 2) 2016-17	6,367	17,130
Appropriation Act (No. 3) 2016-17	-	38
Appropriation Act (No. 1) 2017-18	64,044	-
Cash at bank	363	367
Total departmental	81,232	94,108
Administered		
Cash at bank	308	218
Total administered	308	218

5.1C: Special appropriations ('Recoverable GST exclusive')

	Appropriation applied	
	2018	2017
	\$'000	\$'000
Authority		
Public Governance, Performance and Accountability Act 2013 s.77, Administered	4,994	6,126
Total special appropriations applied	4,994	6,126

5.2 Net Cash Appropriation Arrangements

	2018	2017
	\$'000	\$'000
Total comprehensive income less depreciation/amortisation expenses previously funded through revenue appropriations	10,156	8,207
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	(10,069)	(8,395)
Total comprehensive income/(loss) - as per the Statement of Comprehensive Income	87	(188)

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

	2018	2017
	\$'000	\$'000
6.1A: Employee provisions		
Leave	20,684	20,799
Separations and redundancies	1,643	-
Total employee provisions	22,327	20,799

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 2018. 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 assessed and determined its key management personnel to be the Portfolio Minister, AAT President and Registrar.

In the 2016-17 financial statements, key management personnel also included AAT Division Heads, Senior Reviewer of the Immigration Assessment Authority and Executive Directors. This assessment no longer applies, as these personnel make operational decisions in respective areas of responsibilities and do not satisfy definition of a key management personnel in accordance with AASB 124. As a result, the 2017 comparative key management personnel remuneration has been restated to exclude those 9 key management personnel and their remuneration expenses of \$2.596m. Key management personnel remuneration is reported in the table below:

	2018	Restated 2017
	\$'000	\$'000
Short-term employee benefits	322	319
Post-employment benefits	54	54
Other long-term employee benefits	36	35
Termination benefits	-	-
Total key management personnel remuneration expenses¹	412	408

The total number of key management personnel that are included in the above table is 1 (2017: 1).

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. The AAT President's remuneration and other benefits are reimbursed to the Federal Court of Australia by the AAT, which in accordance with PGPA (Financial Reporting) Rule 2015, paragraph 27(2), is not required to be included in the above.

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 (2017: no material related party transactions to be separately disclosed).

Notes to and forming part of the financial statements

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 2018.

Unquantifiable contingencies

There are no unquantifiable or remote contingencies at 30 June 2018.

Quantifiable administered contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2018.

Unquantifiable administered contingencies

There are no unquantifiable or remote contingencies at 30 June 2018.

AAT has entered into lease contracts as a lessee which contain as yet unutilised lease incentive amounts. An asset with a corresponding offsetting liability will be recognised upon meeting the conditions of utilisation.

Notes to and forming part of the financial statements

7.2 Financial Instruments

	2018 \$'000	2017 \$'000
7.2A: Categories of financial instruments		
Financial assets		
Cash and cash equivalents	363	367
Loans and receivables		
Goods and services receivables	600	2,625
Total financial assets	963	2,992
Financial liabilities		
Financial liabilities measured at amortised cost		
Trade creditors and accruals	1,775	9,418
Total financial liabilities measured at amortised cost	1,775	9,418
Total financial liabilities	1,775	9,418

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

On 30 June 2018 an independent valuer, Jones Lang LaSalle (JLL) conducted the revaluations. In accordance with AASB 13, JLL 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 JLL 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 2018, there has been no transfer between value input.

7.3A: Fair value measurement

	Fair value measurements at the end of the reporting period	
	2018 \$'000	2017 \$'000
Non-financial assets		
Leasehold improvements	24,429	23,601
Plant and equipment - other	62	143
Plant and equipment - library collection	99	207
Plant and equipment - computer equipment	1,561	865



Appendices

Appendix 1: Members of the AAT

This appendix contains:

- a list of the AAT's members at 30 June 2018
- a table showing the number of Senior Members and Members assigned to each of the AAT's divisions at 30 June 2018
- lists of members whose term of appointment or reappointment commenced or ended in 2017–18
- profiles of the President, the Division Heads and the Deputy Division Heads.

Members at 30 June 2018

The list of the AAT's members at 30 June 2018 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 Migration Review Tribunal, Refugee Review Tribunal or Social Security Appeals Tribunal 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 AAT in any of the divisions. Senior Members and Members may exercise the powers of the AAT only in the divisions to which they have been assigned. The divisions to which Senior Members and Members were assigned as at 30 June 2018 are indicated in the table as follows:

F	Freedom of Information Division
G	General 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 2018

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
President				
The Honourable Justice David Thomas	27/06/2017	26/06/2024	Qld	
Deputy Presidents				
Judges of the Federal Court of Australia				
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	
The Honourable Justice John Logan RFD	24/11/2010	23/11/2020	Qld	

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
The Honourable Justice John Middleton	24/11/2010	23/11/2020	Vic	
The Honourable Justice Alan Robertson	12/11/2015	09/05/2020	NSW	
The Honourable Justice Richard White	29/05/2015	28/05/2020	SA	
Judges of the Family Court of Australia				
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	
Non-judicial Deputy Presidents – Full-time				
Mr Stephen Boyle	01/07/2017	30/06/2024	WA	
Mr James Constance	09/12/2010	08/12/2022	NSW	
Miss Stephanie Forge	08/09/1988	03/11/2021	Vic	
Mr Gary Humphries	01/01/2015	31/12/2019	ACT	
Mr Bernard McCabe	01/07/2001	24/03/2019	NSW	
Dr Peter McDermott RFD	15/11/2004	30/11/2022	Qld	
Mr Brian Rayment QC	01/07/2017	30/06/2024	NSW	
Ms Jan Redfern PSM	21/03/2016	20/03/2023	NSW	
Mr Jim Walsh	01/07/2015	24/03/2019	Qld	
Non-judicial Deputy Presidents – Part-time				
The Honourable Dennis Cowdroy OAM	01/03/2016	28/02/2021	NSW	
Mr Richard Hanger QC	01/10/2017	30/11/2024	Qld	
Major General Gregory Melick AO RFD SC	05/09/2014	04/09/2019	Tas	
Mr Ian Molloy	11/04/2013	10/04/2018	Qld	
Mr Francis O'Loughlin	23/09/2009	30/06/2024	Vic	
Mr John Sosso	30/05/2016	31/10/2024	Qld	
Senior Members				
Senior Members – Full-time				
Ms Diana Benk	01/07/2015	31/12/2024	NSW	So
Mr John Billings	01/07/2015	30/06/2019	Vic	M N
Mr Robert Cameron	01/12/2017	30/11/2024	Vic	F G M N Sec V
Mr John Cipolla	01/07/2015	30/06/2021	NSW	G M
Mr Paul Clauson	01/12/2017	30/11/2024	Qld	F G M N Sec V
Mr Michael Cooke	01/07/2015	30/06/2024	NSW	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Dr Denis Dragovic	30/05/2016	29/05/2023	Vic	M
Ms Ann Duffield	25/07/2016	30/06/2024	Qld	M
Mr Richard Ellis	01/07/2017	30/06/2024	WA	N So
Dr Michelle Evans	01/12/2017	30/11/2024	WA	F G M N T V
Mr Bruce Harvey	01/07/2015	24/07/2018	SA	N So
Mr Brenton Illingworth	01/12/2017	30/11/2024	SA	F G M N V
Mr Michael Ison	01/07/2017	30/06/2024	Vic	M
Ms Josephine Kelly	01/07/2015	11/11/2020	NSW	G M N Sec T V
Mr James Lambie	01/12/2017	30/11/2024	Qld	F G M V
Mr Donald Morris	26/02/2016	30/11/2024	Vic	G M Sec So V
Ms Louise Nicholls	01/07/2015	30/06/2024	NSW	M N
Mr Andrew Nikolic AM CSC	16/01/2017	15/01/2024	Vic	F G Sec V
Dr Irene O'Connell	01/07/2015	25/02/2021	NSW	M N
Mr Justin Owen	01/07/2017	30/06/2024	NSW	M
Ms Adria Poljak	30/05/2016	29/05/2019	NSW	G M Sec
Mr Christopher Puplick AM	18/12/2017	17/12/2022	NSW	F G N
Ms Kira Raif	01/07/2015	30/06/2021	NSW	G M
Mr Theo Tavoularis	13/06/2016	12/06/2021	Qld	F G T V
Ms Rachel Westaway	01/07/2015	30/06/2024	Vic	M
Mr Perry Wood	25/03/2016	30/06/2024	Vic	M
Ms Antoinette Younes	01/07/2015	30/06/2024	NSW	G M
Senior Members – Part-time				
Mr John Black	01/10/2017	30/11/2024	Qld	M So
Mr Peter Britten-Jones ^a	25/03/2016	24/03/2021	SA	F G T
Mr Grant Chapman	01/10/2017	30/11/2024	SA	M
Mr Anthony Cotter	05/09/2014	04/09/2019	Qld	G T V
Dr Damien Cremean	01/06/2015	30/09/2024	Vic	G Sec V
Ms Ann Cunningham	05/09/1995	30/11/2024	Tas	F G M N Sec T V
Mr Donald Davies	01/03/2016	28/02/2021	Qld	G M 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
Mr Louie Hawas	25/03/2016	30/06/2024	Vic	M
Ms Lisa Hespe	01/07/2017	30/06/2024	Vic	T
Ms Linda Kirk	30/01/2017	29/01/2024	NSW	G T V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Gina Lazanas	05/04/2012	30/06/2024	NSW	F G T V
Dr Nicholas Manetta	05/08/2013	04/08/2018	SA	F G T V
Mr Michael McGrowdie	30/05/2016	29/05/2019	NSW	F G V
Dr Teresa Nicoletti	24/08/2006	30/11/2024	NSW	F G T V
Mr Peter Nolan	30/05/2016	29/05/2021	Qld	F G
Mr Rodrigo Pintos-Lopez	01/07/2017	30/06/2024	Vic	G M T
Mr Shahyar Roushan	01/07/2015	30/06/2019	NSW	M
Mr William Stefaniak	25/03/2016	24/03/2021	NSW	F G
Mr Peter Taylor SC	24/08/2006	30/11/2024	NSW	F G T V

Members

Members – Full-time

Mr Ian Berry	01/07/2017	30/06/2024	Qld	M
Mr Thomas Bishop	01/07/2017	30/06/2024	Vic	M
Ms Moira Brophy	13/06/2016	12/06/2019	NSW	M So V
Ms Danica Buljan	16/01/2017	15/01/2024	Vic	M
Ms Simone Burford	01/10/2017	30/09/2024	NSW	G M
Ms Anna Burke	16/01/2017	15/01/2024	Vic	F G V
Ms Catherine Burnett-Wake	01/12/2017	30/11/2024	Vic	M
Mr Kent Chapman	04/04/2016	03/04/2021	Qld	M So
Mr Scott Clarey	01/12/2017	30/11/2024	Vic	M Sec
Ms Helena Claringbold	01/07/2015	30/06/2024	NSW	M
Ms Justine Clarke	01/08/2016	31/07/2021	Vic	M
Mr Timothy Connellan	01/07/2015	30/11/2024	Vic	M
Ms Denise Connolly	01/07/2015	29/06/2020	NSW	M N
Mr Stephen Conwell	01/07/2017	30/06/2024	Vic	M
Ms Angela Cranston	30/05/2016	29/05/2021	NSW	M
Ms Jennifer Cripps Watts	30/05/2016	29/05/2021	NSW	M So
Dr Bridget Cullen	01/07/2017	30/06/2024	Qld	M
Mr Brendan Darcy	01/07/2015	29/06/2020	Vic	M
Ms Susan De Bono	01/07/2017	30/06/2024	Vic	N So
Mr Antonio Dronjic	01/07/2015	30/06/2019	Vic	M
Ms Michelle East	06/02/2017	05/02/2024	WA	G M
Mr Michael Edgoose	01/12/2017	30/11/2024	Vic	M
Mr Colin Edwardes	01/10/2017	30/09/2024	WA	F G M N V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Mr Peter Emmerton	01/07/2017	30/06/2024	SA	M
Mr Tigilagi Eteuati	01/07/2015	29/06/2020	Qld	M
Ms Rosa Gagliardi	01/07/2015	30/06/2024	Vic	M
Mr Nathan Goetz	01/07/2017	30/06/2024	NSW	M
Ms Dominique Grigg	25/03/2016	30/06/2024	Qld	F G T
Ms Fiona Hewson	01/07/2015	30/09/2017	Vic	So
Ms Geraldine Hoeben	01/07/2015	29/06/2020	NSW	M
Dr Colin Huntly	16/01/2017	15/01/2024	WA	M
Ms Mireya Hyland	01/07/2017	30/06/2024	NSW	M
Mr Mark Hyman	30/05/2016	29/05/2019	NSW	G So
Mr Michael Judd	16/01/2017	15/01/2024	WA	M
Ms Nora Lamont	01/07/2017	30/06/2024	Vic	M
Ms Sheridan Lee	01/12/2017	30/11/2024	Vic	M
Mr Simon Letch	16/05/2016	15/05/2019	Qld	So
Mr Joseph Lindsay	01/07/2017	30/06/2024	Vic	M
Mr Shane Lucas	01/10/2017	30/09/2024	Vic	M
Mr Paul Maishman	01/12/2017	30/11/2024	WA	M N So
Mr Russell Matheson	16/01/2017	15/01/2024	NSW	M
Mr David McCulloch	01/07/2015	30/06/2024	NSW	M
Mr Nicholas McGowan	01/07/2015	30/06/2024	NSW	M
Ms Karen McNamara	01/12/2017	30/11/2024	NSW	F M
Ms Amanda Mendes Da Costa	01/10/2017	30/09/2024	Vic	M
Ms Alison Mercer	01/07/2015	30/06/2019	Vic	M
Mr Justin Meyer	04/04/2016	03/04/2021	Vic	M
Ms Helen Moreland	01/07/2017	30/06/2024	Vic	So
Ms Jade Murphy	01/07/2017	30/06/2024	Vic	M
Mr Steven Norman	01/07/2015	30/06/2024	NSW	M
Ms Kim Parker	16/01/2017	15/01/2024	Vic	G N T V
Mr Jason Pennell	01/07/2017	30/06/2024	Vic	M
Ms Regina Pertou OAM	09/08/2004	04/09/2024	Vic	G F N Sec So V
Mr Hugh Sanderson	01/07/2015	30/06/2019	NSW	M
Ms Hannelore Schuster	06/02/2017	05/02/2024	NSW	F So
Ms Mary Sheargold	01/12/2017	30/11/2024	Vic	M
Ms Frances Simmons	01/07/2015	30/06/2024	NSW	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Mr Christopher Smolicz	01/07/2015	30/06/2019	SA	M
Ms Perrohean Sperling PSM	01/07/2017	30/06/2024	Vic	N So
Ms Linda Symons	01/07/2015	30/06/2024	NSW	M
Mr Jeffrey Thomson	30/05/2016	29/05/2021	Qld	G So
Ms Kate Timbs	01/07/2015	29/06/2020	NSW	M So
Mr David Tucker	01/07/2017	30/06/2024	NSW	M N So
Ms Mary Urquhart	01/07/2015	30/06/2024	Vic	M
Mr Peter Vlahos	30/05/2016	29/05/2023	Vic	M
Mr Robert Wilson	01/07/2015	29/06/2020	NSW	M
Mr Paul Windsor	01/07/2015	29/06/2020	Vic	M
Mr Stephen Witts	01/12/2017	30/11/2024	Vic	M N Sec So
Members – Part-time				
Dr Ion Alexander	02/08/2004	30/09/2024	NSW	F G V
Mr Matt Amundsen	01/07/2015	30/09/2024	Qld	So
Ms Robyn Anderson	01/07/2015	30/06/2019	Vic	M So
Mr William Appleton	01/07/2015	30/06/2019	Vic	G So
Ms Joanne Bakas	01/07/2015	31/12/2024	SA	M So
Mr Sean Baker	01/07/2015	30/06/2021	Vic	M
Ms Wendy Banfield	01/07/2015	30/06/2024	NSW	M
Mr David Barker	01/07/2015	29/06/2020	NSW	M
Ms Michelle Baulch	01/07/2015	30/06/2019	Tas	So
Ms Angela Beckett	01/07/2015	30/06/2019	NSW	So
Professor David Ben-Tovim	26/02/2016	25/02/2021	SA	G
Dr Timothy Bohane	01/07/2015	25/05/2019	NSW	G So
Ms Alexandra Bordujenko	01/07/2015	31/03/2019	Qld	G So
Ms Margret Bourke	01/07/2015	30/06/2019	Vic	M
Ms Suzanne Boyce	01/12/2017	30/11/2024	Qld	N
Ms Rhonda Bradley	30/05/2016	29/05/2019	Qld	N So
Ms Stephanie Brakespeare	16/01/2017	15/01/2024	WA	So
Dr Christhilde Breheny	01/07/2015	30/06/2023	Tas	So
Ms Tina Bututievski	01/04/2016	31/03/2019	NSW	So
Dr William Budiselik	01/07/2015	30/09/2024	WA	So
Ms Nicole Burns	01/07/2015	29/06/2020	Vic	M
Ms Kate Buxton	01/07/2015	15/05/2019	Qld	G So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Mr Alex Byers	01/07/2015	30/06/2019	Qld	So
Dr Louise Bygrave	30/05/2016	29/05/2021	NSW	F G N So V
Dr Niall Cain	01/07/2015	15/05/2019	Vic	G So
Mr Andrew Cameron	14/03/2016	13/03/2021	Vic	G
Ms Catherine Carney-Orsborn	01/07/2015	30/06/2024	NSW	M
Mr Andrew Carson	25/03/2016	24/03/2019	Vic	So
Ms Jennifer Cavanagh	01/07/2015	30/06/2024	Qld	G So
Ms Christine Cody	01/07/2015	29/06/2020	NSW	M
Ms Erika Cornwell	01/07/2015	31/03/2019	NSW	So
Dr Michael Couch	05/04/2012	30/06/2024	NSW	G V
Ms Gabrielle Cullen	01/07/2015	30/06/2024	NSW	M
Mr Steven Cullimore	01/07/2015	30/06/2019	SA	So
Ms Jean Cuthbert	01/07/2015	30/06/2019	NSW	G So
Ms Jennifer D'Arcy	01/07/2015	30/09/2024	NSW	So
Mr John Devereux	01/07/2015	31/03/2019	Qld	So
Ms Kruna Dordevic	01/07/2015	30/06/2024	NSW	So
Mr Marshal Douglas	30/05/2016	29/05/2019	NSW	G So V
Ms Amanda Ducrou	01/07/2015	31/03/2019	Vic	So
Mr Bronte Earl	01/07/2015	30/06/2019	SA	So
Ms Kathryn Edmonds	01/07/2015	30/06/2019	NSW	So
Ms Anne-Marie Elias	25/03/2016	24/03/2021	NSW	So
Ms Nicola Findson	01/07/2015	29/06/2020	WA	M
Ms Tania Flood	01/07/2015	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	01/07/2015	30/09/2024	Qld	So
Ms Lana Gallagher	16/01/2017	15/01/2024	WA	G M So T V
Ms Danielle Galvin	01/12/2017	30/11/2024	Vic	M
Mr Ian Garnham	01/07/2015	29/06/2020	Vic	M
Mr Nicholas Gaudion	11/04/2013	10/04/2023	NSW	F G T
Mr Steve Georgiadis	01/07/2015	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	01/07/2015	30/06/2019	NSW	So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Anne Grant	01/07/2015	31/03/2019	Vic	M So
Ms Jocelyn Green	01/07/2015	30/09/2024	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 Patricia Hall	01/07/2015	30/06/2019	Qld	So
Mr George Hallwood	01/07/2017	30/06/2024	SA	G
Mr Adam Halstead	01/07/2015	31/03/2019	NSW	So
Ms Tamara Hamilton-Noy	01/07/2015	31/03/2019	Vic	So
Mr Christopher Hardy	01/07/2015	30/06/2024	NSW	M
Mr Michael Hawkins	30/05/2016	29/05/2023	Qld	M
Dr Susan Hoffman	01/07/2015	31/03/2019	WA	M So
Ms Linda Holub	01/07/2015	29/06/2020	NSW	M
Mr Michael Horsburgh AM	01/07/2015	30/09/2024	NSW	So
Ms Penelope Hunter	01/07/2015	29/06/2020	NSW	M
Dr William Isles	05/04/2012	30/06/2024	NSW	F G N V
Ms Meredith Jackson	01/12/2017	30/11/2024	Qld	M N So
Mr Peter Jensen	01/07/2015	30/09/2024	Qld	G So
Mr Michael Jones	01/07/2015	01/10/2024	WA	So
Ms Kate Juhasz	30/05/2016	29/05/2023	Qld	So
Ms Christine Kannis	01/07/2015	29/06/2020	WA	M So
Mr Marten Kennedy	01/07/2015	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
Ms Elisa Kidston	01/10/2017	30/09/2024	Qld	So
Mr Robert King	01/07/2015	30/09/2024	Qld	So
Dr Eric Knight	30/05/2016	29/05/2021	NSW	So
Ms Helen Kroger	01/10/2017	30/09/2024	Vic	G M
Ms Donna Lambden	01/07/2015	30/09/2024	SA	So
Ms Julia Leonard	01/07/2015	30/06/2019	NSW	So
Mr Stephen Lewinsky	01/07/2015	30/09/2024	Vic	G So
Ms Susan Lewis	01/07/2015	30/06/2019	Vic	So
Ms Christine Long	01/07/2017	30/06/2024	NSW	M So
Mr John Longo	01/07/2015	31/12/2024	Vic	So
Ms Katie Malyon	01/07/2015	30/06/2024	NSW	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Mr Michael Manetta	30/05/2016	29/05/2021	SA	So
Dr Geoffrey Markov	01/07/2015	30/06/2019	Vic	So
Ms Jane Marquard	30/05/2016	29/05/2021	NSW	M
Ms Maxina Martellotta	01/07/2015	31/03/2019	WA	N So
Mr Andrew Maryniak QC	01/10/2017	30/09/2024	Vic	F G N T V
Dr Graham Maynard	16/01/2017	15/01/2024	Qld	G V
Ms Sally Mayne	01/07/2015	30/06/2019	NSW	So
Ms Melissa McAdam	01/07/2015	30/06/2024	NSW	M
Professor Ronald McCallum AO	05/08/2013	04/08/2018	NSW	F G N
Mr David McKelvey	01/07/2015	30/09/2024	Qld	G So
Mr Alan McMurrin	16/01/2017	15/01/2024	NSW	M
Ms Fiona Meagher	01/07/2015	29/06/2020	Qld	M N
Ms Kathryn Millar	01/07/2015	30/06/2024	SA	G M N So
Mr Paul Millar	01/07/2015	29/06/2020	NSW	M
Ms Adrienne Millbank	30/05/2016	29/05/2021	Qld	M
Ms Lilly Mojsin	01/07/2015	30/06/2024	NSW	M
Ms Carmel Morfuni	01/07/2017	30/06/2024	Vic	M
Ms Mara Moustafine	01/07/2015	30/06/2024	NSW	M Sec
Ms Alison Murphy	16/01/2017	15/01/2024	Vic	M
Mr Jack Nalpantidis	01/07/2015	30/09/2024	Vic	So
Dr Bennie Ng	25/03/2016	24/03/2021	Vic	F G
Mr Paul Noonan	01/07/2015	30/06/2019	Vic	M So
Mr Mark O'Loughlin	01/12/2017	30/11/2024	SA	F G M N V
Lieutenant Colonel Robert Ormston (Rtd)	01/09/2011	30/09/2024	SA	F G Sec V
Mr Christopher Packer	16/01/2017	15/01/2024	Vic	M
Mr Neil Pope AM	01/12/2017	30/11/2024	Vic	N So
Dr Julie Quinlivan	01/07/2015	30/06/2023	ACT	G So
Mr Seamus Rafferty	30/05/2016	29/05/2021	WA	G M So
Dr Aruna Reddy	01/07/2015	30/06/2019	Vic	G So
Ms Andrea Schiwy	01/07/2015	30/06/2019	Tas	So
Dr Harry Schwarz	01/07/2015	25/05/2019	Vic	So
Mr Rodger Shanahan	01/07/2015	30/06/2024	NSW	M Sec
Ms Wan Shum	01/07/2015	30/06/2019	NSW	M
Mr James Silva	02/08/2016	01/08/2021	NSW	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Rania Skaros	01/07/2015	30/06/2019	NSW	M
Ms Roslyn Smidt	01/07/2015	29/06/2020	NSW	M
Ms Alison Smith	01/07/2015	30/06/2019	Vic	So
Ms Meena Sripathy	01/07/2015	30/06/2019	NSW	M
Ms Frances Staden	01/07/2015	30/09/2024	ACT	So
Ms Rosemary Stafford	01/07/2015	30/09/2024	Qld	G So
Dr Leslie Stephan	26/06/2015	25/06/2020	SA	G V
Mr Brian Stooke AM	01/07/2017	30/06/2024	Vic	M
Ms Jennifer Strathearn	01/07/2015	30/09/2024	SA	M So
Dr Bruce Swanson	01/07/2016	30/06/2019	SA	G So
Ms Karen Synon	01/07/2015	29/06/2020	Vic	M
Ms Sandra Taglieri	05/08/2013	04/08/2018	Tas	F G N
Ms Robin Taylor	01/07/2016	30/06/2019	NSW	So
Mr Ian Thompson	05/08/2013	04/08/2018	SA	F G N
Ms Susan Trotter	01/07/2015	29/06/2020	Qld	M N So
Dr Robert Walters RFD	16/11/2006	30/11/2024	Tas	F G V
Mr Alexander Ward	01/07/2017	30/06/2024	SA	G V
Brigadier Anthony Warner AM LVO (Rtd)	15/06/2005	31/08/2018	WA	F G N Sec T V
Mr Simon Webb	16/07/2001	04/12/2024	ACT	G F Sec V
Ms Yvonne Webb	01/07/2015	30/06/2019	SA	So
Mr Richard West	01/07/2017	30/06/2024	Vic	G M
Dr Peter Wilkins MBE	24/08/2006	25/02/2021	ACT	G
Ms Judith Williams	01/07/2015	15/05/2019	Qld	So
Ms Allison Windsor	01/07/2015	15/11/2024	SA	So
Ms Amy Wood	01/07/2017	30/06/2024	Vic	G

^a Full-time Deputy President from 1 July 2018

Table A1.2 shows the number of Senior Members and Members assigned to each of the AAT's divisions at 30 June 2018.

Table A1.2 Number of Senior Members and Members assigned to each AAT division, 30 June 2018

DIVISION	SENIOR MEMBER FULL-TIME	SENIOR MEMBER PART-TIME	MEMBER FULL-TIME	MEMBER PART-TIME	TOTAL
Freedom of Information	8	9	6	14	37
General	14	15	9	46	84
Migration and Refugee	21	8	56	56	141
National Disability Insurance Scheme	11	2	9	17	39
Security	6	2	3	5	16
Social Services and Child Support	4	2	16	86	108
Taxation and Commercial	3	10	2	4	19
Veterans' Appeals	9	10	5	17	41

Appointments and cessations

New appointments – term commenced in 2017–18

Deputy Presidents

Stephen Boyle
Richard Hanger QC
Brian Rayment QC

Senior Members

John Black
Robert Cameron
Grant Chapman
Paul Clauson
Richard Ellis
Dr Michelle Evans
Lisa Hespe
Brenton Illingworth
Michael Ison
James Lambie
Justin Owen
Rodrigo Pintos-Lopez
Christopher Puplick AM

Members

Ian Berry
Thomas Bishop
Suzanne Boyce
Simone Burford
Catherine Burnett-Wake
Scott Clarey
Stephen Conwell
Dr Bridget Cullen
Susan De Bono
Michael Edgoose
Colin Edwardes
Peter Emmerton
Danielle Galvin
Nathan Goetz
George Hallwood
Hollie Hughes
Mireya Hyland
Meredith Jackson
Elisa Kidston
Helen Kroger
Nora Lamont
Sheridan Lee
Joseph Lindsay
Christine Long
Shane Lucas
Paul Maishman
Andrew Maryniak QC
Karen McNamara
Amanda Mendes Da Costa
Helen Moreland
Carmel Morfuni
Jade Murphy
Mark O'Loughlin
Jason Pennell
Neil Pope AM
Mary Sheargold
Perrohean Sperling PSM
Brian Stooke AM
David Tucker
Alexander Ward
Richard West
Stephen Witts
Amy Wood

Reappointments – term commenced in 2017–18

Deputy Presidents

Ian Molloy
Francis O'Loughlin
John Sosso

Senior Members

Diana Benk
Michael Cooke
Dr Damien Cremean
Ann Cunningham
Ann Duffield
Louie Hawas
Gina Lazanas
Donald Morris
Louise Nicholls
Dr Teresa Nicoletti
Peter Taylor SC
Rachel Westaway
Perry Wood
Antoinette Younes

Members

Dr Ion Alexander
Matt Amundsen
Joanne Bakas
Wendy Banfield
Dr William Budiselik
Catherine Carney-Orsborn
Jennifer Cavanagh
Helena Claringbold
Timothy Connellan
Dr Michael Couch
Gabrielle Cullen
Jennifer D'Arcy
Kruna Dordevic
Neil Foster
Rosa Gagliardi
Nicholas Gaudion
Jocelyn Green
Dominique Grigg
Christopher Hardy
Fiona Hewson
Michael Horsburgh AM
Dr William Isles
Peter Jensen
Michael Jones
Marten Kennedy
Robert King
Donna Lambden
Stephen Lewinsky
John Longo
Katie Malyon
Melissa McAdam
David McCulloch
Nicholas McGowan
David McKelvey
Kathryn Millar
Lilly Mojsin
Mara Moustafine
Jack Nalpantidis
Steven Norman
Lieutenant Colonel Robert Ormston (Rtd)
Regina Perton OAM
Rodger Shanahan
Frances Simmons
Frances Staden
Rosemary Stafford
Jennifer Strathearn
Linda Symons
Mary Urquhart
Dr Robert Walters RFD
Brigadier Anthony Warner AM LVO (Rtd)
Simon Webb
Allison Windsor

Members – term ended in 2017–18

Deputy Presidents

The Hon Justice Tony Pagone
Katherine Bean
Christopher Kendall
The Hon Justice Nye Perram
The Hon Justice Antony Siopis

Senior Members

Rodney Dunne
Egon Fice
Naida Isenberg
James Pople
Jill Toohey
Irene Tsiakas
Chelsea Walsh

Members

Jane Bishop
Clyde Campbell
Neill Campbell
Terry Carney
Lynne Coulson Barr
Warren Evans
Mark Fuller
Peter Higgins
Dr Gordon Hughes AM
Hollie Hughes
Dr Bernard Hughson
Jillian Moir
Sophia Panagiotidis
Amanda Paxton
Bryan Pickard
Saxon Rice
Anne Shanahan
Annette Sheffield
Angela Smith
Dr Saw Hooi Toh
Andrea Treble

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 as a Deputy President of the AAT 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 AAT in 2001 and later as a full-time Senior Member in 2003. He was previously 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 as a Deputy President of the AAT 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 as a Deputy President of the AAT 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 AAT 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 SSAT (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

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 MRT and RRT 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 RRT from 2000 to 2005, the MRT and RRT 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 was a Deputy Division Head of the Social Services & Child Support Division until 15 January 2018. 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 MRT and RRT from 2003 to 2007.

Ms Tsiakas was appointed as a part-time member of the SSAT 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 at 30 June 2018 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 2018^a

JOB CLASSIFICATION	PRINCIPAL REGISTRY		REGISTRY OPERATIONS												REVIEW SUPPORT		IMMIGRATION ASSESSMENT AUTHORITY		TOTAL									
			Sydney			Melbourne			Brisbane			Perth			Adelaide			Hobart			Canberra							
	F	M	F	M	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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		
APS Level 2	0	0	4	4	6	2	7	3	3	1	2	3	0	0	2	3	0	0	2	1	0	0	0	0	0	24	14	38
APS Level 3	0	0	10	8	11	4	5	0	3	3	1	0	0	1	0	0	1	0	1	0	1	9	3	0	0	39	20	59
APS Level 4	16	12	53	23	40	19	16	13	13	4	13	3	3	0	4	3	0	4	3	2	1	5	0	165	78	243		
APS Level 5	15	14	10	5	12	0	1	1	0	1	2	1	0	0	0	0	0	0	0	0	8	2	2	0	50	24	74	
APS Level 6	30	28	10	3	9	2	2	3	4	0	1	1	0	0	1	1	0	0	1	0	7	5	1	0	65	42	107	
EL 1	14	16	3	1	6	0	0	1	0	0	0	1	0	0	0	0	0	0	0	13	12	2	0	38	31	69		
EL 2	2	5	1	0	1	0	1	0	0	1	0	1	0	0	1	0	0	1	0	13	6	24	8	43	21	64		
SES Band 1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	4	1	5	
TOTAL	78	76	92	44	85	27	32	21	23	10	20	10	3	1	8	5	53	29	35	8	429	231	660					

^a These figures include all ongoing and non-ongoing staff. Staff on long-term leave (of greater than three months at 30 June 2018) or on temporary transfer to another agency are not included.

Legend

'APS' = Australian Public Service,

'F' = female, 'M' = male, 'EL' = Executive Level, 'SES' = Senior Executive Service

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 2017–18
- a table showing the total expenses for the AAT's outcome.

Resource statement

Table A3.1 AAT resource statement, 2017–18

	Actual available appropriation for 2017–18 \$'000	Payments made 2017–18 \$'000	Balance remaining 2017–18 \$'000
	(a)	(b)	(a) – (b)
Ordinary annual services¹			
Departmental appropriation per Portfolio Budget Statements 2017–18 ²	232,386	182,965	-
Prior periods adjustment ³	22,713		-
Section 74 retained revenue receipts adjustment ⁴	10,552		-
Departmental appropriation adjustments ⁵	(1,454)		
Total available annual appropriations and payments	264,197	182,965	81,232
Special appropriations			
Special appropriations limited by criteria/entitlement			
<i>Public Governance, Performance and Accountability Act 2013 – section 77</i>	5,016	5,016	
Total special appropriations	5,016	5,016	
Total net resourcing and payments for Administrative Appeals Tribunal	269,085	187,981	81,232

¹ Appropriation Act (No. 1) 2017–18. Includes \$71.935m from prior periods and \$1.177m in section 74 retained revenue receipts.

² Includes an amount of \$3.081m in 2017–18 for the departmental capital budget. For accounting purposes this amount has been designated as 'contributions by owners'.

³ Adjustment to reflect actual 2016–17 closing prior period appropriation.

⁴ Adjustment to reflect actual 2017–18 section 74 receipts.

⁵ Appropriation Act (No. 1) 2017–18 adjustments and withholdings under section 51 of the Public Governance, Performance and Accountability Act.

Expenses by outcome

Table A3.2 Expenses by outcome

Outcome 1: Provide correct or preferable decisions through a mechanism of independent review of administrative decisions that is accessible, fair, just, economical, informal, quick and proportionate.	Budget* 2017–18 \$'000	Actual expenses 2017–18 \$'000	Variation 2017–18 \$'000
	(a)	(b)	(a) – (b)
Program 1.1: Administrative Appeals Tribunal			
Administered expenses			
Special appropriations	9,000	9,308	(308)
Departmental expenses			
Departmental appropriation ¹	155,459	141,544	13,915
Expenses not requiring appropriation in the Budget year	10,100	12,588	(2,488)
Total expenses for Program 1	174,559	163,440	11,119
Total expenses for Outcome 1	174,559	163,440	11,119
	2016–17	2017–18	
Average staffing level (number)²	517	582	

* Full year budget, including any subsequent adjustment made to the 2017–18 budget at Additional Estimates.

¹ Departmental appropriation combines ordinary annual services (Appropriation Act Nos. 1, 3 and 5) and retained revenue receipts under section 74 of the Public Governance, Performance and Accountability Act.

² 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, 2017–18
- A4.2 Outcomes of reviews – Proportion of applications in relation to which the AAT has changed the decision under review, 2015–16 to 2017–18
- A4.3 Outcomes of reviews – By division and major areas of work within divisions, 2017–18
- A4.4 Number of alternative dispute resolution processes, directions hearings and hearings, 2015–16 to 2017–18
- A4.5 Court appeals lodged and finalised – By division and major areas of work within divisions, 2017–18

Table A4.1 Applications lodged and applications finalised, 2017–18

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
APPLICATIONS FOR REVIEW OF DECISIONS UNDER COMMONWEALTH LAWS – BY AUSTRALIAN GOVERNMENT PORTFOLIO				
AGRICULTURE AND WATER RESOURCES				
Agricultural and veterinary chemicals	1		3	
Biosecurity	2		0	
Export and import control	1		1	
Subtotal	4	<1%	4	<1%
ATTORNEY-GENERAL'S				
Archives	7		2	
ASIO security assessments	7		10	
Bankruptcy	10		12	
Freedom of information	38		46	
Human rights	0		1	
Marriage celebrants	5		5	
Personal property securities	4		2	
Privacy	2		2	
Waiver of fees in courts	1		3	
Subtotal	74	<1%	83	<1%
COMMUNICATIONS AND THE ARTS				
Communications and media	2		1	
National Library of Australia regulation	1		0	

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
Protection of movable cultural heritage	1		0	
Tax offset for films	1		0	
Subtotal	5	<1%	1	<1%
DEFENCE				
Defence Force retirement and death benefits	6		7	
Other	0		1	
Subtotal	6	<1%	8	<1%
EDUCATION AND TRAINING				
Child care services/registered carers	36		18	
Education services for overseas students	50		9	
Higher Education Loan Program/VET Student Loans	64		64	
Mutual recognition of occupations	45		21	
National vocational education and training regulation	180		83	
School education	0		1	
Tertiary education quality and standards	16		10	
Trans-Tasman mutual recognition	1		0	
Subtotal	392	1%	206	1%
ENVIRONMENT AND ENERGY				
Clean energy regulation	4		1	
Environment protection and biodiversity	2		1	
Great Barrier Reef Marine Park	1		1	
Subtotal	7	<1%	3	<1%
FINANCE				
Electoral matters	2		2	
Lands acquisition	2		1	
Superannuation Acts	1		0	
Subtotal	5	<1%	3	<1%
FOREIGN AFFAIRS AND TRADE				
Export market development grants	9		1	
Passports	18		21	
Subtotal	27	<1%	22	<1%
HEALTH				
Aged care	55		60	
Medicare	2		4	

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
Narcotic drugs	1		0	
Pharmacists	4		5	
Therapeutic goods	6		6	
Subtotal	68	<1%	75	<1%
HOME AFFAIRS				
Background checking	6		4	
Citizenship	605		484	
Customs	26		18	
Migration agent registration	10		3	
Visa-related decisions (other than relating to character)	37,933		17,960	
Visa-related decisions relating to character	235		230	
Subtotal	38,815	66%	18,699	47%
INDUSTRY, INNOVATION AND SCIENCE				
Industry research and development	17		16	
Patents, designs and trade marks	0		5	
Subtotal	17	<1%	21	<1%
INFRASTRUCTURE, REGIONAL DEVELOPMENT AND CITIES				
Aviation and maritime transport security	2		3	
Civil aviation	26		24	
Maritime safety	1		1	
Motor vehicle standards	19		12	
Subtotal	48	<1%	40	<1%
JOBS AND SMALL BUSINESS				
Fair entitlements guarantee	25		15	
<i>Safety, Rehabilitation and Compensation Act 1988</i> (other than defence-related claims)	1,543		1,504	
Seafarers rehabilitation and compensation	40		36	
Subtotal	1,608	3%	1,555	4%
PRIME MINISTER AND CABINET				
Aboriginal corporations, councils and associations	0		1	
Subtotal	0	0%	1	<1%
SOCIAL SERVICES				
Centrelink (first review and second review)	12,832		14,817	
Child support (first review and second review)	2,437		2,403	

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
National Disability Insurance Scheme	802		441	
Paid parental leave (first review and second review)	206		236	
Subtotal	16,277	28%	17,897	45%
TREASURY				
Auditors and liquidators registration	3		2	
Business names registration	15		8	
Charities and not-for-profit entities	1		2	
Consumer credit	4		4	
Corporations and financial services	21		28	
Insurance and superannuation	5		2	
Tax agents	6		12	
Taxation	826		717	
Subtotal	881	1%	775	2%
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	43		80	
<i>Safety, Rehabilitation and Compensation Act 1988 (defence-related claims) / Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	139		178	
Veterans' entitlements	179		222	
Subtotal	361	<1%	480	1%
SUBTOTAL for PORTFOLIOS	58,595	100%	39,873	100%
APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT – OTHER				
Applications for extension of time without application for review	81		74	
Applications relating to decisions not subject to AAT review	100		92	
Applications relating to decisions about AAT application fees	2		1	
Application under the AAT Act relating to a finalised case	1		0	
Subtotal	184	<1%	167	<1%
APPLICATIONS UNDER NORFOLK ISLAND LAWS				
Planning	1		0	
Subtotal	1	<1%	0	0%
TOTAL^a	58,780	100%	40,040	100%

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

Table A4.2 Outcomes of reviews – Proportion of applications in relation to which the AAT has changed the decision under review, 2015–16 to 2017–18

DIVISION/AREA OF WORK	PROPORTION OF APPLICATIONS IN RELATION TO WHICH DECISION UNDER REVIEW CHANGED ^a		
	2015–16	2016–17	2017–18
Freedom of Information	39%	32%	28%
General	23%	24%	23%
<i>Centrelink (2nd review)</i>	20%	21%	21%
<i>Workers' compensation^b</i>	33%	31%	27%
<i>Other</i>	18%	22%	20%
Migration and Refugee	32%	31%	22%
<i>Migration</i>	37%	38%	29%
<i>Refugee</i>	16%	11%	5%
National Disability Insurance Scheme	42%	25%	42%
Security	7%	0%	0%
Social Services and Child Support	24%	22%	24%
<i>Centrelink (1st review)</i>	22%	20%	22%
<i>Child support</i>	41%	33%	33%
<i>Paid parental leave</i>	6%	7%	9%
Taxation and Commercial	44%	37%	34%
<i>Taxation</i>	49%	40%	35%
<i>Other</i>	10%	13%	16%
Veterans' Appeals^b	49%	34%	37%
ALL AAT	28%	26%	23%

^a 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.

^b For 2015–16 and 2016–17, applications for review of decisions about defence-related claims under the *Safety, Rehabilitation and Compensation Act 1988*, while formally allocated to the Veterans' Appeals Division, were included in the figures for 'Workers' compensation'. For 2017–18, all applications of this kind as well as applications for review of decisions under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* are included in the figures for the Veterans' Appeals Division.

Table A4.3 Outcomes of reviews – By division and major areas of work within divisions, 2017–18

Table A4.3.1 General Division^a

	CENTRELINK (2ND REVIEW)		WORKERS' COMPENSATION ^b		OTHER		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^c								
Decision affirmed	423	19%	166	11%	247	18%	836	16%
Decision varied or set aside	116	5%	60	4%	100	7%	276	5%
Subtotal	539	24%	226	15%	347	25%	1,112	22%
By consent								
Decision affirmed ^d	14	<1%	564	37%	6	<1%	584	11%
Decision varied or set aside ^d	371	16%	353	23%	175	13%	899	17%
Dismissed by consent ^e	28	1%	11	<1%	23	2%	62	1%
Dismissed by operation of law ^f	514	23%	N/A	N/A	1	<1%	515	10%
Subtotal	927	41%	928	60%	205	15%	2,060	40%
Other								
Withdrawn by applicant	489	22%	349	23%	405	30%	1,243	24%
Dismissed by Tribunal ^g	107	5%	15	<1%	67	5%	189	4%
No jurisdiction ^h	205	9%	22	1%	340	25%	567	11%
Subtotal	801	35%	386	25%	812	60%	1,999	39%
TOTALⁱ	2,267	100%	1,540	100%	1,364	100%	5,171	100%

^a 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.

^b These figures do not 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.

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

^d 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).

^e Applications dismissed by consent under section 42A(1).

^f 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.

^g 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).

^h 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.

ⁱ Percentages may not total 100% due to rounding.

Table A4.3.2 Freedom of Information, National Disability Insurance Scheme, Security, and Veterans' Appeals Divisions^a

	FREEDOM OF INFORMATION		NATIONAL DISABILITY INSURANCE SCHEME		SECURITY		VETERANS' APPEALS ^b	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^c								
Decision affirmed	8	16%	6	1%	4	40%	57	12%
Decision varied or set aside	9	18%	10	2%	0	0%	23	5%
Subtotal	17	34%	16	4%	4	40%	80	17%
By consent								
Decision affirmed ^d	2	4%	5	1%	0	0%	15	3%
Decision varied or set aside ^d	5	10%	177	40%	0	0%	153	32%
Dismissed by consent ^e	2	4%	7	2%	1	10%	13	3%
Subtotal	9	18%	189	43%	1	10%	181	38%
Other								
Withdrawn by applicant	16	32%	171	39%	1	10%	204	43%
Dismissed by Tribunal ^f	2	4%	6	1%	2	20%	9	2%
No jurisdiction ^g	6	12%	59	13%	2	20%	6	1%
Subtotal	24	48%	236	54%	5	50%	219	46%
TOTAL^h	50	100%	441	100%	10	100%	480	100%

^a 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.

^b These figures include applications for review of decisions about defence-related claims under the *Safety, Rehabilitation and Compensation Act 1988*.

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

^d 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).

^e Applications dismissed by consent under section 42A(1).

^f 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).

^g 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.

^h Percentages may not total 100% due to rounding.

Table A4.3.3 Migration and Refugee Division

	MIGRATION		REFUGEE		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a						
Decision affirmed ^b	4,432	35%	2,320	43%	6,752	38%
Decision varied, remitted or set aside	3,682	29%	271	5%	3,953	22%
Subtotal	8,114	65%	2,591	48%	10,705	60%
Other						
Withdrawn by applicant	2,494	20%	425	8%	2,919	16%
Dismissed by Tribunal ^b	643	5%	666	12%	1,309	7%
No jurisdiction ^c	1,288	10%	1,739	32%	3,027	17%
Subtotal	4,425	35%	2,830	52%	7,255	40%
TOTAL^d	12,539	100%	5,421	100%	17,960	100%

^a Applications finalised by a decision of the AAT under section 349 or 415 of the Migration Act.

^b 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 5,075 or 40% of all migration decisions (comprised of 4,432 decisions affirmed and 643 applications dismissed by the Tribunal). The total number of refugee decisions affirmed is 2,986 or 55% of all refugee decisions (comprised of 2,320 decisions affirmed and 666 applications dismissed by the Tribunal).

^c 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.

^d Percentages may not total 100% due to rounding.

Table A4.3.4 Social Services and Child Support Division^a

	CENTRELINK (1ST REVIEW) ^b		CHILD SUPPORT		PAID PARENTAL LEAVE ^b		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^c								
Decision affirmed	6,934	49%	547	25%	118	51%	7,599	46%
Decision varied or set aside	3,279	23%	737	33%	23	10%	4,039	24%
Subtotal	10,213	72%	1,284	58%	141	61%	11,638	70%
By consent								
Decision affirmed ^d	N/A	N/A	0	0%	N/A	N/A	0	0%
Decision varied or set aside ^d	N/A	N/A	39	2%	N/A	N/A	39	<1%
Dismissed by consent ^e	17	<1%	209	9%	0	0%	226	1%
Dismissed by operation of law ^f	0	0%	N/A	N/A	0	0%	0	0%
Subtotal	17	<1%	248	11%	0	0%	265	2%
Other								
Withdrawn by applicant	1,308	9%	249	11%	56	24%	1,613	10%
Dismissed by Tribunal ^g	454	3%	164	7%	2	<1%	620	4%
No jurisdiction ^h	2,176	15%	280	13%	33	14%	2,489	15%
Subtotal	3,938	28%	693	31%	91	39%	4,722	28%
TOTALⁱ	14,168	100%	2,225	100%	232	100%	16,625	100%

^a 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.

^b A single application for a review of a Centrelink or paid parental leave decision may relate to more than one reviewable decision. These figures include outcomes for all decisions that have been reviewed.

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

^d Applications finalised by the AAT in accordance with terms of agreement reached by the parties under section 42C.

^e Applications dismissed by consent under section 42A(1).

^f 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.

^g 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).

^h 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.

ⁱ Percentages may not total 100% due to rounding.

Table A4.3.5 Taxation and Commercial Division^a

	TAXATION		OTHER		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^b						
Decision affirmed	40	6%	22	30%	62	8%
Decision varied or set aside	41	6%	5	7%	46	6%
Subtotal	81	11%	27	37%	108	14%
By consent						
Decision affirmed ^c	6	<1%	1	1%	7	<1%
Decision varied or set aside ^c	212	30%	7	10%	219	28%
Dismissed by consent ^d	27	4%	0	0%	27	3%
Subtotal	245	34%	8	11%	253	32%
Other						
Withdrawn by applicant	254	35%	25	34%	279	35%
Dismissed by Tribunal ^e	14	2%	4	5%	18	2%
No jurisdiction ^f	123	17%	9	12%	132	17%
Subtotal	391	55%	38	52%	429	54%
TOTAL^g	717	100%	73	100%	790	100%

^a 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.

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

^c 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).

^d Applications dismissed by consent under section 42A(1).

^e 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).

^f 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.

^g Percentages may not total 100% due to rounding.

Table A4.4 Number of alternative dispute resolution processes, directions hearings and hearings, 2015–16 to 2017–18

EVENT TYPE	2015–16	2016–17	2017–18
Conferences ^a	8,082	8,260	8,460
Conciliations ^a	529	546	683
Other ADR processes (case appraisals, mediations and neutral evaluations) ^a	25	20	11
Directions hearings ^b	2,788	2,669	3,054
Interlocutory hearings ^c	741	785	917
Hearings	24,856	26,638	22,004

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

^b The AAT holds directions hearings in all divisions other than the Migration and Refugee Division.

^c Interlocutory hearings are hearings listed in all divisions other than the Migration and Refugee Division and Social Services and Child Support Division 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 against decisions of the AAT – By division and key areas of work within divisions, 2017–18^a

DIVISION/AREA OF WORK	COURT APPEALS LODGED			COURT APPEALS FINALISED ^d		
	Lodged ^b	Proportion of total AAT decisions ^c	Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
	No	%	No	No	No	%
Freedom of Information	2	8%	0	1	1	0%
General	111	6%	25	47	72	35%
<i>Centrelink (2nd review)</i>	19	2%	3	11	14	21%
<i>Workers' compensation^e</i>	26	10%	5	14	19	26%
<i>Other</i>	66	8%	17	22	39	44%
Migration and Refugee	3,393	23%	603	2,132	2,735	22%
<i>Migration</i>	1,873	19%	379	990	1,369	28%
<i>Refugee</i>	1,520	30%	224	1,142	1,366	16%
National Disability Insurance Scheme	1	1%	1	1	2	50%
Security	0	N/A	0	0	0	N/A
Social Services and Child Support Division^f	26	1%	2	23	25	8%
Taxation and Commercial	21	8%	9	11	20	45%
<i>Taxation</i>	13	6%	6	9	15	40%
<i>Other</i>	8	21%	3	2	5	60%
Veterans' Appeals^e	11	12%	6	3	9	67%
TOTAL	3,565	19%	646	2,218	2,864	23%

^a These figures include appeals lodged or finalised in relation to decisions made by the AAT or decisions made by the MRT or RRT prior to 1 July 2015.

^b These figures include some appeals lodged in relation to decisions made in a previous year.

^c This figure represents the number of appeals lodged in 2017–18 as a proportion of all AAT decisions that could have been appealed to the courts in 2017–18.

^d 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.

^e Appeals relating to decisions about defence-related claims under the Safety, Rehabilitation and Compensation Act are included in the figures for the Veterans' Appeals Division.

^f 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. In general, other decisions made on first review in the Social Services and Child Support Division are subject to second review in the AAT.

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 \$13,201 or more (inclusive of GST) paid to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising organisations.

We did not undertake any advertising campaigns in 2017–18. Non-campaign advertising expenditure of \$30,252 was paid to dentsu X for advertising employment vacancies.

We paid \$54,318 to ORIMA Research Pty Ltd for the conduct of a survey of users of the AAT's services.

There were no other reportable payments made in 2017–18.

Grants

The AAT did not administer any grants programs in 2017–18.

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. 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.

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 environmentally sustainable.

When arranging new leases and fit-outs in 2017–18, 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. We signed one short-term lease for additional space in Perth in 2017–18, which included the required Green Lease Schedule. The 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, 2017–18

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

Corrections of material errors in previous annual report

In the AAT’s annual reports for 2015–16 and 2016–17, tables setting out data relating to applications in the Taxation and Commercial Division included a note to the effect that the ‘Other’ category included all non-taxation applications managed within the Taxation and Commercial Division whether or not formally allocated to that division: see *Annual Report 2015–16* Tables 3.4 (page 26), A4.2.5 (page 135) and A4.4 (page 137) and *Annual Report 2016–17* Tables 3.4 (page 25), A4.3.5 (page 127) and A4.5 (page 129). The note was not correct. The figures in the ‘Other’ category related only to non-taxation applications recorded as being allocated to the Taxation and Commercial Division.

In the same annual reports, the data on appeals lodged and finalised in the Freedom of Information, General, National Disability Insurance Scheme, Security, Taxation and Commercial, and Veterans’ Appeals Divisions did not include cases in relation to which an application to extend the time for lodging an appeal was lodged unless the application was granted by the relevant court and a substantive appeal lodged. The AAT has implemented a consistent approach to counting appeals across divisions to include all matters subject to any type of initial application made to a court and has revised the figures for 2015–16 and 2016–17 to reflect this. We have also become aware that the figures relating to appeals finalised in the FOI, General, NDIS, Taxation and Commercial, and Veterans’ Appeals Divisions inadvertently included a number of matters subject to a further appeal which should not have been included as they were not finally determined. The figures have also been revised to reflect this.

The following table sets out the number of appeals lodged and appeals finalised in 2015–16 and 2016–17 relating to decisions made in the FOI, General, NDIS, Security, Taxation and Commercial, and Veterans’ Appeals Divisions and the overall totals for the AAT. This updates data previously published in the *Annual Report 2015–16* on pages 28, 35 and 137 and the *Annual Report 2016–17* on pages 27, 36, 37 and 129.

Table A5.2 Court appeals lodged and finalised – By division and areas of work for the FOI, General, NDIS, Security, Taxation and Commercial, and Veterans' Appeals Division and AAT total – 2015–16 and 2016–17

DIVISION/AREA OF WORK	2015–16						2016–17							
	LODGED			FINALISED ^c			LODGED			FINALISED ^c				
	Lodged ^a	Proportion of total AAT decisions ^b		Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised	Lodged ^a	Proportion of total AAT decisions ^b		Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
		No	%						No	No				
Freedom of Information	5	20%	0	3	3	0%	3	17%	1	5	6	17%		
General	54	3%	13	41	54	24%	79	4%	19	41	60	32%		
<i>Centrelink (2nd review)</i>	20	2%	2	15	17	12%	19	2%	5	17	22	23%		
<i>Workers' compensation^d</i>	15	7%	7	14	21	33%	22	9%	8	13	21	38%		
<i>Other</i>	19	3%	4	12	16	25%	38	6%	6	11	17	35%		
National Disability Insurance Scheme	0	0%	0	0	0	N/A	2	8%	0	0	0	N/A		
Security	0	0%	0	0	0	N/A	0	N/A	0	0	0	N/A		
Taxation and Commercial	21	7%	6	12	18	33%	18	6%	6	17	23	26%		
<i>Taxation</i>	18	8%	5	12	17	29%	11	5%	4	12	16	25%		
<i>Other</i>	3	4%	1	0	1	100%	7	10%	2	5	7	29%		
Veterans' Appeals	7	6%	5	7	12	42%	10	13%	5	4	9	56%		
Subtotal	87	4%	24	63	87	28%	112	5%	31	67	98	32%		
AAT TOTAL	3,389	19%	750	2,328	3,078	24%	3,779	18%	552	2,191	2,743	20%		

^a These figures include some appeals lodged in relation to decisions made in a previous year.

^b This figure represents the number of appeals lodged in the period as a proportion of all AAT decisions that could have been appealed to the courts in that reporting period.

^c 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.

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

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 2017–18 is in four lists:

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

Table A6.1 Speeches and presentations, 2017–18

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
Panel member: <i>Career paths: as the crow flies or a winding path?</i>	Australian Government Legal Network Conference, Canberra	Deputy President Gary Humphries	4 August 2017
<i>Administrative Appeals Tribunal advocacy – First tier tips and traps</i>	National Social Security Rights Network Annual Conference, Canberra	Member Frances Staden	6 August 2017
<i>Administrative Appeals Tribunal advocacy – A practical guide to second tier</i>		Deputy President Gary Humphries Conference Registrar Siobhan Ni Fhaolain	7 August 2017
<i>Developments in online and technology-assisted dispute resolution</i>	Alternative Dispute Resolution Association Conference, Sydney	Sian Leathem, Registrar	22 August 2017
<i>The set-up to settle: How proactive lawyers get the most out of Alternative Dispute Resolution</i>	Webinar, Resolution Institute, Brisbane	Justin Toohey, Director Alternative Dispute Resolution	12 September 2017
<i>National Disability Insurance Scheme appeals to the Administrative Appeals Tribunal</i>	National Disability Insurance Scheme Appeals Forum, Department of Social Services, Sydney	Conference Registrar Athena Harris Ingall	20 September 2017
<i>Migration and Refugee Division caseload, project and case management update</i>	Seminar, Law Institute of Victoria, Melbourne	Deputy President Jan Redfern	16 October 2017

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
Panel member: <i>Applying the Framework for Tribunal Excellence and measuring performance</i>	2nd National Tribunal Registrars and Administrators Conference, Council of Australasian Tribunals, Adelaide	Sian Leathem, Registrar	20 October 2017
<i>Diversity and Indigenous clients</i>		Acting District Registrar Ian Phillips Roula Karzis-Wyatt, Team Leader and Outreach Coordinator	
<i>Acting against self-represented litigants</i>	Webinar, Queensland Law Society, Brisbane	Member Bridget Cullen	31 October 2017
<i>Appearing before the Administrative Appeals Tribunal: Helping to deliver expeditious and efficient merits review</i>	Connections Event, Australian Government Leadership Network NSW, Sydney	Justice David Thomas Sian Leathem, Registrar	1 November 2017
<i>Applying for warrants before the Administrative Appeals Tribunal</i>	NSW Police Training Day, Sydney	Deputy President James Constance	1 December 2017
<i>Efficiency, objectivity and the eye of the beholder in decision-making</i>	4th Global Law Conference, CLE Paris, Paris	Deputy President Bernard McCabe	5 January 2018
<i>Administrative law update</i>	Department of Defence, Queensland Tri-Service Reserve Legal Officers, Brisbane	Deputy President Peter McDermott	20 February 2018
<i>Alternative Dispute Resolution and conferencing</i>	Seminar, NSW State Insurance Regulatory Authority, Sydney	Conference Registrar Athena Harris Ingall	7 May 2018
<i>Administrative law and the Administrative Appeals Tribunal</i>	Lecture, Administrative Law Course, RMIT University, Melbourne	Conference Registrar Mersina Stratos	16 May 2018
<i>How to please the court: A practice note on court and tribunal etiquette</i>	'Welcome to the Law' Seminar Program, Women Lawyers Association of NSW, Sydney	Member Penelope Hunter	17 May 2018
<i>Security: How secure is your Tribunal?</i>	2018 National Conference, Council of Australasian Tribunals, Canberra	Sian Leathem, Registrar	8 June 2018
<i>How to use the AAT's online disability support pension interview tool</i>	Webinar, Legal Aid Queensland, Brisbane	Justin Toohey, Director Alternative Dispute Resolution	8 June 2018
<i>Date of effect: Interaction of the Social Security (Administration) Act 1999 and the Administrative Appeals Tribunal Act 1975</i>	National Litigation Conference, FOI and Litigation Branch, Department of Human Services, Brisbane	Deputy President John Sosso	21 June 2018

Table A6.2 Training and other engagement activities, 2017–18

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/PRESENTER(S)	DATE
Adjudicators	Administrative Appeals Tribunal National Mooting Competition 2017	Justice David Thomas Deputy Presidents Bernard McCabe, Christopher Kendall, Peter McDermott, Gregory Melick and Brian Rayment Senior Members Peter Britten-Jones, Tony Cotter, Damian Cremean, Ann Cunningham, Egon Fice, Josephine Kelly, Michael McGrowdie, Andrew Nikolic, James Popple, Theo Tavoularis and Jill Toohey Members Stephanie Brakespeare, Colin Huntly and Michael Judd	August–October 2017
Participant	Follow up to Expert Roundtable on Mental Health and Refugee Status Determination, United Nations High Commissioner for Refugees, Sydney	Deputy President Jan Redfern	12 September 2017
Tribunal Member for Mock Hearings	Migration Institute of Australia Practice Ready Program, Sydney	Member Wendy Banfield	15 September 2017
		Member Jennifer Cripps Watts	20 October 2017 and 28 March 2018
		Senior Member Kira Raif	1 December 2017
Mentor	The University of Sydney Lucy Mentoring Program, Sydney	Member Jane Marquard	30 September 2017
Participants	Homeless Expo, Adelaide	Acting District Registrar Ian Phillips Adelaide Registry staff	19 October 2017
Assessor	Administrative Law Hearing Assessment, Leo Cussen Institute, Melbourne	Member John Longo	31 October 2017
Chair	Estate Planning Workshop, Paxton-Hall Lawyers, Brisbane	Senior Member Theo Tavoularis	3 November 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Melbourne	Deputy President Jan Redfern Senior Members Irene O'Connell, John Billings, Denis Dragovic and Rachel Westaway Senior Reviewer Sobet Haddad Acting District Registrar Uma Smiley	14 November 2017

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Participants	Migration and Refugee Division Community Liaison Meeting, Adelaide	Deputy Presidents Jan Redfern and Katherine Bean Senior Member Irene O'Connell Senior Reviewer Sobet Haddad District Registrar Adam Hay Ian Phillips, Registry Manager	16 November 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Perth	Deputy Presidents Jan Redfern and Christopher Kendall Member Michelle East Senior Reviewer Sobet Haddad District Registrar Barry Johnson	21 November 2017
Running a matter at the Administrative Appeals Tribunal	Comcare, Canberra	Conference Registrars Kim Lackenby and Siobhan Ni Fhaolain	21 November 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Sydney	Deputy President Jan Redfern Senior Members Justin Owen, Shahyar Roushan and Antoinette Younes Senior Reviewer Sobet Haddad District Registrar Carolyn Krochmal Case Assessment Registrar Diana Tao	28 November 2017
Participants	Migration and Refugee Division Community Liaison Meeting, Brisbane	Deputy President Jan Redfern Senior Member Ann Duffield Senior Reviewer Sobet Haddad District Registrar Deborah Mitchell	30 November 2017
Chair	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Sydney and Melbourne	Justice David Thomas	1 December 2017 and 11 May 2018
Appeal rights at the Administrative Appeals Tribunal	Community Workers' Forums at Smithfield Plains, Port Lincoln, Clovelly Park, Kadina, Port Pirie, Whyalla, Port Augusta and Mount Gambier	District Registrar Adam Hay Roula Karzis-Wyatt, Team Leader and Outreach Coordinator Adelaide Registry staff	2 March 2018, 26 March 2018, 13 April 2018, 29 May 2018, 30 May 2018, 1 June 2018, 2 June 2018 and 7 June 2018
Participant	Child Support Stakeholder Meeting, Legal Aid Victoria, Melbourne	Deputy President Jim Walsh	7 March 2018
Chair	CPD Compulsory Units Seminar, Legalwise Seminars, Sydney	Member Alan McMurrin	28 March 2018

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Adjudicator	Advanced Negotiation Competition, Faculty of Law, University of New South Wales, Sydney	Conference Registrar Athena Harris Ingall	19 April 2018
Adjudicators	Administrative Appeals Tribunal Negotiating Outcomes On Time Competition, Adelaide and Brisbane	Justice David Thomas Deputy President Bernard McCabe Members David Barker and Kent Chapman Justin Toohey, Director Alternative Dispute Resolution District Registrars Adam Hay and Deborah Mitchell Angela Durocher and Shiv Martin, Assistant Directors Alternative Dispute Resolution Conference Registrars Nicole Barker, Jodie Gamble, Jenny Lock, Franca Petrone and Mersina Stratos Joe Guthrie, Senior Advisor, Member Support Unit	April–May 2018
Session Chairs	2018 National Conference, Council of Australasian Tribunals, Canberra	Justice David Thomas Deputy President Gary Humphries	8 June 2018

Table A6.3 Publications, 2017–18

TITLE	AUTHOR	PUBLISHER
'The Right Fit: Non-Adversarial Dispute Resolution', <i>Precedent</i> , No. 141, July/August 2017, 37–40	District Registrar Aneita Browning	Australian Lawyers Alliance
'Feeling the Heat: Challenges for 21st Century Tribunals', <i>AIAL Forum</i> , No. 91, March 2018, 61–68	Deputy President Gary Humphries	Australian Institute of Administrative Law

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, 2017–18

ORGANISATION	PARTICIPANT	ROLE
Australian Government Leadership Network NSW	Elizabeth Connolly, Executive Director Registry Operations	Committee member
Australian Institute of Administrative Law – National Executive	Deputy President Gary Humphries	Vice President
Australian Institute of Administrative Law – Victorian Chapter	Member Regina Perton	Committee member
Australasian Tribunals Administrators Group	Sian Leathem, Registrar	Chair
Council of Australasian Tribunals – National Executive	Justice David Thomas	Treasurer
Council of Australasian Tribunals – New South Wales Chapter	Member Jennifer D’Arcy	Committee member
	Sian Leathem, Registrar	Committee member
	Elizabeth Connolly, Executive Director Registry Operations	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	Secretary
Council of Australasian Tribunals, Victorian Chapter	Member Kim Parker	Committee member
	Member Regina Perton	Committee member
	District Registrar Susan Woodford	Vice President
Council of Australasian Tribunals – 2018 National Conference Organising Committee	Deputy President Gary Humphries	Committee member
International Association of Refugee and Migration Law Judges – Asia-Pacific Chapter	Member Sean Baker	Secretary
The College of Law – Migration Agents Capstone Assessment Advisory Committee	Member Katie Malyon	Committee member
The Law Society of South Australia – Alternative Dispute Resolution Committee	Member Steve Georgiadis	Chair

Appendix 7: List of requirements

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
17AD(g) Letter of transmittal			
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
17AD(h) Aids to access			
17AJ(a)	Pages iv–v	Table of contents.	Mandatory
17AJ(b)	Pages 158–162	Alphabetical index.	Mandatory
17AJ(c)	Pages 154–157	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	Appendix 7, pages 146–150	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
17AD(a) Review by accountable authority			
17AD(a)	Chapter 1, pages 2–7	A review by the accountable authority of the entity.	Mandatory
17AD(b) Overview of the entity			
17AE(1)(a)(i)	Chapter 2, pages 10–11	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Chapter 2, pages 11–12	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Chapter 2, page 11	A description of the outcomes and programs administered by the entity.	Mandatory
17AE(1)(a)(iv)	Chapter 3, page 20	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
17AD(c)	Report on the performance of the entity		
Annual Performance Statements			
17AD(c)(i); 16F	Chapter 3, pages 20–23	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
17AD(c)(ii)	Report on Financial Performance		
17AF(1)(a)	Chapter 1, page 7 Chapter 3, page 24	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Appendix 3, page 123	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
17AD(d)	Management and accountability		
Corporate Governance			
17AG(2)(a)	Chapter 4, page 55	Information on compliance with section 10 (fraud systems).	Mandatory
17AG(2)(b)(i)	Chapter 4, page 56	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Chapter 4, page 56	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 56	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 54–56	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 55	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
External Scrutiny			
17AG(3)	Chapter 3, pages 42–45	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	Chapter 3, 43–44	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

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
17AG(3)(b)	Not applicable: see Chapter 3, page 45	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
Management of Human Resources			
17AG(4)(a)	Chapter 4, pages 56–61	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 57	Statistics on the entity's APS employees on an ongoing and non-ongoing basis, including the following: <ul style="list-style-type: none"> • Statistics on staffing classification level • Statistics on full-time employees • Statistics on part-time employees • Statistics on gender • Statistics on staff location • Statistics on employees who identify as Indigenous. 	Mandatory
17AG(4)(c)	Chapter 4, page 58	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 58	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 58	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	Chapter 4, page 59	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Not applicable: see Chapter 4, page 58	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
Assets Management			
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
Purchasing			
17AG(6)	Chapter 4, pages 62–63	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
Consultants			
17AG(7)(a)	Chapter 4, page 62	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 63	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 62	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 63	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
Australian National Audit Office Access Clauses			
17AG(8)	Not applicable: see Chapter 4, page 63	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
Exempt Contracts			
17AG(9)	Not applicable: see Chapter 4, page 63	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
Small Business			
17AG(10)(a)	Chapter 4, page 62	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 62	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

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
Financial Statements			
17AD(e)	Pages 71–104	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
17AD(f) Other mandatory information			
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 137	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 137	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Chapter 3, page 44	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory
17AH(1)(e)	Appendix 5, pages 138–139	Correction of material errors in previous annual report.	If applicable, Mandatory
17AH(2) Information required by other legislation			
	Chapter 4, page 61	Work health and safety information required by the <i>Work Health and Safety Act 2011</i> .	Mandatory
	Appendix 5, page 137	Advertising and market research information required by the <i>Commonwealth Electoral Act 1918</i> .	If applicable, Mandatory
	Appendix 5, pages 137–138	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.
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.
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.
Decision on the papers	A decision based on the documents before the AAT or IAA, made without a hearing or interview.
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.
HCA	High Court of Australia.
Hearing	The occasion at which the parties may present evidence and submissions in relation to an application, including for a review of a decision 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.
JLL	Jones Lang LaSalle.
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>
PGPA (Financial Reporting) Rule 2015	<i>Public Governance, Performance and Accountability (Financial Reporting) Rule 2015.</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.
RRT	Refugee Review Tribunal.
Rtd	Retired.
SES	Senior Executive Service.
Sessional member	A member appointed on a part-time, sessional basis.
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.
Withdrawn	An applicant can decide to withdraw or discontinue an application at any time before the Tribunal makes a decision or dismisses the application.
Work Health and Safety Act	<i>Work Health and Safety Act 2011.</i>

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W

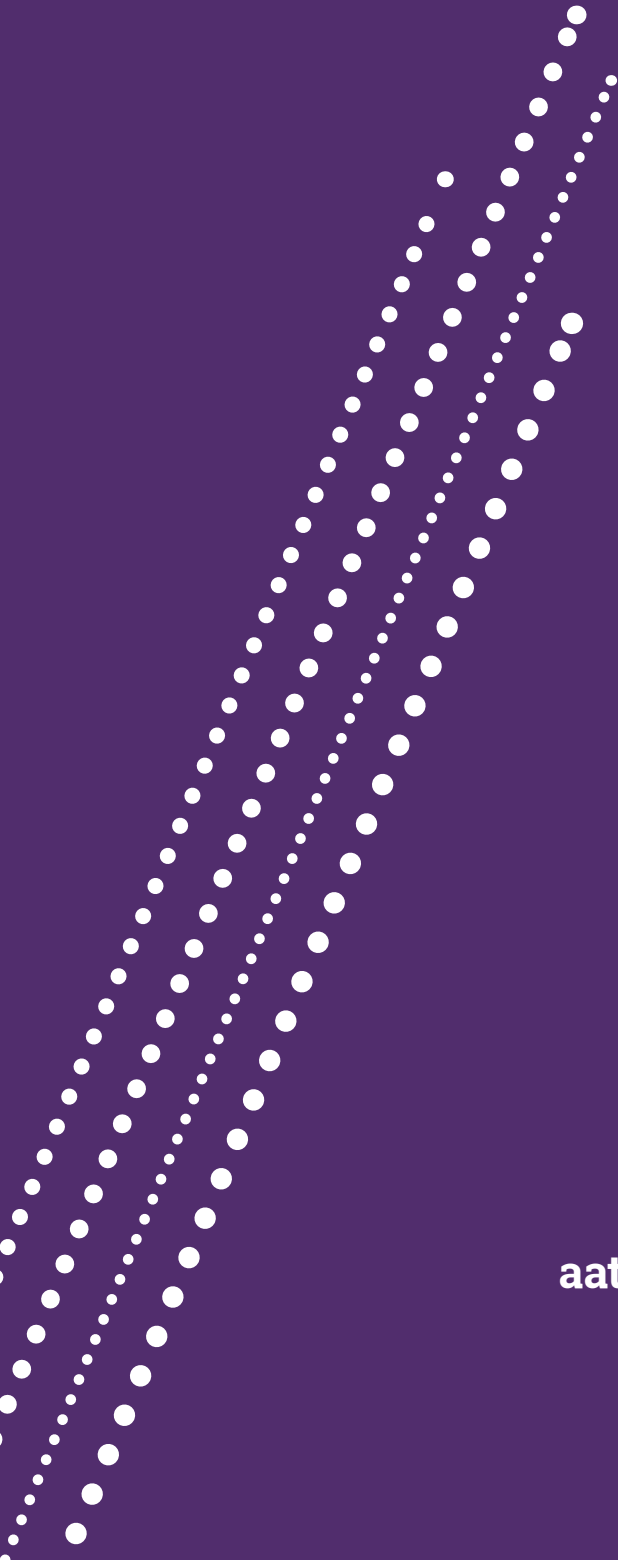
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