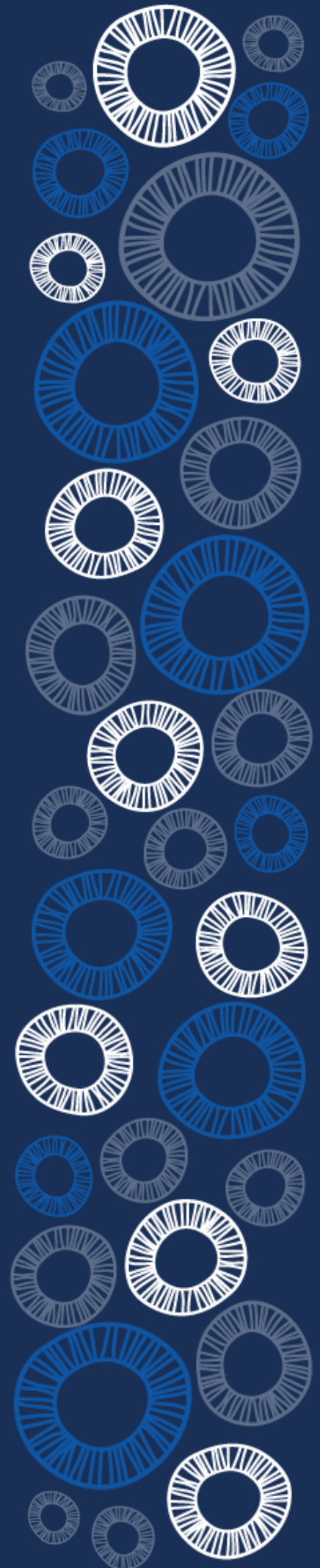




Administrative
Appeals Tribunal

Annual Report 2021–22



**Administrative Appeals Tribunal
Annual Report
2021–22**

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Administrative
Appeals Tribunal

23 September 2022

The Hon Mark Dreyfus KC 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 2022 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*
- the annual financial statements for the Tribunal in accordance with subsection 43(4) of the *Public Governance, Performance and Accountability Act 2013*.

Yours faithfully,

The Hon Justice Fiona Meagher

President

Michael Hawkins AM

Registrar

Accountable Authority

Chapter 1 The year in review

President's overview



The Hon Justice Fiona Meagher

I am honoured to have been appointed the President of the Administrative Appeals Tribunal (AAT) on 1 April 2022. I am committed to ensuring public trust and confidence in the AAT to provide exemplary merits review. That commitment includes an enhanced focus on the needs of the people who access the AAT and the design of fit for purpose pathways for more of the various caseloads in respect of which the AAT has been conferred jurisdiction. I will also strive to ensure that the members providing merits review are optimally placed to undertake their task including by working with stakeholders to contribute to a merits-based appointments process, developing a more collegiate and supportive culture and providing ongoing professional development for members and staff. Finally, my commitment extends to working with government to ensure that the AAT is adequately funded to respond to the demands of the caseloads.

I wish to acknowledge the contribution of the former President, the Honourable Justice David Thomas who, with the former Registrar Sian Leathem, led the AAT with diligence and dedication over a number of years including through the height of the COVID-19 Pandemic. Under their leadership, the AAT rapidly improved its information and communications technology and enabled more flexible working arrangements. I also thank the Honourable Justice Berna Collier who acted as the President of the AAT from the end of January until 31 March 2022 and Jamie Crew who acted as the Registrar from 15 January until 13 April 2022.

On 14 April 2022 the AAT welcomed the appointment of Michael Hawkins AM as Registrar. Prior to his appointment Michael was a part time member of the Migration and Refugee Division of the AAT. He also brings a wealth of experience in corporate management, compliance, and advisory services to the role. I am very pleased that he accepted the role of Registrar and know that he shares my commitment to ensuring public confidence in the AAT and its decision making. More information about our priorities is included in this overview and the Registrar's overview.

During my short time as President, I have had the opportunity to meet with many of our members and staff and have valued our conversations about how we can improve the experience of our users and the ways in which we work and build a positive culture. It was most rewarding to hear the commitment expressed by members and staff to the role of the AAT and the meaningful and important work they do. I look forward to incorporating many of their ideas into our strategies for the future.

Our year in review

Due to the efforts of our members and staff, the AAT provided excellent merits review to the Australian community in 2021–22. We absorbed a significant increase in the number of applications without a concomitant increase in resources or funding. Notwithstanding the pressure of additional lodgements, we continued to advance our program of digital transformation, progressed to a proof of concept for a new case management system and laid the groundwork for more efficient and effective case management strategies for the future.

In terms of the future, without a significant increase in members and staff, and commensurate funding, the AAT will be unable to keep pace with the lodgements, improve its timeliness, or make significant inroads into the active caseload particularly in the Migration and Refugee Division.

Workload and performance

The AAT received just over 44,000 applications in 2021–22, an increase of 18% compared to the previous reporting year. Lodgements increased by 174% in the National Disability Insurance Scheme Division; 31% in the Migration and Refugee Division; and 17% in the Taxation and Commercial Division. Lodgements decreased in all other divisions.

In 2021–22, the AAT finalised 42,007 applications. This is 2,558 less applications than the previous financial year and short of our annual performance target. The reduction in finalisations can be attributed to the increasing complexity of the cases on hand, particularly in the Migration and Refugee Division as simpler cases were finalised in earlier years particularly during the COVID-19 pandemic.

The AAT made modest improvements to timeliness this year finalising 58% of applications within 12 months. This is an improvement of 5% compared to 2020–21, but still below the performance measure target of 75%. More than 75% of applications in the Social Services and Child Support, National Disability Insurance Scheme and Small Business Taxation Divisions were finalised within 12 months. AAT members and staff are to be commended for their efforts in this regard.

The AAT achieved a clearance ratio of 95% for the reporting year against a performance measure target of 100%. As of 30 June 2022, excluding the IAA, there were 67,720 cases awaiting finalisation. Eighty-three per cent of these cases belong to the Migration and Refugee Division, and many of those require in-person hearings, which have been limited during the COVID-19 pandemic. The AAT has now returned to more in-person hearings and is on track to make a modest reduction in the active caseload however it requires commensurate resourcing to support increased decision making in order to make a significant reduction in the growing backlogs.

The number of IAA referrals received in 2021–22 remained consistent with the previous reporting year. The IAA finalised an additional 289 referrals compared to last financial year, an increase of 37%. The median time to finalisation increased by 2 weeks from 5 to 7 weeks. Forty-one cases were on hand as of 30 June 2022.

In addition to measures about our timeliness and finalisations, we remain committed to enhancing the experience of our users and seek feedback on the quality of our performance and service. The AAT received a user satisfaction rating of 74% in 2021–22. While this was a reduction of 3% compared to last year, it was still four percentage points above our annual target.

In terms of transparency, the AAT published 5,357 AAT and IAA decisions in 2021–22 exceeding its annual target by 357 decisions. As another indicator of strong performance, the number of successful appeals as a proportion of all AAT and IAA decisions reduced from 2.3% in 2020-21 to 1.9% in 2021–22. The number of appeals allowed by the courts has successfully remained below 5% since 2015-16.

Membership

We welcomed the appointment of 20 new members in 2021–22. Thirty-five existing members were promoted or appointed for additional terms. As of 30 June 2022, 311 members were appointed to serve the AAT. This number includes 128 full-time members and 172 part-time members. At the end of 2021–22, there were 13 fewer members than at the end of the previous reporting year.

During 2021–22, we farewelled thirty-one members whose appointments ended. I wish to thank those members for their ongoing commitment and dedication to providing our community with a fair, just, and independent merits review process. I particularly acknowledge the service of Deputy President Constance whose very significant contribution to the AAT including providing leadership to the Melbourne and Sydney registries as Deputy President for more than 10 years.

On 9 May 2022, the Hon Michael Mischin was appointed as Deputy President and Division Head of the National Disability Insurance Scheme Division. I look forward to working with Deputy President Mischin as he builds on the existing case management initiatives in the Division. More information about the performance of the National Disability Insurance Scheme Division is available in Chapter 3 of this annual report.

I have experienced firsthand the dedication shown by members in relation to the important work they do in reviewing government decisions. I am committed to supporting members in the performance of their duties by maintaining an appropriate level of professional development and pastoral care. To this end, the AAT launched the member curriculum in March 2022 to support the ongoing professional development of members through relevant and targeted learning opportunities and activities. Of particular significance, the AAT partnered with the National Judicial College of Australia (NJCA) to facilitate a family violence training program in Sydney, Melbourne, Adelaide, and Perth. The training was presented by Judges, Senior Magistrates and other experts.

Ensuring confidence beyond 2021–22

Looking ahead to the next 12 months, our focus will be on the way AAT services are designed and delivered to ensure it is well placed to capitalise on opportunities such as the advancement of a new case management system and address the challenges, including increasing demand for services.

The AAT will continue to provide ongoing professional development to members to ensure they are appropriately skilled to perform the work required. The AAT will also explore ways in which it can be more transparent with data and information about our performance to maintain public confidence in our decision-making.

The AAT remains committed to enhancing the accessibility of its services to all Australians. In particular, the AAT looks forward to progressing the actions endorsed in its Reflect Reconciliation Action Plan (RAP), launched in May 2022. This RAP lays the foundation for future reconciliation by growing relationships with Tribunal users and suppliers who are First Nations peoples, showing respect in the delivery of merit reviews and increasing employment, development, and commercial opportunities for Aboriginal and Torres Strait Islander peoples.

The AAT will also focus on developing dedicated pathways for specific caseloads such as those in the Veterans' Division to ensure public expectations can continue to be met.

I look forward to working with members and staff, as well as Government, to ensure confidence in the AAT and to raise awareness of the AAT's crucial role and purpose and the important work it does.

Registrar's review



Registrar Michael Hawkins AM

It is a pleasure to provide my inaugural Registrar's review for the 2021–22 annual report. I extend my thanks to the former President, the Honourable Justice David Thomas, and former Registrar, Sian Leathem, who steered this organisation through various challenges. I join Justice Meagher in thanking the Honourable Justice Berna Collier and Jamie Crew for acting in the positions of President and Registrar respectively in the months leading up to our appointments. I further congratulate Jamie Crew who will be assuming the role of Chief Operating Officer in 2022–23.

I wish to acknowledge the efforts of our members and staff for continuing to deliver and support high quality merits review throughout the reporting year, particularly during the ongoing challenges and disruptions presented by the pandemic. In addition to our strong performance against the measures noted in the President's overview, the AAT also progressed a number of other initiatives in 2021–22, including:

- completion of the discovery phase of the case management solution project and progression to proof of concept which tests the potential and viability of our ideas
- upgrades and enhancements to a number of internal and external-facing technology products
- development of an enterprise capability model which identifies the key capabilities we will need to meet our statutory objective in the future.

Although we are still making progress on some key programs, it has not been without significant challenges. The next 12 months will focus on ensuring public confidence and financial sustainability for the AAT by addressing the following priorities:

- Progressing work on the new case management solution, including securing associated funding for implementation.
- Bringing the AAT back to a balanced budget, by identifying efficiencies and developing a new funding model to present to Government.
- Ensuring the AAT's structure is fit for purpose and delivers a responsive and consistent user-focused service regardless of division and location.
- Workforce planning, including improving staff retention, accountability and satisfaction by developing well-defined career pathways and position descriptions.

The following sets out our major achievements and learnings in 2021–22 and our areas of focus for the coming year.

Technology

During the reporting year, we continued with our program of digital transformation, including stabilising and enhancing our mobile ways of working and modernising our digital operating environment. We continued to enhance the online services portal and deployed additional features in MS Teams designed to support collaboration across the organisation and communication with external stakeholders. We launched a new intranet, enabling

members and staff to access information more easily. We also took steps to further strengthen our cyber security through various upgrades and decommissioning of legacy systems.

We made considerable progress on the case management solution program. The separate case management systems inherited from the former tribunals are well beyond their end of life and do not have vendor support, meaning we are unable to maintain them or make changes in aid of better workflows, data collection or accessibility. The discovery phase of the program was completed in late 2021–22 and we have progressed to proof of concept. It is a credit to the organisation that such progress has been achieved with limited resourcing.

Financial results and funding model

The AAT received an unqualified audit report on the 2021–22 financial statements from the Australian National Audit Office. The AAT's expenses have remained consistent since 2019–20 but the capacity to generate additional revenue from the finalisation-driven component of our funding has reduced due to the increasing complexity of the Migration and Refugee Division's caseload. Further, the continuing working from home arrangements have impacted our overall costs of licensing, hardware and IT security. As we have transitioned away from high-cost technology infrastructure to lower cost commodity IT services, the impacts of transitioning away from capital expenditure to operational expenditure, while making significant overall savings, has created an increase in our operational costs. The AAT's revenue and operating expenses resulted in a deficit of \$15.6 million excluding depreciation, amortisation and principal repayments on leased assets in 2021–22. The 2021–22 deficit result was outside the approved limit of \$15.3m with the increase related to adjustments to leasing costs and recently recognised employee liabilities. This will be funded by available AAT accumulated cash reserves.

A crucial priority during my time as Registrar is to work with the Government to develop an appropriate funding model for the AAT. The funding arrangements for the AAT are still largely based on the models that existed in the former tribunals prior to amalgamation on 1 July 2015 and are not fit for purpose. In 2022–23 I will continue to engage with the Attorney-General's Department and Department of Finance to settle on a more flexible funding model which is responsive to changes in our workload and member and staff resource levels.

Workforce planning, culture and capability

Ensuring our staff have the right capabilities and our organisation has a positive culture remain a high priority. One way in which we measure this is through the APS Employee Census. The census was conducted in May – June 2022 with a similar response rate from our staff as the previous year. We had a positive engagement score, with results indicating our staff are happy to 'go the extra mile' and feel a link between their role and achieving outcomes for the public. There are areas for improvement, such as recruitment and retention which we will focus on addressing in 2022–23.

We finalised our enterprise capability model, which is a tool for informing strategic decisions around resourcing and planning to ensure we are best placed to deliver on our statutory objective into the future. The model sets out the skills and capabilities required at an organisational level and was developed through input from staff and management.

As in the previous reporting period, during 2021–22 we focused on providing flexible learning and professional development options via online platforms and in-person workshops. Similar to the member professional development opportunities noted by Justice Meagher, staff had access to online learning through the AAT's learning management system, and other platforms such as LinkedIn Learning and the APS Academy. We also surveyed our Conference Registrars on their learning priorities and commenced a series of workshops

covering topics such as conciliator craft and techniques for resolving an impasse – a priority for the AAT given the increasing demand for alternative dispute resolution.

Governance and structure

During 2021–22, we continued reviewing our structure with the view to achieving greater consistency in the delivery of our services to users across divisions and locations, and supporting members to make quality and timely decisions. The review will also encompass an evaluation of our corporate and enterprise services to ensure our shared services structure reflects best practice. We will ensure the functions performed within this structure are directed to supporting our core business of decision-making and providing an accessible, informal and seamless user experience. By examining our structure we are also aiming to achieve greater clarity of roles so our people have the necessary capabilities and accountabilities to perform their jobs well. In the next reporting year the President and I will also take the opportunity to review governance arrangements to ensure we, the Division Heads and other senior leaders are best placed to carry out our legislative responsibilities and assist the AAT to achieve its statutory objective.

In 2021–22 we also established a portfolio control group to coordinate and prioritise strategic activities, in place of the previous Transformation Committee. In the context of an operational budget deficit and the need to ensure progress of critical programs, such as the case management solution project, the control group’s role is to advise me on the optimal allocation of financial and staff resources across the whole of the organisation.

Outlook for 2022–23 and beyond

Despite the challenges we are experiencing as a result of increasing workloads and strains on our resources, there are exciting developments on the horizon. We will continue to innovate and adapt to our constantly evolving operating environment and work to ensure confidence in the AAT.

The principal focus in the year ahead will be on maintaining momentum towards securing a new case management solution. The proof of concept phase of the program involves testing potential components to determine the viability of the end product. This process may disclose that we need to test an alternative solution. It is an important step because it is imperative that we select the solution that is right for the AAT and our diverse users. Success of the program will depend on securing funding for the next phases and implementation, previous attempts at which have been unsuccessful. I am confident that the end result will bring significant improvement in terms of streamlining processes across all 9 divisions, while supporting vastly improved data and security capabilities, as well as enhancing access to information for parties and their representatives.

An interrelated piece of work will be the progression of our data strategy. Outdated systems have hampered our ability to collect, extract and use data, resulting in information gaps and missed learning and strategic opportunities. The strategy will include enhancing our data culture and literacy across the organisation.

In 2022–23 we will also commence implementing our Workforce Strategy 2022–2025. The strategy was developed with the Australian Public Service Commission and identifies current and future capability needs in our enterprise capability model, and sets out the key strategies to attract, develop and retain staff, and mitigate against risks. This, in conjunction with further progress in the review of our structure, are initiatives we will pursue in the coming year to ensure we can be more responsive to challenges and provide the best service possible to the people who access the AAT.

During my short time as Registrar, I have been impressed by the dedication of our members and staff and their commitment to continuous improvement for the benefit of the public. I look forward to continuing to work with the President, members and staff in the years ahead.

Chapter 2 Overview of the AAT

Functions and purpose

The Administrative Appeals Tribunal, established on 1 July 1976, provides independent merits review of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. The Immigration Assessment Authority (IAA), a separate office within the AAT, provides independent merits review of certain visa decisions.

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, set aside or remit the decision under review.

The AAT must pursue the objective set out in section 2A of the *Administrative Appeals Tribunal Act 1975* 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 IAA must pursue the objective set out in section 473FA of the *Migration Act 1958* of providing a mechanism of review that is efficient, quick and free of bias.

The AAT and IAA provide administrative justice for individuals and organisations by reviewing decisions in accordance with the Administrative Appeals Tribunal Act and the Migration Act and, more broadly, contribute to improving the quality of government decision-making.

Outcome and program

The AAT, including the IAA, has a single outcome specified in the 2021–22 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 which covers the AAT and IAA.

Structure

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 9 divisions:

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

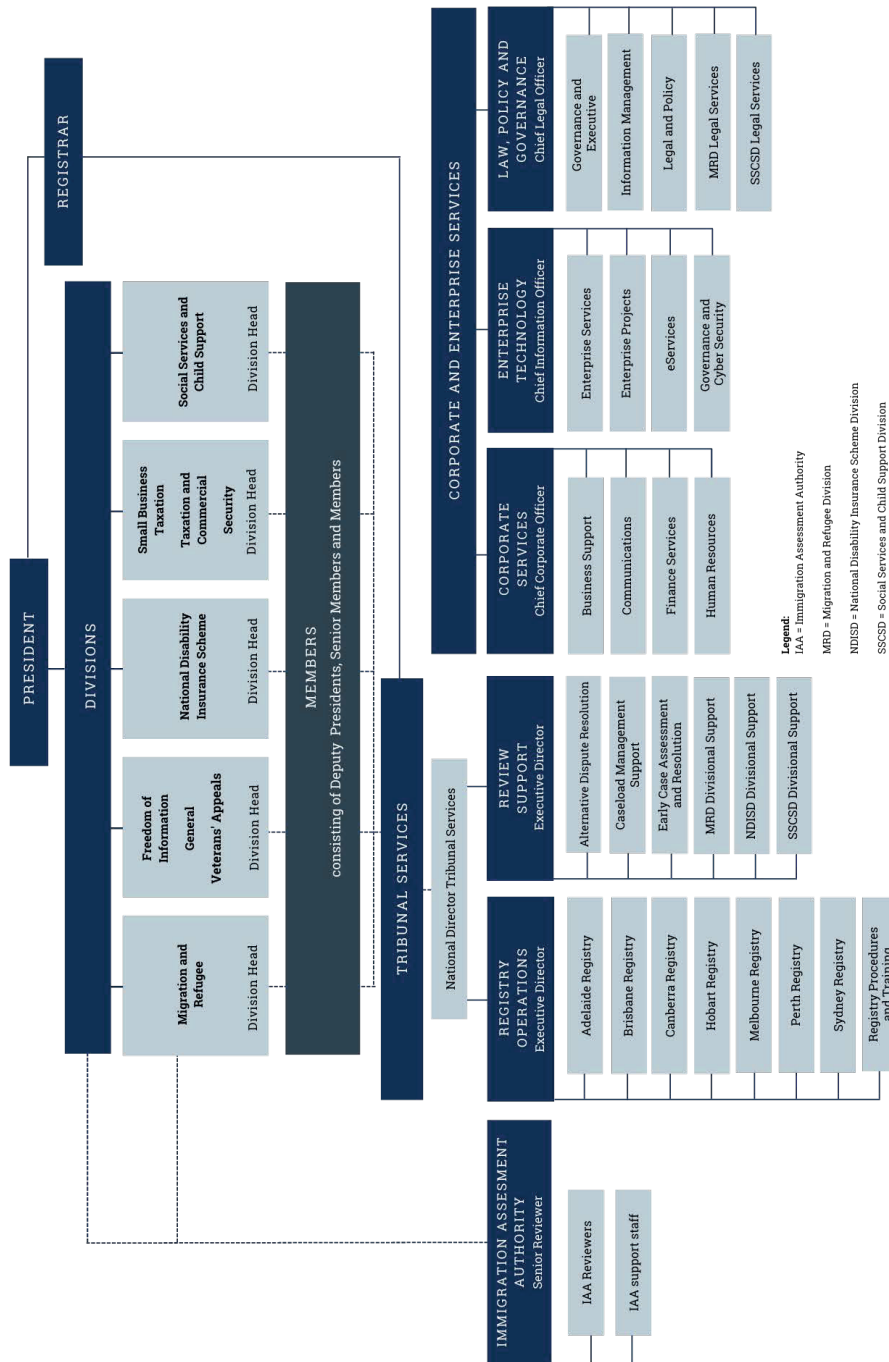
A deputy president may be assigned as the head of one or more of our divisions. A deputy president or senior member may be assigned as the deputy head of one or more of our divisions.

The President is responsible for the overall management of the AAT with the assistance of the division heads and the Registrar. Staff work with members to carry out our functions.

The IAA is established within the Migration and Refugee Division. It consists of the President, the Division Head of the Migration and Refugee Division, the Senior Reviewer who must be a Senior Executive Service employee, and reviewers. Staff of the AAT are made available to assist the IAA. More information about the IAA can be found in Chapter 4 Immigration Assessment Authority.

The chart below shows our organisational structure.

FIGURE 1: ORGANISATIONAL STRUCTURE, 30 JUNE 2022



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 7 years. Members may be reappointed.

Qualification requirements for the various membership categories are in the Administrative Appeals Tribunal Act. The President of the AAT must be a judge of the Federal Court of Australia. Other judges of the Federal Court of Australia and judges of the Federal Circuit and Family Court of Australia (Division 1) may be appointed as a deputy president. Other persons may be appointed as a deputy president, senior member or member if they:

- are lawyers of at least 5 years' standing, or
- have special knowledge or skills relevant to the duties of a deputy president, senior member or member.

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 2022, there were 311 members of the AAT.

Appendix 1: Members of the AAT lists all AAT members at 30 June 2022, including the division(s) to which each senior member and Member was assigned.

TABLE 1: NUMBER OF AAT MEMBERS BY CATEGORY, 30 JUNE 2022

CATEGORY OF MEMBER	JUDGE			FULL TIME			PART TIME			TOTAL		
	F	M	Total	F	M	Total	F	M	Total	F	M	Total
President	1	0	1							1	0	1
Deputy President												
Federal Court judge	3	5	8							3	5	8
Federal Circuit and Family Court judge	1	1	2							1	1	2
Non-judicial				3	10	13	0	6	6	3	16	19
Senior Member				23	25	48	9	14	23	32	39	71
Member				29	38	67	71	72	143	100	110	210
TOTAL	5	6	11	55	73	128	80	92	172	140	171	311

Legend: F = female; M = male

President and Division Heads

The President of the AAT was Justice David Thomas until he resigned with effect from the end of January 2022. Justice Berna Collier was the acting President until 31 March 2022. On 1 April 2022, Justice Fiona Meagher was appointed as a Judge of the Federal Court and as President of the AAT for a term of 7 years.

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.

TABLE 2: DIVISION HEADS, 30 JUNE 2022

DIVISION	NAME	DATE OF ASSIGNMENT
Division Heads		
General Division	Deputy President Peter Britten-Jones	20 March 2019
Migration and Refugee Division	Deputy President Jan Redfern PSM	21 March 2016
National Disability Insurance Scheme Division	Deputy President Michael Mischin	9 May 2022
Small Business Taxation Division	Deputy President Bernard McCabe	20 March 2019
Taxation and Commercial Division		25 March 2016
Social Services and Child Support Division	Deputy President Karen Synon	17 December 2020

Deputy President Peter Britten-Jones also oversees the Freedom of Information Division and Veterans' Appeals Division. Deputy President Bernard McCabe also oversees the Security Division.

Prior to her appointment as President of the AAT, Justice Fiona Meagher was a Deputy President and Division Head of the National Disability Insurance Scheme Division.

See Appendix 1: Members of the AAT for profiles of the President and Division Heads.

Staff of the AAT

The Registrar is a statutory office holder appointed by the Governor-General on the nomination of the President. The Registrar assists the President in managing the AAT's administrative affairs and is:

- the Accountable Authority for the AAT, including the IAA, under the *Public Governance, Performance and Accountability Act 2013*
- the Agency Head for the purposes of the *Public Service Act 1999*.

The Registrar also has statutory functions relating to the management of applications, conferred by the *Administrative Appeals Tribunal Act 1975* and other enactments.

The Registrar is Michael Hawkins AM, who was appointed for a 5-year term from 14 April 2022. The former Registrar, Sian Leathem, resigned her appointment on 14 January 2022. Jamie Crew was Acting Registrar from 15 January until 13 April 2022.

During 2021–22, employees in senior executive positions assisted the President, Registrar and Division Heads in designated areas of responsibility.

TABLE 3: SENIOR EXECUTIVE EMPLOYEES, 30 JUNE 2022

Position	Name
Chief Corporate Officer	Christopher Sutton (Acting)
Chief Information Officer	Andrew Dundon
Chief Legal Officer	Christopher Matthies
Executive Director, Registry Operations	Shari Beaumont
Executive Director, Review Support	Alison Nesbitt
National Director, Tribunal Services	Jamie Crew
Senior Reviewer, Immigration Assessment Authority	Sobet Haddad

Jacqueline Fredman was the Chief Corporate Officer until she resigned on 28 March 2022. The position has not yet been filled on an ongoing basis.

Other staff are employed as ongoing, non-ongoing or intermittent employees under the Public Service Act and as labour hire. See Chapter 5 Management and accountability and Appendix 2: Additional staffing statistics for more detailed staffing information.

Our services

Tribunal Services

Applicants and other users can 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 hearings and alternative dispute resolution processes
- liaise with parties and representatives about their cases and give them information about our operations and procedures
- provide administrative and other support services to members and registrars.

Conference registrars conduct most alternative dispute resolution processes held by the AAT in the Freedom of Information, General, National Disability Insurance Scheme, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions. Case assessment registrars and caseload practice managers undertake early case assessment and triage for various types of applications, particularly in the Migration and Refugee Division, Small Business Taxation Division and the Social Services and Child Support Division. At 30 June 2022, dedicated national teams provided caseload support and legal services to the Migration and Refugee Division, the Social Services and Child Support Division and the National Disability Insurance Scheme Division.

Corporate and Enterprise Services

Corporate and Enterprise Services staff advise and assist the President and Registrar in managing the AAT's administrative affairs and provide services to members and staff. During the reporting year, these staff were responsible for business support, corporate legal and policy support, financial and human resource management, library and information services, communications support, business strategy and governance support and technology services.

Powers and processes

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

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
- workers' compensation under Commonwealth laws.

We also review a wide range of other decisions, including decisions about aged care, bankruptcy, childcare services, civil aviation, corporations and financial services regulation, customs, education regulation, electoral matters, freedom of information, marriage celebrants, mutual recognition of occupations, paid parental leave, passports, professional regulation, security assessments by the Australian Security Intelligence Organisation and unpaid employment entitlements.

We can also review decisions made under certain Norfolk Island laws, including decisions about building, land valuation and planning. A list of the Commonwealth and Norfolk Island laws, under which decisions that can be reviewed by the AAT may be made, is on our website.

In the reporting year, the AAT acquired jurisdiction to review decisions made under new legislation, including the *Fuel Security Act 2021* and the *Online Safety Act 2021*.

Processes

The AAT's powers and procedures are set out primarily in the Administrative Appeals Tribunal Act, in Parts 5 and 7 of the Migration Act and in social services legislation that confers jurisdiction on us. Our processes vary according to the type of decision we are reviewing, reflecting procedural requirements set out in legislation as well as case management approaches that 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, advocate 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, can be found in Chapter 3 Performance.

Steps in a review

When we receive an application that meets the application requirements, we notify the original decision-maker who must then give us a copy of the decision and all 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 agency does not take an active 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 is relevant to the case. The AAT also has the power to require non-parties to give us documents that are relevant to a review or attend and give evidence to the AAT.

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 try to help them 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 up to 3 members, but most reviews are conducted by a single member. The Tribunal is not bound by the rules of evidence and aims to conduct hearings with as little formality and technicality as is appropriate in the circumstances.

Hearings are held in person, by telephone and by video. They are open to the public, including in cases where they are held by telephone or video, unless the Tribunal directs that a hearing be held in private or when legislation requires a private hearing. Hearings must be held in private in refugee cases, in applications for review of Australian Security Intelligence Organisation security assessments, in cases heard in the Social Services and Child Support Division and in some taxation cases.

Following the hearing, the Tribunal makes a 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.

The Tribunal must give reasons for the decision. The decision and reasons may be given verbally on the day of the hearing or given in writing at a later date.

Directions, guides and guidelines

We prepare and publish a range of policy and procedure documents that are 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 that explain the procedures that apply for certain types of applications. Other presidential directions and guidelines deal with specific 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 and a range of fact sheets to provide more targeted information in relation to some 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.

Members who meet the qualification requirements in the relevant legislation may be authorised by the responsible Minister to perform these *persona designata* functions.

Warrants, controlled operations and other functions

During the reporting year, members were authorised to:

- issue examination notices under the *Building and Construction Industry (Improving Productivity) Act 2016*
- review a decision to make a temporary exclusion order under the *Counter-Terrorism (Temporary Exclusion Orders) Act 2019*
- 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 and investigation warrants and exercise related powers in relation to the *Narcotic Drugs Act 1967*
- issue surveillance device warrants, retrieval warrants, computer access warrants, data disruption warrants and network activity warrants and exercise related powers under the *Surveillance Devices Act 2004*
- issue telecommunications interception warrants, stored communications warrants and journalist information warrants under the *Telecommunications (Interception and Access) Act 1979*.

For some of these functions, only the President and Deputy Presidents may be nominated to exercise the powers. For other functions, senior members and members may also be nominated, generally only if they have been enrolled as a legal practitioner for at least 5 years.

TABLE 4: NUMBER OF APPLICATIONS RELATING TO WARRANTS, CONTROLLED OPERATIONS AND OTHER FUNCTIONS, 2020–21 TO 2021–22

	2020–21	2021–22
Number of occasions on which applications considered	2,640	2,395

Members are available outside standard business hours to perform these functions. In the reporting period, 207 out-of-hours appointments were held.

Proceeds of crime examinations

The President, any deputy president, and any senior member or member enrolled as a legal practitioner for at least 5 years, may be appointed by the responsible Minister as an approved examiner under the *Proceeds of Crime Act 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 5: NUMBER OF EXAMINATIONS HELD UNDER THE PROCEEDS OF CRIME ACT, 2020–21 TO 2021–22

	2020–21	2021–22
Number of examination sessions held	83	86

Chapter 3 Performance

Annual Performance Statement

Introductory statement

I, Michael Hawkins AM, as the accountable authority of the Administrative Appeals Tribunal, present the 2021–22 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 accurately reflects the entity’s performance and complies with subsection 39(2) of the Public Governance, Performance and Accountability Act.

For the purposes of the finance law, the AAT includes the Immigration Assessment Authority. Therefore, in this statement, references to the AAT and IAA are to the different entities.

Purpose

The AAT provides independent merits review of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. The IAA, a separate office within the AAT, provides independent merits review of certain visa decisions.

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, set aside or remit the decision under review.

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.

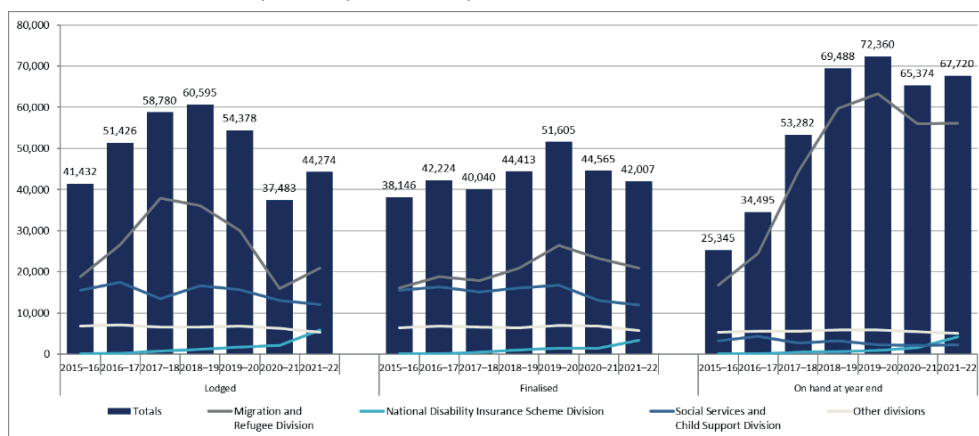
The IAA must pursue the objective of providing a review that is efficient, quick and free of bias.

The AAT and IAA provide administrative justice for individuals and organisations by reviewing decisions made under more than 400 Commonwealth laws in accordance with the *Administrative Appeals Tribunal Act 1975* (AAT Act) and the *Migration Act 1958* and, more broadly, contribute to improving the quality of government decision-making.

AAT and IAA caseload overview

The AAT received 44,274 applications and finalised 42,007 applications in 2021–22. There were 67,720 applications on hand at 30 June 2022. To demonstrate trends over time, Figure 2 illustrates the number of applications lodged and finalised in the last 7 financial years and the number of applications on hand at 30 June each year.

FIGURE 2: APPLICATIONS LODGED, FINALISED, AND ON HAND, 2015–16 TO 2021–22



The number of applications lodged in 2021–22 was 18% higher than the number lodged in 2020–21, while the number of applications finalised was 6% lower than in 2020–21. The number of applications on hand at 30 June 2022 was 4% higher than the number of applications on hand at 30 June 2021.

Figure 2 shows how the size of our workload varies between divisions: 75% of the applications lodged in 2021–22 were in the Migration and Refugee Division and the Social Services and Child Support Division. The National Disability Insurance Scheme Division comprises an increasing proportion of the overall caseload: 13% in 2021–22 compared with 3% in 2019–20 and 6% in 2020–21. With 9% of applications in the General Division, the remaining 3% of applications lodged in 2021–22 were in the Freedom of Information, Security, Small Business Taxation, Taxation and Commercial, and Veterans’ Appeals Divisions.

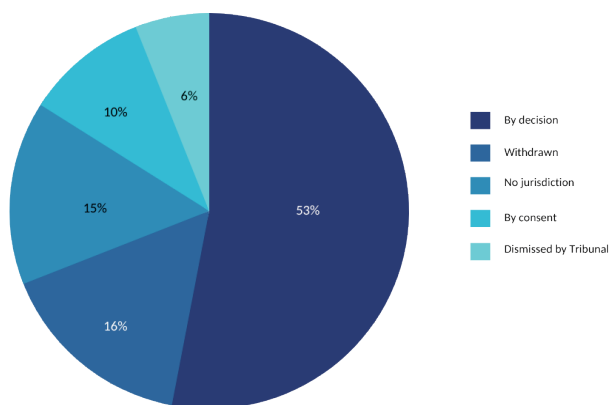
TABLE 6: APPLICATIONS LODGED, FINALISED AND ON HAND BY DIVISION, 2021–22

DIVISION	LODGED		FINALISED		ON HAND AT YEAR END	
	No	% of total	No	% of total	No	% of total
Freedom of Information	70	<1%	72	<1%	108	<1%
General	3,879	9%	4,514	11%	2,941	4%
Migration and Refugee	20,936	47%	20,892	50%	56,129	83%
National Disability Insurance Scheme	5,918	13%	3,348	8%	4,193	6%
Security	17	<1%	7	<1%	37	<1%
Small Business Taxation	317	<1%	297	<1%	469	<1%
Social Services and Child Support	12,138	27%	11,996	29%	2,342	3%
Taxation and Commercial	838	2%	685	2%	1,315	2%
Veterans’ Appeals	161	<1%	196	<1%	186	<1%
TOTAL	44,274	100%	42,007	100%	67,720	100%

Of the 67,720 applications on hand at 30 June 2022, the largest proportion was in the Migration and Refugee Division, with applications in the National Disability Insurance Scheme Division comprising an increasing proportion following the marked increase in lodgements in 2021–22. The AAT’s large on hand caseload has developed primarily because our member and staff numbers have not kept pace with the volume and complexity of our workload over time.

Applications may be finalised in different ways, as illustrated in Figure 3. In 2021–22, more than half of all applications were finalised by the AAT making a decision on review, usually after conducting a hearing. In 10% of finalised cases, the application was finalised by the AAT in accordance with a consent agreement reached between the parties, with the reviewable decision affirmed, varied or set aside or the application dismissed. The remaining 37% of applications were withdrawn, finalised on the basis that they did not meet the requirements for a valid application, or otherwise dismissed without the AAT reviewing the decision. The distribution of outcome types was broadly consistent with earlier reporting years.

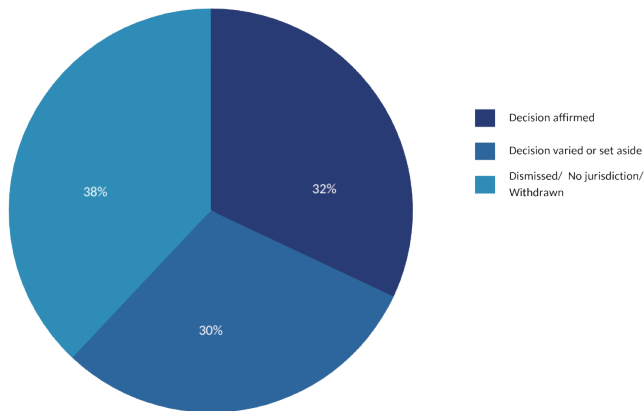
FIGURE 3: MODE OF FINALISATION OF APPLICATIONS FOR REVIEW OF DECISIONS, 2021–22*



* 'By decision' comprises 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' comprises applications in relation to which the AAT cannot review the decision. 'By consent' comprises applications finalised in accordance with terms of agreement reached by the parties. 'Dismissed by Tribunal' comprises applications dismissed on various grounds, including where the applicant fails to appear at a case event or to comply with a direction, or the application is frivolous or vexatious or has no reasonable prospect of success.

In relation to the outcomes of applications made to the AAT, as demonstrated in Figure 4, a decision under review was varied or set aside in 30% of all applications finalised in 2021–22, either by decision or by consent, similar to the result for 2020–21 (29%).

FIGURE 4: OUTCOMES OF APPLICATIONS FOR REVIEW OF DECISIONS, 2021–22*



* Percentages may not total 100% due to rounding.

The IAA received 906 referrals in 2021–22, similar to the 894 received in the previous reporting year. The on hand caseload reduced from 212 at the end of 2020–21 to 41 at the end of 2021–22 with an increase in the number of finalisations. Consistent with results for previous reporting years, the IAA affirmed 90% of decisions under review and remitted 9% to the Department of Home Affairs for reconsideration. The remaining 1% were referred to the IAA in error.

More detailed information about the operations of the AAT’s divisions, including outcomes of reviews, is set out later in this chapter. Additional statistics about the types of applications lodged and finalised in the AAT in 2021–22 as well as about the location of applicants and the representation of parties (other than decision-makers) are available on our website. More information about the operations of the IAA is set out in Chapter 4 Immigration Assessment Authority.

Results against performance measures

The below table summarises results against each of the performance measures set out in our Corporate Plan 2021–22, the Portfolio Budget Statements and for the previous year. Performance measures 1, 2, 3, 4 and 6 covered the work of the both the AAT and IAA.

TABLE 7: RESULTS AGAINST PERFORMANCE MEASURES IN AAT CORPORATE PLAN, 2020–21 TO 2021–22

PERFORMANCE MEASURE		TARGET	RESULT	MET/NOT MET
1. Number of AAT applications and IAA referrals finalised	2020–21	52,040	45,353	Not met
	2021–22	47,944	43,084	Not met
2. Clearance ratio of AAT finalisations and IAA decisions	2020–21	100%	118%	Met
	2021–22	100%	95%	Not met
3. Proportion of AAT applications and IAA referrals finalised within a time standard	2020–21	75%	54%	Not met
	2021–22	75%	60%	Not met
4. Number of AAT and IAA decisions published	2020–21	At least 5,000	5,998	Met
	2021–22	At least 5,000	5,357	Met
5. AAT user experience rating	2020–21	At least 70%	77%	Met
	2021–22	At least 70%	74%	Met
6. Proportion of appeals against AAT and IAA decisions allowed by the courts	2020–21	Less than 5%	2.30%	Met
	2021–22	Less than 5%	1.90%	Met

Performance measure 1: Number of AAT applications and IAA referrals finalised

This measure is an indicator of the scale of activity undertaken by the AAT and IAA to carry out our role of reviewing decisions that affect the interests of individuals and organisations.

Target

2021–22: 47,944 finalisations

Source

Corporate Plan 2021–22 (page 17) and Portfolio Budget Statements 2021–22, Attorney-General’s Portfolio (page 58)

Performance achieved

43,084 finalisations (42,007 AAT applications and 1,077 IAA referrals) – target not met.

Our 2020–21 performance was 45,353 finalisations against a target of 52,040.

Analysis

The AAT and IAA undertake an exercise to estimate the number of applications and referrals they expect to finalise in a financial year. The target is based on a range of inputs, including the past year’s performance, anticipated lodgements and referrals taking into account activity and trends in the broader operating environment as well as information relating to the financial and human resources that will be available.

The AAT and IAA finalised a substantial number of applications and referrals in 2021–22, reaching 90% of the target, notwithstanding continued disruptions associated with the COVID-19 pandemic such as lockdowns and other restrictions affecting our operations in various locations during the reporting year. The shortfall in meeting our target can be attributed primarily to lower than expected lodgements in some areas of our work. Table 8 sets out the number of applications finalised in each of the AAT’s divisions in 2020–21 and 2021–22.

TABLE 8: AAT APPLICATIONS FINALISED BY DIVISION, 2020–21 TO 2021–22

DIVISION	NO. OF FINALISATIONS	
	2020–21	2021–22
Freedom of Information	47	72
General	5,208	4,514
Migration and Refugee	23,246	20,892
National Disability Insurance Scheme	1,448	3,348
Security	3	7
Small Business Taxation	418	297
Social Services and Child Support	13,088	11,996
Taxation and Commercial	897	685
Veterans’ Appeals	210	196
Total	44,565	42,007

The National Disability Insurance Scheme (NDIS) Division was the only division to experience a substantial increase in finalisations in the 2021–22 reporting year. It finalised 131% more cases than in 2020–21 following the sharp increase in the Division’s workload, particularly in 2021–22 with lodgements growing by 174%. The triaging, case management and alternative dispute resolution practices used in the Division to manage the increasing caseload contributed to the increase in finalisations.

Both the General Division and Social Services and Child Support Division finalised fewer applications in 2021–22 than in 2020–21 (13% and 8% respectively). This was primarily due to a decrease in the number of applications lodged in each of these divisions during the reporting year (19% and 7% respectively). When we set our finalisation target, we had anticipated lodgements and finalisations would be at higher levels in both divisions.

The number of applications finalised in the Small Business Taxation Division decreased by 29% in the reporting year. This can be attributed to a 43% drop in lodgements, particularly applications relating to COVID-19 stimulus measures, as well as an overall increase in the complexity of the caseload as the less complex cases relating to the stimulus measures were finalised. Finalisations also decreased in the Taxation and Commercial Division, by 24%.

While the Migration and Refugee Division did not achieve the same level of finalisations in 2021–22 as in 2020–21, it finalised more cases than we had projected. Having completed a larger number of more straightforward cases in earlier years, the on hand caseload in this Division was more complex in 2021–22, requiring greater effort and time to finalise. This impacts on the number of cases that can be finalised with the available number of members.

The IAA finalised 1,077 referrals in 2020–21, up 37% from 788 in 2020–21. The number of decisions referred to the IAA from the Department of Home Affairs in the reporting year was similar to the previous year. It was significantly below the higher number

of referrals anticipated when we set out finalisation target, contributing to the shortfall in meeting our finalisation target for the 2021–22.

Performance measure 2: Clearance ratio

This measure is the ratio of AAT applications and IAA referrals that were finalised in a financial year to the number of applications and referrals received in the same year, expressed as a percentage. It is an indicator of the extent to which the AAT and IAA are providing mechanisms of review that are quick by identifying the extent to which the number of cases on hand has increased or decreased during the reporting period.

Target

2021–22: clearance ratio of 100%

Source

Corporate Plan 2021–22 (page 18) and Portfolio Budget Statements 2021–22, Attorney-General’s Portfolio (page 58)

Performance achieved

Clearance ratio of 95% – target not met.

Our 2020–21 performance was a clearance ratio of 118%.

Analysis

The AAT and IAA came close to achieving our clearance ratio target in the reporting year, having received 45,180 applications and referrals while finalising 43,084 applications and referrals. The total number of combined cases on hand at 30 June 2022 (67,761) was 3% higher than at 30 June 2021.

The clearance ratio for the AAT in 2021–22 was 95% (44,274 lodgements and 42,007 finalisations). The 119% result achieved in 2020–21, the first year since 1 July 2015 that the AAT finalised more cases than were lodged, could not be repeated given the overall increase in lodgements and decrease in finalisations in the reporting year. The clearance ratio returned to the same level as that achieved in 2019–20 before the full effects of the pandemic were felt. The total on hand caseload for the AAT (excluding the IAA) at the end of the reporting year was 67,720 applications, almost 4% more than at 30 June 2021.

Table 9 sets out the clearance ratio for each of the AAT’s divisions in 2020–21 and 2021–22.

TABLE 9: AAT CLEARANCE RATIO BY DIVISION, 2020–21 TO 2021–22

DIVISION	CLEARANCE RATIO	
	2020–21	2021–22
Freedom of Information	60%	103%
General	109%	116%
Migration and Refugee	146%	>99%
National Disability Insurance Scheme	67%	57%
Security	14%	41%
Small Business Taxation	76%	94%

Social Services and Child Support	101%	99%
Taxation and Commercial	125%	82%
Veterans' Appeals	107%	122%
Total	119%	95%

The General Division and Veterans' Appeals Division achieved clearance ratios well in excess of 100% having experienced larger decreases in lodgements in 2021–22. The improvement in the clearance ratio for the Small Business Taxation Division can also be attributed to the reduction in lodgements in that division.

The Migration and Refugee Division and the Social Services and Child Support Division both had clearance ratios for 2021–22 close to 100%. For the Migration and Refugee Division, the drop from the 146% result achieved in 2020–21 relates to a 31% increase in lodgements during the reporting year as well as the reduction in finalisations. Trends of a similar nature affected the Taxation and Commercial Division.

The National Disability Insurance Scheme Division had the lowest clearance ratio of the AAT's largest divisions in the reporting year. While the Division finalised a record number of cases, the substantial increases in the number of applications for review lodged resulted in a 157% increase in the number of cases on hand at 30 June 2022 compared with 30 June 2021.

Looking at AAT lodgement and finalisation trends over time, lodgements increased markedly over the period from 2015–16 to 2019–20. The number of members appointed and staff available to deal with cases did not keep pace with our growing workload resulting in an on hand caseload of 69,488 cases at 30 June 2019. With improved clearance ratios from 2019–20, the AAT was able to achieve a modest reduction in the size of the active caseload in that time, particularly in the Migration and Refugee Division. However, if lodgements begin to increase further as anticipated, it will be difficult for the AAT to meet the clearance ratio target, let alone reduce our backlog, without additional member and staff resources, particularly given the increasing complexity of the active caseloads in the Migration and Refugee Division and National Disability Insurance Scheme Division.

The IAA achieved a clearance ratio of 119% in 2021–22 (906 referrals and 1,077 finalisations) compared with a result of 88% in 2020–21 (894 referrals and 788 finalisations). The on-hand caseload was therefore lower at the end of the year, with only 41 active cases at 30 June 2022.

Performance measure 3: Proportion of AAT applications and IAA referrals finalised within a time standard

This measure is an indicator of the extent to which the AAT and IAA are providing a mechanism of review that is quick.

Target

2021–22: 75% of applications and referrals are finalised within 12 months of lodgement

Source

Corporate Plan 2021–22 (page 18) and Portfolio Budget Statements 2021–22, Attorney–General's Portfolio (page 58)

Performance achieved

60% of applications and referrals finalised within 12 months of lodgement – target not met.

Our 2020–21 performance was 54% of applications and referrals finalised within 12 months of lodgement against a target of 75%.

Analysis

While our performance in relation to this measure improved by 6 percentage points in 2021–22, we have not been able to meet our timeliness target since 2017–18. This is primarily a result of the AAT not having the financial and human resources to keep pace with the increase in lodgements over time, particularly in the Migration and Refugee Division.

For the AAT, 58% of all applications were finalised within 12 months of lodgement in 2021–22, an improvement of 5 percentage points from 2020–21. Table 10 sets out the results for each of the AAT’s divisions in 2020–21 and 2021–22. The time taken by the AAT to finalise applications varies between divisions and for different types of cases based on a diverse range of factors. These include 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, particularly the number of members.

TABLE 10: PROPORTION OF AAT APPLICATIONS FINALISED WITHIN 12 MONTHS BY DIVISION, 2020–21 TO 2021–22

DIVISION	% FINALISED WITHIN 12 MONTHS	
	2020–21	2021–22
Freedom of Information	60%	49%
General	73%	72%
Migration and Refugee	20%	27%
National Disability Insurance Scheme	85%	90%
Security ^a	33%	71%
Small Business Taxation	90%	82%
Social Services and Child Support	100%	100%
Taxation and Commercial	53%	59%
Veterans’ Appeals	57%	58%
Total	53%	58%

^a The proportion of applications finalised within 12 months tends to fluctuate more widely for divisions with small caseloads.

There was a modest improvement in the proportion of cases completed within 12 months of lodgement in the Migration and Refugee Division in the reporting year, reversing the trend of recent years (36% in 2018–19, 28% in 2019–20 and 20% in 2020–21). Performance against this measure is unlikely to improve significantly in the forward years as the division focuses on finalising the most aged and complex cases in its substantial on-hand caseload.

The AAT was able to finalise more than 75% of applications within 12 months of lodgement in the National Disability Insurance Scheme, Small Business Taxation and Social Services and Child Support Divisions in 2021–22. We fell just short of the benchmark in the General and Security Divisions. The caseload profiles of the Freedom of Information, Taxation and Commercial and Veterans’ Appeals Divisions, each of which had a result below 75%, include more complex cases that take longer to resolve.

As with the clearance ratio, it will be challenging for the AAT to improve the timeliness with which we deal with applications with an increasing caseload and the current number of members and staff available to conduct and support the review processes.

The IAA generally conducts reviews on the papers and does not hold hearings. In 2021–22, 100% of IAA reviews were finalised within 12 months of referral as was the case in the previous reporting period. The median time from referral to finalisation increased from 5 weeks in 2020–21 to 7 weeks in 2021–22, due mainly to the complexity of referred cases.

Performance measure 4: Number of AAT and IAA decisions published

This measure is an indicator relating to the AAT and IAA providing mechanisms of review that are accessible and promote public trust and confidence in our decision-making.

Target

2021–22: At least 5,000 decisions published

Source

Corporate Plan 2021–22 (page 19) and Portfolio Budget Statements 2021–22, Attorney–General’s Portfolio (page 58)

Performance achieved

A total of 5,357 decisions made in 2021–22 published at the time of preparing the report (5,231 AAT decisions and 126 IAA decisions) – target met.

Our 2020–21 performance was 5,998 AAT and IAA decisions published against a target of at least 5,000. This figure is higher than the 5,860 published decisions reported in the 2020–21 annual report. It includes decisions made in 2020–21 that had not yet been published at the time that report was prepared, primarily decisions where personal information had to be redacted prior to publication to comply with legislative requirements.

Analysis

The AAT and IAA are authorised to publish 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 AAT. The publication of written statements of reasons for decisions informs 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.

The AAT publishes written statements of reasons for decisions in accordance with our Publication of Decisions Policy which is available on our website. The policy specifies that, subject to confidentiality requirements, we will publish:

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

We review the policy annually, including the targets specified for different categories of cases, to ensure we publish a representative cross-section of our decisions.

The IAA publishes a representative sample of decisions.

The application of the Publication of Decisions Policy to written decisions made by the AAT in 2021–22 and the IAA selection process has resulted in us exceeding our target for 2021–22 by 7%.

Table 11 shows the number of AAT decisions published by division in 2020–21 and 2021–22. The number of decisions made in the NDIS Division more than doubled in 2021–22, reflecting the increase in decision-making in the Division during the year.

TABLE 11: NUMBER OF AAT DECISIONS PUBLISHED BY DIVISION, 2020–21 TO 2021–22

DIVISION	NO. OF DECISIONS PUBLISHED	
	2020–21	2021–22
Freedom of Information	13	23
General	1,107	994
Migration and Refugee	4,158*	3,600
National Disability Insurance Scheme	57	122
Security	0	1
Small Business Taxation	13	23
Social Services and Child Support	379*	352
Taxation and Commercial	101	86
Veterans' Appeals	55	30
All AAT	5,883*	5,231

*These figures are higher than the number of decisions reported in the 2020–21 annual report. It includes decisions made in 2020–21 that had not yet been published at the time that report was prepared.

There were 126 IAA decisions made in 2021–22 that have been published compared with 115 in 2020–21.

Performance measure 5: AAT user experience rating

This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is accessible, fair, informal and quick.

Target

2021–22: User experience rating is at least 70%

Source

Corporate Plan 2021–22 (pages 19–20) and Portfolio Budget Statements 2021–22, Attorney-General’s Portfolio (page 58)

Performance achieved

User experience rating of 74% – target met.

Our 2020–21 performance was a user experience rating of 77% against a target of at least 70%.

Analysis

The user experience rating is derived from the results of a feedback survey, administered by ORIMA Research, an independent market research organisation. All parties and representatives in cases finalised between 1 December 2021 and 31 March 2022, for whom we had an email address or mobile telephone number, were invited to complete an online questionnaire. They were sent a unique link to ensure the survey could be completed only once.

Responses were received from 2,109 parties and 439 legal and other representatives, constituting a response rate of 17% for each group. The number of respondents this year was higher than in 2020–21 (1,259 parties and 398 representatives). As the survey is conducted as a census, the results are not subject to sampling error. They may be subject to non-sampling errors, including the potential for non-response bias which arises if the survey respondents’ views systematically differ to those who did not respond. This is a tracking survey that has been conducted over a number of years and the results indicate a relatively stable and broadly consistent pattern of responses over time. Given the relatively low response rates, as a precaution, the responses from parties were weighted according to case type to ensure their profile broadly reflects the underlying sample.

The survey asked AAT users for their views on matters such as the process of applying for a review, our website and written communications, dealings with staff, conferences and hearings, as well as perceptions of the review process overall. The user experience rating is calculated from the average proportion of ‘strongly agree’ and ‘agree’ or ‘always’ and ‘usually’ ratings given in responses to questions about the different aspects of the AAT’s review processes grouped according to elements of our statutory objective. The rating is calculated by combining and averaging the individual ratings.

Table 12 shows the survey results against our objectives of being accessible, fair, informal, and quick, in 2020–21 and 2021–22.

TABLE 12: AAT USER EXPERIENCE RATING BY USER GROUP, 2020–21 TO 2021–22

OBJECTIVE	SATISFACTION RATINGS		
		Parties	Representatives
Accessibility: information	2020–21	75%	88%
The usefulness, sufficiency and clarity of information provided about the review process	2021–22	72%	83%
Accessibility: users with diverse needs	2020–21	68%	84%
The extent to which we met the needs of people with disability and the quality of interpreters engaged to assist people from culturally and linguistically diverse backgrounds	2021–22	66%	80%
Fairness	2020–21	76%	88%
The courtesy and respect shown by members and registrars, the opportunity given to parties to present their case and overall perceptions of the fairness of the review and independence of the AAT	2021–22	76%	85%
Informality	2020–21	75%	91%
How easy it was to apply for review, the appropriateness of the level of formality of conferences and hearings, and how straightforward the review process was overall	2021–22	73%	88%
Timeliness	2020–21	62%	65%
How quick we were to complete the review overall and to provide a decision after a hearing	2021–22	56%	60%
User experience rating result by user group	2020–21	71%	83%
	2021–22	69%	79%
Overall result	2020–21	77%	
	2021–22	74%	

The overall user experience rating of 74% was 3 percentage points lower than that achieved in 2020–21 with modest reductions in the combined ratings for most of the objectives both for parties and representatives. However, the scores continue to reflect positive experiences overall by those who responded to the survey. As in previous years, parties who did not receive a favourable outcome in their review tended to give lower ratings.

We continued to receive positive feedback on the quality of our information products, including our website, fact sheets and letters, with room for improvement in relation to the comprehensiveness of, and the level of ease with which people are able to locate, information on our website. Trends in responses from parties regarding whether we provide services in a way which meets the needs of people with disability also indicate an opportunity to improve the accessibility of our services.

Parties and representatives responded positively in relation to the courtesy and respect shown by members and staff as well as in relation to perceptions of the fairness and independence of the review process, particularly whether the member gave them an adequate opportunity to present their case at hearing. The process for applying for a review was generally considered to be easy and the level of formality of conferences and hearings was

considered to be appropriate by most parties and representatives. The potential to make the overall review process easier for parties is an area to be explored.

The ratings given in relation to timeliness were the lowest among the different objectives. Having improved marginally in 2020–21 (possibly as a result of more positive sentiment in the early stages of the pandemic), they declined again in 2021–22 to the levels seen in 2019–20. The results reflect the challenges faced by the AAT finalising applications in a timely manner in some divisions and the ongoing need to be adequately resourced and funded.

Performance measure 6: Proportion of appeals against AAT and IAA decisions allowed by the courts

This measure is an indicator of the extent to which the AAT and IAA are providing mechanisms of review that are fair and just, and that promote public trust and confidence in decision-making.

Target

2021–22: Number of appeals allowed is less than 5% of all AAT and IAA decisions that could have been appealed

Source

Corporate Plan 2021–22 (pages 20–21) and Portfolio Budget Statements 2021–22, Attorney–General’s Portfolio (page 58)

Performance achieved

Proportion of decisions in relation to which appeal allowed is 1.9% – target met.

Our 2020–21 performance was 2.3% against a target of less than 5%.

Analysis

Our decisions may be appealed to the courts and an appeal may be allowed if the AAT or IAA has made an error of law in relation to how the review was conducted or in reaching the decision. This measure looks at the number of appeals allowed by the courts in the most recent financial year (478 in 2021–22) against the number of decisions made by the AAT and IAA in the previous year that could have been appealed (24,999 in 2020–21). This methodology is applied on the basis that, for appeals lodged in relation to decisions made in a year, the largest proportion of successful appeals are generally finalised in the following year. There was a further small improvement in the result in 2021–22.

For the AAT, the proportion of decisions set aside on appeal was lower in 2021–22 than in the previous reporting year. Table 13 sets out for each division the number of appeals that were allowed, the total number of appeals finalised, the number of appealable decisions made in the previous year, and the proportion of allowed appeals against the number of appealable decisions in 2020–21 and 2021–22.

TABLE 13: NUMBER OF APPEALS AGAINST AAT DECISIONS ALLOWED AND FINALISED BY DIVISION, 2020–21 TO 2021–22

DIVISION	Appeals allowed	Appeals finalised	No. of appealable decisions in previous year	% allowed against total appealable decisions
Freedom of Information				
2020–21	0	1	53	0%
2021–22	0	2	20	0%
General				
2020–21	45	121	1,967	2.3%
2021–22	55	157	1,892	2.9%
Migration and Refugee				
2020–21	399	2,052	21,013	1.9%
2021–22	251	2,067	19,837	1.3%
National Disability Insurance Scheme				
2020–21	0	1	101	0%
2021–22	1	1	141	0.7%
Security				
2020–21	0	0	3	0%
2021–22	0	1	1	0%
Small Business Taxation				
2020–21	0	1	26	0%
2021–22	0	1	122	0%
Social Services and Child Support				
2020–21	4	28	2,076	0.2%
2021–22	5	16	1,915	0.3%
Taxation and Commercial				
2020–21	6	19	281	2.1%
2021–22	4	12	227	1.8%
Veterans' Appeals				
2020–21	5	5	70	7.1%
2021–22	1	1	72	1.4%
All AAT				
2020–21	459	2,228	25,590	1.8%
2021–22	317	2,258	24,227	1.3%

The Migration and Refugee Division continued to have the highest number of appeals, reflecting a higher appeal rate than other divisions and the larger size of the Division's caseload. The Division achieved a small reduction in the rate of appeals allowed in 2021–22 as a proportion of all appealable decisions made in this Division in the previous reporting year compared with the result in 2020–21.

The number of appeals allowed by the courts in 2021–22 relating to decisions made in the AAT's other divisions was similar to the previous reporting year. The rate of appeals allowed as a proportion of all appealable decisions continued to vary between the divisions with the General Division having the highest rate in 2021–22. This related primarily to appeals against decisions about visas made on character grounds which are dealt with in this division rather than the Migration and Refugee Division. Divisions or areas of work involving a higher volume of more complex decision-making, including the Veterans' Appeals Division, have tended over time to have higher rates of appeals allowed as a proportion of appealable decisions.

Like the Migration and Refugee Division, the rate of appeals against IAA decisions is high due to the nature of the caseload. Of the 457 appeals finally determined in 2021–22, 161 appeals were allowed, similar to the number in the previous reporting period. A significant proportion of the finalised appeals related to decisions made in the years prior to 2020–21. At 30 June 2022, a large number of appeals remain to be determined.

Analysis of performance against our purpose

The AAT and IAA continued to operate in a complex environment in 2021–22. We experienced similar challenges as in previous years, relating to our ability to manage an increasing workload with the members and staff available, while the COVID-19 pandemic required us to make ongoing adjustments to how we manage cases. Despite the challenges, the AAT and IAA continued to provide review of administrative decisions consistent with our statutory objectives, enabling a significant number of people and organisations to exercise their right to challenge administrative decisions and contributing to the accountability and transparency of government. We met our target in relation to 3 of our 6 performance measures. We performed well in relation to the number of decisions published and the AAT's user experience rating, and with a reduction in the proportion of decisions set aside on appeal by the courts. We fell marginally short of meeting our finalisation and clearance ratio targets leading to a modest increase in the number of cases on hand at 30 June 2022. Our ability to meet these targets and our timeliness target, and to reduce our large backlog, will remain difficult in future years without an increase in member appointments, staff and funding. This is particularly the case as we anticipate lodgements will increase further in 2022–23.

Financial performance

The AAT's 2021–22 financial statements are presented in the Financial statements of this annual report. The Australian National Audit Office issued an unmodified audit opinion for the financial statements on 14 September 2022.

A summary of the AAT's financial performance for departmental activities and the activities administered on behalf of the Government is provided below.

Departmental activities

The 2021–22 operating deficit (excluding depreciation, amortisation and principal repayments on leased assets) of \$15.6 million (2020–21: deficit of \$10.3 million) is marginally above the approved deficit of \$15.3 million, primarily

due to an adjustment to employee liabilities and is reflective of the increased operating costs resulting from the transition to support the AAT in a remote working environment.

The AAT has a strong financial position as at 30 June 2022 with total assets of \$323.9 million (2020–21: \$361.65 million), exceeding total liabilities by \$66.5 million (2020–21: \$95.1 million).

Activities administered on behalf of the Australian Government

The AAT administers application fees on behalf of the Government. The AAT's 2021–22 administered income was \$35.3 million (2020–21: \$36.6 million).

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

Operation of divisions

This section details operations of our 9 divisions during 2021–22.

Migration and Refugee Division

The Migration and Refugee Division (MRD) is the AAT's largest division. In this division, we review 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. This includes decisions to refuse to grant visas and to cancel visas and related decisions to refuse to approve business sponsors, nominated positions and business activities. Most of these decisions were made originally by delegates of the Minister administering the Migration Act.

When reviewing decisions to refuse or cancel refugee (or protection) visas, the AAT must generally consider whether the applicant is a person to whom Australia has protection obligations. We categorise all other decisions under review in this division as migration cases. In MRD cases, the AAT's considerations vary depending on the nature of the decision under review.

Decisions made in the MRD impact Australian citizens, permanent residents, businesses, and non-citizens. Deputy President Jan Redfern was the Division Head throughout the reporting year.

Caseload strategy

The MRD considers the volume and complexity of the active caseload in the Division and the resources available in developing an annual caseload strategy. Due to the volume of work in the Division, we closely monitor progress throughout the year so we can respond to unforeseen circumstances that would otherwise impact productivity. To aid planning, members are assigned caseload benchmarks based on the number of days they will be available for decision-making in the year. In 2021–22, due to terms expiring and fewer members being available to review decisions in this division, we had 9% fewer member resources than in the previous financial year. When developing the caseload strategy for the reporting period, we also considered the cumulative impact of high numbers of lodgements during previous years. This accumulation of cases over a 5-year period, particularly protection visa applications, has led to an inevitable increase in processing times and delays in finalisations. In addition, the COVID-19 pandemic continued to impact our ability to progress cases where an in-person hearing was required.

Despite these challenges, we exceeded our annual caseload target of 20,500 for this division based on member benchmarks by finalising 20,892 applications. We were well positioned to implement the 2021–22 caseload strategy because of work we had undertaken in previous years. This included establishing a national practice model, introducing early case assessment and triaging processes, and implementing a range of efficiencies to help us manage the growing backlog of cases on hand. During the previous reporting period, we focused on cases that could be finalised when we could not work onsite, such as cases members could decide on the papers or through remote hearings. While this has been a necessity during the pandemic, it has left us with a caseload that is generally older and more complex. This impacts on effort required and, consequently, the time taken to finalise cases. When developing the strategy for 2021–22, we had originally planned to target more complex cases in our priority caseloads, including the oldest partner and protection reviews. In response to the ongoing impacts of the pandemic, however, we needed to adjust our strategy throughout the financial year. For example, we temporarily shifted our focus to less complex caseloads, which could be managed remotely when we experienced lockdowns or when numbers of members, and the staff supporting them, were unwell and unable to work.

The caseload strategies we refined over the past 3 years yielded a positive result in 2021–22. During the reporting period, we were able to finalise the highest number of refugee (protection) cases since amalgamation (1 July 2015). In 2020–21, we had finalised 14% more refugee applications than in the previous year, and we exceeded this figure by a further 5% in the reporting period. In addition, we finalised 51% more visitor visas in 2021–22 compared with the year before, reducing this active caseload by nearly half throughout the reporting period. We also reduced the number of cases on hand by 26% in the business, skilled and work-related caseload. This 3-year strategy reduced the business case backlog from nearly 18,000 in 2018–19 to just over 8,000 at the end of 2021–22. Similarly, we also reduced the on hand student caseload from over 9,000 to around 2,500 over the same 3-year period. We finalised fewer partner reviews in 2021–22 due to the limits on in-person hearings. However, due to low lodgements and by focusing on cases we were able to progress, we reduced the on hand caseload by 6%. In addition, we have reduced the backlog in visa cancellation reviews by 12%. While we have been able to reduce the Division’s overall active caseload on hand during the reporting period, we expect migration lodgements to increase in 2022–23. If they return to pre-pandemic levels, the backlog will remain unsustainable. We will continue to adjust our strategy as needed in the MRD and pursue case management initiatives to increase output. However, without additional experienced resources or a significant reduction in lodgements (or both), the backlog will continue to impact our caseload performance, particularly for protection cases.

Caseload

The table below sets out workload and timeliness data for the MRD for the last 2 financial years.

TABLE 14: CASELOAD OVERVIEW – MIGRATION AND REFUGEE DIVISION, 2020–21 TO 2021–22

Migration	2020–21	2021–22	% change from 2020–21
Lodged	5,448	10,193	87%
Finalised	17,688	15,073	-15%
Clearance ratio	325%	148%	
On hand at year end	23,972	19,104	-20%
% finalised within 12 months	15%	26%	
Median time to finalise (weeks)	98	105	
Refugee			
Lodged	10,521	10,743	2%
Finalised	5,558	5,819	5%
Clearance ratio	53%	54%	
On hand at year end	32,064	37,025	15%
% finalised within 12 months	34%	28%	
Median time to finalise (weeks)	104	113	
TOTAL			
Lodged	15,969	20,936	31%
Finalised	23,246	20,892	-10%
Clearance ratio	146%	>99%	
On hand at year end	56,036	56,129	<1%
% finalised within 12 months	20%	27%	
Median time to finalise (weeks)	99	107	

The table below shows the outcome of reviews finalised by the Division within the reporting period.

TABLE 15: OUTCOMES OF REVIEWS – MIGRATION AND REFUGEE DIVISION, 2021–22

OUTCOME TYPE	MIGRATION		REFUGEE		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a						
Decision affirmed ^b	5,202	35%	1,707	29%	6,909	33%
Decision varied, remitted or set aside	6,047	40%	407	7%	6,454	31%
Subtotal	11,249	75%	2,114	36%	13,363	64%
Other						
Withdrawn by applicant	2,736	18%	824	14%	3,560	17%
Dismissed by Tribunal ^b	300	2%	1,707	29%	2,007	10%
No jurisdiction ^c	788	5%	1,174	20%	1,962	9%
Subtotal	3,824	25%	3,705	64%	7,529	36%
TOTAL^d	15,073	100%	5,819	100%	20,892	100%

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

^b The AAT may dismiss an application if an applicant does not appear before the AAT 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 AAT is taken to be a decision to affirm the decision under review. Therefore, the total number of migration decisions affirmed is 5,502 or 37% of all migration decisions (comprised of 5,202 decisions affirmed and 300 applications dismissed by the AAT). The total number of refugee decisions affirmed is 3,414 or 59% of all refugee decisions (comprised of 1,707 decisions affirmed and 1,707 applications dismissed by the AAT).

^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.

Migration cases

Total migration lodgements were 87% higher in 2021–22 than in the previous reporting year. This was consistent with increased decision-making rates at the Department of Home Affairs which followed much lower numbers in 2020–21. However, finalisations decreased slightly during the reporting period compared to previous years because of reduced membership numbers, restrictions on in-person hearings and the diversion of decision-making resources to the refugee caseload. The Division was, however, able to finalise 48% more migration applications than new lodgements received, resulting in a clearance rate of 148%.

Applications for review of visa refusals comprised 90% of lodgements in our migration caseload, with applications about nomination and sponsorship decisions comprising 5% and the remaining applications relating to decisions to cancel migration visas.

The table below shows the number of applications lodged and finalised in the last 2 financial years for the key migration visa categories and the number of cases on hand at the end of those reporting periods.

In 2021–22, the Division changed the decision under review or remitted the matter to the Department of Home Affairs in 40% of finalised migration cases and affirmed the original decision in 35% of cases. Decisions are commonly changed on review because of the availability of new or additional evidence, including oral evidence, that was not before the original decision-maker. In addition, a change in the applicant's circumstances since the original decision can also be relevant under the law and impact a review.

TABLE 16: MIGRATION CASES LODGED, FINALISED AND ON HAND BY VISA CATEGORY, 2020-2021 TO 2021-22

VISA CATEGORY	LODGED		% change from 2020-21	FINALISED		% change from 2020-21	ON HAND AT YEAR END		% change from 2020-21
	2020-21	2021-22		2020-21	2021-22		2020-21	2021-22	
Bridging	343	261	-24%	358	306	-15%	101	56	-45%
Business, skilled and work	1,995	2,960	48%	7,232	6,376	-12%	13,226	9,815	-26%
<i>Nomination/ Sponsor approval</i>	658	488	-26%	2,890	2,555	-12%	5,748	3,681	-36%
<i>Permanent business</i>	390	485	24%	2,338	1,612	-31%	3,888	2,767	-29%
<i>Skilled</i>	302	1,437	376%	872	903	4%	914	1,442	58%
<i>Temporary work</i>	645	550	-15%	1,132	1,306	15%	2,676	1,925	-28%
Family	509	271	-47%	661	572	-13%	1,089	789	-28%
Partner	843	1,396	66%	1,845	1,686	-9%	4,646	4,357	-6%
Student	295	3,573	1,111%	5,718	3,504	-39%	2,653	2,725	3%
<i>Student cancellation</i>	81	150	85%	272	123	-55%	111	138	24%
<i>Student refusal</i>	214	3,423	1,500%	5,446	3,381	-38%	2,542	2,587	2%
Visitor	1,337	1,608	20%	1,666	2,519	51%	2,122	1,213	-43%
Other	126	124	-2%	208	110	-47%	135	149	10%
TOTAL	5,448	10,193	87%	17,688	15,073	-15%	23,972	19,104	-20%

Refugee cases

Our largest caseload in this Division continues to be reviews of decisions relating to protection visas. These lodgements increased by 2% in 2021–22 compared to the previous reporting year. Despite increases in refugee finalisations over the past 2 years, the active protection caseload increased by 15% to 37,025 as at 30 June 2022. Protection cases now represent 66% of all active cases in the Division. Most refugee applications were for review of a decision to refuse to grant a protection visa.

The table below sets out key data relating to countries of reference for this caseload. As in previous financial years, the 2 most common countries of reference for applications for review of protection visa decisions in 2021–22 were Malaysia and the People’s Republic of China. Information about the number of lodged, finalised and on hand applications for all countries is available on the AAT website.

The number of applications lodged by persons who entered Australia by sea as unauthorised maritime arrivals decreased to 89 in the reporting period, from 189 in 2020–21. Generally, these legacy cases relate to unauthorised maritime arrivals who entered Australia before 13 August 2012. Decisions made about unauthorised maritime arrivals who entered Australia after this time are ordinarily reviewed by the Immigration Assessment Authority.

Similar to finalised case outcomes in previous years, 7% were remitted to the Department of Home Affairs, and approximately 14% were withdrawn. The remainder were either affirmed, dismissed or were found not to meet application requirements and finalised without a substantive decision on the merits. A significant proportion of finalisations in 2021–22 related to reviews listed for hearing (approximately 29%) that were dismissed because of the failure of the applicant to appear. This indicates a low level or lack of engagement with the review process by applicants in certain cohorts.

TABLE 17: REFUGEE CASES LODGED, FINALISED AND ON HAND BY COUNTRY OF REFERENCE, 2020-21 TO 2021-22

Country of reference	LODGED			FINALISED			ON HAND AT YEAR END				
	2020-21	2021-22	% change from 2020-21	Country of reference	2020-21	2021-22	% change from 2020-21	Country of reference	2020-21	2021-22	% change from 2020-21
Malaysia	3,011	2,889	-4%	China	1,473	1,816	23%	Malaysia	13,339	14,957	12%
China	3,158	2,855	-10%	Malaysia	2,070	1,292	-38%	China	6,868	7,910	15%
Vietnam	455	1,049	131%	Thailand	534	938	76%	Vietnam	1,774	2,393	35%
Thailand	367	974	165%	Vietnam	191	434	127%	India	1,435	1,720	20%
India	931	439	-53%	Pakistan	171	155	-9%	Thailand	1,336	1,372	3%
Taiwan	265	270	2%	India	154	154	0%	Fiji	1,051	1,218	16%
Indonesia	599	254	-58%	Taiwan	173	133	-23%	Indonesia	931	1,120	20%
Philippines	275	230	-16%	Iran	44	91	107%	Taiwan	648	785	21%
Fiji	296	202	-32%	Indonesia	105	66	-37%	Pakistan	649	607	-6%
Other	1,164	1,581	36%	Other	643	740	15%	Other	4,033	4,943	23%
TOTAL	10,521	10,743	2%	TOTAL	5,558	5,819	5%	TOTAL	32,064	37,025	15%

Engagement

The MRD engaged with external stakeholders in a number of ways in 2021–22. We met regularly with Department of Home Affairs representatives to discuss strategic and high-level operational issues relating to the migration program and the Division's workload. We held 2 national virtual forums in November 2021 with more than 200 external stakeholders, including peak migration agent bodies and advocates. We hosted a hybrid online and in-person stakeholder forum in Adelaide in June 2022. Throughout the reporting period, members of the Division presented at various external information sessions and forums hosted by the migration advice industry or legal professional bodies. This included the Immigration Law Conference convened by the Law Council of Australia in March 2022 for over 300 delegates.

The Division participated in other stakeholder meetings, delivered online information sessions, surveyed its users, and published an instructional video on the AAT website to assist representatives in preparing digitised submissions per the Division's Practice Directions.

Social Services and Child Support Division

The Social Services and Child Support Division (SSCSD) is the second largest Division at the AAT. In this Division, we review a wide range of decisions made by officers of Services Australia under the *Social Security (Administration) Act 1999*, *A New Tax System (Family Assistance) (Administration) Act 1999*, *Child Support (Registration and Collection) Act 1988*, *Farm Household Support Act 2014*, *Paid Parental Leave Act 2010*, and the *Student Assistance Act 1973*. This includes decisions about social security pensions, benefits and allowances, family assistance payments, paid parental leave, student assistance payments including ABSTUDY, and child support.

Centrelink authorised review officers and child support objection officers within Services Australia generally make the decisions that are reviewable in the Division. Many of these decisions have a significant impact on the lives of Australian citizens.

Deputy President Karen Synon was the Division Head throughout the reporting year.

Caseload

In the last 2 financial years, we have received fewer lodgements to the Division than in previous reporting periods. This is due to fewer decisions made by Services Australia during the pandemic and following extreme weather events, such as flooding in New South Wales and Queensland, that led to a suspension of debt recovery activity.

On average, it took us 9 weeks to finalise cases in this Division during the reporting period and, at year end, there were no cases on hand that were lodged more than 365 days ago.

During 2021–22, we implemented a range of measures to assist with managing the Division's caseload, including:

- member professional development and mentoring programs
- improved case allocation and triaging processes
- a divisional senior management team to improve support for members.

We also refined the Division's case weighting system, set new benchmarks for full-time members and improved accessibility for applicants by offering video hearings using Microsoft Teams.

Key statistics about workload and timeliness for the last 2 financial years are set out in the table below.

TABLE 18: CASELOAD OVERVIEW – SOCIAL SERVICES AND CHILD SUPPORT DIVISION, 2020–21 TO 2021–22

	2020–21	2021–22	% change from 2020–21
Centrelink (1st review)			
Lodged	10,377	9,698	-7%
Finalised	10,531	9,526	-10%
Clearance ratio	101%	98%	
On hand at year end	1,486	1,665	12%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	9	8	
Child support			
Lodged	2,434	2,271	-7%
Finalised	2,349	2,292	-2%
Clearance ratio	97%	101%	
On hand at year end	674	660	-2%
% finalised within 12 months	98%	>99%	
Median time to finalise (weeks)	11	12	
Paid parental leave			
Lodged	202	169	-16%
Finalised	208	178	-14%
Clearance ratio	103%	105%	
On hand at year end	26	17	-35%
% finalised within 12 months	>99%	100%	
Median time to finalise (weeks)	9	8	
TOTAL			
Lodged	13,013	12,138	-7%
Finalised	13,088	11,996	-8%
Clearance ratio	101%	99%	
On hand at year end	2,186	2,342	7%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	9	9	

The table below shows the outcome of reviews finalised by the Division within the reporting period.

TABLE 19: OUTCOMES OF REVIEWS – SOCIAL SERVICES AND CHILD SUPPORT DIVISION, 2021–22

OUTCOME TYPE	CENTRELINK (1st REVIEW) ^a		CHILD SUPPORT		PAID PARENTAL LEAVE ^a		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^b								
Decision affirmed	4,618	41%	685	31%	100	56%	5,403	40%
Decision varied or set aside	2,147	19%	715	32%	16	9%	2,878	21%
Subtotal	6,765	60%	1,400	63%	116	65%	8,281	61%
By consent								
Decision affirmed ^c	N/A	N/A	0	0%	N/A	N/A	0	0%
Decision varied or set aside ^c	N/A	N/A	35	2%	N/A	N/A	35	<1%
Dismissed by consent ^d	10	<1%	81	4%	0	0%	91	<1%
Dismissed by operation of law ^e	0	0%	N/A	N/A	0	0%	0	0%
Subtotal	10	<1%	116	5%	0	0%	126	<1%
Other								
Withdrawn by applicant	677	6%	307	14%	6	3%	990	7%
Dismissed by Tribunal ^f	365	3%	81	4%	15	8%	461	3%
No jurisdiction ^g	3,360	30%	321	14%	41	23%	3,722	27%
Subtotal	4,402	39%	709	32%	62	35%	5,173	38%
TOTAL^h	11,177	100%	2,225	100%	178	100%	13,580	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 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 AAT 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.

Centrelink

In 2021–22, 80% of the lodgements we received in the Division were for applications to review Centrelink decisions, a similar proportion to that in the previous year. The table below gives an overview of caseload in relation to the key payment types.

The most common types of applications for review of Centrelink decisions related to disability support pension decisions (27% of all Centrelink lodgements). The next most common types of applications were about family tax benefit decisions, followed by applications to review age pension and JobSeeker payment decisions. The Division received 18% more applications relating to JobSeeker in 2021–22 compared to the previous reporting year.

During the reporting period, the Division prioritised applications for the review of decisions relating to the Australian disaster recovery payment and disaster recovery allowance following the New South Wales and Queensland floods. Applications in relation to the Australian disaster recovery payment increased from 25 applications in 2020–21 to 217 applications in 2021–22, and applications in relation to the disaster recovery allowance increased from 18 in 2020–21 to 115 in 2021–22. This rise provided for most of the 72% increase in applications for ‘other’ payment types as indicated in the table below.

TABLE 20: CENTRELINK FIRST REVIEW CASES LODGED, FINALISED AND ON HAND BY PAYMENT TYPE*, 2020-21 TO 2021-22

PAYMENT TYPE	LODGED		FINALISED		ON HAND AT YEAR END	
	2020-21	2021-22 % change from 2020-21	2020-21	2021-22 % change from 2020-21	2020-21	2021-22 % change from 2020-21
Age pension	1,105	948 -14%	1,116	876 -22%	147	219 49%
Austudy payment	204	184 -10%	207	184 -11%	28	28 0%
Carer allowance	232	182 -22%	245	179 -27%	26	29 12%
Carer payment	409	330 -19%	409	347 -15%	74	58 -22%
Disability support pension	3,199	2,643 -17%	3,302	2,569 -22%	432	505 17%
Family tax benefit	1,548	1,622 5%	1,537	1,619 5%	263	268 2%
JobSeeker payment ^a	830	980 18%	770	973 26%	133	141 6%
Newstart allowance	714	547 -23%	754	574 -24%	85	58 -32%
Parenting payment	548	404 -26%	550	421 -23%	88	71 -19%
Youth allowance	601	425 -29%	622	449 -28%	75	51 -32%
Other	987	1,433 45%	1,019	1,335 31%	138	237 72%
TOTAL	10,377	9,698 -7%	10,531	9,526 -10%	1,489	1,665 12%

* A single application may relate to more than one type of reviewable decision. These figures relate to the primary payment type which is recorded by the AAT based on the first reviewable decision in the application.

^a JobSeeker Payment commenced on 20 March 2020 and replaced Newstart Allowance as the main working age payment.

Table 21 gives a breakdown of Centrelink applications by the primary decision type recorded by the AAT. Decisions about a debt and refusal of a claim continued to be the most common types of reviewable decisions in 2021–22.

Table 21: CENTRELINK FIRST REVIEW LODGEMENTS BY DECISION TYPE*, 2020–21 TO 2021–22

	2020–21		2021–22	
	No	% of total	No	% of total
Cancellation of payment	687	7%	727	7%
Debt	3,507	34%	3,413	35%
Rate of payment	758	7%	574	6%
Refusal of claim	4,163	40%	3,805	39%
Start date of payment	878	8%	658	7%
Other	384	4%	521	5%
TOTAL	10,377	100%	9,698	100%

* A single application may relate to more than one type of reviewable decision. These figures relate to the primary payment type which is recorded by the AAT based on the first reviewable decision in the application.

The 9,698 applications finalised during the reporting year related to 11,177 decisions made by Centrelink. The AAT varied or set aside 19% of these decisions in 2021–22 compared with 20% in 2020–21. The AAT affirmed 41% of Centrelink decisions. We finalised 30% of applications in the year on the basis that the Division could not review a decision, generally because an internal review had not been undertaken by Centrelink. Applications were otherwise withdrawn by the applicant or dismissed by the AAT.

Child support

Applications for review of decisions relating to child support comprised 19% of all applications received in the Division in this reporting period, consistent with the previous reporting period. The table below sets out key statistics for all child support cases.

Table 22: Child support cases lodged, finalised and on hand by decision type, 2020–21 to 2021–22

DECISION TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2020–21	2021–22	% change from 2020–21	2020–21	2021–22	% change from 2020–21	2020–21	2021–22	% change from 2020–21
Care percentage decision	826	770	-7%	708	785	11%	250	235	-6%
Change of assessment	711	645	-9%	812	630	-22%	232	252	9%
Non-agency payment	185	177	-4%	179	161	-10%	32	49	53%
Particulars of the assessment	318	334	5%	292	349	20%	74	61	-18%
Refusal of extension of time to object	141	128	-9%	121	141	17%	33	20	-39%
Other	253	217	-14%	237	226	-5%	53	43	-19%
TOTAL	2,434	2,271	-7%	2,349	2,292	-2%	674	660	-2%

The most common type of applications we received in the child support caseload in 2021–22 were seeking review of determinations about the percentage of time a parent or carer cares for a child (34% of all child support lodgements). Applications relating to an assessment of how much child support is payable were the next most common at 28% of child support lodgements.

We achieved a clearance ratio of 101% in the child support caseload this reporting period, with the median time from lodgement to finalisation being 12 weeks. In relation to the outcomes of reviews, the AAT varied or set aside the decision in 32% of cases that went to a hearing, which is similar to earlier years. In less than 2% of applications, the decision was changed in accordance with terms of agreement reached by the parties. Consistent with the previous reporting year, the AAT affirmed the decision in 31% of cases that went to a hearing. Applications were otherwise finalised by the applicant withdrawing the application or the AAT dismissing the application.

Paid parental leave

The AAT received 16% fewer applications for the review of decisions about paid parental leave in 2021–22 than in the previous reporting year. In this, our smallest area of work for the Division, we finalised more applications during the reporting year than were lodged, with the median time to finalise applications decreasing to 8 weeks in the reporting period.

Of the 178 decisions that were reviewed to finalise paid parental leave applications, the AAT set aside or varied 9% of reviewable decisions and affirmed 56%. For a variety of reasons, the AAT did not have power to review 23% of the 178 decisions. The remainder of applications were otherwise withdrawn or dismissed by the AAT.

Caseload strategy

In the Social Services and Child Support Division, we allocate cases according to the needs of the applicant or other party, and, at the direction of the Division Head, based on member skills and availability, and operational requirements. We monitor trends in volume and complexity of cases at a national level. A key priority is to assist applicants and parties to participate in the review process, including people who are homeless, those from diverse cultural and linguistic backgrounds, and people with disabilities.

The COVID-19 Special Measures Practice Direction – Social Services and Child Support Division remained in effect throughout 2021–22, enabling us to deliver services to applicants who could not attend AAT registries due to the continued impact of the pandemic. We also introduced a new case weighting model in July 2021 to ensure that we accurately identify the level of complexity of cases and can allocate work accordingly.

The Division conducts hearings by telephone, in-person or by video using Microsoft Teams. Video hearings were introduced in the 2021–22 reporting year to improve accessibility for applicants and parties.

In child support cases, a case assessment registrar conducted outreach on certain cases before they were allocated to members to identify appropriate case management pathways, assist applicants to better understand the issues and prepare for hearings and, where possible, facilitate the earlier resolution of cases. In 2021–22, a conference registrar conducted outreach with the parties in 523 cases. Approximately 33% of these cases were resolved without the need for a hearing. Cases otherwise proceeded to directions hearings conducted by a member or directly to a hearing.

Legislative amendments made during the reporting year under the *Courts and Tribunals Legislation Amendment (2021 Measures No. 1) Act 2022* (CATLA) extended the conferencing powers contained in the AAT Act to reviews in this division. Use of those powers will commence in 2022–23.

In 2021–22, the AAT gave its decision and reasons for decision orally at the end of a hearing in 4.9% of Centrelink cases, 3.7% of child support cases and 18.5% of paid parental leave cases finalised by the Division. This approach is an effective strategy in providing a timely outcome and explanation to parties. It will continue to be used in the Division, where it is appropriate, taking into account the nature of the issues and the parties involved.

In 2021–22, we had 35% fewer members available to review applications in the Division than at the time of the AAT’s amalgamation (1 July 2015). It may become more difficult to meet future demand for services in this Division without an increase in member resources.

Second review outcomes

A party who is dissatisfied with a decision made by the SSCSD to affirm, vary or set aside any Centrelink decision or certain child support and paid parental leave decisions, can apply to the AAT’s General Division for a second review (Tier 2 review). There were 1,179 applications lodged for Tier 2 reviews in 2021–22, which is 647 fewer than in the previous reporting year. There were 126 applications relating to child support decisions, an increase of 23% when compared to the previous reporting period, and 7 applications relating to paid parental leave decisions.

The SSCSD’s decision was varied or set aside in relation to 26% of applications for second review of Centrelink and paid parental leave matters, generally due to agreement reached between the parties. The proportion of child support decisions varied or set aside on second review was 25%. In many cases, the Division’s first review decision was changed because further information was available, or because the AAT took a different view of the evidence or application of law in the particular circumstances of the case on second review.

Details about applications lodged with the General Division by the Secretary of the Department to review the SSCSD’s decisions are set out in the table below.

TABLE 23: APPLICATIONS LODGED BY SECRETARY* FOR A SECOND REVIEW OF CENTRELINK DECISION, 2020–21 TO 2021–22

	2020–21		2021–22	
	No	% of total	No	% of total
Lodged	122		30	
Finalised	123		82	
<i>Decision affirmed by Tribunal^a</i>	11	9%	3	4%
<i>Decision varied or set aside by Tribunal^a</i>	39	32%	29	35%
<i>Decision varied or set aside by consent^b</i>	22	18%	10	12%
<i>Dismissed by operation of law^c</i>	1	1%	0	0%
<i>Withdrawn by applicant</i>	50	41%	40	49%

* The Secretary of the Department responsible for administering the relevant legislation.

^a Applications finalised by a decision of the AAT under section 43 of the AAT Act.

^b Applications finalised by the AAT in accordance with terms of agreement reached by the parties under section 34D or 42C.

^c If an application for a review of a Centrelink 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.

NB: Percentages may not total 100% due to rounding.

Other decisions made by the Division can be appealed to the courts: see the External scrutiny section below relating to these appeals.

Engagement

The AAT engaged regularly with Services Australia on a range of operational issues during 2021–22. The meetings focused on caseload trends and modelling around expected rates of new applications, legislative changes, procedural and workload issues and other matters that affect our work in the Centrelink and child support jurisdictions.

Representatives from the Division also met with stakeholders, such as welfare rights agencies and community legal centres, that provide support and advice to applicants.

General, Freedom of Information and Veterans’ Appeals Divisions

The AAT reviews a wide variety of decisions in the General, Freedom of Information, and Veterans’ Appeals Divisions. The AAT reviews the decisions of a number of agencies under a variety of legislation in this division.

Deputy President Peter Britten-Jones was the Division Head responsible for managing the General, Freedom of Information and Veterans’ Appeals Divisions throughout the reporting period.

The most significant caseloads based on lodgements are immigration (visa decisions on character grounds) and citizenship, workers’ compensation, social services and child support (Tier 2 reviews), veterans’ appeals, and regulatory. The Division Head is assisted by members who are appointed as practice leaders for each of the significant caseloads. Practice leaders assist the Division Head by promoting innovation and providing strategic leadership to implement strategies to ensure the effective management of each caseload consistent with the overall direction of the Division Head. Support is also provided to the Division Head by Executive Members who are appointed in each registry to provide local support to Members and to oversee local registry issues.

The below tables set out key statistics for these divisions by case type.

TABLE 24: CASELOAD OVERVIEW—GENERAL, FREEDOM OF INFORMATION, AND VETERANS' APPEALS DIVISIONS, 2020–21 TO 2021–22

DIVISION/ CASELOAD	LODGED		FINALISED		CLEARANCE RATIO		ON HAND AT YEAR END		% FINALISED WITHIN 12 MONTHS		MEDIAN TIME TO FINALISE (WEEKS)	
	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22
		% change from 2020–21		% change from 2020–21		% change from 2020–21		% change from 2020–21				
General	4,775	3,879	5,208	4,514	109%	116%	3,558	2,941	73%	72%	27	27
<i>Australian citizenship</i>	716	459	707	683	99%	149%	588	363	74%	69%	30	33
<i>Centrelink (2nd review)</i>	1,826	1,179	1,919	1,549	105%	131%	1,097	721	83%	80%	22	24
<i>Visa-related decisions relating to character</i>	380	414	454	360	119%	87%	99	187	89%	88%	11	11
<i>Workers' compensation</i>	1,147	1,167	1,265	1,264	110%	108%	1,388	1,292	49%	54%	53	49
<i>Other</i>	706	660	863	658	122%	>99%	386	378	77%	85%	22	14
Freedom of Information	78	70	47	72	60%	103%	110	108	60%	49%	43	55
Veterans' Appeals	197	161	210	196	107%	122%	222	186	57%	58%	41	47
TOTAL	5,050	4,110	5,465	4,782	108%	116%	3,890	3,235	72%	71%	28	28

TABLE 25: OUTCOMES OF REVIEWS – GENERAL, FREEDOM OF INFORMATION AND VETERANS' APPEALS DIVISIONS, 2021–22 *

OUTCOME TYPE	GENERAL DIVISION																											
	AUSTRALIAN CITIZENSHIP			CENTRELINK (2ND REVIEW)			VISA-RELATED DECISIONS RELATING TO CHARACTER			WORKERS' COMPENSATION			OTHER			TOTAL			FREEDOM OF INFORMATION			VETERANS' APPEALS						
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes		
By decision^a																												
Decision affirmed	171	25%	233	15%	166	46%	80	6%	55	9%	705	16%	18	25%	18	25%	18	25%	18	25%	18	25%	18	25%	18	25%	18	9%
Decision varied or set aside	73	11%	123	8%	126	35%	49	4%	46	8%	417	9%	8	11%	8	11%	8	11%	8	11%	8	11%	8	11%	8	10	5%	
Subtotal	244	36%	356	23%	292	81%	129	10%	101	17%	1,122	25%	26	36%	26	36%	26	36%	26	36%	26	36%	26	36%	26	28	14%	
By consent																												
Decision affirmed ^b	0	0%	9	1%	0	0%	530	42%	6	1%	545	12%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0	11	6%
Decision varied or set aside ^b	117	17%	280	18%	12	3%	379	30%	97	16%	885	20%	7	10%	7	10%	7	10%	7	10%	7	10%	7	10%	7	48	24%	
Dismissed by consent ^c	3	<1%	12	1%	2	<1%	5	<1%	5	1%	27	<1%	19	26%	0	0%	19	26%	0	0%	19	26%	0	0%	0	0	0%	
Dismissed by operation of law ^d	N/A	N/A	385	25%	N/A	N/A	N/A	N/A	0	0%	385	9%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0	0%	
Subtotal	120	18%	686	44%	14	4%	914	72%	108	18%	1,842	41%	26	36%	26	36%	26	36%	26	36%	26	36%	26	36%	59	30%		
Other																												
Withdrawn by applicant	201	29%	285	18%	18	5%	184	15%	149	25%	837	19%	12	17%	12	17%	12	17%	12	17%	12	17%	12	17%	12	92	47%	
Dismissed by Tribunal ^e	28	4%	110	7%	2	1%	21	2%	20	3%	181	4%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	3	2%	
No jurisdiction ^f	90	13%	112	7%	34	9%	16	1%	213	36%	465	10%	8	11%	8	11%	8	11%	8	11%	8	11%	8	11%	14	14	7%	
Subtotal	319	47%	507	33%	54	15%	221	17%	382	65%	1,483	33%	20	28%	20	28%	20	28%	20	28%	20	28%	20	28%	109	56%		
TOTAL^g	683	100%	1,549	100%	360	100%	1,264	100%	591	100%	4,447	100%	72	100%	72	100%	72	100%	72	100%	72	100%	72	100%	196	100%		

* 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.

^a Applications finalised by a decision of the AAT under section 43 of the AAT Act.

^b 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).

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

^d 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.

^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.

General Division

The General Division's (GD) caseload is the most diverse of the AAT's divisions. The practice areas with the largest number of applications during the 2021–22 period related to workers' compensation decisions and to review the SSCSD's Centrelink decisions (referred to as Centrelink second review applications). The next largest caseloads were review of decisions about Australian citizenship and visa decisions made on character grounds. Decisions by regulators, including the Civil Aviation Safety Authority and the Australian Skills Quality Authority, rounded out most of the remainder of decisions reviewed in the GD during the period.

TABLE 27: CENTRELINK SECOND REVIEW LODGEMENTS BY DECISION TYPE*, 2020–21 TO 2021–22

DECISION TYPE	2020–21		2021–22	
	No	% of total	No	% of total
Cancellation of payment	98	5%	70	6%
Debt	819	45%	507	43%
Rate of payment	98	5%	79	7%
Refusal of claim	660	36%	432	37%
Start date of payment	111	6%	60	5%
Other	40	2%	31	3%
TOTAL	1,826	100%	1,179	100%

* A single application may relate to more than one type of reviewable decision. These figures relate to the primary decision type recorded by the AAT for each application.

In 2021–22, we received 1,179 new applications seeking a Tier 2 review of Centrelink decisions. This is a decrease from the 2020–21 period where 1,826 applications of this type were lodged. As Table 27 shows, most applications for review in this caseload related to disability support pension decisions, followed by applications for review of family tax benefit, age pension, Jobseeker, Newstart allowance, and parenting payment decisions.

The time within which we finalised Centrelink Tier 2 applications in 2021–22 remained above our target of 75%, with 80% of applications finalised within 12 months of lodgement. The median time taken to finalise matters increased by 2 weeks from 2020–21, with the average time being 24 weeks during the reporting period. As a percentage of all outcomes recorded for Tier 2 reviews, 8% of the decisions reviewed were varied or set aside as a result of a decision being made by a member and 18% were varied or set aside by consent of the parties.

In the workers' compensation jurisdiction, we review decisions made under the *Safety, Rehabilitation and Compensation Act 1988* and the *Seafarers Rehabilitation Act 1992*. Applications lodged in this jurisdiction remained steady, with a slight increase in the number of applications lodged in the latest reporting period. In the 2021–22 period, 1,167 new applications were lodged compared with 1,147 new lodgements in the 2020–21 period.

While our clearance ratio for workers' compensation applications remained above 100%, timeliness was below our target of 75% of applications finalised within 12 months of lodgement. The median time taken to finalise cases for the 2021–22 period was 49 weeks. Fifty-four per cent of applications were finalised within 12 months from lodgement – an improvement from the previous financial year where less than half of applications lodged were finalised within 12 months.

We will continue to trial measures to improve timeliness and our findings will inform the development of a dedicated workers' compensation practice direction aimed at reducing unnecessary delays in the review of decisions for this practice area.

There was a marked decrease in applications for review of decisions relating to Australian citizenship, with lodgements reducing from 716 in the 2020–21 period to 459 lodgements in 2021–22. Most applications in this area of practice are for review of decisions to refuse to approve a person becoming an Australian citizen. These decisions are made on the grounds of the applicant failing to meet the good character, identity or residence

requirements. Review of decisions to cancel approval of citizenship, refuse to approve renunciation of citizenship, or refuse resumption or revocation of citizenship make up the remainder of applications in this jurisdiction. The proportion of citizenship applications finalised in which the decision under review was changed remained steady at 28%. The average time taken to finalise a citizenship case increased to 33 weeks, up from 30 weeks in the previous reporting period.

In the reporting period, we received 414 applications for review of decisions made under the Migration Act to cancel or refuse a visa under section 501, not to revoke a mandatory visa cancellation under section 501CA, or to either refuse or cancel a protection visa on either security or character grounds. These types of lodgements have increased 9% from the 2020–21 reporting period, where 380 applications were made. Most applications in this area are required to be finalised within 12 weeks of the applicant being notified of the decision. Finalisations remained consistent with previous reporting periods due to statutory timeframes, with the median time to finalise a case being 11 weeks while 88% of applications were finalised within 12 months (11 weeks and 89% respective recorded during 2020–21).

Where the AAT finalised cases by a decision of the Tribunal following a hearing, in 46% of cases the decision under review was affirmed and in 35% of cases the Tribunal changed the decision under review. The remaining cases were finalised by other means including no jurisdiction, dismissal or withdrawal by the applicant.

Freedom of Information Division

The Freedom of Information Division reviews decisions made under the *Freedom of Information Act 1982*, the *Privacy Act 1988*, and the *Archives Act 1983* (except for those in respect of access to a record of the Australian Security Intelligence Organisation which are dealt with in the Security Division). The number of cases in this jurisdiction has remained steady over the past 3 financial years. The reviews undertaken in the Division tend to be complex in nature and cases are often constituted to a Judicial Deputy President. In the 2021–22 year, 70 applications were lodged, compared with 78 in the previous reporting period. The finalisation rate for cases in the Division is lower than most other jurisdictions, with 49% of cases finalised within 12 months.

Veterans' Appeals Division

The Veterans' Appeals Division reviews decisions in relation to 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*. Lodgement of applications in this caseload area decreased 18% from the 2020–21 period. The number of cases finalised and cases on hand also decreased during the 2021–22 reporting period. Of the 161 new applications to the Division, 75 (46.6%) sought review of decisions made under the Safety, Rehabilitation and Compensation (Defence-related Claims) Act. Applications for review of decisions made under the Veterans' Entitlements Act comprised 33.5% (54 applications) of lodgements. As at 30 June 2022, there were 186 cases on hand.

Timeliness of these cases can be impacted by the need to procure further evidence, including evidence in the form of specialist medical reports. Delays in seeking appointments with medical specialists impact our timelines. Additionally, many applicants access support throughout the review process and availability of assistance can also delay proceedings. Timeliness results have marginally improved from 2020–21, with 58% of applications being finalised within 12 months compared to 57%. The median time taken to finalise matters was 47 weeks.

Engagement

In the 2021–22 financial year, practice leaders – members who were assigned by the Division Head to coordinate and manage the most significant caseloads in the General, Freedom of Information and Veterans’ Appeals Divisions – engaged with a broad range of agencies and departments whose responsibilities spanned across the regulatory, immigration, citizenship, social services, child support and veterans’ appeals areas. Practice leaders met with external stakeholders to discuss what worked well and what could be improved in the conduct of reviews undertaken by the AAT in the respective practice areas. As with all AAT divisions, stakeholder liaison is conducted with the independence of the AAT firmly in mind. This includes ensuring specific cases are not discussed at meetings.

National Disability Insurance Scheme Division

The National Disability Insurance Scheme (NDIS) Division reviews decisions made by the National Disability Insurance Agency under the *National Disability Insurance Scheme Act 2013* (NDIS Act). Applications for review of decisions in this division largely relate to the level of supports funded under a participant’s plan or access to the scheme.

The *National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Act 2022* came into effect during 2021–22. It provides that the AAT can reassess and vary a participant’s plan before the Tribunal, and that this revision becomes part of the review. This has increased the potential complexity and range of issues for the Tribunal to determine.

Until 31 March 2022, the Division was led by the Hon Justice Fiona Meagher (formerly Deputy President Meagher) as the Division Head. The Hon Michael Mischin was appointed Division Head on 9 May 2022.

Caseload

TABLE 28: CASELOAD OVERVIEW – NATIONAL DISABILITY INSURANCE SCHEME BY DECISION TYPE, 2020–21 TO 2021–22

DECISION TYPE	2020–21	2021–22	% change from 2020–21
Access to scheme			
Lodged	421	761	81%
Finalised	486	410	-16%
Clearance ratio	115%	54%	
On hand at year end	388	734	89%
% finalised within 12 months	75%	64%	
Median time to finalise (weeks)	34	36	
Plans			
Lodged	1,725	5,138	198%
Finalised	957	2,917	205%
Clearance ratio	55%	57%	
On hand at year end	1,233	3,451	180%
% finalised within 12 months	90%	94%	
Median time to finalise (weeks)	18	22	
Other			
Lodged	14	19	36%
Finalised	5	21	320%
Clearance ratio	36%	111%	
On hand at year end	10	8	-20%
% finalised within 12 months	100%	90%	
Median time to finalise (weeks)	8	16	

TOTAL			
Lodged	2,160	5,918	174%
Finalised	1,448	3,348	131%
Clearance ratio	67%	57%	
On hand at year end	1,631	4,193	157%
% finalised within 12 months	85%	90%	
Median time to finalise (weeks)	23	23	

TABLE 29: OUTCOMES OF REVIEWS – NATIONAL DISABILITY INSURANCE SCHEME*, 2021–22

OUTCOME TYPE	Access to scheme		Plans		Other		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a								
Decision affirmed	18	4%	16	1%	1	5%	35	1%
Decision varied or set aside	6	1%	27	1%	0	0%	33	1%
Subtotal	24	6%	43	1%	1	5%	68	2%
By consent								
Decision affirmed ^b	3	1%	56	2%	0	0%	59	2%
Decision varied or set aside ^b	116	28%	1,805	62%	2	10%	1,923	57%
Dismissed by consent ^c	6	1%	33	1%	1	5%	40	1%
Subtotal	125	30%	1,894	65%	3	14%	2,022	60%
Other								
Withdrawn by applicant	220	54%	820	28%	9	43%	1,049	31%
Dismissed by Tribunal ^d	12	3%	32	1%	1	5%	45	1%
No jurisdiction ^e	29	7%	128	4%	7	33%	164	5%
Subtotal	261	64%	980	34%	17	81%	1,258	38%
TOTAL^f	410	100%	2,917	100%	21	100%	3,348	100%

* 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.

^a Applications finalised by a decision of the AAT under section 43 of the AAT Act.

^b 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).

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

^d 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).

^e 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.

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

We experienced a 174% increase in lodgements from people seeking review of a decision made by the NDIA during the reporting period when compared to 2020–21. We finalised more than double the number of cases than we had in the previous financial year and the Division had 4,193 cases on hand at the end of the reporting period.

This table shows that most of the applications we receive are for reviews of supports funded under a participant's plan, totalling approximately 5,138 (or 87% of total lodgements) in 2021–22, an increase of 198%. A total of 761 applications (or 13% of overall lodgements to the Division) were made by people seeking access to the Scheme, an increase of 81%.

Despite applications on hand increasing by 157% in 2021–22, the Division continued to resolve most applications without the need for a hearing. Around 60% of applications were resolved through consent of both parties during the year, with only 2% of matters being formally determined by an AAT member following a substantive hearing. Almost 5% of applications were finalised by a member for not having jurisdiction to consider the application.

Caseload strategy

As with other divisions, we manage this caseload at the national level to ensure we optimise member and conference registrar resources. During the reporting period, we continued to leverage the AAT's technology to progress cases and we continued to triage all incoming applications to determine appropriate pathways for complex matters and to expedite those considered urgent.

Looking ahead, we will review the Division's caseload strategy to improving the timing and quality of first case events.

Engagement

We have continued to prioritise stakeholder engagement in the Division, with regular meetings being held during 2021–22 with representatives of the NDIA, Department of Social Services, Legal Aid and disability advocacy organisations.

In 2021, the Division conducted its second annual online stakeholder forum using Microsoft Teams with a goal of clarifying the roles and responsibilities of the various stakeholders who participate and contribute to the external merits review process.

Deputy President Mischin also recently met with representatives from the NDIA and other external stakeholders to discuss current issues and consider ways to refine our processes.

Small Business Taxation Division and Taxation and Commercial Division

The Taxation and Commercial (T&C) Division deals with the review of most decisions made by the Commissioner of Taxation (except for those decisions falling within the jurisdiction of the Small Business Taxation Division) as well as decisions made by key Australian Government regulators, including the Australian Financial Security Authority, the Australian Securities and Investments Commission and the Tax Practitioners Board. We also manage other types of applications in this Division in accordance with the Review of Taxation and Commercial Decisions Practice Direction, including decisions made by the Aged Care Quality and Safety Commission and the Civil Aviation Safety Authority.

The Small Business Taxation Division (SBTD) was established in 2019 to make it easier for small businesses to seek review of most decisions of the Commissioner of Taxation. In this division, we can review any reviewable decision made under a taxation law in relation to a small business entity. It has lower application fees, uses an early case assessment conferencing process to identify the most effective way to resolve each application and aims to deliver its decisions within 28 days of the conclusion of a hearing process.

Applications in the T & C Division and SBTD ordinarily involve a high level of legal complexity, are adversarial in nature and may result in complex (often multi-day) hearings involving well-represented parties, witnesses (both lay and expert) and large volumes of documentary evidence. In tax cases, which make up almost all of the SBTD's and some 80% of the T&C Division's work, a taxpayer seeking to challenge a tax decision on a first instance basis may either lodge an application for review in the AAT or an 'appeal' to the Federal Court under Part IVC of the *Tax Administration Act 1953* (Pt IVC). The cases in this Division are, in most respects, functionally the same as litigation conducted in the Federal Court.

Deputy President Bernard McCabe was the Division Head responsible for managing the Small Business Taxation, Taxation and Commercial, and Security Divisions throughout the reporting period.

Security Division

The AAT's Security Division deals with applications for review of security assessments made by the Australian Security Intelligence Organisation (ASIO) under the *Australian Security Intelligence Organisation Act 1979* and applications about decisions in respect of access to an ASIO record under the *Archives Act 1983*. The number of lodgements in this area decreased from 21 in the 2020–21 period to 17 in 2021–22.

Reviews of security assessments are resource intensive, involving tailored case management and multi-member tribunals for hearings. They are subject to specific procedures which require the hearing to be in private and limit the evidence and submissions that may be disclosed to an applicant. Seven cases were finalised in the current reporting period.

TABLE 30: CASELOAD OVERVIEW – SECURITY, SMALL BUSINESS TAXATION AND TAXATION AND COMMERCIAL DIVISIONS, 2020–21 TO 2021–22

DIVISION/ CASELOAD	LODGED		% change from 2020–21		FINALISED		% change from 2020–21		CLEARANCE RATIO		ON HAND AT YEAR END		% FINALISED WITHIN 12 MONTHS		MEDIAN TIME TO FINALISE (WEEKS)		
	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	2020–21	2021–22	
Security	21	17	-19%		3	7	133%		14%	41%	27	37	37%	33%	71%	95	51
Small Business Taxation	552	317	-43%		418	297	-29%		76%	94%	453	469	4%	90%	82%	9	29
Taxation and Commercial	718	838	17%		897	685	-24%		125%	82%	1,151	1,315	14%	53%	59%	45	39
<i>Taxation</i>	596	738	24%		740	553	-25%		124%	75%	1,002	1,199	20%	49%	57%	53	42
<i>Other</i>	122	100	-18%		157	132	-16%		129%	132%	149	116	-22%	63%	63%	40	32
TOTAL	1,291	1,172	-9%		1,318	989	-25%		102%	84%	1,631	1,821	12%	47%	56%	57	47

TABLE 31: OUTCOMES OF REVIEWS – SECURITY, SMALL BUSINESS TAXATION AND TAXATION AND COMMERCIAL DIVISIONS, 2021–22 *

OUTCOME TYPE	SECURITY		SMALL BUSINESS TAXATION		TAXATION AND COMMERCIAL TAXATION		OTHER		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a										
Decision affirmed	1	14%	21	7%	82	15%	24	18%	106	15%
Decision varied or set aside	0	0%	6	2%	32	6%	13	10%	45	7%
Subtotal	1	14%	27	10%	114	21%	37	28%	151	22%
By consent										
Decision affirmed ^b	0	0%	1	<1%	8	1%	1	<1%	9	1%
Decision varied or set aside ^b	0	0%	131	46%	194	35%	31	23%	225	33%
Dismissed by consent ^c	1	14%	1	<1%	24	4%	0	0%	24	4%
Subtotal	1	14%	133	47%	226	41%	32	24%	258	38%
Other										
Withdrawn by applicant	5	71%	78	27%	145	26%	42	32%	187	27%
Dismissed by Tribunal ^d	0	0%	25	9%	16	3%	4	3%	20	3%
No jurisdiction ^e	0	0%	21	7%	52	9%	17	13%	69	10%
Subtotal	5	71%	124	44%	213	39%	63	48%	276	40%
TOTAL^f	7	100%	284	100%	553	100%	132	100%	685	100%

* 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.

^a Applications finalised by a decision of the AAT under section 43 of the AAT Act.

^b 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).

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

^d 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).

^e 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.

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

Caseload

Key statistics in relation to the workload of the T&C Division and the SBTD for the last 2 financial years are found in Table 31 above.

The T&C Division experienced a 17% increase in applications lodged with 838 matters lodged in 2021–22 compared with 718 in 2020–21. We attribute this increase to the Australian Taxation Office's return to its usual Pt IVC caseload during the reporting period as it moved away from making more COVID-19 stimulus measure decisions (which dominated the previous years and had fallen predominately within the SBTD's jurisdiction).

The T&C Division's clearance ratio decreased from 125% to 82% which led to an increase in the on hand caseload at year's end of 14% (1,315 cases compared to 1,151 at the same time in the previous year). This is consistent with the overall increase in cases lodged during the reporting period.

In 2021–22, we reduced the time taken to finalise cases in the Division (from a median of 45 weeks to 39 weeks) with 59% of cases being finalised within 12 months. As noted in previous annual reports, this division's relatively small but highly complex caseload means that fluctuations in these numbers year on year are to be expected. This also applies to the SBTD.

In the SBTD, there was a 43% decrease of applications lodged, with 317 lodged in 2021–22 when compared with 552 in 2020–21. As with the T&C Division, we attribute this decrease to changes in decisions being made by the agency. These lower lodgements have enabled us to improve the Division's clearance rate, up from 76% in the previous financial year to 94% in 2021–22, and maintain the active caseload at a stable level.

As mentioned above, Pt IVC cases tend to be fewer in number but more complex in nature than the COVID-19 stimulus cases and this is reflected in the increase in the Division's median weeks to finalisation from 9 weeks in the previous reporting year to 29 weeks in 2021–22. However, the division has experienced only a limited fall in the proportion of cases being finalised within 12 months despite the caseload becoming more complex (82% in the reporting period down from 90% in 2020–21).

Caseload strategy

The technical complexity of the T&C Division's caseload presents particular challenges in terms of its case management. In this division, we manage cases closely to ensure they are progressed in the most appropriate and efficient way with regard to the circumstances of each case, and that they are allocated to members (or panels of members) and conference registrars by aligning to the expertise of those individuals.

Under the *Review of Taxation and Commercial Decisions Practice Direction*, the Division operates a 'national practice' which is focused on managing its caseload to ensure consistent treatment irrespective of which state or territory a case may have been lodged in. We are able to undertake an early appraisal of each case in the Division so that the Division Head can tailor his case management approach accordingly.

In the SBTD we use an early case assessment conferencing process, which involves the conduct of confidential preliminary conferences with each party on an *ex parte* basis. The purpose of these conferences is to:

- identify any preliminary case management or procedural matters
- where necessary and appropriate, provide guidance in relation to the AAT's processes
- identify the likely issues in dispute and assess the matter's legal complexity

- help in the preparation of case management directions.

The Division also conducts outreach to assist unrepresented small business applicants.

There tends to be fewer external legal practitioners in the SBTD, however, this has not reduced the complexity of the matters heard owing to the underlying complexity of taxation legislation. Consistent with the practice in the T&C Division, the SBTD seeks to facilitate close and consistent case-management practices.

Engagement

The AAT held liaison meetings with representatives of a number of the Divisions' decision-making agencies during the reporting year, including the Taxation Practitioners Board, Australian Securities and Investments Commission and the Australian Taxation Office, in relation to operational issues. Liaison meetings were also held with other key stakeholders including representatives of the Australian Bar Association, the Law Council of Australia and the Australian Small Business and Family Enterprise Ombudsman. In addition, work has been conducted in developing a network of national pro bono schemes and other measures (including in the coming years better integration with university tax clinics) to improve applicant access.

Alternative dispute resolution

The AAT uses alternative dispute resolution (ADR) in many types of cases in the Freedom of Information, General, National Disability Insurance Scheme, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions. ADR can 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.

ADR events are typically conducted by conference registrars, who are legally qualified and accredited mediators, but they may also be undertaken by members and other senior staff.

The workload of the ADR section was impacted by the significant increase in National Disability Insurance Scheme lodgements mentioned above. In 2021–22, 2,361 NDIS cases were finalised following one or more ADR events, an increase of 3% compared to 2020–21.

Across all areas of practice in which alternative dispute resolution was utilised, total finalisations in which at least one of these types of ADR events was held increased from 4,295 in 2020–21 to 5,156 in 2021–22, representing an increase of 20%.

At least one ADR process was held in just over two-thirds of all finalised cases. On average, these parties spent a total of 70 minutes across 2 ADR processes per case, which is an additional 10 minutes per matter compared to last year. The average days from lodgement to the last ADR event decreased slightly to 143 days.

Timeliness improved slightly with the average days from lodgement to the last ADR event decreasing to 135 days compared with 144 days in the previous financial year. On average, parties spent a total of 80 minutes across 2 ADR processes per case of this type, which is an additional 5 minutes per matter compared to last year.

The overall volume of ADR events held has increased considerably. In 2021–22, there were 14,261 ADR events compared with 10,766 events in 2020–21. COVID-19 restrictions continued to mean that more events were run by telephone or video. The number of in-person ADR events increased slightly from 82 in 2020–21 to 103 in 2021–22. The number of ADR events conducted by video increased from 320 in 2020–21 to 644 in 2021–22. The remaining events were conducted by telephone.

We continued to explore new ways of addressing this increased demand including through in-house training of additional staff to assist with workload peaks, engaging non-ongoing staff, and managing some matters from interstate registries using digital technologies.

TABLE 32: ALTERNATIVE DISPUTE RESOLUTION STATISTICS – FREEDOM OF INFORMATION, GENERAL, NATIONAL DISABILITY INSURANCE SCHEME (NDIS), SMALL BUSINESS TAXATION, TAXATION AND COMMERCIAL, VETERANS' APPEALS AND OTHER DIVISIONS, 2020–21 TO 2021–22

MEASURE	YEAR	Freedom of Information Division	GENERAL DIVISION			NDIS Division	Small Business Taxation Division	Taxation and Commercial Division	Veterans' Appeals Division	All General and Other Divisions
			Centrelink (second review)	Home Affairs	Workers' compensation					
Proportion of applications finalised without the AAT making a decision following a hearing	2020–21	80%	78%	53%	90%	98%	88%	87%	74%	82%
	2021–22	64%	77%	50%	90%	98%	91%	78%	86%	84%
Proportion of validly lodged applications finalised in the period in which at least one ADR process was held	2020–21	65%	71%	50%	87%	69%	59%	56%	77%	66%
	2021–22	44%	69%	56%	82%	72%	57%	51%	78%	67%
Median number of ADR processes held per case	2020–21	1	1	2	3	2	2	2	3	2
	2021–22	2	2	2	3	2	2	1	3	2
Median number of total minutes spent in ADR processes per case	2020–21	50	60	45	82	75	90	120	55	60
	2021–22	60	60	45	75	80	90	90	60	70
Median calendar days from lodgement to final ADR process	2020–21	79	104	118	286	144	76	258	217	147
	2021–22	119	114	113	288	135	190	214	231	143

External scrutiny

The AAT's operations are subject to external scrutiny through various mechanisms. The principal form of scrutiny in relation to our decisions and how we conduct reviews 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, and through audits, reviews and parliamentary scrutiny.

Appeals

There are 3 primary pathways for review by the courts of our decisions.

- Section 44 of the AAT Act: a party may appeal, on a question of law, to the Federal Court against most final decisions made in the Freedom of Information, General, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions. Section 44 also applies to final child support decisions and employer-related paid parental leave decisions made in the SSCSD. The Federal Court may transfer the appeal to the Federal Circuit and Family Court (Division 2) unless the Tribunal was constituted by, or included, the President or a Deputy President.
- Section 44AAA of the AAT Act: a party to a review of a child support decision made in the SSCSD may also appeal a final decision, on a question of law, to the Federal Circuit and Family Court (Division 2) unless the Tribunal was constituted by, or included, the President or a Deputy President.
- Part 8 of the Migration Act: an applicant or the Minister administering the Migration Act may seek judicial review 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 and Family Court (Division 2). Applications relating to decisions made about visas in the GD must be lodged in the Federal Court.

A party may also seek judicial review of certain decisions made during 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* or section 75(v) of the Constitution.

As shown in Table 33, 3,991 appeals were lodged in relation to the AAT decisions in 2021–22, 14% fewer than in 2020–21. The overall rate at which our decisions were appealed remained similar, however. Applications for judicial review of decisions made by the Migration and Refugee Division and decisions made by the GD on review of visa-related decisions relating to character continued to constitute the vast majority of appeals at 98% also remained considerably higher than for other types of decisions. For most other divisions, the appeal rate was 5% or below in 2021–22.

There were 2,258 appeals relating to decisions of the AAT, Migration Review Tribunal or Refugee Review Tribunal finally determined in the courts during the reporting year with visa-related appeals constituting 97% of those finalised appeals. These figures are comparable to the previous year. Overall, the courts allowed the appeal in 14% of cases appealed in 2021–22, an improvement of 7 percentage points compared with last year's result. This is primarily attributable to a decrease in the proportion of appeals allowed against decisions of the Migration and Refugee Division. A contributing factor was there were fewer outstanding appeals that remained to be allowed

following 2 earlier Federal Court decisions which held that the Department of Home Affairs had not properly notified the applicants of the original decision to refuse to grant their visa, a matter beyond the control of the AAT.

The next largest number of appeals allowed concerned decisions made by the GD on review of visa-related decisions relating to character. While there was an increase in the number of appeals allowed, the proportion of appeals allowed was consistent with earlier years. This is a complex area of decision-making with constantly developing jurisprudence as to how the law is to be applied. For other divisions and areas of work, the number of appeals allowed remained low.

The AAT reviews court judgments and orders made in relation to our decisions, particularly where the appeal is allowed, to identify the issues arising in each case as well as any issues that may be relevant to other cases.

TABLE 33: COURT APPEALS AGAINST DECISIONS OF THE AAT LODGED AND FINALISED BY DIVISION AND MAJOR CASELOADS WITHIN DIVISIONS, 2020-21 TO 2021-22

DIVISION/AREA OF WORK	COURT APPEALS LODGED				COURT APPEALS FINALISED ^c											
	2020-21		2021-22		2020-21		2021-22		2020-21		2021-22		2020-21		2021-22	
	No	%	No	%	Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised	Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised	Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
Freedom of Information	2	10%	1	3%	0	1	1	0%	0	2	2	0%	0	2	2	0%
General	140	7%	141	8%	45	76	121	37%	55	102	157	35%	55	102	157	35%
<i>Australian citizenship</i>	2	1%	6	2%	2	1	3	67%	3	4	7	43%	3	4	7	43%
<i>Centrelink (2nd review)</i>	8	1%	8	1%	1	6	7	14%	1	7	8	13%	1	7	8	13%
<i>Visa-related decision relating to character</i>	105	25%	110	34%	35	58	93	38%	45	79	124	36%	45	79	124	36%
<i>Workers' compensation</i>	13	9%	10	6%	2	6	8	25%	4	8	12	33%	4	8	12	33%
<i>Other</i>	12	3%	7	2%	5	5	10	50%	2	4	6	33%	2	4	6	33%
Migration and Refugee^d	4,467	23%	3,812	22%	399	1,653	2,052	19%	251	1,816	2,067	12%	251	1,816	2,067	12%
<i>Migration</i>	3,012	20%	1,769	14%	266	1,196	1,462	18%	169	1,244	1,413	12%	169	1,244	1,413	12%
<i>Refugee</i>	1,455	29%	2,043	41%	133	457	590	23%	82	572	654	13%	82	572	654	13%
National Disability Insurance Scheme	3	2%	7	3%	0	1	1	0%	1	0	1	100%	1	0	1	100%
Security	0	0%	1	100%	0	0	0	N/A	0	1	1	0%	0	1	1	0%
Small Business Taxation	1	1%	1	1%	0	1	1	0%	0	1	1	0%	0	1	1	0%
Social Services and Child Support^e	22	1%	16	1%	4	24	28	14%	5	11	16	31%	5	11	16	31%
Taxation and Commercial	12	5%	11	5%	6	13	19	32%	4	8	12	33%	4	8	12	33%
<i>Taxation</i>	6	4%	6	3%	5	8	13	39%	3	6	9	33%	3	6	9	33%
<i>Other</i>	6	11%	5	9%	1	5	6	17%	1	2	3	33%	1	2	3	33%
Veterans' Appeals	6	8%	1	2%	5	0	5	100%	1	0	1	100%	1	0	1	100%
TOTAL	4,653	19%	3,991	18%	459	1,769	2,228	21%	317	1,941	2,258	14%	317	1,941	2,258	14%

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

^b 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.

^c Where a decision of a judge of the Federal Circuit and Family 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 may include appeals lodged or finalised in relation to decisions made by the Migration Review Tribunal or Refugee Review Tribunal prior to 1 July 2015.

^e 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 Act. In general, other decisions made on first review in the SSCSD are subject to Tier 2 review in the AAT.

Significant court decisions

During the reporting year, one judicial decision dealt with issues that had the potential to have a significant impact on our procedures and decision-making.

Miller v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] FCA 489

In this judgment, the Federal Court considered the consequences of a failure by an applicant to provide a statement of reasons for an application for a review of a decision in accordance with section 29(1)(c) of the AAT Act within the time limit for applying for review.

The application form lodged by the applicant with the AAT did not include any reasons for the application and reasons were not provided until after the time limit for applying for review had expired. The time to apply for review could not be extended in this case. The AAT found that the application had substantially complied with the requirements for making an application and proceeded to review the decision.

The Federal Court decided that providing a statement of reasons was an essential requirement to the making of a valid application and held the AAT had no jurisdiction to hear and determine the application. The Court accepted that a statement of reasons can be provided after the original application is lodged provided it is given to the AAT within the required timeframe for lodgement. If it is provided outside the time limit, the applicant can make an application for an extension of time to lodge their application, where this is available.

This judgement affects all applications to the AAT for a review of a decision other than applications dealt with in the Migration and Refugee Division and certain applications in the Security Division. The AAT has updated its registry procedures to reflect the judgement. An appeal has been lodged to the Full Court of the Federal Court.

Freedom of information

In 2021–22, the Office of the Australian Information Commissioner received 18 applications for review of decisions we made in relation to requests for access to documents under the Freedom of Information Act.

There were 13 applications finalised in the reporting year. Of the finalised applications: 8 were invalid or out of jurisdiction under s 54N of the Freedom of Information Act; 2 were declined under s 54W(a)(i) (frivolous, vexatious, misconceived, lacking in substance or not made in good faith); 2 were withdrawn; and one was declined under s 54W(b) (decision to be considered by the AAT).

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 (IPS). 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 received 4 complaints in relation to the AAT in 2021–22. The Commission notified the AAT of 2 of these complaints. One complaint was terminated as misconceived, and the other complaint remains on foot.

The Commonwealth Ombudsman received 61 complaints about the AAT in 2021–22. The Ombudsman did not investigate any of these complaints, and therefore there were no outcomes to report from investigations.

The Office of the Australian Information Commissioner received 2 privacy complaints relating to the AAT in 2021–22. No complaints were referred to the AAT and no determinations were made regarding the AAT.

The Office of the Australian Information Commissioner received 6 complaints about FOI processing by the AAT in 2021–22. Three complaints were declined under s 73(b) of the Freedom of Information Act and 1 complaint was notified to the AAT.

Reports on the operations of the AAT

On 24 June 2021, the Senate referred the Courts and Tribunals Legislation Amendment (2021 Measures No.1) Bill 2021 to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report. The Bill included a range of proposed amendments relating to the operations of the AAT and one amendment proposing the conferral of statutory protection and immunity on the Immigration Assessment Authority's Senior Reviewer and Reviewers. The AAT made a submission to the inquiry on 15 July 2021. The Committee's report was tabled on 13 August 2021 with the majority recommending that the Bill be passed in full. There were dissenting reports from Labor Senators and Australian Greens Senators, including recommendations that one amendment relating to the appointment of members and the amendment relating to the IAA be removed. The Bill passed the Parliament on 14 February 2022 with these amendments.

On 14 December 2021, the Australian National Audit Office published its report on the audit of the financial statements of Australian Government entities for the period ended 30 June 2021. As part of the audit, the ANAO performed a review of the way in which some part-time members of the AAT were remunerated based on case finalisation. The ANAO reviewed payments made to 6 members and found they were within our guidelines and procedures. Two observations were made: confirmation was required as to whether the guidelines and procedures aligned with the requirements of the Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination and there was a question whether the amount paid to the members on case finalisation, based on case weightings, were consistent with the actual time spent. By the end of 2021, the AAT completed a longstanding project to implement, for all part-time members, a time-based system of remuneration.

On 21 October 2021, the Senate referred an inquiry into the performance and integrity of Australia's administrative review system to the Senate Legal and Constitutional Affairs References Committee for inquiry and report by 31 March 2022, later extended to 30 June 2022. The AAT made an initial submission to the

inquiry on 24 November 2021 and a supplementary submission on 29 June 2022. The AAT provided responses to detailed questions on notice in December 2021, and during January and February in 2022. The inquiry did not conduct any public hearings. An interim report was published on 31 March 2022. The majority of the Committee recommended that the Attorney-General develop and legislate a process for the appointment of members to the AAT and disassemble the AAT and re-establish a new federal administrative review system. There was a dissenting report from Coalition Senators rejecting the recommendations. On 30 June 2022, the Chair of the Committee reported that the interim process had enabled the Committee to conclude its examination of the terms and reference and the Committee was of the view that re-referral of the inquiry in the 47th Parliament was not necessary.

User experience

The AAT seeks to ensure that our services are accessible, user focused and of a high quality. We have a Service Charter that sets out the standards of service people can expect when they deal with us and includes information about how users can give us feedback.

Accessibility

We strive to be accessible to our wide range of users and potential users, including First Nations peoples, 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.

Indigenous Australians

The AAT is committed to improving access for First Nations peoples. As part of this commitment, we educate 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.

During the reporting year, we launched a Reflect Reconciliation Action Plan which is published on the AAT website, to improve our engagement with and support of Aboriginal and Torres Strait Islander members, staff, AAT users and suppliers.

People from culturally and linguistically diverse backgrounds

We take steps to ensure our users from culturally and linguistically diverse backgrounds can communicate with us effectively, and we seek to address cultural diversity issues in delivering our services through awareness raising and training activities.

We engage and meet the cost for an interpreter if a party or witness requires one for a case event at the AAT, such as a conference or a hearing. We use the Translating and Interpreting Service as needed for telephone calls and other interactions with users.

The AAT's Interpreter Policy and the Handbook for Interpreters, which are available on our website, set out more information about interpreting services at the AAT.

People with disability

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

- ensuring our website meets Australian Government accessibility guidelines and standards
- having text-to-speech software available on our website
- making documents available in appropriate formats
- using the National Relay Service to facilitate telephone contact for people with a hearing or speech impairment
- undertaking conferences and hearings by telephone or video
- providing hearing augmentation systems in Tribunal premises
- making all of our premises wheelchair accessible and ensuring other premises used by the AAT are accessible
- providing training to members and staff to improve disability awareness and confidence.

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

We offer information about our role and procedures on our website. Our written materials include guides and fact sheets in plain English. We have a series of videos available in English and 7 community languages, and an accessible video with an Auslan interpreter.

We make resources available online to help people understand how we apply the law and what information is relevant when we review decisions. These resources include:

- fact sheets relating to some common types of decisions
- the Guide to Refugee Law in Australia which provides guidance on legal issues relevant to the assessment of applications about 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 where a party may require an interpreter or assistance because of a disability. We make information available to parties about the kinds of assistance or support they might be able to obtain in relation to the review process, including:

- organisations funded to provide assistance in certain types of cases, such as the Australian Small Business and Family Enterprise Ombudsman, community legal centres, disability advocacy services, ex-service organisations, legal aid commissions and university tax clinics
- guidance on how to find a private lawyer, migration agent, tax agent or other person who may be able to provide advice, representation or support.

In the Australian Capital Territory, 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 for self-represented parties in certain types of cases.

Complaints to the AAT

Complaints may be made to the AAT verbally or in writing, including through our online complaints and feedback form. Members and staff are encouraged to address an issue or concern raised with us verbally at the time of the interaction, where possible. When such a matter cannot be readily resolved, the person is advised that they may escalate their complaint.

We aim to provide a final response to a written complaint or escalated verbal 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 its progress.

We treat all complaints seriously and conduct investigations in an impartial manner 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.

As shown in the table below, the AAT received 230 complaints in 2021–22, 18 fewer than in the previous reporting year. The number of complaints received for every 1,000 applications we finalised remained consistent with the previous reporting period.

TABLE 34: COMPLAINTS MADE TO THE AAT, 2020–21 TO 2021–22

	2020–21	2021–22
Complaints made	248	230
Applications finalised	44,565	42,007
Complaints per 1,000 applications finalised	5.6	5.5

Table 35 shows the subject matter of the complaints received in the current and previous reporting years. There was a marked increase in the number of complaints relating to administrative/procedural issues and a decrease in the number of complaints about AAT decisions in 2021–22.

TABLE 35: ISSUES RAISED IN COMPLAINTS TO THE AAT, 2021–22

Issue	Number of complaints	
	2020–21	2021–22
Conduct of members	56	59
Delay/timeliness	56	57
Administrative/procedural issues	33	50
AAT decisions	66	41
Conduct of staff	10	9
Conduct of registrars	11	5
Fee and/or fee refund	5	5
Privacy	5	2

ADR processes	0	1
Online services portal	3	1
Fraud	1	0
Publication of Tribunal decisions	1	0
Website	1	0
TOTAL	248	230

During 2021–22, we provided a response to 230 complaints, including some carried over from the previous reporting year. We responded to 57% (131) complaints within our time standard of 20 working days, compared with 75% in 2020–21. The median number of days from complaint to final response for all complaints was 20 working days, marginally higher than the average of 18 working days in the previous reporting year. We will review complaint handling procedures and resources to identify opportunities to improve the timeliness with which we deal with complaints in 2022–23.

We formed the view that we could have acted more appropriately in relation to 30 complaints in 2021–22, compared with 45 complaints in 2020–21. We offered an apology where appropriate and raised the matters with the relevant areas and personnel. The issues that arose most frequently were administrative/procedural issues (10) and the conduct of members (9). Other issues raised in these complaints concerned delay/timeliness in the review process (6), the conduct of staff (4) and privacy (1). The complaints regarding the conduct of members and staff related to the manner in which those people communicated with users of our service.

Chapter 4 Immigration Assessment Authority

Function

The Immigration Assessment Authority (IAA) is established under the *Migration Act 1958* as a separate office within the AAT's Migration and Refugee Division. It commenced operations in October 2015.

The IAA conducts merits 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

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 1999*.

At 30 June 2022, Ms Sobet Haddad was the Senior Reviewer and there were 26 reviewers. In accordance with section 473JE of the Migration Act, the Registrar made officers available to assist the IAA in the performance of its administrative functions.

For the purposes of the *Public Governance, Performance and Accountability Act 2013* and the Public Service Act, the IAA is considered to be part of the AAT.

Steps in a review

The Department of Home Affairs automatically refers fast track reviewable decisions to the IAA unless the applicant is an excluded fast track review applicant. Referrals are electronic and are accompanied by 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 most cases, the IAA reviews the decision on the papers. While the IAA has no duty to do so, in exceptional circumstances, it may get, request, or accept any new information that was not before the Department. The IAA may request new information in writing or at an interview. The IAA does not conduct hearings.

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

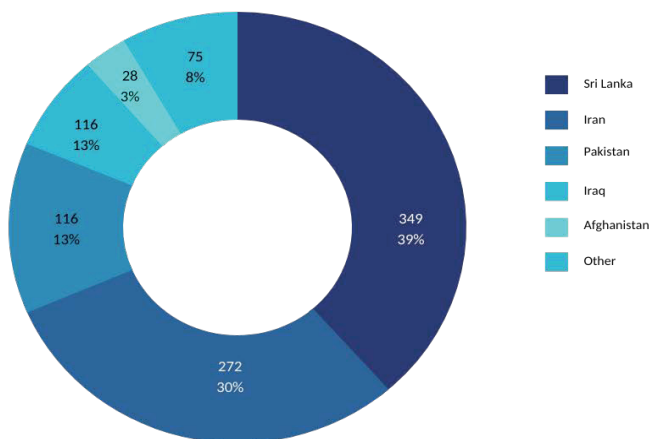
As shown in the table below, the number of referrals to the IAA in 2021–22 was similar to the number received in the preceding reporting year. The IAA received an average of 76 referrals per month in 2021–22. This reduction in referrals was a result of the continued impacts of COVID-19 as well as the transition of the Department of Home Affairs from considering the primary legacy caseload to the reassessment of subsequent temporary protection visa and safe haven enterprise visa applications.

TABLE 36: IAA CASELOAD OVERVIEW, 2020–21 TO 2021–22

	REFERRALS	FINALISATIONS	ON HAND AT YEAR END	MEDIAN TIME TO FINALISE (WEEKS)
2020–21	894	788	212	5
2021–22	906	1,077	41	7

The top 5 countries of reference of referred applicants in 2021–22 were Sri Lanka, Iran, Pakistan, Iraq and Afghanistan. The chart below shows the number and proportion of referrals made for these and all other countries. Sri Lanka remained the largest single source country of referrals overall having further increased its proportion of the IAA’s caseload. Referrals from Pakistan and Iraq also increased proportionately, while the number of referrals from Bangladesh and Vietnam decreased during this period.

FIGURE 5: IAA REFERRALS BY COUNTRY OF REFERENCE, 2021–22



The IAA finalised 1,077 cases in 2021–22, a 37% increase on the previous year. The median timeframe for finalised cases was 7 weeks from referral to decision for the reporting period, an increase of 2 weeks on the previous year. This was due to the complexity of referred cases in the remaining primary legacy caseload and the commencement of reviews of reassessments of subsequent temporary protection visa and safe haven enterprise visa applications.

The IAA affirmed the decision under review in 964 cases during the 2021–22 period. The decision was remitted to the Department for reconsideration in 97 cases. Sixteen cases were finalised on the basis that they were referred to the IAA in error.

TABLE 37: OUTCOMES OF IAA REVIEWS, 2020–21 TO 2021–22

	DECISION AFFIRMED		DECISION REMITTED		OTHER ^a	
	No	% of total	No	% of total	No	% of total
2020–21	717	91%	55	7%	16	2%
2021–22	964	90%	97	9%	16	1%

^a Cases referred to the IAA in error.

The IAA publishes written statements of reasons for its decisions that the President thinks are of particular interest. The IAA published 126 decisions made in 2021–22 on the IAA website.

Appeals

An applicant or the Minister may seek judicial review of IAA decisions under Part 8 of the Migration Act. Applications must be made to the Federal Circuit and Family Court and decisions may be subject to further appeal. As shown in the table below, a significant proportion of IAA decisions are subject to judicial review. In the reporting period, all judicial review applications were lodged by applicants who did not receive a favourable decision from the IAA.

In 2021–22, the Federal Circuit and Family Court finalised 404 judicial review applications relating to IAA decisions. Of those applications, 268 were dismissed. In 136 applications, the case was remitted to the IAA: 111 by consent and 25 by judgment.

There have been 89 further appeals lodged in the Federal Court against decisions of the Federal Circuit and Family Court. Of these appeals, 5 were lodged by the Minister and the remaining 84 were by applicants appealing a decision to dismiss the judicial review application.

These outcomes include appeals lodged in relation to decisions made in a previous year.

The table below shows the outcomes of judicial review applications that have been determined in the last 2 financial years. As at 30 June 2022, a further 4,960 applications remain unresolved, including appeals against decisions of the Federal Circuit and Family Court.

TABLE 38: IAA COURT APPEALS LODGED AND FINALISED, 2020–21 TO 2021–22

	COURT APPEALS LODGED		COURT APPEALS FINALISED ^c			
	Lodged ^a	Proportion of total IAA decisions ^b	Allowed		Dismissed or Discontinued	Total appeals finalised
			Remitted	Set aside ^d		
	No	%	No	No	No	No
2020–21 ^e	690	87.6%	155	3	352	510
2021–22	880	81.7%	159	2	289	450
TOTAL	1,570	84.2%	314	5	641	960

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

^b These figures represent 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 and Family 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 relate to cases where the courts have determined the IAA had no jurisdiction to conduct the review following the judgment in *DBB16 v Minister for Immigration and Border Protection* [2018] FCAFC 178.

^e The figures for the number of appeals lodged and finalised in 2020–21 differ from those published in the Annual Report 2020–21. The IAA was notified of additional appeals lodged in the Federal Circuit and Family Court after the figures were prepared for that report, and a number of appeals considered finalised at that time have subsequently become active by an appeal to a higher court

Significant court decisions

The High Court did not make any significant decisions on issues relevant to fast track procedures and decision-making during the reporting year.

Complaints

Complaints may be made verbally or in writing. The IAA encourages staff to address any issues or concerns raised by applicants or their representatives at the time of interaction where possible. In circumstances where an issue cannot be readily resolved, the person is advised that they may make a written complaint.

During the reporting year, the IAA received one complaint relating to procedural matters and the IAA's response to a request for an extension of time to provide submissions and new information. This complainant also had concerns relating to the IAA's Practice Direction for Applicants, Representatives and Authorised Recipients with regards to the provision of new information in cases where there has been significant changes in the country conditions. The IAA assessed the complaint and provided detailed reasons for why the complaint was not upheld.

Chapter 5 Management and accountability

Corporate governance

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

The names and responsibilities of the AAT's President, Registrar and other senior leaders in 2021–22 are outlined in Chapter 2 Overview of the AAT.

Senior management and committees

The President and the Registrar were supported in carrying out their responsibilities in 2021–22 by a number of committees. The key governance committees are as follows.

The Tribunal Leadership Group is the AAT's pinnacle governance body, comprising the President, the Division Heads, the Registrar and the National Director Tribunal Services. The group advises and assists the President in relation to setting and monitoring the Tribunal's strategy, budget, priorities, performance and ways of working. The group met 8 times during the reporting year.

The Senior Executive Group, comprising the Registrar and all senior executive staff, provides the Registrar with advice and assistance on corporate and operational management issues. The group met regularly, generally at least twice each month, throughout 2021–22.

The Transformation Committee, comprising the Registrar, Tribunal members acting as nominees of the Division Heads, the National Director Tribunal Services, the Chief Transformation Officer and the Chief Information Officer. The committee met 5 times in the period to December 2021, to advise on and monitor the implementation of our transformation program. Following a decision to manage change initiatives through operational areas rather than a dedicated Transformation Office, the Transformation Committee was replaced by the Portfolio Control Group from January 2022.

The Portfolio Control Group, comprising the National Director Tribunal Services, the Chief Information Officer and the Chief Corporate Officer, met 7 times during the reporting year to provide the Registrar with advice and assistance on defining and managing the AAT's portfolio of key programs and projects.

The Audit and Risk Committee provided independent advice and assurance to the Registrar by considering financial reporting, performance reporting and systems of internal control and risk management. The committee comprised an independent chair and 2 other independent members as well as AAT representatives acting as special advisors. They met 5 times in 2021–22. More information about the Audit and Risk Committee and its membership during the reporting year can be found in Appendix 5: Other mandatory information.

Business planning

In 2021–22 the AAT developed and published a corporate plan as required by section 35 of the *Public Governance, Performance and Accountability Act 2013*. The Corporate Plan 2021–22 described our purpose and key activities, the environment in which we operate, our key strategies and plans to enhance our capability, our risk oversight and management systems, and how we would measure our performance. The Annual Performance Statement, an assessment of our performance against the measures set out in the corporate plan, is in Chapter 3 Performance.

The Corporate Plan 2021–22 identified 4 strategic priorities:

- building a united and connected Tribunal that is underpinned by sound governance, a structure that best supports effective operations across divisions and locations, and fair, transparent, and logical allocation of resources
- establishing efficient, fair, proportionate, and timely review processes for our diverse caseloads in accordance with agreed principles and with consistent national practices
- delivering a service that is user focused and based on contemporary and digital ways of working
- developing the capabilities of our members and staff.

The strategies and plans included in our corporate plan and these 4 priorities informed more detailed operational plans developed by the Tribunal’s business areas for the year. Some of the AAT’s key achievements in 2021–22 are noted in Chapter 1 The year in review.

Risk management

Identifying and managing strategic and operational risks is an integral part of our work. Our approach is set out in our risk management framework.

In 2021–22, the AAT Audit and Risk Committee regularly reviewed our Enterprise Risk Register, which captured strategic risks addressed in the AAT Corporate Plan 2021–22 as well as any emerging risks.

During the reporting year, we reformatted the Risk Register to display information more clearly and enable trend analysis reporting to executive committees. This allowed our senior leadership, executives and Audit and Risk Committee to monitor risks through a quarterly update that set out key trends and priorities.

Throughout the year, external and internal audit programs provided assurance in relation to our control environment and operations and identified opportunities for improvement. Risk review processes are embedded in procedures and registers and are regularly reviewed by several standing committees.

Our internal auditors initiated or completed the following risk reviews during the year:

- risk management framework review
- asset management
- strategic planning
- cyber security
- IT contract management.

We responded to issues identified in internal and external audit activities and the Audit and Risk Committee monitored the implementation of audit recommendations.

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.

To remain responsive to evolving circumstances arising from the COVID-19 pandemic, the Business Continuity Management Committee reviewed and revised the AAT Business Continuity and Disaster Recovery Plan with input from our COVID-safe working group.

A suite of COVID-response measures was further developed and implemented to support the well-being of members, staff and clients. Our business continuity operations were supported by online capabilities for hearings, case management, learning and development, and associated policies and procedures including a flexible work program.

Regular security audits were performed on access control systems nationwide. The AAT's Enterprise Technology Group progressed IT system security upgrades and all reporting functions and procedures relating to risk areas were reviewed and updated. In response to the COVID-19 pandemic, emergency procedures were revised for all registries to account for flexible working arrangements and intermittent lockdowns.

Fraud control

The AAT is committed to preventing, detecting, and dealing with fraud in relation to our operations. Our fraud control framework is linked to our Risk Management Framework and specifically includes our Fraud Control Plan, Fraud Risk Assessment and Register. An internal audit of the AAT Fraud Risk Framework commenced late in 2020–21 and was completed in early 2021–22 with updates to the Fraud Risk Register.

Fraud control awareness is a mandatory part of the induction program for new employees and a guide on recognising and reporting fraud is available to our members and staff.

Following COVID-19 pandemic disruptions in the previous year, the AAT completed a nationwide stocktake in 2021–22 with excellent results and minimal variances despite a large increase in mobile device holdings.

Certification of AAT fraud control arrangements

I, Michael Hawkins, 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.



Michael Hawkins

Registrar

23 September 2022

Maintaining ethical standards

We promote and encourage appropriate standards of ethical behaviour by members and staff. Rules and standards relevant to ethical conduct are incorporated into our policies, guidelines and procedures.

Our Conduct Guide for AAT Members provides guidance for members on appropriate conduct and behaviour in relation to their professional duties and in their private conduct as it affects those duties. Professional development regarding the role of a member is available to members through an online learning module, which explores a range of scenarios and ethical challenges members may encounter. All members are provided with training on member conduct as part of our induction and onboarding program. In May 2022, members were strongly encouraged to attend a professional development session that focused on member ethics in a tribunal context, presented by Simon Longstaff, Executive Director of The Ethics Centre.

The AAT Enterprise Agreement includes a commitment between management and APS staff to work in accordance with the APS Values, Code of Conduct and Employment Principles. Information relating to the APS ethics framework forms part of our induction process and we undertake ongoing awareness-raising activities in relation to the framework and its application in different areas of activity. Our staff are provided with mandatory Code of Conduct training every two years. In addition, and aligned with the APS Workforce Strategy, the AAT has incorporated the APS Commission e-learning module, 'Integrity in the APS', into our induction process.

Management of human resources

The AAT's members and staff are integral to effectively carrying out our role as an independent merits review tribunal. We continue to develop our workforce and the working environment so that members and staff can provide high-quality services that meet the needs of our users.

Staffing overview

At 30 June 2022, there were 300 non-judicial members appointed to the AAT. More information about members is set out in Chapter 2 Overview of the AAT and Appendix 1: Members of the AAT.

At 30 June 2022, there were 769 staff working at the AAT: 670 employed under the *Public Service Act 1999* and 99 engaged under labour hire arrangements. Of the 670 APS employees, 492 were ongoing and 178 non-ongoing, with 16 of the non-ongoing staff engaged to undertake duties that are irregular or intermittent.

Appendix 2: Additional staffing statistics provides the number of ongoing and non-ongoing employees at 30 June 2021 and 30 June 2022 by employment status, classification, gender and location, as well as information about the number of AAT staff identifying as Indigenous, as being from a non-English speaking background, and as a person with a disability.

Ongoing APS staff turnover at the AAT increased over the financial year and was proportionally 6.6% higher than turnover in the APS more broadly (according to Australian Public Service Commission data at 31 December 2021). Labour hire staff and contractors decreased from 219 to 99 over the reporting period, as the AAT worked to reduce expenditure during 2021–22 by filling APS positions. Non-APS labour hire staff and contractors were engaged to manage changes in workloads and assist with project delivery.

Employment agreements and arrangements for staff

The framework for the terms and conditions of employment for APS employees in 2021–22 included an enterprise agreement and a determination made in 2020 under section 24(1) of the *Public Service Act 1999* (the PS Act) to provide pay increases and maintain current conditions for non-SES staff. Additional section 24(1) determinations under the PS Act are in place for SES staff.

The AAT Enterprise Agreement 2017–2020 continues in effect, with salary increases beyond the notional expiry of this agreement provided by section 24(1) determination for a further 3-year period.

At 30 June 2022, 663 non-SES APS staff were covered by the enterprise agreement, with 19 of those staff also having an individual flexibility arrangement. Seven SES employees were covered by section 24(1) determinations. Appendix 2: Additional staffing statistics shows the salary ranges available to APS employees in 2020–21 by classification level.

Performance pay

The AAT did not have a performance pay or bonus system for any staff in 2021–22 nor did we pay a performance bonus to any staff.

Non-salary benefits

Non-salary benefits available to staff in 2021–22 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
- health and wellbeing benefits such as assistance for individual and/or group participation in health and fitness activities, and access to the Calm application, the Employee Assistance Program, Reach Out program, eyesight testing and flu vaccinations.

Employees were also able to access salary sacrifice schemes providing benefits in relation to additional superannuation payments, leased motor vehicles, portable electronic devices and airline lounge memberships.

Executive remuneration

Information relating to the remuneration of the senior leaders of the AAT is set out in Appendix 4: Executive remuneration.

Remuneration for the President, Registrar and other Tribunal members who are identified as senior executives is determined by the Remuneration Tribunal.

Remuneration for SES staff in 2021–22 was determined by the Registrar and set out in determinations made under section 24(1) of the Public Service Act. Remuneration levels are reviewed annually by the Registrar having regard to:

- the APS Executive Remuneration Management Policy
- the Australian Government Public Sector Workplace Relations Policy 2020

- an assessment of relativities with other APS agencies, as indicated in the annual APS Remuneration Report produced by the APSC.

The remuneration packages of SES staff can include cash in lieu of a motor vehicle in accordance with common Australian Government practice.

Developing our members and staff

Member and staff professional development continues to be a priority in the AAT's Workforce Strategy.

Building capability and a culture that fosters continuous learning has been a core focus for the Tribunal. During the 2021–22 period, there was a strong focus on providing flexible learning solutions and wellbeing initiatives.

Member professional development

Our Member Professional Development Program is based on member competencies specific to the AAT and comprises induction, mentoring, professional planning and development, division specific professional development and the member curriculum.

The member curriculum, launched in March 2022, is aligned to the member competencies and details priority areas for professional development as well as key learning outcomes. The following programs were delivered as part of the member curriculum in 2021–22:

- jurisdictional based training and workshops
- administrative law training program
- Tribunal member leadership program
- family violence training program
- member ethics in a tribunal context session
- decision writing foundations
- virtual hearings skills
- effective communication in high conflict situations.

Nineteen new members were appointed in May 2022. These members participated in a thorough induction and onboarding program that included in-person workshops, caseload-specific training, mentoring and professional development of core capabilities.

The Tribunal supported a number of members to participate in external conferences including the Council of Australasian Tribunals National Online Conference.

The Member Professional Planning and Development (PPD) program is now well established. The program involves a discussion and review of a member's learning needs to inform a Member Professional Development Recommendations Plan. Members then participate in a range of professional development activities aligned to the member curriculum throughout the year as per their individual plan. The PPD program has been completed by 72 members across 3 cohorts in the period 1 July 2021 to 30 June 2022.

It is anticipated that all new members will participate in this program within their first 12 months of appointment.

Six members participated in the Member Appraisal Scheme which provided the basis for the President to make robust and transparent recommendations to the Attorney-General on their suitability for reappointment to the Tribunal.

Conference registrar professional development

Our conference registrars completed a learning survey to identify learning priorities and inform a targeted training program. The survey was divided into 4 focus areas being alternative dispute resolution, legal, working digitally and management skills. The 2021–22 financial year saw the commencement of a series of workshops facilitated by the Resolution Institute. Topics included ‘techniques for resolving an impasse’ and ‘the conciliator craft: facilitation, advice, evaluation’. US-based presenter Megan Hunter facilitated a session on ‘managing interactions with people who may have high conflict personalities.

In addition to the externally facilitated workshops, in-house ‘case update’ sessions were delivered on procedural matters and the use of technology and the case management system.

Staff learning and development

We continued to embed the Leadership Capability Framework in our recruitment processes and performance management program throughout 2021–22 as a tool to support ongoing learning and development.

Formal training activities conducted in 2021–22 included workshops on dealing with difficult interactions and facilitation skills. The facilitation skills program included group sessions, as well as one-on-one coaching, with a focus on virtual training sessions.

The Introduction to Leadership Program for aspiring leaders offered leadership development opportunities. Seventeen executive-level staff from our Enterprise Technology Group participated in the program, which included a 360-degree feedback survey and a debrief with an executive coach.

Online learning solutions remained an ongoing focus across 2021–22. We offered a wide array of self-directed eLearning options within the AAT’s Learning Management System and staff had access to the LinkedIn Learning library. We offered a webinar series on administrative law, covering topics including jurisdiction and standing, natural justice, rational decision-making and Tribunal decisions affected by legal error. We also launched cultural learning modules focused on building competencies in understanding First Nations cultures and reconciliation.

Our Studies Assistance Scheme provided ongoing and certain non-ongoing staff with access to financial support and/or study leave to develop their capabilities, and those of the AAT, through vocational and tertiary education. Seven employees accessed support for studies in areas such as administrative law, legal writing, and leadership.

The Tribunal continued to offer support to staff completing work experience as part of their Practical Legal Training, with 11 staff supported in the reporting period.

All managers (APS 6 and above) were invited to participate in a performance roadshow, a blended learning program designed to build capabilities in managing performance. Each month of the program focussed on a distinct capability, including in setting expectations, check-in conversations, difficult conversations, reasonable management actions, managing underperformance and managing performance for hybrid teams.

Workplace diversity

The AAT values diversity in our workforce. At 30 June 2022, 64% of our APS staff were women, with strong representation across all classification levels, while 18% of our staff identified as being from a non-English speaking background. Four APS staff identified as Indigenous, a decrease from the previous year. Eleven APS staff identified as having a disability.

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 to promote and maximise the opportunities and knowledge that can be gained from an inclusive and diverse workforce. The objectives of the plan are:

- to promote and uphold the APS Values and Code of Conduct embedding the principles of diversity
- to attract, retain and support staff from culturally and linguistically diverse backgrounds
- to increase the recruitment and retention of Aboriginal and Torres Strait Islander employees
- to support gender equality and the advancement of women
- to provide an inclusive and flexible work environment for all staff.

We launched our Reflect Reconciliation Action Plan in May 2022, outlining our vision for reconciliation. The AAT observed National Reconciliation Week and launched a new eLearning module to improve cultural competence in relation to First Nations people. The Tribunal also joined the Diversity Council of Australia, to leverage our opportunities to promote a diverse and inclusive workplace.

The AAT participated in the Jawun APS secondment program, with an AAT staff member completing a virtual secondment with the Central Land Council, based in Alice Springs. The placement enabled an exchange of knowledge and expertise.

A key initiative undertaken during the reporting year was providing an eLearning module and webinar on menopause awareness. This training provided members and staff the opportunity to improve their understanding and address some of the barriers that women who experience menopause symptoms can face in the workplace.

Work health and safety

The health and safety of our workforce is an ongoing priority, and we ensure that we meet our obligations under the *Work Health and Safety Act 2011 (Cth)*, and the *Safety, Rehabilitation and Compensation Act 1988*.

The AAT's Work Health and Safety (WHS) Management System sets out our health and safety management arrangements and principles. These support us to comply with legislation and establish ongoing mechanisms for continuous improvement and consultation in the management of WHS-related matters.

We maintain a network of Health and Safety Representatives, Wellbeing Support Officers and First Aid Officers to support our workforce. Our Work Health and Safety Committee met periodically to review and discuss any trends in workplace incidents in order to recommend appropriate risk management strategies and control measures.

We invest in the health and wellbeing of our people and continued to provide our workforce with a range of programs including Wellbeing Wednesday desk-based yoga sessions, eyesight testing/optical correction contributions, virtual group fitness classes, CALM app subscriptions, and salary sacrificing for in-person and online individual fitness memberships. We support new and existing staff with health conditions through early

intervention, rehabilitation support, and providing workstation assessments and ergonomic equipment where staff may experience discomfort. Additionally, we have launched eLearning modules and webinars on mental health awareness and menopause awareness.

Our Health and Wellbeing Strategy 2022–2024 was launched in the reporting period. We have begun implementing initiatives outlined in that strategy that are designed to support the health and wellbeing of our workforce.

We continued our annual flu vaccination program, offering free onsite clinics and vouchers to obtain vaccinations offsite. We also accommodate our members, APS staff and non-APS employees to receive COVID-19 vaccinations during work time.

Our Employee Assistance Program (EAP) continued to have a high utilisation rate with members and staff benefiting from the broad range of support streams available. We offer our staff a Reach Out program, where managers, Wellbeing Support Officers, and HR Business Partners can refer staff for a wellbeing check with psychologists.

We continued to support staff through the impacts of the COVID-19 pandemic. A COVID-19 working group and national COVID-response plan provided guidance in relation to changing pandemic conditions. Hybrid working arrangements were facilitated where appropriate and intranet resources supporting safe and effective remote work remained available. We also offered wellbeing seminars on resilience, managing work with children learning remotely, and working well from home.

Notifiable incidents and investigations

There were no notifiable incidents reported to Comcare in 2021–22 under section 38 of the *Work Health and Safety Act 2011*. No investigations were conducted in relation to the AAT and no notices were given to the AAT under Part 10 of the Act.

Compensation

There has been a significant decrease in the accepted workers compensation claims from the previous financial year, as shown in the below table. Increased support and additional resources relating to wellbeing, flexible working arrangements and supervising teams remotely have contributed to the decline in the number of claims accepted.

TABLE 39: TRENDS IN COMPENSATION CLAIMS, 2020–21 TO 2021–22

	2020–21	2021–22
Number of claims accepted	5	1

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.

We continued to recruit Wellbeing Support Officers and train them in mental health first aid and workplace harassment management to provide greater access to staff who may experience difficulties in the workplace, including workplace bullying and harassment.

Productivity gains

In 2021–22, the AAT focused on consolidating enhancements to service delivery that arose out of innovations established to respond to the COVID-19 pandemic. We continued to revise and embed initiatives that improved access to and the effectiveness of our review processes.

Technology solutions put in place to minimise service disruptions during restrictions and lockdowns continued to provide benefits during the reporting year.

We refined our hybrid model for hearings, which leveraged the advantages of video and telephone hearings where appropriate while recognising that some matters required hearings held in person. This brought greater nuance to the approach taken by our members and staff, as well as improved efficiencies, as we became more flexible in the way we held hearings and alternative dispute resolution processes.

Our members and conference registrars were often able to offer our users different modes of access, resulting in a better experience when accessing our services.

We continued to develop our online service allowing users to lodge applications, submit documents and track existing applications centralising our contact points away from individual registries to encourage users to engage through consolidated national channels. The service provides our users with a more consistent experience when communicating with us and improved oversight of their application(s). It also brought internal benefits, by assisting to streamline the contact points administered by AAT staff and avoiding periods of excess and/or minimal demand at a local level. This also allowed us to begin to leverage the skills and knowledge of staff across registries nationwide in responding to applications for review.

Our enhanced document submission service also improved user experience, including by allowing more types of files to be uploaded. This minimised the need to submit physical documents, particularly at times where restrictions limited access to our registries, and improved timeliness for adding submissions to relevant case records.

Early case assessment procedures to triage cases, identify appropriate case pathways, and undertake early interventions to promote earlier resolution or better preparation of cases for hearing were embedded in the Social Services and Child Support Division and National Disability Insurance Scheme Division during the reporting year.

A centralised triaging and listing function was embedded in the Social Services and Child Support Division as a national practice which contributed to a more efficient and coordinated approach to listing matters for hearing.

Purchasing

The AAT's procurement policies and practices reflect the principles and requirements in the Commonwealth Procurement Rules. Our Accountable Authority Instructions and other guidance material supported staff with purchasing duties in 2021–22 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 limited tender processes were employed unless the procurement was covered by a mandatory whole-of-government arrangement or a standing offer was

available and appropriate in the particular circumstances. For purchases and contracts below the mandatory tender threshold, at least 3 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 (SMEs) and Small Enterprise participation statistics are available on the Department of Finance website.

We supported small business participation in low-risk procurements valued under \$200,000 by utilising the Commonwealth Contracting Suite. We ensured that we were approachable to these businesses by communicating with them in clear, simple language, presenting information in accessible formats, and using electronic systems to facilitate on-time payment of invoices. Changes to the Commonwealth Procurement Rules also provided increased opportunities to engage with SMEs.

Consultants

The AAT uses consultants where there is a need for independent research or assessment, or specialist knowledge or skills. Any decision to engage a consultant is made considering the skills and resources required, internal capacity and the cost effectiveness of contracting.

Consultants are selected in accordance with the Commonwealth Procurement Rules and relevant internal policies. Consultants were engaged in 2021–22 to investigate issues, carry out independent reviews and evaluations, and provide independent advice, information and solutions to assist in our decision-making.

The table sets out the AAT's total actual expenditure on consultancy contracts in the reporting period.

TABLE 40: EXPENDITURE ON REPORTABLE CONSULTANCY CONTRACTS CURRENT REPORT PERIOD, 2021–22

	Number	Expenditure \$'000 (GST inc.)
New contracts entered into during the reporting period	25	\$588,429
Ongoing contracts entered into during a previous reporting period	16	\$269,569
Total	41	\$857,998

Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website: www.tenders.gov.au

Reportable non-consultancy contracts

Reportable non-consultancy contracts refers to any arrangement published on AusTender which is not a reportable consultancy contract. This means that a contract published on AusTender for anything other than consultancy, is a reportable non-consultancy contract.

The table sets out the AAT's actual expenditure on all reportable non-consultancy contracts in the reporting period.

TABLE 41: EXPENDITURE ON REPORTABLE NON-CONSULTANCY CONTRACTS CURRENT REPORT PERIOD (2021–22)

Reportable non-consultancy contracts 2021–22	Number of contracts	Total Expenditure \$ (inc. GST)
New contracts entered into during the reporting period	276	\$ 29,557,648
Ongoing contracts entered into during a previous reporting period	216	\$ 46,104,557
Total	492	\$75,662,205

Annual reports contain information about actual expenditure on reportable non-consultancy contracts.

Information on the value of individual contracts is available on the AusTender website: www.tenders.gov.au

Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts

TABLE 42: ORGANISATIONS RECEIVING A SHARE OF REPORTABLE CONSULTANCY CONTRACT EXPENDITURE, 2021–22

Name of organisation	Expenditure \$ (GST inc.)
O'Connor Marsden & Associate (ABN 941 357 837 92)	\$202,595.36
Sayers Advisory Pty Ltd (ABN 316 455 164 72)	\$194,896.00
Prosci Pty Ltd (ABN 570 773 943 55)	\$112,024.54
RSM Australia (ABN 653 193 824 79)	\$76,395.00
Narelle Bell (ABN 404 309 054 14)	\$59,335.63
Orima Research Pty Ltd (ABN 770 763 479 14)	\$52,580 .00

TABLE 43: ORGANISATIONS RECEIVING A SHARE OF REPORTABLE NON-CONSULTANCY CONTRACT EXPENDITURE, 2021–22

Name of organisation	Expenditure \$ (GST inc.)
SAS Trustee Corporation (ABN 292 390 667 46)	\$11,472,197
Hays Specialist Recruitment (ABN 470 014 072 81)	\$ 7,936,723
Slade Group (ABN 150 521 688 92)	\$ 6,164,560
Deka Australia One GmbH (ABN 981 330 637 33)	\$ 5,939,747
IOF Custodian Pty Ltd (ABN 22 090 814 645)	\$ 4,128,723

Reporting on purchases

Details of all contracts of \$100,000 or more that are current in the most recent calendar or financial year are available on the AusTender website in accordance with the Senate order on agency contracts. There was one contract of \$100,000 or more in 2021–22 that did not include a clause providing for the Auditor-General to have access to the contractor's premises.

TABLE 44: CONTRACTS OF \$100,000 OR MORE THAT DID NOT INCLUDE A CLAUSE PROVIDING FOR THE AUDITOR GENERAL TO HAVE ACCESS TO THE CONTRACTOR'S PREMISES, 2021–22

Name of Organisation	Contract Value \$ (GST inc.)	Purpose	Reason for non-inclusion of clause
Reed International Books Australia Pty Limited (Lexis Nexis)	\$888,169.89	Online legal information subscription service	Given the nature of the services, access to LexisNexis' premises, systems and personnel was not required for the purposes of verifying performance. This reflects the standard market position for similar services.

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 1982*.

INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Opinion

In my opinion, the financial statements of the Administrative Appeals Tribunal (the Entity) for the year ended 30 June 2022:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2022 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2022 and for the year then ended:

- Statement by the Accountable Authority 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 the financial statements, comprising a summary of significant accounting policies and other explanatory information.

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 Entity 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 (including Independence Standards)* (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 Entity, the Registrar is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The Registrar is also responsible for such internal control as the Registrar determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Registrar is responsible for assessing the ability of the Entity 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 Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority'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 Entity'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 Entity 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 the Accountable Authority 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

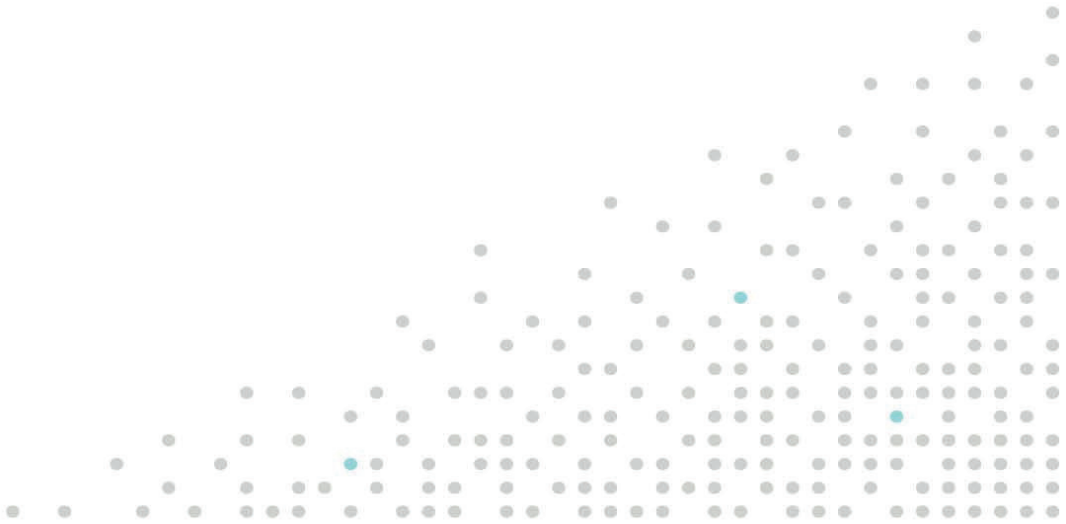


Racheal Kris
Senior Director
Delegate of the Auditor-General

Canberra
15 September 2022



Australian Government
Department of Finance



Financial Statements 2021-22

Administrative Appeals Tribunal

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<https://www.finance.gov.au/about-us/copyright>

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STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2022 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 non-corporate Commonwealth entity will be able to pay its debts as and when they fall due.



Michael Hawkins AM
Registrar

13 September 2022



Jamie Crew
Chief Operating Officer and
Chief Financial Officer (Acting)

13 September 2022

Statement of Comprehensive Income

for the period ended 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	125,679	124,807	124,243
Suppliers	1.1B	36,944	38,161	20,052
Depreciation and amortisation	3.2A	32,178	29,798	25,097
Finance costs	1.1C	4,022	4,510	4,240
Impairment loss on financial instruments	1.1D	18	-	-
Impairment on intangible assets	1.1E	24	30	-
Losses from asset sales	1.1E	11	5	-
Total expenses		198,876	197,311	173,632
Own-source income				
Own-source revenue				
Revenue from contracts with customers	1.2A	454	888	250
Total own-source revenue		454	888	250
Gains				
Other gains	1.2B	705	502	600
Total gains		705	502	600
Total own-source income		1,159	1,390	850
Net (cost of)/contribution by services		(197,717)	(195,921)	(172,782)
Revenue from Government	1.2C	165,186	168,401	162,001
(Deficit) on continuing operations		(32,531)	(27,520)	(10,781)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation reserve		-	309	-
Total other comprehensive income		-	309	-
Total comprehensive (loss)		(32,531)	(27,211)	(10,781)

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. Suppliers

The budget for suppliers did not reflect the expense profile that has remained consistent over a number of years.

2. Depreciation and amortisation

The variance against depreciation and amortisation was due to the renewal and extension of a number of building leases.

Statement of Financial Position

as at 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	3.1A	3,888	3,320	3,766	
Trade and other receivables	3.1B	55,314	76,463	75,769	1
Total financial assets		59,202	79,783	79,535	
Non-financial assets¹					
Buildings	3.2A	244,006	265,268	252,915	
Plant and equipment	3.2A	6,801	5,037	10,353	2
Computer software	3.2A	9,843	8,762	6,247	3
Other non-financial assets	3.2B	4,075	2,792	3,787	
Total non-financial assets		264,725	281,859	273,302	
Total assets		323,927	361,642	352,837	
LIABILITIES					
Payables					
Suppliers	3.3A	2,278	3,234	2,790	
Other payables	3.3B	3,216	2,537	2,099	
Total payables		5,494	5,771	4,889	
Interest bearing liabilities					
Leases	3.4A	224,793	236,340	224,468	
Total interest bearing liabilities		224,793	236,340	224,468	
Provisions					
Employee provisions	6.1A	26,441	23,403	21,456	
Other provisions	3.5A	745	1,045	617	
Total provisions		27,186	24,448	22,073	
Total liabilities		257,473	266,559	251,430	
Net assets		66,454	95,083	101,407	
EQUITY					
Contributed equity		107,121	103,219	107,121	
Reserves		4,398	4,398	4,089	
Retained surplus/(Accumulated deficit)		(45,065)	(12,534)	(9,803)	4
Total equity		66,454	95,083	101,407	

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

1. Right-of-use assets are included in Buildings

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 reduction in trade receivables, primarily is a result of the reduced case finalisation and drawdown on unused prior year appropriations.

2. Plant and equipment

The reduction in plant and equipment was offset by an increase in the computer software to support the change in the way the AAT operates.

3. Computer software

The increase in computer software was to support the change in the working arrangements and to commence the development of a new case management system.

4. Retained surplus/(Accumulated deficit)

The variance against deficit for the period was due to unavoidable continued expenditure to support better remote and online operations, and a change in the mix of cases within the various jurisdictions processed during the year.

Statement of Changes in Equity*for the period ended 30 June 2022*

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY				
Opening balance				
Balance carried forward from previous period		103,219	99,321	103,219
Contributions by owners				
Departmental capital budget ¹		3,902	3,898	3,902
Total transactions with owners		3,902	3,898	3,902
Closing balance as at 30 June		107,121	103,219	107,121
RETAINED EARNINGS				
Opening balance				
Balance carried forward from previous period		(12,534)	14,986	978
Comprehensive income				
Surplus/(Deficit) for the period		(32,531)	(27,520)	(10,781)
Total comprehensive income		(32,531)	(27,520)	(10,781)
Closing balance as at 30 June		(45,065)	(12,534)	(9,803)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		4,398	4,089	4,089
Comprehensive income				
Other comprehensive income		-	309	-
Closing balance as at 30 June		4,398	4,398	4,089

1. The above departmental capital budget should be read in conjunction with the accompanying note 5.1A.

Statement of Changes in Equity continued

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
TOTAL EQUITY				
Opening balance				
Balance carried forward from previous period		95,083	118,396	108,286
Comprehensive income				
Surplus/(Deficit) for the period		(32,531)	(27,520)	(10,781) 1
Other comprehensive income		-	309	-
Total comprehensive income		(32,531)	(27,211)	(10,781)
Transactions with owners				
Contributions by owners				
Departmental capital budget ¹		3,902	3,898	3,902
Total transactions with owners		3,902	3,898	3,902
Closing balance as at 30 June		66,454	95,083	101,407

1.The above departmental capital budget should be read in conjunction with the accompanying note 5.1A.

Accounting Policy

Equity Injections

Appropriated amounts that 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.

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. Deficit for the period

The variance against deficit for the period was due to unavoidable continued expenditure incurred to support better remote and online operations, and a change in the mix of cases within the various jurisdictions processed during the year.

Cash Flow Statement

for the period ended 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		181,500	181,741	167,475 1
Sale of goods and rendering of services		454	3,313	250
GST received		81	327	300
Other		-	2,405	-
Total cash received		182,035	187,786	168,025
Cash used				
Employees		(121,962)	(122,442)	(124,243)
Suppliers		(42,237)	(47,204)	(25,152) 2
Interest payments on lease liabilities		(4,022)	(4,510)	(4,240)
GST paid		5,936	6,527	5,400
Total cash used		(162,285)	(167,629)	(148,235)
Net cash from operating activities		19,750	20,157	19,790
INVESTING ACTIVITIES				
Cash used				
Purchase of property, plant and equipment		(9,827)	(15,469)	(9,376)
Total cash used		(9,827)	(15,469)	(9,376)
Net cash (used by) investing activities		(9,827)	(15,469)	(9,376)
FINANCING ACTIVITIES				
Cash received				
Contributed equity		5,898	7,752	3,902 3
Total cash received		5,898	7,752	3,902
Cash used				
Principal payments of lease liabilities		(15,253)	(12,886)	(14,316)
Total cash used		(15,253)	(12,886)	(14,316)
Net cash (used by) financing activities		(9,355)	(5,134)	(10,414)
Net (decrease) in cash held		568	(446)	-
Cash and cash equivalents at the beginning of the reporting period		3,320	3,766	3,766
Cash and cash equivalents at the end of the reporting period	3.1A	3,888	3,320	3,766

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 - appropriations

The variance against operating activities - cash received - appropriations was due to additional migration and protection visa cases finalised during the financial year that were not recognised in the budget until appropriated in the next financial year.

2. Operating activities - cash used - suppliers

The variance against operating activities - cash used - suppliers was due to continued expenditure incurred to support better remote and online operations.

3. Financing activities - cash received - contributed equity

The variance against financing activities - cash received - contributed equity was due to a capital appropriation in FY 2020-21 and utilised in FY 2021-22.

Administered Schedule of Comprehensive Income

for the period ended 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Impairment loss on financial instruments	2.1A	4,974	5,031	5,000
Refund of application fees	2.1B	8,116	8,805	7,500
Total expenses		13,090	13,836	12,500
Income				
Revenue				
Non-taxation revenue				
Revenue from contracts with customers	2.2A	35,310	36,574	53,341 1
Total non-taxation revenue		35,310	36,574	53,341
Total revenue		35,310	36,574	53,341
Surplus		22,220	22,738	40,841

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. Revenue from contracts with customers

The variance against revenue from contracts with customers was due to the reduction in the number of applications finalised. Fees from applications, which have not had their performance obligation finalised, are recognised as contract liabilities. Refer to the Administered Schedule of Assets and Liabilities.

Administered Schedule of Assets and Liabilities

as at 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	4.1A	264	205	247	
Trade and other receivables	4.1B	201	671	630	1
Total financial assets		465	876	877	
Total assets administered on behalf of Government		465	876	877	
LIABILITIES					
Payables					
Trade creditors and accruals	4.2A	4,208	2,810	831	2
Contract liabilities	4.2A	42,700	43,066	64,266	3
Total payables		46,908	45,876	65,097	
Total liabilities administered on behalf of Government		46,908	45,876	65,097	
Net assets/(liabilities)		(46,443)	(45,000)	(64,220)	

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 cash flow statement, it is total equity.

1. Trade and other receivables

Trade and other receivables relate to invoices raised in relation to post-decision fees for the review of protection visas. The variance against trade and other receivables was due to an increase in debt collection finalised for protection visa cases.

2. Trade creditors and accruals

Trade creditors and accruals relate to the refund of application fees payable as at 30 June 2022. The variance to budget is due to applicants failing to provide their bank details to enable payment of their refund.

3. Contract liabilities

The contract liabilities relate to the adoption of AASB15 Revenue from Contracts with Customers where upfront fees received by the AAT are recognised as contract liabilities until their performance obligation are finalised. The variance to budget is due to a lower number of applications received during the year.

Administered Reconciliation Schedule

for the period ended 30 June 2022

	Notes	2022 \$'000	2021 \$'000
Opening assets less liabilities as at 1 July		(45,000)	(64,220)
Net (cost of)/contribution by services			
Income		35,310	36,574
Expenses			
Payments to entities other than corporate Commonwealth entities		(13,090)	(13,836)
Transfers (to)/from the Australian Government			
Transfers from OPA		6,900	6,700
Appropriation transfers to OPA			
Transfers to OPA		(30,563)	(10,218)
Closing assets less liabilities as at 30 June		(46,443)	(45,000)

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 entity for use by the Government rather than the entity 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 entity 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 2022

		2022	2021	Original	
	Notes	\$'000	\$'000	Budget	
				\$'000	
OPERATING ACTIVITIES					
Cash received					
Sale of goods and rendering of services		30,441	10,302	48,341	1
Total cash received		30,441	10,302	48,341	
Cash used					
Other - Refund of application fees		(6,719)	(6,826)	(7,500)	2
Total cash used		(6,719)	(6,826)	(7,500)	
Net cash from operating activities		23,722	3,476	40,841	
Cash from Official Public Account					
Appropriations		6,900	6,700	7,500	
Total cash from official public account		6,900	6,700	7,500	
Cash to Official Public Account					
Appropriations		(30,563)	(10,218)	(48,341)	3
Total cash to official public account		(30,563)	(10,218)	(48,341)	
Net increase/(decrease) in cash held		59	(42)	-	
Cash and cash equivalents at the beginning of the reporting period		205	247	247	
Cash and cash equivalents at the end of the reporting period	4.1A	264	205	247	

This 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 cash flow statement, it is total equity.

1. Sale of goods and rendering of services

The variance against the sale of goods and rendering of services - cash received was due to a reduction in the number of Migration Review Division (MRD) migration and protection visa applications during the year.

2. Other - Refund of application fees

The variance against Other - Refund of application fees was due to a reduced number of finalised cases.

3. Cash to Official Public Account - Appropriations

The variance against Cash to Official Public Account - Appropriations was due to a reduction in the number of MRD - migration visa applications during the year.

Overview

Objectives of the Entity

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

The AAT's activities that contribute 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 the 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 are remitted by the AAT to the Government where there is no right for the AAT to retain the revenue as departmental revenue.

Going Concern

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

COVID-19

The AAT assessed the impact of the COVID-19 pandemic on the balances included in its financial statements. The recoverability of receivables and values of its property, plant and equipment were areas that could potentially be impacted by the COVID-19 pandemic. The AAT has concluded that the COVID-19 pandemic has not had any material impact on either.

The impact of the COVID-19 pandemic on the AAT has resulted in: reduced face to face hearings; reduced finalisations of cases; reduced travel; increased IT labour hire resources; increased IT licences and other network access costs. The net result of these have contributed to the total comprehensive loss.

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), and
- b) Australian Accounting Standards and Interpretations – including Simplified Disclosures for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

Notes to and forming part of the Financial Statements

New Accounting Standards

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

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements.
AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities	AASB 1060 applies to annual reporting periods beginning on or after 1 July 2021 and replaces the reduced disclosure requirements (RDR) framework. The application of AASB 1060 involves some reduction in disclosure compared to the RDR with no impact on the reported financial position, financial performance and cash flows of the entity.

Taxation

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

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

Events After the Reporting Period

Departmental

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

Administered

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

Financial Performance

This section analyses the financial performance of the AAT for the year ended 2022.

1.1 Expenses

	2022	2021
	\$'000	\$'000
1.1A: Employee benefits		
Wages and salaries	98,492	98,229
Superannuation		
Defined contribution plans	10,307	12,154
Defined benefit plans	5,888	4,219
Leave and other entitlements	10,896	9,785
Separation and redundancies	96	420
Total employee benefits	125,679	124,807

Accounting Policy

Accounting policies for employee related expenses is contained in the People and Relationships section.

1.1B: Suppliers

Goods and services supplied or rendered

Consultants	701	480
Contractors	10,794	11,066
Travel	410	170
IT services	10,542	12,223
Hearing and related expense	3,240	3,136
Properties operation expenses	6,187	5,953
Office support & internet services	394	411
Training and staff development	657	742
Outsourced services	836	1,024
Subscription fees	1,278	1,370
Other	948	814
Total goods and services supplied or rendered	35,987	37,389
Goods supplied	772	872
Services rendered	35,215	36,517
Total goods and services supplied or rendered	35,987	37,389

Other suppliers

Workers compensation expenses	957	772
Total other suppliers	957	772
Total suppliers	36,944	38,161

1.1C: Finance costs

Interest on lease liabilities	4,022	4,510
Total finance costs	4,022	4,510

The above lease disclosures should be read in conjunction with the accompanying note 3.4.

Accounting Policy

All borrowing costs are expensed as incurred.

1.1D: Impairment loss on financial instruments

Impairment on trade and other receivables	18	-
Total impairment on financial instruments	18	-

1.1E: Write-down and impairment of other assets

Impairment of intangible assets other than goodwill	24	30
Losses from asset sales	11	5
Total write-down and impairment of other assets	35	35

1.2 Own-Source Revenue and gains

2022	2021
\$'000	\$'000

Own-Source Revenue**1.2A: Revenue from contracts with customers**

Rendering of services	454	888
Total revenue from contracts with customers	454	888

Disaggregation of revenue from contracts with customers

Major product / service line:

Regulatory services	201	593
Service delivery	253	295
	454	888

Type of customer:

Australian Government entities (related parties)	410	802
Non-government entities	44	86
	454	888

Timing of transfer of goods and services:

Point in time	454	888
	454	888

Accounting PolicyRendering of services

Rendering of services are recognised when control has been transferred to the buyer.

A contract is within the scope of AASB15 if the performance obligations are in line with the requirements of an enforceable contract and sufficiently specific for the entity to determine when the terms of the contract have been satisfied.

The AAT recognise revenue when the service has been delivered.

Principal activities where the AAT generates its own source revenue are:

- Provision of photocopying services to applicants
- Hire of the AAT facilities
- Provision of services to other Commonwealth agencies

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.

Notes to and forming part of the Financial Statement

	2022	2021
	\$'000	\$'000
Gains		
1.2B: Other gains		
Resources received free of charge		
Remuneration of auditors	86	86
Liabilities assumed by other departments	424	416
Gains on makegood, lease event and others	195	-
Total other gains	705	502

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.

1.2C: Revenue from Government

Appropriations		
Departmental appropriations	165,186	168,401
Total revenue from Government	165,186	168,401

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

	2022	2021
	\$'000	\$'000
2.1A: Impairment loss on financial instruments		
Impairment on trade and other receivables	4,974	5,031
Total impairment loss on financial instruments	4,974	5,031
2.1B: Other expenses		
Refund of application fees	8,116	8,805
Total other expenses	8,116	8,805

Accounting Policy

All administered expenses relating to ordinary activities performed by the entity on behalf of the Australian Government. As such, administered appropriations are not revenues of the individual entity that oversees distribution or expenditure of the funds as directed.

Refunds

Refunds for all divisions are recognised at the time the case is finalised.

2.2 Administered - Income

	2022	2021
	\$'000	\$'000
Non-Taxation Revenue		
2.2A: Revenue from contracts with customers		
Rendering of services - MRD (migration) and General Division	29,541	31,052
Rendering of services - MRD (protection)	5,769	5,522
Total revenue from contracts with customers	35,310	36,574

Accounting Policy

All administered revenues are revenues relating to ordinary activities performed by the entity on behalf of the Australian Government. As such, administered appropriations are not revenues of the individual entity that oversees distribution or expenditure of the funds as directed.

Migration and Refugee Division (migration) and General Division

The application fees for these divisions are paid before the application is accepted. These fees are treated as contract liabilities until the performance obligation is completed upon finalisation of the case.

Migration & Refugee Division (protection)

The application fees for this division are only charged after the case has been heard and a decision made. These fees are recognised as revenue upon the issue of an invoice for payment after the case has been decided.

Financial Position

This section analyses the 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

	2022	2021
	\$'000	\$'000

3.1A: Cash and cash equivalents

Cash on hand or on deposit	3,888	3,320
Total cash and cash equivalents	3,888	3,320

Accounting Policy

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

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

3.1B: Trade and other receivables

Goods and services receivables

Goods and services	66	2,623
Total goods and services receivables	66	2,623

Appropriation receivables

Appropriation receivables	54,464	72,774
Total appropriation receivables	54,464	72,774

Other receivables

Statutory receivables	802	1,066
Total other receivables	802	1,066
Total trade and other receivables (gross)	55,332	76,463

Less impairment loss allowance

	(18)	-
Total trade and other receivables (net)	55,314	76,463

Credit terms for goods and services were within 28 days (2021: 28 days).

Accounting Policy

Financial assets

Trade receivables, loans and other receivables that are held for the purpose of collecting contractual cash flows where the cash flows are solely payments of principal and interest, that are not provided at below-market interest rates, are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance.

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 2021				
Gross book value	315,552	8,414	22,982	346,948
Accumulated depreciation, amortisation and impairment	(50,317)	(4,486)	(20,416)	(75,219)
Total as at 1 July 2021	265,235	3,928	2,566	271,729
Adjusted total as at 1 July 2021	265,235	3,928	2,566	271,729
Additions				
Purchase or internally developed	3,276	1,700	474	5,450
Right-of-use assets	1,404	-	-	1,404
Impairments recognised in net cost of services	-	-	(24)	(24)
Depreciation and amortisation	(8,806)	(2,040)	(1,436)	(12,282)
Depreciation on right-of-use assets	(19,896)	-	-	(19,896)
Other movements due to lease modifications	7,767	-	-	7,767
Disposals	(5,205)	(11)	-	(5,216)
Total as at 30 June 2022	243,775	3,577	1,580	248,932

	Buildings \$'000	Plant and equipment \$'000	Computer Software \$'000	Total \$'000
Total as at 30 June 2022 represented by				
Gross book value	315,027	10,114	23,456	348,597
Accumulated depreciation, amortisation and impairment	(71,252)	(6,537)	(21,876)	(99,665)
Total as at 30 June 2022	243,775	3,577	1,580	248,932
Carrying amount of right-of-use assets	204,963	-	-	204,963
Carrying amount of service concession assets	38,812	3,577	1,580	43,969

Revaluations of non-financial assets and intangible assets

All revaluations were conducted in accordance with the revaluation policy stated in the accounting policy. No external valuation was undertaken in 2022 as an independent desktop valuation was undertaken in 2021 and a full independent valuation was undertaken in 2020. All intangible assets are reviewed internally on an annual basis.

Reconciliation of the opening and closing balances of Property, Plant and Equipment and Intangibles for 2022

Work in Progress	Buildings \$'000	Plant and equipment \$'000	Computer Software \$'000	Total \$'000
As at 1 July 2021				
Gross book value	33	1,111	6,197	7,341
Reclassification	-	1,616	(1,616)	-
Additions				
Purchase or internally developed	198	497	3,682	4,377
Net book value 30 June 2022	231	3,224	8,263	11,718
Gross book value	315,258	13,338	31,719	360,315
Accumulated depreciation, amortisation and impairment	(71,252)	(6,537)	(21,876)	(99,665)
Total as at 30 June 2022	244,006	6,801	9,843	260,650

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. These 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 AAT where an obligation exists to restore the property to its original condition. These costs are included in the value of the AAT's leasehold improvement with a corresponding provision for the 'make good' recognised.

Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease, less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned-

Following initial application, an impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Lease ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, GGS and Whole of Government financial statements.

Revaluations

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

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 reverses a previous revaluation decrement of the same asset class that is 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:

	2022	2021
Buildings	Lesser of estimated useful life and lease terms	Lesser of estimated useful life and lease terms
Plant and equipment	3-20 years	3-20 years
Computer software	3-20 years and reviewed for impairment annually	3-20 years and reviewed for impairment annually

The depreciation rates for ROU assets are based on the commencement date of the end of the useful life of the ROU asset or the end of the lease term, whichever is earlier.

Accounting Policy (continued)

Impairment

All assets were assessed for impairment at 30 June 2022. 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 that is 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 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 (2021: 3 to 20 years).

All software assets were assessed for indications of impairment as at 30 June 2022.

Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the AAT 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 every 5 years for a comprehensive valuation and every 3 years for a desktop valuation. During the intervening years, the AAT considers the nature of each asset and whether there has been any substantial change in the technology related to the use of each asset which may cause a reduction in the value of the asset. A comprehensive valuation was undertaken at 30 June 2019. The AAT has considered the nature of its assets and do not believe there has been a material variance in market price since that date.

A desktop valuation was undertaken at 30 June 2021 by an independent valuer and the revalued amount accounted in the balance sheet.

An internal review of asset values was undertaken at 30 June 2022 and any revalued amount was accounted for in the balance sheet.

The AAT has assessed the impact of COVID-19 on the financial statements, including the potential for movements in the fair value of non-current assets and the potential for impairment of other assets. The AAT has concluded that COVID-19 is not expected to have a significant impact on transactions and balances recorded in the financial statements.

Notes to and forming part of the Financial Statements

3.2 Non-Financial Assets continued

	2022	2021
	\$'000	\$'000
3.2B: Other non-financial assets		
Prepayments	4,075	2,792
Total other non-financial assets	<u>4,075</u>	<u>2,792</u>

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

3.3 Payables

	2022	2021
	\$'000	\$'000
3.3A: Suppliers		
Trade creditors and accruals	2,278	3,234
Total suppliers	2,278	3,234
Suppliers expected to be settled		
No more than 12 months	2,278	3,234
Total suppliers	2,278	3,234
3.3B: Other payables		
Salaries and wages	2,847	2,258
Superannuation	369	279
Total other payables	3,216	2,537

3.4 Interest Bearing Liabilities

	2022	2021
	\$'000	\$'000
3.4A: Leases		
Lease liabilities	224,793	236,340
Total leases	<u>224,793</u>	<u>236,340</u>
Maturity analysis - contractual undiscounted cash flows		
Within 1 year	18,874	19,383
Between 1 to 5 years	82,485	81,908
More than 5 years	145,578	161,474
Total leases	<u>246,937</u>	<u>262,765</u>

Total cash outflow for leases for the year ended 30 June 2022 was \$19,275 (2021: \$17,396).

The AAT in its capacity as lessee leased premises in the capital cities of each State. All leases are at market price. The above lease disclosures should be read in conjunction with the accompanying notes 1.1B and 1.1C.

Accounting Policy

For all new contracts entered into, the AAT considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

Notes to and forming part of the Financial Statements

3.5 Other Provisions

	2022	2021	
	\$'000	\$'000	
3.5A: Other provisions			
	Provision for restoration \$'000	Total \$'000	Total \$'000
As at 1 July 2021	1,045	1,045	617
Additional provisions made	6	6	428
Amounts used	(306)	(306)	-
Total as at 30 June 2022	745	745	1,045

Accounting Judgements and Estimates

Provision for restoration

The AAT is required to restore 3 (2021: 4) leased commercial office accommodation to their original condition at the conclusion of their leases. The AAT 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, due to the long-term nature of the liability, involves significant uncertainty. This uncertainty may result in future actual expenditure that differs from amounts currently provided. The provision recognised is reviewed annually and updated based on the facts and circumstances known at the time.

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 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

	2022	2021
	\$'000	\$'000
4.1A: Cash and cash equivalents		
Cash at bank	264	205
Total cash and cash equivalents	264	205
4.1B: Trade and other receivables		
Goods and services receivables	29,793	25,288
Total goods and services receivables	29,793	25,288
Less impairment loss allowance	(29,592)	(24,617)
Total trade and other receivables (net)	201	671

Credit terms for goods and services were within 7 days (2021: 7 days).

Accounting Policy

Impairment of Receivables

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses. This assessment is the general approach that measures the loss allowance based on an amount equal to lifetime expected credit losses where risk has significantly increased, or an amount equal to 12-month expected credit losses, if risk has not increased.

Notes to and forming part of the Financial Statements

4.2 Administered - Payables

	2022	2021
	\$'000	\$'000
4.2A: Suppliers		
Trade creditors and accruals	4,208	2,810
Contract liabilities from contracts with customers	42,700	43,066
Total suppliers	46,908	45,876

Settlement terms for suppliers is 30 days (2021: 30 days)

Accounting Policy

The AAT applies AASB 15 Revenue from Contracts with Customers to determine contract liabilities that are associated with upfront application fees received by the AAT and an obligation to finalise each case. Contract liabilities arise until the performance obligation is delivered, being when a final decision is made to individual appeal cases.

Notes to and forming part of the Financial Statements

Funding

This section identifies the AAT's funding structure.

5.1 Appropriations

5.1A: Annual appropriations (recoverable GST exclusive)

Annual Appropriations for 2022

	Annual Appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2022 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	175,064	177	175,241	181,500	(6,259)
Capital Budget ⁴	3,902	-	3,902	5,898	(1,996)
Total departmental	178,966	177	179,143	187,398	(8,255)
Administered					
Ordinary annual services	7,500	-	7,500	6,900	600
Total administered	7,500	-	7,500	6,900	600

1. In 2021-22, \$0.011m in appropriation was withheld for estimate variations under Section 51 of the PGPA Act (in accordance with Financial Reporting Rules Part 6 Div. 3).

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

3. Variance is substantially attributable to caseload variation adjustment (net) for additional cases finalised above the 18,000 base funding.

4. Departmental Capital Budgets are appropriated through the Appropriation Acts (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 Accounts

Annual Appropriations for 2021

	Annual Appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2021 \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	177,637	45	177,682	181,741	(4,059)
Capital Budget ⁴	3,898	-	3,898	-	3,898
Other services					
Equity Injections	-	-	-	7,752	(7,752)
Total departmental	181,535	45	181,580	189,493	(7,913)

1. In 2020-21 no appropriation was withheld for estimate variations under Section 51 of the PGPA Act (in accordance with Financial Reporting Rules Part 6 Div. 3).

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

3. Variance is substantially attributable to caseload variation adjustment (net) for additional cases finalised above the 18,000 base funding.

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

5.1B: Unspent annual appropriations (recoverable GST exclusive)

	2022 \$'000	2021 \$'000
Departmental		
Appropriation Act (No. 1) 2020-21 - Operating	-	33,595
Appropriation Act (No. 1) 2020-21 Departmental capital budget (DCB)	-	1,624
Supply Act (No.1) 2020-21 Departmental Capital Budget (DCB)	-	2,274
Appropriation Act (No. 3) 2020-21 Operating	-	22,405
Appropriation Act (No. 1) 2021-22 - Operating	36,501	-
Supply Act (No.1) 2021-22 Departmental Capital Budget (DCB)	1,902	-
Appropriation Act (No. 3) 2021-22 Operating	13,063	-
Total departmental	51,466	59,898

Notes to and forming part of the Accounts

5.1C: Special appropriations ['recoverable GST exclusive']

	Appropriation applied	
	2021	2022
Authority	\$'000	\$'000
Public Governance, Performance and Accountability Act 2013 s.77 Repayment Act, AAT	6,900	6,700
Total special appropriations applied	6,900	6,700

The AAT has appropriated funds from the Consolidated Revenue Fund on behalf of the Department of Home Affairs to pay refunds to approved applicants.

5.1D: Disclosures by agent in relation to annual and special appropriations ['recoverable GST exclusive']

2022	\$'000
Total receipts	35,310
Total payments	8,116
2021	\$'000
Total receipts	36,574
Total payments	8,805

Notes to and forming part of the Financial Statements

5.2 Net Cash Appropriation Arrangements

	2022	2021
	\$'000	\$'000
Total comprehensive income/(loss) - as per the Statement of Comprehensive Income	(32,531)	(27,520)
<i>Plus</i> : depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections)	12,282	10,434
<i>Plus</i> : depreciation of right-of-use assets	19,896	19,364
<i>Less</i> : lease principal repayments	(15,253)	(12,886)
Net Cash Operating (Deficit)	(15,606)	(10,608)

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

	2022 \$'000	2021 \$'000
6.1A: Employee provisions		
Leave	26,441	23,403
Total employee provisions	26,441	23,403

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 less 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 the shorthand method as at 30 June 2022. The estimated present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

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 entity 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 based on a matrix of probability of an employee working for AAT, and in accordance with AASB 119 *Employee Benefits* and reflects the expected value of those benefits at the reporting date.

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, directly or indirectly, including any director (whether executive or otherwise) of the AAT. The AAT has determined the key management personnel to be the Portfolio Minister, AAT President, Registrar or Acting Registrar. Key management personnel remuneration is reported in the table below:

	2022	2021
	\$'000	\$'000
Short-term employee benefits	390	368
Post-employment benefits	47	57
Other long-term employee benefits	9	9
Total key management personnel remuneration expenses¹	446	434

The total number of key management personnel that are included in the above table is 3 (2021: 1). During the year the Registrar left the AAT at the end of January 2022, an Acting Registrar was appointed until a new Registrar commenced in April 2022.

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and leave entitlements are set by the Remuneration Tribunal and 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 the 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 this entity are key management personnel including the Portfolio Minister and Executive, 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;
- 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 related party transactions to be separately disclosed. (2021: no material related party transactions to be separately disclosed).

Managing uncertainties

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

7.1A: Contingent assets and liabilities

Quantifiable Contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2022.

Unquantifiable Contingencies

There are no unquantifiable or remote contingencies at 30 June 2022.

Accounting Policy

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in the notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain. Contingent liabilities are disclosed when settlement is greater than remote.

7.1B: Administered - contingent assets and liabilities

Quantifiable Administered Contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2022.

Unquantifiable Administered Contingencies

There are no unquantifiable or remote contingencies at 30 June 2022.

7.2 Financial Instruments

	2022	2021
	\$'000	\$'000
7.2A: Categories of financial instruments		
Financial assets at amortised cost		
Cash and cash equivalent	3,888	3,320
Trade and other receivables	66	2,361
Total financial assets at amortised cost	3,954	5,681
Total financial assets	3,954	5,681
Financial Liabilities		
Financial liabilities measured at amortised cost		
Suppliers	2,278	2,911
Total financial liabilities measured at amortised cost	2,278	2,911
Total financial liabilities	2,278	2,911

Accounting Policy**Financial assets**

In accordance with AASB 9 *Financial Instruments*, the entity classifies its financial assets in the following categories:

- a) financial assets at fair value through profit or loss;
- b) financial assets at fair value through other comprehensive income; and
- c) financial assets measured at amortised cost.

The classification depends on both the entity's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the entity becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognise when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

Comparatives have not been restated on initial application.

Financial Assets at Amortised Cost

Financial assets included in this category need to meet two criteria:

1. the financial asset is held in order to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

Effective Interest Method

Income is recognised on an effective interest rate basis for financial assets that are recognised at amortised cost.

Financial Assets at Fair Value Through Other Comprehensive Income (FVOCI)

Financial assets measured at fair value through other comprehensive income are held with the objective of both collecting contractual cash flows and selling the financial assets and the cash flows meet the SPPI test.

Any gains or losses as a result of fair value measurement or the recognition of an impairment loss allowance is recognised in other comprehensive income.

Financial Assets at Fair Value Through Profit or Loss (FVTPL)

Financial assets are classified as financial assets at fair value through profit or loss where the financial assets either doesn't meet the criteria of financial assets held at amortised cost or at FVOCI (i.e. mandatorily held at FVTPL) or may be designated.

Financial assets at FVTPL are stated at fair value, with any resultant gain or loss recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest earned on the financial asset.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to lifetime expected credit losses where risk has significantly increased, or an amount equal to 12-month expected credit losses if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

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.

Financial Liabilities at Amortised Cost

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).

Other information

8.1 Current/non-current distinction for assets and liabilities

8.1A: Current/non-current distinction for assets and liabilities

	2022	2021
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	3,888	3,320
Trade and other receivables	55,314	76,463
Other non-financial assets	3,758	2,792
Total no more than 12 months	62,960	82,575
More than 12 months		
Land and buildings	244,006	265,268
Plant and equipment	6,801	5,037
Computer software	9,843	8,762
Other non-financial assets	317	-
Total more than 12 months	260,967	279,067
Total assets	323,927	361,642
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	2,278	3,234
Other payables	3,216	2,537
Leases	14,787	14,129
Employee provisions	12,956	11,333
Total no more than 12 months	33,237	31,233
More than 12 months		
Leases	210,006	222,211
Employee provisions	13,485	12,070
Other provisions	745	1,045
Total more than 12 months	224,236	235,326
Total liabilities	257,473	266,559

8.1B: Administered - current/non-current distinction for assets and liabilities

	2022	2021
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	264	205
Trade and other receivables	201	671
Total no more than 12 months	465	876
Total assets administered on behalf of Government	465	876
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	4,208	2,810
Other payables	42,700	43,066
Total no more than 12 months	46,908	45,876
Total liabilities	46,908	45,876

Appendix 1: Members of the AAT

Members of the AAT

This appendix contains:

- a list of the AAT's Members at 30 June 2022
- a table showing the number of senior members and members assigned to each of the AAT's divisions at 30 June 2022
- lists of members whose term of appointment or reappointment commenced or ended in 2021–22
- profiles of the President and the Division Heads.

Members at 30 June 2022

The list of the AAT's Members at 30 June 2022 is set out in the table below. It is ordered by membership category, full-time/part-time status and then alphabetically. For members who have been reappointed to the AAT, the table records the first date on which the member was appointed 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 2022 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
Sm	Small Business Taxation Division
So	Social Services and Child Support Division
T	Taxation and Commercial Division
V	Veterans' Appeals Division

TABLE 45: MEMBERS OF THE AAT, 30 JUNE 2022

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
President				
The Hon Justice Fiona Meagher	01/07/2015	31/03/2029	Qld	
Deputy Presidents				
Judges of the Federal Court of Australia				
The Hon Justice Berna Collier	12/11/2015	09/12/2025	Qld	
The Hon Justice Craig Colvin	20/07/2018	19/07/2025	WA	
The Hon Justice Andrew Greenwood	23/11/2005	19/07/2022	Qld	
The Hon Justice Susan Kenny	24/11/2010	28/11/2023	Vic	
The Hon Justice Timothy McEvoy	10/12/2020	09/12/2025	Vic	
The Hon Justice John Middleton	24/11/2010	25/12/2022	Vic	
The Hon Justice Melissa Perry	20/07/2018	19/07/2025	NSW	
The Hon Justice Thomas Thawley	20/07/2018	19/07/2025	NSW	
Judges of the Federal Circuit and Family Court of Australia				
The Hon Justice Victoria Bennett AO	10/12/2020	09/12/2025	Vic	
The Hon Justice David Berman	10/12/2020	28/06/2025	SA	
Non-judicial Deputy Presidents – Full time				
Stephen Boyle	01/07/2017	30/06/2024	WA	
Peter Britten-Jones	25/03/2016	30/06/2025	Vic	
James Constance	09/12/2010	08/07/2022	NSW	
Dr Denis Dragovic	30/05/2016	08/05/2029	Vic	
Bernard McCabe	01/07/2001	24/03/2027	NSW	
Dr Peter McDermott RFD	15/11/2004	30/11/2022	Qld	
The Hon Michael Mischin	09/05/2022	08/05/2029	WA	
Justin Owen	01/07/2017	08/05/2029	NSW	
The Hon John Pascoe AC CVO	25/02/2019	24/02/2024	NSW	
Brian Rayment QC	01/07/2017	30/06/2024	NSW	
Jan Redfern PSM	21/03/2016	20/03/2023	NSW	
Karen Synon	01/07/2015	08/05/2027	Vic	
Antoinette Younes	01/07/2015	08/05/2029	NSW	
Non-judicial Deputy Presidents – Part time				
The Hon Dennis Cowdroy AO QC	01/03/2016	31/05/2026	NSW	

Ian Hanger QC	01/10/2017	30/11/2024	Qld	
Major General Aziz Gregory Melick AO RFD SC (Rtd)	05/09/2014	04/09/2024	Tas	
Ian Molloy	11/04/2013	10/04/2023	Qld	
Francis O'Loughlin QC	23/09/2009	30/06/2024	Vic	
John Sosso	30/05/2016	31/10/2024	Qld	
Senior Members				
Senior Members – Full time				
Rebecca Bellamy	08/04/2019	08/05/2027	Qld	G M Sm So T
Diana Benk	01/07/2015	31/12/2024	NSW	G N Sm So T
Mark Bishop	01/07/2017	08/05/2025	Vic	M
Simone Burford	01/10/2017	06/02/2025	WA	G M
Kate Buxton	01/07/2015	20/03/2025	Qld	G N Sm So T V
Robert Cameron	01/12/2017	30/11/2024	Vic	F G M N Sec T V
John Cipolla	01/07/2015	08/05/2027	NSW	G M N So
Paul Clauson AM	01/12/2017	30/11/2024	Qld	F G M N Sec V
Denise Connolly	01/07/2015	20/03/2025	NSW	M N
Michael Cooke	01/07/2015	30/06/2024	NSW	M
Jennifer Cripps Watts	30/05/2016	08/05/2027	NSW	M So
Dr Bridget Cullen	01/07/2017	08/05/2027	Qld	G M N V
Susan De Bono	01/07/2017	08/05/2029	Vic	N So
Kruna Dordevic	01/07/2015	08/05/2027	NSW	So
Richard Ellis	01/07/2017	04/11/2025	WA	N So
Dr Michelle Evans-Bonner	01/12/2017	30/11/2024	WA	F G M N Sm T V
Emeritus Professor Paul Fairall	08/04/2019	07/04/2026	NSW	F G M N Sm So T V
Dr Stewart Fenwick	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Chris Furnell	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Andrew George	02/12/2018	08/05/2029	NT	F G M N So V
Prudence Goward	09/05/2022	08/05/2027	NSW	N
Matthew Groom	23/07/2018	22/07/2023	Tas	F G M N Sm Sec T V

Katherine Harvey	16/05/2022	15/05/2027	SA	M
Brenton Illingworth	01/12/2017	30/11/2024	SA	F G M N V
Michael Ison	01/07/2017	30/06/2024	Vic	M
David James	09/05/2022	08/05/2027	Qld	M
Josephine Kelly	01/07/2015	11/11/2023	NSW	G M N Sm Sec T V
Marten Kennedy	01/07/2015	08/05/2027	SA	G M So
Linda Kirk	30/01/2017	08/05/2027	NSW	G Sm T V
James Lambie	01/12/2017	30/11/2024	Qld	F G M V
John Longo	01/07/2015	08/05/2027	Vic	M So
Kathryn Millar	01/07/2015	30/06/2024	SA	G M N So
Donald Morris	26/02/2016	08/05/2027	Vic	F G M Sec So V
Louise Nicholls	01/07/2015	30/06/2024	NSW	M N
Andrew Nikolic AM CSC	16/01/2017	15/01/2024	Vic	F G Sec V
Damien O'Donovan	25/02/2019	24/02/2026	ACT	F G M N Sec So T V
Kim Parker	16/01/2017	20/03/2025	Vic	G N Sm T V
Jason Pennell	01/07/2017	30/06/2024	Vic	M
Wayne Pennell	09/05/2022	08/05/2029	Qld	M
Belinda Pola	05/11/2018	04/11/2025	Qld	F G M N Sm So T V
Adria Poljak	30/05/2016	29/05/2026	NSW	G M Sec Sm T
Christopher Puplick AM	18/12/2017	17/12/2022	NSW	F G N
Kira Raif	01/07/2015	30/09/2026	NSW	G M N
Theodore Tavoularis	13/06/2016	12/06/2026	Qld	F G Sm T V
Susan Trotter	01/07/2015	08/05/2027	Qld	G M N So
Karen Vernon	09/05/2022	08/05/2027	WA	M
Rachel Westaway	01/07/2015	08/05/2027	Vic	M So
Perry Wood	25/03/2016	04/07/2022	Vic	G M
Senior Members – Part-time				
Dr Ion Alexander	02/08/2004	30/09/2024	NSW	F G V
Grant Chapman	01/10/2017	30/11/2024	SA	M
Joanne Collins	01/05/2022	30/04/2025	Qld	N
Graham Connolly	09/05/2022	08/05/2027	NSW	M
Dr Damien Cremean	01/07/2015	30/09/2024	Vic	G Sec V

Ann Duffield	01/06/2022	31/05/2027	ACT	M
Paul Ehrlich QC	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
April Freeman	30/05/2016	29/05/2023	Qld	So
Milton Griffin QC	16/01/2017	15/01/2024	NSW	G M N
Dominique Grigg	09/05/2022	08/05/2025	Qld	M Sm T
Louie Hawas	25/03/2016	30/06/2024	Vic	M
Fiona Hewson	01/07/2015	08/05/2027	ACT	G N So
Keith James	08/04/2019	07/04/2024	Vic	Sm T
Dr Dominic Katter	25/02/2019	24/02/2026	Qld	F G M N Sec So T V
Gina Lazaras ^a	05/04/2012	30/06/2025	NSW	F G Sm T V
Dr Nicholas Manetta	05/08/2013	04/11/2023	SA	F G M Sm T V
Dr Teresa Nicoletti	24/08/2006	30/11/2024	NSW	F G Sm T V
Professor Ann O'Connell	08/04/2019	07/04/2024	Vic	Sm T
Robert Olding	08/04/2019	07/04/2024	Qld	Sm T
The Hon John Rau SC	22/02/2021	21/02/2024	SA	G M So
Shahyar Roushan	01/07/2015	30/06/2024	NSW	M N
Rania Skaros	01/07/2015	30/06/2024	NSW	M
Peter Taylor SC	24/08/2006	30/11/2024	NSW	F G Sm T V
Members				
Members – Full-time				
Lee Benjamin	09/05/2022	08/05/2027	Qld	F G Sm T V
Ian Berry	01/07/2017	30/06/2024	Qld	M
Moira Brophy	13/06/2016	12/06/2024	NSW	M So V
Anna Burke AO	16/01/2017	15/01/2024	Vic	F G V
Dr Louise Bygrave	30/05/2016	29/05/2026	NSW	F G N Sm So T V
Cheryl Cartwright	09/05/2022	08/05/2027	Vic	M
Kent Chapman	04/04/2016	03/07/2026	Qld	M So
Kate Chapple	09/05/2022	08/05/2027	Qld	M
Scott Clarey	01/12/2017	30/11/2024	Vic	M Sec
Helena Claringbold	01/07/2015	30/06/2024	NSW	M
Justine Clarke	01/08/2016	31/07/2023	Vic	M
Timothy Connellan	01/07/2015	30/11/2024	Vic	M
Stephen Conwell	01/07/2017	30/06/2024	Vic	M

David Cox	25/02/2019	24/02/2024	SA	F G N Sec So V
David Crawshay OAM	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Rachel Da Costa	22/02/2021	21/02/2024	NSW	M
Brendan Darcy	01/07/2015	29/09/2023	Vic	M
Namoi Dougall	22/02/2021	21/02/2024	NSW	M
Antonio Dronjic	01/07/2016	30/06/2024	Vic	M
Michelle East	06/02/2017	05/02/2024	WA	G M
Michael Edgoose	01/12/2017	30/11/2024	Vic	M
Peter Emmerton	01/07/2017	30/06/2024	SA	M
Shane Evans	25/02/2019	24/02/2026	NSW	F G M N Sec So V
The Hon Joseph Francis	25/02/2019	24/02/2026	WA	F G M N Sec So T V
William Frost	25/02/2019	24/02/2026	ACT	F G M N Sec So T V
Rosa Gagliardi	01/07/2015	30/06/2024	ACT	M
Lana Gallagher	16/01/2017	15/01/2024	WA	G M Sm So T V
Nathan Goetz	01/07/2017	30/06/2024	NSW	M
George Hallwood	01/07/2017	30/06/2024	SA	G M N So
Dr Colin Huntly	16/01/2017	15/01/2024	WA	G M N So
Mireya Hyland	01/07/2017	30/06/2024	NSW	M
Michael Judd	16/01/2017	15/01/2024	WA	M
Peter Katsambanis	09/05/2022	08/05/2027	WA	M
Nora Lamont	01/07/2017	30/06/2024	Qld	M
Sheridan Lee	01/12/2017	30/11/2024	Vic	M
Simon Letch	16/05/2016	15/05/2024	Qld	M N So
Joseph Lindsay	01/07/2017	30/06/2024	Vic	M
Paul Maishman	01/12/2017	30/11/2024	WA	M N So
Andrew Maryniak QC	01/10/2017	30/09/2024	Vic	F G N Sm T V
Russell Matheson	16/01/2017	15/01/2024	NSW	M
David McCulloch	01/07/2015	30/06/2024	NSW	M
Nicholas McGowan	01/07/2015	30/06/2024	Vic	M
Karen McNamara	01/12/2017	30/11/2024	NSW	F M
Amanda Mendes Da Costa	01/10/2017	30/09/2024	Vic	M

Alison Mercer	01/07/2015	30/06/2024	Vic	M
Justin Meyer	04/04/2016	03/07/2026	Vic	M
Deborah Mitchell	03/11/2018	02/11/2023	Qld	F G M N Sec Sm So T V
Helen Moreland	01/07/2017	30/06/2024	Vic	So
Jade Murphy	01/07/2017	30/06/2024	Vic	M
Steven Norman	01/07/2015	30/06/2024	NSW	M
Peter Papadopoulos	09/05/2022	08/05/2027	NSW	M
Regina Perton OAM	09/08/2004	29/09/2022	Vic	F G N Sec So V
Donna Petrovich	02/12/2018	08/05/2025	Vic	G M So
The Hon Jane Prentice	22/02/2021	21/02/2024	Qld	M N So
Peter Ranson	25/02/2019	24/02/2024	Qld	F G M N Sec Sm So T V
Lynette Rieper	25/02/2019	24/02/2024	NSW	F G M N Sec So T V
Hannelore Schuster	06/02/2017	05/02/2024	NSW	F So
Mary Sheargold	01/12/2017	30/11/2024	Vic	M
Peter Smith	25/02/2019	24/02/2024	NSW	F G M N Sec So T V
Perrohean Sperling PSM	01/07/2017	30/06/2022	Vic	N So
The Hon Michael Sutherland OAM	25/02/2019	24/02/2024	WA	F G M N Sec So V
Linda Symons	01/07/2015	30/06/2024	NSW	M
Jeffrey Thomson	30/05/2016	29/05/2026	Qld	G So
David Tucker	01/07/2017	30/06/2024	NSW	M N So
Peter Vlahos	30/05/2016	29/05/2023	Vic	M
Paul Windsor	01/07/2015	29/09/2023	Vic	M
Stephen Witts	01/12/2017	30/11/2024	Vic	M N Sec So
Members – Part-time				
Paul Adami	23/11/2018	22/11/2022	Vic	M
Matt Amundsen	01/07/2015	30/09/2024	Qld	So
Robyn Anderson	01/07/2015	30/06/2024	Vic	M So
Dr William Appleton	01/07/2015	30/06/2024	Vic	G So
Joanne Bakas	01/07/2015	31/12/2024	SA	M N So
Sean Baker	01/07/2015	30/09/2026	Vic	M
Wendy Banfield	01/07/2015	30/06/2024	ACT	M

David Barker	01/07/2015	29/09/2023	NSW	M N V
Stephen Barton	25/02/2019	24/02/2024	WA	F G M N Sec So T V
Michelle Baulch	01/07/2015	30/06/2024	Tas	So
Terrence Baxter OAM	25/02/2019	24/02/2025	Qld	F G M N Sec So T V
Angela Beckett	01/07/2015	30/06/2024	NSW	So
Jane Bell	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Professor David Ben-Tovim	26/02/2016	25/05/2026	SA	G
Michael Biviano	23/11/2018	22/11/2022	Vic	M
Professor Timothy Bohane	01/07/2015	22/08/2022	NSW	G So
Peter Booth	23/11/2018	22/11/2022	Vic	M
Alexandra Bordujenko	01/07/2015	31/03/2024	Qld	G So
Margret Bourke	01/07/2015	30/06/2024	Vic	M
Suzanne Boyce FAICD	01/12/2017	30/11/2024	Qld	N
Michael Bradford	23/11/2018	22/11/2022	NSW	M
Dr Christhilde Breheny	01/07/2015	30/06/2023	Tas	So
Tina Bubutievski	01/07/2015	31/03/2024	NSW	G N So
Nicole Burns	01/07/2015	29/09/2023	Vic	M
Alex Byers	01/07/2015	30/06/2024	Qld	So
Dr Niall Cain	01/07/2015	15/05/2024	Vic	G So
Brian Camilleri	23/11/2018	22/11/2022	NSW	M
Catherine Carney-Orsborn	01/07/2015	30/06/2024	NSW	M
Jennifer Cavanagh	01/07/2015	30/06/2024	Qld	G So
Christine Cody	01/07/2015	29/09/2023	NSW	M
Professor Stephen Cordner	01/07/2021	30/06/2024	Vic	G N So V
David Cosgrave	09/05/2022	08/05/2025	Qld	G
Dr Michael Couch	05/04/2012	30/06/2024	NSW	F G V
Angela Cranston	30/05/2016	29/05/2026	NSW	M
Damian Creedon	23/11/2018	22/11/2022	WA	M
Gabrielle Cullen	01/07/2015	30/06/2024	NSW	M N
Steven Cullimore	01/07/2015	30/06/2024	SA	So
Robert Cumming	23/11/2018	22/11/2022	Qld	M
The Hon Philip Dalidakis	22/02/2021	21/02/2024	Vic	Sm So
Jenny D'Arcy	01/07/2015	30/09/2024	NSW	So

Professor John Devereux	01/07/2015	31/03/2024	Qld	So
Marshal Douglas	30/05/2016	29/05/2024	NSW	G So V
Tegen Downes	01/06/2022	31/05/2025	Qld	M So
Anthony Durkin	25/02/2019	24/02/2024	SA	F G N Sec So T V
Nicola Findson	01/07/2015	29/09/2023	WA	M
Tania Flood	01/07/2015	29/09/2023	NSW	M
Julie Forgan	30/05/2016	29/05/2024	SA	N So T
Margaret Forrest	23/11/2018	22/11/2022	Qld	M
Mila Foster	30/05/2016	29/08/2026	NSW	M
Neil Foster	01/07/2015	30/09/2024	Qld	So
Danielle Galvin	01/12/2017	30/11/2024	Vic	M
Nicholas Gaudion	11/04/2013	10/04/2023	NSW	F G Sm T
Stavros Georgiadis	01/07/2015	30/06/2024	SA	M N
Dr Jonathan Gillis	25/03/2016	24/03/2024	NSW	So
Anne Grant	01/07/2015	31/03/2024	Vic	M N So
Jocelyn Green	01/07/2015	30/09/2024	Qld	So
Dr Heidi Gregory	30/05/2016	29/05/2024	Vic	G N So V
Dr Beverley Grehan	16/05/2016	15/05/2024	Qld	So
Harry Grossman	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Peter Haag	23/11/2018	22/11/2022	Vic	M
Adam Halstead	01/07/2015	31/03/2024	NSW	So
Genevieve Hamilton	22/02/2021	21/02/2024	Vic	M
Tamara Hamilton-Noy	01/07/2015	31/03/2024	Vic	M So
Luke Hardy	01/07/2015	30/06/2024	NSW	M
Jason Harkess	23/11/2018	22/11/2022	Vic	M
Dr Jessica Henderson	22/02/2021	21/02/2024	WA	G M
Dr Susan Hoffman	01/07/2015	31/03/2024	WA	M So
Linda Holub	01/07/2015	29/09/2023	NSW	M
Michael Horsburgh AM	01/07/2015	30/09/2024	NSW	So
Noelle Hossen	23/11/2018	22/11/2022	WA	M
Edward Howard	09/05/2022	08/05/2025	Qld	M
Penelope Hunter	01/07/2015	29/09/2023	NSW	G M N
Meredith Jackson	01/12/2017	30/11/2024	Qld	M N So

Peter Jensen	01/07/2015	30/09/2024	Qld	G So
Michael Jones	01/07/2015	01/10/2024	WA	So
Kate Juhasz	30/05/2016	29/05/2023	Qld	So
Angela Julian-Armitage	22/02/2021	21/02/2024	Qld	G M N
Christine Kannis	01/07/2015	29/09/2023	WA	M So
De-Anne Kelly	25/02/2019	24/02/2024	Qld	F G M N Sec So V
Dr Sofia Khan	30/05/2016	29/05/2024	NSW	G So V
Elisa Kidston	01/10/2017	30/09/2024	Qld	M So
Robert King	01/07/2015	30/09/2024	Qld	So
Helen Kroger	01/10/2017	30/09/2024	Vic	G M
Donna Lambden	01/07/2015	30/09/2024	SA	So
Julia Leonard	01/07/2015	30/06/2024	NSW	N So
Dr Stephen Lewinsky	01/07/2015	30/09/2024	Vic	G So
Roger Maguire	23/11/2018	22/11/2022	Qld	G M
Brygyda Maiden	09/05/2022	08/05/2027	Vic	M
Katie Malyon	01/07/2015	30/06/2024	NSW	M
Michael Manetta	30/05/2016	29/05/2026	SA	So
Dr Geoffrey Markov	01/07/2015	30/06/2024	Vic	G So
Jane Marquard	30/05/2016	29/05/2026	NSW	M
Maxina Martellotta	01/07/2015	31/03/2024	WA	M N So
Melissa McAdam	01/07/2015	30/06/2024	NSW	M
David McKelvey	01/07/2015	30/09/2024	Qld	G So
Andrew McLean-Williams	25/02/2019	24/02/2024	Qld	F G M N Sec So T V
Alan McMurrin	16/01/2017	15/01/2024	NSW	M N V
Lilly Mojsin	01/07/2015	30/06/2024	NSW	M
Carmel Morfuni	01/07/2017	30/06/2024	Vic	M
Mara Moustafine	01/07/2015	30/06/2024	NSW	M Sec
Alison Murphy	16/01/2017	15/01/2024	Vic	M
Benjamin Murphy	23/11/2018	22/11/2022	Vic	M
Jack Nalpantidis	01/07/2015	30/09/2024	Vic	G N So V
Peter Newton	23/11/2018	22/11/2022	NSW	M
Paul Noonan	01/07/2015	30/06/2024	Vic	M So
Glenn O'Brien	23/11/2018	22/11/2022	Qld	M

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
Christopher Packer	16/01/2017	15/01/2024	Vic	M
Amanda Paxton	22/02/2021	21/02/2024	Vic	M
Amanda Pearson	23/11/2018	22/11/2022	Vic	M
Vanessa Plain	23/11/2018	22/11/2022	Vic	M
Dr Julie Quinlivan	01/07/2015	30/06/2023	ACT	G So
Tamara Quinn	23/11/2018	22/11/2022	Vic	M
Susan Reece Jones	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Dr Matthew Reid	25/02/2019	24/02/2024	Vic	F G M N Sec So V
Robert Reitano	08/04/2019	07/04/2024	NSW	F G N Sm So T V
Darren Renton	23/11/2018	22/11/2022	WA	M
Frank Russo	23/11/2018	22/11/2022	NSW	M
Andrea Schiwy	01/07/2015	30/06/2024	Tas	So
Naomi Schmitz	22/02/2021	21/02/2024	Vic	M
Dr Harry Schwarz	01/07/2015	25/05/2024	Vic	G So V
Rodger Shanahan	01/07/2015	30/06/2024	NSW	M Sec
Wan Shum	01/07/2015	30/06/2024	NSW	M
James Silva	02/08/2016	01/08/2026	NSW	M
Roslyn Smidt	01/07/2015	29/09/2023	NSW	M
Meena Sripathy	01/07/2015	30/06/2024	NSW	M
Frances Staden	01/07/2015	30/09/2024	ACT	So
Dr Leslie Stephan	26/06/2015	25/09/2023	SA	G V
Warren Stooke AM	01/07/2017	30/06/2024	Vic	M
Dr Bruce Swanson	01/07/2015	30/09/2022	SA	G So
David Thompson	23/11/2018	22/11/2022	WA	M
Ian Thompson	05/08/2013	04/11/2023	SA	F G N
Dominic Triaca	23/11/2018	22/11/2022	Vic	M
Amanda Upton	23/11/2018	22/11/2022	Vic	M
Dr Robert Walters RFD	16/11/2006	30/11/2024	Tas	F G V
Alexander Ward	01/07/2017	30/06/2024	SA	G V
Brigadier Anthony Warner AM LVO (Rtd)	15/06/2005	31/08/2023	WA	F G N Sec Sm T V

Simon Webb	16/07/2001	04/12/2024	ACT	F G N Sec V
Yvonne Webb	01/07/2015	30/06/2024	SA	So
Richard West	01/07/2017	30/06/2024	Vic	G M
Allison Windsor	01/07/2015	15/11/2024	SA	So
Fiona Zuccala	25/02/2019	24/02/2024	Vic	F G M N Sec So T V

^a Full-time Senior Member from 1 July 2022.

TABLE 46: NUMBER OF SENIOR MEMBERS AND MEMBERS ASSIGNED TO EACH AAT DIVISION, 30 JUNE 2022

Division	Senior Member full time	Senior Member part time	Member full time	Member part time	Total
Freedom of Information	16	7	17	19	59
General	31	11	21	47	110
Migration and Refugee	37	12	57	85	191
National Disability Insurance Scheme	26	6	21	32	85
Security	10	3	13	15	41
Small Business Taxation	12	8	6	4	30
Social Services and Child Support	20	5	27	65	117
Taxation and Commercial	16	10	11	12	49
Veterans' Appeals	20	8	17	27	72

Appointments and cessations

New appointments – term commenced in 2021–22

Deputy President

The Hon Michael Mischin

Senior Member

Joanne Collins

Graham Connolly

Ann Duffield

Prudence Goward

Dominique Grigg

Katherine Harvey

David James

Wayne Pennell

Karen Vernon

Member

Lee Benjamin

Cheryl Cartwright

Kate Chapple

Professor Stephen Cordner

David Cosgrave

Tegen Downes

Edward Howard

Peter Katsambanis

Brygyda Maiden

Peter Papadopoulos

Reappointments – term commenced in 2021–22

President

The Hon Justice Fiona Meagher

Deputy President

Dr Denis Dragovic

Bernard McCabe

Justin Owen

Karen Synon

Antoinette Younes

Senior Member

Rebecca Bellamy

Mark Bishop

Simone Burford

Kate Buxton

John Cipolla

Denise Connolly

Jennifer Cripps Watts

Dr Bridget Cullen

Susan De Bono

Kruna Dordevic

Andrew George

Fiona Hewson

Marten Kennedy

Linda Kirk

John Longo

Donald Morris

Kim Parker

Kira Raif

Susan Trotter

Rachel Westaway

Member

Sean Baker

Terrence Baxter OAM

Kent Chapman

Justine Clarke

Mila Foster

Lana Gallagher

Justin Meyer

Donna Petrovich

James Silva

Members – term ended in 2021–22

President

The Hon Justice David Thomas

Deputy President

The Hon Justice Neil McKerracher

The Hon Justice Richard White

Senior Member

Roger Hamilton SC

Lisa Hespe

Michael McGrowdie

Member

Anthony Barry

Rhonda Bradley

Stephanie Brakespeare

Dr William Budiselik

Cathrine Burnett-Wake

Andrew Carson

Amanda Ducrou

Phoebe Dunn

Dr Peter Fricker

John Griffin

Steven Griffiths

Michael Hawkins AM

Susan Lewis

Christine Long

Peter O'Farrell

Robert O'Neill

Dr Aruna Reddy

Hugh Sanderson

Frances Simmons

Perrohean Sperling PSM

Jennifer Strathearn

Jens Streit

Elizabeth Tuono

Mary Urquhart

Lynda Young

Profiles

President

The Honourable Justice Fiona Meagher

Justice Meagher was appointed as a Judge of the Federal Court of Australia and President of the AAT on 1 April 2022. Prior to her judicial appointment, Justice Meagher was a Deputy President of the AAT and Division Head of the National Disability Insurance Scheme Division from 17 December 2020. Justice Meagher was first appointed to the AAT as a part-time Member in 2015 and as a full-time Senior Member in November 2018. From 2014 until November 2018, Justice Meagher was a Member of the Mental Health Review Tribunal Queensland and held a presidential delegation from June 2017 until November 2018.

Justice Meagher graduated from the University of Queensland with a Bachelor of Arts and a Bachelor of Laws. She was admitted as a legal practitioner to the Supreme Court of Queensland in 1987 and the High Court of Australia in 1989. Justice Meagher commenced her career as an Associate to the Hon Justice Paul De Jersey AC in 1987, before working as a solicitor from 1988 to 1993. She became Group General Counsel and Company Secretary for the Telecom New Zealand Australia Pty Ltd group of companies in 1993, and worked at Blake Dawson Waldron (now Ashurst) from 1997 to 2000 as Queensland Manager of the Legal Management Consulting Practice Group and Professional Development Manager. From 2001 to 2004 Justice Meagher was the Professional Development Manager, Change Manager and Chief Operating Officer at McCullough Robertson, after which she worked as a management consultant from 2004 to 2014.

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 ended on 31 January 2022.

Division Heads

Peter Britten-Jones

Deputy President Peter Britten-Jones is Division Head of the General Division. He was appointed as a Deputy President of the AAT in 2018 for a term of 7 years and assigned to be Division Head on 20 March 2019.

Deputy President Britten-Jones was first appointed as a part-time Senior Member of the AAT in 2016. Prior to this he was a solicitor and then a barrister practising in civil and commercial litigation.

Bernard McCabe

Deputy President Bernard McCabe is Division Head of the Small Business Taxation Division and the Taxation and Commercial Division. He was appointed as a Deputy President of the AAT and assigned to be Division Head of the Taxation and Commercial Division on 25 March 2016. He was assigned as Division Head of the Small Business Taxation Division on 20 March 2019. He was reappointed as a Deputy President and reassigned as Division Head of these 2 divisions from 25 March 2022 for a term of 5 years.

Deputy President McCabe was first appointed as a part-time Member of the AAT in 2001 and later as a full-time Senior Member in 2003. Prior to his appointment as a full-time member, he was an Associate Professor of Law at Bond University. He was also a member of the Legal Committee of the Companies and Securities Advisory Committee.

The Honourable Michael Mischin

Deputy President Michael Mischin is Division Head of the National Disability Insurance Scheme Division. He was appointed as a Deputy President of the AAT for a term of 7 years and assigned as Division Head from 9 May 2022.

Prior to his appointment to the AAT, Deputy President Mischin was a member of the Legislative Council of Western Australia from 2009 to 2021. He served in the Government of Western Australia as the Attorney-General from 2012 to 2017 and as the Minister for Commerce from 2013 to 2017. Before entering parliament, he was a senior state prosecutor with the Director of Public Prosecutions of Western Australia.

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 7 years.

Deputy President 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, was a legal member then Deputy President of the NSW Guardianship Tribunal.

Prior to these appointments, Deputy President 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.

Karen Synon

Deputy President Karen Synon is Division Head of the Social Services and Child Support Division. She was appointed as a Deputy President of the AAT and assigned to be Division Head on 17 December 2020.

Deputy President Synon was appointed to the Refugee Review Tribunal in 2001 and the Migration Review Tribunal in 2004. She became a part-time member of the AAT on 1 July 2015 working in the Migration and Refugee Division until her appointment as a Deputy President. Prior to these appointments, Deputy President Synon was a Senator for Victoria between 1997 and 1999 and before that, a First Assistant Secretary in the Victorian Department of Business and Employment from 1992 to 1997.

Appendix 2: Additional staffing statistics

Additional staffing statistics

This appendix contains:

- statistics on the staff of the AAT (which does not include members of the AAT) at 30 June 2021 and 30 June 2022
- statistics on APS employees of the AAT at 30 June 2021 and 30 June 2022, and
- the salary ranges available for APS employees during 2021–22.

TABLE 47: AAT WORKFORCE - WORKFORCE STATUS AND GENDER BY LOCATION, 30 JUNE 2021 AND 30 JUNE 2022

LOCATION	ONGOING								NON-ONGOING ^b								ALL EMPLOYEES														
	Male				Female				Total				Male				Female				Total										
	Full time	Part time	Total male	Total female	Full time	Part time	Total male	Total female	Full time	Part time	Total male	Total female	Full time	Part time	Total male	Total female	Full time	Part time	Total male	Total female	Full time	Part time	Total male	Total female	Full time	Part time	Total male	Total female			
At 30 June 2021 ^a																															
NSW	65	3	68	91	35	126	194	8	52	60	27	54	81	141	128	207	335														
Qld	18	1	19	20	8	28	47	5	13	18	11	25	36	54	37	64	101														
SA	7	1	8	13	6	19	27	1	6	7	3	4	7	14	15	26	41														
Tas	0	0	0	3	3	6	6	1	0	1	1	1	2	3	1	8	9														
Vic	57	2	59	79	13	92	151	6	16	22	18	49	67	89	81	159	240														
WA	10	0	10	12	9	21	31	1	3	4	3	15	18	22	14	39	53														
ACT	7	0	7	1	2	3	10	1	5	6	1	7	8	14	13	11	24														
NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0														
External territories	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0														
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0														
TOTAL	164	7	171	219	76	295	466	23	95	118	64	155	219	337	289	514	803														

LOCATION	ONGOING										NON-ONGOING ^b										ALL EMPLOYEES						
	Male					Female					Total					Male					Female					Total	
	Full time	Part time	Total male	Full time	Part time	Total female	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Total male	Total female	Total			
At 30 June 2022^a																											
NSW	69	4	73	98	38	136	209	25	24	49	19	31	50	99	122	186	308										
Qld	20	1	21	24	6	30	51	13	6	19	19	13	32	51	40	62	102										
SA	8	1	9	10	7	17	26	2	3	5	9	4	13	18	14	30	44										
Tas	0	0	0	5	2	7	7	1	0	1	1	0	1	2	1	8	9										
Vic	57	2	59	87	11	98	157	10	10	20	21	24	45	65	79	143	222										
WA	9	0	9	11	10	21	30	3	1	4	12	13	25	29	13	46	59										
ACT	5	0	5	5	2	7	12	2	5	7	2	4	6	13	12	25	37										
NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0										
External territories	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0										
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0										
Total	168	8	176	240	76	316	492	56	49	105	83	89	172	277	281	488	769										

^a These figures do not include members of the AAT (see Chapter 2 and Appendix 1 for more information on members), or APS employees on long-term leave (more than 3 months as at 30 June in each year) or on temporary transfer to another agency.

^b These figures include non-ongoing APS employees and staff engaged under labour hire or contractor arrangements. Note: staff engaged under labour hire or contractor arrangements are classified as non-ongoing, part-time for the purpose of this report.

TABLE 48: AAT APS EMPLOYEES - EMPLOYMENT STATUS AND GENDER BY CLASSIFICATION, 30 JUNE 2021 AND 30 JUNE 2022

CLASSIFICATION	ONGOING						NON-ONGOING						ALL EMPLOYEES					
	Male			Female			Male			Female			Total		Total			
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Total male	Total female	Total male	Total female		
At 30 June 2021^a																		
SES Band 2	0	0	0	1	0	1	0	0	0	0	0	1	0	0	1	1	0	2
SES Band 1	2	0	2	2	0	2	4	1	0	1	1	1	0	0	1	2	3	6
Executive Level 2	24	0	24	14	13	27	51	5	0	5	11	2	2	13	18	29	40	69
Executive Level 1	31	3	34	31	12	43	77	2	0	2	2	2	1	3	5	36	46	82
APS Level 6	28	1	29	51	8	59	88	2	0	2	7	0	7	9	31	66	97	
APS Level 5	24	0	24	44	6	50	74	5	0	5	7	0	7	12	29	57	86	
APS Level 4	51	1	52	73	31	104	156	7	1	8	23	4	27	35	60	131	191	
APS Level 3	4	1	5	1	2	3	8	1	1	2	12	11	23	25	7	26	33	
APS Level 2	0	1	1	2	3	5	6	0	4	4	0	10	10	14	5	15	20	
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	1
Total	164	7	171	219	76	295	466	23	6	29	64	28	92	121	200	387	587	

CLASSIFICATION	ONGOING						NON-ONGOING						ALL EMPLOYEES				
	Male			Female			Male			Female			Total		Total		
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Total female	Total male	Total female	Total male	
At 30 June 2022^a																	
SES Band 2	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	1
SES Band 1	2	0	2	3	0	3	5	1	0	1	0	0	0	0	1	3	6
Executive Level 2	22	1	23	15	14	29	52	4	1	5	8	8	8	16	21	28	73
Executive Level 1	30	3	33	35	8	43	76	1	0	1	1	1	1	2	3	34	79
APS Level 6	32	1	33	55	8	63	96	3	0	3	2	1	1	3	6	36	102
APS Level 5	30	0	30	37	11	48	78	6	0	6	8	1	1	9	15	36	93
APS Level 4	47	2	49	85	28	113	162	36	3	39	53	5	58	97	88	171	259
APS Level 3	4	0	4	8	5	13	17	4	1	5	11	7	18	23	9	31	40
APS Level 2	0	1	1	2	1	3	4	1	3	4	0	8	8	12	5	11	16
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1
Total	168	8	176	240	76	316	492	56	8	64	83	31	114	178	240	430	670

^a These figures do not include members of the AAT (see Chapter 2 and Appendix 1 for more information on members), or APS employees on long-term leave (more than 3 months as at 30 June each year) or on temporary transfer to another agency.

TABLE 49: APS EMPLOYEES - LOCATION AND EQUAL EMPLOYMENT OPPORTUNITY DATA BY EMPLOYMENT STATUS, 30 JUNE 2021 AND 30 JUNE 2022

	At 30 June 2021			At 30 June 2022		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing	Total
Location						
NSW	194	42	236	209	54	263
Qld	47	25	72	51	37	88
SA	27	4	31	26	15	41
Tas	6	2	8	7	2	9
Vic	151	34	185	157	38	195
WA	31	5	36	30	21	51
ACT	10	9	19	12	11	23
NT	0	0	0	0	0	0
Overseas	0	0	0	0	0	0
TOTAL	466	121	587	492	178	670
Equal employment opportunity data^a						
Indigenous	4	1	5	4	0	4
Non-English speaking background	103	21	124	103	30	133
People with disability	5	4	9	11	3	14

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

TABLE 50: SALARY RANGES FOR AAT APS EMPLOYEES 2021–22

Classification	Minimum Salary	Maximum Salary
SES 2	\$250,000	\$250,000
SES 1	\$179,000	\$196,290
EL 2	\$126,711	\$144,055
EL 1	\$105,822	\$124,554
APS 6	\$83,549	\$95,686
APS 5	\$77,124	\$81,784
APS 4	\$69,149	\$75,079
APS 3	\$64,502	\$66,966
APS 2	\$53,404	\$60,077
APS 1	\$48,133	\$53,195
Other	0	0
<i>Minimum/Maximum range</i>	\$48,133	\$250,000

Appendix 3: Resourcing tables

Resourcing tables

This appendix contains:

- a table summarising the total resources of the AAT and the total payments made by the AAT during 2021–22
- a table showing the total expenses for the AAT's outcome.

Resource statement

	Actual available appropriation for 2021–22	Payments made 2021–22	Balance remaining 2021–22
	\$'000	\$'000	\$'000
	(a)	(b)	(a) – (b)
Departmental			
Annual appropriations - ordinary annual services ¹	244,513	193,058	51,455
Annual appropriations - other services - non-operating ²			
Total departmental annual appropriations	244,513	193,058	51,455
Departmental special appropriations ³	0	0	0
Total special appropriations	0	0	0
Special accounts ³	0	0	0
Total special accounts	0	0	0
<i>less departmental appropriations drawn from annual/special appropriations and credited to special accounts</i>			
Total departmental resourcing	244,513	193,058	51,455
Administered			
Annual appropriations - ordinary annual services ¹			
Annual appropriations - other services - non-operating ²			
Annual appropriations - other services - specific payments to States, ACT, NT and local government ⁴			
Annual appropriations - other services - new administered expenses ⁵			
Total administered annual appropriations			
Administered special appropriations			
Total administered special appropriations			
Special accounts ³	7,500	6,900	600
Total special accounts receipts	7,500	6,900	600
<i>less administered appropriations drawn from annual/special appropriations and credited to special accounts less payments to corporate entities from annual/special appropriations</i>			
Total administered resourcing	7,500	6,900	600
Total resourcing and payments for the AAT	252,013	199,958	52,055

¹ Appropriation Act (No. 1) 2021–22 and Appropriation Act (No. 3) 2021–22. Includes Prior year appropriations of Appropriation Act (no.1) \$33.6M and Appropriation Act (No. 3) \$22.4M

² Appropriation Act (No. 2) 2021–22 and Appropriation Act (No. 4) 2021–22 .

³ Excludes trust moneys held in Services for Other Entities and Trust Moneys (SOETM) and other special accounts.

⁴ Departmental capital budgets are not separately identified in Appropriation Bill (No.1, 3, 5) and form part of ordinary annual services items. For accounting purposes, this amount has been designated as a 'contribution by owner'.

⁵ Estimated External Revenue receipts under section 74 of the PGPA Act.

Expenses by outcome

Outcome 1 totals by appropriation type	Budget* 2021–22 \$'000 (a)	Actual expenses 2021–22 \$'000 (b)	Variation 2021–22 \$'000 (a) – (b)
Administered expenses			
Ordinary annual services (Appropriation Act Nos. 1, 3 and 5)			
Other services (Appropriation Bill Nos. 2, 4 and 6)			
s74 External Revenue ¹			
Special appropriations	7,500	8,118	(616)
Special accounts			
Payments to corporate entities			
Expenses not requiring appropriation in the Budget year ²	5,000	4,974	26
Administered total	12,500	13,090	(590)
Departmental expenses			
Departmental appropriation	161,990	161,990	-
s74 External Revenue ¹	250	454	(204)
Special appropriations			
Special accounts			
Expenses not requiring appropriation in the budget year ²	25,697	32,688	(6,991)
Departmental total	187,937	195,132	(7,195)
Total expenses for Outcome 1	200,437	208,222	(7,785)
Average staffing level (number)	628	593	

* Full-year budget, including any subsequent adjustment made to the 2021–22 budget at Additional Estimates.

¹ Estimated expenses incurred in relation to receipts retained under section 74 of the PGPA Act 2013.

² Expenses not requiring appropriation in the Budget year are made up of depreciation expenses, amortisation expenses, make good expenses, and audit fees.

³ Average staffing levels exclude Tribunal members.

Appendix 4: Executive remuneration

Executive remuneration

This appendix contains information about executive remuneration for:

- key management personnel
- senior executives
- other highly paid staff.

TABLE 51: INFORMATION ABOUT REMUNERATION FOR KEY MANAGEMENT PERSONNEL

Name	Position title	Base salary	Short-term benefits		Post-employment benefits			Other long-term benefits		Termination benefits	Total remuneration
			Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits				
David Thomas	President ^a	0	0	0	0	0	0	0	0	0	0
Susan Kenny	Acting President ^a	0	0	0	0	0	0	0	0	0	0
Berna Collier	Acting President ^a	0	0	0	0	0	0	0	0	0	0
Fiona Meagher	President ^a	0	0	0	0	0	0	0	0	0	0
Sian Leatham	Registrar	214,703			30,718	5,109					250,530
Jamie Crew	Acting Registrar	97,760			10,996	2,218					110,974
Michael Hawkins	Registrar	77,487			4,848	1,786					84,121

^a The Presidents' salaries are paid by the Federal Court rather than the AAT. The AAT has paid for non-salary benefits that have attracted FBT.

TABLE 52: INFORMATION ABOUT REMUNERATION FOR SENIOR EXECUTIVES *

Total remuneration bands	Number of senior executives	Short-term benefits			Post-employment benefits			Other long-term benefits			Termination benefits	Total remuneration
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions ^a	Average long service leave	Average other long-term benefits	Average termination benefits				
\$0 - \$220,000 ^b	15	60,046			9,844	-1,823					68,067	
\$220,001 - \$245,000	1	198,880			32,703	4,323					235,906	
\$245,001 - \$270,000	2	217,808			36,413	4,856					259,077	
\$270,001 - \$295,000	1	234,433			31,817	4,808					271,058	
\$395,001 - \$420,000	1	369,038			27,475	8,168					404,681	
\$495,001 - \$520,000	1	452,080			36,294	10,610					498,984	
\$520,001 - \$545,000	3	468,450			53,956	10,819					533,225	

* Senior Executives for this table include Division Heads and Senior Executive Service employees.

^a Where an individual's employer superannuation contribution rate has been determined by a Remuneration Tribunal Determination (RTD), the RTD rate has been used.

^b Some of the individuals in this remuneration band have been in these roles for only a portion of the reporting period and/or accessed long service leave during the period.

TABLE 53: INFORMATION ABOUT REMUNERATION FOR OTHER HIGHLY PAID STAFF

Total remuneration bands	Number of other highly paid staff	SHORT-TERM BENEFITS		POST-EMPLOYMENT BENEFITS		OTHER LONG-TERM BENEFITS		TERMINATION BENEFITS	TOTAL REMUNERATION
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average other long-term benefits		
\$225,001 - \$245,000	0	0	0	0	0	0	0	0	0

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 above the applicable threshold paid to advertising agencies, market research organisations, polling organisations, direct mail organisations or media advertising organisations.

We did not undertake any advertising campaigns in 2021–22. Non-campaign advertising expenditure of \$37,251 was paid to Universal McCann and Seek to advertise employment vacancies.

We paid \$52,580.10 to ORIMA Research in relation to the conduct of surveys of users of the AAT's services.

There were no other reportable payments made in 2021–22.

Audit and Risk Committee

The Audit and Risk Committee provides independent advice to the Registrar on the appropriateness of the AAT's performance and financial reporting and systems relating to risk and control. It also provides advice on the adequacy of the production of the AAT's financial and performance statements. The Committee works closely with the AAT's internal and external audit service providers.

The Audit and Risk Committee Charter is on the AAT's website.

In 2021–22, the Audit and Risk Committee had 4 independent external members (including the chair). The Audit and Risk Committee was supported by 2 special advisers who provided internal perspective and advice to the Committee. The Committee met 5 times during the reporting period.

The table below shows the Audit and Risk Committee membership, the number of meetings attended by each member and, where relevant, remuneration received by each member in 2021–22.

TABLE 54: AUDIT AND RISK COMMITTEE MEMBERS, 2021–22

Name	Role	No of meetings attended/ eligible to attend	Remuneration
Maria Storti	External member/chair	5/5	\$17,500 GST exclusive
Stephen Coates	External member	3/3	\$4,800 GST exclusive
Shannon Buckley	External member	2/2	\$3,200 GST exclusive
Sarah Martin	External member	5/5	N/A

Profiles

Maria Storti

Ms Storti is the Chair of the Audit and Risk Committee. She is an independent member or chair of Australian Government audit committees and a board director. She is a former Ernst & Young partner and has worked with professional services firm PricewaterhouseCoopers in the areas of audit, financial reporting and risk. She has also held senior executive roles in various sectors, including government and education. Ms Storti is a Fellow of Chartered Accountants Australia & New Zealand, a Fellow of the Australian Institute of Company Directors, and a member of the Institute of Internal Auditors - Australia. She holds a Master of Business Administration and degree in economics.

Shannon Buckley

Mr Buckley is an external member of the Audit and Risk Committee. He is an independent member of Australian Government audit committees and an assurance professional. Mr Buckley has worked across internal and external audit, risk management and cybersecurity. He has held senior assurance roles in various sectors including banking and finance, education, health insurance, telecommunications and not for profit organisations. Mr Buckley is a member of the Institute of Internal Auditors - Australia, Information System Audit Control Association, Association of Fraud Investigators, and Australian Computing Society. He is a Certified Practicing Accountant (CPA) and holds degrees in Accounting and Computing

Stephen Coates

Mr Coates was a member of the Audit and Risk Committee until February 2022. He was President of the Institute of Internal Auditors - Australia and is a member of the International Internal Audit Standards Board (IIASB). He works with boards and committees nationally, advising on assurance, risk, governance and compliance matters. He is a Fellow of the Institute of Internal Auditors (PFIIA) and Governance Institute Australia (FGIA). Mr Coates holds a Bachelor of Commerce degree and a Certificate in Software Quality Assurance and Management. He is a Certified Internal Auditor, Certified Information Systems Auditor, Certified Government Auditing Professional and Certified in Risk Management Assurance.

Sarah Martin

Ms Martin is an external member of the Audit and Risk Committee. She is the Chief Financial Officer of the Office of Parliamentary Counsel. Ms Martin is a chartered accountant and holds a Bachelor of Business degree. She also holds a fellowship at the Institute of Managers and Leaders (FIML) and is a member of Governance Institute Australia (AGIA).

Grants

The AAT did not administer any grants programs in 2021–22.

Disability reporting mechanism

Australia’s Disability Strategy 2021–2031 outlines a vision for a more inclusive and accessible Australian society where all people with disability can fulfil their potential as equal members of the community.

In line with Australia’s commitments under the United Nations Convention on the Rights of Persons with Disabilities, this Strategy will play an important role in protecting, promoting and realising the human rights of people with disability.

All levels of government have committed to deliver more comprehensive and visible reporting, and reports developed under the Strategy will be available on the Disability Gateway website.

The Australian Public Service Disability Employment Strategy 2020–25 also applies to the Australian Public Service as part of the Government’s commitment as an employer, and has reporting requirements for agencies including the AAT.

Disability reporting is included in 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

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.

During the reporting year, we limited 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 members and staff who walk or cycle to work, and recycling office waste. When undertaking new fit-out works, LED lights were used and light fittings were fitted with sensors and timers.

When arranging new leases and fit-outs, the AAT considers 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 (EEGO) and the National Waste Policy. The AAT did not enter into any new leases during the 2021–22 financial year.

Theme	Steps taken to reduce effect	Measures to review and improve reducing the effect
Energy efficiency	Installed sensor-controlled lighting in any new fit-outs or refurbishments to tenancies. Considered energy ratings of office machines when replacement was necessary.	Across the AAT's property portfolio in 2021–22, tenant light and power consumption was 5,761 megajoules (MJ) per full time equivalent (FTE), below the EEGO target of 7,500 MJ/FTE.
Waste	Participated in office waste recycling schemes. Opportunities for more recycling, usually using building owner schemes, are regularly investigated.	All registries recycled paper and cardboard during the reporting year. All registries also recycled some or all of glass, plastics, metals, toner cartridges, and e-waste such as batteries and equipment. One registry recycled organic material and another recycled coffee pods. As the AAT participates in whole-of-building recycling schemes with other tenants, separate data on recycling quantities is not currently available.
Water	Installed water saving devices such as dual-flush cisterns and waterless or low-water urinals in any new fit-outs or refurbishments to tenancies.	The AAT is not able to access data on water consumption in each of its tenancies.

Corrections of material errors in previous annual report

The AAT's Annual report for 2020–21 contained the following errors:

- On page 31, at paragraph 2, it was incorrectly reported that the proportion of MRD cases completed within 12 months of lodgements in 2020–21 was 19%. The correct figure is 20%.
- On page 46, in Table 12: Centrelink second review caseload, 2019–20 to 2020–21 – by payment type , it was incorrectly reported that:
 - 345 cases in the 'Other' caseload were finalised in 2020–21. The correct figure is 179.
 - the total number of cases finalised for all payment types was 2,049. The correct total is 1,919.
 - the number of cases on hand in the 'Other' caseload at the end of 2020–21 was 204. The correct figure is 96.
 - the total number of cases on hand for all payment types at the end of 2020–21 was 1,165. The correct total is 1,097.

- The total 'On hand at year end', '% finalised within 12 months' and 'Median time to finalise (weeks)' statistics were missing on page 55 in Table 16: Caseload overview, 2019–20 to 2020–21 – Migration and Refugee Division:

	2019–20	2020–21	% change from 2019–20
TOTAL			
On hand at year end	2,239	2,186	-2%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	9	9	

- The 2020–21 statistics for the Migration and Refugee Division were missing on page 72 in Table 23: Court appeals lodged and finalised, 2019–20 to 2020–21 – by division:

	COURT APPEALS LODGED		COURT APPEALS FINALISED		
	Lodged	Proportion of total AAT decisions	Finalised	Proportion allowed against total appeals finalised	Proportion allowed against total decisions
Migration and Refugee Division					
2020–21	4,467	23%	2,052	19%	1.9%

- On page 78, in Table 24: Performance against service standards, 2020–21, it was incorrectly reported that we conducted 2,800 directions hearings. The correct figure is 3,201.
- Appendix 1 of the 2021–21 annual report incorrectly included Rodrigo Pintos-Lopez as a part-time Senior Member as at 30 June 2021. Senior Member Pintos-Lopez's appointment ended on 21 June 2021. As a result:
 - Table 1: Number of AAT members by category, 30 June 2021 should have stated there were 323 members rather than 324 members.
 - Table 30: Number of Senior Members and Members assigned to each AAT Division, 30 June 2021 should have stated there was one less part-time Senior Member assigned to the General Division, Migration and Refugee Division, Small Business Taxation Division, and Taxation and Commercial Division

Appendix 6: List of requirements

List of requirements

PGPA Rule Reference	Part of Report	Description	Requirement
17AD(g)	Letter of transmittal		
17AI	Letter of transmittal	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)	Contents	Table of contents (print only).	Mandatory
17AJ(b)	Index	Alphabetical index (print only).	Mandatory
17AJ(c)	Glossary	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	List of requirements	List of requirements.	Mandatory
17AJ(e)	This report	Details of contact officer.	Mandatory
17AJ(f)	This report	Entity's website address.	Mandatory
17AJ(g)	This report	Electronic address of report.	Mandatory
17AD(a)	Review by accountable authority		
17AD(a)	Chapter 1 The year in review	A review by the accountable authority of the entity.	Mandatory
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	Functions and purpose	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Structure	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Outcome and program	A description of the outcomes and programmes administered by the entity.	Mandatory

17AE(1)(a)(iv)	Functions and purpose	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	Staff of the AAT	Name of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(ii)	Staff of the AAT	Position title of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(iii)	Staff of the AAT	Period as the accountable authority or member of the accountable authority within the reporting period.	Mandatory
17AE(1)(b)	N/A	An outline of the structure of the portfolio of the entity.	Portfolio departments - mandatory
17AE(2)	N/A	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
17AD(c)	Report on the Performance of the entity		
	Annual performance Statements		
17AD(c)(i); 16F	Annual Performance Statement	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)	Financial performance	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Appendix 3: Resourcing tables	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	N/A	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)	Fraud control	Information on compliance with section 10 (fraud systems).	Mandatory

17AG(2)(b)(i)	Fraud control	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Fraud control	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)	Fraud control	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)	Corporate governance	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d) – (e)	N/A	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
Audit Committee			
17AG(2A)(a)	Audit and Risk Committee	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	Audit and Risk Committee	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	Audit and Risk Committee	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	Audit and Risk Committee	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	Audit and Risk Committee	The remuneration of each member of the entity's audit committee.	Mandatory
External Scrutiny			
17AG(3)	Error! Not a valid result for table.	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	Appeals	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	Functions and purpose	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)	Reports on the operations of the AAT	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
Management of Human Resources			
17AG(4)(a)	Management of human resources	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)		Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender; (d) statistics on staff location.	Mandatory
17AG(4)(b)	Appendix 2: Additional staffing statistics	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)	Employment agreements and arrangements for staff	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)	Employment agreements and arrangements for staff	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)	Appendix 2: Additional staffing statistics	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	Non-salary benefits	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Performance pay	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	N/A	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory
17AG(4)(d)(iii)	N/A	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory

17AG(4)(d)(iv)	N/A	Information on aggregate amount of performance payments.	If applicable, Mandatory
Assets Management			
17AG(5)	N/A	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)	Purchasing	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
Reportable consultancy contracts			
17AG(7)(a)	Consultants	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7)(b)	Consultants	A statement that <i>"During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]"</i> .	Mandatory
17AG(7)(c)	Consultants	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)	Consultants	A statement that <i>"Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website."</i>	Mandatory
Reportable non-consultancy contracts			
17AG(7A)(a)	Reportable non-consultancy contracts	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory

17AG(7A)(b)	Reportable non-consultancy contracts	A statement that <i>“Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.”</i>	Mandatory
17AD(daa) Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts			
17AGA	Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory
Australian National Audit Office Access Clauses			
17AG(8)	Reporting on purchases	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)	N/A	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)	Purchasing	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)	Purchasing	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory

17AG(10)(c)	N/A	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
Financial Statements			
17AD(e)	Financial statements	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
Executive Remuneration			
17AD(da)	Appendix 4: Executive remuneration	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	Mandatory
17AD(f) Other Mandatory Information			
17AH(1)(a)(i)	N/A	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)	Advertising and market research	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	N/A	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)	Disability reporting mechanism	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Information Publication Scheme	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)	Corrections of material errors in previous annual report	Correction of material errors in previous annual report.	If applicable, mandatory
17AH(2)	Appendix 5: Other mandatory information	Information required by other legislation.	Mandatory

End matter

Glossary

AASB	Australian Accounting Standards Board
AAT	Administrative Appeals Tribunal
Administrative Appeals Tribunal Act	Administrative Appeals Tribunal Act 1975
ADR	Alternative dispute resolution: the umbrella term for a range of processes for resolving a dispute other than a hearing and decision. Related terms: Case appraisal, Conciliation, Conference, Mediation, Neutral evaluation
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. Related term: Party
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 section 22, or a person who is engaged as an APS employee under section 72, of the Public Service Act 1999
APSC	Australian Public Service Commission
ASIO	Australian Security Intelligence Organisation
AusTender	The Australian Government’s procurement information system
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
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. Related term: ADR
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. Related term: ADR
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.

Corporate governance	The process by which entities are directed and controlled. It is generally understood to encompass authority, accountability, stewardship, leadership, direction and control.
COVID-19	Short for 'Coronavirus Disease 2019' the name of the disease caused by the novel coronavirus. COVID-19 was officially declared by the World Health Organization as a pandemic on 11 March 2020.
CSS	Commonwealth Superannuation Scheme
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
Dismissed	The Tribunal may dismiss an application without proceeding to review the decision 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
FOI	Freedom of information
FRR	Public Governance, Performance and Accountability (Financial Reporting) Rule 2015
Grant	An arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth and covered by the Commonwealth Grants Rules and Guidelines
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
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. Related term: ADR
MRT	Migration Review Tribunal
Neutral evaluation	An alternative dispute resolution process in which a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, assists the parties to resolve the dispute by evaluating the facts and law at issue in the dispute and providing a non-binding opinion on the likely outcomes. Related term: ADR
Non-ongoing APS employee	A person engaged as an APS employee under subsection 22(2)(b) or 22(2)(c) of the Public Service Act 1999 for a specific period of time
On the papers	A decision based on the documents before the AAT or IAA, made without a hearing or interview
Ongoing APS employee	A person engaged as an APS employee under subsection 22(2)(a) of the Public Service Act 1999

OPA	Official Public Account
Outcomes	The results, impacts or consequences of a purpose or activity, as defined in the annual Appropriation Acts and the portfolio budget statements, by a Commonwealth entity and company.
Party	A participant in a proceeding before the Tribunal. A party includes 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 proceeding on the basis their interests are affected by the decision under review. Related term: Applicant
PGPA Act	Public Governance, Performance and Accountability Act 2013
PGPA (Financial Reporting) Rule 2015	Public Governance, Performance and Accountability (Financial Reporting) Rule 2015
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.
Programs	Commonwealth programs delivers benefits, services or transfer payments to individuals, organisations or the community as a whole, and/or policy advice to inform government decisions. A program is comprised of activities or groups of activities, as defined in the annual Appropriations Acts and portfolio budget statements. Related term: Outcomes
Protection visa	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. Related term: Refugee
PSS	Public Sector Superannuation Scheme
PSSap	Public Sector Superannuation accumulation plan
Public Governance, Performance and Accountability Act	Public Governance, Performance and Accountability Act 2013
Public Service Act	Public Service Act 1999
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	A public facing 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.
Responsible Minister	The minister who is responsible for matters described under the Administrative Arrangements Order (AAO). Each Commonwealth entity and company has a responsible minister, which one depends on the matters that the entity or company deals with, or otherwise prescribed by the rules.
RRT	Refugee Review Tribunal
Rtd	Retired
Service charter	A public statement about the service that an entity will provide and what customers can expect from the entity. In particular, the service charter advises what the entity does, how to contact and

communicate with the entity, the standard of service that customers can expect, and their basic rights and responsibilities, and how to provide feedback or make a complaint.

SES	Senior Executive Service
Set aside	If the Tribunal sets aside a decision under review, the original decision no longer stands. The Tribunal may make a new decision or remit the matter to the original decision-maker.
SSAT	Social Security Appeals Tribunal
Tribunal	Administrative Appeals Tribunal
Unauthorised maritime arrivals	Asylum seekers that arrive in Australia by sea 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.

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