



Administrative
Appeals Tribunal

Annual Report 2022–23



Acknowledgement of Country

We acknowledge the traditional custodians of Australia and their continuing connection to land, sea and community. We pay our respects to Aboriginal and Torres Strait Islander cultures and to Elders past and present.

Contacting the AAT

You can contact the AAT by phone on **1800 228 333** from anywhere in Australia (calls are free from landline phones, however, calls from mobiles may be charged).

Non-English speakers can call the Translating and Interpreting Service on **131 450** and ask them to call the AAT.

If you are deaf or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit the [National Relay Service website](#).

For other ways to contact the AAT, you can visit our website to find our [contact details](#).

Website

www.aat.gov.au

This report

An electronic version of this report is published on and accessible from the Transparency Portal (www.transparency.gov.au). It is also available on the AAT's website (www.aat.gov.au/about-the-aat/corporate-information/annual-reports).

© Commonwealth of Australia 2023

With the exception of the Commonwealth Coat of Arms and any third party material, this work is licensed under a Creative Commons Attribution 3.0 Australia licence (www.creativecommons.org/licenses/by/3.0/au/deed.en).

To the extent that copyright subsists in third party material, it remains with the original owner and permission may be required to reuse the material.

The terms under which the Coat of Arms can be used are detailed at www.pmc.gov.au/government/commonwealth-coat-arms.

Content from this publication should be attributed as: Administrative Appeals Tribunal, Annual Report 2022–23.

Enquiries regarding the licence, any use of this work, or any other queries about this report may be sent to:

Annual report contact officer	Director, Communications and Public Affairs
Phone Number	02 9276 5000
Email	communications@aat.gov.au
Website	www.aat.gov.au

ISSN 1035-8161 (Print)
ISSN 2205-2836 (Online)

Administrative Appeals Tribunal
Annual Report
2022–23

Contents

1	Letter of transmittal
2	Chapter 1 The year in review
7	Chapter 2 Overview of the AAT
17	Chapter 3 Performance
73	Chapter 4 Immigration Assessment Authority
77	Chapter 5 Management and accountability
89	Financial statements
133	Appendix 1: Members of the AAT
149	Appendix 2: Additional staffing statistics
156	Appendix 3: Resourcing tables
159	Appendix 4: Executive remuneration
162	Appendix 5: Other mandatory information
168	Appendix 6: List of requirements
176	End matter



Administrative Appeals Tribunal

25 September 2023

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 2023 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 and section 16F of the Public Governance, Performance and Accountability Rule, and
- the annual financial statements for the Tribunal in accordance with subsection 43(4) of the Public Governance, Performance and Accountability Act.

Yours faithfully,

The Hon Justice Emilius Kyrrou AO

President

Michael Hawkins AM

Registrar

Accountable Authority

Chapter 1 The year in review



The Hon Justice Emilius Kyrou AO (left) and Registrar Michael Hawkins AM

President's introduction

I commenced as President of the Administrative Appeals Tribunal (AAT) on 9 June 2023. I was appointed to the role after the Australian Government announced that it intended to introduce legislation which, if enacted, would mean that I would be the last President of the AAT and the inaugural President of the review body which replaces it.

In exercising my functions as President, I will adopt an impartial, objective and evidence-based approach. I am committed to promoting public trust and confidence in the AAT and the new review body, and their ability to provide exemplary merits review. Central to that commitment is a focus on being accessible, respectful and responsive to the needs of the parties with matters before us.

I will strive to ensure that the members undertaking merits review are optimally placed for their task, including by contributing to a merits-based appointments process, developing a collegiate and supportive culture, and by providing ongoing professional development for members and staff. I will also work with government with a view to ensuring that there is adequate funding to meet the demands of our caseloads.

As I was appointed a short time before the conclusion of the 2022–23 financial year, Registrar Michael Hawkins AM will provide an account of the year in review on behalf of those in the position of President and Acting President throughout the reporting period.

In that regard, I wish to thank the former President, the Hon Justice Fiona Meagher, and acting Presidents, the Hon Justice Berna Collier and the Hon Justice Susan Kenny AM, who, together with Registrar Hawkins, provided leadership for the AAT throughout the year.

The merits review function is fundamental to ensuring fairness, transparency and accountability in the exercise of governmental power that affects the community. I draw strength from the knowledge that Australians have long valued, and will continue to value, the opportunity an institution like the AAT provides in giving people and organisations the ability to challenge decisions of executive government.

As the person who may be the last President of the AAT and the inaugural President of the review body which replaces it, I am honoured to be working with dedicated members and staff to discharge this important function for the benefit of the community, now and into the future.

Overview from the Registrar

On behalf of the former and acting Presidents, I am pleased to incorporate the overview for 2022–23 into my review this year. I acknowledge the contributions of the Hon Justice Fiona Meagher, the Hon Justice Berna Collier and the Hon Justice Susan Kenny AM as they each led the AAT at different stages throughout the year. I also welcome the new President, the Hon Justice Emiliios Kyrou AO, and I look forward to working closely with him into the future.

Our year in review

Despite a challenging context in 2022–23, the commitment, dedication and sense of mission of members and staff was apparent, enabling us to provide exemplary merits review services throughout the reporting year.

On 16 December 2022, the Australian Government announced the AAT will be abolished and replaced with a new federal administrative review body. This announcement necessitated a shift in our focus to support the Government's reform process as they prepare for the introduction of the required legislation, which is expected to be introduced in the second half of 2023. We operated with a level of uncertainty about the future for most of the reporting period, including in the lead up to the reform announcement. As part of the consultation process, a number of issues – such as the need for a sustainable funding model, a single case management solution, the review of management structures and a merit-based appointment process for members – were considered and widely discussed with stakeholders.

Workload and performance

The AAT received 41,037 applications in 2022–23, a decrease of 7% compared to the previous reporting year. Lodgements decreased in a number of divisions except the Freedom of Information, General, Small Business Taxation, Social Services and Child Support, and Veterans' Appeals Divisions.

In 2022–23, the AAT finalised 42,689 applications. This is an increase of 2% compared to the previous financial year.

The AAT again improved its timeliness this year, finalising 61% of applications within 12 months. While this is an improvement of 1 percentage point compared to 2021–22, the result is below the performance measure target of 75%. However, more than 75% of applications in the Social Services and Child Support and National Disability Insurance Scheme Divisions were finalised within 12 months. It will continue to be difficult to meet this measure overall in the future while the on hand caseload remains high.

In 2022–23, the AAT achieved a clearance ratio of 104% against a performance measure target of 100%. As of 30 June 2023, excluding the Immigration Assessment Authority (IAA), we had 66,131 cases on hand awaiting finalisation. Most of these (83%) were in the Migration and Refugee Division, the largest of the AAT's areas of practice.

The number of IAA referrals decreased significantly in 2022–23, down 83% from the previous reporting year, as processing of the bulk of the fast track caseload is nearing completion. The IAA maintained a clearance rate of 109%, finalising 173 referrals during the reporting period with a median time to finalisation of 9 weeks. Twenty-six cases were on hand as of 30 June 2023.

The experience of users is a key focus for the AAT. We continued to gather feedback from parties and representatives about their experience of our services and can report a user satisfaction rating of 72% in 2022–23. While this was a reduction of 2 percentage points compared to our result for the previous financial year, we continued to exceed our annual target for this performance measure.

We published 5,032 AAT and IAA decisions in 2022–23, exceeding our annual target for this measure of our commitment to transparency.

The number of successful appeals as a proportion of all AAT and IAA decisions increased from 1.9% in 2021–22 to 2.1% in 2022–23. The number of appeals allowed by the courts has remained below the target of 5% since 2015–16.

Members and staff

The AAT's ability to deliver high-quality merits review services is dependent on our members and staff. Following the Australian Government's announcement of its plans to reform the administrative review system, a key area of our focus has been on supporting our members and staff, during a period of uncertainty as we prepare to transition to a new review body. I have regularly updated members and staff as the reform process has progressed, facilitated the sharing of operational expertise and corporate knowledge with the Administrative Review Taskforce leading the reform, and have actively encouraged members and staff to participate in consultation processes. Importantly, more than 500 members and staff participated in the initial consultation phase with the Administrative Review Taskforce.

Thirty-seven members finished or resigned their terms during the reporting period. We ended 2022–23 with the smallest number of members we have had since 1 July 2015. That said, we are expecting the appointment of a significant number of new members in the second half of 2023 as part of the Government's commitment to address the active caseload. Most of these members will be assigned to the Migration and Refugee Division, and a number of staff will be engaged to support them.

As Registrar, I have been ably supported by Jamie Crew, Chief Operating Officer, and a stable team of senior executives of the Australian Public Service (APS) throughout the year. In late 2022, we welcomed Kelvin Zhu to the executive team as the inaugural Chief Corporate and Financial Officer. Our staffing levels remained relatively stable, at 727, at 30 June 2023, compared with 769 at the end of the previous financial year. More than 71% of eligible staff provided feedback to the APS Census about their experience of working at the AAT. Our Census results showed high levels of engagement with our APS staff, with 87% reporting strong dedication to the role and purpose of the Tribunal.

The AAT provided professional development to members to ensure they are appropriately skilled to perform their work during 2022–23. We also delivered a range of courses for staff. Consistent with the Australian Government's policy, we also looked for opportunities to convert labour hire to APS roles and achieved savings of approximately \$7.5 million over the last financial year.

Priorities

In addition to delivering high-quality services for users and supporting the reform process, we progressed a range of other priorities in 2022–23. As set out in the AAT’s Corporate Plan 2022–26, these included identifying financial savings and progressing our digital transformation program.

During the reporting year we finalised a proof of concept for a new case management solution (CMS) and commenced work testing the broader preferred solution with a particular focus on replacing our system for managing online forms. This has required significant investment in modernising the AAT’s information and communications technology infrastructure. Over the coming years, we intend to roll the preferred solution out to support more areas of our work as a way to enhance our users’ experiences of our digital services.

In the context of global increases in threats to cyber security, we strengthened our operations in line with our Cyber Security Strategy 2020–23 through various upgrades. We also delivered the next phase of our move to cloud-based services in 2022–23, including to rollout OneDrive for Business nationally across our offices and to implement an electronic invoicing system. This is all being underpinned by the development of a modern secure network to support our members and staff in hybrid ways of working.

We completed an upgrade of the AAT’s hearing room equipment and systems in Sydney and Adelaide which has led to improvements in efficiency. We have continued our integration and expansion of the Microsoft Teams platform, piloting full Microsoft Teams Telephony, which we will continue to progress in future. Considerable work has also been done – in terms of technology, onboarding and accommodation – to prepare for future appointments of a significant number of new members and staff expected in the second half of 2023 (as mentioned in ‘Members and staff’ above).

The AAT remained committed to enhancing the accessibility of its services to all Australians. In particular, we progressed all actions identified in our Reflect Reconciliation Action Plan (RAP), which was launched in May 2022. Our RAP has laid important foundations for future reconciliation actions 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. We began work to develop a new RAP in 2022–23 and will launch it following the establishment of a new review body.

Financial results

The AAT received an unqualified audit report on the 2022–23 financial statements from the Australian National Audit Office. Our expenses have remained consistent since 2019–20 but our appropriation revenue has been decreasing over the years due to terminated budget measures, efficiency savings and our reduced capacity to generate additional revenue from the Migration and Refugee Division cases.

The AAT’s revenue and operating expenses resulted in a deficit of \$20.7 million excluding depreciation, amortisation, and principal repayments on leased assets in 2022–23. This deficit result is within the approved limit of \$24m. While this is the third consecutive year with an operating loss, the 2022–23 deficit will be funded by AAT’s accumulated cash reserves.

As mentioned above and below, a key strategic priority for the AAT is to work with Government to ensure merits review services are sustainably funded into the future. The existing funding arrangements, which are based on those in place for the former tribunals prior to amalgamation on 1 July 2015, are no longer fit-for-purpose. They do not enable us to respond to fluctuations in our workload, and member and staff resource levels. Alternative funding models are being assessed to achieve long-term financial sustainability for the future review body.

Looking ahead

The year of 2023–24 may bring with it the establishment of a new review body to replace the AAT. Until such time as it no longer exists, the AAT will focus on managing our large and diverse caseload, supporting members and staff to deliver high-quality review services, and continuing to assist Government with their plans for reform. We will also focus on repairing our financial situation and progressing the implementation of a single case management solution.

We are hopeful for further increases in members and staff, and commensurate funding, so the AAT or its replacement can keep pace with demand for its services. With additional resourcing, we will be able to continue delivering high-quality services to our users while improving timeliness and reducing the size of our active caseload.

Chapter 2 Overview of the AAT

Functions and purpose

The Administrative Appeals Tribunal (AAT), 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 Portfolio Budget Statements for the 2022–23 October Budget:

Outcome 1 – Provide correct or preferable decisions through a mechanism of independent review of administrative decisions that is accessible, fair, just, economical, informal, quick and proportionate.

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:

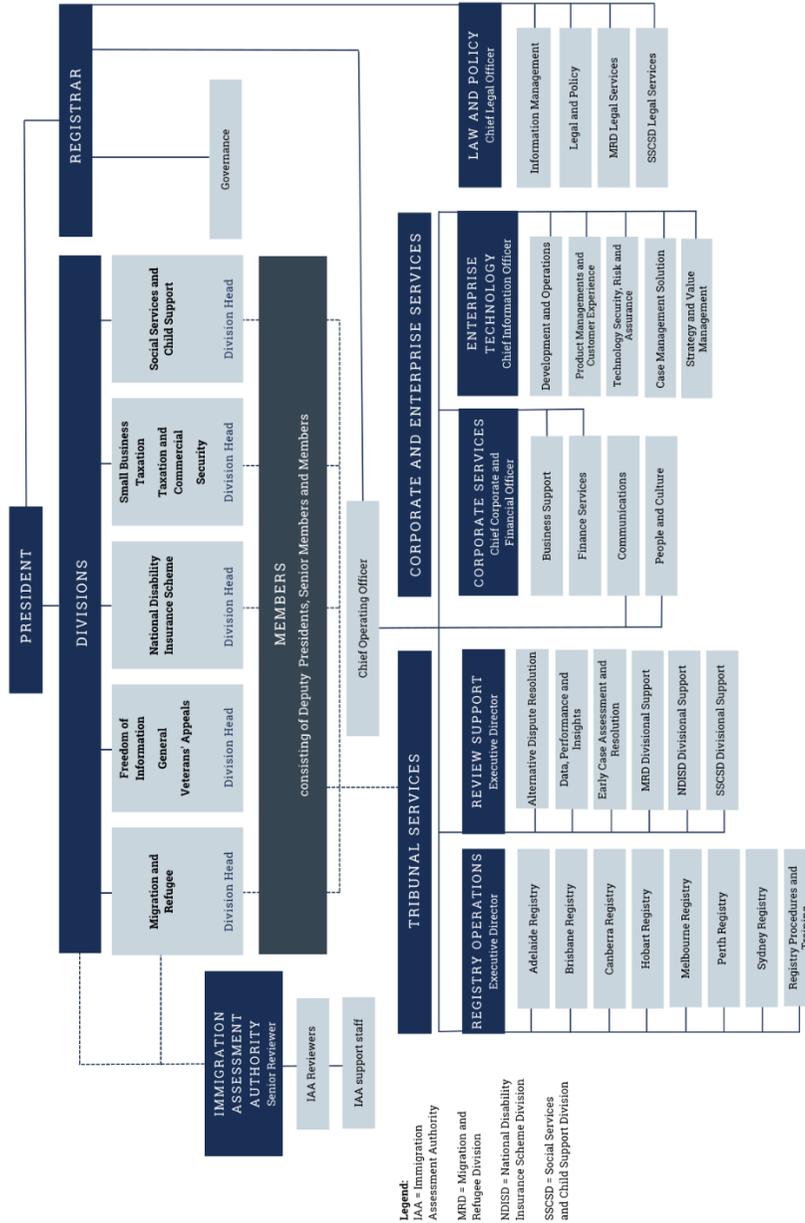
- Freedom of Information Division
- General Division
- Migration and Refugee Division
- National Disability Insurance Scheme Division
- Security Division
- Small Business Taxation Division
- Social Services and Child Support Division
- Taxation and Commercial Division
- Veterans' Appeals Division.

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.

Figure 2.1: Organisational structure, 30 June 2023



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 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 the 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 2023, there were 277 members of the AAT.

Appendix 1: Members of the AAT lists all AAT members at 30 June 2023, including the division(s) to which each senior member and member was assigned.

Table 2.2: Number of AAT members by category at 30 June 2023

Category of member	Judge			Full time			Part time			Total		
	F	M	Total	F	M	Total	F	M	Total	F	M	Total
President	0	1	1							0	1	1
Deputy President												
Federal Court judge	4	4	8							4	4	8
Federal Circuit and Family Court judge	1	1	2							1	1	2
Non-judicial				3	8	11	0	6	6	3	14	17
Senior member				24	23	47	7	14	21	31	37	68
Member				24	36	60	60	61	121	84	97	181
Total	5	6	11	51	67	118	67	81	148	123	154	277

Legend: F = female; M = male

President and Division Heads

Justice Fiona Meagher was the President of the AAT from 1 July 2022 until she resigned on 30 November 2022. Justice Berna Collier and Justice Susan Kenny AM each acted as President during different periods from 1 December 2022 to 8 June 2023. Following his appointment as a Judge of the Federal Court on 8 June 2023, Justice Emilius Kyrou AO was appointed as President of the AAT on 9 June 2023. His appointment is for a term of 5 years and will apply to the role of President for a new review body established to replace the AAT.

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

The table below lists the AAT's Division Heads at 30 June 2023.

Table 2.3: Division Heads at 30 June 2023

Division	Name	Date of assignment as Division Head
Migration and Refugee Division	Deputy President Jan Redfern PSM	21 March 2016
Social Services and Child Support Division	Deputy President Karen Synon	17 December 2020
General Division	Deputy President Peter Britten-Jones	20 March 2019
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

Deputy President Peter Britten-Jones also oversaw the Freedom of Information Division and Veterans' Appeals Division during the reporting period. Deputy President Bernard McCabe also oversaw the Security Division for 2022–23.

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*
- 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 and other enactments.

The Registrar is Michael Hawkins AM, who is appointed for a 5-year term from 14 April 2022.

During 2022–23, employees in senior executive positions assisted the President, Registrar and Division Heads in designated areas of responsibility.

Table 2.4: Senior executive employees at 30 June 2023

Position	Name
Chief Operating Officer	Jamie Crew
Chief Corporate and Financial Officer	Kelvin Zhu
Chief Information Officer	Andrew Dundon
Chief Legal Officer	Christopher Matthies
Executive Director, Registry Operations	Shari Beaumont
Executive Director, Review Support	Michael Mclvor (acting)
Senior Reviewer, Immigration Assessment Authority	Sobet Haddad

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 triage and undertake early case assessment for various types of applications, particularly in the Migration and Refugee, Small Business Taxation and Social Services and Child Support Divisions. Dedicated national teams provide caseload support and legal services to the General, Migration and Refugee, Social Services and Child Support, and the National Disability Insurance Scheme, and other Divisions.

Corporate and Enterprise Services

Corporate and Enterprise Services staff advise and assist the President and Registrar in managing the AAT's administrative affairs and by providing services to members and staff. During the reporting year, those staff were responsible for business support, corporate legal and policy support, financial and human resource management, library and information services, communications support, strategy and governance support, risk mitigation, 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, FEE-HELP for students, freedom of information, industry assistance, mutual recognition of occupations, occupational licensing and regulation, paid parental leave, passports, privacy, security assessments by the Australian Security Intelligence Organisation, therapeutic goods 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](#).

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.

We have designed our procedures 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. Our procedures facilitate the participation of self-represented parties in reviews. Details of the accessibility measures we use, including the interpreters for hearings and other case events, 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 and Social Services and Child Support Divisions, 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.

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 some types of reviews, the case is listed directly for a hearing.

The hearing gives an applicant, and any other party, an opportunity to provide evidence and present arguments about the decision under review. It also allows the AAT to ensure that all issues arising in the review are addressed. A hearing is conducted by the member or members directed by the President to constitute the Tribunal for the purposes of the review. The Tribunal may be constituted by up to 3 members, but most reviews are conducted by a single member. The AAT 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 conducted in person, by telephone and by video. They are open to the public, including in cases held by telephone or video, unless the AAT directs that a hearing be held in private or where legislation requires a private hearing. For example, 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 AAT 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 AAT 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 for 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* until the relevant provisions were repealed on 7 December 2022
- 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 2.5: Number of applications relating to warrants, controlled operations and other functions, 2021–22 to 2022–23

	2021–22	2022–23
Number of occasions on which applications considered	2,395	2,359

Members are available outside standard business hours to perform these functions. In the reporting period, 268 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 2.6: Number of examinations held under the Proceeds of Crime Act, 2021–22 to 2022–23

	2021–22	2022–23
Number of examination sessions held	86	109

Chapter 3 Performance

Annual Performance Statement

Introductory statement

I, Michael Hawkins AM, as the accountable authority of the Administrative Appeals Tribunal (AAT), present the 2022–23 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 (IAA). 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 fresh consideration of 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* and the *Migration Act 1958* and, more broadly, contribute to improving the quality of government decision-making.

Results against performance measures

This table summarises results against each of the performance measures set out in our Corporate Plan and the Portfolio Budget Statements. Performance measures 1, 2, 3, 4 and 6 relate to the work of both the AAT and IAA.

Table 3.1: Results against performance measures in AAT Corporate Plan, 2021–22 to 2022–23

Performance measure		Target	Result	Met/ Not met
1. Number of AAT applications and IAA referrals finalised	2021–22	47,944	43,084	Not met
	2022–23	42,024	42,862	Met
2. Clearance ratio of AAT finalisations and IAA decisions	2021–22	100%	95%	Not met
	2022–23	100%	104%	Met
3. Proportion of AAT applications and IAA referrals finalised within a time standard	2021–22	75%	60%	Not met
	2022–23	75%	61%	Not met
4. Number of AAT and IAA decisions published	2021–22	At least 5,000	5,357	Met
	2022–23	At least 5,000	5,032	Met
5. AAT user experience rating	2021–22	At least 70%	74%	Met
	2022–23	At least 70%	72%	Met
6. Proportion of appeals against AAT and IAA decisions allowed by the courts	2021–22	Less than 5%	1.9%	Met
	2022–23	Less than 5%	2.1%	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 impact individuals and organisations.

Target

2022–23: 42,024 finalisations

Source

Corporate Plan 2022–26 (page 18) and Portfolio Budget Statements 2022–23, Attorney-General's Portfolio (page 53)

Performance achieved

In 2022–23, we met our target by achieving 42,862 finalisations (42,689 AAT applications and 173 IAA referrals).

In the previous reporting year, we finalised 43,084 applications and referrals against a target of 47,944.

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, considering the broader operating context, and the financial and human resources that are expected to be available.

The AAT and IAA finalised a substantial number of applications and referrals in 2022–23, achieving 2 percentage points above the target. The AAT's total number of finalisations has remained, on average, around the low to mid 40,000s over the last 3 years and has exceeded the total number of applications lodged over the time period.

The table below sets out the number of applications finalised in each of the AAT's divisions in 2021–22 and 2022–23.¹

Table 3.2: AAT applications finalised by division, 2021–22 to 2022–23

Division	No. of finalisations	
	2021–22	2022–23
Freedom of Information	72	75
General	4,514	4,333
Migration and Refugee	20,892	20,640
National Disability Insurance Scheme	3,348	5,604
Security	7	7
Small Business Taxation	297	193
Social Services and Child Support	11,996	11,162
Taxation and Commercial	685	496
Veterans' Appeals	196	179
All AAT	42,007	42,689

¹ IAA data is not contained in this and subsequent 'Performance measure' tables. For IAA data, see Chapter 4 Immigration Assessment Authority.

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 indicating whether the number of cases on hand has increased or decreased during the reporting period.

Target

2022–23: clearance ratio of 100%

Source

Corporate Plan 2022–26 (page 18) and Portfolio Budget Statements 2022–23, Attorney-General's Portfolio (page 53)

Performance achieved

In 2022–23, we met our target by achieving a clearance ratio of 104%.

Our result in 2021–22 was a clearance ratio of 95%.

Analysis

The AAT and IAA exceeded our clearance ratio target by 4 percentage points in 2022–23. The AAT and IAA received 41,195 applications and referrals while finalising 42,862 applications and referrals. The total number of combined cases on hand at 30 June 2023 (66,157) was a slight improvement compared to the number at 30 June 2022 (67,801). Our performance against this target has fluctuated over the last 3 years as we have dealt with and emerged from the impacts of the COVID-19 pandemic.

The table below sets out the clearance ratio for each of the AAT's divisions in 2021–22 and 2022–23.

Table 3.3: AAT clearance ratio by division, 2021–22 to 2022–23

Division	Clearance ratio	
	2021–22	2022–23
Freedom of Information	103%	52%
General	116%	110%
Migration and Refugee	>99%	108%
National Disability Insurance Scheme	57%	131%
Security	41%	350%
Small Business Taxation	94%	46%
Social Services and Child Support	99%	91%
Taxation and Commercial	82%	63%
Veterans' Appeals	122%	108%
All AAT	95%	104%

Over the last 2 years, the AAT has finalised approximately the same number of applications that it received. We reduced the on hand caseload by approximately 6,000 matters from a peak of 72,000 in 2019–20.

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

2022–23: 75% of applications and referrals are finalised within 12 months of lodgement

Source

Corporate Plan 2022–26 (page 19) and Portfolio Budget Statements 2022–23, Attorney-General's Portfolio (page 53)

Performance achieved

The AAT and IAA did not meet the target in 2022–23 with only 61% of applications and referrals finalised within 12 months of lodgement.

The result for the AAT and IAA in 2021–22 result was 60% of applications and referrals finalised within 12 months of lodgement against a target of 75%.

Analysis

We have not been able to meet our timeliness target since 2017–18. As mentioned in previous annual reports, our timeliness is impacted by the fact that the AAT does not have the resources required to address the large on hand caseloads generated by increased demand for services in previous years, particularly in the Migration and Refugee Division which is our largest area of work. In 2022–23, we met this target in the Social Services and Child Support and National Disability Insurance Scheme Divisions.

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.

Table 3.4: Proportion of AAT applications finalised within 12 months by division, 2021–22 to 2022–23

Division	% finalised within 12 months	
	2021–22	2022–23
Freedom of Information	49%	48%
General	72%	73%
Migration and Refugee	27%	32%
National Disability Insurance Scheme	90%	81%
Security	71%	14%
Small Business Taxation	82%	61%
Social Services and Child Support	>99%	>99%
Taxation and Commercial	59%	52%
Veterans' Appeals	58%	55%
All AAT	58%	61%

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

2022–23: At least 5,000 decisions published

Source

Corporate Plan 2022–23 (page 20) and Portfolio Budget Statements 2022–23, Attorney-General's Portfolio (page 53)

Performance achieved

A total of 5,032 decisions made in 2022–23 were published at the time of preparing the report – target met.

Our 2021–22 performance was 5,617 AAT and IAA decisions published against a target of at least 5,000. This figure is higher than that originally reported in the 2021–22 annual report. It includes decisions made in 2021–22 that had not yet been published at the time that report was prepared but have since been published.

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 Tribunal. 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 2022–23 and the IAA selection process has resulted in us exceeding our target for 2022–23 by 0.64%.

The table below shows the number of AAT decisions published by division in 2021–22 and 2022–23. 2022–23 decisions published were generally at slightly lower levels than the previous financial year. The number of decisions made in the NDIS Division increased by 9% in 2022–23, reflecting the increase in decision-making in that Division during the year.

Table 3.5: Number of AAT decisions published by division, 2021–22 to 2022–23

Division	No. of decisions published	
	2021–22	2022–23
Freedom of Information	23	22
General	994	891
Migration and Refugee	3,860 ^b	3,508
National Disability Insurance Scheme	122	133
Security	1	1
Small Business Taxation	23	19
Social Services and Child Support	352	309
Taxation and Commercial	86	82
Veterans' Appeals	30	33
All AAT^a	5,491^b	4,998

^a These totals do not include figures for the IAA. Data for the IAA is included in Chapter 4 Immigration Assessment Authority.

^b These figures are higher than the number of decisions reported in the 2021–22 annual report. It includes decisions made in 2021–22 that had not yet been published at the time that report was prepared but have since been published.

There were 34 IAA decisions made in 2022–23 that have been published compared with 126 in 2021–22. The lower number of decisions published reflects the declining caseload of the IAA during the reporting period.

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

2022–23: User experience rating is at least 70%

Source

Corporate Plan 2022–26 (page 20) and Portfolio Budget Statements 2022–23, Attorney-General's Portfolio (page 53)

Performance achieved

In 2022–23, the AAT met the target by achieving a user experience rating of 72%.

Our 2021–22 performance was a user experience rating of 74% 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 2022 and 31 March 2023, 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 1,941 parties and 395 legal and other representatives, constituting a response rate of 17% for parties and 15% for legal and other representatives. The number of respondents this year was slightly lower than in 2021–22 (2,109 parties and 439 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 reflected 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.

The table below shows the survey results against our objectives of being accessible, fair, informal, and quick, in 2021–22 and 2022–23.

Table 3.6: AAT user experience rating by user group, 2021–22 to 2022–23

Objective	Satisfaction ratings		
	Parties	Representatives	
Accessibility: information The usefulness, sufficiency and clarity of information provided about the review process	2021–22	72%	83%
	2022–23	73%	80%
Accessibility: users with diverse needs 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%
	2022–23	66%	79%
Fairness 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%
	2022–23	77%	82%
Informality 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%
	2022–23	73%	85%
Timeliness How quick we were to complete the review overall and to provide a decision after a hearing	2021–22	56%	60%
	2022–23	54%	55%

Objective	Satisfaction ratings		
	Parties	Representatives	
User experience rating result by user group	2021–22	69%	79%
	2022–23	69%	76%
Overall result	2021–22	74%	
	2022–23	72%	

In 2022–23 we achieved a user experience rating of 72%. While lower than the previous financial year, this result is consistent with our longer-term trend and exceeds our performance target by 2 percentage points.

Except for the result for representatives on timeliness (where there was a decrease of 5 percentage points in 2022–23 compared with the previous reporting period), responses from both parties and representatives remained relatively consistent compared to the results in 2021–22.

As in previous years, it was noted that parties who did not receive a favourable outcome in their review tended to give lower ratings.

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

2022–23: Number of appeals allowed is less than 5% of all AAT and IAA decisions that could have been appealed

Source

Corporate Plan 2022–26 (page 21) and Portfolio Budget Statements 2022–23, Attorney–General’s Portfolio (page 53)

Performance achieved

In 2022–23, we met our target with the proportion of decisions in relation to which appeal has been allowed being 2.1%.

Our 2021–22 performance was 1.9% 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 (324 in 2022–23) against the number of decisions made by the AAT and IAA in the previous year that could have been appealed (21,625 in 2021–22). 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 finalised in the following year.

For the AAT, the proportion of decisions set aside on appeal was 0.2 percentage points higher in 2022–23 than in the previous reporting year.

Table 3.7: Number of appeals against AAT decisions allowed and finalised by division, 2021–22 to 2022–23

Division	Appeals allowed	Appeals finalised	No. of appealable decisions in previous year	% allowed against total appealable decisions
Freedom of Information				
2021–22	0	2	20	0%
2022–23	0	1	35	0%
General				
2021–22	55	157	1,892	2.9%
2022–23	63	177	1,745	3.6%
Migration and Refugee				
2021–22	251	2,067	19,837	1.3%
2022–23	251	2,984	17,335	1.4%
National Disability Insurance Scheme				
2021–22	1	1	141	0.7%
2022–23	2	6	266	0.8%
Security				
2021–22	0	1	1	0%
2022–23	0	2	1	0%
Small Business Taxation				
2021–22	0	1	122	0%
2022–23	1	2	82	1.2%
Social Services and Child Support				
2021–22	5	16	1,915	0.3%
2022–23	2	20	1,872	0.1%
Taxation and Commercial				
2021–22	4	12	227	1.8%
2022–23	5	14	246	2.0%
Veterans' Appeals				
2021–22	1	1	72	1.4%
2022–23	0	1	43	0%
All AAT^a				
2021–22	317	2,258	24,227	1.3%
2022–23	324	3,207	21,625	1.5%

^a These figures do not include the IAA. Data for the IAA is included in Chapter 4 Immigration Assessment Authority.

The Migration and Refugee Division continued to have the highest number of appeals finalised by the courts, reflecting a higher appeal rate than other divisions and the larger size of the Division's caseload. The Division had a small increase (0.1%) in the rate of appeals allowed in 2022–23 as a proportion of all appealable decisions made in this Division. The total number of appeals allowed remained the same, however the total number of appealable decisions decreased.

The number of appeals allowed by the courts in 2022–23 relating to decisions made in the AAT's other divisions was similar to the previous reporting year. The General Division continued to have the highest percentage of appeals allowed against the total number of appealable decisions. This is primarily due to appeals against decisions about visas made on character grounds which are dealt with in this division rather than in the Migration and Refugee Division.

Like the Migration and Refugee Division, the rate of appeals against IAA decisions is high due to the nature of the caseload. Of the 384 appeals finally determined in 2022–23, 153 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 2023, 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 2022–23. The ability to manage a large active caseload in an environment where our financial resources have reduced over a number of years while expenses remain constant continues to be a challenge for the Tribunal. An additional complexity over the last year has been the level of external scrutiny which culminated in the Government's decision, announced in December 2022, to abolish the AAT and introduce a new administrative review body.

Despite the challenges, the AAT and IAA continued to deliver on our statutory objectives, enabling a significant number of people and organisations to exercise their right to challenge administrative decisions, and by contributing to government accountability and transparency.

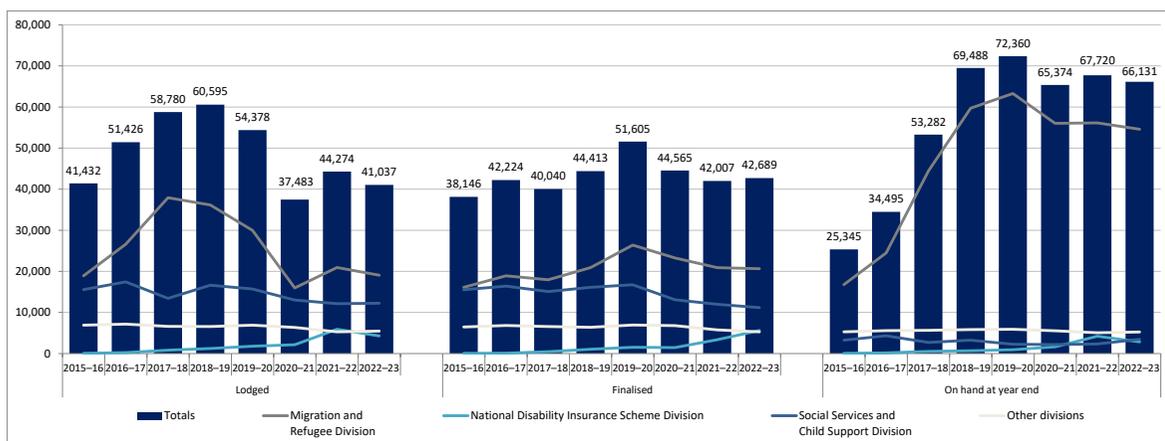
We met our targets in 5 of our 6 performance measures in the reporting year, which included meeting 2 more than in 2021–22.

AAT and IAA caseload overview

The AAT received 41,037 applications and finalised 42,689 applications in 2022–23. There were 66,131 applications on hand at 30 June 2023.

The chart below illustrates trends over time in the form of key statistics for the last 8 financial years.

Figure 3.8: Applications lodged, finalised and on hand, 2015–16 to 2022–23



We received 7% fewer applications in 2022–23 than in the previous reporting year, while the number of applications we finalised was 2% higher than in 2021–22. The number of applications on hand at 30 June 2023 was 2% lower than the number of applications on hand at 30 June 2022.

Table 3.9: Applications lodged, finalised and on hand by division, 2022–23

Division	Lodged		Finalised		On hand at year end	
	No	% of total	No	% of total	No	% of total
Freedom of Information	143	<1%	75	<1%	165	<1%
General	3,937	10%	4,333	10%	2,587	4%
Migration and Refugee	19,050	46%	20,640	48%	54,575	83%
National Disability Insurance Scheme	4,271	10%	5,604	13%	2,846	4%
Security	2	<1%	7	<1%	31	<1%
Small Business Taxation	417	1%	193	<1%	688	1%
Social Services and Child Support	12,260	30%	11,162	26%	3,460	5%
Taxation and Commercial	791	2%	496	1%	1,607	2%
Veterans' Appeals	166	<1%	179	<1%	172	<1%
TOTAL	41,037	100%	42,689	100%	66,131	100%

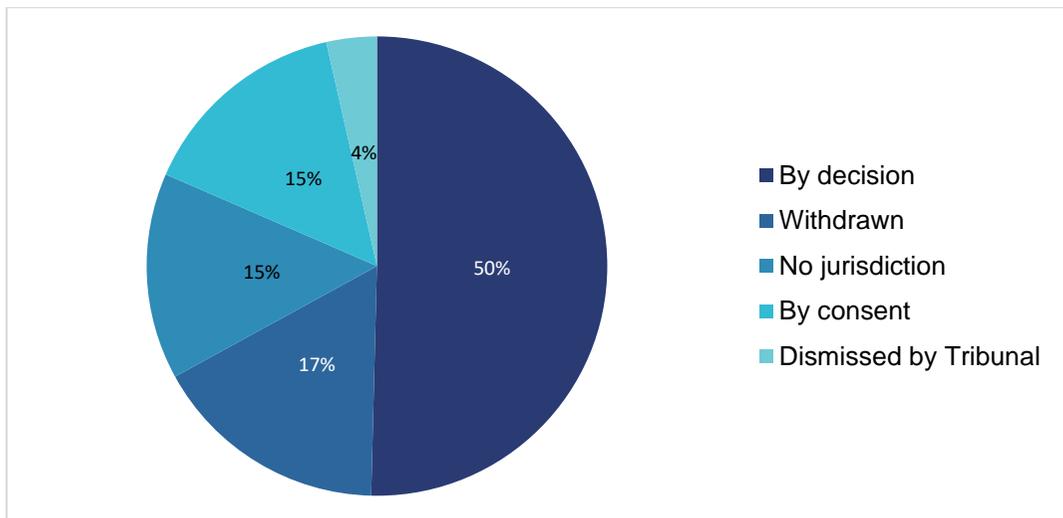
The table above shows how the size of our workload varies between divisions: 76% of the applications lodged during the reporting year were in the Migration and Refugee and Social Services and Child Support Divisions. The National Disability Insurance Scheme and General Divisions each comprised 10% of the total lodgements, with the remaining 4% being for all other divisions.

Of the 66,131 applications on hand at 30 June 2023, the largest proportion was in our Migration and Refugee Division at 83%, with 5% in the Social Services and Child Support Division, 4% in the National Disability Insurance Scheme Division and 4% in the General Division.

The AAT's large on hand caseload developed primarily because member and staff resources have not kept pace with the significant increase in the volume of lodgements, particularly in the Migration and Refugee and the National Disability Insurance Scheme Divisions.

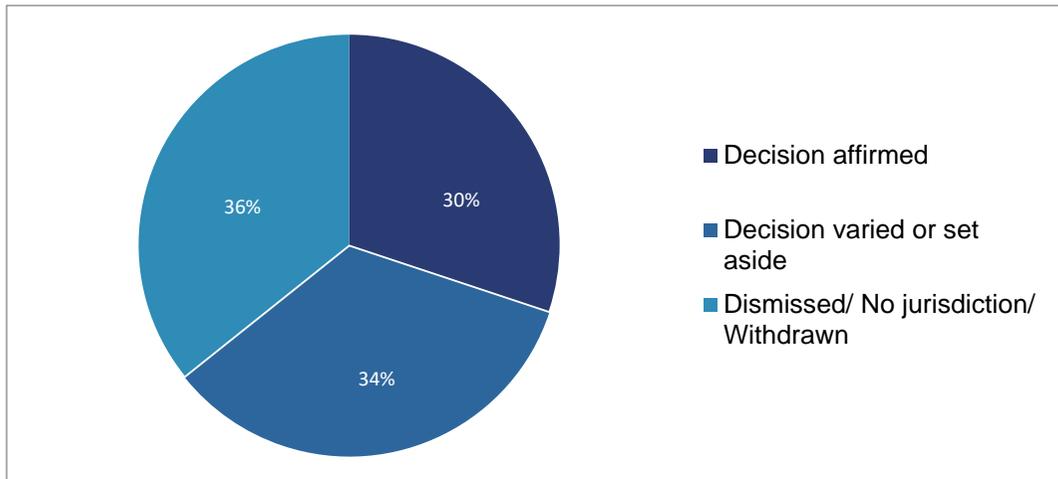
We finalise applications in different ways, as illustrated in the diagram below. In 2022–23, half of all applications were finalised by the AAT making a decision on review, usually after conducting a hearing. In 15% of finalised cases, the application was finalised by the Tribunal in accordance with a consent agreement reached between the parties, with the reviewable decision affirmed, varied or set aside or the application dismissed. The remaining 36% of applications were withdrawn, finalised on the basis they did not meet the requirements for a valid application, or otherwise dismissed without the AAT reviewing the decision.

Figure 3.10: Mode of finalisation of applications for review of decisions, 2022–23*



* '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.

Figure 3.11: Outcomes of applications for review of decisions, 2022–23



In relation to the outcomes of applications made to the AAT, as demonstrated in the chart above, a decision under review was varied or set aside in 34% of all applications finalised in 2022–23, either by decision or consent, higher than the result for 2021–22 (30%).

The IAA received 158 referrals in 2022–23, 748 fewer than in 2021–22. The on hand caseload at the end of 2022–23 was 26. Of the 173 matters finalised by the IAA, 83% were affirmed, 16% were remitted to the Department of Home Affairs for reconsideration, and 1% was otherwise finalised.

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 2022–23 as well as about the location of applicants and the representation of parties (other than decision-makers) are available on our website.

Further detail about the performance of the IAA in 2022–23 is set out in Chapter 4 Immigration Assessment Authority.

Financial performance

The AAT's 2022–23 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 12 September 2023.

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 2022–23 operating deficit (excluding depreciation, amortisation and principal repayments on leased assets) of \$20.7 million (2021–22: deficit of \$15.6 million) is below the approved operating deficit of \$24 million. The AAT's operating result is primarily due to total revenue for the AAT continually decreasing since 2019–20 while total expenses have remained relatively constant.

The AAT financial position as at 30 June 2023 shows total assets of \$288.1 million (2021–22: \$323.9 million), exceeding total liabilities by \$43.9 million (2021–22: \$66.5 million).

Activities administered on behalf of the Australian Government

The AAT administers application fees on behalf of the Government. The AAT's 2022–23 administered income was \$36.9 million (2021–22: \$35.3 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 2022–23 as provided in reports from each of the AAT’s Division Heads.

Migration and Refugee Division

In the Migration and Refugee Division (MRD), 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.

Delegates of the Minister administering the Migration Act make most of the original decisions which come to us for review in the MRD. When the AAT reviews decisions to refuse or cancel refugee (or protection) visas, we must consider whether the applicant is a person to whom Australia has protection obligations. We classify all other decisions under review in this division as migration cases.

Our MRD decisions impact Australian citizens, permanent residents, businesses, and non-citizens. The AAT’s considerations vary depending on the decision under review.

We experienced several challenges in this, the AAT’s largest division, during the reporting period. These included continued pressure associated with balancing the competing demands of our diverse caseloads without adequate member resources while having a large, ageing, and more complex, active caseload (as noted in previous annual reports). Further, there were changes to the law arising from judicial review which required extra resources to implement, and an ongoing constraint on our ability to adopt new case management approaches due to the inadequacy of our legacy case management system and technology processes.

We undertook significant work to develop and implement new directions during 2022–23. The new *Migration and Refugee Division Practice Direction* sets out our requirements and provides applicants and representatives with information on preparing submissions and evidence to assist them in their Tribunal review. We also updated the *President’s Direction on prioritising applications in the Migration and Refugee Division* to ensure consistency and fairness in our approach to the prioritisation of cases in this Division. In addition, as part of an AAT wide initiative, we also developed a *Guideline on pronunciation of names and forms of address*.

Caseload strategy

We develop a strategy each year to help us manage our large and diverse caseload in the MRD, and to establish an annual caseload target. We do this by considering the volume and complexity of the active caseload, and the resources available to finalise these types of cases. Our target for 2022–23 was to finalise 20,000 cases.

As in previous years, we were aware from the outset that there would not be enough members available to address the substantial active MRD caseload during 2022–23. Further decreases in member resources exacerbated this throughout the reporting year. We attempted to address this by continuing to triage cases to identify efficient case management pathways and adopting a national approach to the business, student and visitor caseloads, which enabled us to rely on member resources from across the country to finalise additional applications.

In 2022–23, aside from any individual cases we prioritised, we aimed to finalise the oldest cases in each caseload. This remained a key focus because we had an increased number of older cases on hand which could not be progressed due to the impact of the pandemic on our operations in previous years.

Caseload

During 2022–23, we reduced the active caseload for the MRD overall despite an increase to the active protection caseload. We exceeded our caseload target of 20,000 (see ‘Caseload strategy’ above) for this division by finalising 20,640 applications.

The table below details key data for the MRD for the last 2 financial years.

Table 3.12: Caseload overview – Migration and Refugee Division, 2021–22 to 2022–23

Migration	2021–22	2022–23	% change from 2021–22
Lodged	10,193	9,258	-9%
Finalised	15,073	13,931	-8%
Clearance ratio	148%	150%	
On hand at year end	19,104	14,438	-24%
% finalised within 12 months	26%	35%	
Median time to finalise (weeks)	105	100	
Refugee			
Lodged	10,743	9,792	-9%
Finalised	5,819	6,709	15%
Clearance ratio	54%	69%	
On hand at year end	37,025	40,137	8%
% finalised within 12 months	28%	24%	
Median time to finalise (weeks)	113	164	
Total			
Lodged	20,936	19,050	-9%
Finalised	20,892	20,640	-1%
Clearance ratio	>99%	108%	
On hand at year end	56,129	54,575	-3%
% finalised within 12 months	27%	32%	
Median time to finalise (weeks)	107	132	

Table 3.13: Outcomes of reviews – Migration and Refugee Division, 2022–23

Outcome type	Migration		Refugee		Total	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a						
Decision affirmed ^b	4,085	29%	3,097	46%	7,182	35%
Decision varied, remitted or set aside	5,383	39%	724	11%	6,107	30%
Subtotal	9,468	68%	3,821	57%	13,289	64%
Other						
Withdrawn by applicant	2,992	21%	1,207	18%	4,199	20%
Dismissed by Tribunal ^b	398	3%	508	8%	906	4%
No jurisdiction ^c	1,073	8%	1,173	17%	2,246	11%
Subtotal	4,463	32%	2,888	43%	7,351	36%
TOTAL^d	13,931	100%	6,709	100%	20,640	100%

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

^b The Tribunal may dismiss an application if an applicant does not appear before the Tribunal at a hearing under section 362B(1A) or 426A(1A) of the Migration Act. The decision to dismiss the application may be confirmed under section 362B(1C)(b), 362B(1E), 426A(1C)(b) or 426A(1E). Under sections 362B(1F) and 426A(1F), a dismissal decision confirmed by the Tribunal is taken to be a decision to affirm the decision under review. Therefore, the total number of migration decisions affirmed is 4,483 or 32% of all migration decisions (comprised of 4,085 decisions affirmed and 398 applications dismissed by the Tribunal). The total number of refugee decisions affirmed is 3,605 or 54% of all refugee decisions (comprised of 3,097 decisions affirmed and 508 applications dismissed by the Tribunal).

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

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

Migration cases

Overall, there were fewer migration applications lodged to the MRD in 2022–23 than in the previous year. Combined with our ongoing case management efforts this meant we could finalise more cases than we received, achieving a clearance ratio of 150% for these types of cases. As well as the impact of the high clearance rate on our ability to exceed the caseload target, we were also able to transfer resources from these case types to assist with the AAT’s protection caseload (see ‘Refugee cases’ below).

The table below shows key data for migration cases in the MRD for the last 2 financial years.

Table 3.14: Migration cases lodged, finalised and on hand by visa category, 2021–22 to 2022–23

Visa category	Lodged			Finalised			On hand at year end		
	2021–22	2022–23	% change from 2021–22	2021–22	2022–23	% change from 2021–22	2021–22	2022–23	% change from 2021–22
Bridging	261	222	-15%	306	209	-32%	56	70	25%
Business, skilled and work	2,960	2,529	-15%	6,376	6,464	1%	9,815	5,886	-40%
<i>Nomination/Sponsor approval</i>	488	484	-1%	2,555	2,173	-15%	3,681	1,993	-46%
<i>Permanent business</i>	485	395	-19%	1,612	1,892	17%	2,767	1,273	-54%
<i>Skilled</i>	1,437	803	-44%	903	1,063	18%	1,442	1,184	-18%
<i>Temporary work</i>	550	847	54%	1,306	1,336	2%	1,925	1,436	-25%
Family	271	206	-24%	572	346	-40%	789	648	-18%
Partner	1,396	1,692	21%	1,686	2,122	26%	4,357	3,927	-10%
Student	3,573	2,057	-42%	3,504	2,508	-28%	2,725	2,278	-16%
<i>Student cancellation</i>	150	189	26%	123	149	21%	138	178	29%
<i>Student refusal</i>	3,423	1,868	-45%	3,381	2,359	-30%	2,587	2,100	-19%
Visitor	1,608	2,466	53%	2,519	2,137	-15%	1,213	1,545	27%
Other	124	86	-31%	110	145	32%	149	84	-44%
TOTAL	10,193	9,258	-9%	15,073	13,931	-8%	19,104	14,438	-24%

Refugee cases

In 2022–23, 51% of all applications to the division were to review refugee (or protection) visa decisions. While the results were consistent with the previous reporting year, we were able to finalise 15% more cases of this type in 2022–23 due to the effectiveness of our caseload strategy and the reallocation of further resources to this caseload. We were consequently able to improve our clearance ratio for the reporting year by 15 percentage points (to 69%) compared with 2021–22. The percentage of applications finalised within 12 months decreased within the reporting period, while the median time to finalise cases increased. Both statistics can be attributed to the Division's focus on finalising older cases, which are invariably more complex and therefore take longer to review.

The table below details key data for protection cases in the MRD for the last 2 financial years.

Table 3.15: Refugee cases lodged, finalised and on hand by country of reference, 2021–22 to 2022–23

Country of reference	Lodged			% change from 2021–22	Finalised			% change from 2021–22	On hand at year end			% change from 2021–22
	2021–22	2022–23			2021–22	2022–23			2021–22	2022–23		
China	2,855	2,533		-11%	1,292	2,286		77%	14,957	14,922		0%
Malaysia	2,889	2,237		-23%	1,816	1,436		-21%	7,910	9,010		14%
Thailand	974	551		-43%	434	435		0%	2,393	2,381		-1%
India	439	530		21%	938	315		-66%	1,720	2,024		18%
Indonesia	254	447		76%	35	238		580%	1,372	1,610		17%
Vietnam	1,049	418		-60%	154	229		49%	1,120	1,442		29%
Philippines	230	403		75%	133	162		22%	1,218	1,267		4%
Tonga	44	304		591%	155	156		1%	516	853		65%
East Timor	31	303		877%	54	150		178%	785	738		-6%
Other	1,978	2,066		4%	808	1,302		61%	5,034	5,890		17%
TOTAL	10,743	9,792		-9%	5,819	6,709		15%	37,025	40,137		8%

Engagement

We engaged with external stakeholders in a range of ways to support the work of the MRD throughout the reporting year, including to consult with the legal profession and migration advice industry on the development and implementation of the Directions mentioned under the 'Migration and Refugee Division' heading above. We also consulted widely to develop guidance for the pronunciation of names and forms of address to ensure we are adopting culturally appropriate practices.

The AAT met regularly with Department of Home Affairs officials to share information on strategic and operational issues relevant to this area of practice.

In late 2022, over 200 people registered to attend our annual series of hybrid in-person and online events hosted by the Division Head at our Brisbane, Melbourne, Perth and Sydney offices. We also held an online information session for representatives preparing for cases before the AAT in April 2023. This session attracted a further 239 registrations.

MRD members represented the AAT at relevant forums including the Migration Institute of Australia 2022 National Conference, the International Association of Refugee and Migration Judges 2022 Asia Pacific Conference, and the Law Council of Australia 2023 Immigration Law Conference.

Divisional update

The report above was provided by Deputy President Jan Redfern PSM, who was the Division Head throughout the reporting year.

Social Services and Child Support Division

The second largest division at the AAT is the Social Services and Child Support Division (SSCSD). In this division, we review a wide range of decisions made 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.

The decisions we review in the SSCSD are generally made by Centrelink authorised review officers and child support objection officers within Services Australia. Many of these decisions have a significant impact on the lives of Australian citizens.

In 2022–23, we continued to experience challenges relating to the loss of experienced members available to work in the SSCSD (as noted in previous annual reports). During the last quarter of this financial year, 66 members were available to actively hear cases at least once in the relevant period, compared with 73 across the financial year. The decline in membership is evident when viewing multiple financial years, with 85 active members in 2020–21 and 2021–22, 88 in 2019–20 and 100 in 2018–19. This situation, primarily where experienced members are retiring or not being reappointed, makes it difficult to meet the demand for services in this area of practice. The majority of the part-time membership in the SSCSD are post retirement age and have significantly reduced their availability in recent years.

The *COVID-19 Special Measures Practice Direction – Social Services and Child Support Division* remained in effect throughout 2022–23, enabling us to deliver services to people who could not attend AAT registries for a variety of reasons, including any lingering impacts of the pandemic.

During the reporting year, Parliament enacted legislative amendments under the *Courts and Tribunals Legislation Amendment (2021 Measures No. 1) Act 2022 (CATLA)* which had the effect of extending the conferencing powers in the AAT Act to reviews in this division. The Tribunal will consider the effect this may have on the procedures within SSCSD with a view to implement further changes in 2023–24.

Caseload strategy

We allocate cases according to the needs of applicants or parties involved and based on the resources available. As with the MRD (see 'Migration and Refugee Division' 'Caseload strategy' above), we were aware from the outset that there would be insufficient members available to review decisions in the SSCSD during 2022–23. With the knowledge this would impact timeliness in this division, we decided to prioritise qualification cases, that is cases where an applicant was not receiving a pension or benefit payment as a result of it being rejected, cancelled or suspended.

A key priority for the SSCSD is to assist people to participate in the review process, including those who are homeless, from culturally and linguistically diverse backgrounds, those with disabilities and other identified vulnerabilities which may impact their ability to access our services.

As in previous years, we used a process to list and allocate SSCSD cases so that, when they were first lodged, we weighted them according to level of complexity. We monitored trends in volume and complexity on a national level, and continued to be flexible in how we conducted hearings to ensure our processes remained accessible for applicants and other parties.

In 2022–23, we also continued to utilise a Case Assessment Registrar to conduct outreach for child support cases before they were allocated to a member. This has been a useful approach to identify appropriate case management pathways, help applicants better understand the issues and prepare for hearings and, where possible, to facilitate the early resolution of cases.

Another approach we continued to utilise in the reporting year was to encourage members to consider making requests for information prior to their hearings, where appropriate, and taking into account the nature of issues and circumstances of parties involved. The aim was to improve timeliness post hearing and with a goal to ensure parties were better prepared for their experience with the AAT.

Caseload

The AAT finalised 99% of SSCSD cases within 12 months, despite having fewer member resources available to review these decisions throughout the reporting year. Importantly, due to the effectiveness of our strategy in 2022–23, we finalised all qualification cases, within an average of 11 weeks, where an applicant's pension or benefit payment had been rejected, cancelled or suspended. We also finalised cases where an applicant was identified as being vulnerable within an average of 8 weeks.

The tables below detail key data for the SSCSD for the last 2 reporting years.

Table 3.16: Caseload overview – Social Services and Child Support Division, 2021–22 to 2022–23

	2021–22	2022–23	% change from 2021–22
Centrelink (1st review)			
Lodged	9,698	9,896	2%
Finalised	9,526	8,890	-7%
Clearance ratio	98%	90%	
On hand at year end	1,665	2,676	61%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	8	11	
Child support			
Lodged	2,271	2,060	-9%
Finalised	2,292	2,052	-10%
Clearance ratio	101%	100%	
On hand at year end	660	683	3%
% finalised within 12 months	>99%	99%	
Median time to finalise (weeks)	12	15	
Paid parental leave			
Lodged	169	304	80%
Finalised	178	220	24%
Clearance ratio	105%	72%	
On hand at year end	17	101	494%
% finalised within 12 months	100%	100%	
Median time to finalise (weeks)	8	10	
TOTAL			
Lodged	12,138	12,260	1%
Finalised	11,996	11,162	-7%
Clearance ratio	99%	91%	
On hand at year end	2,342	3,460	48%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	9	11	

Table 3.17: Outcomes of reviews – Social Services and Child Support Division, 2022–23^a

Outcome type	Centrelink (first review) ^b		Child support		Paid Parental Leave ^b		Total	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^c								
Decision affirmed	3,905	38%	497	25%	126	57%	4,528	37%
Decision varied or set aside	2,292	23%	667	34%	21	10%	2,980	24%
Subtotal	6,197	60%	1,164	58%	147	67%	7,508	61%
By consent								
Decision affirmed ^d	N/A	N/A	0	0%	N/A	N/A	0	0%
Decision varied or set aside ^d	N/A	N/A	23	1%	N/A	N/A	23	<1%
Dismissed by consent ^e	11	<1%	61	3%	0	0%	72	<1%
Dismissed by operation of law ^f	0	0%	N/A	N/A	0	0%	0	0%
Subtotal	11	<1%	84	4%	0	0%	95	<1%
Other								
Withdrawn by applicant	729	7%	303	15%	12	5%	1,044	8%
Dismissed by Tribunal ^g	256	3%	148	7%	1	<1%	405	3%
No jurisdiction ^h	2,971	29%	291	15%	61	28%	3,323	27%
Subtotal	3,956	39%	742	37%	74	33%	4,772	39%
TOTALⁱ	10,164	100%	1,990	100%	221	100%	12,375	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 Administrative Appeals Tribunal Act.

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

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

^f If an application for a review of a Centrelink or paid parental leave decision relates to the recovery of a debt, the parties may agree in writing to settle the proceedings. On receipt of the agreement, the application is taken to have been dismissed.

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

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

ⁱ Percentages may not total 100% due to rounding.

Centrelink

The table below details key data for Centrelink cases in the SSCSD for the last 2 reporting years.

Table 3.18: Centrelink first review cases lodged, finalised and on hand by payment type, 2021–22 to 2022–23

Payment type ^a	Lodged			Finalised			On hand at year end		
	2021–22	2022–23	% change from 2021–22	2021–22	2022–23	% change from 2021–22	2021–22	2022–23	% change from 2021–22
Age pension	948	1,146	21%	876	923	5%	219	441	101%
Austudy payment	184	209	14%	184	175	-5%	28	61	118%
Carer allowance	182	228	25%	179	172	-4%	29	129	345%
Carer payment	330	425	29%	347	347	0%	58	136	134%
Disability support pension	2,643	2,222	-16%	2,569	2,341	-9%	505	388	-23%
Family tax benefit	1,622	1,647	2%	1,619	1,346	-17%	268	570	113%
JobSeeker payment ^b	980	930	-5%	973	827	-15%	141	246	74%
Newstart allowance	547	450	-18%	574	397	-31%	58	111	91%
Parenting payment	404	446	10%	421	389	-8%	71	129	82%
Youth allowance	425	585	38%	449	490	9%	51	146	186%
Other	1,433	1,608	12%	1,335	1,483	11%	237	319	35%
TOTAL	9,698	9,896	2%	9,526	8,890	-7%	1,665	2,676	61%

^a A single application may relate to more than one type of reviewable decision. These figures relate to the payment type recorded by the AAT for the first reviewable decision.

^b JobSeeker payment commenced on 20 March 2020 and replaced Newstart allowance as the main working age payment.

The table below gives a breakdown of Centrelink applications by the primary decision type recorded by the AAT.

Table 3.19: Centrelink first review lodgements by decision type*, 2021–22 to 2022–23

Decision type	2021–22		2022–23	
	No	% of total	No	% of total
Cancellation of payment	727	7%	792	8%
Debt	3,413	35%	4,186	42%
Rate of payment	574	6%	586	6%
Refusal of claim	3,805	39%	3,096	31%
Start date of payment	658	7%	693	7%
Other	521	5%	543	5%
TOTAL	9,698	100%	9,896	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.

Child support

As mentioned in 'Caseload strategy' above, a Case Assessment Registrar conducted outreach with parties in these types of cases to assist in the preparation for a hearing and, where possible, to facilitate an early resolution.

In 2022–23, a case assessment registrar conducted outreach in 554 child support cases. Approximately 35% of these cases were resolved without the need for a hearing by a member.

The table below details key data for child support cases for the last 2 reporting years.

Table 3.20: Child support cases lodged, finalised and on hand by decision type, 2021–22 to 2022–23

Decision type	Lodged			Finalised			On hand at year end		
	2021–22	2022–23	% change from 2021–22	2021–22	2022–23	% change from 2021–22	2021–22	2022–23	% change from 2021–22
Care percentage decision	770	761	-1%	785	713	-9%	235	286	22%
Change of assessment	645	598	-7%	630	649	3%	252	210	-17%
Non-agency payment	177	143	-19%	161	156	-3%	49	37	-24%
Particulars of the assessment	334	257	-23%	349	260	-26%	61	63	3%
Refusal of extension of time to object	128	108	-16%	141	91	-35%	20	36	80%
Other	217	193	-11%	226	183	-19%	43	51	19%
TOTAL	2,271	2,060	-9%	2,292	2,052	-10%	660	683	3%

Paid parental leave

Consistent with our 'Caseload strategy' (see above), we delivered oral decisions at the end of a hearing in 9.5% of all cases in this, the smallest jurisdiction of our work, within the SSCSD during 2022–23.

Table 3.21: Paid parental leave first review lodgements by decision type, 2021–22 to 2022–23*

Decision type	2021–22		2022–23	
	No	% of total	No	% of total
Not payable	150	89%	183	60%
Start date of payment	13	8%	36	12%
Payment	3	2%	11	4%
Debt	3	2%	73	24%
Rejection	0	0%	1	0%
TOTAL	169	100%	304	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.

Second review outcomes

When a party 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, they can apply to the AAT's General Division for a second review. In 2022–23, there were 1,146 applications lodged for second review of decisions within the General Division, 33 fewer than in the previous reporting year. There were 131 applications relating to child support decisions, an increase of 4% when compared to the previous reporting period, and 8 applications relating to paid parental leave decisions.

The SSCSD decision was varied or set aside in relation to 28% of applications for second review of Centrelink and paid parental leave cases, generally due to agreement reached between the parties.

The table below provides details about applications lodged with the AAT's General Division, during the reporting period, by the Secretary of the Department to review the SSCSD's decisions.

Table 3.22: Applications lodged by Secretary^a for a second review of Centrelink decision, 2021–22 to 2022–23

	2021–22		2022–23	
	No	% of total	No	% of total
Lodged	30		54	
Finalised	82		41	
Decision affirmed by Tribunal ^b	3	4%	4	10%
Decision varied or set aside by Tribunal ^b	29	35%	14	34%
Decision varied or set aside by consent ^c	10	12%	11	27%
Dismissed by operation of law ^d	0	0%	0	0%
Withdrawn by applicant	40	49%	12	29%

^a The Secretary of the Department responsible for administering the relevant legislation.

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

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

^d 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.

As shown in the 'External scrutiny' section below, other decisions made by the SSCSD can be appealed to the courts.

Engagement

In 2022–23, we continued to engage with external stakeholders to support the work of the SSCSD. We regularly met with representatives from Services Australia. Our discussions with the agency focused on caseload trends and modelling around new applications, legislative changes, procedural and workload issues, and other matters that impact our work in this area.

During the reporting year, we also hosted stakeholder events for a range of participants such as welfare rights agencies and community legal centres. We used the opportunity of these forums to explain our processes, procedures and workload issues, and to discuss issues impacting the support and advice they provide to applicants and parties. Where there were common stakeholders, we also incorporated presentations from other divisions of the AAT into engagement events, including the General Division's Centrelink practice area where decisions of the SSCSD are reviewable.

Divisional update

The report above was provided by Deputy President Karen Synon, who was the Division Head throughout the reporting year.

General, Freedom of Information and Veterans' Appeals Divisions

In the General, Freedom of Information and Veterans' Appeals Divisions, we review a wide range of decisions made under more than 400 pieces of legislation.

Consistent with previous years, the most significant caseloads in 2022–23 were immigration (visa decisions on character grounds) and citizenship, workers' compensation, social services and child support (second review), veterans' appeals, and regulatory.

The *COVID-19 special measures practice direction – General, FOI and Veterans' Appeals* remained in effect throughout 2022–23, allowing us to deliver services to people who could not attend AAT registries for a variety of reasons in the relevant areas of practice.

During the reporting year, a new ministerial direction was issued under section 499 of the Migration Act (Ministerial Direction 99), which commenced on 3 March 2023.

The *Migration Amendment (Aggregate Sentences) Act 2023*, which amended provisions in the Migration Act relating to sentencing for offences following the Full Federal Court's decision in [Pearson v Minister for Home Affairs \[2022\] FCAFC 203](#), commenced on 17 February 2023.

The commencement of Ministerial Direction 99 and amendments to the Migration Act significantly impacted lodgements and finalisations in the practice area managing visa-related character decisions for the first quarter of 2023.

In 2022–23, we continued to experience pressure associated with increasing numbers of applications in the visa-related character decisions caseload. As with the MRD and SSCSD, we also had reduced numbers of members available to manage cases in the General, Freedom of Information and Veterans' Appeals Divisions compared to previous years.

Caseload strategy

We generally refer applications for review in the General, Freedom of Information and Veterans' Appeals Divisions to a conference registrar for alternative dispute resolution (ADR) in the first instance. This is unless we consider case management by a member to be more appropriate or when we identify a need to expedite a case.

In 2022–23, we continued to focus on finalising cases as efficiently as possible within the General, Freedom of Information and Veterans' Appeals Divisions. We prioritised the finalisation of aged and complex cases, and worked with members and conference registrars to better understand reasons for delay in specific case cohorts.

Reviews of visa-related character decisions are required to be finalised within 84 days of the reviewable decision being given to the applicant, and therefore these reviews are case managed by a member from lodgement.

Certain General Division cases falling within the regulatory practice area, managed in accordance with the *Taxation and Commercial Practice Direction*, are triaged at lodgement to decide the most appropriate case pathway.

Caseload

The strategies we used to improve our performance on timeliness were effective during 2022–23. We achieved positive results in most of these divisions in terms of our clearance ratios. We also reduced the number of reserved decisions in the General, Freedom of Information and Veterans' Appeals Divisions and decreased the time between the end of a hearing and finalisation of the application for these types of cases throughout the reporting period.

The tables below set out key statistics for all of these divisions by case type over the past 2 years.

Table 3.23: Caseload overview – General, Freedom of Information and Veterans' Appeals Divisions, 2021–22 to 2022–23

Division caseload	Lodged		% change from 2021–22		Finalised		% change from 2021–22		Clearance ratio		On hand at year end		% finalised within 12 months		Median time to finalise (weeks)		
	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	
General	3,879	3,937	1%		4,514	4,333	-4%		116%	110%	2,941	2,587	-12%	72%	73%	27	24
<i>Australian citizenship</i>	459	453	-1%		683	571	-16%		149%	126%	363	244	-33%	69%	70%	33	28
<i>Centrelink (2nd review)</i>	1,179	1,146	-3%		1,549	1,246	-20%		131%	109%	721	618	-14%	80%	83%	24	22
<i>Visa-related decisions relating to character</i>	414	435	5%		360	519	44%		87%	119%	187	146	-22%	88%	89%	11	11
<i>Workers' compensation</i>	1,167	1,175	1%		1,264	1,259	<1%		108%	107%	1,292	1,211	-6%	54%	54%	49	49
<i>Other</i>	660	728	10%		658	738	12%		>99%	101%	378	368	-3%	85%	84%	14	13
Freedom of Information	70	143	104%		72	75	4%		103%	52%	108	165	53%	49%	48%	55	52
Veterans' Appeals	161	166	3%		196	179	-9%		122%	108%	186	172	-8%	58%	55%	47	48
TOTAL	4,110	4,246	3%		4,782	4,587	-4%		116%	108%	3,235	2,924	-10%	71%	72%	28	26

Table 3.24: Outcomes of reviews – General, Freedom of Information and Veterans' Appeals Divisions, 2022–23*

Outcome type	General												Veterans' appeals						
	Australian citizenship			Centralink (2 nd review)			Visa-related decisions relating to character			Workers' compensation				Other		Total		Freedom of Information	
	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	122	21%	148	12%	184	35%	51	4%	54	8%	559	13%	23	31%	20	11%			
Decision varied or set aside	54	9%	85	7%	217	42%	34	3%	34	5%	424	10%	5	7%	12	7%			
Subtotal	176	31%	233	19%	401	77%	85	7%	88	13%	983	23%	28	37%	32	18%			
By consent																			
Decision affirmed ^b	3	1%	7	1%	0	0%	576	46%	2	<1%	588	14%	4	5%	5	3%			
Decision varied or set aside ^b	79	14%	259	21%	36	7%	372	30%	41	6%	787	18%	22	29%	44	25%			
Dismissed by consent ^c	0	0%	10	1%	2	<1%	1	<1%	8	1%	21	<1%	3	4%	1	1%			
Dismissed by operation of law ^d	N/A	N/A	324	26%	N/A	N/A	N/A	N/A	1	<1%	325	8%	N/A	N/A	N/A	N/A			
Subtotal	82	14%	600	48%	38	7%	949	75%	52	8%	1,721	40%	29	39%	50	28%			
Other																			
Withdrawn by applicant	180	32%	242	19%	29	6%	197	16%	202	30%	850	20%	7	9%	80	45%			
Dismissed by Tribunal ^e	33	6%	56	4%	7	1%	19	2%	39	6%	154	4%	3	4%	5	3%			
No jurisdiction ^f	100	18%	115	9%	44	8%	9	<1%	296	44%	564	13%	8	11%	12	7%			
Subtotal	313	55%	413	33%	80	15%	225	18%	537	79%	1,568	37%	18	24%	97	54%			
TOTAL^g	571	100%	1,246	100%	519	100%	1,259	100%	677	100%	4,272	100%	75	100%	179	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 Administrative Appeals Tribunal 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 manages our most diverse caseload. During 2022–23, we received the largest number of applications in this Division for review of workers' compensation decisions and second review of Centrelink decisions. The next largest caseloads related to decisions about Australian citizenship and visa decisions made on character grounds. Other applications we received in the General Division during the reporting period were to review decisions made by regulators, including the Civil Aviation Safety Authority, the Australian Skills Quality Authority and the Aged Care Quality and Safety Commissioner.

Social Services and Child Support (second review)

In the Social Services and Child Support (second review) practice area, we review first level decisions made by the AAT's SSCSD which considered decisions made by officers of Services Australia under the *Social Security Act 1991*, *Social Security (Administration) Act*, *A New Tax System (Family Assistance) Act 1999*, *A New Tax System (Family Assistance) (Administration) Act*, *Child Support (Registration and Collection) Act*, *Farm Household Support Act*, *Paid Parental Leave Act*, and the *Student Assistance Act*.

The tables below detail key data relating to Centrelink cases reviewed in the General Division during the last 2 financial years.

Table 3.26: Centrelink second AAT review lodgements by decision type*, 2021–22 to 2022–23

Decision type	2021–22		2022–23	
	No	% of total	No	% of total
Cancellation of payment	70	6%	57	5%
Debt	507	43%	525	46%
Rate of payment	79	7%	61	5%
Refusal of claim	432	37%	433	38%
Start date of payment	60	5%	46	4%
Other	31	3%	24	2%
TOTAL	1,179	100%	1,146	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.

Workers' compensation

In the workers' compensation practice area, we review decisions made under the *Safety, Rehabilitation and Compensation Act 1988* and the *Seafarers Rehabilitation and Compensation Act 1992*. We review decisions made by Comcare, licensed authorities and other employers in respect of claims for rehabilitation and compensation in connection with work-related injury and disease.

During 2022–23, we continued to focus on ways in which to improve timeliness in the practice area. We evaluated a case management pilot program undertaken in the Canberra Registry in the first half of 2022 and continue to engage with stakeholders with a view to finalising a dedicated workers' compensation practice direction during the next reporting period.

Freedom of Information Division

We review decisions made under the *Freedom of Information Act 1982*, the *Privacy Act 1988*, 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) and certain decisions made under the *Australian Small Business and Family Enterprise Ombudsman Act 2015* in the Freedom of Information Division.

Most reviews in the Freedom of Information Division relate to requests for access to documents of an agency or official documents of a Minister. The reviews undertaken in this division may be constituted to a deputy president who is a Judge of the Federal Court due to their relative complexity and public interest in the subject matter of the reviews.

In June 2023, we provided a submission to the Senate Legal and Constitutional Affairs Committee's inquiry into the operation of Commonwealth Freedom of Information (FOI) laws. The submission provided information about our role in reviewing FOI decisions and the operation of the division. It also identified areas where legislation and practice could be clarified and harmonised to support our role within the FOI scheme.

Veterans' Appeals Division

In the Veterans' Appeals Division, we review decisions relating to veterans' entitlements and military compensation for current and former members of the Australian Defence Force and their dependants made under the *Military Rehabilitation and Compensation Act 2004*, the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* and the *Veterans' Entitlements Act 1986*. Most applications received in the Division (44%) related to decisions made under the Safety, Rehabilitation and Compensation (Defence-related Claims) Act.

We continue to explore options for improving timeliness in the Division, which can be impacted by the parties obtaining further specialist medical evidence and the availability of support for applicants.

Engagement

During 2022–23, we engaged with external stakeholders in various ways in support of the work undertaken in the General, Freedom of Information, and Veterans' Appeal Divisions. As with all AAT divisions, our engagement with stakeholders is conducted with the independence of the Tribunal firmly in mind. This includes ensuring the evidence in and case management of specific cases is not discussed at meetings.

We met with representatives from agencies and departments whose responsibilities spanned across the regulatory, immigration, citizenship, social services, child support and veterans' appeals areas. We also participated in a forum led by the SSCSD to engage with other stakeholders including legal representatives and advocacy organisations.

The Division Head and senior members participated in external events, including the Law Council of Australia's *Hot Topics in Commonwealth Compensation* forum held in December 2022 and the Council of Australasian Tribunals (COAT) Victoria Conference 2022. A meeting was also held with representatives from the New Zealand Consulate to discuss our role and processes in the visa-related character decisions jurisdiction.

Divisional update

The report above was provided by Deputy President Peter Britten-Jones, who was the Division Head responsible for managing the General, Freedom of Information and Veterans' Appeals Divisions throughout the reporting year.

National Disability Insurance Scheme Division

The AAT's National Disability Insurance Scheme Division (NDISD), reviews decisions made by the National Disability Insurance Agency (NDIA) under the *National Disability Insurance Scheme Act 2013* (NDIS Act).

The two most common types of applications for review are of decisions about the level of supports to be funded under a National Disability Insurance Scheme (NDIS) participant's plan, and of decisions denying access to the scheme.

Our NDISD decisions not only affect participants and prospective participants to the scheme, and their families, but their workplaces, communities, and support providers and networks. NDIA's *Quarterly Report to Disability Ministers* of 31 March 2023 advised that as at that date 610,502 participants had a NDIS plan, and 21,501 participants had entered the scheme during that quarter. Accordingly, if over a year even 1% of those participants were subject to a reviewable decision which they sought to have reviewed by the AAT, there would be over 6,100 lodgements. During this reporting period, we have received 4,271 lodgements.

A revised practice direction remains a priority for the NDIS. The Attorney-General's announcement that the AAT is to be abolished has required re-evaluation of that initiative. In the meantime, active consideration continues to be given to what a fresh NDIS practice direction might contain. The views of stakeholders continue to be invited and welcomed.

There were ongoing challenges associated with the inherent complexity* of this caseload throughout the reporting period. Also, during 2022–23, we received a higher proportion of applications from people seeking access to the NDIS than we had in previous years. Unlike applications relating to level of supports in a participant's funded plan, access decisions made by the NDIA are less likely to be resolved by agreement during the AAT's alternative dispute resolution stage. These types of cases tend to take longer to finalise as they generally require a decision by a member following a substantive hearing.

* This inherent complexity arises not only from the legislative framework governing the scheme for which there is little jurisprudence, but from the diverse range of applicants seeking review: applicants are of all ages, disabilities, ethnicities, educational level, life experience and economic circumstances, and may have psychosocial and mental health issues, cognitive and intellectual impairments, require special accessibility arrangements, and be experiencing circumstances requiring urgent attention.

Caseload strategy

The NDIS's caseload strategy in 2022–23 was similar to that of the previous reporting year. We focused on utilising a national network of members and conference registrars to manage cases in a responsive and flexible way. We continued to triage all new applications to determine appropriate pathways for complex matters and to expedite those considered urgent. We also focused on progressing aged cases. As in previous years, the vast majority of cases were resolved prior to a hearing before a member, either through our alternative dispute resolution process or shortly before a scheduled hearing.

In 2022–23, we established a team of Tribunal officers to process Terms of Agreement between parties to promote consistency in decision-making and achieve efficiencies. We also addressed complaints about NDIA non-compliance with Tribunal directions, increasing monitoring of compliance by it and its legal representatives to ensure cases progressed in a timely manner, with regular reporting of failures to the NDIA to enable it to identify and address problems.

We worked on a range of initiatives aimed at better preparing applicants for their AAT case including improving our guidance materials, as well as refining our processes to achieve national consistency in our management of cases. We will continue this work in the new reporting year.

Caseload

During 2022–23, due to the effectiveness of our caseload management strategy and the 28% reduction in applications lodged, we were able to reduce the size of our active caseload in this division by 32% compared to the previous year. We improved our clearance ratio by 74%. Of all cases finalised in the reporting year 79% were finalised by agreement between the parties and without the need for a hearing by a member, an increase of 19%.

These strategies have also seen finalisations of applications increased by 67% and an increase of 32% in the number of decisions published.

Table 3.27: Caseload overview – National Disability Insurance Scheme Division by decision type, 2021–22 to 2022–23

Decision type	2021–22	2022–23	% change from 2021–22
Access to scheme			
Lodged	761	691	-9%
Finalised	410	614	50%
Clearance ratio	54%	89%	
On hand at year end	734	814	11%
% finalised within 12 months	64%	57%	
Median time to finalise (weeks)	36	45	
Plans			
Lodged	5,138	3,552	-31%
Finalised	2,917	4,976	71%
Clearance ratio	57%	140%	
On hand at year end	3,451	2,009	-42%
% finalised within 12 months	94%	84%	
Median time to finalise (weeks)	22	30	
Other			
Lodged	19	28	47%
Finalised	21	14	-33%
Clearance ratio	111%	50%	
On hand at year end	8	23	188%
% finalised within 12 months	90%	86%	
Median time to finalise (weeks)	16	6	
TOTAL			
Lodged	5,918	4,271	-28%
Finalised	3,348	5,604	67%
Clearance ratio	57%	131%	
On hand at year end	4,193	2,846	-32%
% finalised within 12 months	90%	81%	
Median time to finalise (weeks)	23	31	

The table below shows data relating to the outcomes of NDISD during the reporting period.

Table 3.28: Outcomes of reviews – National Disability Insurance Scheme Division*, 2022–23

Outcome types	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	23	4%	15	0%	0	0%	38	1%
Decision varied or set aside	13	2%	39	1%	0	0%	52	1%
Subtotal	36	6%	54	1%	0	0%	90	2%
By consent								
Decision affirmed ^b	6	1%	121	2%	0	0%	127	2%
Decision varied or set aside ^b	298	49%	3,967	80%	3	21%	4,268	76%
Dismissed by consent ^c	3	<1%	34	1%	0	0%	37	1%
Subtotal	307	50%	4,122	83%	3	21%	4,432	79%
Other								
Withdrawn by applicant	226	37%	662	13%	4	29%	892	16%
Dismissed by Tribunal ^d	15	2%	32	1%	1	7%	48	1%
No jurisdiction ^e	30	5%	106	2%	6	43%	142	3%
Subtotal	271	44%	800	16%	11	79%	1,082	19%
TOTAL^f	614	100%	4,976	100%	14	100%	5,604	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 Administrative Appeals Tribunal 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.

Engagement

Throughout the reporting year, we engaged with stakeholders in a range of ways to support the work of the NDIS.

We liaised and met with representatives of the NDIA, Department of Social Services, Legal Aid and disability advocacy organisations and hosted our 3rd annual online stakeholder forum.

The Division Head, Divisional Registrar, NDISD members and conference registrars also presented at external events and forums during the year. This included events hosted by Legal Aid in Victoria, Western Australia and the ACT, the Advocacy Law Alliance Conference, the Victorian Disability Advocacy Network forum, Legalwise's 3rd Annual NDIS Law Conference, Hunter New England Local Health District and the Department of Social Services' NDIS appeals forum.

Divisional update

The report above was provided by Deputy President The Hon Michael Mischin, who was the Division Head throughout the reporting period.

Small Business Taxation, Taxation and Commercial, and Security Divisions

In the Security, Small Business Taxation, and Taxation and Commercial Divisions, we review decisions made by various agencies under different pieces of legislation. As in previous years, the largest volume of work in 2022–23 was in our taxation caseloads. Other significant caseloads included regulatory decisions made within the Taxation and Commercial Division.

The *COVID-19 Special Measures Practice Direction – Small Business Taxation and Taxation and Commercial Division* remained in effect throughout 2022–23, enabling us to deliver services remotely for a variety of reasons. During the year, we drafted and commenced internal consultation on a new practice direction for the Taxation and Commercial Division (TCD).

The *Treasury Laws Amendment (2022 Measures No. 2) Act 2022* received Royal Assent on 12 December 2022 enabling the AAT to stay the operation or implementation of small business taxation assessment decisions in Small Business Taxation Division (SBTD) cases.

In 2022–23, we commenced a project with the Australian Bar Association to provide assistance, in the form of pro bono counsel, to eligible applicants who have lodged an application for review in the TCD. We made initial referrals to the pro bono scheme during the year.

As with other divisions, we experienced resourcing challenges that limited our ability to significantly improve timeliness in key areas of practice during the reporting year. There were too few members available to hear cases, particularly in the inherently complex work of the TCD where the size of the active caseload fluctuates, and which would benefit from the involvement of experienced part-time members. We also did not have enough conference registrars and other staff available to support the progression of cases through case management and outreach.

Caseload strategy

In the Small Business Taxation, and Taxation and Commercial Divisions, our goal for 2022–23 was to improve processes, including to commence reviewing practice directions and guidance material, and to reduce the length of time between application and finalisation of cases. This was a particular focus for the TCD where our timeliness is impacted by various factors and due to the fact that cases tend to be factually and legally complex, involve large volumes of documentary evidence, and often require long hearings with multiple witnesses.

In the TCD, we continued to tailor our case management, alternative dispute resolution and outreach approaches to facilitate early resolution and better preparation of cases for hearing. We also continued to triage cases and undertake early case assessment in the SBTD. We continued to manage the TCD and SBTD as part of a national practice which meant we could hear cases remotely by utilising the expertise of members who were not evenly distributed around the country.

Caseload

Our active caseloads increased in the Small Business Taxation, and Taxation and Commercial Divisions during 2022–23. In these Divisions, we finalised around a third of applications by consent without the need for a substantive hearing by a member.

The table below sets out key data for the Security, Small Business Taxation, and Taxation and Commercial Divisions during the past 2 financial years.

Table 3.29: Caseload overview – Security, Small Business Taxation and Taxation and Commercial Divisions, 2021–22 to 2022–23

Division/ Caseload	Lodged		Finalised		Clearance ratio		On hand at year end		% finalised within 12 months			Median time to finalised (weeks)		
	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23
		% change from 2021–22		% change from 2021–22		% change from 2021–22		% change from 2021–22						
Security	17	2	7	7	41%	350%	37	31	71%	14%	51	98		
Small Business Taxation	317	417	297	193	94%	46%	469	688	82%	61%	29	43		
Taxation and Commercial	838	791	685	496	82%	63%	1,315	1,607	59%	52%	39	51		
<i>Taxation</i>	738	688	553	395	75%	57%	1,199	1,489	57%	49%	42	53		
<i>Other</i>	100	103	132	101	132%	98%	116	118	63%	56%	32	45		
TOTAL	1,172	1,210	989	696	84%	58%	1,821	2,326	56%	53%	47	49		

The table below shows the outcomes of reviews for these 3 divisions in the reporting year.

Table 3.30 Outcomes of reviews – Security, Small Business Taxation and Taxation and Commercial Divisions, 2022–23*

Outcome type	Security			Small Business Taxation			Taxation and Commercial			
	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%	32	17%	60	15%	20	20%	80	16%
Decision varied or set aside	1	100%	7	4%	18	5%	5	5%	23	5%
Subtotal	2	29%	39	21%	78	20%	25	25%	103	21%
By consent										
Decision affirmed ^b	0	0%	0	0%	2	1%	1	1%	3	1%
Decision varied or set aside ^b	1	14%	46	25%	131	33%	20	20%	151	30%
Dismissed by consent ^c	0	0%	1	1%	7	2%	2	2%	9	2%
Subtotal	1	14%	47	25%	140	35%	23	23%	163	33%
Other										
Withdrawn by applicant	4	57%	54	29%	120	30%	39	39%	159	32%
Dismissed by Tribunal ^d	0	0%	1	1%	19	5%	5	5%	24	5%
No jurisdiction ^e	0	0%	46	25%	38	10%	9	9%	47	9%
Subtotal	4	57%	101	54%	177	45%	53	52%	230	46%
TOTAL^f	7	100%	187	100%	395	100%	101	100%	496	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 Administrative Appeals Tribunal 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.

Security Division

The cases we manage in the Security Division are about applications for review of security assessments made by the Australian Security Intelligence Organisation (ASIO) under the *Australian Security Intelligence Organisation Act 1979* and decisions relating to access to ASIO records, which are made under the *Archives Act 1983*.

Applications for review we receive in the Security Division are case managed by a member, given the nature of these reviews, which makes them less likely to achieve resolution by agreement. Many of the procedures applicable to hearings in the Security Division are set out in the AAT Act, which interact with the provisions of the Australian Security Intelligence Organisation Act or the Archives Act as appropriate. Given the small number of applications and the special circumstances which affect each case, applications are managed on a case-by-case basis to meet their circumstances.

Small Business Taxation, and Taxation and Commercial Divisions

Most of the decisions we review in the TCD were made by delegates of the Commissioner of Taxation (except for those decisions falling within the jurisdiction of the SBTB). We also review regulator decisions, including those made by the Australian Financial Security Authority, the Australian Securities and Investments Commission, the Tax Practitioners' Board, the Aged Care Quality and Safety Commission and the Civil Aviation Safety Authority.

The SBTB was established 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. There are lower application fees in the SBTB and we use an early case assessment conferencing process to identify the most effective way to resolve each application. We also aim to deliver decisions within 28 days of the conclusion of a hearing process.

Despite resourcing issues worsening throughout the year, we continued to finalise several cases in both of these divisions without the need for a substantive hearing before a member due to the effectiveness of our case management and alternative dispute resolution approaches.

Engagement

To support the work of the Security, Small Business Taxation, and Taxation and Commercial Divisions in 2022–23, we engaged regularly with external stakeholders. We met with representatives of decision-making agencies, including the Taxation Practitioners Board, Australian Securities and Investments Commission and the Australian Taxation Office, to discuss operational issues. We also liaised with other stakeholders, including representatives of the Australian Bar Association, the Law Council of Australia and the Australian Small Business and Family Enterprise Ombudsman, to address issues and develop a range of initiatives to improve the experience of applicants.

The Division Head and others represented the AAT at relevant forums including by delivering presentations at a webinar hosted by the Australian Bar Association Taxation Committee, a CPD seminar hosted by New Chambers in Sydney, an international tax law symposium hosted by the University of New South Wales, at the 15th Annual ATAX Tax Administration Conference and at a forum of university tax clinics.

Divisional update

The report above was provided by Deputy President Bernard McCabe, who was the Division Head responsible for the Security, Small Business Taxation, and Taxation and Commercial Divisions throughout the reporting year.

Alternative dispute resolution

We use alternative dispute resolution (ADR) in many types of cases in the Freedom of Information, General, NDIS, 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.

The number of applications we finalised with at least one ADR event in 2022–23 was significantly higher than in the previous reporting year (an increase of 19% to 7,205 in the reporting period). NDIS cases made up most finalisations in which an ADR event was held, at 59% of the total relevant finalisations. We were able to allocate additional staff on a short-term basis to assist with the increased ADR workloads during the reporting year.

On average, parties spent a total of 84 minutes in 2 ADR processes per case, an increase of an additional 14 minutes per case compared to the previous reporting year. The median days from lodgement to the last ADR event increased by 41 days compared with 2021–22. The proportion of cases which were finalised without the need for a hearing increased by 4 percentage points over the 2 reporting periods.

In 2022–23, conferences continued to be the most frequent ADR process we used with 13,753 conferences being held in 2022–23. Conciliation was the second most frequent ADR process used with 1,130 conciliations held in 2022–23. There were 175 in-person ADR events in 2022–23, an increase from 103 in the previous year. The number of ADR events conducted by video also increased from 644 in 2021–22 to 1,261 in 2022–23. The remaining events were conducted by telephone.

The table below sets out key statistics for ADR processes in 2022–23.

Table 3.31: Alternative dispute resolution statistics – Freedom of Information, General, National Disability Insurance Scheme (NDIS), Small Business Taxation, Taxation and Commercial, Veterans' Appeals and Other Divisions, 2021–22 to 2022–23

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	2021–22	64%	77%	50%	90%	98%	91%	78%	86%	84%	
	2022–23	63%	81%	48%	93%	98%	79%	79%	82%	88%	
Proportion of validly lodged applications finalised in the period in which at least one ADR process was held	2021–22	44%	69%	56%	82%	72%	57%	51%	78%	67%	
	2022–23	48%	63%	40%	82%	75%	56%	46%	79%	67%	
Median number of ADR processes held per case	2021–22	2	2	2	3	2	2	1	3	2	
	2022–23	2	1	1	3	2	2	1	3	2	
Median number of total minutes spent in ADR processes per case	2021–22	60	60	45	75	80	90	90	60	70	
	2022–23	78	60	45	69	98	100	100	65	84	
Median calendar days from lodgement to final ADR process	2021–22	119	114	113	288	135	190	214	231	143	
	2022–23	135	116	122	278	189	287	258	261	184	

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 Administrative Appeals Tribunal 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 Social Services and Child Support Division. 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 Administrative Appeals Tribunal Act:** a party to a review of a child support decision made in the Social Services and Child Support Division 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 General Division 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 *Commonwealth of Australia Constitution Act 1900*.

As shown in the table below, 15% fewer appeals were lodged in relation to AAT decisions in 2022–23 than in the previous year. The overall rate at which our decisions were appealed was 2% lower than in 2021–22. Applications for judicial review of decisions made by the Migration and Refugee Division and decisions made by the General Division on review of visa-related decisions relating to character continued to constitute most appeals, at 98% of all appeals filed. The appeal rate for these decisions was 20%. For most other divisions, the appeal rate was 5% or below in 2022–23, except for appeals of decisions relating to freedom of information and workers compensation.

There were 3,207 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 10% of cases in 2022–23, an improvement of 4 percentage points compared with last year's result.

Notably, the proportion of appeals allowed relating to decisions made by the General Division on review of visa-related decisions relating to character was 5% higher in 2022–23 than in the previous year. This is a complex area of decision-making with continuous changes to how the law is applied. For other divisions and areas of work, the number of appeals allowed remained low.

We review 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 3.32: Court appeals against decisions of the AAT lodged and finalised by division and major caseloads within divisions, 2021–22 to 2022–23

Division / area of work	Court appeals lodged						Court appeals finalised ^c							
	2021–22		2022–23		2021–22		2022–23		2021–22		2022–23			
	No	%	No	%	No	%	No	%	No	%	No	%		
	Lodged ^a of total AAT decisions ^b	Proportion of total AAT decisions ^b	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	1	3%	3	9%	2	0%	0	2	2	0%	0	1	1	0%
General	141	8%	159	9%	102	35%	55	102	157	35%	63	114	177	36%
<i>Australian citizenship</i>	6	2%	6	2%	4	43%	3	4	7	43%	1	4	5	20%
<i>Centrelink (2nd review)</i>	8	1%	4	1%	7	13%	1	7	8	13%	2	7	9	22%
<i>Visa-related decision relating to character</i>	110	34%	129	44%	79	36%	45	79	124	36%	55	80	135	41%
<i>Workers' compensation</i>	10	6%	10	6%	8	33%	4	8	12	33%	3	8	11	27%
<i>Other</i>	7	2%	10	3%	4	33%	2	4	6	33%	2	15	17	12%
Migration and Refugee^d	3,812	22%	3,201	18%	1,816	12%	251	1,816	2,067	12%	251	2,733	2,984	8%
<i>Migration</i>	1,769	14%	1,472	12%	1,244	12%	169	1,244	1,413	12%	133	1,692	1,825	7%
<i>Refugee</i>	2,043	41%	1,729	35%	572	13%	82	572	654	13%	118	1,041	1,159	10%
National Disability Insurance Scheme	7	3%	5	2%	0	100%	1	0	1	100%	2	4	6	33%
Security	1	100%	0	0%	1	0%	0	1	1	0%	0	2	2	0%

Division / area of work	Court appeals lodged						Court appeals finalised ^c					
	2021-22		2022-23		2021-22		2022-23		2021-22		2022-23	
	Lodged ^a of total AAT decisions ^b	Proportion of total AAT decisions ^b	Lodged ^a of total AAT decisions ^b	Proportion of total AAT decisions ^b	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
No	%	No	%	No	No	No	%	No	No	No	%	
Small Business Taxation	1	1%	1	1%	0	1	1	0%	1	1	2	50%
Social Services and Child Support Division ^e	16	1%	17	1%	5	11	16	31%	2	18	20	10%
Taxation and Commercial	11	5%	5	2%	4	8	12	33%	5	9	14	36%
Taxation	6	3%	4	2%	3	6	9	39%	2	4	6	33%
Other	5	9%	1	2%	1	2	3	33%	3	5	8	38%
Veterans' Appeals	1	2%	0	0%	1	0	1	100%	0	1	1	0%
TOTAL	3,991	18%	3,391	16%	317	1,941	2,258	14%	324	2,883	3,207	10%

^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 Social Services and Child Support Division are subject to second review in the AAT.

Significant court decisions

During the reporting year, 2 judicial decisions dealt with issues that had the potential to have a significant impact on our procedures and decision-making.

Pearson v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] FCAFC 22

On 22 December 2022, the Full Court of the Federal Court handed down the judgment in *Pearson* which found that an aggregate term of imprisonment of 12 months or more did not meet the definition of a substantial criminal record as provided under section 501(7)(c) of the Migration Act and therefore did not fall within the provisions of section 501(3A) of the Migration Act, which provides for a mandatory cancellation of a visa.

At the time of the judgment, the Tribunal had a number of applications for review of a non-revocation of cancellation decision. There were also Tribunal decisions that were the subject of judicial review proceedings potentially affected by the judgment in *Pearson*.

Where the underlying cancellation decision was deemed to be invalid as a result of *Pearson*, the Tribunal dismissed applications for review under section 42A(4) of the Administrative Appeals Tribunal Act. The Federal Court set aside decisions of the Tribunal considered to be affected by the judgment. Some applicants also discontinued their application in the Tribunal or the Court before a decision was made.

On 17 February 2023, the Migration Act was amended by the *Migration Amendment (Aggregate Sentences) Act 2023*. It retrospectively validated cancellation decisions made on the basis of an aggregate term of imprisonment. Transitional provisions enabled affected applicants to reapply for a review of the decision or apply to a court for a remedy. An application for special leave to appeal the judgment is pending in the High Court.

Sandor v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FCA 434

In this judgment, the Federal Court considered whether a notification letter of a decision to refuse a visa correctly stated the time limit for lodging an application for review to the AAT as required by as required by section 66(2)(d)(ii) of the Migration Act, and whether the Tribunal was correct to find it did not have jurisdiction to conduct a review.

A delegate of the Minister refused to grant the appellant a visa and notified him of the decision through an email sent to his authorised recipient. The authorised recipient was authorised to receive documents on the applicant's behalf in accordance with section 494D of the Migration Act.

The notification letter stated, under the heading 'Review rights':

'An application for merits review of this decision must be given to the AAT within 21 calendar days after the day on which you are taken to have received this letter.'

Under the heading 'Receiving this letter' it stated:

'As this letter was sent to you by email, you are taken to have received it at the end of the day it was transmitted.'

This reflected the terms of section 494C(5) of the Migration Act.

The Federal Court held that the notification letter was invalid because it did not comply with section 66(2)(d)(ii) by not stating the time in which an application for review could be made, in a way which was clear or complete. The Court held that the letter failed to explain clearly that the appellant was taken to have received the notification at the end of the day it was transmitted to his authorised recipient. It also required him to piece together the facts which would allow him to know when an

application for review may be made. As the appellant had not been validly notified of the decision, the time within which to lodge a review application had not started to run, and the Tribunal was incorrect to find it did not have jurisdiction.

This judgment affects cases before the AAT and the courts where similar letters have been issued.

Freedom of information

In 2022–23, the Office of the Australian Information Commissioner received 22 applications for review of decisions we made in relation to requests for access to documents under the Freedom of Information Act 1982.

The Office of the Australian Information Commissioner finalised 11 applications in the reporting year. Of the finalised applications: 5 were invalid or out of jurisdiction under section 54N of the Freedom of Information Act; 5 were withdrawn and 1 was declined under section 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. 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 accepted 5 complaints in relation to the AAT in 2022–23. The total number of complaints investigated or reviewed by the Australian Human Rights Commission in 2022–23 was 8. This includes complaints received prior to 1 July 2022. The Commission finalised 5 complaints about the AAT from 1 July 2022 to 30 June 2023. Four of these complaints were finalised on the basis that the President's delegate was satisfied the complainant did not wish to proceed with the complaint and one complaint was finalised as the President's delegate was of the view that the continuation of an inquiry was not warranted.

The Commonwealth Ombudsman received 57 complaints about the AAT in 2022–23. Of the 57 complaints received, 54 were investigated or reviewed and subsequently finalised. The outcomes of the finalised complaints were:

Advised to complain to agency: 27

Advised to pursue elsewhere: 5

Approach lapsed or withdrawn: 3

Complaint already considered: 2

Finalised without investigation: 16

Out of jurisdiction: 2

Complaints to the Ombudsman can have more than one outcome.

The Office of the Australian Information Commissioner received 3 privacy complaints relating to the AAT in 2022–23. One complaint was closed during 2022–23. No complaints were referred to the AAT and no determinations were made against the AAT.

The Office of the Australian Information Commissioner notified the AAT of one complaint about FOI processing by the AAT in 2022–23. The complaint has not yet been determined.

Reports relating to the operations of the AAT

The AAT's operations were not the subject of any report by the Auditor-General, any parliamentary committee or the Commonwealth Ombudsman in 2022–23.

User experience

The AAT seeks to ensure that our services are accessible, user focused and of a high quality. We have a Service Charter, which is published on our website, that sets out the standards of service people can expect when they deal with us. It also 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.

First Nations peoples

The AAT is committed to improving access for Aboriginal and Torres Strait Islander peoples. As part of this commitment, we educate members and staff on how to work effectively and respectfully with First Nations users and their communities. Members and staff have access to eLearning modules and other resources designed to improve our ability to provide culturally appropriate services.

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. We also seek to address cultural diversity issues in delivering our services through awareness raising and training activities.

The AAT engages and meets the cost of an interpreter if a party or witness requires one for a case event, such as a conference or 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 increase their confidence in delivering appropriate services and supports.

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

We published an updated Complaints Policy in June 2023. As set out in the policy, complaints may be made to the Tribunal 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 an escalated 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 welcome complaints as an opportunity to improve how we operate. 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 or procedure, or consideration of additional training and development for AAT personnel.

As shown in the table below, the AAT received 291 complaints in 2022–23, 61 more than in the previous reporting year.

Table 3.33: Complaints made to the AAT about our services, 2021–22 to 2022–23

	2021–22	2022–23
Complaints made	230	291
Applications finalised	42,007	42,689
Complaints per 1,000 applications finalised	5.5	6.8

The table below shows the subject matter of the complaints received in the current and previous reporting years. The largest increases in complaints were those relating to administrative/procedural issues, staff and registrars, with small increases in complaints about members, delay/timeliness and Tribunal decisions.

Table 3.34: Issues raised in complaints to the AAT, 2022–23

Issue	Number of complaints	
	2021–22	2022–23
Members	59	65
Administrative/procedural issues	50	63
Delay/timeliness	57	60
Tribunal decisions	41	54
Staff	9	20
Registrars	5	15
Fee and/or fee refund	5	6
Privacy	2	4
ADR processes	1	1
Fraud	0	1
Publication of Tribunal decisions	0	1
Online services portal	1	0
Other	0	1
Total	230	291

During 2022–23, we provided a response to 304 complaints, including some carried over from the previous reporting year. We responded to 41% (124) complaints within our time standard of 20 working days, compared with 57% in 2021–22. The median number of days from complaint to final response for all complaints was 25 working days, higher than the median of 20 working days in the previous reporting year. The time taken to handle a complaint depends on the complexity and volume of issues to be considered, and the resources available. Identifying strategies to improve our complaint handling will continue to be a focus in the next reporting period.

We formed the view that we could have acted more appropriately in relation to 70 complaints in 2022–23, compared with 30 complaints in 2021–22. 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 (32), delay/timeliness of the review process (18) and the conduct of members (11). Other issues raised in these complaints concerned the conduct of conference registrars (3), other staff (3) and privacy (3).

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 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 2023, Ms Sobet Haddad was the Senior Reviewer and there were 17 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

The report below was provided by the Senior Reviewer.

Caseload

As shown in the table below, the IAA received fewer referrals in 2022–23 than in the preceding reporting year. This reduction in referrals was primarily due to the implementation of Government policy enabling fast track temporary protection visa holders to be eligible to apply for permanent Resolution of Status visas.

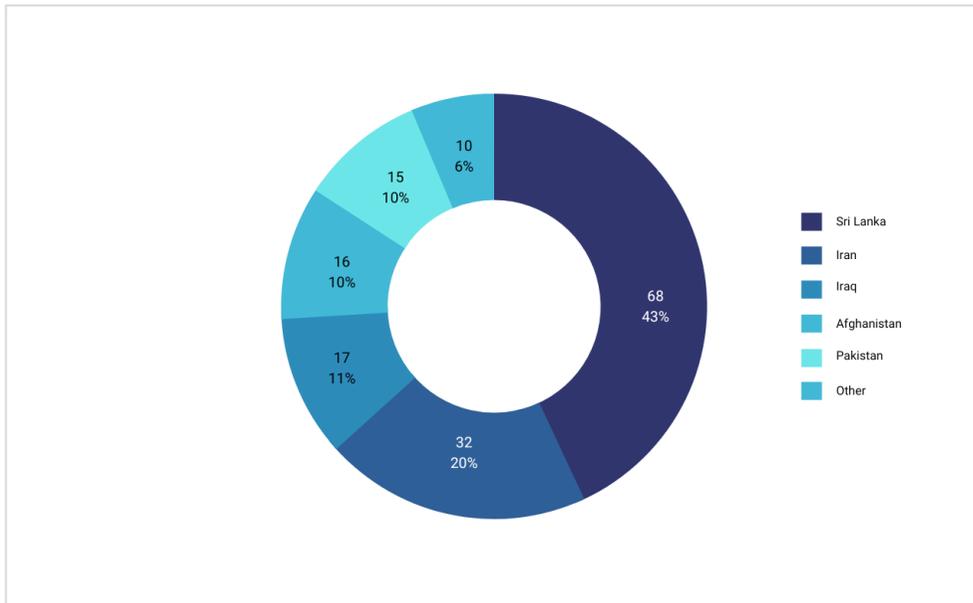
Table 4.1: IAA caseload overview, 2021–22 to 2022–23

	Referrals	Finalisations	On hand at year end	Median time to finalise (weeks)
2021–22	906	1,077	41	7
2022–23	158	173	26	9

The top 5 countries of reference of referred applicants in 2022–23 were Sri Lanka, Iran, Iraq, Afghanistan and Pakistan.

The chart below shows the number and proportion of referrals made for these and all other countries.

Figure 4.2: IAA referrals by country of reference, 2022–23



The IAA finalised 173 cases in 2022–23. The median timeframe for finalised cases was 9 weeks from referral to decision for the reporting period, an increase of 2 weeks on the previous year. This increase was due to a number of factors, including:

- complexity of referred cases in the remaining primary legacy caseload
- reassessments of subsequent temporary protection visa and safe haven enterprise visa applications
- matters remitted to the IAA by the Courts in which there is often a significant passage of time since the primary decision was made, require additional material, and changed circumstances to be considered.

The table below shows the outcomes of IAA reviews for the past 2 financial years.

Table 4.3: Outcomes of IAA reviews, 2021–22 to 2022–23

	Decision affirmed		Decisions remitted		Other ^a	
	No	% of total	No	% of total	No	% of total
2021–22	964	90%	97	9%	16	1%
2022–23	144	83%	28	16%	1	<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 34 decisions made in 2022–23 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 2022–23, the Federal Circuit and Family Court finalised 315 judicial review applications relating to IAA decisions. Of those applications, 183 were dismissed. In 130 applications, the case was remitted to the IAA: 74 by consent and 56 by judgment.

There have been 57 further appeals lodged in the Federal Court against decisions of the Federal Circuit and Family Court, all of which were lodged 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 2023, a further 4,744 applications remain unresolved, including appeals against decisions of the Federal Circuit and Family Court.

Table 4.4: IAA court appeals lodged and finalised, 2021–22 to 2022–23

	Court appeals lodged		Court appeals finalised ^c			Total appeals finalised
	Lodged ^a	Proportion of total IAA decisions ^b	Allowed		Dismissed or Discontinued	
			Remitted	Set aside ^d		
No	%	No	No	No	No	
2021–22 ^e	880	81.7%	159	2	281	442
2022–23	170	98.3%	151	2	231	384
Total	1,050	84.0%	310	4	512	826

^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 2021–22 differ from those published in the Annual Report 2021–22. 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

During 2022–23, the IAA did not receive any complaints.

Chapter 5 Management and accountability

Corporate governance

The AAT's governance framework comprises of 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 2022–23 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 2022–23 by a number of committees. The key governance committees are outlined below.

The Tribunal Leadership Group is the AAT's pinnacle governance body, comprising the President, the Division Heads, the Registrar and the Chief Operating Officer. 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 on several occasions 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 throughout 2022–23.

The Portfolio Control Group, comprising the Chief Operating Officer, the Chief Information Officer, and the Chief Corporate and Financial Officer, met 5 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 2022–23. 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 2022–23, 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 2022–26 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 our corporate plan, is in Chapter 3 Performance.

The Corporate Plan 2022–26 retained the 4 strategic priorities from 2021–22:

- 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. The AAT's key achievements from 2022–23 are noted in Chapter 3 Performance.

Risk management

An integral part of our work is the identification and management of strategic and operational risks. We have set out our approach in a risk management framework.

In 2022–23, the AAT's Audit and Risk Committee regularly reviewed our Enterprise Risk Register, which captured strategic risks addressed in our Corporate Plan 2022–26, as well as any emerging risks. During the reporting year, we focused on additional risks associated with the Australian Government's announcement of its intention to reform the administrative review system.

We regularly reviewed the risk register and held discussions with all risk owners in 2022–23. Key risks and treatment plans were also tabled at the Audit and Risk Committee for endorsement.

The AAT held a workshop for senior executives to enhance our risk management culture and achieve shared understanding of key risks among the leadership team. A risk expert led a full review of all strategic and operational risks, including discussions around emerging risks.

As a result of these combined efforts, the AAT moved up one level in the overall maturity risk framework rating from 'Established' to 'Defined' in the biannual 2023 Comcover Benchmarking Survey.

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

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

- procurement process
- Working From Home Policy
- freedom of information.

We responded to issues identified in internal and external audits and our 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 section 19(1)(e) of the Public Governance, Performance and Accountability Act in relation to the reporting year.

Regular security audits were performed on access control systems nationwide. We implemented cyber security updates and reviewed and updated all reporting functions and procedures relating to risk

areas. The AAT continued to operate as a flexible hybrid working environment with strong online platforms maintaining capabilities across all operational areas.

Fraud control

The AAT is committed to preventing, detecting, and dealing with fraud in relation to our operations. Our approach to fraud control is linked to our Risk Management Framework and specifically includes our Fraud Control Plan, Fraud Risk Assessment and Register. We review and update the Register on an annual basis and provide an update to the Audit and Risk Committee.

We include mandatory fraud control awareness training in induction for new employees, and have a guide on recognising and reporting fraud on our intranet for members and staff. During 2022–23, we prepared to integrate our existing fraud control framework with guidance provided after the launch of the National Anti-Corruption Commission. This included raising awareness and providing guidance on how to report corruption, updating policies and procedures, and developing mandatory training modules.

The AAT completed a nationwide assets stocktake during the reporting year with excellent results demonstrating sound assets custodianship.

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 AM
Registrar
25 September 2023

Maintaining ethical standards

The AAT strives to foster a culture of integrity and ethical behaviour among our members and staff. We incorporate relevant standards and requirements into our policies, guidelines and procedures.

Our Conduct Guide for AAT Members outlines behavioural expectations in relation to members' professional duties and how their private conduct may impact those duties. Members have access to professional development resources, including an online learning module that explores various scenarios and ethical challenges they may encounter. As part of our induction and onboarding program, all members receive training in the AAT's expectations of member conduct. In line with our commitment to preventing sexual harassment, sex discrimination, and victimisation, we encouraged members to complete additional relevant training in 2022–23.

The AAT Enterprise Agreement reflects a commitment between management and APS staff to adhere to the APS Values, Code of Conduct, and Employment Principles. We ensure that these frameworks are incorporated into our induction processes and deliver regular internal messaging to maintain awareness of the importance of ethical standards among staff. Our staff are required to complete

mandatory Code of Conduct training every 2 years. In 2022–23, staff also completed mandatory training in sexual and gender-based harassment awareness.

Management of human resources

Our members and staff are integral to the AAT's ability to perform its role as an independent merits review tribunal. We continue to focus on the needs of our people so they are well-placed to provide the high-quality services required by our users.

Managing and developing members and staff

At 30 June 2023, there were 266 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 2023, there were 727 staff working at the AAT: 674 employed under the *Public Service Act 1999* (PS Act) and 53 engaged under labour hire or contract arrangements. Of the 674 APS employees, 471 were ongoing and 202 non-ongoing, with 22 of the non-ongoing staff engaged to undertake duties that were irregular or intermittent.

Appendix 2: Additional staffing statistics provides the number of ongoing and non-ongoing employees at 30 June 2022 and 30 June 2023 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.

Workforce planning and retention

The AAT Workforce Strategy 2022–25 applies to staff. It aims to ensure we have the capacity and capabilities to support delivery now and into the future by attracting, developing and retaining our staff.

In 2023, we assessed our performance against this strategy by reviewing insights from our Shaping our Culture program, analysing findings from the APS Employee Census, collating workforce data and gathering feedback through our National Consultative Committee.

Consistent with broader labour market trends, in 2022–23, the rate of turnover of ongoing APS employees increased by 3 percentage points to 16.1%. Turnover was 2 percentage points lower in the final quarter of the financial year compared with the first quarter, indicating our work on retention is having impact.

Similarly, initiatives around attraction, including the introduction of an employee value proposition and improvements in recruitment practices implemented during the second half of the reporting year, supported an increase in the number of applicants for advertised roles. The number of applicants per vacancy rose from an average of 21 at the beginning of the reporting year to 109 applicants per vacancy at the end.

Employment agreements and arrangements for staff

In 2022–23, the framework for the terms and conditions of employment for our APS employees included the AAT Enterprise Agreement 2017–2020 and determinations made in 2020 and 2023 under section 24(1) of 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.

On 27 February 2023, the AAT issued a Notice of Employee Representational Rights to our APS staff to formally commence bargaining for a new enterprise agreement. During the reporting year, the AAT participated in service-wide bargaining consistent with the Australian Government Public Sector Workplace Relations Policy 2023.

At 30 June 2023, 669 non-SES APS staff were covered by the enterprise agreement, with 17 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 2022–23 by classification level.

Performance pay

The AAT did not have a performance pay or bonus system for any staff in 2022–23 nor did we pay a performance bonus to any staff.

Non-salary benefits

Non-salary benefits available to staff in 2022–23 included:

- 2 weeks of paid maternity/parenting leave in addition to the legislated minimum
- access to our Studies Assistance Scheme and other learning and development
- 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 Tribunal members is determined by the Remuneration Tribunal.

Remuneration for SES staff in 2022–23 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 2023
- an assessment of relativities with other APS agencies, as indicated in the annual APS Remuneration Report produced by the Australian Public Service Commission (APSC).

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

Member learning and development

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

The member curriculum details priority areas for professional development as well as key learning outcomes. The following programs were delivered as part of the member curriculum in 2022–23:

- Advanced decision writing
- Division-specific hearing craft
- Procedural fairness
- Working with interpreters
- Statutory interpretation
- Financial literacy
- Family violence
- Vicarious trauma.

We delivered jurisdictional-based training for all divisions in-house throughout the period.

Diversity workshops were available to members on topics such as Indigenous cultural competency, disability awareness, intersectionality, LGBTIQ+ awareness, and pride in diversity.

The Tribunal supported a number of members to participate in external conferences including the 2023 Council of Australasian Tribunals National Conference.

Staff learning and development

During 2022–23, we provided our staff with a diverse range of development opportunities. We organised workshops on various subjects such as facilitation skills and managing difficult interactions. Our AAT legal practitioners participated in advice writing training conducted by the Australian Government Solicitor (AGS) to enhance their legal professional development. We also supported 11 staff members in gaining valuable work experience as part of their practical legal training.

In our commitment to ensuring the mental health and wellbeing of our staff, we delivered programs on vicarious trauma. These programs equipped our employees with the necessary knowledge, skills, and tools to safeguard their personal mental health.

We continued to focus on providing online learning solutions throughout the financial year. We offered a wide selection of self-directed eLearning options through our own learning management system and provided access to an extensive library of training courses via LinkedIn Learning.

Our Studies Assistance Scheme played a crucial role in enabling our staff to enhance their capabilities and contribute to the growth of the AAT. Through this scheme, employees received financial support and study leave for vocational and tertiary education.

We mandated sexual harassment awareness and prevention training for all staff. We also prioritised Indigenous cultural competency training for managers and employees in client and stakeholder contact roles.

After identifying training priorities with conference registrars, we developed and initiated a tailored program of workshops with the Resolution Institute in 2022–23. These workshops covered various topics, including techniques for resolving an impasse, working with interpreters, and utilising videoconferencing and hybrid modes of participation.

Conference registrars also participated in a comprehensive 2-day strategic workshop. The workshop included sessions on motivational interviewing, NDIS applicants and advocacy.

Workplace diversity

The AAT places a high value on the diversity of our workforce. As of 30 June 2023, 64% of our APS staff were women, with strong representation across all classification levels. Additionally, 17% of our staff identified as being from a non-English speaking background. The number of APS staff who identify as being Indigenous increased from 4 to 5 employees during the year. Seventeen APS staff identified as having a disability.

To ensure our organisation reflects the diversity of the Australian community, we have established a Workplace Diversity Plan. This plan serves as a foundation for the AAT to promote and leverage the opportunities and knowledge that arise from having an inclusive and diverse workforce.

We remain committed to implementing the initiatives outlined in our Reflect Reconciliation Action Plan. As part of this commitment, we have commissioned Indigenous Cultural Competency training for all members and staff. Additionally, during National Reconciliation Week, we raised awareness of Supply Nation Certified suppliers, aiming to increase our spend under the Indigenous Procurement Policy. These actions demonstrate our ongoing dedication to reconciliation and promoting Indigenous participation and engagement.

As a member of the Diversity Council of Australia (DCA), the Tribunal ensures that all our members and staff have access to DCA eLearning courses and webinars. We are also represented on the Attorney General's Department's Pride in AGD Committee, and our members and staff were invited to participate in select AGD diversity events.

Throughout the 2022–23 period, we organised various diversity events for our members and staff to promote a respectful and inclusive workplace environment.

Work health and safety

The health, safety, and wellbeing of our workforce is a priority. We fulfill our obligations under the *Work Health and Safety Act 2011* and the *Safety, Rehabilitation and Compensation Act 1988* by maintaining comprehensive Work Health and Safety (WHS) information, policies and workplace supports.

Our WHS management system outlines our health, safety, and wellbeing management arrangements and principles. It helps us comply with legislative obligations and continuously improve our performance in this area.

We have a network of Health and Safety Representatives, Wellbeing Support Officers and First Aid Officers. Our Work Health and Safety Committee meets regularly to review and discuss workplace health, safety and wellbeing matters. This committee also provides recommendations for risk management strategies and control measures.

Aligned with our Health and Wellbeing Strategy 2022–2024, we have invested in the health, safety, and wellbeing of our people. We have implemented various WHS programs, including Wellbeing Wednesday, desk-based yoga sessions, eyesight testing/optical correction contributions, virtual group fitness classes, CALM app subscriptions, and salary sacrificing options for in-person and online individual fitness memberships.

To provide individualised support to our staff, we offer early intervention initiatives and rehabilitation support for those with health conditions. We conduct workstation assessments and provide ergonomic equipment to address any discomfort employees may experience. We also offer eLearning modules and webinars on a wide range of health and wellbeing topics, such as mental health awareness, psychosocial risk management, preventing sexual harassment and menopause awareness. These initiatives aim to enhance our WHS capabilities across the AAT.

We continued our annual flu vaccination program during the reporting year, offering free onsite clinics and vouchers for vaccinations obtained offsite, and provided opportunities for members and all employees to receive COVID-19 vaccinations during work hours.

Our Employee Assistance Program (EAP) remains a valuable resource, with steady utilisation rates among members and staff. We continued to offer a Reach Out program, where managers, Wellbeing Support Officers, and Workplace Relations Advisers can refer staff for a wellbeing check with psychologists, providing additional support streams.

Notifiable incidents and investigations

There were no notifiable incidents reported to Comcare in 2022–23 under section 38 of the Work Health and Safety Act. No investigations were conducted in relation to the AAT and no notices were given to the AAT under Part 10 of the Act.

Compensation

During the reporting year, 3 claims for workers compensation were accepted by Comcare. The AAT continued to provide individualised rehabilitation management, advice and support to employees experiencing work related injuries and illnesses.

Table 5.1: Trends in compensation claims, 2021–22 to 2022–23

	2021–22	2022–23
Number of claims accepted	1	3

Workplace harassment

At the AAT, we are committed to maintaining a respectful and inclusive workplace environment with a zero-tolerance stance on workplace harassment, bullying and discrimination. Our policy on the prevention and elimination of workplace harassment sets clear expectations for all members, managers and staff.

As mentioned above, we provide conduct-related training to both members and staff to ensure understanding and compliance with our expectations of behaviour. By equipping our workforce with the knowledge and tools to identify and address harassment issues, we foster a culture of respect and accountability.

Our designated Wellbeing Support Officers play a crucial role in responding to workplace harassment. Trained to provide mental health first aid and support, they assist individuals facing difficulties, including workplace bullying, sexual harassment, discrimination and harassment. Their presence supports a safe and supportive environment for our employees.

Productivity gains

In 2022–23, we took a measured approach to service delivery changes in light of the Government's announcement to abolish the AAT and establish a new merits review body.

We received funding in the 2022–23 Budget to progress delivery of the key elements of a new single case management system (CMS). The CMS will contribute to significant productivity gains across the AAT. It will improve how we work including through greater automation, improved access and ongoing support for users. The CMS will address inefficiencies with using and supporting multiple, ageing legacy systems to focus on higher value digital service delivery.

During the reporting period, we commenced work on modernising our underlying technical environment as a strong foundation for the development and delivery of the CMS.

Purchasing

The AAT's procurement policies and practices reflect the principles and requirements in the Commonwealth Procurement Rules. In 2022–23, our Accountable Authority Instructions and other guidance material focused on supporting staff with their purchasing duties, including 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, we used open tender or limited tender processes 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 three quotes were generally required, together with an assessment of the need justifying the purchase request and an analysis of why the selected quote would achieve value for money.

The AAT supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (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.

We select consultants in accordance with the Commonwealth Procurement Rules and relevant internal policies. In 2022–23, we engaged consultants to investigate issues, and provide independent advice, information, and solutions to assist in our decision-making.

During 2022–23, we entered into 3 new reportable consultancy contracts involving total actual expenditure of \$228,870 (GST inclusive). In addition, 7 ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$227,827 (GST inclusive).

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

Table 5.2: Expenditure on reportable consultancy contracts current report period, 2022–23

Reportable consultancy contracts 2022–2023	Number of contracts	Total expenditure \$ (GST inc.)
New contracts entered into during the reporting period	3	\$228,870
Ongoing contracts entered into during a previous reporting period	7	\$237,067
Total	10	\$465,937

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

Table 5.3: Expenditure on reportable non-consultancy contracts current report period, 2022–23

Reportable non-consultancy contracts 2022–2023	Number of contracts	Total expenditure \$ (inc. GST)
New contracts entered into during the reporting period	136	\$4,590,325
Ongoing contracts entered into during a previous reporting period	286	\$18,984,116
Total	422	\$23,574,441

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 5.4: Organisations receiving a share of reportable consultancy contract expenditure, 2022–23

Name of organisation	Expenditure \$ (GST inc.)
KPMG (ABN 51 194 660 183)	\$196,614
RSM Australia (ABN 33 009 321 377)	\$106,177
CPM Reviews (ABN 93 151 808 374)	\$58,335
ORIMA Research (ABN 77 076 347 914)	\$41,105
O'Connor Marsden (ABN 94 135 783 792)	\$16,471

Table 5.5: Organisations receiving a share of reportable non-consultancy contract expenditure, 2022–23

Name of organisation	Expenditure \$ (GST inc.)
Hays Specialist Recruitment (ABN 47 001 407 281)	\$ 4,532,879
Data#3 Limited (ABN 31 010 545 267)	\$ 1,778,748
Macquarie Telecom (ABN 21 082 930 916)	\$1,340,448
Total Resource Solutions (TRS) Pty Ltd (ABN 46 116 721 334)	\$ 865,440
Epicon IT Solutions (ABN 72 130 995 783)	\$ 612,670

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. The AAT had one contract of \$100,000 or more in 2022–23 that did not include a clause providing for the Auditor General to have access to the contractor's premises.

Table 5.6: 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, 2022–23

Name of organisation	Contract value \$ (GST inc.)	Purpose	Reason for non-inclusion of clause
Reed International Books Australia Pty Limited (Lexis Nexis)	\$1,112,425.30	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 2023:

- (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 2023 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 2023 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 and forming part of 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

12 September 2023



Australian Government
Department of Finance



Financial Statements 2022-23

Administrative Appeals Tribunal

© Commonwealth of Australia 2023.
More information is available on the Department of Finance website:
<https://www.finance.gov.au/about-us/copyright>

CONTENTS

Certification

Primary financial statement

- 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

Overview

Notes to the financial statements:

1. Departmental Financial Performance

- 1.1 Expenses
- 1.2 Own-Source Revenue and gains

2. Income and Expenses Administered on Behalf of Government

- 2.1 Administered - Expenses
- 2.2 Administered - Income

3. Departmental Financial Position

- 3.1 Financial Assets
- 3.2 Non-Financial Assets
- 3.3 Payables
- 3.4 Interest Bearing Liabilities
- 3.5 Other Provisions

4. Assets and Liabilities Administered on Behalf of Government

- 4.1 Administered - Financial Assets
- 4.2 Administered - Payables

5. Funding

- 5.1 Appropriations
- 5.2 Net Cash Appropriation Arrangements

6. People and relationships

- 6.1 Employee Provisions
- 6.2 Key Management Personnel Remuneration
- 6.3 Related Party Disclosures

7. Managing uncertainties

- 7.1 Contingent Assets and Liabilities
- 7.2 Financial Instruments
- 7.3 Fair Value Measurement

8. Other information

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

STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2023 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

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



Michael Hawkins AM
Accountable Authority

8 September 2023



Kelvin Zhu
Chief Financial Officer

8 September 2023

Statement of Comprehensive Income

for the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000	
NET COST OF SERVICES					
Expenses					
Employee benefits	1.1A	130,864	125,679	121,044	
Suppliers	1.1B	30,948	36,944	18,629	1
Depreciation and amortisation	3.2A	30,323	32,178	25,062	2
Finance costs	1.1C	3,722	4,022	3,979	
Impairment loss on financial instruments	1.1D	-	18	-	
Write-down and impairment of other assets	1.1E	-	24	-	
Losses from asset sales	1.1E	269	11	-	
Total expenses		196,126	198,876	168,714	
Own-source income					
Own-source revenue					
Revenue from contracts with customers	1.2A	298	454	250	
Other revenue	1.2B	86	510	-	
Total own-source revenue		384	964	250	
Gains					
Other gains	1.2C	83	195	600	
Total gains		83	195	600	
Total own-source income		467	1,159	850	
Net (cost of) services		(195,659)	(197,717)	(167,864)	
Revenue from Government	1.2D	159,881	165,186	157,281	
(Deficit) on continuing operations		(35,778)	(32,531)	(10,583)	
OTHER COMPREHENSIVE INCOME					
Items not subject to subsequent reclassification to net cost of services					
Changes in asset revaluation reserve		1,918	-	-	
Total other comprehensive income		1,918	-	-	
Total comprehensive (loss)		(33,860)	(32,531)	(10,583)	3

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

Budget Variances Commentary

Following the appointment of a new Government a new budget was adopted in October 2022, which is used to report against.

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

Variance in suppliers was due to higher than anticipated costs to meet the AAT's operational requirements.

2. Depreciation and amortisation

Variance in depreciation and amortisation was due to higher than anticipated costs associated with ROU assets class.

3. Total comprehensive (loss)

The variance against total comprehensive (loss) for the period was due to reduced appropriation, a change in the mix of cases within the various jurisdictions processed during the year and unavoidable additional expenditure incurred to support the AAT's operations.

Statement of Financial Position

as at 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	3.1A	4,758	3,888	3,888
Trade and other receivables	3.1B	48,701	55,314	53,314
Total financial assets		53,459	59,202	57,202
Non-financial assets¹				
Buildings	3.2A	212,195	244,006	223,911
Plant and equipment	3.2A	5,732	6,801	2,813
Computer software	3.2A	12,749	9,843	14,800
Other non-financial assets	3.2B	3,940	4,075	4,075
Total non-financial assets		234,616	264,725	245,599
Total assets		288,075	323,927	302,801
LIABILITIES				
Payables				
Suppliers	3.3A	4,203	2,278	2,278
Other payables	3.3B	5,505	3,216	3,215
Total payables		9,708	5,494	5,493
Interest bearing liabilities				
Leases	3.4A	205,891	224,793	210,314
Total interest bearing liabilities		205,891	224,793	210,314
Provisions				
Employee provisions	6.1A	27,344	26,441	26,441
Other provisions	3.5A	1,238	745	745
Total provisions		28,582	27,186	27,186
Total liabilities		244,181	257,473	242,993
Net assets		43,894	66,454	59,808
EQUITY				
Contributed equity		118,421	107,121	111,058
Reserves		6,316	4,398	4,398
(Accumulated deficit)		(80,843)	(45,065)	(55,648)
Total equity		43,894	66,454	59,808

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

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

Statement of Financial Position continued

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.

1. Plant and equipment

The increase in plant and equipment was a result of an independent valuation of assets.

2. Computer software

The reduction in computer software was attributed to development delays.

3. Suppliers

Variance in suppliers was due to higher than anticipated costs to meet the AAT's operational requirements.

4. Other Payables

Variance to other payables was due to an adjustment to prior year caseload funding that will be returned to the Government.

5. Reserves

The variance in reserves was due to an independent desktop revaluation of property, plant and equipment.

6. (Accumulated deficit)

The variance against deficit for the period was due to reduced appropriation, a change in the mix of cases within the various jurisdictions processed during the year and unavoidable additional expenditure incurred to support the AAT's operations.

Statement of Changes in Equity

for the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY				
Opening balance				
Balance carried forward from previous period		107,121	103,219	107,121
Transactions with owners				
Contributions by owners				
Equity injection - Appropriations		7,363	-	-
Departmental capital budget		3,937	3,902	3,937
Total transactions with owners		11,300	3,902	3,937
Closing balance as at 30 June		118,421	107,121	111,058
RETAINED EARNINGS				
Opening balance				
Balance carried forward from previous period		(45,065)	(12,534)	(45,065)
Comprehensive income				
(Deficit) for the period		(35,778)	(32,531)	(10,583)
Total comprehensive income		(35,778)	(32,531)	(10,583)
Closing balance as at 30 June		(80,843)	(45,065)	(55,648)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		4,398	4,398	4,398
Comprehensive income				
Other comprehensive income		1,918	-	-
Total comprehensive income		1,918	-	-
Closing balance as at 30 June		6,316	4,398	4,398

Statement of Changes in Equity continued

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
TOTAL EQUITY				
Opening balance				
Balance carried forward from previous period		66,454	95,083	66,454
Comprehensive income				
(Deficit) for the period		(35,778)	(32,531)	(10,583) 1
Other comprehensive income		1,918	-	-
Total comprehensive income		(33,860)	(32,531)	(10,583)
Transactions with owners				
Contributions by owners				
Equity injection - Appropriations		7,363	-	-
Departmental capital budget		3,937	3,902	3,937
Total transactions with owners		11,300	3,902	3,937
Closing balance as at 30 June		43,894	66,454	59,808

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

Accounting Policy

Equity Injections

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

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 reduced appropriation, a change in the mix of cases within the various jurisdictions processed during the year and unavoidable additional expenditure incurred to support the AAT's operations.

Cash Flow Statement

for the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000	
OPERATING ACTIVITIES					
Cash received					
Appropriations		174,591	181,500	167,038	1
Sale of goods and rendering of services		278	454	250	
GST received		-	81	300	
Other		3,104	-	-	2
Total cash received		177,973	182,035	167,588	
Cash used					
Employees		(130,522)	(121,962)	(121,044)	
Suppliers		(33,226)	(42,237)	(23,729)	3
Interest payments on lease liabilities		(3,722)	(4,022)	(3,979)	
GST refund		5,249	5,936	5,400	
Total cash used		(162,221)	(162,285)	(143,352)	
Net cash from operating activities		15,752	19,750	24,236	
INVESTING ACTIVITIES					
Cash used					
Purchase of property, plant and equipment		(5,476)	(9,827)	(5,937)	
Total cash used		(5,476)	(9,827)	(5,937)	
Net cash (used by) investing activities		(5,476)	(9,827)	(5,937)	
FINANCING ACTIVITIES					
Cash received					
Contributed equity		5,839	5,898	3,937	4
Total cash received		5,839	5,898	3,937	
Cash used					
Principal payments of lease liabilities		(15,245)	(15,253)	(14,479)	
Total cash used		(15,245)	(15,253)	(14,479)	
Net cash (used by) financing activities		(9,406)	(9,355)	(10,542)	
Net increase in cash held		870	568	7,757	
Cash and cash equivalents at the beginning of the reporting period		3,888	3,320	3,888	
Cash and cash equivalents at the end of the reporting period	3.1A	4,758	3,888	11,645	

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.

1. Operating activities - Cash received - appropriations

The variance against operating activities - cash received - appropriations was due to the drawdown of prior year appropriations to enable funding of the cash deficit.

2. Operating activities - cash received - other

The variance against operating activities - cash received - others was primarily due to a fit-out incentive received for additional space during the financial year.

3. Operating activities - cash used - suppliers

The variance against operating activities - cash used - suppliers was due to higher than anticipated costs to meet the AAT's operational requirements.

4. Financing activities - cash received - contributed equity

The variance against financing activities - contributed equity was due to the drawdown of unspent prior year capital appropriation.

Administered Schedule of Comprehensive Income*for the period ended 30 June 2023*

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000	
NET COST OF SERVICES					
Expenses					
Impairment loss on financial instruments	2.1A	5,006	4,974	5,000	
Refund of application fees	2.1B	8,399	8,116	7,500	
Total expenses		13,405	13,090	12,500	
Income					
Revenue					
Non-taxation revenue					
Revenue from contracts with customers	2.2A	36,857	35,310	48,077	1
Total non-taxation revenue		36,857	35,310	48,077	
Total income		36,857	35,310	48,077	
Surplus		23,452	22,220	35,577	

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.

1. Revenue from contracts with customers

The variance against revenue from contracts with customers was due to the lower than expected number of MRD 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 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	4.1A	422	264	264	
Trade and other receivables	4.1B	354	201	201	1
Total financial assets		776	465	465	
Total assets administered on behalf of Government		776	465	465	
LIABILITIES					
Payables					
Trade creditors and accruals	4.2A	5,301	4,208	4,208	2
Contract liabilities	4.2A	38,497	42,700	42,700	3
Total payables		43,798	46,908	46,908	
Total liabilities administered on behalf of Government		43,798	46,908	46,908	
Net (liabilities)		(43,022)	(46,443)	(46,443)	

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.

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 budget was due to an increase in invoicing for finalised protection visa cases.

2. Trade creditors and accruals

Trade creditors and accruals relate to the refund of application fees payable as at 30 June 2023. The variance to budget was due to the unpredictable number of 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 was due to a lower number of applications received during the year than were originally budgeted for.

Administered Reconciliation Schedule*for the period ended 30 June 2023*

	Notes	2023 \$'000	2022 \$'000
Opening assets less liabilities as at 1 July		(46,443)	(45,000)
Net (cost of)/contribution by services			
Income		36,857	35,310
Expenses			
Impairment loss on financial instruments		(5,006)	(4,974)
Refund of application fees		(8,399)	(8,116)
Transfers from the Australian Government		(13,405)	(13,090)
Appropriation transfers from Official Public Account		7,210	6,900
Appropriation transfers to OPA			
Transfers to OPA		(27,241)	(30,563)
Closing assets less liabilities as at 30 June		(43,022)	(46,443)

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 2023

Notes	2023 \$'000	2022 \$'000	23 Budget \$'000	
OPERATING ACTIVITIES				
Cash received				
Sale of goods and rendering of services	27,495	30,441	43,077	1
Total cash received	27,495	30,441	43,077	
Cash used				
Other - Refund of application fees	(7,306)	(6,719)	(7,500)	
Total cash used	(7,306)	(6,719)	(7,500)	
Net cash from operating activities	20,189	23,722	35,577	
Cash from Official Public Account				
Appropriations	7,210	6,900	7,500	
Total cash from Official Public Account	7,210	6,900	7,500	
Cash to Official Public Account				
Appropriations	(27,241)	(30,563)	(43,077)	2
Total cash to Official Public Account	(27,241)	(30,563)	(43,077)	
Net increase in cash held	158	59	-	
Cash and cash equivalents at the beginning of the reporting period	264	205	264	
Cash and cash equivalents at the end of the reporting period	422	264	264	4.1A

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.

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 lower than anticipated number of Migration Review Division (MRD) migration and protection visa applications during the year.

2. Cash to Official Public Account - Appropriations

The variance against Cash to Official Public Account - Appropriations was due to a lower than anticipated number of applications, which attract a fee, during the year.

Overview

The Administrative Appeals Tribunal (AAT) is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the AAT is to provide independent 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

On 16 December 2022 the Attorney-General announced as part of a reform of the AAT, the Government will abolish the Administrative Appeals Tribunal and replace it with a new federal administrative review body.

As announced, all ongoing and non-ongoing Australian Public Service staff employed by the AAT at the commencement of the new federal administrative review body will transition to the new body on equivalent terms and conditions.

The timing of implementation will be subject to new legislation, dissolving the current AAT and establishing the new body. The AAT will continue to operate until the new review body is established.

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.

New Accounting Standards

Adoption of New Australian Accounting Standard Requirements

Two amending standards (AASB 2021-2 and AASB 2021-6) were adopted earlier than the application date as stated in the standard. This amending standards have been adopted for the 2022-23 reporting period.

The following amending standards were issued prior to the signing of the statement by the accountable authority and chief financial officer, were applicable to the current reporting period and had no material effect on the entity's financial statements:

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
<i>AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates (AASB 2021-2) and</i>	AASB 2021-2 amends AASB 7, AASB 101, AASB 108, AASB 134 and AASB Practice Statement 2. The amending standard requires the disclosure of material, rather than significant, accounting policies, and clarifies what is considered a change in accounting policy compared to a change in accounting estimate.
<i>AASB 2021-6 Amendments to Australian Accounting Standards - Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards (AASB 2021-6)</i>	AASB 2021-6 amends the Tier 2 reporting requirements set out in AASB 1049, AASB 1054 and AASB 1060 to reflect the changes made by AASB 2021-2. There were no material changes to the financial statements as a result of these accounting policies. This amending standard is not expected to have a material impact on the entity's financial statements for the current reporting period or future reporting periods.

Taxation

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

Reporting of Administered activities

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

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

Events After the Reporting Period

Departmental

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

Administered

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

Financial Performance

This section analyses the financial performance of the AAT for the year ended 2023.

1.1 Expenses

	2023 \$'000	2022 \$'000
1.1A: Employee benefits		
Wages and salaries	103,701	98,492
Superannuation		
Defined contribution plans	11,049	10,307
Defined benefit plans	5,697	5,888
Leave and other entitlements	10,192	10,896
Separation and redundancies	225	96
Total employee benefits	130,864	125,679

Accounting Policy

Accounting policies for employee related expenses are contained in the People and relationships section.

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

Consultants	550	701
Contractors	3,797	10,794
Travel	677	410
IT services	10,339	10,542
Hearing and related expenses	3,113	3,240
Properties operation expenses	6,459	6,187
Office support & Internet services	735	394
Training and staff development	479	657
Outsourced services	1,028	836
Subscription fees	1,410	1,278
Other	1,280	948
Total goods and services supplied or rendered	29,867	35,987

Goods supplied	699	772
Services rendered	29,168	35,215
Total goods and services supplied or rendered	29,867	35,987

Other suppliers

Workers compensation expenses	1,081	957
Total other suppliers	1,081	957
Total suppliers	30,948	36,944

1.1C: Finance costs

Interest on lease liabilities	3,722	4,022
Total finance costs	3,722	4,022

The above lease disclosures should be read in conjunction with the accompanying notes 3.2A and 3.4A.

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 and losses from asset sales

Impairment of intangible assets other than goodwill	-	24
Losses from asset sales	269	11
Total write-down and impairment of other assets	269	35

1.2 Own-Source Revenue and gains

	2023	2022
	\$'000	\$'000

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

Rendering of services	298	454
Total revenue from contracts with customers	298	454

Disaggregation of revenue from contracts with customers

Major product / service line:

Regulatory services	293	201
Service delivery	5	253
	298	454

Type of customer:

Australian Government entities (related parties)	293	410
Non-government entities	5	44
	298	454

Timing of transfer of goods and services:

Point in time	298	454
	298	454

Accounting Policy***Rendering 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 28 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at the end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

	2023	2022
	\$'000	\$'000

1.2B: Other Revenue

Resources received free of charge

Remuneration of auditors	86	86
Liabilities assumed by other departments	-	424

Total other revenue

	86	510
--	-----------	------------

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.

Notes to and forming part of the Financial Statements continued

	2023	2022
	\$'000	\$'000
1.2C: Other gains		
Reversal of impairment of goods and services receivables	3	-
Gains on makegood and lease event	80	195
Total other gains	83	195

1.2D: Revenue from Government

Appropriations		
Departmental appropriations	159,881	165,186
Total revenue from Government	159,881	165,186

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

	2023 \$'000	2022 \$'000
2.1A: Impairment loss on financial instruments		
Impairment on trade and other receivables	5,006	4,974
Total impairment loss on financial instruments	5,006	4,974
2.1B: Other expenses		
Refund of application fees	8,399	8,116
Total other expenses	8,399	8,116

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

	2023	2022
	\$'000	\$'000
Revenue		
Non-Taxation Revenue		
2.2A: Revenue from contracts with customers		
Rendering of services - MRD (migration) and General Division	30,447	29,541
Rendering of services - MRD (protection)	6,410	5,769
Total revenue from contracts with customers	36,857	35,310

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

2023	2022
\$'000	\$'000

3.1A: Cash and cash equivalents

Cash on hand or on deposit	4,758	3,888
Total cash and cash equivalents	4,758	3,888

Accounting Policy

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

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

3.1B: Trade and other receivables

Goods and services receivables

Goods and services	395	66
Total goods and services receivables	395	66

Appropriation receivables

Appropriation receivables	47,759	54,464
Total appropriation receivables	47,759	54,464

Other receivables

Statutory receivables	562	802
Total other receivables	562	802
Total trade and other receivables (gross)	48,716	55,332

Less expected credit loss allowance

	(15)	(18)
Total trade and other receivables (net)	48,701	55,314

Credit terms for goods and services were within 28 days (2022: 28 days).

Accounting Policy

Financial assets

Trade receivables, loans and other receivables that are held for the purpose of collecting the 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 ¹ \$'000	Total \$'000
As at 1 July 2022				
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 1 July 2022	243,775	3,577	1,580	248,932
Additions				
Transfers from WIP	253	1,563	6,702	8,518
Right-of-use assets	29	-	-	29
Revaluations and impairments recognised in other comprehensive income	1,641	277	-	1,918
Realisation of lease incentive	(2,750)	-	-	(2,750)
Adjustment to the right-of-use assets balances ²	(4,055)	-	-	(4,055)
Disposals of Property, Plant and Equipments	(264)	(5)	-	(269)
Depreciation and amortisation	(8,429)	(1,901)	(1,931)	(12,261)
Depreciation on right-of-use assets	(18,062)	-	-	(18,062)
Total as at 30 June 2023	212,138	3,511	6,351	222,000
Total as at 30 June 2023 represented by				
Gross book value	266,613	3,511	26,735	296,859
Accumulated depreciation, amortisation and impairment	(54,475)	-	(20,384)	(74,859)
Total as at 30 June 2023	212,138	3,511	6,351	222,000
Carrying amount of right-of-use assets	180,125	-	-	180,125
Carrying amount of service concession assets	32,013	3,511	6,351	41,875
Work in Progress				
	Buildings \$'000	Plant and equipment \$'000	Computer Software \$'000	Total \$'000
As at 1 July 2022				
Gross book value	231	3,224	8,263	11,718
Purchase or internally developed	79	560	4,837	5,476
Less WIP transferred to capital	(253)	(1,563)	(6,702)	(8,518)
Net book value 30 June 2023	57	2,221	6,398	8,676

Total as at 30 June 2023 represented by				
Gross book value			33,133	305,535
Accumulated depreciation, amortisation and impairment	266,670	5,732	(20,384)	(74,859)
Total as at 30 June 2023 represented by	(54,475)	-	12,749	230,676

Revaluations of non-financial assets and intangible assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 7.3. On 30 June 2023, an independent valuer, CBRE, conducted the revaluations of Buildings (leasehold improvements) and Plant and Equipment as stated in Note 7.3.

1. The carrying amount of computer software included \$9.095m purchased software and \$3.654m internally generated software.
2. The adjustment to the right-of-use assets balances was for incentives not accounted for in the prior years and other discrepancies identified from a full reconciliation.

Reconciliation of the opening and closing balances of property, plant and equipment for 2022

	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
Additions				
Purchase and internally developed	4,680	1,700	474	6,854
Impairments recognised in net cost of services	-	-	(24)	(24)
Depreciation and amortisation	(28,702)	(2,040)	(1,436)	(32,178)
Remeasurement of Leases for right-of-use assets	7,767	-	-	7,767
Disposals	(5,205)	(11)	-	(5,216)
Total as at 30 June 2022	243,775	3,577	1,580	248,932
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
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
Total as at 30 June 2022 represented by				
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.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in taken up by the AAT where there exists an obligation 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.

On initial adoption of AASB 16 the AAT has adjusted the ROU assets at the date of initial application by the amount of any provision for onerous leases recognised immediately before the date of initial application. 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 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 did not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a

previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

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

	2023	2022
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 to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

Accounting Policy (continued)

Impairment

All assets were assessed for impairment at 30 June 2023. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

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

Derecognition

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

Intangibles

The AAT'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 (2022: 3 to 20 years).

All software assets were assessed for indications of impairment as at 30 June 2023.

Internally developed software is assessed during the project and initial research costs are expensed in the year in which they are incurred. Once proof of concept has been established the project

costs are then collected in work in progress.

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 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.

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

A desktop valuation was undertaken at 30 June 2023 by an independent valuer and the revalued amount accounted for in the balance sheet.

Internally developed software is capitalised as an asset on the basis that the costs result in a future economic benefit to the entity and they can be measured reliably; or they are expensed in the year in which they are incurred. The capitalised software is reviewed for impairment on an annual basis.

3.2 Non-Financial Assets continued

	2023	2022
	\$'000	\$'000

3.2B: Other non-financial assets

Prepayments	3,940	4,075
Total other non-financial assets	3,940	4,075

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

3.3 Payables

	2023	2022
	\$'000	\$'000

3.3A: Suppliers

Trade creditors and accruals	4,204	2,278
Total suppliers	4,204	2,278

	2023	2022
	\$'000	\$'000

3.3B: Other payables

Salaries and wages	2,528	2,847
Superannuation	433	369
Funding return to government	2,544	-
Total other payables	5,505	3,216

3.4 Interest Bearing Liabilities

	2023	2022
	\$'000	\$'000
3.4A: Leases		
Lease liabilities	205,891	224,793
Total leases	205,891	224,793
Maturity analysis - contractual undiscounted cash flows		
Within 1 year	19,515	18,874
Between 1 to 5 years	84,941	82,485
More than 5 years	123,643	145,578
Total leases	228,099	246,937

Total cash outflow for leases for the year ended 30 June 2023 was \$18.967m (2022: \$19.275m)

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 1.1C, and 3.2A.

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

	2023	2022
	\$'000	\$'000
3.5A: Other provisions		
	Provision for restoration	Total
	\$'000	\$'000
As at 1 July 2022	745	1,045
Additional provisions made	493	6
Amounts used	-	(306)
Total as at 30 June 2023	1,238	745

Accounting Judgements and Estimates

Provision for restoration

The AAT is required to restore 3 (2022: 3) 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 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

	2023	2022
	\$'000	\$'000
4.1A: Cash and cash equivalents		
Cash on hand or on deposit	422	264
Total cash and cash equivalents	<u>422</u>	<u>264</u>
4.1B: Trade and other receivables		
Goods and services receivables	34,952	29,793
Total goods and services receivables	<u>34,952</u>	<u>29,793</u>
Less Impairment loss allowance	<u>(34,598)</u>	<u>(29,592)</u>
Total trade receivables (net)	<u>354</u>	<u>201</u>

Credit terms for goods and services were within 7 days (2022: 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 simplified approach that measures the loss allowance based on an amount equal to lifetime expected credit losses.

Notes to and forming part of the Financial Statements

4.2 Administered - Payables

	2023	2022
	\$'000	\$'000
4.2A: Suppliers		
Trade creditors and accruals	5,301	4,208
Contract liabilities from contracts with customers	38,497	42,700
Total suppliers	43,798	46,908

Settlement terms for suppliers is 30 days (2022: 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.

Funding

This section identifies the AAT's funding structure.

5.1 Appropriations

5.1A: Annual appropriations (recoverable GST exclusive)

Annual Appropriations for 2023

	Annual Appropriation \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2023 (current and prior years) ¹ \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	165,434	800	166,234	175,391	(9,157)
Capital Budget ⁴	3,937	-	3,937	5,839	(1,902)
Other services					
Equity Injections	7,363	-	7,363	-	7,363
Total departmental	176,734	800	177,534	181,230	(3,696)
Administered					
Ordinary annual services	7,500	-	7,500	7,210	290
Total administered	7,500	-	7,500	7,210	290

1. In 2021-22, \$0.011m in appropriation was withheld for Estimate Variations under section 51 of the PGPA Act.

2. PGPA Act section 74 receipts related to revenue received for rendering of services.

3. Variance is substantially attributable to additional drawdown of prior year unspent funding to finance the cash deficit for the year.

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

Annual Appropriations for 2022

	Annual Appropriation \$'000	Adjustments to appropriation ¹ \$'000	Total appropriation \$'000	Appropriation applied in 2022 \$'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 related to revenue received for rendering of services.

3. Variance is substantially attributable to caseload variation adjustment (net) for additional cases finalise above the 20,000 base funding.

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

5.1B: Unspent annual appropriations (recoverable GST exclusive)

	2023 \$'000	2022 \$'000
Departmental		
Appropriation Act (No. 1) 2021-2022 Operating ¹	11	36,501
Supply Act (No.1) 2021-2022 Departmental Capital Budget (DCB)	-	1,902
Appropriation Act (No. 3) 2021-2022 Operating	-	13,063
Appropriation Act (No. 1) 2022-23 - Operating	6,547	-
Appropriation Act (No. 3) 2022-23 - Operating	396	-
Supply Act (No.3) 2022-2023 Operating	33,453	-
Appropriation Act (No. 4) - Equity injections	7,363	-
Cash and cash equivalents ²	4,758	3,888
Total departmental	52,528	55,354

1. \$0.011m in Appropriation Act (No.1) 2021-2022 Operating is quarantined as s51 and not available for drawdown.

2. Cash and cash equivalents for 2022 and 2023 are unspent appropriations not previously disclosed in this note.

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

Authority	Appropriation applied	
	2023	2022
	\$'000	\$'000
Public Governance, Performance and Accountability Act 2013 s.77 Repayment Act, AAT	7,210	6,900
Total special appropriations applied	7,210	6,900

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')

Department of Home Affairs	
2023	\$'000
Total receipts	36,857
Total payments	8,399
2022	\$'000
Total receipts	35,310
Total payments	8,116

Notes to and forming part of the Financial Statements

5.2 Net Cash Appropriation Arrangements

	2023	2022
	\$'000	\$'000
Total comprehensive (loss) - as per the Statement of Comprehensive Income	(35,778)	(32,531)
<i>Plus</i> : depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections)	12,261	12,282
<i>Plus</i> : depreciation of right-of-use assets	18,062	19,896
<i>Less</i> : lease principal repayments	(15,245)	(15,253)
Net Cash Operating (Deficit)	(20,700)	(15,606)

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

	2023	2022
	\$'000	\$'000

6.1A: Employee provisions

Leave	27,344	26,441
Total employee provisions	27,344	26,441

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 2023. 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. Key management personnel remuneration is reported in the table below:

	2023	2022
	\$'000	\$'000
Short-term employee benefits	418	390
Post-employment benefits	28	47
Other long-term employee benefits	10	9
Total key management personnel remuneration expenses¹	456	446

The total number of key management personnel that are included in the above table is 1 (2022: 3). In 2022 the AAT had 3 Registrars during the year after one left, then an acting Registrar was appointed until the current Registrar was appointed 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 other benefits 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.

Transactions with related parties of the AAT have occurred within normal customer or supplier relationship on terms and conditions no more favourable than those which it is reasonable to expect the AAT would have entered into on an arm's-length basis. These transactions have not been separately disclosed.

Having regard 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. (2022: Nil).

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 2023 (2022: Nil).

Unquantifiable Contingencies

There are a small number of unquantifiable claims against the AAT at 30 June 2023 (2022: Nil). As at the date of this report there are no matters where costs have been awarded against the Tribunal. The impact of these cases if successful is assessed as immaterial.

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 and 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 2023 (2022: Nil).

Unquantifiable Administered Contingencies

There are no unquantifiable or remote contingencies at 30 June 2022 (2022: Nil).

7.2 Financial Instruments

	2023 \$'000	2022 \$'000
7.2A: Categories of financial instruments		
Financial assets at amortised cost		
Cash and cash equivalent	4,758	3,888
Trade and other receivables	395	66
Total financial assets at amortised cost	5,153	3,954
Total financial assets	5,153	3,954
Financial Liabilities		
Financial liabilities measured at amortised cost		
Suppliers	4,203	2,278
Total financial liabilities measured at amortised cost	4,203	2,278
Total financial liabilities	4,203	2,278

Accounting Policy**Financial assets**

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

- financial assets at fair value through profit or loss;
- financial assets at fair value through other comprehensive income; and
- 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 derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

Financial Assets at Amortised Cost

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

- the financial asset is held in order to collect the contractual cash flows; and
- 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 simplified 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).

7.3 Fair Value Measurement

Accounting Policy

With the exception of ROU assets which continue to be recognised at cost, all other property, plant and equipment is measured at fair value in the Statement of Financial Position.

An annual assessment is undertaken to determine whether the carrying amount of assets differs materially from the fair value. Comprehensive valuations are undertaken at least once every five years and an independent desktop valuation every three years.

The Market Approach

The market approach provides an indication of value by comparing the subject asset with similar assets for which price information is available. Under this approach the first step is to consider the prices for transactions of similar assets that have occurred recently. If few recent transactions have occurred, it may also be appropriate to consider the prices of identical or similar assets that are listed or offered for sale provided the relevance of this information is clearly established and critically analysed. It may be necessary to adjust the price information from other transactions to reflect any differences in the terms of actual transactions as well as for differences in the legal, economic, or physical characteristics of the assets in other transactions and the assets being valued.

The Cost Approach

The cost approach reflects the amount that would be required to replace the service capacity of an asset at the reporting date. That is, the cost a market participant would be prepared to pay to acquire or construct a substitute asset of comparable utility, whether by purchase or reproduction (modern equivalent asset). Often that asset being valued will be less attractive than the alternative that could be purchased or reproduced because of age or obsolescence.

Both the market and cost approaches are utilised to determine the fair value of the asset subject to valuation. The selection of the most appropriate technique to measure fair value is dependent on the nature of the asset being measured and the exit market within which the asset would transact. No individual assets were measured using multiple valuation techniques.

- Buildings (Leasehold Improvements) assets are measured using the cost approach
- Plant & Equipment assets are measured using the combination of the cost and market approach

	Fair value	
	2023	2022
	\$'000	\$'000
Non-financial assets		
Buildings (Leasehold improvements)	32,013	38,812
Plant and equipment	3,511	3,577
Total non-financial assets at fair value	35,524	42,389

Other information

8.1 Current/non-current distinction for assets and liabilities

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

	2023	2022
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	4,758	3,888
Trade and other receivables	48,701	55,314
Other non-financial assets	3,824	3,758
Total no more than 12 months	57,283	62,960
More than 12 months		
Buildings	212,195	244,006
Plant and equipment	5,732	6,801
Computer software	12,749	9,843
Other non-financial assets	116	317
Total more than 12 months	230,792	260,967
Total assets	288,075	323,927
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	4,203	2,278
Other payables	5,505	3,216
Leases	16,056	14,787
Employee provisions	12,889	12,956
Total no more than 12 months	38,653	33,237
More than 12 months		
Leases	189,835	210,006
Employee provisions	14,455	13,485
Other provisions	1,238	745
Total more than 12 months	205,528	224,236
Total liabilities	244,181	257,473

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

	2023	2022
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	422	264
Trade and other receivables	354	201
Total no more than 12 months	776	465
Total assets	776	465
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	5,301	4,208
Other payables	38,497	42,700
Total no more than 12 months	43,798	46,908
Total liabilities	43,798	46,908

Appendix 1: Members of the AAT

Members of the AAT

This appendix contains:

- a list of the AAT's members at 30 June 2023
- a table showing the number of senior members and members assigned to each of the AAT's divisions at 30 June 2023
- lists of members whose term of appointment or reappointment commenced or ended in 2022–23
- profiles of the President and the Division Heads.

Members at 30 June 2023

The list of the AAT's members at 30 June 2023 is set out in the table below. It is ordered by membership category, full-time/part-time status and then alphabetically. The table records the first date from which the member was appointed to the AAT and, if the member has been reappointed, the date from which their most recent appointment commenced or, if after the end of the reporting period, commences. 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 and have held continuous appointments to the AAT, the first appointment date is listed as 1 July 2015. The table also shows the date on which the member's most recent appointment is due to expire.

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 2023 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

For more information about the past appointments of members who have been reappointed to the AAT, see the Table of Statutory Appointments on the AAT website.

Table A1.1: Members of the AAT at 30 June 2023

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
President					
The Hon Justice Emiliios Kyrou AO	09/06/2023	09/06/2023	08/06/2028	Vic	
Deputy Presidents					
Judges of the Federal Court of Australia					
The Hon Justice Berna Collier	12/11/2015	10/12/2020	09/12/2025	Qld	
The Hon Justice Craig Colvin	20/07/2018	20/07/2018	19/07/2025	WA	
The Hon Justice Lisa Hespe	25/05/2023	25/05/2023	24/05/2025	Vic	
The Hon Justice Geoffrey Kennett	25/05/2023	25/05/2023	24/05/2025	NSW	
The Hon Justice Susan Kenny AM	24/11/2010	10/12/2020	28/11/2023	Vic	
The Hon Justice Timothy McEvoy	10/12/2020	10/12/2020	09/12/2025	Vic	
The Hon Justice Melissa Perry	20/07/2018	20/07/2018	19/07/2025	NSW	
The Hon Justice Thomas Thawley	20/07/2018	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	10/12/2020	09/12/2025	Vic	
The Hon Justice David Berman	10/12/2020	10/12/2020	28/06/2025	SA	
Non-judicial Deputy Presidents – Full time					
Stephen Boyle	01/07/2017	01/07/2017	30/06/2024	WA	
Peter Britten-Jones	25/03/2016	01/07/2018	30/06/2025	Vic	
Dr Denis Dragovic	30/05/2016	09/05/2022	08/05/2029	Vic	
Bernard McCabe	01/07/2001	25/03/2022	24/03/2027	NSW	
The Hon Michael Mischin	09/05/2022	09/05/2022	08/05/2029	WA	
Justin Owen	01/07/2017	09/05/2022	08/05/2029	NSW	
The Hon John Pascoe AC CVO	25/02/2019	25/02/2019	24/02/2024	NSW	
Brian Rayment KC	01/07/2017	01/07/2017	30/06/2024	NSW	
Jan Redfern PSM	21/03/2016	21/03/2023	22/12/2023	NSW	
Karen Synon	01/07/2015	09/05/2022	08/05/2027	Vic	
Antoinette Younes	01/07/2015	09/05/2022	08/05/2029	NSW	
Non-judicial Deputy Presidents – Part time					
The Hon Dennis Cowdroy AO KC	01/03/2016	01/06/2021	31/05/2026	NSW	
Ian Hanger AM KC	01/10/2017	01/12/2017	30/11/2024	Qld	

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Major General Aziz Gregory Melick AO RFD SC (Rtd)	05/09/2014	05/09/2019	04/09/2024	Tas	
Ian Molloy	11/04/2013	11/04/2023	22/12/2023	Qld	
Francis O'Loughlin KC	23/09/2009	01/07/2017	30/06/2024	Vic	
John Sosso	30/05/2016	01/11/2017	31/10/2024	Qld	
Senior Members					
Senior Members – Full time					
Rebecca Bellamy	08/04/2019	09/05/2022	08/05/2027	Qld	G M Sm So T
Diana Benk	01/07/2015	01/01/2018	31/12/2024	NSW	G N Sm So T
Mark Bishop	01/07/2017	09/05/2022	08/05/2025	Vic	M
Simone Burford	01/10/2017	07/02/2022	06/02/2025	WA	G M
Kate Buxton	01/07/2015	21/03/2022	20/03/2025	Qld	G N Sm So T V
Robert Cameron	01/12/2017	01/12/2017	30/11/2024	Vic	F G M N Sec T V
John Cipolla	01/07/2015	09/05/2022	08/05/2027	NSW	G M N So
Paul Clauson AM	01/12/2017	01/12/2017	30/11/2024	Qld	F G M N Sec V
Denise Connolly	01/07/2015	21/03/2022	20/03/2025	NSW	M N
Michael Cooke	01/07/2015	01/07/2017	30/06/2024	NSW	M
Jennifer Cripps Watts	30/05/2016	09/05/2022	08/05/2027	ACT	M So
Dr Bridget Cullen	01/07/2017	09/05/2022	08/05/2027	Qld	G M N V
Susan De Bono	01/07/2017	09/05/2022	08/05/2029	Vic	N So
Kruna Dordevic	01/07/2015	09/05/2022	08/05/2027	NSW	So
Richard Ellis	01/07/2017	05/11/2018	04/11/2025	WA	N So
Dr Michelle Evans-Bonner	01/12/2017	01/12/2017	30/11/2024	WA	F G M N Sm T V
Emeritus Professor Paul Fairall	08/04/2019	08/04/2019	07/04/2026	NSW	F G M N Sm So T V
Dr Stewart Fenwick	25/02/2019	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Chris Furnell	25/02/2019	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Andrew George	02/12/2018	09/05/2022	08/05/2029	NT	F G M N So V
Prudence Goward AO	09/05/2022	09/05/2022	08/05/2027	NSW	N
Matthew Groom	23/07/2018	23/07/2018	22/07/2023	Tas	F G M N Sec Sm T V
Katherine Harvey	16/05/2022	16/05/2022	15/05/2027	SA	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Brenton Illingworth	01/12/2017	01/12/2017	30/11/2024	SA	F G M N V
Michael Ison	01/07/2017	01/07/2017	30/06/2024	Vic	M
David James	09/05/2022	09/05/2022	08/05/2027	Qld	G M
Josephine Kelly	01/07/2015	12/11/2020	11/11/2023	NSW	G M N Sm Sec T V
Marten Kennedy	01/07/2015	09/05/2022	08/05/2027	SA	G M So
Dr Linda Kirk	30/01/2017	09/05/2022	08/05/2027	NSW	G Sm T V
James Lambie	01/12/2017	01/12/2017	30/11/2024	Qld	F G M V
Gina Lazanas	05/04/2012	01/07/2022	30/06/2025	NSW	F G Sm T V
John Longo	01/07/2015	09/05/2022	08/05/2027	Vic	M So
Kathryn Millar	01/07/2015	08/02/2019	30/06/2024	SA	G M N So
Donald Morris	26/02/2016	09/05/2022	08/05/2027	Vic	F G M Sec So V
Louise Nicholls	01/07/2015	01/07/2017	30/06/2024	NSW	G M N
Andrew Nikolic AM CSC	16/01/2017	16/01/2017	15/01/2024	Vic	F G Sec V
Damien O'Donovan	25/02/2019	25/02/2019	24/02/2026	ACT	F G M N Sec So T V
Kim Parker	16/01/2017	21/03/2022	20/03/2025	Vic	G N Sm T V
Jason Pennell	01/07/2017	08/02/2019	30/06/2024	Vic	G M
Wayne Pennell	09/05/2022	09/05/2022	08/05/2029	Qld	G M
Belinda Pola	05/11/2018	05/11/2018	04/11/2025	Qld	F G M N Sm So T V
Adria Poljak	30/05/2016	30/05/2019	29/05/2026	NSW	G M Sec Sm T
Kira Raif	01/07/2015	01/10/2021	30/09/2026	NSW	G M N
Theodore Tavoularis	13/06/2016	13/06/2021	12/06/2026	Qld	F G Sm T V
Susan Trotter	01/07/2015	09/05/2022	08/05/2027	Qld	G M N So
Karen Vernon	09/05/2022	09/05/2022	08/05/2027	WA	M
Rachel Westaway	01/07/2015	09/05/2022	08/05/2027	Vic	M So
Senior Members – Part time					
Dr Ion Alexander	02/08/2004	22/03/2019	30/09/2024	NSW	F G V
Grant Chapman	01/10/2017	01/12/2017	30/11/2024	SA	M
Joanne Collins	01/05/2022	01/05/2022	30/04/2025	Qld	N
Graham Connolly	09/05/2022	09/05/2022	08/05/2027	NSW	M
Dr Damien Cremean	01/06/2015	01/10/2017	30/09/2024	Vic	G Sec V

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Ann Duffield	01/06/2022	01/06/2022	31/05/2027	ACT	M
Paul Ehrlich KC	25/02/2019	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Milton Griffin KC	16/01/2017	16/01/2017	15/01/2024	NSW	G M N
Dominique Grigg	09/05/2022	09/05/2022	08/05/2025	Qld	M Sm T
Louie Hawas	25/03/2016	01/07/2017	30/06/2024	Vic	M
Fiona Hewson	01/07/2015	09/05/2022	30/06/2023	ACT	G N So
Keith James	08/04/2019	08/04/2019	07/04/2024	Vic	Sm T
Dr Dominic Katter	25/02/2019	25/02/2019	24/02/2026	Qld	F G M N Sec So T V
Dr Nicholas Manetta	05/08/2013	05/11/2018	04/11/2023	SA	F G M Sm T V
Dr Teresa Nicoletti	24/08/2006	01/12/2017	30/11/2024	NSW	F G Sm T V
Professor Ann O'Connell	08/04/2019	08/04/2019	07/04/2024	Vic	Sm T
Robert Olding	08/04/2019	08/04/2019	07/04/2024	Qld	Sm T
The Hon John Rau SC	22/02/2021	22/02/2021	21/02/2024	SA	G M So
Shahyar Roushan	01/07/2015	01/07/2019	30/06/2024	NSW	G M N
Rania Skaros	01/07/2015	01/07/2019	30/06/2024	NSW	G M
Peter Taylor SC	24/08/2006	01/12/2017	30/11/2024	NSW	F G Sm T V
Members					
Members – Full time					
Lee Benjamin	09/05/2022	09/05/2022	08/05/2027	Qld	F G Sm T V
Ian Berry	01/07/2017	01/07/2017	30/06/2024	Qld	M
Moira Brophy	13/06/2016	13/06/2019	12/06/2024	NSW	M So V
Anna Burke AO	16/01/2017	05/04/2019	15/01/2024	Vic	F G V
Dr Louise Bygrave	30/05/2016	30/05/2021	29/05/2026	Vic	F G N Sm So T V
Cheryl Cartwright	09/05/2022	09/05/2022	08/05/2027	Vic	M
Kent Chapman	04/04/2016	04/07/2021	03/07/2026	Qld	M So
Kate Chapple	09/05/2022	09/05/2022	08/05/2027	Qld	M
Scott Clarey	01/12/2017	01/12/2017	30/11/2024	Vic	M Sec
Helena Claringbold	01/07/2015	01/07/2017	30/06/2024	NSW	M
Justine Clarke	01/08/2016	01/08/2023	22/12/2023	Vic	M
Stephen Conwell	01/07/2017	01/07/2017	30/06/2024	Vic	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
David Cox	25/02/2019	25/02/2019	24/02/2024	SA	F G N Sec So V
David Crawshay OAM	25/02/2019	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Rachel Da Costa	22/02/2021	22/02/2021	21/02/2024	NSW	M
Brendan Darcy	01/07/2015	30/09/2023	22/12/2023	Vic	M
Namoi Dougall	22/02/2021	22/02/2021	21/02/2024	NSW	M
Antonio Dronjic	01/07/2016	01/07/2019	30/06/2024	Vic	M
Michael Edgoose	01/12/2017	01/12/2017	30/11/2024	Vic	M
Peter Emmerton	01/07/2017	01/07/2017	30/06/2024	SA	M
Shane Evans	25/02/2019	25/02/2019	24/02/2026	NSW	F G M N Sec So V
The Hon Joseph Francis	25/02/2019	25/02/2019	24/02/2026	WA	F G M N Sec So T V
William Frost	25/02/2019	25/02/2019	24/02/2026	ACT	F G M N Sec So T V
Lana Gallagher	16/01/2017	07/03/2022	15/01/2024	WA	G M Sm So T V
Nathan Goetz	01/07/2017	01/07/2017	30/06/2024	Vic	M
George Hallwood	01/07/2017	03/11/2018	30/06/2024	SA	G M N So
Dr Colin Huntly	16/01/2017	16/01/2017	15/01/2024	WA	G M N So
Mireya Hyland	01/07/2017	01/07/2017	30/06/2024	NSW	M
Michael Judd	16/01/2017	16/01/2017	15/01/2024	WA	M
Peter Katsambanis	09/05/2022	09/05/2022	08/05/2027	WA	M
Nora Lamont	01/07/2017	01/07/2017	30/06/2024	Qld	M
Sheridan Aster	01/12/2017	01/12/2017	30/11/2024	Vic	M
Simon Letch	01/07/2015	16/05/2019	15/05/2024	Qld	M N So
Joseph Lindsay	01/07/2017	01/07/2017	30/06/2024	Vic	M
Paul Maishman	01/12/2017	01/12/2017	30/11/2024	WA	M N So
Andrew Maryniak KC	01/10/2017	08/02/2019	30/09/2024	Vic	F G N Sm T V
Russell Matheson	16/01/2017	16/01/2017	15/01/2024	NSW	M
David McCulloch	01/07/2015	01/07/2017	30/06/2024	NSW	M
Karen McNamara	01/12/2017	01/12/2017	30/11/2024	NSW	F M
Amanda Mendes Da Costa	01/10/2017	01/10/2017	30/09/2024	Vic	M
Alison Mercer	01/07/2015	01/07/2019	30/06/2024	Vic	M
Justin Meyer	04/04/2016	04/07/2021	03/07/2026	Vic	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Deborah Mitchell	03/11/2018	03/11/2023	22/12/2023	Qld	F G M N Sec Sm So T V
Helen Moreland	01/07/2017	01/07/2017	30/06/2024	Vic	So
Jade Murphy	01/07/2017	01/07/2017	30/06/2024	Vic	M
Steven Norman	01/07/2015	01/07/2017	30/06/2024	NSW	M
Peter Papadopoulos	09/05/2022	09/05/2022	08/05/2027	NSW	M
Donna Petrovich	02/12/2018	09/05/2022	08/05/2025	Vic	G M So
The Hon Jane Prentice	22/02/2021	22/02/2021	21/02/2024	Qld	M N So
Peter Ranson	25/02/2019	25/02/2019	24/02/2024	Qld	F G M N Sec Sm So T V
Hannelore Schuster	06/02/2017	06/02/2017	05/02/2024	NSW	F So
Mary Sheargold	01/12/2017	01/12/2017	30/11/2024	Vic	M
Peter Smith	25/02/2019	25/02/2019	24/02/2024	NSW	F G M N Sec So T V
The Hon Michael Sutherland OAM	25/02/2019	25/02/2019	24/02/2024	WA	F G M N Sec So V
Linda Symons	01/07/2015	01/07/2017	30/06/2024	NSW	M
Jeffrey Thomson	30/05/2016	30/05/2021	29/05/2026	Qld	G So
David Tucker	01/07/2017	01/07/2017	30/06/2024	NSW	M N So
Peter Vlahos	30/05/2016	30/05/2023	22/12/2023	Vic	M
Paul Windsor	01/07/2015	30/09/2023	22/12/2023	Vic	M
Stephen Witts	01/12/2017	01/12/2017	30/11/2024	Vic	M N Sec So
Members – Part time					
Matt Amundsen	01/07/2015	01/10/2017	30/09/2024	Qld	So
Robyn Anderson	01/07/2015	01/07/2019	30/06/2024	Vic	M So
Dr William Appleton	01/07/2015	01/07/2019	30/06/2024	Vic	G So
Joanne Bakas	01/07/2015	01/01/2018	31/12/2024	SA	M N So
Sean Baker	01/07/2015	01/10/2021	30/09/2026	NSW	M
Wendy Banfield	01/07/2015	01/07/2017	30/06/2024	ACT	M
David Barker	01/07/2015	30/09/2023	22/12/2023	NSW	M N V
Stephen Barton	25/02/2019	25/02/2019	24/02/2024	WA	F G M N Sec So T V
Michelle Baulch	01/07/2015	01/07/2019	30/06/2024	Tas	So
Terrence Baxter OAM	25/02/2019	25/02/2022	24/02/2025	Qld	F G M N Sec So T V

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Angela Beckett	01/07/2015	01/07/2019	30/06/2024	NSW	So
Professor David Ben-Tovim	26/02/2016	26/05/2021	25/05/2026	SA	G
Michael Biviano	23/11/2018	23/02/2023	22/12/2023	Vic	M
Peter Booth	23/11/2018	23/02/2023	22/12/2023	Vic	M
Alexandra Bordujenko	01/07/2015	01/04/2019	31/03/2024	Qld	G So
Margret Bourke	01/07/2015	01/07/2019	30/06/2024	Vic	M
Suzanne Boyce FAICD	01/12/2017	01/12/2017	30/11/2024	Qld	N
Michael Bradford	23/11/2018	23/02/2023	22/12/2023	NSW	M
Dr Christilde Breheny	01/07/2015	01/07/2023	22/12/2023	Tas	So
Tina Bubutievski	01/07/2015	01/04/2019	31/03/2024	NSW	G N So
Nicole Burns	01/07/2015	30/09/2023	22/12/2023	Vic	M
Alex Byers	01/07/2015	01/07/2019	30/06/2024	Qld	So
Dr Niall Cain	01/07/2015	16/05/2019	15/05/2024	Vic	G So
Catherine Carney-Orsborn	01/07/2015	01/07/2017	30/06/2024	NSW	M
Jennifer Cavanagh	01/07/2015	01/07/2017	30/06/2024	Qld	G So
Christine Cody	01/07/2015	30/09/2023	22/12/2023	NSW	M
David Cosgrave	09/05/2022	09/05/2022	08/05/2025	Qld	G
Dr Michael Couch	05/04/2012	01/07/2017	30/06/2024	NSW	F G V
Angela Cranston	30/05/2016	30/05/2021	29/05/2026	NSW	M
Damian Creedon	23/11/2018	23/02/2023	22/12/2023	WA	M
Gabrielle Cullen	01/07/2015	01/07/2017	30/06/2024	NSW	G M N
Steven Cullimore	01/07/2015	01/07/2019	30/06/2024	SA	So
Professor John Devereux	01/07/2015	01/04/2019	31/03/2024	Qld	So
Marshal Douglas	30/05/2016	30/05/2019	29/05/2024	NSW	G So V
Tegen Downes	01/06/2022	01/06/2022	31/05/2025	Qld	M
Anthony Durkin	25/02/2019	25/02/2019	24/02/2024	SA	F G N Sec So T V
Nicola Findson	01/07/2015	30/09/2023	22/12/2023	WA	M
Tania Flood	01/07/2015	30/09/2023	22/12/2023	NSW	M
Margaret Forrest	23/11/2018	23/02/2023	22/12/2023	Qld	M
Mila Foster	30/05/2016	30/08/2021	29/08/2026	NSW	M
Neil Foster	01/07/2015	01/10/2017	30/09/2024	Qld	So

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Nicholas Gaudion	11/04/2013	11/04/2023	22/12/2023	NSW	F G Sm T
Stavros Georgiadis	01/07/2015	01/07/2019	30/06/2024	SA	M N
Dr Jonathan Gillis	25/03/2016	25/03/2019	24/03/2024	NSW	So
Anne Grant	01/07/2015	01/04/2019	31/03/2024	Vic	M N So
Jocelyn Green	01/07/2015	01/10/2017	30/09/2024	Qld	So
Dr Heidi Gregory	30/05/2016	30/05/2019	29/05/2024	Vic	G N So V
Dr Beverley Grehan	01/07/2015	16/05/2019	15/05/2024	Qld	So
Harry Grossman	25/02/2019	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Peter Haag	23/11/2018	23/02/2023	22/12/2023	Vic	M
Adam Halstead	01/07/2015	01/04/2019	31/03/2024	NSW	So
Genevieve Hamilton	22/02/2021	22/02/2021	21/02/2024	Vic	M
Tamara Hamilton-Noy	01/07/2015	01/04/2019	31/03/2024	Vic	M So
Luke Hardy	01/07/2015	01/07/2017	30/06/2024	NSW	M
Dr Jessica Henderson	22/02/2021	22/02/2021	21/02/2024	WA	G M
Dr Susan Hoffman	01/07/2015	01/04/2019	31/03/2024	WA	M So
Linda Holub	01/07/2015	30/09/2023	22/12/2023	NSW	M
Michael Horsburgh AM	01/07/2015	01/10/2017	30/09/2024	NSW	So
Noelle Hossen	23/11/2018	23/02/2023	22/12/2023	WA	M
Edward Howard	09/05/2022	09/05/2022	08/05/2025	Qld	M
Penelope Hunter	01/07/2015	30/09/2023	22/12/2023	NSW	G M N
Peter Jensen	01/07/2015	01/10/2017	30/09/2024	Qld	G So
Michael Jones	01/07/2015	02/10/2017	01/10/2024	WA	So
Angela Julian-Armitage	22/02/2021	22/02/2021	21/02/2024	Qld	G M N
Christine Kannis	01/07/2015	30/09/2023	22/12/2023	WA	M So
De-Anne Kelly	25/02/2019	25/02/2019	24/02/2024	Qld	F G M N Sec So V
Dr Sofia Khan	30/05/2016	30/05/2019	29/05/2024	NSW	G So V
Elisa Kidston	01/10/2017	01/10/2017	30/09/2024	Qld	M So
Robert King	01/07/2015	01/10/2017	30/09/2024	Qld	So
Donna Lambden	01/07/2015	01/10/2017	30/09/2024	SA	So
Julia Leonard	01/07/2015	01/07/2019	30/06/2024	NSW	N So
Dr Stephen Lewinsky	01/07/2015	01/10/2017	30/09/2024	Vic	G So

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Roger Maguire	23/11/2018	23/02/2023	22/12/2023	Qld	G M
Brygyda Maiden	09/05/2022	09/05/2022	08/05/2027	Vic	M
Katie Malyon	01/07/2015	01/07/2017	30/06/2024	NSW	M
Michael Manetta	30/05/2016	30/05/2021	29/05/2026	SA	So
Dr Geoffrey Markov	01/07/2015	01/07/2019	30/06/2024	Vic	G So
Jane Marquard	30/05/2016	30/05/2021	29/05/2026	NSW	M
Maxina Martellotta	01/07/2015	01/04/2019	31/03/2024	WA	M N So
Melissa McAdam	01/07/2015	01/07/2017	30/06/2024	NSW	M
David McKelvey	01/07/2015	01/10/2017	30/09/2024	Qld	G So
Andrew McLean-Williams	25/02/2019	25/02/2019	24/02/2024	Qld	F G M N Sec So T V
Alan McMurrin	16/01/2017	16/01/2017	15/01/2024	NSW	M N V
Lilly Mojsin	01/07/2015	01/07/2017	30/06/2024	NSW	M
Carmel Morfuni	01/07/2017	01/07/2017	30/06/2024	Vic	M
Mara Moustafine	01/07/2015	01/07/2017	30/06/2024	NSW	M Sec
Alison Murphy	16/01/2017	16/01/2017	15/01/2024	Vic	M
Jack Nalpantidis	01/07/2015	01/10/2017	30/09/2024	Vic	G N So V
Peter Newton SC	23/11/2018	23/02/2023	22/12/2023	NSW	M
Paul Noonan	01/07/2015	01/07/2019	30/06/2024	Vic	M So
Mark O'Loughlin	01/12/2017	01/12/2017	30/11/2024	SA	F G M N V
Lieutenant Colonel Robert Ormston (Rtd)	01/09/2011	01/10/2017	30/09/2024	SA	F G Sec V
Christopher Packer	16/01/2017	16/01/2017	15/01/2024	Vic	M
Amanda Paxton	22/02/2021	22/02/2021	21/02/2024	Vic	M
Dr Julie Quinlivan	01/07/2015	01/07/2023	22/12/2023	Vic	G So
Tamara Quinn	23/11/2018	23/02/2023	22/12/2023	Vic	M
Susan Reece Jones	25/02/2019	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Dr Matthew Reid	25/02/2019	25/02/2019	24/02/2024	Vic	F G M N Sec So V
Robert Reitano	08/04/2019	08/04/2019	07/04/2024	NSW	F G N Sm So T V
Frank Russo	23/11/2018	23/02/2023	22/12/2023	NSW	M
Naomi Schmitz	22/02/2021	22/02/2021	21/02/2024	Vic	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Dr Harry Schwarz	01/07/2015	26/05/2019	25/05/2024	Vic	G So V
Rodger Shanahan	01/07/2015	01/07/2017	30/06/2024	NSW	M Sec
Wan Shum	01/07/2015	01/07/2019	30/06/2024	NSW	M
James Silva	02/08/2016	02/08/2021	01/08/2026	NSW	M
Roslyn Smidt	01/07/2015	30/09/2023	22/12/2023	NSW	M
Meena Sripathy	01/07/2015	01/07/2019	30/06/2024	NSW	M
Frances Staden	01/07/2015	01/10/2017	30/09/2024	ACT	So
Dr Leslie Stephan	26/06/2015	26/09/2020	25/09/2023	SA	G V
Warren Stooke AM	01/07/2017	01/07/2017	30/06/2024	Vic	M
David Thompson	23/11/2018	23/02/2023	22/12/2023	WA	M
Ian Thompson	05/08/2013	05/11/2023	22/12/2023	SA	F G N
Dominic Triaca	23/11/2018	23/02/2023	22/12/2023	Vic	M
Dr Robert Walters RFD	16/11/2006	01/12/2017	30/11/2024	Tas	F G V
Alexander Ward	01/07/2017	01/07/2017	30/06/2024	SA	G V
Brigadier Anthony Warner AM LVO (Rtd)	15/06/2005	01/09/2023	22/12/2023	WA	F G N Sec Sm T V
Simon Webb	16/07/2001	05/12/2017	04/12/2024	ACT	F G N Sec V
Yvonne Webb	01/07/2015	01/07/2019	30/06/2024	SA	So
Richard West	01/07/2017	01/07/2017	30/06/2024	Vic	G M
Allison Windsor	01/07/2015	16/11/2017	15/11/2024	SA	So
Fiona Zuccala	25/02/2019	25/02/2019	24/02/2024	Vic	F G M N Sec So T V

Table A1.2: Number of senior members and members assigned to each AAT division, 30 June 2023

Division	Senior Member full time	Senior Member part time	Member full time	Member part time	Total
Freedom of Information	16	6	15	18	55
General	34	12	18	43	107
Migration and Refugee	36	12	52	71	171
National Disability Insurance Scheme	25	6	18	28	77
Security	10	3	11	14	38
Small Business Taxation	13	7	6	3	29
Social Services and Child Support	20	4	24	55	103
Taxation and Commercial	17	9	10	10	46
Veterans' Appeals	21	7	15	25	68

Appointments and cessations

New appointments – term commenced in 2022–23

President

Justice Emilios Kyrou AO

Deputy President

Justice Lisa Hespe

Justice Geoffrey Kennett

Reappointments – term commenced in 2022–23

Deputy President

Dr Peter McDermott RFD

Ian Molloy

Jan Redfern PSM

Senior Member

Gina Lazanas

Member

Paul Adami

Michael Biviano

Peter Booth

Michael Bradford

Brian Camilleri

Damian Creedon

Robert Cumming

Margaret Forrest

Nicholas Gaudion

Peter Haag

Noelle Hossen

Roger Maguire

Benjamin Murphy

Peter Newton SC

Glenn O'Brien

Tamara Quinn

Darren Renton

Frank Russo

Dr Bruce Swanson

David Thompson

Dominic Triaca

Peter Vlahos

Members – term ended in 2022–23

President

Justice Fiona Meagher

Deputy President

James Constance

The Hon Justice Andrew Greenwood

Dr Peter McDermott RFD

The Hon Justice John Middleton

Senior Member

April Freeman

Fiona Hewson

Christopher Puplick AM

Perry Wood

Member

Paul Adami

Jane Bell

Professor Timothy Bohane

Brian Camilleri

Timothy Connellan

Professor Stephen Cordner

Robert Cumming

The Hon Philip Dalidakis

Jenny D'Arcy

Michelle East

Julie Forgan

Rosa Gagliardi

Danielle Galvin

Jason Harkess

Meredith Jackson

Kate Juhasz

Helen Kroger

Nicholas McGowan

Benjamin Murphy

Glenn O'Brien

Amanda Pearson

Regina Perton OAM

Vanessa Plain

Darren Renton

Lynette Rieper

Andrea Schiwy

Dr Bruce Swanson

Amanda Upton

Profiles

President

The Honourable Justice Emiliios Kyrou AO

Justice Kyrou was appointed as a Judge of the Federal Court of Australia on 8 June 2023 and as the President of the AAT on 9 June 2023 for a term of 5 years. From 2014 to 2023, Justice Kyrou was a Judge of the Victorian Court of Appeal. From 2008 to 2014, His Honour was a Judge in the Trial Division of the Supreme Court of Victoria, where he was one of the judges in charge of the Supreme Court's Judicial Review and Appeals List.

Justice Kyrou commenced his legal career in 1983 as an articulated clerk at the firm that is now known as Corrs Chambers Westgarth and was a partner of that firm from 1988 until 1990. From 1990 to 2008, Justice Kyrou was a senior litigation partner in the international legal firm that is now known as King & Wood Mallesons, where he specialised in administrative law and insurance law.

Justice Kyrou was born in Greece. His family migrated to Australia when he was 8 years of age.

Justice Kyrou was an inaugural member of the Judicial Council on Diversity and Inclusion. He is the patron of the Australian Greek Welfare Society ('Pronia') and the Victorian patron of the Hellenic Australian Lawyers Association.

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.

Her Honour's appointment to the AAT ended on 30 November 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. She was reappointed as a Deputy President and reassigned as Division Head from 21 March 2023 until 22 December 2023.

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 and 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 reappointed on 9 May 2022 for a 5-year term.

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 2022 and 30 June 2023
- statistics on APS employees of the AAT at 30 June 2022 and 30 June 2023
- the salary ranges available for APS employees during 2022–23.

Table A2.1: AAT workforce – work status and gender by location, 30 June 2022 and 30 June 2023

Location	Ongoing						Non-ongoing ^b						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	Male	Female			
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	13	25
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

Location	Ongoing								Non-ongoing ^b								All employees	
	Male				Female				Male				Female				Total male	Total female
	Full time	Part time	Total male	Total	Full time	Part time	Total female	Total	Full time	Part time	Total male	Total	Full time	Part time	Total female	Total		
At 30 June 2023^a																		
NSW	65	5	70	98	37	135	205	19	15	34	20	16	36	70	104	171	275	
Qld	21	1	22	20	5	25	47	16	3	19	18	9	27	46	41	52	93	
SA	8	2	10	11	7	18	28	2	4	6	7	5	12	18	16	30	46	
Tas	1	0	1	6	1	7	8	0	0	0	2	1	3	3	1	10	11	
Vic	50	2	52	76	15	91	143	20	11	31	26	19	45	76	83	136	219	
WA	7	0	7	16	6	22	29	3	1	4	13	8	21	25	11	43	54	
ACT	4	0	4	7	1	8	12	2	9	11	3	2	5	16	15	13	28	
NT	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	1	1	
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	156	10	166	234	72	306	472	62	43	105	89	61	150	255	271	456	727	

^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 A2.2: AAT APS employees – employment status and gender by classification, 30 June 2022 and 30 June 2023

Classification	Ongoing						Non-ongoing						All employees			
	Male			Female			Male			Female			Total	Total		
	Full time	Total male	Total female	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Total male	Total female		
At 30 June 2022^a																
SES Band 2	1	0	1	0	0	0	1	0	0	0	0	0	0	1	0	1
SES Band 1	2	0	2	3	0	3	5	1	0	1	0	0	1	3	3	6
Executive Level 2	22	1	23	15	14	29	52	4	1	5	8	16	21	28	45	73
Executive Level 1	30	3	33	35	8	43	76	1	0	1	1	2	3	34	45	79
APS Level 6	32	1	33	55	8	63	96	3	0	3	2	3	6	36	66	102
APS Level 5	30	0	30	37	11	48	78	6	0	6	8	9	15	36	57	93
APS Level 4	47	2	49	85	28	113	162	36	3	39	53	58	97	88	171	259
APS Level 3	4	0	4	8	5	13	17	4	1	5	11	18	23	9	31	40
APS Level 2	0	1	1	2	1	3	4	1	3	4	0	8	12	5	11	16
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	1	1
Total	168	8	176	240	76	316	492	56	8	64	83	114	178	240	430	670

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			
At 30 June 2023^a																	
SES Band 2	1	0	1	0	0	0	1	0	0	0	0	0	0	0	1	0	1
SES Band 1	3	0	3	2	0	2	5	1	0	1	0	0	0	1	4	2	6
Executive Level 2	24	3	27	18	10	28	55	3	0	3	8	8	16	19	30	44	74
Executive Level 1	28	2	30	33	8	41	71	3	0	3	2	1	3	6	33	44	77
APS Level 6	35	1	36	55	8	63	99	5	0	5	6	3	9	14	41	72	113
APS Level 5	25	0	25	39	12	51	76	9	2	11	9	0	9	20	36	60	96
APS Level 4	35	2	37	80	27	107	144	39	3	42	53	5	58	100	79	165	244
APS Level 3	5	1	6	6	4	10	16	2	3	5	11	10	21	26	11	31	42
APS Level 2	0	1	1	1	2	3	4	0	6	6	0	10	10	16	7	13	20
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	1	1
Total	156	10	165	234	72	306	472	62	14	76	89	37	126	202	242	432	674

^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 A2.3: APS employees - Location and equal employment opportunity data by employment status, 30 June 2022 and 30 June 2023

	At 30 June 2022			At 30 June 2023		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing	Total
Location						
NSW	209	54	263	205	48	253
Qld	51	37	88	47	41	88
SA	26	15	41	28	15	43
Tas	7	2	9	8	3	11
Vic	157	38	195	143	58	201
WA	30	21	51	29	22	51
ACT	12	11	23	12	14	26
NT	0	0	0	0	1	1
Overseas	0	0	0	0	0	0
TOTAL	492	178	670	472	202	674
Equal employment opportunity data^a						
Indigenous	4	0	4	4	1	5
Non-English speaking background	103	30	133	97	34	131
People with disability	11	3	14	11	8	19

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

Table A2.4: Salary ranges for AAT APS employees 2022–23

Classification	Minimum salary	Maximum salary
SES 2	\$296,044	\$296,044
SES 1	\$195,000	\$226,662
EL 2	\$130,512	\$148,337
EL 1	\$108,997	\$128,291
APS 6	\$86,055	\$98,557
APS 5	\$79,438	\$84,238
APS 4	\$71,223	\$77,331
APS 3	\$66,437	\$68,975
APS 2	\$56,106	\$63,116
APS 1	\$49,577	\$54,791
Other	0	0
<i>Minimum/Maximum range</i>	\$49,577	\$296,044

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 2022–23
- a table showing the total expenses for the AAT's outcome.

Resource statement

Table A3.1: AAT Resource statement, 2022–23

	Actual available appropriation for 2022–23 \$'000	Payments made 2022–23 \$'000	Balance remaining 2022–23 \$'000
	(a)	(b)	(a) – (b)
Departmental			
Annual appropriations - ordinary annual services ¹	221,637	181,241	40,396
Annual appropriations - other services - non-operating ²	7,363		7,363
Total departmental annual appropriations	229,000	181,241	47,759
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>	0	0	0
Total departmental resourcing	229,000	181,241	47,759
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	7,210	290
Total special accounts receipts	7,500	7,210	290
<i>less administered appropriations drawn from annual/special appropriations and credited to special accounts</i>			
<i>less payments to corporate entities from annual/special appropriations</i>			
Total administered resourcing	7,500	7,210	290
Total resourcing and payments for the AAT	236,500	188,451	48,049

¹ Appropriation Act (No. 1) 2022–23 and Appropriation Act (No. 3) 2022–23. This includes prior-year departmental appropriations of Appropriation Act (no.1) \$38.4 million and Appropriation Act (No.3) \$13.1 million.

² Appropriation Act (No. 4) 2022–23. This includes Equity Injection of \$7.4 million.

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 outcomes

Table A3.2: Expenses by outcome, 2022–23

Outcome 1 Totals by appropriation type	Budget*	Actual expenses	Variation
	2022–23 \$'000	2022–23 \$'000	2022–23 \$'000
	(a)	(b)	(a) – (b)
Administered expenses			
Ordinary annual services (Appropriation Act No. 1)			
Other services (Appropriation Act Nos. 2, 4 and 6)			
s74 External Revenue ¹			
Special appropriations	7,500	8,399	(899)
Special accounts			
Payments to corporate entities			
Expenses not requiring appropriation in the Budget year ²	5,000	5,006	(6)
Administered total	12,500	13,405	(905)
Departmental expenses			
Departmental appropriation	157,281	180,581	(23,300)
s74 External Revenue ¹	250	298	(48)
Special appropriations			
Special accounts			
Expenses not requiring appropriation in the Budget year ²	11,183	15,247	(4,064)
Departmental total	168,714	196,126	(27,412)
Total expenses for Program 1.1	181,214	209,531	(28,317)
	2022–23	2022–23	
Average staffing level (number)³	628	642	

* Full-year budget, including any subsequent adjustment made to the 2022–23 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, audit fees, and lease principal repayment amounts.

³ Average staffing level numbers 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 A4.1: Information about remuneration for key management personnel

Name	Position title	Short-term benefits			Post-employment benefits		Other long-term benefits	Termination benefits	Total remuneration
		Base salary	Bonuses	Benefits and allowances	Superannuation contributions	Long service leave			
Susan Kenny	President ^a	0	0	0	0	0	0	0	0
Berna Collier	President ^a	0	0	0	0	0	0	0	0
Fiona Meagher	President ^a	0	0	0	0	0	0	0	0
Emilios Kyrou	President ^a	0	0	0	0	0	0	0	0
Michael Hawkins	Registrar	417,918	0	0	28,206	9,504	0	0	455,628

^a The Presidents' salaries are paid by the Federal Court rather than the AAT.

Table A4.2: 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 other bonuses	Average other benefits and allowances				
\$0 - \$220,000 ^a	11	51,847			7,727	-1,998		57,577
\$245,001 - \$270,000	3	221,421			33,897	4,971		260,290
\$270,001 - \$295,000	1	228,517			36,563	5,437		270,517
\$345,001 - \$370,000	1	300,281			46,999	7,279		354,559

^a 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 A4.3: 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	Average termination benefits	Average total remuneration	
\$240,000 - \$245,000	0	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 2022–23. Non-campaign advertising expenditure of \$81,453 was paid to Universal McCann and Seek to advertise employment vacancies.

We paid \$41,105 (including GST) 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 2022–23.

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 AAT's production of our financial and performance statements. The committee engages with the AAT's internal and external audit service providers as required.

The [Audit and Risk Committee Charter](#) is on the AAT's website.

Table A5.1 Audit and risk committee members, 2022–23

Member name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Number of meetings attended	Total number of meetings held	Total annual remuneration (GST inc.)	Additional information (including role on committee)
Maria Storti	Fellow of Chartered Accountants Australia & New Zealand Fellow of the Australian Institute of Company Directors Member of the Institute of Internal Audit Master of Business Administration and Bachelor of Economics Former Ernst & Young partner and has worked with PricewaterhouseCoopers in the areas of audit, financial reporting, and risk	5	5	\$19,250	Chair
Shannon Buckley	Member of Institute of Internal Auditors Australia	5	5	\$8,800	Member

Member name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Number of meetings attended	Total number of meetings held	Total annual remuneration (GST inc.)	Additional information (including role on committee)
	<p>Member of Information System Audit Control Association</p> <p>Member of Association of Fraud Investigators, and Australian Computing Society</p> <p>Certified Practicing Accountant (CPA)</p> <p>Bachelor of Accounting and Computing</p> <p>An Assurance professional who has worked across internal and external audit, risk management and cybersecurity</p>				
Sarah Martin	<p>Fellowship at the Institute of Managers and Leaders (FIML)</p> <p>Member of Governance Institute Australia (AGIA)</p> <p>Certified Practicing Accountant (CPA)</p> <p>Bachelor of Business</p> <p>Former Chief Financial Officer of the Office of Parliamentary Counsel</p>	2	5	\$0	Member
Ruth Fenwick	<p>Diploma Project Management</p> <p>Certificate III in Government Procurement and Contracting</p> <p>Chief Operating Officer, National Archives of Australia</p> <p>Chief Security Officer and Chief Risk Officer, National Archives of Australia</p> <p>Senior Public Sector executive with experience in governance and risk management</p>	3	5	\$0	Member

Grants

The AAT did not administer any grants programs in 2022–23.

Disability reporting mechanism

Australia's Disability Strategy 2021–2031 presents a vision for fostering inclusivity and accessibility in Australian society. It envisions a future where individuals with disabilities can fully realise their potential as equal members of the community. Aligned with Australia's obligations under the United Nations Convention on the Rights of Persons with Disabilities, this Strategy is instrumental in safeguarding, promoting, and realising the human rights of people with disabilities.

As part of the commitment from all levels of government to enhance reporting transparency, reports developed under the Strategy will be accessible on the Disability Gateway website. This ensures comprehensive and visible reporting on disability-related initiatives and progress.

Furthermore, the Australian Public Service Disability Employment Strategy 2020–25 applies to the Australian Public Service, as the Government takes on the responsibility as an employer. This strategy includes reporting requirements for agencies, including the AAT, highlighting our dedication to supporting disability employment.

Disability reporting is also integrated into the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports can be accessed on the Australian Public Service Commission's website at www.apsc.gov.au.

Ecologically sustainable development and environmental performance

While the AAT does not develop or administer legislation or policy relating to the environment, we take steps to ensure our operations are environmentally sustainable.

During the reporting year, we implemented simple measures to minimise the impact of our operations on the environment. This included ensuring lights and electrical devices were 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, we installed light-emitting diode (LED) lights and fitted lights with sensors and timers.

The AAT considers the principles of ecologically sustainable development when arranging new leases and fit-outs. Our Long-Term Accommodation Masterplan, adopted in May 2015, states a preference for leases in buildings with National Australian Built Environment Rating System (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 2022–23 financial year.

Table A5.2: Environmental performance reporting, 2022–23

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 2022–23, tenant light and power consumption was 6,989.56 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.

APS Net Zero 2030 reporting

APS Net Zero 2030 is the Government’s policy for the APS to reduce its greenhouse gas emissions to net zero by 2030, and transparently report on its emissions. As part of this, non-corporate and corporate Commonwealth entities are required to report on their operational greenhouse gas emissions.

The Greenhouse Gas Emissions Inventory presents greenhouse gas emissions over the 2022–23 period. Results are presented on the basis of Carbon Dioxide Equivalent (CO₂-e) emissions. Greenhouse gas emissions reporting has been developed with methodology that is consistent with the Whole-of-Australian Government approach as part of the APS Net Zero 2030 policy. Not all data sources were available at the time of the report and adjustments to baseline data may be required in future reports.

Table A5.3: APS Net Zero report (location based), 2022–23

Emission Source	Scope 1 kg CO2-e	Scope 2 kg CO2-e	Scope 3 kg CO2-e	Total kg CO2-e
Electricity (by location)	N/A	1,087,109	110,995	1,198,105
Natural gas	-	N/A	-	-
Fleet vehicles	1,613	N/A	410	2,024
Domestic flights	N/A	N/A	137,249	137,249
Other energy	-	N/A	-	-
Total kg CO2-e	1,613	1,087,109	248,654	1,337,377

Table A5.4: APS Net Zero report (market based*), 2022–23

Emission Source	Scope 1 kg CO2-e	Scope 2 kg CO2-e	Scope 3 kg CO2-e	Total kg CO2-e
Electricity (by market)	N/A	980,627	129,789	1,110,416
Natural gas	-	N/A	-	-
Fleet vehicles	1,613	N/A	410	2,024
Domestic flights	N/A	N/A	137,249	137,249
Other energy	-	N/A	-	-
Total kg CO2-e	1,613	980,627	267,448	1,249,688

*The market based method accounts for activities such as Greenpower, purchased large-scale generation certificates (LGCs) and/or being located in the Australian Capital Territory, the total emissions for electricity.

Corrections of material errors in previous annual report

The AAT's Annual Report for 2021–22 contained the following errors:

- On page 70, at paragraph 3, it was incorrectly reported that the number of NDIS cases finalised following one or more ADR events increased by 3% compared to 2020–21. The correct figure is 139%.
- On page 70, at paragraph 6, it was incorrectly reported that 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. The correct information is that this data was specific to NDIS matters only.
- On page 70, at paragraph 6, it was incorrectly reported that, on average, parties spent a total of 80 minutes across 2 ADR processes per case, which is an additional 5 minutes per matter compared to last year. The correct information is that this data was specific to NDIS matters only.

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)	End matter: Index	Alphabetical index (print only)	Mandatory
17AJ(c)	End matter: Glossary	Glossary of abbreviations and acronyms	Mandatory
17AJ(d)	Appendix 6: 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)	Chapter 2 Overview of the AAT, Functions and purpose	A description of the role and functions of the entity	Mandatory
17AE(1)(a)(ii)	Chapter 2 Overview of the AAT, Structure	A description of the organisational structure of the entity	Mandatory
17AE(1)(a)(iii)	Chapter 2 Overview of the AAT, Outcome and program	A description of the outcomes and programmes administered by the entity	Mandatory
17AE(1)(a)(iv)	Chapter 2 Overview of the AAT, Functions and purpose	A description of the purposes of the entity as included in corporate plan	Mandatory
17AE(1)(aa)(i)	Chapter 2 Overview of the AAT, Staff of the AAT	Name of the accountable authority or each member of the accountable authority	Mandatory

PGPA rule reference	Part of report	Description	Requirement
17AE(1)(aa)(ii)	Chapter 2 Overview of the AAT, Staff of the AAT	Position title of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(iii)	Chapter 2 Overview of the AAT, 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		
	<i>Annual performance statements</i>		
17AD(c)(i); 16F	Chapter 3 Performance, 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)	<i>Report on financial performance</i>		
17AF(1)(a)	Chapter 3 Performance, 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		
	<i>Corporate governance</i>		
17AG(2)(a)	Chapter 5 Management and accountability, Fraud control	Information on compliance with section 10 (fraud systems)	Mandatory
17AG(2)(b)(i)	Chapter 5 Management and accountability, Fraud control	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared	Mandatory
17AG(2)(b)(ii)	Chapter 5 Management and accountability, Fraud control	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with,	Mandatory

PGPA rule reference	Part of report	Description	Requirement
		and recording or reporting fraud that meet the specific needs of the entity are in place	
17AG(2)(b)(iii)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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
<i>Audit committee</i>			
17AG(2A)(a)	Appendix 5: Other mandatory information, Audit and Risk Committee	A direct electronic address of the charter determining the functions of the entity's audit committee	Mandatory
17AG(2A)(b)	Appendix 5: Other mandatory information, Audit and Risk Committee	The name of each member of the entity's audit committee	Mandatory
17AG(2A)(c)	Appendix 5: Other mandatory information, Audit and Risk Committee	The qualifications, knowledge, skills or experience of each member of the entity's audit committee	Mandatory
17AG(2A)(d)	Appendix 5: Other mandatory information, Audit and Risk Committee	Information about the attendance of each member of the entity's audit committee at committee meetings	Mandatory
17AG(2A)(e)	Appendix 5: Other mandatory information, Audit and Risk Committee	The remuneration of each member of the entity's audit committee	Mandatory
<i>External scrutiny</i>			
17AG(3)	Chapter 3 Performance, External scrutiny	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny	Mandatory
17AG(3)(a)	Chapter 3 Performance, 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)	N/A	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)	N/A	Information on any capability reviews on the entity that were released during the period	If applicable, mandatory

PGPA rule reference	Part of report	Description	Requirement
17AG(4)(a)	Chapter 5 Management and accountability, Management of human resources	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives	Mandatory
17AG(4)(aa)	Appendix 2: Additional staffing statistics	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: <ul style="list-style-type: none"> (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)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, Non-salary benefits	A description of non-salary benefits provided to employees	Mandatory
17AG(4)(d)(i)	Chapter 5 Management and accountability, 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

PGPA rule reference	Part of report	Description	Requirement
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)	Chapter 5 Management and accountability, Purchasing	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i>	Mandatory
Reportable consultancy contracts			
17AG(7)(a)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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

PGPA rule reference	Part of report	Description	Requirement
17AG(7A)(a)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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

PGPA rule reference	Part of report	Description	Requirement
Small business			
17AG(10)(a)	Chapter 5 Management and accountability, Purchasing	A statement that “[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.”	Mandatory
17AG(10)(b)	Chapter 5 Management and accountability, 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 “[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.”	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 “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.”	If applicable, mandatory
17AH(1)(a)(ii)	Appendix 5: Other mandatory information, Advertising and market research	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, mandatory

PGPA rule reference	Part of report	Description	Requirement
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)	Appendix 5: Other mandatory information, Disability reporting mechanism	Outline of mechanisms of disability reporting, including reference to website for further information	Mandatory
17AH(1)(d)	Chapter 3, 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)	Appendix 5: Other mandatory information, 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. Related term: ADR
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. These include 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 deliver benefits, services or transfer payments to individuals, organisations or the wider community, 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. Related term: Protection visa
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.

Index

A

- Aboriginal and Torres Strait Islander, 5, 69
- accessibility (AAT), 5, 24, 53, 69-70, 164
 - see also committees, Indigenous peoples; interpreting services; First Nations peoples; people from culturally and linguistically diverse backgrounds; people with disability
- Accountable Authority, see Registrar
- Administrative Appeals Tribunal
 - divisions, 10, 18, 28, 32-60
 - jurisdiction, 13
 - organisational structure, 8-9
 - powers, 13-14, 49, 133
 - review process, 14, 23-5, 38, 63, 70
 - role and functions, 7, 10, 13
 - objective, 7, 17, 20-7
 - see also caseload; members; performance; staff
- Administrative Appeals Tribunal Act 1975*, 7, 17
- advertising, 162
- Agency Head, see Registrar
- alternative dispute resolution, 12, 14, 61-2
 - number of processes, 62
- annual performance statement, see performance
- appeals, see court appeals
- applications, see caseload
- APS Net Zero 2030 reporting, 166-7
- audit, 5, 31, 74, 78
 - see also committees, Audit and Risk Committee
- Auditor-General, 88
 - reports on the operations of the AAT 69
 - see also Australian National Audit Office
- AusTender, 85-8
- Australian Human Rights Commission, 68
- Australian Information Commissioner, Office of, 68-9
- Australian National Audit Office, 5, 31
 - independent audit report, 5
- Australian Public Service Commission, 81, 164
- Australian Taxation Office, 60

B

- Building and Construction Industry (Improving Productivity) Act 2016*, powers under, 15
- business planning, see plans and planning

C

- case management, 13, 32, 34, 38, 51, 56, 60
 - case management system, 3-6
- case assessment registrar, 12, 38, 42
- caseload practice manager, 12, 37, 45
- caseload
 - overview, 3-4, 28-30, 33, 39, 46, 54, 58, 74

- performance measures, 18-27
- statistics (AAT), 28-30, 33-6, 39-43, 46-51, 58-9, 62, 65-6
- statistics (IAA), 74-6
- strategy, 32, 38, 44-5, 53, 57
- Centrelink cases, *see* General Division; Social Services and Child Support Division
- character, decisions related to, 27, 44-5, 46, 47, 49, 52, 63-4, 65
- child support cases, *see* Social Services and Child Support Division
- citizenship cases, *see* General Division
- Comcare, 51, 84
- committees (AAT), 8, 77
 - Audit and Risk Committee, 77, 78, 79, 162-3
 - Portfolio Control Group, 77
 - Senior Executive Group, 77
 - Tribunal Leadership Group, 77
 - Work Health and Safety Committee, 83-4
- Commonwealth Ombudsman, 63, 68-9
- Commonwealth Procurement Rules, 85
- complaints
 - to AAT, 70-2
 - to external bodies, 68-9
 - to IAA, 76
- conference registrars, 12, 44, 53, 72, 83
 - professional development, 83
- consultants, 85-6
- contracts, 85-8
 - see also* financial statements, 90-132
- controlled operations authorities, 15
- Corporate and Enterprise Services, 12
- corporate governance, 77
- correction of errors in previous annual report, 167
- Council of Australasian Tribunals, 52, 82
- country of reference
 - of IAA referred applicants, 75
 - refugee lodgements and finalisations, 36
- court appeals
 - AAT, 63-8
 - IAA, 76
- Crimes Act 1914*, powers under, 15
- Criminal Code Act 1995*, powers under, 15

D

- decisions of AAT, publication of, 22
- definitions (Glossary), 176-9
- Department of Finance, 85
- Department of Home Affairs, 30, 37, 73-4
- Department of Social Services, 56
- Deputy Presidents, 8, 10, 16, 133-5
- directions, 15
 - see also* review process
- directions hearings, 15
- disability, 10, 24, 41, 50, 69-70, 79, 82, 164

disability reporting mechanism, 164
 see also National Disability Insurance Scheme Division; people with disability
diversity *see* workplace diversity
Division Heads, 8, 11, 133-5, 147-8
 profiles of, 147-8
divisions, 3, 7, 10, 11-2
 caseload overview, 28-30, 32, 38, 46, 53, 57
 operation of, 32
 outcomes of reviews, by division, 30, 34, 40, 47, 55, 59
 performance measures, 3, 18-27, 27
 to which members were assigned, 133-44

E

Employees, *see* staff
enterprise agreement, 80-1
environmental performance, 164-6
examinations held under the *Proceeds of Crime Act 2002*, 16
external scrutiny, 63-9

F

Fair Work Act 2009, powers under, 15
fast track reviewable decisions, 73-4
 see also Immigration Assessment Authority
Federal Circuit and Family Court of Australia
 appeals to, 63-4
 judges of, 10, 137
Federal Court of Australia
 appeals to, 65-6
 judges of, 9, 134
feedback, *see* user feedback
finance law compliance, 78
financial performance, 31, 89-132
financial statements, 89-132
First Nations peoples, 5, 69
 staff (workplace diversity), 83
 see also Aboriginal and Torres Strait Islander; Indigenous peoples
fraud control, 79
freedom of information, 68
Freedom of Information Division, 8, 51, 62
 application statistics, 19, 20, 21, 23, 26, 28, 46-7
 court appeals lodged and finalised, 65-6
 operation of, 44-52
 outcomes of reviews, 47-8

G

General Division, 8, 45, 49
 application statistics, 19, 20, 21, 23, 26, 28, 46-7
 court appeals lodged and finalised, 65-6
 operation of, 44-52
 outcomes of reviews, 47-8
glossary, 176-9
governance, *see* corporate governance

grants, 163
guides and guidelines, *see* review process

H

harassment prevention, 82, 84
health and wellbeing, 83-4
hearings, 12, 14, 23-4, 38, 70, 74
human resources management, 80-4
see also staff

I

Indigenous peoples, 80, 82, 83, 154
Immigration Assessment Authority, 7, 73-6
 objective, 7, 17, 73
 performance, 74-5
 review process, 74
 Reviewers, 8, 73
 role and function, 7, 73
 significant court decisions, 76
 staff statistics, 73
 structure, 9, 73
incidents and investigations, *see* work health and safety
individual flexibility arrangements, 80-1
information and communications technology, 5, 85
Information Publication Scheme, 68
Inspector of Transport Security Act 2006, powers under, 15
internal audit, *see* audit
interpreting services, 69

J

judicial decisions, *see* decisions of AAT
judicial reviews, *see* court appeals
jurisdiction, 13, 14

L

Law Council of Australia, 37, 52, 60
learning and development, 81, 82-3
legislation, 2, 13, 14
 enabling legislation, 13
 legislative reform, 3, 4
 powers under other Acts, 15
letter of transmittal, 1

M

market research, 23, 162
see also user experience
members, 4, 10, 133-46
 additional functions, 15
 appointments and reappointments, 145
 cessations, 145-6
 cross-assignment, 134-43
 induction program, 82

- numbers by category, 144
- professional development, 82
- qualifications, 10
 - see also Deputy Presidents; Senior Members
- Migration Act 1958*, 7, 13, 17, 32, 44, 63, 67, 73, 74, 76
- Migration and Refugee Division, 3, 8, 32-7
 - application statistics, 19, 20, 21, 23, 26, 28, 33-6
 - court appeals lodged and finalised, 65
 - operation of, 32
 - outcomes of reviews, 34
- Migration Review Tribunal, 63, 133
- Minister administering the Migration Act, 32, 63, 73

N

- Narcotic Drugs Act 1967*, powers under, 15
- National Disability Insurance Scheme Division, 52-6
 - application statistics 19, 20, 21, 23, 26, 28, 54-5
 - court appeals lodged and finalised, 65
 - operation of, 52
 - outcomes of reviews, 55
- non-salary benefits, 81
- Norfolk Island, 7, 12, 13, 17
 - jurisdiction of AAT, 13

O

- Office of the Australian Information Commissioner, 68-9
- offices (premises) of AAT, 69
- Ombudsman, see Commonwealth Ombudsman
- organisational structure
 - AAT, 8-9
 - IAA, 73
- outcome, program and purpose, 7

P

- parliamentary committee, 68
- people from culturally and linguistically diverse backgrounds
 - access to services, 23-5, 38, 69, 71-2
 - staff (workplace diversity), 85
- people with disability, 24, 156
 - access to services, 71-2
 - disability reporting mechanism, 164
 - staff, 154
 - see also National Disability Insurance Scheme Division
- performance
 - annual performance statement, 17-27
 - caseload, 3-4, 28-30, 33, 38, 45, 53, 57, 74
 - environmental performance, 164-5
 - financial performance, 31, 89-132
 - see also financial statements
 - operation of divisions, 32-60
 - results against performance measures, 18-27
- performance pay, 81

- plans and planning
 - corporate plan, 18, 77-8
 - fraud control, 79
 - risk management, 78-9
 - strategic priorities, 77-8
 - workforce planning, 80
 - workplace diversity, 83
- Portfolio Budget Statements, 7, 18, 20-23, 25
- powers
 - AAT, 10, 13-4
 - IAA, 10, 73
- practice directions, *see* review process
- President, 8, 10, 11, 16, 73, 159
 - President's introduction, 2-3
 - profile, 147
 - qualifications, 10, 15
 - role, 11
- privacy complaints, 68
- Proceeds of Crime Act 2002*
 - examinations, 16
 - powers under, 15
- processes and procedures, *see* review process
- procurement, *see* purchasing
- productivity gains, 85
- professional development, *see* learning and development
- Public Governance, Performance and Accountability Act 2013*, 11, 17, 77, 78
- Public Service Act 1999*, 11, 73, 80
- publications, 22-3, 68, 71
- purchasing, 85
 - advertising and market research, 162
 - consultants, 85-6
 - non-consultancy contracts, 86-7
- purpose statement
 - analysis of performance against purpose, 27

R

- refugee cases, *see* Migration and Refugee Division
- Refugee Review Tribunal, 63, 66, 133
- Registrar, 8, 9, 11, 12, 73, 79, 81, 159
 - overview, 3-6
 - role, 11
- registries, 12
- rehabilitation management, 83
- remuneration
 - performance pay, 81
 - salary ranges (staff), 155
 - SES employees, 155, 159-61
- reports on the operations of the AAT, 69
- review outcomes
 - AAT, 30, 34, 40, 47, 55, 59
 - IAA, 76

- review process
 - AAT, 14, 63
 - IAA, 76
 - guides and guidelines, 15
 - practice directions, 15, 37
 - see also case management; caseload
- Reviewers (IAA), 73
- risk management, 78-9
- role and functions
 - AAT, 8
 - IAA, 8, 73
 - President, 7, 11
 - Registrar, 11

S

- Safety, see work health and safety
- Safety, Rehabilitation and Compensation Act 1988* compliance, 83
- section 24(1) determinations, 80
- Security Division
 - application statistics, 19, 20, 21, 23, 26, 28, 60
 - court appeals lodged and finalised, 65
 - operation of, 32
 - outcomes of reviews, 59
- Senior Executive Service employees, 11-12, 159-61
 - employment arrangements, 80-1
 - remuneration, 159-61
- senior management and committees, 77
 - see also committees
- Senior Members, 8, 10, 135-7
- Senior Reviewer (IAA), 8, 12, 73
- Service Charter, 69
- Services Australia, 37, 43, 49
- small business participation in procurement market, 85
- Small Business Taxation Division
 - application statistics, 19, 20, 21, 23, 26, 28, 58-60
 - court appeals lodged and finalised, 6
 - operation of, 56
 - outcomes of reviews, 59
- Social Security Appeals Tribunal, 133
- Social Services and Child Support Division
 - application statistics, 19, 20, 21, 23, 26, 28, 39-43
 - court appeals lodged and finalised, 65
 - operation of, 37
 - outcomes of reviews, 40
- staff
 - average staffing level, 158
 - diversity, 83
 - employment arrangements, 80
 - gender, 150-3
 - health and wellbeing, 80, 82, 83-4
 - learning and development, 82-3

- location, 150-1, 154
- remuneration and benefits, 155
- statistics, 149-55
- stakeholder engagement, 3, 37, 43, 51, 52, 53, 56, 60
- structure, *see* organisational structure
- studies assistance, 81, 82
- Surveillance Devices Act 2004*, powers under, 15
- survey of users, *see* user experience

T

- Taxation and Commercial Division
 - application statistics, 19, 20, 21, 23, 26, 28, 60
 - court appeals lodged and finalised, 65
 - operation of, 56
 - outcomes of reviews, 59
- Telecommunications (Interception and Access) Act 1979*, powers under, 15
- terminology (Glossary), 176
- timeliness, 3, 6, 21, 24-5, 38, 71
- training, *see* learning and development

U

- user experience, 23-5, 69

V

- Veterans' Appeals Division
 - application statistics, 19, 20, 21, 23, 26, 28, 46-7
 - court appeals lodged and finalised, 65-6
 - operation of, 44-52
 - outcomes of reviews, 47-8
- visas, 13, 27, 32, 63, 70, 74
 - see also* Migration and Refugee Division

W

- warrants, 15-6
- work health and safety, 83-4
- workers' compensation cases, *see* General Division
- workforce planning, 80
 - see also* staff
- workplace diversity, 83



www.aat.gov.au