



Australian Government



**Social Security
Appeals Tribunal**

Annual Report

2007 – 2008

*Quick, fair and independent
the Social Security Appeals Tribunal*



**THE SOCIAL SECURITY
APPEALS TRIBUNAL**

**ANNUAL REPORT
2007-08**

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24 September 2008

The Hon. Jenny Macklin, MP
Minister for Families, Housing Community Services and Indigenous Affairs
Parliament House
Canberra ACT 2600

Dear Minister

I am pleased to present this Annual Report of the Social Security Appeals Tribunal for the year ending 30 June 2008, as required under clause 25 of Schedule 3 to the *Social Security (Administration) Act 1999*.

I respectfully draw your attention to your obligation under subclause 25(2) of that Schedule to cause it to be laid before each House of the Parliament within 15 sitting days after you receive the report.

In addition to the reporting obligations under the *Social Security (Administration) Act 1999*, this report meets obligations under section 8 of the *Freedom of Information Act 1982*.

This report has been prepared in accordance with *The Requirements for Annual Reports* issued by the Department of Prime Minister and Cabinet, to the extent that they are relevant to the SSAT's operations.

Yours sincerely



L M Blacklow
Executive Director

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Part 1

Overview

Chapter I – Executive Director’s Review

The year 2007-08 saw a dramatic increase in the workload of the Social Security Appeals Tribunal (SSAT). The addition of the child support jurisdiction to the SSAT has resulted in a marked increase in the number of appeals, however social security appeals also rose significantly in the year. The extent of that increase was not anticipated.

This Annual Report provides the first full year of results of the SSAT’s review powers of decisions made by the Child Support Agency (CSA). The experience gained in this period confirms the expectation that the differences between the child support jurisdiction and the social security jurisdiction are many and varied. Consequently the SSAT has needed to be responsive and adaptive in order to best handle cases that often involve high levels of conflict and emotion and also be cognisant of the fact that the SSAT is the only level of external merits review by a tribunal in the child support jurisdiction.

Meeting statutory objectives

Overall appeal applications in 2007-08 were up nearly 50% on the previous year. Whilst the increase in the number of child support applications was expected as general awareness of the right to appeal increased, the substantial increase in social security appeals was not anticipated; those applications rose by 35% on the previous year. The area which had the largest increase was in relation to the Newstart program involving ‘participation-failures’ such that a person can have their income support suspended for an eight week period.

With the increase in appeal applications in 2007-08 was a corresponding increase in appeal finalisations. This financial year 12,343 appeals were finalised, an increase of nearly 40% over the previous year. Whilst appeal finalisations are the primary output of the SSAT, the impact of the increasing workload has wide-ranging consequences for the organisation. Please refer to Chapter 4 for further details on the SSAT’s performance results.

The meeting of the SSAT’s timeliness standards has been very difficult this year as a result of the dramatic increase in appeal lodgements in addition to the often complex and time-consuming nature of child support appeals. As a result of the experience in the child support jurisdiction this year the SSAT has adjusted its internal standard for appeal time in that jurisdiction from 13 to 15 weeks. In essence, child support appeals, especially ‘Change of Assessment’ (COA) appeals where a departure is sought from the usual formula-based assessment of child support payable, take longer because they involve at least two competing parties, are more difficult and time-consuming to manage and have lower levels of co-operation between the parties on such matters as the provision and exchange of relevant information and the setting of hearing dates. In light of the SSAT’s experience the SSAT now routinely conducts a pre-hearing conference in COA cases. Please refer to Chapters 4 and 5 for further information regarding pre-hearing conferences and the SSAT’s timeliness results in 2007-08.

Response to increasing appeal lodgements

The SSAT has taken steps to address the consequences of substantially increasing appeal lodgements, including an increase in member recruitment. Staff numbers have also increased by some 30% this financial year, predominantly case management staff.

The SSAT has recently adopted a system of transferring cases between states/territories in circumstances where the receiving state might have some member capacity to hear additional cases. Such cases are of course limited to telephone hearings but nevertheless this approach assists in evening out the workload and allows some applicants to have a hearing earlier than would be possible were they required to be included into their home state/territory sitting schedule.

As Executive Director I am currently working on a set of general directions to assist applicants, other parties, their representatives, members and staff in understanding how the SSAT handles child support cases. The directions are being prepared in light of experience so far gained and it is recognised they may need to be updated from time to time. Such directions will be a legislative instrument as provided by the *Child Support (Registration and Collection) Act 1988* – section 103ZA.

There were two member recruitment intakes this financial year, with the second still in progress as this Report is prepared. The result will be member numbers increasing by approximately 30%.

As statutory appointments, recruitment of members is a lengthy and intensive process which involves a substantial investment in advertising, interview panels, referee contacts, selection reports and formal appointment documentation. With the increasingly specialised knowledge required of members, the SSAT expends substantial resources on induction training of new members as well as ongoing learning and development including specialist training in child support and the more difficult areas of the social security jurisdiction.

Substantial training activity has also been concentrated on the SSAT's new electronic document and records management system (EDRMS) in 2007-08. The EDRMS was rolled out across all offices in 2007-08 in a proactive move to improve the audit trail of the SSAT's documents, allow for improved record keeping and searching, and in doing so better comply with government archiving requirements. The process of implementation included considerable and ongoing staff and member training in its functions and use.

In addition to the implementation of the EDRMS a major information technology project has been the launch of the SSAT web portal. This project will allow staff and members to access their SSAT email, intranet, legal resources and other useful information from any computer with internet access. The SSAT recognises that with over 80% of its membership being part time members - who often work remotely - easy access to electronic information, legal advice and precedents is vital. Development of the web portal allows for increased availability and accessibility of information which can improve the quality and consistency of decisions by the SSAT.

Further physical infrastructure changes have been necessitated in response to the varied requirements of the child support jurisdiction and in response to increasing appeal lodgements. In 2007-08 renovations and/or relocations were completed across all SSAT offices (including the National Office) to incorporate the unique requirements of the child support jurisdiction, some separate waiting areas for parties and applicants, new hearing room layouts, provision for taping of proceedings and additional physical and personal security measures. Additionally, greater office space has been necessary in some offices to cope with increases in staff and full time member numbers.

Other achievements

During 2007-08 the SSAT continued the recent trend of bringing management of a number of corporate functions in-house. This year the SSAT took on processing of payroll, previously administered by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). Given the unique conditions of service and remuneration for SSAT members, it was decided that bringing the payroll service in-house would allow for a more specialised service. Feedback since payroll implementation has been overwhelmingly positive as staff and members benefit from a payroll team with an intimate understanding of the workings of the SSAT.

The SSAT has also endeavoured to strengthen its internal reporting. The introduction of Balanced Scorecard reporting ties operational outcomes to the SSAT's Strategic Plan by way of key performance indicators. By providing quantifiable objectives and results the SSAT can strive to improve upon results across a range of areas. The National scorecard is provided quarterly to the Executive Group and Business Managers, whilst each State Office is provided with a copy of their specific results against which they can compare the national results. The new reporting mechanism will assist in fine tuning SSAT operations so that the organisation can evaluate, on a state/territory and national basis, how it is meeting its corporate and statutory objectives.

Interagency liaison

The SSAT continues to work collaboratively with other government organisations in order to provide a comprehensive and quality service. The SSAT continues as a member of the Council of Australasian Tribunals (COAT) and the Commonwealth Heads of Tribunals (CHOT) allowing common sharing of knowledge with other review tribunals such as the Administrative Appeals Tribunal, the Migration and Refugee Review Tribunals, the Veterans' Review Board and the National Native Title Tribunal.

The SSAT also continues to maintain good working relationships with Centrelink and the CSA, consistent with its role as an independent tribunal. An Administrative Arrangements Agreement (AAA) with Centrelink and a Memorandum of Understanding (MOU) with the CSA provide the basis for the professional relationships between the organisations. These agreements establish the agreed obligations of each organisation and allow for effective sharing of information. The AAA and MOU are monitored and updated as required.

The SSAT has also established liaison arrangements with the Federal Magistrates Court in light of the role of that Court in appeals within the child support jurisdiction on points of law.

SSAT staff and members continue to participate in numerous interagency activities such as co-operative learning and development initiatives, seminars and workshops.

The SSAT has cooperatively worked with other federal tribunals and agencies throughout this reporting year and has been actively involved in the making of submissions to the Office of the Privacy Commissioner, Attorney-General's Department and Australian Law Reform Commission with respect to federal privacy reform and the ongoing assessment of the legislative instruments registration scheme (FRLI). The SSAT has also made submissions to FaHCSIA with respect to the Intelligent Information System (IIS) used by its members.

As Executive Director, at the invitation of the Minister for Human Services, I wrote to the Minister concerning Job Capacity Assessments (JCAs) mentioning deficiencies identified in JCA reports seen by the SSAT in the context of JCAs failing for a number of reasons to provide sound evidence upon which an administrative decision could be based.

Also on invitation I responded to the Secretary of the Department of Education, Employment and Workplace Relations (DEEWR) in relation to a review of DEEWR's administration of social security appeals and litigation process. Please see Chapter 6 for details.

During the year I liaised with senior Centrelink staff concerning what I continue to regard as an ongoing problem; whether letters issued by Centrelink contain adequate (valid) notice of a decision, especially an adverse decision such as a decision to make a payment at a lower rate. On a number of occasions I have drawn Centrelink's attention to Appendix 3 of the Report of the Breaching Review Taskforce, December 2004, which specifically addressed this issue.

The year ahead

It is anticipated that appeal lodgements in the child support jurisdiction will continue to increase in the coming year. Significant changes to the child support formula implemented as of 1 July 2008 are expected to have a considerable impact on the number of objections to the CSA and hence appeals submitted to the SSAT. The future lodgement numbers in the social security jurisdiction remain less certain.

The SSAT will continue to strive to meet its statutory objectives. With the increasing workload, staff retention is recognised as crucial and a staff engagement survey will allow for suggestions and comments on the SSAT's performance as an employer. Further member recruitment might also be required in the coming year in order to ensure the SSAT can effectively manage the workload.

Other important projects to be implemented in the year ahead include upgrades to the SSAT website to improve useability and accessibility. The SSAT also intends to further pursue the facility to lodge appeal applications electronically via its website. This would not replace the written appeal form or the current facility, often used, of 'taking' an appeal over the phone, but would increase accessibility for some applicants who are confident in their use of IT, whether they live in metropolitan or more remote areas.

Thank You

It is my usual practice to give a formal thanks to the staff and members of the SSAT in this Overview. I do so again, most sincerely, as this year has seen an enormous increase in workload and relentless pressure on the organisation to deal with appeals both correctly and expeditiously. Many part-time members have been called upon to sit more regularly to assist in this endeavour and I give them my special thanks in that regard.



L.M. Blacklow
Executive Director

Chapter 2 – SSAT Overview

- Role
- Relationships
- Jurisdiction

Role

The Social Security Appeals Tribunal (SSAT) is a statutory body established under the *Social Security (Administration) Act 1999* to conduct merits review of administrative decisions made under the social security law, the family assistance law and various other pieces of legislation. Most of these decisions are made by Centrelink.

Since 1 January 2007 the SSAT has had responsibility for reviewing most decisions made by the Child Support Agency (CSA).

The *Social Security (Administration) Act 1999*, the *A New Tax System (Family Assistance) (Administration) Act 1999* and the *Child Support (Registration and Collection) Act 1988* set out the powers and functions of the SSAT.

The SSAT's main output is the finalisation of applications for review of decisions (i.e. appeals).

Relationships

Families, Housing, Community Services and Indigenous Affairs

The SSAT is within the portfolio of the Minister for Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

In accordance with Section 10 of the *Social Security (Administration) Act 1999*, and supported by a Memorandum of Understanding (MOU), the SSAT draws on some of FaHCSIA's administrative infrastructure. The SSAT now undertakes most payroll, personnel management, IT support, budgeting and finance functions in-house. The SSAT has its own national case management system (AMSWIN) to manage and administer appeals and administer the payment of fees to members.

Funding for the SSAT's running costs (salary, administration, property and information technology) is provided in the FaHCSIA portfolio budget. The SSAT prepares and submits budget bids to FaHCSIA in aggregate, to be incorporated into total portfolio requirements. The Executive Director and National Manager determine the distribution of funds within the SSAT, with a mid-year funding review carried out in close co-operation with SSAT State Office Directors.

The SSAT is responsible for managing its own financial resources. In 2007-08, the SSAT operated within its budget. Further information regarding the SSAT's financial management is available in Chapter 10 and in the Financial Statements.

Centrelink

The SSAT is completely independent of Centrelink in the review of Centrelink decisions.

With the SSAT receiving an increasing number of appeals regarding Centrelink decisions, it relies on extensive communications with Centrelink to hear these appeals efficiently and effectively.

An Administrative Arrangements Agreement (AAA), originally signed by the SSAT Executive Director and the CEO of Centrelink in June 2003 and updated in May 2005, strengthens the professional relationship between the SSAT and Centrelink. The key focus of this agreement is to enhance service delivery outcomes for applicants and to improve liaison across a broad range of administrative matters. Both parties monitor compliance with this Agreement and report to each other on the level of performance against the agreed standards twice a year. A revised AAA is to be finalised in late 2008.

The Executive Director of the SSAT meets regularly with senior representatives of Centrelink's Legal Services Branch (LSB), while maintaining communication with the Centrelink CEO and other key managers. Other SSAT managers also maintain regular contact with representatives of the LSB to share knowledge and discuss common issues.

On a state/territory level, Directors and Business Managers engage in the regular exchange of information with Centrelink area managers. The information exchange between SSAT and Centrelink staff has three aims:

1. to ensure relevant appeal and liaison issues are dealt with;
2. to enhance the understanding of the SSAT by Centrelink officers and vice versa; and
3. to contribute to improving customer service.

Child Support Agency

As with the review of Centrelink decisions, the SSAT is completely independent of the CSA in the review of CSA decisions. Similarly, the SSAT relies on good communications with the CSA in order to meet its statutory objectives in hearing child support appeals.

In December 2006 a Memorandum of Understanding (MOU) between the SSAT and the CSA was signed by the SSAT Executive Director and the CSA General Manager. The MOU serves to strengthen the professional relationship between the SSAT and the CSA as well as establishing and outlining the roles and responsibilities of each agency in the review process.

The MOU's main purpose is to provide a framework for communication between the SSAT and the CSA and to improve service delivery outcomes for parties to child support appeals. The MOU is monitored to ensure it is effective in achieving its objectives; given the newness of the jurisdiction, it is expected that the MOU will be amended in the light of further experience.

At the state/territory level, SSAT State Directors have formed relationships with their counterparts in CSA offices and liaise regularly to share information and to discuss appeal issues that arise.

Other Tribunals

The SSAT maintains relationships with other tribunals through the following forums:

- Council of Australasian Tribunals (COAT);
- Commonwealth Heads of Tribunals (CHOTS), involving the Administrative Appeals Tribunal, the Veterans' Review Board, the Migration Review Tribunal, the Refugee Review Tribunal and the National Native Title Tribunal;
- meetings involving the senior managers/registrars from the above federal review tribunals; and
- general liaison between staff of specific corporate functions (including human resources, finance, training and information technology).

Federal Magistrates Court of Australia

Parties to child support appeals who disagree with the SSAT's decision can appeal to a court on a question of law. In effect this will usually mean the Federal Magistrates Court which has joint registries with the Federal Court of Australia in many locations. A party seeking to appeal a decision of the SSAT must service notice on the SSAT within 7 days of filing the appeal.

The SSAT has liaised regularly with the Federal Magistrates Court since assuming responsibility for reviewing CSA decisions. Several SSAT Directors have met with the Magistrates in their state and the Tribunal has a nominated liaison person in the National Office for Federal Magistrates Court matters.

For other liaison and outreach activities, please see Chapter 7.

Jurisdiction

The SSAT's jurisdiction is derived from the *Social Security (Administration) Act 1999*, the *A New Tax System (Family Assistance) (Administration) Act 1999*, the *Child Support (Registration and Collection) Act 1988*, and the *Student Assistance Act 1973*. These Acts provide for appeal to the SSAT by any person who is dissatisfied with a decision that has been reviewed and affirmed, varied or set aside by the Secretary of the relevant Department, the Centrelink Chief Executive Officer, the Child Support Registrar (CSA General Manager), a Centrelink Authorised Review Officer or a CSA Objections Officer.

Reviews by the SSAT

The SSAT generally has the power to affirm, vary or set aside a decision under review. Where it sets aside a decision, the SSAT may either substitute a new decision or send the matter back to Centrelink or the CSA with directions or recommendations for further action.

Reviews by the SSAT typically relate to the following types of decisions:

Social Security Law

- Not to grant a pension, benefit or allowance (e.g. Disability Support Pension or Newstart Allowance).
- The rate at which an entitlement is to be paid.
- The suspension or cancellation of an entitlement.
- The raising of debts relating to overpayments and the rate at which they are to be recovered.

Family Assistance Law

- Entitlement to family assistance (e.g. Family Tax Benefit).
- The rate at which family assistance is paid.
- The raising of debts relating to family assistance overpayments and the rate at which they are to be recovered.

Child Support (Registration and Collection) Act

- Acceptance or refusal of 'Change of Assessment' determinations.
- Acceptance, refusal and particulars of administrative assessments.
- Acceptance, refusal and changes to cases registered for CSA collection.
- Acceptance or refusal of child support agreements.
- Acceptance or refusal of income estimates.
- Acceptance or refusal of non-agency payment credits.
- Refusal to grant an extension of time to lodge an objection.

Health Insurance Act

- The declaration of disadvantaged persons for entitlement to health care cards.

Child Support (Assessment) Act

- Whether reasonable action has been taken to obtain maintenance.

Farm Household Support Act

- Assistance to farmers experiencing financial hardship.

Student Assistance Act

- Entitlement to various forms of student assistance.
- Recovery of student assistance debts.

Veterans' Entitlements Act

- Calculation of arrears of service pension where the veteran's partner was receiving a social security pension or benefit.

The SSAT may exercise the powers and discretions of the Secretaries to the Department of Families, Housing Community Services and Indigenous Affairs and the Department of Education, Employment and Workplace Relations as well as the Child Support Registrar. A number of limited exceptions exist, as detailed in Appendix I.

Appeal Management Process – Social security

Figure 1 outlines the typical SSAT process for managing social security appeals.

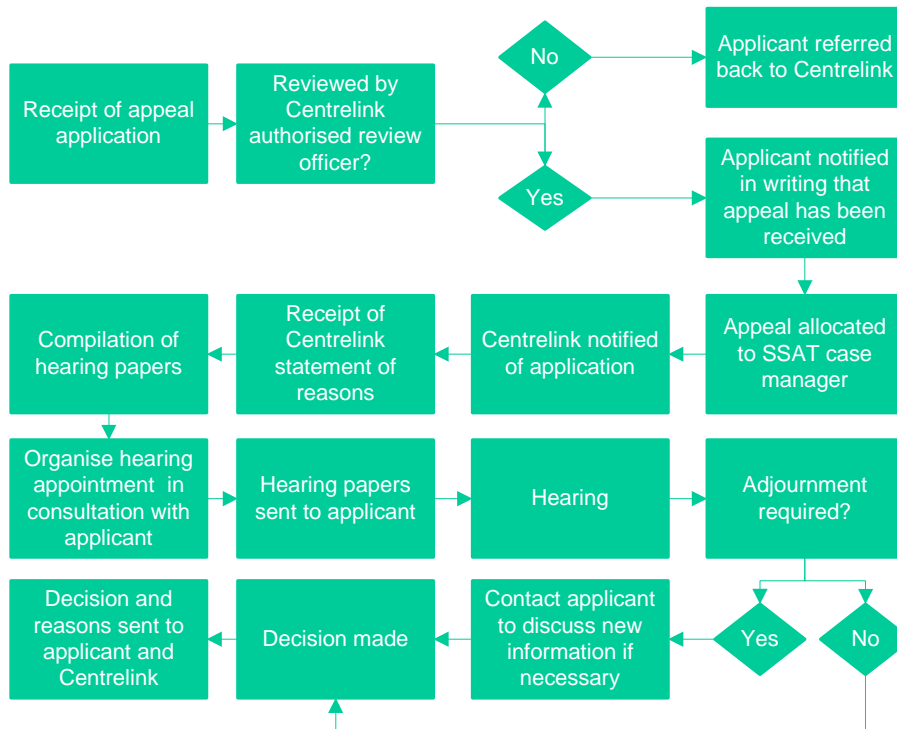


Figure 1 Social security appeal management process

Social security law requires a decision to be reviewed by a Centrelink Authorised Review Officer before an appeal can be lodged with the SSAT. In cases where a person incorrectly appeals directly to the SSAT, the SSAT has procedures in place to have the matter referred back to Centrelink.

Figure 2 illustrates the social security appeal structure and rights to further appeal.

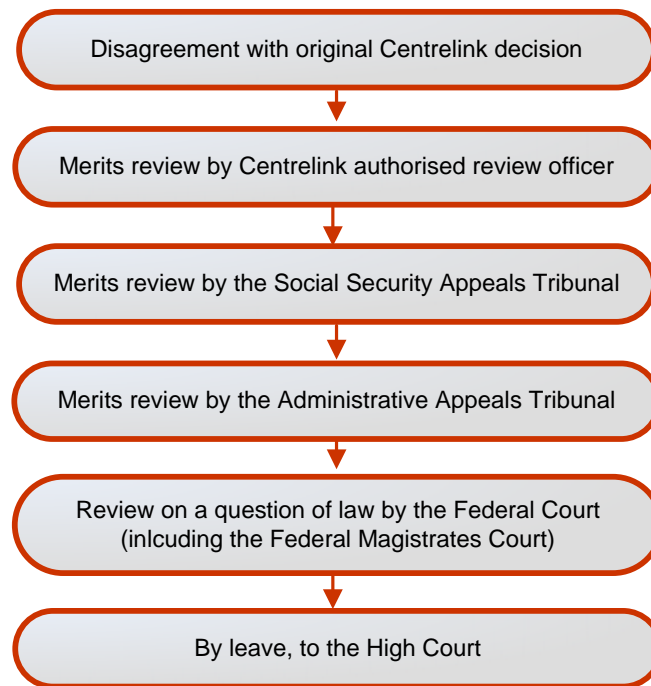


Figure 2 Social security appeal structure

The SSAT operates as the first tier of external merits review in the social security appeals system. Further rights of appeal for all parties to a social security appeal include:

- A full merits review by the Administrative Appeals Tribunal (AAT);
- a review on questions of law by the Federal Court; and
- by leave to the High Court.

Numbers of appeals that progress to the AAT from the SSAT, as well as Federal Court numbers, are given in Chapter 5.

Appeal Management Process – Child support

Figure 3 outlines the typical SSAT process for managing child support appeals.

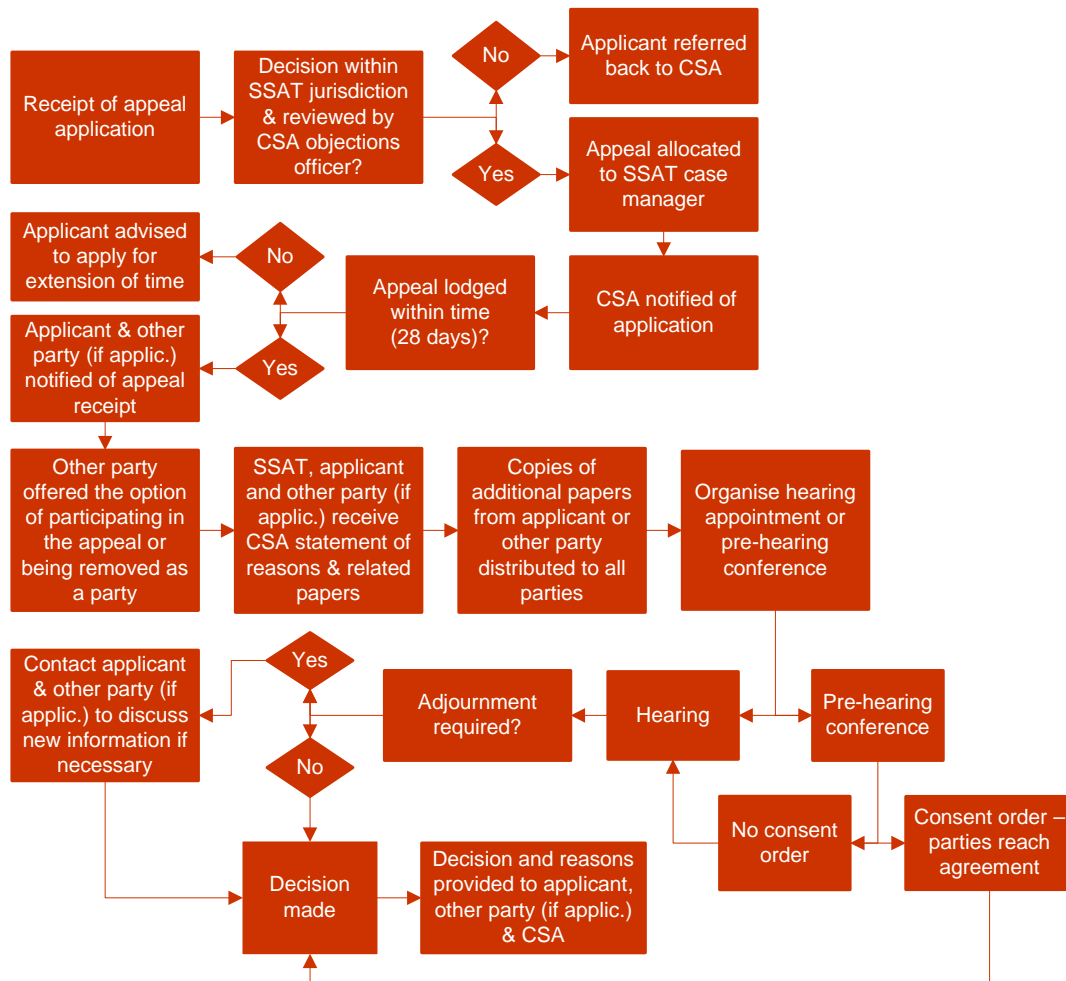


Figure 3 Child support appeal management process

Child support legislation requires a decision to be reviewed by a CSA Objections Officer before an appeal can be lodged with the SSAT (unless the applicant is appealing a CSA decision not to grant an extension of time to lodge an objection). In cases where a person incorrectly appeals directly to the SSAT, the SSAT has procedures in place to have the matter referred back to the CSA.

Figure 4 illustrates the child support structure and rights to further appeal.

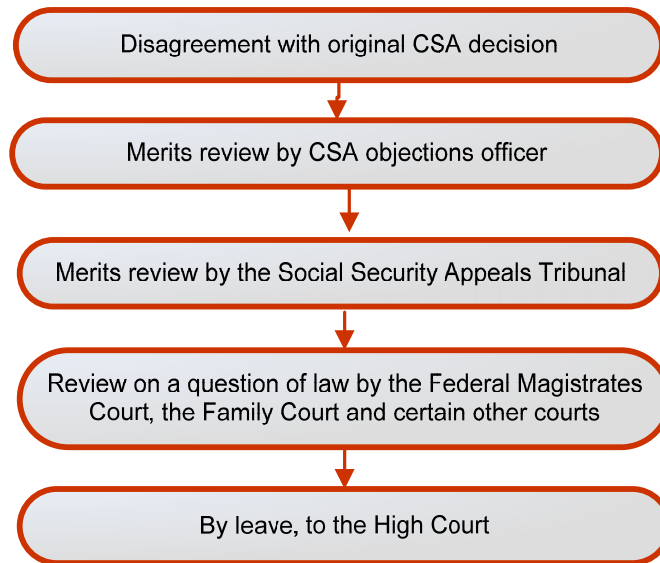


Figure 4 Child support appeal structure

The SSAT operates as the only tier of external merits review in the child support appeal system. The SSAT's decision in child support appeal cases is final; however, any party to the appeal can ask a court to review the decision on a question of law.

There is one exception to the child support appeal structure shown in Figure 4: if the SSAT refuses to grant an extension of time to appeal a CSA decision, the applicant can apply to the AAT for a merits review of the SSAT's decision. Also, from 1 July 2008 a person who wishes to contest the percentage of care for a child may also appeal to the AAT.

Chapter 3 – SSAT Organisational Structure

- Structure
- Operations

Structure

The Executive Director of the SSAT is supported by staff and members located in offices around Australia and in the National Office.

The membership of the SSAT comprises the Executive Director, Directors and full-time and part-time members. All members are appointed by the Governor-General.

There is an SSAT office in the capital city of each State and Territory aside from the Northern Territory. Appeals received from applicants in the Northern Territory are managed by the SSAT Queensland Office although the SSAT maintains members in Darwin and appeal hearings are still conducted in the Territory. Each SSAT office is managed by a Director who is responsible for the day-to-day conduct of the business within a defined geographical area. The National Office of the SSAT is located in Melbourne.

The basic organisational structure of the SSAT is outlined in Fig 5.

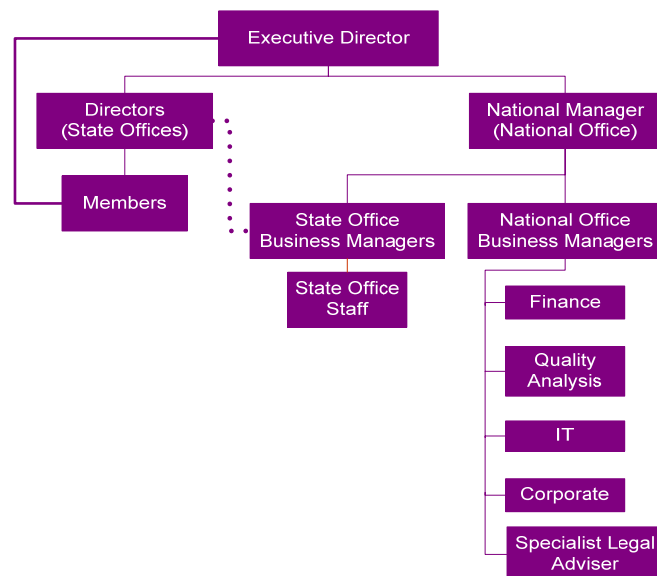


Figure 5 SSAT organisational structure

The Executive Director

The Executive Director is responsible to the Minister for Families, Housing, Community Services and Indigenous Affairs for the operation and administration of the SSAT. In particular, the Executive Director is required by sub clause 2(2) of Schedule 3 to the *Social Security (Administration) Act 1999* to monitor the operations of the SSAT, take reasonable steps to ensure that SSAT decisions are consistent and that it efficiently and effectively performs its functions.

The Executive Director's powers in relation to finance and staffing are delegated by the Secretary to the Department of Families, Housing, Community Services and Indigenous Affairs. As appropriate, the Executive Director's powers have been delegated to the Directors, members, the National Manager and other relevant managers within the SSAT.

The current Executive Director is Mr Les Blacklow. Mr Blacklow was reappointed for a third term in April 2008.

Directors

The Directors of each SSAT office are accountable to the Executive Director for the performance of members and the day-to-day conduct of the business of the SSAT in their geographical areas.

In addition to managing the operational requirements of each office, Directors report to the Executive Director on issues including legislative anomalies, jurisdictional problems, trends emerging from matters before the SSAT and the quality and consistency of decision-making.

The Directors of each SSAT office (as at 30 June 2008) are as follows:

Australian Capital Territory / New South Wales	Ms Suellen Bullock (based in Sydney)
Queensland / Northern Territory	Mr Jim Walsh (based in Brisbane)
South Australia / Tasmania	Ms Sue Raymond (based in Adelaide)
Victoria	Ms Miriam Holmes
Western Australia	Ms Pamela Duckworth

Full-Time and Part-Time Members

Hearings of the SSAT are conducted by both full-time and part-time members. The SSAT membership is drawn from people with a wide range of expertise and experience. Members are appointed by the Governor-General, usually for a period of three years, on the basis of their specialist knowledge, communication skills, knowledge of the social security system or child support scheme and their understanding of, and commitment to, the principles of administrative review.

On 30 June 2008, the Tribunal had 199 members (36 full-time and 163 part-time). The membership comprises 122 women and 77 men.

Please refer to Appendix 4 for a full list of members (as at 30 June 2008). For further details on the terms and conditions of membership see Chapter 9.

Staff

The SSAT employs staff in each of its offices, including its National Office. All SSAT staff are public servants employed under the *Public Service Act 1999*. A Workplace Agreement sets out conditions

of employment, including rates of pay. On 30 June 2008, the SSAT had 111 staff. The number of staff increased substantially during the year as a result of the increase in workload of the SSAT (in both social security and child support jurisdictions).

In each state/territory office, a Business Manager supports the Director in the management of the office. Tasks undertaken by the State Office Business Managers include the day-to-day running of the State Office, setting hearing schedules as directed by or in consultation with their Directors, supervision of staff and participation in national projects.

Further staffing details are available in Chapter 9. A detailed breakdown of staff by gender, classification and office location is given in Appendix 5.

Operations

National Operations

National Manager

The National Manager is responsible to the Executive Director for the management of the National Office, including the provision of support services to SSAT offices and all staff. All Business Managers, including those located in the state/territory offices, support the National Manager.

The National Manager, with the Executive Director and other Directors, is part of the SSAT Executive Group.

The current National Manager is Mr John Collins.

National Office

National Office staff assist the Executive Director in meeting his statutory responsibilities to monitor the operations of the SSAT, take reasonable steps to ensure its decisions are consistent and ensure that it efficiently and effectively performs its functions.

Under the direction of the National Manager, the National Office supports SSAT State Offices and undertakes appropriate research and management/monitoring activities. The National Office is not involved in processing, hearing or deciding appeal cases.

As shown in Figure 5, the four major business units of the National Office are categorised as 'Finance', 'Information Technology', 'Quality Analysis' and 'Corporate'. These units are responsible for the overall functioning of the operations of the National Office. The SSAT's legal function is performed by a Specialist Legal Adviser also located in the National Office.

In addition to the core business activities of the National Office one of the major projects undertaken in 2007-08 was the implementation of the SSAT's electronic document records management system (EDRMS). Following a competitive tender process in 2006-07 the SSAT selected an EDRMS product which was then customised prior to rollout across the SSAT nationally. After an extensive process of user-testing with staff and members, the rollout began in late June 2007 and the EDRMS was functional across the organisation by the end of April 2008. Online help support offers assistance to users and one-on-one training provided to ensure staff and members can access the full functionality of the product. The EDRMS enables all SSAT offices to access documents from a central point, allowing for easier sharing of information across sites. It will facilitate consistency and cohesiveness and provide the SSAT with the framework to continue

to provide quality decisions. The EDRMS also ensures that the SSAT complies with national archiving requirements.

Further IT upgrades in 2007-08 included enhancements to the SSAT's Appeals Management System (AMSWIN), particularly as a result of ongoing experience in the child support jurisdiction. Development of the SSAT's web portal continues, with the first stage going live in early 2008. The web portal allows SSAT staff and members to access SSAT email, the intranet, legal resources and other useful information from any computer with internet access. In light of steadily rising appeal lodgements this project recognises the growing membership base and acknowledges that the bulk of the SSAT membership work part-time, usually remotely (ie. offsite from an SSAT office). By providing remote access the web portal enables ease of access and communication to and within the organisation. Functionality and upgrades to the portal will continue including plans to enable access to the EDRMS through the portal.

The SSAT also invested considerable effort in 2007-08 to improving and strengthening its own internal reporting mechanisms. In 2007-08 the SSAT implemented the Balanced Scorecard reporting system, a management tool which allows for a concise overview of key performance areas. Produced quarterly, the Balanced Scorecard enables the SSAT to track performance across a variety of activities. The Balanced Scorecard reporting tool assists in better management for the SSAT and an internal audit by FaHCSIA contractors Ernst and Young in early 2008 noted the SSAT's success in introducing the Balanced Scorecard as a management tool.

Another major project undertaken in 2007-08 was a review of the child support appeal model. The SSAT contracted external consultants to evaluate the current model and provide recommendations on ways to improve the service that the SSAT provides to child support applicants. After considering the outcomes of the review the SSAT accepted a number of recommendations such as vetting of files in advance of hearings, pre-hearing conferences for all 'Change of Assessment' cases and improved communication to applicants and parties. A project team has been appointed to co-ordinate implementation of the recommendations.

Specific projects underway at or completed by 30 June 2008 are listed in Appendix 11.

State Office Operations

SSAT State Offices are responsible for managing, co-ordinating and supporting members in conducting the SSAT's day-to-day business of processing, hearing and deciding appeals. The SSAT has an office in every capital city, except Darwin. For reasons of efficient administration and cost effectiveness, the geographical area covered by each does not necessarily follow state/ territory borders. Please refer to Figure 6 for State Office boundaries. These boundaries did not change during 2007-08 and apply equally to the management of social security and child support appeals.

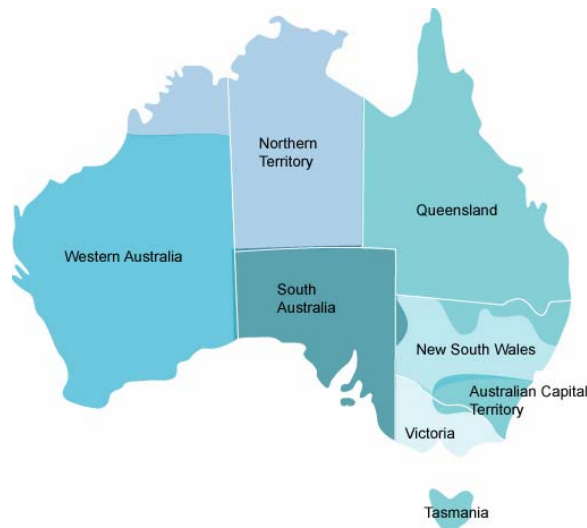


Figure 6 SSAT State Office boundaries

With additional staff and members required to cover the increasing workload in the child support jurisdiction, office relocations were in some cases required and in others refits/refurbishments needed to meet the special requirements of child support hearings. In the 2007-08 year the Queensland State Office, Victorian State Office and National Office relocated to larger premises; the New South Wales State Office underwent minor works and fit out of increased office space; and the Tasmanian, ACT, Western Australian and South Australian offices underwent some reconfigurations.

Hearings

For each hearing, the relevant Director convenes a panel of SSAT members, one of whom is appointed as the presiding member. Most hearing panels consist of two members however the size and composition of the panel is usually determined by the nature and complexity of the application. The SSAT also convenes three member panels to, for example, facilitate learning for new members and when the SSAT travels to non-metropolitan areas.

The presiding member is responsible for the proper conduct of the hearing and the effective determination of appeal cases. This includes ensuring that the hearing is fair and thorough, runs smoothly, that pre-hearing discussions and the decision-making process are effective and that the decision is written and sent to the parties within 14 days of the decision being made.

As a merits review tribunal, the SSAT is 'inquisitorial' in its approach. Each SSAT panel takes a fresh look at the matter, including the consideration of events which might have occurred since the decision being appealed was made. The SSAT's findings are usually based on information contained in the Centrelink or CSA file and the evidence presented at the hearing by the applicant, other parties, witnesses or representatives. In addition to considering all evidence presented, the SSAT can initiate its own inquiries. In social security and family assistance appeal cases, Centrelink is not permitted by legislation to make oral submissions at hearings. In some child support appeal cases, the CSA is represented at the hearing if this could assist the SSAT to make a decision.

In making decisions, the SSAT applies the relevant legislative provisions to its findings of fact. In interpreting those provisions, the SSAT is bound to follow relevant authority as determined by decisions of the courts. It is also guided by its own relevant previous decisions and decisions of the

Administrative Appeals Tribunal (with regards to social security and family assistance cases), although it is not strictly bound by them. Similarly, the SSAT has regard to the policies of the Department of Families, Housing, Community Services and Indigenous Affairs, the Department of Education, Employment and Workplace Relations and the Child Support Agency. However, the SSAT may depart from these policies in the particular circumstances of a case, for example where it is considered the policy is not consistent with the law.

SSAT panels reach their decisions independently. They are not subject to direction from either the Executive Director or the Directors to come to a decision in any particular case. The Executive Director, after consultations with the Directors, occasionally issues guidance to members on approaches to interpreting the legislation to assist in achieving quality and consistency in decisions, but that guidance cannot be determinative of particular appeal cases.

Case Managers

National consistency in the handling of appeals across the country is ensured by the Case Management Model, an integral element of the national appeals management process. Each case manager has an allocated caseload and is responsible for managing all administrative aspects of each appeal within their caseload, from registration to finalisation.

A case manager's tasks include:

- Liaising with Centrelink and the CSA to obtain the statement of reasons and documents relevant to the decision under review;
- Checking these documents to ensure all the necessary information is available;
- Preparing papers (or part files) to send to members and the applicant for the purpose of the hearing in Centrelink appeal cases (in child support appeal cases, the CSA prepares and sends out the papers);
- Advising parties on the appeals process; and
- Ultimately dispatching the decision and finalising the appeal.

Observers

Although SSAT hearings are not open to the general public, it is appropriate that persons with a legitimate interest in its operations should be able to attend hearings as observers in order to enhance their understanding of the process of appeal. People who request to observe hearings include SSAT staff, Centrelink and CSA staff, social researchers, welfare workers and students. Attendance of observers is subject to the approval of parties and the presiding member.

Observers attend usually with the consent of all parties to the appeal and are made aware of their responsibilities regarding privacy and confidentiality. Observers are not present for discussion of the case and decision making by the members.

Part 2

Performance

Chapter 4 – Performance Overview

- Outcomes & Outputs Structure
- Performance results: Centrelink appeals
- Performance results: Child support appeals
- Service
- Cost

Outcomes & Outputs Structure

The SSAT is an independent statutory body within the portfolio of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The statutory objective of the SSAT is to 'provide a mechanism of review that is fair, just, economical, informal and quick'. The SSAT measures its performance against this objective. As the SSAT's planned outcome, meeting this objective contributes broadly to the portfolio outcomes:

1. Greater self-reliance and economic, social and community engagement for Indigenous Australians;
2. Seniors, people with disabilities, carers, youth and women are supported, recognised and encouraged to participate in the community;
3. Families and children have choices and opportunities; and
4. Strong and resilient communities.

The SSAT's main output is the finalisation of applications for review of decisions (i.e. determination of individual appeal cases).

Please refer to Table I for the SSAT's performance against this output for 2007-08.

Table I Applications finalised 2007-08

	Applications Lodged	Applications Finalised
Centrelink	11 596	10 459
CSA	2 174	1 884
Total	13 770	12 343

Performance results: Centrelink appeals

Applications for review of Centrelink decisions increased dramatically in 2007-08 over the previous year. There was a subsequent increase in the number of decisions finalised and decisions reviewed, in addition to a marked increase in the number of applications on hand at the end of the reporting period. Please refer to Table 2 for further details.

Table 2 Centrelink application statistics

Applications for review of Centrelink decisions	2007-08	2006-07	2005-06
Lodged	11 596	8 589	8 141
Finalised	10 459	8 682	7 910
Decisions reviewed [^]	11 592	9 884	8 883
* Decisions affirmed	48.6%	55.0%	54.1%
* Decisions changed (set aside/varied)	27.1%	25.3%	27.1%
* No jurisdiction/withdrawn/dismissed	24.3% ¹	19.7% ²	18.8% ³
On hand at 30 June 2008	2 407	1 269	1 363

[^] Centrelink applications may include appeals against multiple decisions.

* Figures are given as a percentage of decisions reviewed

¹ No jurisdiction 9.3%; Withdrawn 8.2%; Dismissed 6.8%

² No jurisdiction 9.1%; Withdrawn 7.7%; Dismissed 2.9%

³ No jurisdiction 8.1%; Withdrawn 7.8%; Dismissed 2.9%

Lodgement of applications

In 2007-08 11,596 applications for review of Centrelink decisions were lodged with the SSAT. This is a 35% increase on the number of applications lodged in the previous financial year. The dramatic increase in number of applications lodged can be attributed to some extent to an increase in appeals related to the Newstart Allowance which saw a 140% increase in such appeals in 2007-08. Over half of those appeals concerned so called "participation failures" where Centrelink determined that the work efforts of the applicant, including attending Job Network Provider interviews etc, were not sufficient.

At 30 June 2008 there were 2,407 applications on hand. This is almost double the number of applications on hand in the previous year which can be attributed to the substantial increase in lodgements.

Finalised applications

In 2007-08 a total of 10,459 Centrelink review applications were finalised. Some applications contain more than one decision so this involved the review of 11,592 separate Centrelink decisions. This is an increase of 20% on the number of applications finalised in the previous financial year.

The SSAT affirmed the decision under review in 48.6% of cases which is less than the percentage of Centrelink decisions affirmed in the previous year (55.0%).

Centrelink decisions were changed (set aside or varied) by the SSAT in 27.1% of decisions finalised. Figure 7 displays the reasons for change of decisions by the SSAT.

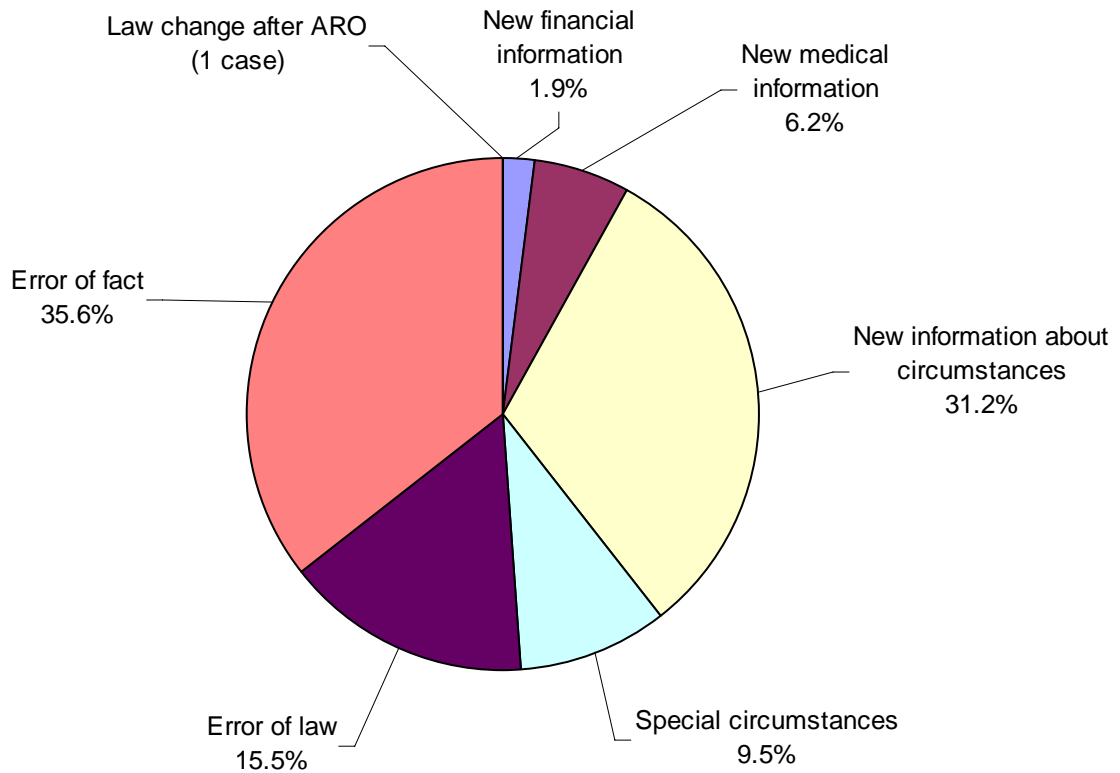


Figure 7 Reasons for change of Centrelink decisions

Of the remaining 24.3% of Centrelink review cases, 9.3% were matters in which the SSAT had no jurisdiction, in line with last year's figure of 9.1%. A finding of 'no jurisdiction' requires a decision to this effect and the vast majority of these cases continued to be applications for review lodged with the SSAT before the decision had first been reviewed by a Centrelink Authorised Review Officer (ARO) (this is a statutory requirement before review by the SSAT). These matters are referred back to Centrelink and may be resubmitted to the SSAT once they have been reviewed by an ARO.

The remaining 15% of review cases involved matters which were withdrawn or dismissed. Withdrawn matters are those in which an applicant decides not to continue with the application or where Centrelink changes the decision prior to the SSAT hearing. Matters which are dismissed are usually those cases where the applicant fails to respond to correspondence from the SSAT, or fails to attend a scheduled hearing on one or two occasions. Withdrawn or dismissed cases increased in 2007-08 by about 5% compared to the previous year due in part to the high withdrawal/dismissal rate of 'participation failure' appeal cases, of over 30%.

Performance results: Child support appeals

The SSAT assumed responsibility for the child support jurisdiction on 1 January 2007. As anticipated, applications for review of CSA decisions increased in the 2007-08 reporting year, as awareness of the right to appeal developed. Changes to the child support system also may have influenced the number of appeals received by the SSAT, however with limited historical data it is difficult to report on lodgement and outcome trends at this time. See Table 3.

Table 3 CSA application statistics

Applications for review of CSA decisions	2007-08	Jan-Jun 2007
Lodged	2 174	704
Finalised	1 884	326
* Decisions affirmed	29.6%	20.3%
* Decisions changed (set aside/varied)	31.0%	18.7%
* No jurisdiction/dismissed/withdrawn/not categorised	39.4% ¹	61.0% ²
On hand at 30 Jun 2008	672	378

* figures are given as a percentage of decisions finalised

[^] This figure is high because of the large number of appeals lodged against CSA decisions made before 1 January 2007 and against decisions that had not been reviewed internally by the CSA; it is not within the SSAT's jurisdiction to review such decisions.

¹ No jurisdiction 18.3%; Withdrawn 8.5%; Dismissed 12.4%; Other 0.3% (rounding error 0.1%)

² No jurisdiction 47.8%; Dismissed 13.2%

Lodgement of applications

In 2007-08 2,174 applications for review of CSA decisions were lodged with the SSAT. As the SSAT assumed responsibility for the child support jurisdiction six months prior to the reporting period, it is difficult to report on lodgement trends at this time. Furthermore there are substantial changes to the child support formulae commencing on 1 July 2008 which will also impact upon future appeal lodgement numbers.

Finalised applications

In 2007-08 a total of 1,884 CSA review applications were finalised. The SSAT affirmed the CSA decision in 29.6% of cases. CSA decisions were changed (set aside or varied) by the SSAT in 31% of decisions finalised. Please refer to Figure 8 for the reasons for change of decisions by the SSAT.

It is important to note that approximately half of child support appeals concern a 'Change of Assessment'. In these cases the SSAT would affirm the liability on the payer to pay child support but might alter the amount of the liability.

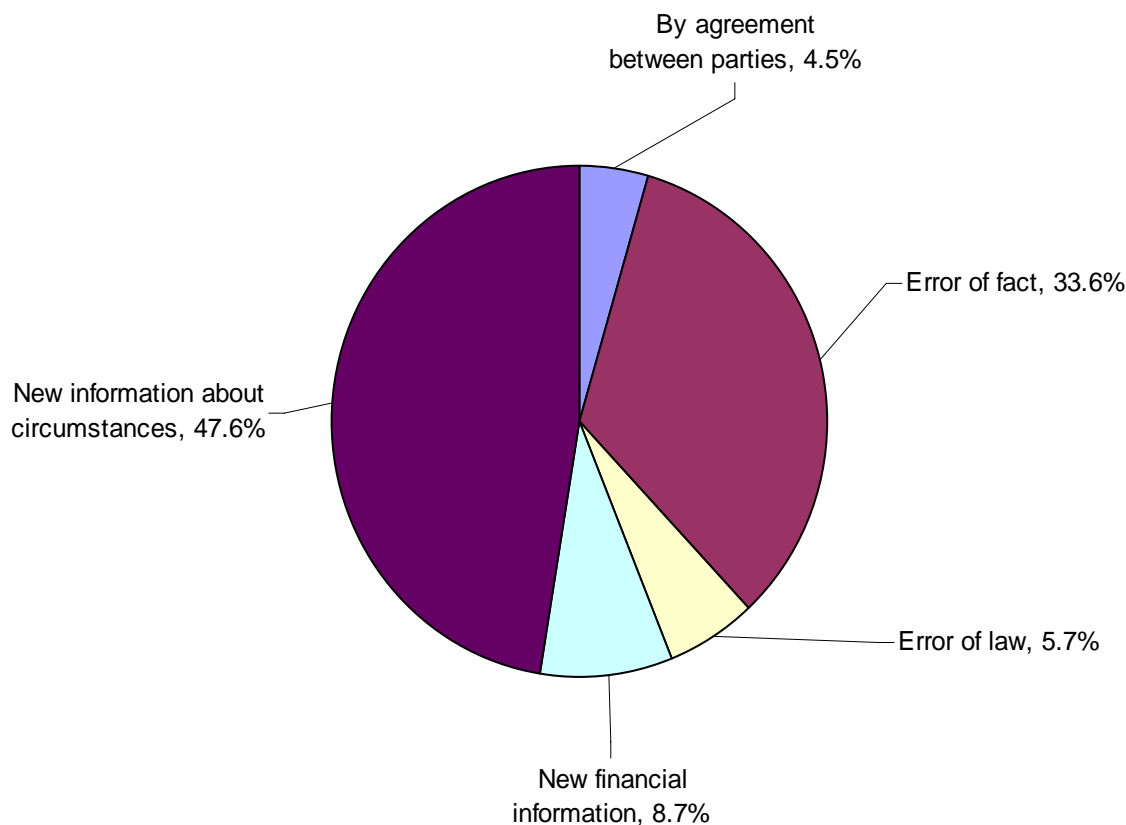


Figure 8 Reasons for change of CSA decisions

Of the remaining 39.4% of CSA review cases, 18.3% were matters in which the SSAT had no jurisdiction. A finding of 'no jurisdiction' requires a decision to this effect and the vast majority of these cases were applications for review lodged with the SSAT before the decision had first been reviewed by a CSA Objections Officer (this is a statutory requirement before review by the SSAT). These matters are referred back to the CSA and may be resubmitted to the SSAT once they have been reviewed by an Objections Officer.

Withdrawn applications accounted for 8.5% of cases, that is those in which the applicant decided not to continue with the application or the CSA changed the decision prior to the SSAT hearing. A further 12.4% of cases resulted in dismissals, which can occur for a number of reasons including failure of the applicant and other party to respond to correspondence from the SSAT or failure to attend a scheduled hearing. Applications for review of CSA decisions can also be dismissed with the joint consent of the applicant and other party or because the application wasn't lodged within the requisite time frame (within 28 days of receiving notice of the CSA objection decision).

Service

The average time taken between lodging and finalising both Centrelink and CSA applications increased in 2007-08. Please refer to Table 4 for details. In both jurisdictions this increase can be attributed to the increase in number of applications and the pressure this has exerted on the SSAT's resources. The large increase in appeal lodgements in 2007-08 has resulted in an increasingly heavy workload for staff and members. The SSAT has made attempts to address this

issue by boosting recruitment of case management staff in particular. Member recruitment has also been given priority in order to increase the SSAT's capacity and improve scheduling of hearings.

Table 4 Average time between application lodgement and finalisation (weeks)

	2007-08	2006-07	2005-06	National Standard
Centrelink applications	9.62	8.35	8.06	10
CSA applications	13.33	11.5*	n/a	15

* Jan-Jun 2007; excluding 'no jurisdiction' cases

The national standard differs between the Centrelink and CSA jurisdictions given the review of CSA applications usually involves more than one party and as such organising hearing dates that are suitable for the available members and all parties can take some time. There is also often a need to have further information provided by a party which has to be made available to the other party before the hearing.

The average time between lodging and finalising applications for review of Centrelink decisions was 9.62 weeks. This is an increase on the previous year's figure of 8.35 weeks but is still within the national standard of 10 weeks. This increase in average despatch time can be attributed to the large increase in the number of applications received.

The average time between lodging and finalising applications for review of all CSA decisions was 13.33 weeks. This result is an increase on the previous year's figure of 11.5 weeks (for cases which required a hearing – that is this figure does not include cases in which there was a finding of 'no jurisdiction'. 'No jurisdiction' cases were excluded from the average in last year's figure given the large number of these cases during the transition of the CSA jurisdiction to the SSAT. Cases in which the original CSA objection decision was made prior to 1 January 2007 were unable to be heard by the SSAT and consequently assigned an outcome of 'no jurisdiction'. Including 'no jurisdiction' cases in the previous year's figure brings the average time between lodgement and finalisation to 5.8 weeks). Again the increase can be attributed to the significant increase in appeal lodgements. It is expected that as the SSAT gains experience in the child support jurisdiction, timeliness will improve provided the lodgement numbers stabilise.

In 2007-08 the SSAT raised the national standard for finalising CSA applications from 13 weeks to 15 weeks. This change was a result of the SSAT's experience that the 13 weeks standard did not allow for the delays inherent in scheduling hearings and receiving additional information in cases involving at least two parties.

The statutory requirement to notify applicants and other parties of the appeal outcome within 14 days was achieved in 99.76% of Centrelink review cases and in 96.49% of CSA review cases. More details on the SSAT's timeliness performance are available in Appendix 8.

The SSAT also monitors the number of applications received by appeal type and the outcomes of these applications. In 2007-08 the largest Centrelink appeal numbers related to Newstart Allowance (26.8% of applications for review of Centrelink decisions), Disability Support Pension (21.5%), Age Pension (10.2%) and Parenting Payment (9.3%). Full details of the outcomes of applications for review of Centrelink decisions by payment type can be found in Appendix 9.

In 2007-08 the largest CSA appeal numbers received related to 'Change of Assessment' (COA) applications (51.6% of applications), particulars of the assessment (23.1%) and non-agency payments (9.0%). Full details of the outcomes of applications for review of CSA decisions by decision type can be found in Appendix 10. The SSAT routinely holds pre-hearing conferences in

COA cases to clarify the issues in dispute, identify the need for further information (if any) and, in appropriate cases, explore the possibility of the parties agreeing to settle the case.

Cost

Despite an increase in general running costs such as property leasing, the substantial increase in appeal finalisations has resulted in a lower average overall decision cost in 2007-08. Total expenses incurred to produce the 'finalised applications' output was \$26.17 million. This corresponds to an average overall finalised decision cost of \$1,942 (which includes overheads and accruals), a decrease of \$39 compared to the previous financial year. As a number of decisions can be made from one appeal (in the case of Centrelink appeals), the corresponding average overall finalised appeal cost is \$2,120 (which includes overheads and accruals), a decrease of \$123 compared to the previous financial year.

Chapter 5 – Effectiveness Indicators

- Fair
- Just
- Economical
- Informal
- Quick

The SSAT's performance outcome is measured by the effectiveness indicators of 'fair', 'just', 'economical', 'informal' and 'quick'.

The measure of the SSAT's overall effectiveness is best judged by the balance achieved between the different elements, rather than in any single measure. For example, ensuring that the review process is 'fair' is achieved in ways that have cost implications and, therefore, impinge to some extent on the requirement to be 'economical'.

Fair

Fundamental to the system of administrative review, fairness is a core element of the SSAT's objective. While difficult to measure objectively, the SSAT looks to a range of indicators that contribute to a system that can be described as 'fair'. These indicators include more formal considerations like procedural fairness and also indicators of accessibility (cost, handling of priority cases, time set aside for hearings to ensure an adequate opportunity to hear the concerns of applicants and other parties, etc).

Procedural Fairness

Well established in Australian administrative law, the principles of procedural fairness require, among other things, that applicants and other parties to appeals have reasonable access before the hearing to the evidence to which the SSAT will have regard in making its decision. This allows applicants and other parties to properly prepare for their hearing and provides an opportunity for them to respond to any evidence that is adverse to their case.

To this end, the SSAT ensures that applicants and other parties are provided with copies of all relevant material, including the 'statement' by Centrelink in social security appeals. By contrast, the CSA is responsible for preparing the appeal papers and providing them to the parties and the SSAT. The statement is usually in the form of a report/decision by a Centrelink Authorised Review Officer or a CSA Objections Officer, plus copies of other relevant documents which are attached. The SSAT's final written decision, together with reasons for the decision, is provided to applicants, other parties and to Centrelink or CSA. The SSAT also advises applicants, other parties and Centrelink/CSA of their further rights of appeal.

Costs

Applicants are not required to pay a lodgement fee for applications to the SSAT. In line with its Service Charter, the SSAT meets the cost of reasonable travel expenses for applicants (and perhaps another party in a child support case) to attend hearings, as well as the cost of interpreters required at hearings. These measures ensure that economic or social circumstances do not unduly affect access to the SSAT.

Indicator

The cost of applicant and other party travel and accommodation expenses in 2007-08 was \$28,767 compared to \$26,782 last financial year. This increase reflects the increase in appeal numbers, applicant travel and accommodation expenses.

Hearings

The majority of SSAT hearings in the social security jurisdiction are conducted face-to-face with the applicant. This reflects the view that such an approach is usually in the best interests of a proper review of the case – the particular circumstances of a case are best considered when SSAT members and applicants have the opportunity to speak directly in an environment that is more informal than a court. Face-to-face hearings facilitate a full and proper discussion of the issues and assist particularly in cases requiring an assessment of credibility.

Slightly less than half of all child support cases involved face-to-face hearings for one of the parties at least, usually the applicant. The substantial participation by either party by telephone is noticeable. Many applicants/second parties inform the SSAT that they prefer a telephone hearing, often to avoid the necessity of having to meet personally with their ex-partner. Whilst the SSAT is prepared to accept this, sometimes the SSAT will make it clear that a face-to-face hearing is to be preferred. In any event, active participation by parties even if by telephone, is far better than minimal or no participation.

Table 5 gives details of Centrelink and CSA appeal cases by hearing method.

Table 5 Hearing method as an indicator of 'fairness'*

Centrelink	2007-08	2006-07	2005-06
Face-to-face interview	63.2%	68.6%	71.7%
Teleconference	32.6%	25.4%	21.8%
Video-conference	2.6%	4.1%	4.7%
On the papers	1.6%	1.9%	1.8%
CSA (Applicant)^	2007-08	2006-07^^	
Face-to-face interview	46.6%	49.5%	
Teleconference	50.4%	50.0%	
Video-conference	0.1%	nil	
On the papers	2.9%	0.5%	
CSA (2 nd Party)^	2007-08	2006-07^^	
Face-to-face interview	39.6%	36.2%	
Teleconference	57.1%	60.9%	
Video-conference	nil	nil	
On the papers	3.3%	2.9%	

* Hearing methods displayed as a percentage of cases involving a hearing.

^ Includes hearing method of pre-hearing conferences.

^^ Jan – June 2007

Note: Not all child support appeal hearings involve a second party. Second party hearing method details are only shown for hearings that involved a second party.

Whilst video-conferencing is sometimes available as an alternative, most applicants prefer participation by telephone if not in person.

To ensure the accessibility of its services to those living outside metropolitan areas, the SSAT also conducts hearings in regional centres throughout the country. During 2007-08, the SSAT conducted Centrelink appeal cases in centres such as Newcastle, Broken Hill and Wollongong (NSW), Berri (SA) and Launceston (Tas). The SSAT conducted only one child support appeal hearing in a regional centre in 2007-08 (Newcastle), however, with the continuing rise in child support appeal numbers it is likely that this will increase in the future.

Indicator

In 2007-08, over 98% of all hearings (for Centrelink and CSA appeals) were conducted face-to-face, by telephone or by video-conference. The remaining 1.9% were conducted 'on the papers' which means that the SSAT decides the appeal without talking to the applicant or other parties. This is most likely to occur in the case of applicants who live overseas or for those who request such a hearing.

Indicator

In 2007-08, 5.1% of finalised Centrelink appeals involved hearings conducted in locations other than SSAT offices, compared to 5.4% last year. The number of hearings in rural locations has decreased this year as more appeals are heard over the telephone allowing for a more efficient use of members' time. One child support appeal hearing was conducted in a regional location however this is expected to increase as appeals increase.

Interpreters

Where required, interpreters attend hearings to facilitate a fair and accurate hearing. There is no cost to applicants and other parties for this service. By facilitating the hearing itself, the service is a cost-effective means of enhancing accessibility. The SSAT also meets the cost of translating documents required to determine applications. It is the SSAT's policy not to permit a friend or family member of a party to be an interpreter. Interpreters are required to be appropriately qualified – usually NAATI Level 3.

Indicator

Interpreters were used on 609 occasions for Centrelink cases in 2007-08 which is less than in the previous reporting period (680). In CSA cases interpreters were used on 14 occasions, where previously they had not been utilised. The languages most commonly required of interpreters were Arabic, Greek, Turkish and Vietnamese. The total cost to the SSAT for interpreters in 2007-08 was \$108,591.

Overseas Applicants

Most people living overseas who are entitled to Centrelink payments or who are receiving or paying child support through the CSA have the right to appeal to the SSAT. These cases present their own challenges, as the SSAT looks to deal with them in a fair, quick and economical manner.

The SSAT's Tasmanian office hears most overseas applications for review of Centrelink decisions, as Centrelink International Services (the arm of Centrelink responsible for the payment of Australian social security payments to persons overseas long-term) is based in Hobart. Applications for review of CSA decisions lodged by overseas applicants can be heard by any of the SSAT's offices.

Overseas applicants and, in child support appeal cases other parties, living overseas usually present their case by correspondence, with the case being heard on the papers or by telephone (the SSAT covers the cost of the overseas telephone call). However, where overseas applicants or other parties nominate a friend, relative or other person as a representative, a face-to-face hearing may take place at an agreed location.

In 2007-08, 135 appeal applications were lodged by persons residing overseas. This included 89 applications for review of Centrelink decisions and 46 applications for review of CSA decisions. In addition to this, there were 24 applications for review of CSA decisions where the other party resided overseas. The SSAT finalised 109 appeals lodged by, or involving, a person residing overseas. Most of these appeals were finalised by telephone or on the papers.

Priority Cases

Where cases of hardship have been identified, social security law allows the SSAT to request that Centrelink provide its statement of reasons earlier than the standard 28 days. In these cases, information is requested within seven days, while the SSAT also expedites its own hearing and decision-writing process.

Child support legislation does not specifically provide for priority cases, however, if an applicant or the CSA indicates to the SSAT a sufficient reason for an expedited hearing, the SSAT does all it can to accommodate any such request.

Indicator

This provision was used in approximately 290 instances (2.8% of cases finalised) in 2007-08, compared to 1.5% the previous reporting period. On average, Centrelink took 6.8 days to meet requests for expeditious provision of statements and the speed with which these papers have been provided is greatly appreciated by the SSAT.

Just

The SSAT's achievement of 'just' outcomes is measured with reference to the proper application of the law: whether the SSAT has met its responsibility to ensure that its decisions are consistent and legally correct.

Justice requires that members apply relevant legislation and court precedents, that they exercise discretions appropriately and that each application is judged on its merits, on the evidence, in accordance with the law and, where necessary, having regard to relevant policy. Natural justice/procedural fairness is a related principle, included under the indicator of 'fair', above.

Internal scrutiny of decisions and, in part, reference to the results of appeals to the Administrative Appeals Tribunal (AAT) and to the courts enable some measurement in relation to indicating that the SSAT's decision-making is 'just'.

The SSAT's decision in Centrelink appeal cases is appealable to the AAT. Table 6 sets out the broad outcomes for Centrelink matters appealed to the AAT.

Table 6 Applications to the AAT for review of SSAT decisions in social security cases

AAT Applications	2007-08	2006-07	2005-06
SSAT social security decisions appealable to the AAT*	10639	9125	8189
SSAT social security decisions appealed to the AAT	1929	2146	1774
% of appealable decisions appealed	18.1%	23.5%	21.7%
Applications finalised by the AAT	1910	1865	1459
SSAT social security decisions changed on appeal	492	382	298
% changed	25.8%	20.5%	20.4%

* 'Appealable to the AAT' is calculated by subtracting the number of withdrawals from the total number of Centrelink decisions reviewed by the SSAT.

Please note: in a small number of child support appeal cases, the SSAT's decision is appealable to the AAT, however, such appeals are not included in this table.

Sources: 'Appealable to the AAT': SSAT records; all others: Centrelink records

Of the 1910 applications finalised by the AAT for review of the SSAT's social security decisions, 407 decisions were affirmed by the AAT, 364 set aside, 128 varied, and 1011 withdrawn or dismissed. The percentage of SSAT social security decisions appeals changed by the AAT rose from 20.5% in 2006-07 to 25.8% in 2007-08, however the percentage of SSAT decisions appealed to the AAT fell from 23.5% in 2006-07 to 18.1%.

The majority of finalised applications resulted from appeals by applicants (81%), with 19% of appeals by a Departmental Secretary. These figures are steady from the previous reporting period (80% and 20% respectively).

During 2007-08, 31 social security decisions were finalised by the courts. This included 29 matters in the Federal Court of Australia and 2 in the Federal Magistrates Court. Of the 31 matters finalised by the courts, 7 were brought by the relevant Secretary and 24 by the applicant.

In terms of outcomes, the courts found in favour of the relevant Secretary in 22 matters (in other words the applicants were not successful in court), and in favour of the applicant in 7 matters (there was one stay of proceedings and one case stood over for directions).

In most child support appeal cases, the SSAT's decision is final and is only appealable to the courts on a question of law. In 2007-08, 14 SSAT child support decisions were appealed to a court (the Federal Magistrates Court). Of these, 1 SSAT decision was affirmed, 4 decisions set aside, 8 dismissed/discontinued or withdrawn, and 1 is still in progress.

For a brief summary of some of these court cases, please refer to Chapter 6 – Appeal Issues.

If the SSAT refuses to grant an extension of time to appeal a CSA decision, the applicant has the right to lodge an appeal against this decision with the AAT. The AAT has advised that in 2007-08 12 such matters were appealed to the AAT. The AAT finalised four applications in 2007-08 resulting in 2 matters set aside, 1 withdrawn and 1 'other' (application fee not paid).

Economical

The SSAT aims to perform its statutory functions as economically as possible, taking into account its obligations of being fair and just.

Total expenditure in 2007-08 was \$26,165,909 compared to \$20,226,793 in the previous financial year. The increase in expenditure largely reflects the increase in both Centrelink and CSA appeals; an increase in general running costs; the continued movement of responsibility and associated costs for a range of corporate governance functions from FaHCSIA to the SSAT for initiatives to improve the service to the community; an increase in fees paid to members and increases in accommodation and leasing expenses for the organisation.

Indicator

The overall average cost of reviewing a decision in 2007-08 was \$1,942. This figure is obtained by dividing the total operating expenses (including all overheads and accruals) by the total number of decisions finalised in Centrelink and CSA appeal cases (12343).

As a number of decisions can be contained within one appeal, the corresponding average overall finalised appeal cost to the SSAT in 2007-08 was \$2,120.

It is recognised that this figure is only a general indicator in relation to the requirement to be 'economical'.

Informal

The SSAT's legislative objective to operate informally is underwritten by Section 167 of the *Social Security (Administration) Act 1999* and by Section 103N of the *Child Support (Registration and Collection) Act 1988*. These sections state that the SSAT is not bound by technicalities, legal forms or rules of evidence: it is not a court of law and aims to reflect this in its practices and procedures.

The SSAT's performance in this area is measured with reference to a range of indicators, including:

- The avoidance of unnecessary use of legal expressions in its letters to applicants and other parties, at its hearings and in its written reasons for decisions.
- Maintenance of a relatively informal hearing environment, without compromising professionalism, so as not to discourage or intimidate people who are not familiar or comfortable with a tribunal setting. It should be noted that hearings to decide CSA appeals are generally required to be more formal than hearings to decide Centrelink appeals because the former usually have two parties.
- Centrelink is not represented at SSAT hearings to decide social security and family assistance matters, other than by its statement and the provision of relevant material from the applicant's file to the SSAT.
- CSA representatives can attend SSAT hearings in certain circumstances, however in most cases the CSA case is contained in its statement and the provision of relevant material from the case file to the SSAT.
- Although applicants and other parties to appeals have a right to legal representation, it is made clear that this is by no means required. In the Centrelink jurisdiction 2047 applicants nominated a representative, of whom 55.5% were family members or friends,

whilst 17.7% were legal. Within the CSA jurisdiction 204 applicants (and other parties) nominated a representative. Notably in the CSA jurisdiction 42.5% of representatives nominated were legal specialists whilst 39.2% of representatives were family members/friends. Representatives can assist the applicant in preparing their appeal but do not always assist during the hearing.

- Appeal applications can be lodged easily and without undue formality. They can be lodged by telephone, in writing or by teletype machine (for hearing impaired applicants). In addition to this, applications for review of CSA decisions can be lodged in writing at a range of government department offices.
- Performance against the requirement to be informal is monitored by Directors and members (in particular by the presiding member, who is responsible for the conduct of the hearing).

Quick

Timeliness is measured by reference to both legislative requirements and the SSAT's own standards, which are usually established through Executive Group considerations.

The SSAT recognises that the value of its service is substantially increased by ensuring applications are dealt with as expeditiously as possible, consistent with the need to adequately consider all relevant issues in each individual case.

It should be noted that some of the legislative requirements and the SSAT's internal timeliness standards differ depending upon whether the appeal is against a Centrelink or CSA decision.

Registration of Applications

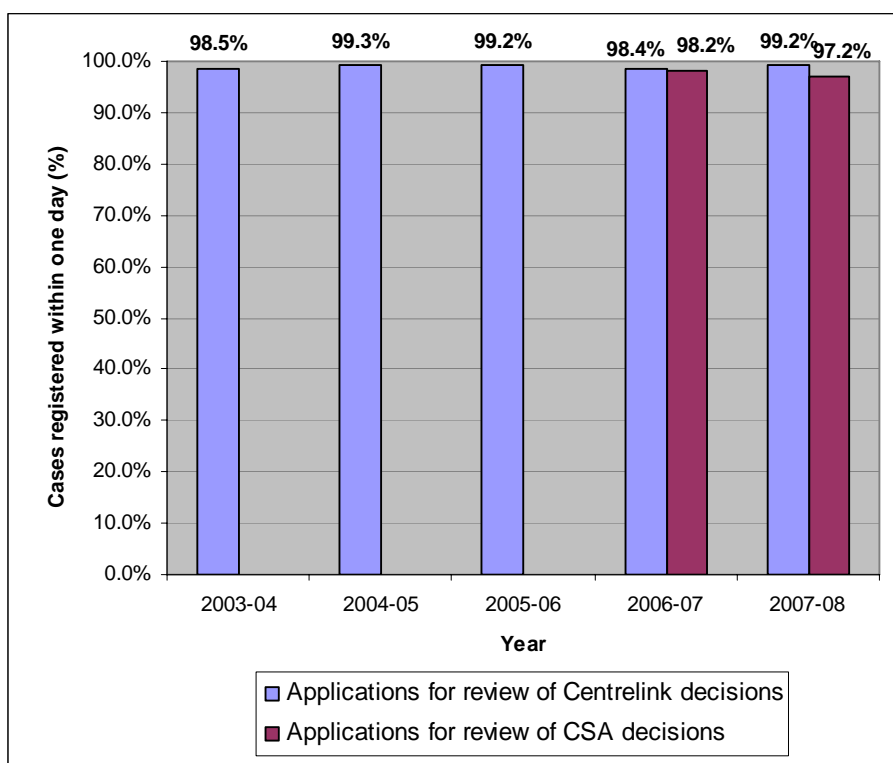
Standard

The SSAT aims to register 100% of applications for review of both Centrelink and CSA decisions within one day of receipt. This is an internal standard.

Performance

In 2007-08 the SSAT met this goal in 98.9% of all cases (compared to last year's result of 98.3%). The SSAT registered 99.2% of applications for review of Centrelink decisions and 97.2% of applications for review of CSA decisions within one day.

Figure 9 Applications for review registered within one day of receipt (Centrelink & CSA)



Statements

Standard (Centrelink)

That Centrelink provide a statement setting out the reasons for its decision to the SSAT within 28 days, or earlier where specifically requested. This is a statutory requirement under the *Social Security (Administration) Act 1999*.

Performance

In 2007-08 96.7% of all Centrelink statements were received within the statutory 28-day period which reflects continuing good performance by Centrelink in this regard. Non-priority Centrelink statements were received, on average, within 9.9 days of the SSAT's request and priority Centrelink statements were received in an average of 6.8 days.

Standard (CSA)

That CSA provide a statement setting out the reasons for its decision to the SSAT, to the applicant and to any other parties within 28 days. This is a statutory requirement under the *Child Support (Registration and Collection) Act 1988*.

Performance

In 2007-08 CSA statements were received, on average, within 22 days of the SSAT's request. This is within the statutory 28-day period and reflects the CSA's commitment to achieving this statutory requirement. The CSA's overall performance in this regard is commendable given the

substantial increase in appeals to the SSAT in 2007-08. Of all CSA statements received, 84% were received by the due date.

Figure 10 Average time (days) to provide statements (priority & non-priority cases)

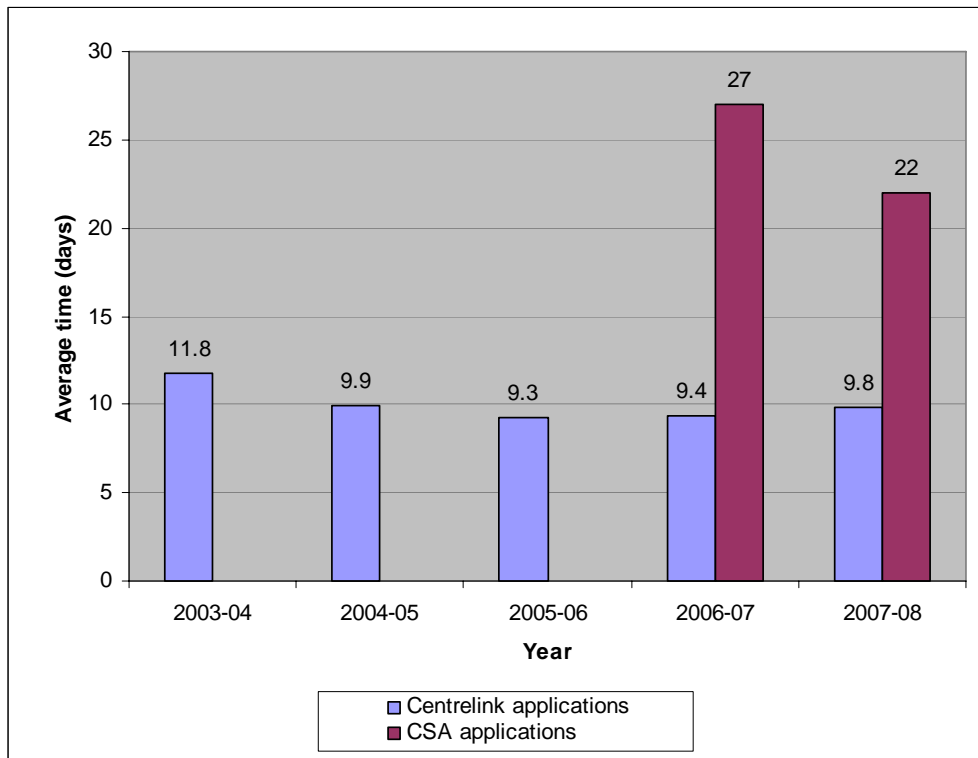
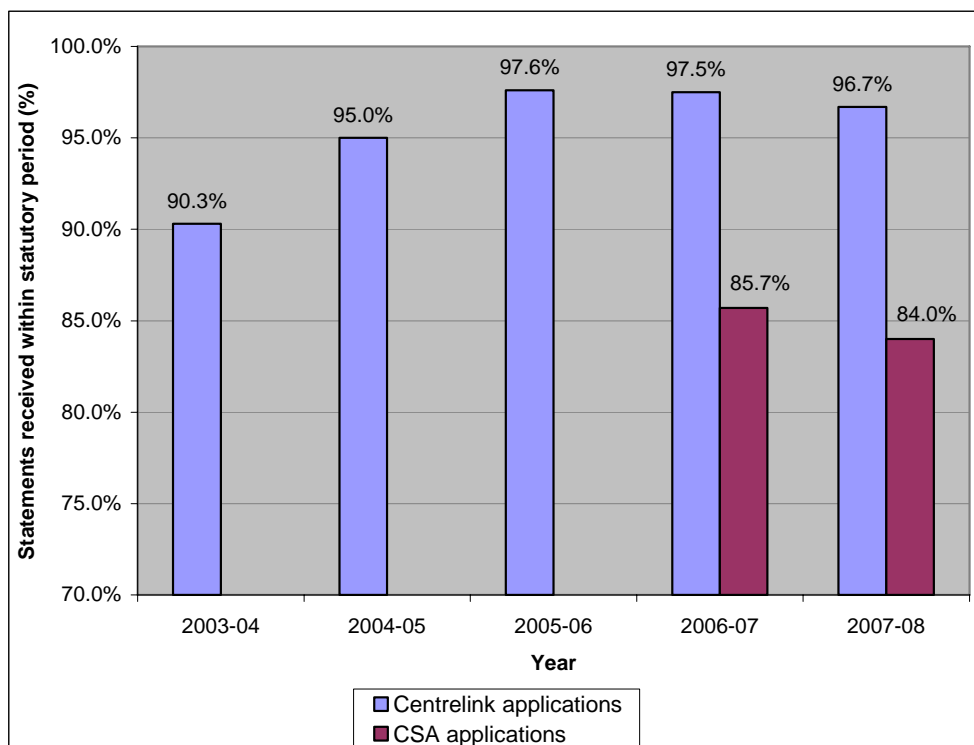


Figure 11 Statements received within statutory period of 28 days



Time Taken to Arrange Appointments

Standard (Centrelink)

To arrange 75% of hearing appointments for a date within 42 days of receiving the Centrelink statement. This is an internal standard, but is subject to the availability of members and readiness of applicants (see below).

Performance

This year the standard in Centrelink appeal cases was met in 48.4% of cases, with hearing appointments being on average 51.1 days from the date of statement receipt. The previous year's figure was 68.2%, with the average time to appointments being 39.6 days.

Standard (CSA)

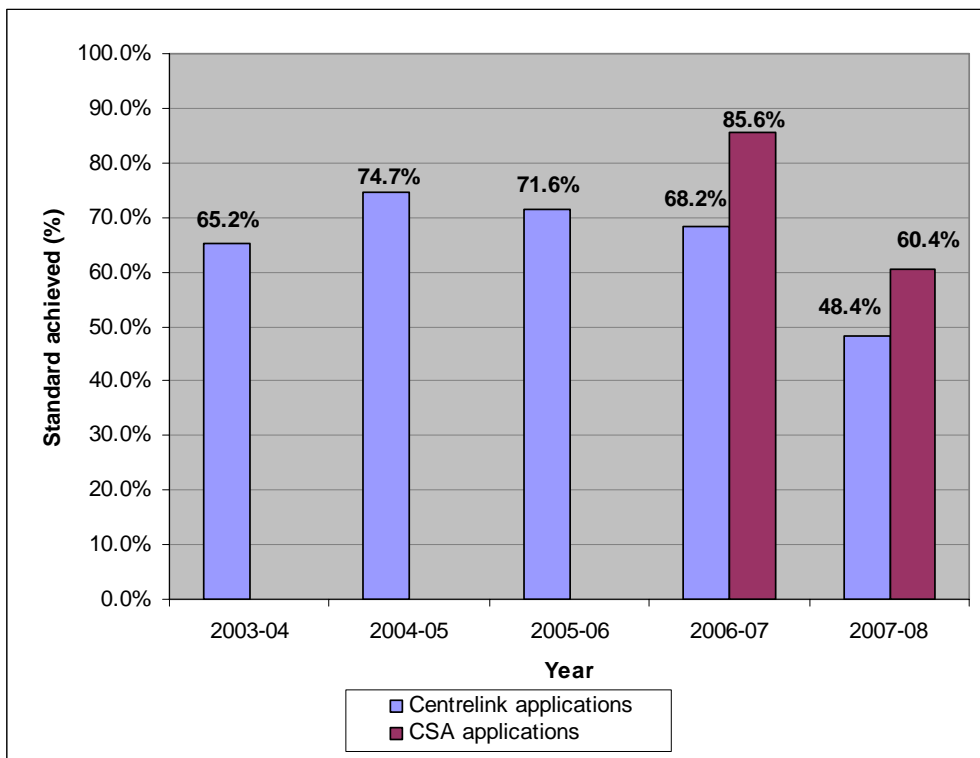
To arrange 75% of hearing appointments for a date within 56 days of receiving the CSA statement. This is an internal standard, but is subject to the availability of members and readiness of applicants and other parties (see below).

Performance

In 2007-08 the standard in CSA appeal cases was met in 60.4% of cases, with hearing appointments on average being 53.8 days from the date of statement receipt. In the previous reporting period the standard was met in 85.6% of cases with hearing appointments an average of 36 days from the date of statement receipt.

It should be noted that one of the main reasons cases are not listed for hearing within the 42 and 56 day standards is because the applicant and/or other parties are not ready to proceed. The SSAT tries to offer applicants and other parties a range of dates and aims to accommodate their preferences if possible but this is more difficult in times of very high appeal lodgements. Another reason is that with an additional 4477 appeals in total being lodged in 2007-08 some rosters (the SSAT operates on quarterly rosters in advance) are filled very early in the quarter so some applicants have to wait for a withdrawal to be accommodated – otherwise such cases are placed first in the following roster.

Figure 12 Hearings scheduled within SSAT internal standard



Hearing Papers

Standard

To provide applicants with a copy of the papers relevant to the Centrelink decision under review at least seven days prior to their hearing and to achieve this in 95% of cases.

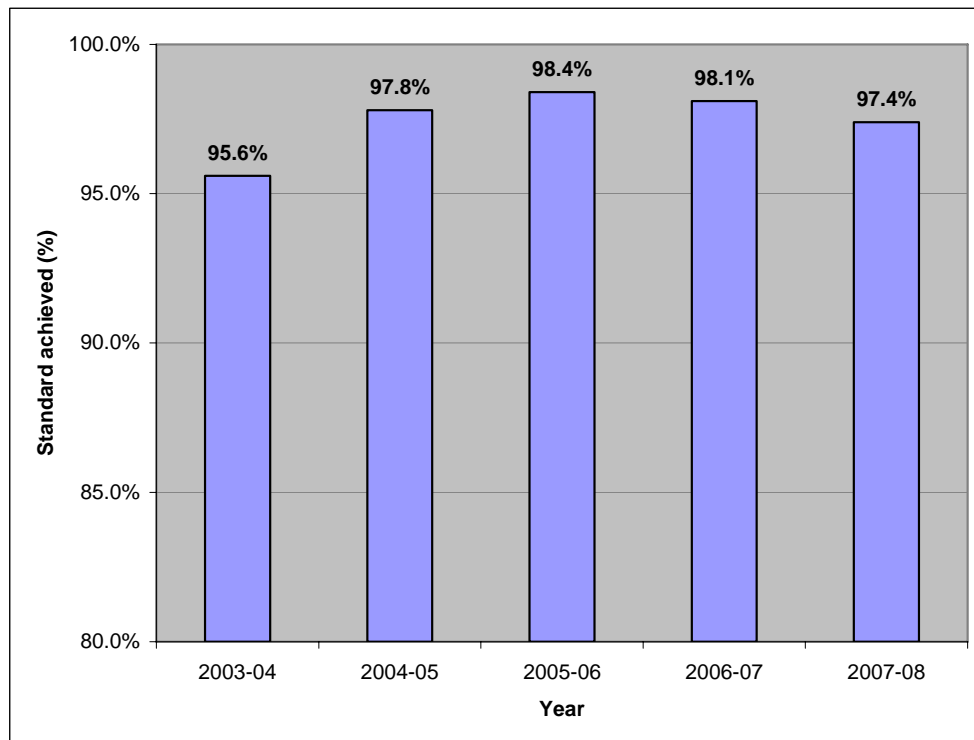
Note: there is no such standard in child support appeal cases because the CSA is required to provide the papers directly to the applicant, other parties and the SSAT.

Performance

This standard was achieved in 97.4% of cases in 2007-08. While the SSAT's performance in this area is within the national standard, it should be noted that if an applicant requests a priority

hearing, it may not be possible for the SSAT to provide the papers seven days prior to the early hearing date (as set by the SSAT to accommodate the applicant's request).

Figure 13 Centrelink papers sent to applicants at least seven days prior to hearing



Adjournments

Standard

To decide 90% of cases in which there is a hearing without adjournment. This is an internal standard. In some cases, it is appropriate for the SSAT to adjourn a hearing to obtain further information or to research the law.

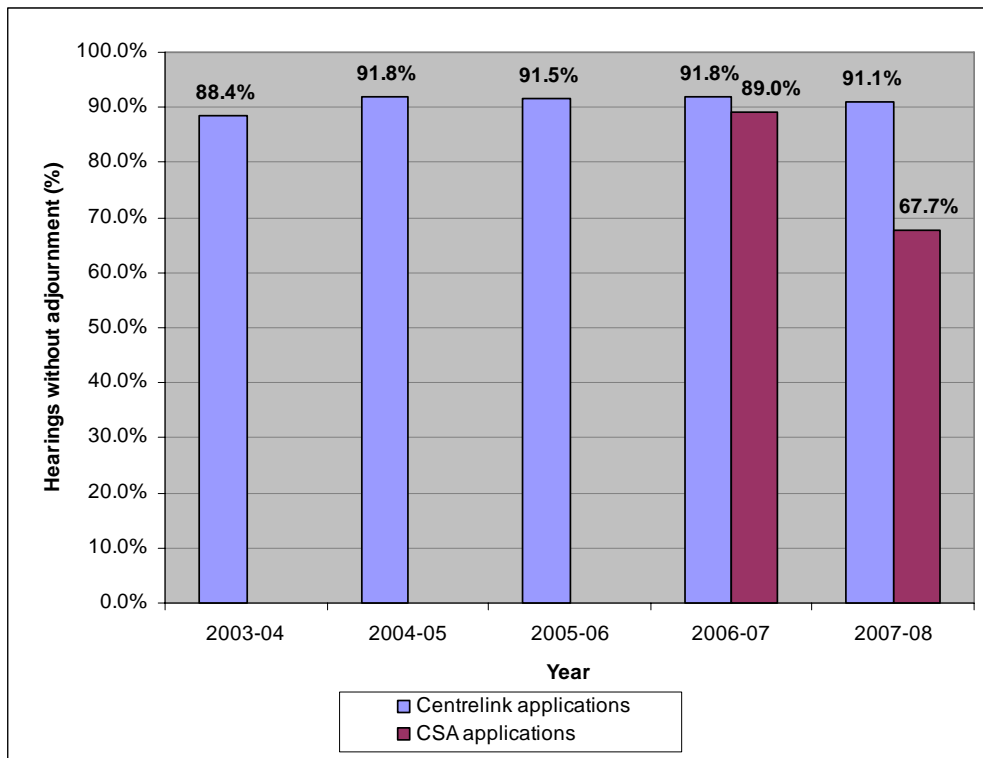
Performance

This was achieved in 88.1% of all SSAT cases. This standard was achieved in 91.1% of SSAT cases involving review of a Centrelink decision and in 67.7% of cases involving review of a CSA decision.

The difficulty in meeting this standard in some appeal cases is impacted by the increasing complexity of cases in areas such as means testing, which necessitate the assessment of both income and assets. This may, for example, require an assessment of the asset value and income attributable to private trusts and private companies, which might necessitate close perusal of trust and company statements of accounts and/or contact with an applicant's financial advisers or accountants. Assessment of income and assets, especially for the self-employed or in trust/company situations, arise in both Centrelink and CSA appeals. In child support appeal cases there is sometimes reluctance on behalf of applicants to disclose financial information – this is

being addressed to some extent by the SSAT conducting a pre-hearing conference in all 'Change of Assessment' child support appeal cases.

Figure 14 Cases decided without adjournment



Notification of Decisions

Standard

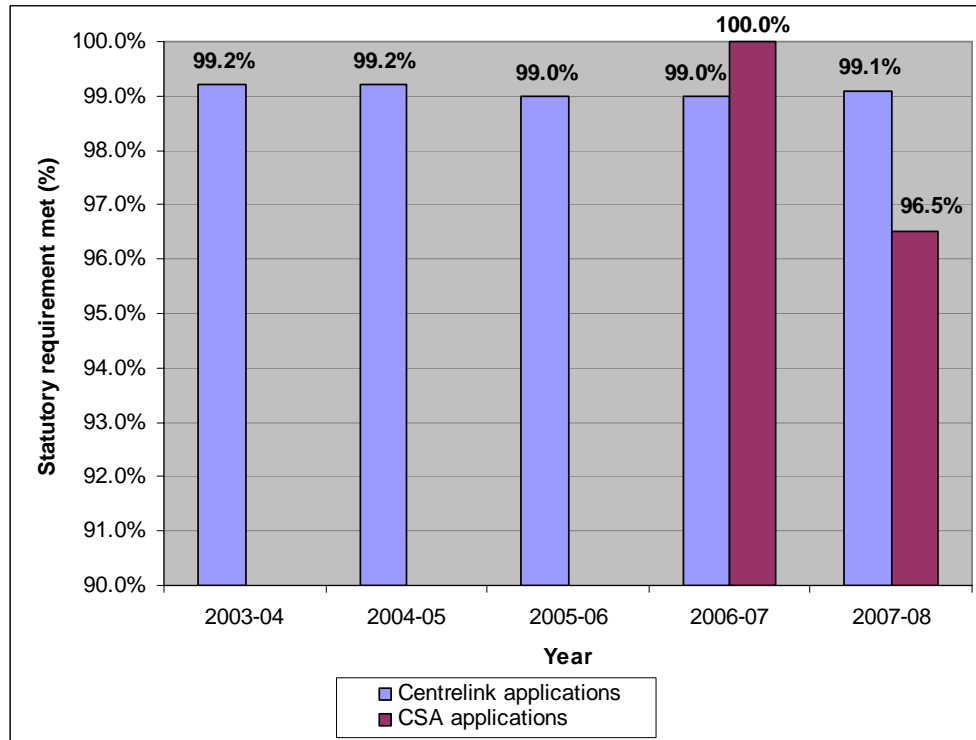
The SSAT must provide its decision in writing to the parties within 14 days of the decision being made. This is a statutory requirement in both Centrelink and CSA appeal cases.

Performance

In 2007-08 the standard was met in 99.1% of Centrelink appeal cases and in 96.5% of CSA appeal cases. In Centrelink appeal cases, the SSAT provided its decision in an average of 8.6 days while in CSA appeal cases, the decision was provided in an average of 8.8 days.

The SSAT strives to achieve a 100% result in this measure, as it is well aware of its statutory obligation and the value placed by applicants and other parties on a speedy written decision.

Figure 15 Decisions notified within 14 days



Time Taken – Lodgement to Dispatch

Standard (Centrelink)

To finalise applications for review of Centrelink decisions within 10 weeks of lodgement. This is an internal standard.

Performance

In 2007-08 the average processing time from lodgement to dispatch of decisions in Centrelink appeal cases was 9.62 weeks. This remains within the 10 week standard.

Standard (CSA)

To finalise applications for review of CSA decisions with 15 weeks of lodgement. This is an internal standard.

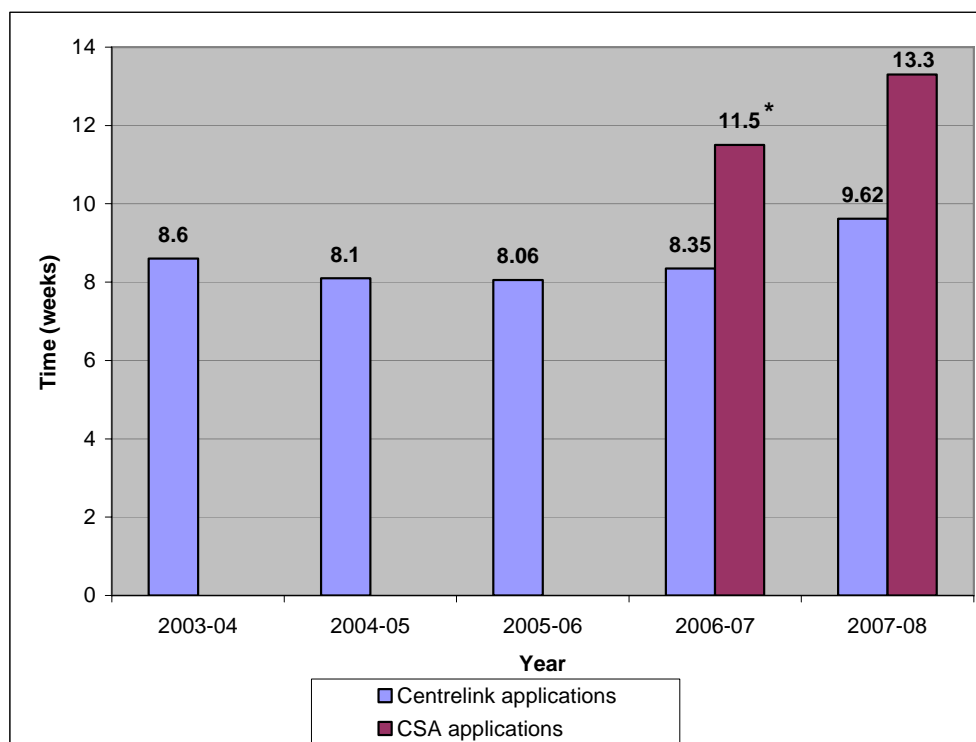
Performance

The average processing time from lodgement to dispatch of decisions in CSA appeal cases was 13.3 weeks. This average falls within the 15 week standard for CSA appeals. Please note, as reported earlier, this standard was increased from 13 weeks in the previous reporting period.

Please also see under “Performance Overview: Service” in Chapter 4 for timeliness standards. Achieving and maintaining these ‘turn-around’ times remains a key goal for the SSAT. Given the

newness of the child support jurisdiction, the timeliness standard will be continuously monitored to check its appropriateness.

Figure 16 Time taken (weeks) from lodgement to dispatch



* This figure excludes cases in which there was a finding of 'no jurisdiction'. Including 'no jurisdiction' cases decreases this result to 5.8 weeks as these cases do not require a hearing and as such are completed quickly. There were a high proportion of 'no jurisdiction' findings in the first reporting period for the CSA jurisdiction.

Summary of Performance (Timeliness)

Despite a substantial increase in appeal lodgements across both jurisdictions in 2007-08 the SSAT managed to maintain relatively high standards of timeliness performance across most indicators. A measurable deviation from internal standards occurred in the time taken to arrange appointments (for both Centrelink and CSA appeals). This outcome is a result of the significant increase in appeals and the demands this has placed on resources, both human (members, case managers etc) and physical (availability of hearing rooms etc). Adjournments in child support cases also increased in 2007-08. This increase is the result of the complex nature of child support cases (especially 'Change of Assessment' cases which comprise approximately 50% of child support appeals) in addition to the requirement of hearing evidence from multiple parties.

In 2007-08 the SSAT raised the internal standard for finalisation of CSA appeals from 13 to 15 weeks in order to allow for the delays inherent to having to consider the requirements of two parties. Continued monitoring of emerging trends in the child support jurisdiction in particular, will assist the SSAT to maintain and hopefully improve upon timeliness performance by better preparing parties for hearings (by, for example, issuing directions at pre-hearing conferences for

'Change of Assessment' cases on the information required to be produced by parties) and directing resources more appropriately.

Continuing to meet timeliness standards in the following year will be a challenge given the rising appeal numbers. Further increases in appeal lodgements are expected in 2008-09, particularly in the child support jurisdiction, due to major changes in the child support formula commencing on 1 July 2008.

Chapter 6 – Appeal Issues

- **SSAT Case Studies**
- **AAT & Court Cases**
- **Policies & Procedures – Feedback to Departments/Agencies**

The SSAT deals with many thousands of appeal cases each year. Often new and difficult issues are exposed on appeal which need to be carefully considered. This chapter provides case notes on a range of SSAT, AAT, Federal Court and Federal Magistrates Court decisions in the social security and child support jurisdictions. The case notes are included to demonstrate the broad range of issues the SSAT is required to consider; the actual outcomes of the cases are, in that sense, not so relevant.

SSAT Case Studies

Austudy – study load in more than one course of education

A student enrolled in concurrent degree courses. His application for Austudy was rejected because it was considered that the study load of only one of the two courses could be used to establish his study load. The SSAT concluded that a “course of education” did not preclude consideration of a study load in more than one course of education. The SSAT’s decision was consistent with a Department of Education, Science and Training policy which allowed a student to qualify for Youth Allowance or Austudy so long as their total study load was equal to or above the required full-time load.

Age pension – ‘disposal’ of an asset

The applicant, an age pensioner, owned an investment property. A son lived in the property and paid no rent. The house was demolished and a new one built. Four years later the title was transferred to the son. In the construction of the new house the applicant had entered into an agreement with a builder and borrowed funds for that purpose. The son however actually made the repayments. The question was whether the applicant had ‘disposed’ of the house when the title was transferred to her son. The SSAT found that there had been a disposition, but only a part disposition, in that the son had contributed 42% of the value of the property. The applicant had not received valuable consideration at the time of the title transfer however the SSAT found that the son had an equitable interest, and the disposition was limited to the applicant’s 58% interest, so that 58% of the value of the property was attributable to the applicant in determining her rate of pension for a period.

Pension bonus – gainful employment – long service leave

The SSAT was required to determine eligibility for a pension bonus in relation to a period the applicant had been on long service leave. The particular issue involved consideration of the phrase ‘gainful work’ and whether that phrase could accommodate a period of long service leave. The legislation was not particularly clear so the SSAT considered the Explanatory Memorandum for the 1998 legislation which introduced the pension bonus scheme as well as related provisions in the legislation. The SSAT noted that ‘gainful work’ encompassed an activity which involved “a substantial degree of personal exertion”. The SSAT also noted the legislation allowed a person to be treated as engaged in gainful work “during any absences from the workplace that are irregular, infrequent or minor”. The Guide to the Social Security Law gave some guidance on what might be considered to be encompassed in that clause. It stated as an example a person “who had a morning off for dental treatment or to attend a training course”. In light of the legislative provisions and the policy guidance, the SSAT concluded that a number of months long service leave could not be regarded as a “minor” absence and also could not be considered as “gainful work”.

Parenting payment activity agreement – inclusion of a term in relation to number of hours of work

The SSAT reviewed a Centrelink decision to include a compulsory activity in an agreement “to work 30 hours per fortnight [for a particular employer earning \$x per hours]”. During the interview at which the activity agreement was signed, the applicant expressed some concerns about her ability to meet the required hours of work but was informed that Centrelink had no discretion to reduce the minimum number of working hours.

The SSAT noted the legislation which set out the matters the Secretary should have regarded in assessing the person’s capacity to comply with the agreement. One of these matters was “the family and caring responsibilities of the person”. The SSAT also considered the policy and concluded that both the law and the policy permitted some flexibility. The SSAT noted such things as the relatively young age of the children and their need to be supervised, no relatives in Australia who could provide support and the shift work of the applicant and the different shift roster of the other person who acted as a carer of the children. The SSAT set the decision aside and sent the matter back to Centrelink for reconsideration in accordance with recommendations that the applicant’s particular family circumstances be more fully considered.

Whether applicant was a “member of a couple”

The applicant married in 1996. One of the children suffered severe autism. Evidence from medical and other sources indicated the applicant needed substantial support in caring for and coping with the child. The applicant claimed parenting payment in 1999 on the basis she had separated from her husband. In 2007 Centrelink reviewed the case and concluded she had never separated. This resulted in a very large overpayment of parenting payment.

The SSAT considered the evidence relied upon by Centrelink was not sufficiently strong and took direct evidence from a number of third parties and written evidence from others. The SSAT ultimately determined the evidence indicated that during the period the applicant had not co-resided with her ex-partner, did not have a sexual relationship and that they did not socialise together. There was evidence of significant intertwining of finances but this was necessary to meet the costs associated with caring for the disabled child. The SSAT concluded that the applicant and her ex-partner were committed not to each other but to meeting as best they could the child’s

care needs. The reasons for maintaining their financial connections contrasted with those in which a couple pool resources for their mutual benefit or enjoyment. The SSAT concluded that the applicant was living separately and apart on a permanent basis during the relevant period – this view was fortified by the fact that by the time of the SSAT hearing the ‘couple’ had divorced.

Child Support – Eligible carer

The applicant claimed to be an eligible carer of a child and applied to the CSA for a child support assessment against the child’s father. The CSA granted the application. The father appealed to the SSAT on the grounds that he was willing to care for the child and that the applicant was not an “eligible carer”. The SSAT had to consider, among other things, whether it was “unreasonable in the circumstances for a parent to care for the child” and, in particular, if there had been “extreme family breakdown”. The SSAT found that in all the circumstances it was not unreasonable for the child to live with the father and it set aside the original decision and substituted a new decision to refuse to accept the application for an assessment by the applicant.

Child Support – Registrar initiated change of assessment

For the period 1 May 2006 to 31 July 2007 the applicant’s child support liability was assessed under an administrative assessment on the basis of a child support income amount of over \$16,000. In response to a review undertaken by the Registrar of the CSA, the applicant’s child support income amount was assessed at over \$42,000 for the period 1 October 2006 to 30 September 2007, on the basis of the applicant’s financial capacity and resources. A review of this decision by a CSA Objections Officer reduced the applicant’s child support income amount to \$33,125 for the same period. The applicant appealed to the SSAT.

In addition to the extensive paperwork and submissions provided by the agency, the SSAT took particular account of the applicant’s accountant’s evidence at the hearing. On examining the applicant’s business financials, in particular the various expenses and loans of the business, the SSAT formed the view that the wages paid out by the business were reasonable given the employee’s previous experience, qualifications and duties and that there were no hidden benefits flowing to the applicant from his business. The SSAT concluded that the company accounts reasonably reflected the applicant’s financial position, which was somewhat precarious due to outstanding loans taken out prior to separation and his liability for child support arising. The SSAT could identify no special circumstances that would warrant a departure from an administrative assessment, nor was the SSAT able to conclude that the application of the administrative assessment would result in an unjust and inequitable determination of the level of child support to be provided by the applicant. The SSAT therefore set aside the decision and substituted a new decision that for the period 1 October 2006 to 30 September 2007 the applicant’s child support income be set according to the administrative assessment in the *Child Support (Assessment) Act 1989*.

Child Support – Discretion to refuse Non Agency Payments

The CSA credited Prescribed Non Agency Payments for school fees paid by a father who was the liable parent. The mother objected to this decision on the grounds that the father should be required to pay both the assessed rate of child support and the school fees. She appealed to the SSAT as her objection was disallowed.

The SSAT found that the payments met the requirements under s71C of the *Child Support (Registration & Collection) Act 1988* and Regulation 5D of the *Child Support (Registration & Collection) Regulations 1988*. The SSAT then went on to consider if the non agency payments should be

refused in the particular circumstances of the case. The SSAT found there was an implied agreement that the father pay the school fees as well as the assessed amount of child support and decided to exercise its discretion to refuse to credit the non agency payments for school fees.

Child Support – Estimate of income

The mother was the parent liable to pay child support to the father for two children whose care was shared. The mother made an election to estimate her child support income amount for the current period as it had dropped more than 15%. The CSA accepted this election. The father appealed this decision to the SSAT.

The SSAT found that the actual income was different to that estimated by the mother but still met the 15% reduction rule. The SSAT concluded that it could either accept the estimate or refuse to accept the estimate but did not have the jurisdiction to change the amount of the original estimate. The SSAT decided on the available evidence not to exercise its discretion under s60A of the *Child Support (Assessment) Act 1989* to refuse the estimate. The SSAT affirmed the decision of the CSA but recommended that it conduct a review of the estimate under the powers available to it under s63A of the *Child Support (Assessment) Act 1989*.

Child Support – Residency of a liable parent

The CSA accepted an application for an administrative assessment from the mother of an eligible child, claiming child support from the father. The CSA decided that even though the father was living overseas at the time of the application, he was a “resident” of Australia for taxation purposes. The father appealed this decision to the SSAT.

The SSAT, in line with the definition of ‘resident of Australia’ contained in section 10 of the *Child Support (Assessment) Act 1989*, considered two issues: (i) whether the father resided in Australia on the date of the application under the ordinary concepts of residency; and (ii) whether the father was domiciled in Australia on the date of the application, and if he was, whether his permanent place of abode was outside Australia. The SSAT concluded, based on the evidence provided, that the father did not reside in Australia on the date of the application; his permanent place of abode was outside Australia and decided that the father was not a resident of Australia for tax purposes on the date of the mother’s application for an administrative assessment. The SSAT set aside the CSA’s decision and substituted a new decision that the mother’s application should be refused as the requirements of s25 of the *Child Support (Assessment) Act 1989* were not met.

AAT & Court Cases

There were a number of AAT and court cases which considered social security and family assistance law during 2007-08. Cases of particular note include:

Lump sum compensation payment: preclusion period (*Secretary, DEEWR v Guild [2008] AATA 92*)

Mr G received compensation payments of \$96,900 and \$50,000 in May 2004 and December 2005 in respect of injuries sustained at work. The first payment was made by Court judgement and the second was by way of settlement. The SSAT decided there was no evidence that the two payments of \$96,900 and \$50,000 were in relation to the same event. Hence there were two separate lump sum payments and as the \$96,900 payment did not have an economic loss

component, it did not give rise to a preclusion period. The SSAT concluded that the preclusion period was to be from 16 Dec 2005 to 1 Sept 2006 using 50% of the second payment of \$50,000.

The AAT considered whether section 1171(1) of the *Social Security Act 1991* (the Act) applied in this case and whether the two payments were in relation to the same event. The AAT found that the first payment was in relation to a number of injuries suffered by Mr G during his employment, however one event was common to both payments. The AAT found that this case could be distinguished from that of *Savage v DEWR* [2008] FMCA 32 where it was determined that separate payments for separate events were not covered by section 1171(1). The AAT concluded that Mr G was to be taken to have received one lump sum compensation payment of an amount equal to the sum of the two lump sum payments.

In determining the compensation part of the lump sum, the AAT considered that applying the 50% rule to the whole of the compensation amount would produce an unjust result, given that the first (larger) payment contained no economic loss. In this case, because the payment was a single payment and part of the notional payment resulted from a judgement, the AAT concluded that section 17(3)(b) of the Act applied which required the Tribunal to determine the economic loss component. On the basis of the terms of the consent agreement, the AAT determined that the most appropriate apportionment was to find that 50% of the lump sum payment of \$50,000 was the compensation part of the lump sum.

The AAT therefore varied the decision of the SSAT such that Mr G was to be deemed to have received one compensation amount equal to the sum of the two payments and the compensation part of the lump sum was to be 50% of the amount of \$50,000, giving rise to a preclusion period from 16 Dec 2005 to 1 Sept 2006. The ultimate result therefore was the same as that which would have occurred had the SSAT's decision been applied, even though the reasoning of the AAT and SSAT was quite different.

Newstart 8 week non payment period (Secretary, DEEWR v Ghorbanpour [2008] AATA 101)

Ms G was in receipt of newstart allowance when she commenced full time employment. She ceased employment as she was unable to cope with the complexity of the duties she was required to undertake. Ms G believed that although she did not advise her employer of the difficulties she was experiencing and left work voluntarily, her action was reasonable in the circumstances. Ms G was assessed by Centrelink as having committed a serious participation failure and an eight week non payment period was applied to her newstart allowance. The SSAT affirmed this decision.

The AAT accepted that Ms G was truthful regarding her work experiences but considered that her conduct was not reasonable because she could have discussed her problems with management before deciding to leave. Further she could have given notice that she intended to leave her job due to her difficulties. The AAT concluded that Ms G's action in leaving her employment was not reasonable for the purposes of s629 of the *Social Security Act 1991* and that she had committed a serious participation failure. Consequently the eight week non payment period was again affirmed.

Newstart 8 week non payment period (Secretary, DEEWR v Payne [2007] AATA 1745)

Mr P's employment was terminated and he lodged a claim for newstart allowance. The claim was granted but with an eight week non payment period, on the grounds that Mr P's unemployment was due to misconduct as a worker. The SSAT determined that Mr P was dismissed, though not for misconduct, and hence an eight week non payment period should not be applied.

The AAT considered the principles underpinning the interpretation of subsection 629(1)(c) and “misconduct” in particular. The AAT found that the Guide to the Social Security Act went well beyond the legislation and hence could not be referred to in interpreting subsection 629(1)(c). The AAT concluded that the subsection means that a person will not be paid a newstart allowance for a period of eight weeks “if that person is unemployed due to the person’s misconduct as a worker” and once that is found, that is the end of the matter.

The Tribunal found that subsection 629(1)(c) would not come into play unless the person’s misconduct was “misconduct as a worker” and unless the person was unemployed “due to” that misconduct as a worker. The Tribunal found that Mr P did misconduct himself at work. His conduct was regarded by his employer as a serious breach of its standards of what was appropriate conduct in light of the work that Mr P was engaged in and that he did not meet those standards on more than one occasion. His conduct amounted to misconduct in the circumstances and occurred in the workplace as a worker. Hence the terms of subsection 629(1)(c) were met and an eight week non payment period applied to Mr P from the date he became unemployed.

Validity of notices (Secretary, Department of FaHCSIA v Walshe [2007] AATA 1861)

This case was decided by the President Mr Justice Downes and Senior Member Constance. It was yet another case where the main issue was whether various Centrelink letters sent to Mr and Mrs Walshe constituted valid notices of changes to their age pension entitlement. In this case the AAT considered seven different forms of letters. In each case the Tribunal found the letters were valid notices but made the following points; there had been a series of AAT cases determining the validity of Centrelink notices, some were found to be valid others invalid; some cases were required to be determined on what were computer print-outs of the letters (ie. not copies of the letters themselves). In this particular case the hearing commenced with only the computer print-outs available. The AAT then required copies of the actual letters/notices. The AAT observed at para. 48 “there have been at least 19 Tribunal decisions on adequacy of notices since 2000. Of these, 12 have decided that Centrelink letters are adequate notices”.

Note: the adequacy of notice in Centrelink forms and letters continues to be of concern. This is particularly so when notice is purported to be given of an adverse decision, such as a decision to reduce the rate of payment – see below under ‘Policies & Procedures’.

Assessing eligibility for disability support pension notwithstanding refusal of medical treatment (Secretary, Department of FaHCSIA v Jansen [2008] FCAFC 48)

This case concerned an application for disability support pension. The medical evidence indicated that Mr J’s prospects of recovery were good if he received appropriate treatment for his various conditions and if he cooperated in that regard. At the AAT and at first instance in the Federal Court, there were differing views on whether there was a genuine reason for refusing treatment options and whether the applicant’s conditions were or were not fully investigated, treated and stabilised.

The Full Court reviewed the history of the amendments to the *Social Security Act 1991* (the Act) and concluded that there was no room for an assumption that there had been a continuing social policy since *Dragojlovic v Director-General of Social Security* (1984) 1 FCR 301 to the present that a person’s genuine fears or beliefs, even if unfounded, would provide sufficient basis for a person to

qualify for a pension in circumstances where they had refused medical treatment for their condition. The Full Court found that the questions of whether there will be significant functional improvement from further medical treatment or whether there was a medical reason for refusing to undergo medical treatment could not be determined from the state of mind, views or beliefs of the applicant for a disability pension. The Full Court held that both of these issues required an opinion which was formed on the basis of the medical evidence.

The Full Court concluded that whether a person's reason for refusing treatment is compelling is to be determined by a relevant medical officer; it is the medical officer who must assign an impairment rating and it is he or she who must decide if the reason for the person not undertaking treatment falls within the circumstances identified in the Introduction to the Impairment Tables (relating to qualification for disability support pension). The Full Court stated that the appropriate question for the decision maker to ask is, 'Am I satisfied that there is a reason that compels the claimant not to undertake treatment?' and observed that put this way, the question is not a choice between mutually exclusive objective and subjective tests, but is a simple formulation which involves some elements of each.

Assessing the meaning of “adopted” in a double orphan pension case (Secretary, Department of FaHCSIA v Waldron [2007] FCAFC 131)

This case concerned eligibility for double orphan pension where the child in question had been adopted under Ethiopian law and not Australian law. The matter was considered by the SSAT, AAT and by a single judge of the Federal Court – on appeal to the Full Federal Court.

The Full Court reviewed the history of the amendments to the *Social Security Act 1991* (the Act) in relation to double orphan pension and concluded that while it may be accepted that references in the legislation to “adoption”, “adoptive” or “adopted” will be construed to be references to adoption under Australian law, there is a definition of “adopted child” in this legislation which provides a corresponding definition of “adoptive parent”. The Full Court considered that the Second Reading Speech was of no assistance in determining the proper construction of the legislative provisions and placed no weight on it. The Full Court did not agree with the reasoning and conclusion of the AAT in relation to the anomalies that would arise in considering the Waldrons to be parents of the child for the purpose of double orphan pension but not for other benefits.

The Full Court did not agree with the primary judge's analysis of the interaction between the Immigration Act, the Act and the Family Assistance Act and considered that in each piece of legislation the definition is designed to operate for the purpose of that particular legislation and the differences cannot be a determining factor on the question of construction. The Full Court determined that the Act requires consideration of whether the child is a child adopted under the law of any place, whether in Australia or not, relating to the adoption of children.

The Full Court held that for the purposes of the Act, the Waldrons were 'the parents' of the child upon her arrival in Australia and were not qualified for double orphan pension.

Whether child support income should include incentives (CSR & MMB & DEJ [2007] FMCAfam 944)

The payer lodged an estimate of income however the payee's objection to this decision was disallowed. The payee then appealed to the SSAT.

The SSAT found that a ground for departure under Part 6A of the *Child Support (Assessment) Act 1989*, which contains the departure/change of assessment provisions, was established, namely that the payer's child support income amount should include the incentives that he was paid. The Child Support Registrar appealed the decision to the Federal Magistrates Court.

The Federal Magistrate confirmed that the SSAT was required to confine its enquiry to the decision under review, which in this case was a decision to accept the payer's estimate of income. In addition, the Federal Magistrate said that as there had been no application for a departure from the administrative assessment under s98B of the Assessment Act, the SSAT could not exercise any power to make a departure determination under s98C when it considered the issue of the payer's estimate of income.

The appeal was allowed. The SSAT's decision was set aside and remitted for rehearing.

Procedural fairness in child support income assessment (PJ & CSR [2007] FMCAfam 829)

In this case the mother applied to increase the child support assessment to account for orthodontic expenses for the eldest child and on the basis that the applicant had sick leave entitlements that he was not accessing. The CSA Objection Officer accepted that the orthodontic expenses were a special circumstance and that the appellant's income amount should have regard to his sick leave entitlements. The Objection Officer however did not consider that it was just and equitable to retrospectively increase the assessment payable to the mother as the children were now living with the applicant and he was not receiving child support from the mother.

The decision of the SSAT to increase the appellant's child support assessment was appealed to the Federal Magistrates Court.

The Court concluded that the appellant was not accorded procedural fairness and stated that it wasn't sufficient to inform the applicant that an adverse decision could be made; the SSAT had to ensure that the applicant would understand that the claims of the other party (who had ceased to pursue those claims) could be considered by the SSAT. The Federal Magistrate found that it was consistent with the legislation that the SSAT adopt a process that did not allow the cross-examination of witnesses or accede to requests by parties for reluctant witnesses to attend for questioning.

The Federal Magistrate concluded however that whilst the factors discussed by the SSAT weighed in favour of the decision it made, without undertaking a proper determination of all of the relevant factors under subsection 117(4) of the Assessment Act it would not be possible to determine whether the proposed increase in child support liability was 'just and equitable' for the purpose of that section.

The appeal was allowed and the decision of the SSAT set aside and remitted to be heard according to law.

The SSAT's powers to obtain further information in child support cases (Humphries & Berry [2008] FMCAfam 409)

The applicant was originally assessed to pay the minimum annual rate of child support of \$320. The delegate of the Child Support Registrar decided to vary the applicant's child support income amount to over \$64,000. An objection against the decision was disallowed.

The applicant appealed against the SSAT decision which set the child support income amount at over \$69,000.

The Federal Magistrate said that the principles of full and frank disclosure in proceedings in the Family Court have the same force in SSAT hearings, and:

“In circumstances where a party (in this case the appellant) places before the SSAT inconsistent, confusing and incomplete financial information, the fact that the SSAT can and may exercise its powers to obtain further information that might clarify the financial circumstances of a party does not relieve a party of their primary obligation to disclose their financial affairs in a manner that can readily be understood. The extent to which the SSAT should exercise its powers of information gathering and testing of evidence in each case will depend on the circumstances of the matter but the exercise of such power or the failure to exercise such power does not in any way derogate from the immutable obligation and duty of both parties throughout the proceedings before the SSAT to make full, frank and cogent disclosure of all relevant information pertaining to their financial affairs in order that the Tribunal can make a proper assessment of their respective capacities to provide for the needs of their children.”

The appeal was dismissed.

Policies & Procedures – Feedback to Departments/Agencies

Due to its ongoing role as a national organisation responsible for reviewing large numbers of social security and child support decisions, the SSAT is exposed to many difficult issues involving application of the law, procedural fairness and policy questions. SSAT members are encouraged to draw the attention of their Director to perceived legislative anomalies or unintended consequences that they discover, or instances where the legislation is believed to operate in an unjust or unfair manner to any group or individual. Such matters can be referred to the Executive Director, who can in turn raise them with Centrelink, CSA or the relevant policy department.

Similarly, where departmental procedures operate harshly or where expressed policy is not considered to be consistent with or supported by the legislation, this may be identified in the process of review and can be raised at the national level by the SSAT with the appropriate agency or agencies.

The Administrative Arrangements Agreement (AAA) between the SSAT and Centrelink includes a range of ‘task cards’ which identify the forms and electronic documents considered to be relevant to a range of particular case types. Consistent with the AAA, the SSAT and Centrelink monitor compliance with these task cards over a two to four-week period every six months.

Adherence to the AAA is important for both the Tribunal and Centrelink; for the former it guarantees provision of all documents relevant to the making of the decision(s) and for the latter ensures that both original decision makers and Authorised Review Officers have identified, for their purposes, all relevant documents in making their decisions at first instance and on internal review.

During the year the Executive Director wrote to the CEO of Centrelink concerning the variable performance of Centrelink Area Offices in meeting the requirements of the AAA. The fact that some Areas attained a 100% compliance score indicates that excellent performance is possible. The Executive Director suggested that compliance with the AAA be built into the performance assessment of Centrelink Area Managers. A response had not been received as at 30 June 2008.

The Executive Director also continued to meet with senior Centrelink officers concerning the quality of Centrelink correspondence; especially letters which purported to give notice of an

adverse decision. The Executive Director continued to suggest to Centrelink that the suggestions contained in Appendix 3 of the Report of the Breaching Review Taskforce, December 2004, should be implemented, noting paragraph 17 of that Appendix reported that the guiding principle under which correspondence could be drafted were "accepted by the Centrelink Personal Communications Team as a template for both breach-related letters and other correspondence". The Executive Director continues to believe that many Centrelink letters still fail to sufficiently clearly set out the decision that has been made and the reasons for it.

A Memorandum of Understanding (MOU) between the SSAT and the CSA sets out the roles and responsibilities of each agency in the child support appeal process. Both agencies have been monitoring their performance in accordance with the requirements of the MOU and have discussed issues as required. As further experience is gained in the child support jurisdiction, the SSAT and the CSA will review/update the MOU as required and agreed.

During the year the Executive Director responded to an invitation from the Secretary of the Department of Education, Employment and Workplace Relations (DEEWR) concerning that Department's appeals from SSAT decisions to the AAT. The Executive Director pointed out that the very large percentage of DEEWR appeals to the AAT which were ultimately withdrawn indicated that insufficient consideration may have been given to cases before a decision to appeal had been made. Many of those cases involved the payment of Disability Support Pension which are usually decided on the facts. The Executive Director made some suggestions as to what factors might be considered in relation to lodging an appeal to the AAT.

The Executive Director also responded to the Minister for Human Services, again on invitation, in relation to a Review of the Job Capacity Assessment (JCA) system. The Executive Director noted that there were some manifest deficiencies in many JCA reports in terms of not providing sufficiently sound evidence upon which an adverse decision could be reliably based, for example cancellation of a Disability Support Pension. The deficiencies included assessors not having the requisite skills to comprehensively assess the individual concerned, insufficient regard to available medical evidence and insufficient reasons given to support the assessor's conclusion that there were no barriers to the person re-entering the workforce.

The Executive Director has quarterly meetings with two Deputy Secretaries of FaHCSIA to discuss matters of mutual interest. These meetings coincide with the Executive Director's quarterly statistical report to the Minister.

The SSAT has liaised effectively with the CSA during the year to manage issues arising in the new jurisdiction. Good progress has been made in gaining a better understanding of the CSA's internal processes. The SSAT has a high level CSA Senior Executive Service (SES) officer nominated as a contact point where the need arises. The CSA has adapted and responded very positively to suggestions from the SSAT and there has been progress in gaining a mutual understanding of the need to balance privacy without compromising the capacity of parties to present information necessary to have their appeals adequately considered.

Part 3
Management &
Accountability

Chapter 7 – Corporate Governance

- Structures
- Processes

Structures

Executive Group

Under the SSAT's corporate governance arrangements, the Executive Group advises and assists the Executive Director in the overall operation and administration of the core business of the SSAT. Chaired by the Executive Director, with the Directors and the National Manager as members, this group focuses principally on the strategic direction and performance of the SSAT.

By their very nature, social security and child support review applications often require the exercise of judgment and/or discretion by presiding members. The Executive Group meets regularly and oversees legal research and the issue of guidance to members on leading cases

and preferred approaches to statutory interpretation. As a measure of internal scrutiny, the Director in each office also closely monitors the quality and consistency of decisions in their respective States/Territories.

Over the past year, the Executive Group met on five occasions. In its role of directing and overseeing management of the SSAT the Executive Group this year endorsed a new draft Strategic Plan for the next three years (2008-2011). The draft Plan has been presented to staff for feedback before approval and implementation.

National Business Managers' Group

The National Business Managers' Group comprises the five State Office Business Managers, four National Office Business Managers and the National Manager (convenor). Its main functions are to advise and assist the National Manager in establishing, implementing and maintaining national



The Executive Group (L-R): Miriam Holmes, John Collins, Les Blacklow, Sue Raymond, Jim Walsh, Suellen Bullock, Pamela Duckworth

policies and best practice. The group is also involved in matters of corporate business which in the 2007-08 year included corporate and business planning and overseeing business plan initiatives.

Other Internal Committees

A number of internal committees exist to ensure the SSAT fulfils its legislative requirements and its obligations to applicants/parties and its staff and members. The Diversity Committee meets regularly to discuss issues and make recommendations on how the SSAT can best fulfil its role in a culturally and physically diverse community. The Occupational Health and Safety (OH&S) Committee works to ensure an optimal physical environment for applicants/parties and employees. The Review and Risk Compliance Committee ensures organisational accountability. Further, a number of SSAT offices have established local Wellness Committees to encourage healthy practises in the workplace and provide opportunities for staff development and social activities. For further information about some of these internal committees see Chapter 9.

Processes

Corporate Planning

The SSAT's Strategic Plan for 2005-08 (see Appendix 3) sets out the SSAT's core values and service standards within the framework of its primary objectives. It contains approaches or strategies for critical issues that the SSAT aims to address in this three-year period.

The business units of the National Office submit annual business plans against the objectives, goals and strategies laid out in the Strategic Plan. The four key goals of the current Strategic Plan are for the SSAT to:

1. Strengthen decision-making
2. Strengthen case management services
3. Strengthen internal relationships
4. Strengthen external relationships

In 2007-08 a working group was established to begin preparations for the next SSAT Strategic Plan (2008-2011) to be commenced in 2008. As mentioned above the Executive Group has endorsed the draft Plan and is awaiting staff feedback.

Outreach Activities

Outreach activities aim to make potential applicants and those who assist applicants aware of the SSAT's existence, role and functions, while inspiring confidence in it as a fair and independent mechanism of review. To this end, the national outreach strategy is directed at improving knowledge and understanding of the SSAT in the Australian community.

During 2007-08, SSAT state and territory offices continued to organise and participate in meetings with staff from their local Centrelink and CSA offices, welfare rights groups and legal aid offices. Other local outreach initiatives undertaken in the reporting period include:

- Presentations to Law Council and Law Institute conferences (VIC)
- Training sessions for Law Institute
- Presentations to Victorian Legal Aid conference
- Contributions to Lawyers Practice Manual

- Hosted representatives from FaHCSIA who attended to observe hearings and learn about the SSAT
- Participation in Law Week in conjunction with the Law Society of WA
- Participation in the Queensland Law Society Child Support Symposium
- Outreach sessions with Welfare Rights, Legal Aid (Child Support Unit)
- Presentation at NSW State Legal Conference
- Presentation to Law Council of Australia National Seminar Series (Sydney, Parramatta & Canberra)
- Presentation to NSW/ACT CSA Stakeholder Engagement Group
- Participation in a panel at the Annual Conference of the NSW Chapter of the Council of Australasian Tribunals
- Presentations to NSW Legal Aid Child Support Service
- Director elected to Committee of NSW Chapter of COAT & regular attendance
- NSW SO hosted 2 graduates from FaHCSIA
- Visits to stakeholder groups including:
 - Anglicare Tenancies program and Financial Counsellors
 - Mission Australia-Berri
 - Charles Sturt Council Community Development
 - Berri Council Community Development
 - Riverland Relationships Australia-Berri
 - Riverland Community Health
 - Mt Gambier Community Information Session
- Hosting of Centrelink Call Centre staff
- Hosting of AAT staff
- Meeting with Co-ordinator of Child Support unit of Legal Services Commission
- Presentation to National Seminar Series jointly run by the Law Council of Australia and the Child Support Agency on Child Support reforms
- Attendance of forums/meetings with:
 - South Australian Court and Tribunal Managers Network
 - Commonwealth Merits Review (SA)
 - APSC information sessions.
 - Commonwealth Leaders Network-SA chapter
- Participation in meetings of COAT, AIAL and AIJA

Applicant Feedback Survey

In order to measure several of the SSAT's key performance indicators (KPIs) and to ascertain how the SSAT is performing from an applicant/party perspective, a survey has been developed to obtain applicant feedback. In 2007-08 voluntary surveys were provided to all Centrelink applicants whilst all Child Support applicants and 2nd parties received the survey in the third and fourth quarters ie. Jan-June 2008. The survey results for this year are reported in Chapter 8. These results will be used to guide the SSAT in how and where such things as the provision of information to persons coming to the SSAT and general tribunal services can be improved.

Ethical Standards

The SSAT is committed to maintaining the highest ethical standards. Its core values are embedded in its Strategic Plan and underpin its operations.

Australian Public Service Values and Code of Conduct

All SSAT APS staff are bound by the Australian Public Service Values and Code of Conduct. Each new staff member receives a copy of these documents. All staff are encouraged to incorporate these values into their own workplace ethic.

References to the Australian Public Service Values and Code of Conduct are also incorporated into core staff training, to bring them to the attention of staff in a way that demonstrates their meaning and value in a 'real' organisational context. In 2007-08 core training was delivered to staff in all State Offices in addition to the National Office, with some CSA staff attending this training in some states.

Professional Standards for Tribunal Members

In addition to comprehensive guidance given to members in the SSAT's Members Handbook, members are advised to be guided by the Administrative Review Council's publication, *A Guide to Standards of Conduct for Tribunal Members*. This document establishes principles of conduct relating to fairness, integrity, accountability and transparency, among others. The *Guide* is brought to the attention of all SSAT members during induction activities and the principles referred to in ongoing member training.

To ensure that ethical standards are upheld, members, as statutory office holders, are required to complete a private interests declaration form and are subject to police and bankruptcy checks prior to commencing their SSAT duties. Members are also required to declare any possible conflict of interest in relation to particular appeal cases that might be assigned to them.

Environmental Management

The SSAT's 'Energy Intensity' score for Office Tenant Light and Power was 9,994 MJ/person in 2007-08, a reduction from 12,415 MJ/person in 2006-07. This is within the Government's recommended score of 10,000 MJ/person. Despite an increase in office space in 2007-08 (in response to increased workload) increases in staffing levels resulted in a reduction in average energy use. Further, three of the larger SSAT offices moved into more energy efficient accommodation; the SSAT procured more energy efficient IT & office equipment and lighting; and a general awareness campaign was staged within the SSAT to save energy.

The SSAT Environmental Management System (EMS) has been devised as a tool to manage the impact of SSAT activities on the environment. It provides a structured approach to planning and implementing environment protection measures by monitoring environmental performance. The EMS integrates environmental management into the SSAT's daily operations, long term planning and other quality management systems in line with SSAT objectives.

The SSAT has several Environmental Management Plans to meet the objectives and targets outlined in the EMS. The Plans detail the specific actions and/or methods that the SSAT will employ to meet its environmental objectives and targets. The Plans focus on a range of environmental issues including consumption of energy, generation of waste and environmental awareness in the workplace.

During 2007-08 the re-location and/or refurbishment of several SSAT offices took place. Wherever possible, the SSAT has taken OH&S, access and equity, security and environmental factors into consideration when selecting new office locations. On the basis of such considerations, the SSAT National Office relocated to 500 Collins Street, Australia's first tenanted high-rise CBD office refurbishment to achieve the Green Building Council of Australia's five star 'Green Star'

rating. Results of building monitoring indicate improved occupant productivity in the following ecologically sustainable categories:

- Energy efficiency
- Indoor Environmental Quality
- Productivity
- Water conservation
- Waste avoidance
- Pollution prevention – noise, water, air, soil and light
- Enhanced biodiversity
- Reduction of natural resource consumption
- Productive and healthier environments

Risk Management

The Risk Management Framework ensures that all identified risks relevant to the SSAT are considered and that a systematic approach to risk mitigation is followed. The SSAT's risk management adheres to the standard procedures and processes to handle risk management as set out by Standards Australia (AS/NZS 4360:2004) and considers the following risk areas:

- maintaining a safe work environment for staff, members, parties and visitors;
- safeguarding and maintaining assets;
- managing human resources;
- managing technology and information resources;
- ensuring compliance with environmental obligations;
- achieving established objectives and goals;
- ensuring the reliability and integrity of financial and operational information;
- complying with internal policies and procedures;
- complying with laws and regulations;
- managing change in the SSAT's internal and external environments; and
- managing 'significant interruption' to critical business processes.

For each of these areas, the likelihood and consequences of identified risks have been determined and inform the SSAT's approach to risk mitigation.

Internal Review Framework

The SSAT's Internal Review Framework extends beyond the 'financial role' of most review frameworks to include operational and strategic matters pertinent to the broader functionality of the SSAT. The Framework comprises structures and processes relevant to internal auditing. It has been formulated as a set of review packages that cover aspects of a financial, corporate governance and information technology nature. The review packages have been developed specifically to assist in conducting quality assurance testing of key SSAT business processes in order to ascertain the adequacy of risk management strategies.

The SSAT has established a Review and Risk Compliance Committee to provide assurance to the Executive Director and the Executive Group on the appropriateness of the SSAT's accountability and control framework, particularly those aspects that relate to the proper use of Commonwealth resources, management of risks and fraud control.

Business Continuity Plan

Business continuity management is an essential component of the SSAT's risk management framework as it includes response strategies designed to mitigate the impact of a significant

disruption to the SSAT's business processes. These response strategies are contained in the SSAT's Business Continuity Plan which, since its development in 2005, has been continuously reviewed and updated. The Plan is pre-emptive and its response strategies are reviewed every three months. Copies are burnt to CD and sent out to all Directors and Business Managers for off-site storage. An up-to-date version is maintained on the SSAT intranet site.

Pandemic Influenza Response Plan

An important inclusion in the SSAT's Business Continuity Plan is the development of an Influenza Pandemic Preparation and Response Plan. This Plan has been designed to efficiently and effectively manage significant staff reductions in the event of an influenza pandemic or a similar threat to the SSAT's business continuity.

The SSAT Influenza Pandemic Response Plan was reviewed in June 2008 to include two exceptional scenarios for which the Office of Health Protection and Department of Health and Aging are planning:

1. Australia as the source of an influenza pandemic; and
2. the situation when sustaining both the health system and critical infrastructure becomes unmanageable before a pandemic vaccine becomes available, or the vaccine proves not to be effective.

Access and Equity

During July/August 2007, the Finance Unit conducted Access & Equity (Physical Access) onsite reviews of all SSAT State Offices with the exception of the National Office and the ACT Office. As the National Office had relocated in mid-July to new premises and all access & equity issues had been addressed and allowed for during fitout, a review was not conducted. The ACT office was not assessed due to major refurbishment yet to be completed. There are issues at the ACT Office which still remain outstanding and are difficult to address within the existing office premises, for instance the lack of a wheelchair accessible toilet within the building.

In all other locations, the reviews were carried out in accordance with generally accepted accessibility issues under the Commonwealth Disability Strategy and the Building Code of Australia. A copy of the national report was provided to the National Manager. All areas which failed to meet the required standard were brought to the attention of the on-site Director and Business Manager for their attention.

Occupational Health & Safety (OH&S)

During July/August 2007, the Finance Unit conducted OH&S on-site reviews of all SSAT offices with the exception of the National Office. As the National Office had relocated in mid-July to new premises and all OH&S issues had been addressed and allowed for during fitout, an OH&S review was not conducted.

Consistent with the approach on Access and Equity issues, all areas which failed to meet the required OH&S standard were brought to the attention of the on-site Director and Business Manager. For further information about the SSAT's OH&S performance please refer to Chapter 9.

Security (General)

Protective security is the protection of people, assets and information from potential threats and dangers, abuse or unauthorised disclosure of information inherent in the operation of the business of the SSAT. In line with this commitment, the SSAT follows appropriate strategies for anticipating and controlling crisis situations as set out in the Business Continuity Plan.

The SSAT reviews and rewrites its Security Manual every two years to ensure it reflects current policy and keeps abreast of security developments, practices and protective security control frameworks. Amendments and updates to the Security Manual are implemented as required as part of an ongoing regime. The Security Manual was rewritten in February 2008 and meets the requirements of the Commonwealth Protective Security Manual 2005 (PSM 2005) as well as SSAT Policies and Procedures.

In February 2007 the SSAT provided the Attorney-General's Protective Security Policy Committee with its response to the Government Protective Security Survey which covers the period 1 January 2007 to 31 December 2007. Australian Government agencies subject to the *Financial Management and Accountability Act 1997* (FMA Act) must respond to this survey.

With the expansion into the CSA jurisdiction and the resultant relocation of a number of State Offices the SSAT commissioned the services of the Australian Federal Police (AFP) to provide security risk reviews of the new or refurbished premises. AFP recommendations were incorporated into the fit-out of all new accommodation and the SSAT will, in the first quarter of 2008-09, be seeking further security guidance from the AFP in light of experience with the new or refurbished premises.

The SSAT recorded three general security incidents in 2007-08. Two involved written or verbal threats towards SSAT staff or members whilst the other was a security breach involving the hand-delivery of a 'highly protected' CSA file to an SSAT state office. The file had none of the required security markings of a 'highly protected' file and was inadvertently opened by SSAT staff. The CSA was notified and the file was returned.

Security (Information Privacy)

There were nine privacy breaches and two privacy incidents this reporting year. Privacy "incidents" include situations whereby persons raise privacy issues with the SSAT but, upon investigation, the SSAT is satisfied that it has not breached its obligations under the Privacy Act. In most instances the breaches occurred because documents belonging to one applicant were inadvertently included with documents belonging to another person.

One privacy complaint was lodged against the SSAT with the Office of the Federal Privacy Commissioner (OFPC) on 1 August 2005—[hearing papers posted to the wrong address.] Upon the request of the OFPC, the SSAT unsuccessfully attempted to resolve this matter informally with the complainant in September 2005. The OFPC thereafter investigated the complaint and ultimately closed it on 26 February 2008 having found that while the SSAT had breached the person's privacy, it had subsequently adequately dealt with the matter.

A privacy complaint was lodged against the SSAT with the OFPC on 17 October 2007 [alleged inappropriate questions asked at SSAT hearing]. The matter was thereafter investigated by the OFPC and finalised on 20 March 2008 having found that the SSAT had not breached the person's privacy.

The SSAT continues to strive for nil privacy breaches. Privacy and confidentiality training is provided to its National, State and Territory Offices. The SSAT's Specialist Legal Adviser and the SSAT's learning and development section are currently jointly working on the production of an interactive Freedom of Information/Privacy package incorporating reference booklets and DVDs. It is anticipated that this will be completed and distributed early in the next reporting year.

Fraud

The SSAT remains committed to developing and maintaining best practice strategies for the prevention and detection of fraud. The SSAT reviews its Fraud Control Plan and Fraud Control Instruction Manual every two years to ensure it reflects current policy and keeps abreast of developments in corporate governance, modern business practices and fraud control frameworks. The SSAT rewrote its Fraud Control Plan and Instruction Manual in February 2008. Reviews, amendments and updates to the Instruction Manual are part of an ongoing routine. Both the Fraud Control Plan and the Instruction Manual comply with the requirements of the Commonwealth Fraud Control Guidelines 2002.

The Fraud Control Plan and the Instruction Manual were tabled with the Risk, Audit and Compliance Unit of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Australian Federal Police (AFP) within one month of their completion.

In February 2008, the SSAT participated in the Australasian Consumer Fraud Taskforce Campaign to prevent global fraud and scams. 'Fraud Fortnight' aimed to highlight awareness of scams and encourage reporting through the appropriate channels.

In 2007-08 there was one incident of fraud reported which involved the improper use of Cabcharge taxi vouchers by an applicant. The matter was satisfactorily resolved without further cost to the SSAT.

Certification of SSAT Fraud Control Arrangements

I, Les Blacklow, certify that I am satisfied that for the financial year 2007-08 the SSAT has:

- had appropriate fraud risk assessments and fraud control plans in place that comply with the Commonwealth Fraud Control Guidelines;
- had appropriate fraud prevention, detection, investigation and reporting procedures and processes in place; and
- collected and reported on annual fraud data in a manner that complies with the Commonwealth Fraud Control Guidelines.



L M Blacklow
Executive Director
24 September 2008

Chapter 8 – External Scrutiny

- Appeals from SSAT decisions
- Reports/Enquiries
- Applicant/Party Feedback
- Complaints and Compliments

The performance of the SSAT is open to external scrutiny in a number of ways including through further appeals, complaints to the Commonwealth Ombudsman, audits undertaken by the Australian National Audit Office and feedback from applicants/parties. This chapter provides a summary of the forms of scrutiny to which the SSAT has been subject in 2007-08.

Appeals from SSAT decisions

In the event of disagreement with an SSAT decision in Centrelink appeal cases, both the applicant and the relevant policy department may apply for a further review on the merits to the Administrative Appeals Tribunal (AAT), for judicial review to the Federal Court on a point of law and, by special leave, to the High Court.

In the event of disagreement with an SSAT decision in a CSA appeal case, both the parties to the appeal and the CSA may apply to a court for a judicial review on a question of law. In cases where the SSAT refuses to grant an extension of time to appeal a CSA decision, the applicant can apply for a further review on the merits to the AAT.

Appeals arising from SSAT decisions are monitored by the National Office of the SSAT, with leading AAT and court decisions considered by the Specialist Legal Adviser and the Quality Analysis Unit and, where appropriate, reported to the SSAT's membership.

Table 6 and the related text in Chapter 5 provides information on the number of further appeals lodged against decisions in the SSAT's two jurisdictions.

Reports/Enquiries

The SSAT was not the subject of any Auditor-General reports or Parliamentary Committee enquiries or during 2007-08. The Australian National Audit Office conducted a financial audit of the SSAT in 2007-08, reporting favourably on the SSAT's general procedures, suppliers expense transactions, assets, reconciliations (including cash), credit cards and s31 receipts.

The Commonwealth Ombudsman received 9 complaints regarding SSAT appeals in 2007-08. In one instance the SSAT was requested to provide a letter of apology to the applicant. No other adverse findings were made.

The SSAT was subject of one complaint to the Human Rights and Equal Opportunity Commission (HREOC) on the grounds of discrimination. The complaint was terminated by HREOC after consideration.

In 2007-08 the SSAT commissioned an external review of CSA case management processes. Please see Chapter 3 for further discussion of this project. Many of the recommendations of the review team have been accepted by the Executive Group of the SSAT.

The SSAT also commissioned a security review by the Australian Federal Police (AFP), as reported in Chapter 7.

The SSAT provides a routine report to the Department of Immigration and Citizenship about its progress in implementing the Charter of Public Service in a Culturally Diverse Society. Please refer also to Chapter 9.

Applicant/Party Feedback

The SSAT values feedback as a means of measuring its performance in key areas including customer service and conduct of hearings. A customised database records feedback for the purpose of staff and member development, improvement to service standards and reporting.

The SSAT also has a national feedback questionnaire. During 2007-08, the questionnaire was provided to all applicants in Centrelink appeal cases. All child support applicants and 2nd parties received the survey in Jan-June 2008. Completion of the questionnaire is voluntary, however over 1300 questionnaires were completed in the reporting period. The results of the survey are shown in Tables 7 & 8.

Table 7 Feedback results – Centrelink applicants

Survey Results	Target	Total
Number of responses		1289
Administered		10,459
Response Rate		12.3%
Error*		±2.6%
Key Performance Indicators:		
Applicants who considered the appeal lodgement process was simple and appropriate	80%	92.8%
Applicants who considered the overall appeal hearing was understandable and the applicant able to put forward their case	75%	90.8%
Applicant satisfaction that it was an independent process	70%	82.8%
Applicant satisfaction with accessibility	80%	88.6%
Applicant satisfaction with service	80%	85.6%
Applicant satisfaction with hearing process	80%	86.6%

* 95% confidence

Table 8 Feedback results – CSA applicants & 2nd parties*

Survey Results	Target	Total (applicants)	Total (2 nd parties)
Number of responses		37	56
Administered		1130	1022
Response Rate		3.3%	5.5%
Error**		±15.8%	±12.7%
Key Performance Indicators:			
Applicants who considered the appeal lodgement process was simple and appropriate	80%	91.4%	
Applicants who considered the overall appeal hearing was understandable and the applicant able to put forward their case	75%	79.5%	85.3%
Applicant satisfaction that it straightforward and less formal than a court	70%	93.8%	100%
Applicant satisfaction with accessibility	80%	72.8%	76.2%
Applicant satisfaction with service	80%	69.2%	89.2%
Applicant satisfaction with hearing process	80%	66.7%	80.7%

* survey period was Jan – June 2008

** 95% confidence

The results of this year's survey indicate that the SSAT has continued to meet its targets for Centrelink applicants while increasing the number of responses and accuracy of the survey. This is largely due to an improvement in the delivery of the questionnaire, namely mailing the questionnaire to the applicant on the day of the hearing. However, given the very small number of respondents for CSA appeals and the 2nd party to CSA appeals, no meaningful results were obtained during the reporting period. A preliminary investigation of the child support customers of the SSAT suggest that applicants and 2nd parties to the appeal may have differing views on their expectations and experience with the SSAT, including whether the SSAT significantly 'assisted' them. It has to be acknowledged that in the context of child support, a decision of the SSAT to increase the payer's liability will be viewed positively by the recipient but not the payer. A SSAT decision to decrease the liability has the inverse result. In these circumstances the SSAT is attempting to gauge the parties' views on the appeal management and process but it is understandable that parties to child support appeals might have their assessment of those matters influenced by the actual outcome of the case. The survey for child support parties will be further investigated during the next financial year.

Complaints and Compliments

The SSAT's Service Charter expresses its commitment to providing high quality, timely and courteous services to its applicants and other stakeholders. It outlines the standards by which the SSAT will operate and provides details of the course of action open to those with concerns or complaints about the service. The Service Charter is set out in full in Appendix 2.

In 2007-08 the SSAT implemented a new Complaints Handling Policy involving a review and update to the process of handling formal and informal complaints. The Policy is designed to provide a mechanism that ensures complaints are used to inform decisions and improve the level of service provided. Formal (written) complaints, whether referred to the Minister, Ombudsman or directly

to the SSAT, are initially managed at the State/Territory level. This ensures that they are dealt with promptly by those in the best position to address the issues. This approach also ensures that local SSAT offices are immediately aware of problems or concerns with their own operations.

The SSAT Complaints Handling Policy enables the collection of data relating to complaints which is essential for any improvement. The Complaint Handling Policy provides for appropriate cases to be referred to the National Office for investigation and resolution. Details of individual complaints and any corrective action taken are forwarded to the National Office for monitoring purposes through the feedback database.

The SSAT Complaints Handling Policy sets out that complaints be handled in a timely manner and ensures that the process of complaint resolution is transparent and fair. The SSAT received very few formal complaints in the reporting period, particularly considering the dramatic increase in number of reviews. The Applicant Feedback Survey (mentioned earlier in this chapter) tends to be used as a complaints mechanism by respondents, allowing applicants and parties the opportunity to comment on their experience of the SSAT.

Chapter 9 – Human Resources

- Members
- Staff
- Productivity
- Learning & Development
- Occupational Health & Safety

The human resources of the SSAT are its members and staff.

At 30 June 2008, the SSAT had 199 members and 111 staff (including 9 non-ongoing staff and 5 part-time staff).

As set out in the SSAT's Strategic Plan 2005-2008, the SSAT recognises and respects the contribution of its members and staff and is committed to developing highly co-operative and productive internal relationships.

Members

Employment Terms and Conditions

The terms and conditions of employment for members are largely established in Schedule 3 of the *Social Security (Administration) Act 1999*. The Act empowers the Governor-General, the Minister and the Executive Director of the SSAT to prescribe particular terms and conditions for SSAT members. The Remuneration Tribunal is responsible for determining members' remuneration packages and annual leave entitlements.

The role of members in the structure of the SSAT is discussed in Chapter 3. A full list of members as at 30 June 2008 is given in Appendix 4.

Workforce Movement

Total membership numbers were up from 185 as at 30 June 2007 to 199 as at 30 June 2008. Another selection process was close to completion on 30 June 2008 which is expected to result in an additional 30 members being appointed. The increase over 2006-07 was as a result of the additional requirement primarily created by the child support jurisdiction but also to assist in handling the increase in Centrelink appeals.

Staff

Employment Terms and Conditions

The SSAT is committed to providing a fair, flexible, safe and rewarding workplace for its staff. All staff are required to behave honestly and with integrity in the course of their APS employment. The SSAT's employment policies are aligned to the APS Values and Code of Conduct framework.

The SSAT clearly articulates the expectation that all staff are required to uphold the APS Values and Code of Conduct. Of relevance is the particular requirement to treat everyone with respect, courtesy and without harassment. The SSAT provides all new staff with a copy of the SSAT policy on the APS Values and Code of Conduct and the Workplace Harassment policy and guidelines. The SSAT also utilises the Public Service Commission's Induction Package which includes information regarding behavioural expectations. All staff are provided with annual 'core training'. The core training package is changed annually for the purpose of ensuring that it is fresh and is delivered face to face. The core training includes modules designed to ensure that staff fully understand the behavioural requirements in terms of how they treat each other and SSAT applicants. Core training includes practical and thought provoking scenarios and activities.

Staff employment terms and conditions are primarily determined by the *Public Service Act 1999* and the SSAT Workplace Agreement 2006–2009. The Workplace Agreement is a comprehensive, collective agreement which links improvements in pay and conditions to improvements in organisational productivity. Please see below for further information regarding productivity.

The SSAT's Workplace Agreement provides SSAT employees with an opportunity to access a range of entitlements designed to assist people better balance their work and other responsibilities. In particular, during the last financial year there has been increased usage of maternity leave. SSAT staff have also accessed their entitlement to flexible working hours options, part-time work, parental leave, purchased leave and carer's leave.

Workforce Movement

At 30 June 2008 the SSAT employed 111 APS staff (97 ongoing, full-time). This is a 32% increase on the total staffing numbers as at 30 June 2007 (75 staff). This increase has predominantly been in the area of Case Management and is a result of the increased requirement created by the child support jurisdiction.

A detailed breakdown of staff by gender, classification and office is provided in Appendix 5.

Workforce Planning

The SSAT carried out a review of staffing requirements in early 2008. This review complimented a review that was carried out in late 2006 in anticipation of the child support jurisdiction. The most recent review analysed staffing requirements in light of a better understanding of the practicalities of managing child support appeals and acknowledging increasing appeal numbers in both jurisdictions.

Diversity

Through its commitment to promoting and supporting diversity in the workplace, the SSAT aims to achieve a workforce that is reflective of Australian society. The SSAT is committed to creating

and maintaining an environment that is free of all forms of harassment, intimidation and discrimination, and is committed to the principle of equal employment opportunity. The SSAT is subject to the *Charter for Public Service in a Culturally Diverse Society* and reports to the Department of Immigration and Citizenship on its performance against the Charter's principles annually. The 2006 – 2008 Access and Equity Report is currently being prepared. The SSAT submission will outline the SSAT's efforts to ensure that all applicants and potential applicants have reasonable access in an effort to ensure that we comply with the principles of procedural fairness.

The SSAT established a Diversity Committee in 2006. The committee has a two fold purpose:

1. to make recommendations that are focused on ensuring that the SSAT is tailoring its services to meet the needs of its diverse client base; and
2. to make recommendations that are focused on ensuring that the SSAT is appropriately recruiting, training, supporting and best utilising its diverse workforce.

In 2007-08 the Diversity Committee reviewed a range of SSAT products and activities. One of the main achievements of the Diversity Committee during the reporting period was a review of the SSAT complaints handling procedures. This review resulted in the development of the SSAT Complaints Handling Policy and a consolidated procedures guide. The implementation of the SSAT Complaints Handling procedure was supported by training for all staff.

Commonwealth Disability Strategy

In line with the Commonwealth Disability Strategy, the SSAT seeks to eliminate disability discrimination through the preservation and enhancement of the fundamental rights of persons with disabilities.

The Commonwealth Disability Strategy requires agencies to report against a prescribed set of performance indicators in their annual reports. The indicators most relevant to the SSAT are those relating to the roles of 'purchaser' and 'provider'. Appendix 14 sets out the performance measures and outcomes achieved by the SSAT against these indicators.

As a provider, the SSAT is committed to ensuring equitable access to its services. The SSAT therefore offers assistance for clients with disability-related needs including: information products in formats accessible by visually impaired applicants, sign interpreters at appeal hearings and flexible hearing options (e.g. hearings by phone or video-conference). The SSAT is also concerned with providing physical access to its offices for all clients, members and staff. Refer to Chapter 7 for further discussion of Access and Equity.

Employee Assistance Program

The SSAT has a contractual arrangement with Davidson Trahaire for the provision of a national Employee Assistance Program (EAP). This program offers confidential counselling on work-related or personal issues and also provides a 24 hour critical trauma counselling and a critical incident response service with an assured attendance on-site within 2 hours. The counselling can be accessed either face-to-face or via the telephone.

In 2007-08 16.75 EAP hours were used by SSAT staff and/or members.

Wellness

Staff in a number of SSAT offices including the National Office have this year established Wellness Committees. These committees aim to encourage employee wellbeing by encouraging healthy practises in the workplace and providing opportunities for development and social activities. Activities which have been established thus far include regular lunchtime walks, 'healthy lunch' days and guest speakers.

Productivity

The SSAT's Workplace Agreement does not provide for performance pay or bonuses. The agreement does provide for a Performance Development System (PDS) based on salary pay point advancement. The PDS aligns employee, team and organisational performance and a strategic approach to learning and development.

The PDS requires all staff to develop performance agreements in collaboration with their supervisor. Performance against these agreements is monitored throughout the 12 month cycle and staff whose performance is assessed as meeting expectations at the end of the cycle are eligible for a pay point advancement.

The following productivity initiatives were met in 2007-08, resulting in a 4% salary increase for staff:

- I. The implementation of a strategic, targeted learning and development model;
- II. The implementation of a staff retention strategy;
- III. The implementation of an automated activity based costing system; and
- IV. Confirmation that the EDRMS is being used by all employees covered by the Agreement where appropriate and commencement of an evaluation of the EDRMS by 30 June 2008.

Learning and Development

The 2007-08 financial year has provided impetus for a strategic focus on key areas of training due to the implementation of CSA major legislative reforms and changes to the Centrelink Family Tax Benefits scheme. Changes in the SSAT's use of technology with the implementation of a records management system and the accessibility of web portals have resulted in training being developed and delivered to keep members and APS staff knowledgeable and skilled in the use of these new technologies.

During the 2007-08 year the SSAT has invested in a robust and consistent application to learning and development with 172 different sessions (679 hours) of in-house training delivery. In-house training has been implemented in staged approaches to ensure that knowledge information is consistently transferred and skills are upgraded. In addition to this, the SSAT has made a considerable investment in external training, to ensure that specialist skills and knowledge are provided or enhanced.

The focus of the learning and development has been segmented into several key components. These are the development and delivery of training, the development of mechanisms to record, track, analyse and report training needs and activity plus research and networking to ensure that learning and development in the SSAT is at the forefront in the provision of cost-effective training materials and reporting mechanisms.

Research and Networking

Research methodology employed by the SSAT's learning and development section is two phased approach utilising both external and internal learning and development information.

The SSAT has conducted research on training best practices and cost effective ways of training delivery. This is especially important in a small organisation of 111 staff spread across seven locations. SSAT learning and development officers attended a showcase in March 2008 by the 'E-learning network' of software products developed by local training providers. This provided a forum to gauge current training trends.

The SSAT learning and development officers are members of the Australasian Committee of Court Education and Commonwealth Tribunal's Learning and Development Committee. The SSAT has been represented at three conferences this financial year, which have fostered a whole of government approach to training and have enabled the sharing of resources and information between trainers from Tribunals' and Courts throughout Australia and New Zealand. Each year there are many interstate transfers of appeal cases – it is important for the SSAT as a national body to have consistent case management and customer service standards which is especially helpful when, for example, an applicant lodges an appeal in one state but attends the hearing in another due to relocation. Networking with other members of the tribunals through regular e-mail and online chat facilities is a key benefit. In the spirit of this new approach to sharing information, the SSAT has provided training on APS Values and Code of Conduct to staff from other APS organisations. Likewise, staff within the SSAT have attended training sessions run by other Commonwealth Government Agencies.

In order to capture the ongoing training needs of the SSAT a Training Needs Analysis for APS Staff was conducted during the first quarter of 2008. The results of the analysis have been used to plan and develop future training for the SSAT and to ensure it remains relevant to the ongoing needs of the organisation. Training requirements in individual performance agreements have been collated and analysed. Mechanisms are currently developed to track training delivered in response to needs presented.

In-house and External Training

As the result of the above research, a new software package titled 'Rapid e-Learning' has been purchased by the SSAT. The 'Rapid e-Learning' software allows the SSAT create its own e-learning packages in step with current technologies and trends. The development of in-house training packages against external development of training packages represents substantial savings to the organisation. An additional benefit is that in-house training can be modified instantly to respond to changing environments. Future e-learning will be developed as a blended approach, combining e-learning with classroom activities. The most recent evaluations from blended training approaches report that there are cost efficiencies and that learning is enhanced through these methodologies. The development of training is a dichotomy of responding to immediate needs often presented as a result of factors which are external to the SSAT and strategic training development aimed at long term organisational requirements.

The SSAT expended \$129,409 on external training during the 2007-08 financial year. External training has been targeted at upgrading and developing expert skills and knowledge. In addition to this training the SSAT has supported attendance at relevant conferences, seminars and meetings by specialist staff.

Occupational Health & Safety

The following information is provided in accordance with subsection 74(1) of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

The SSAT continues its commitment to health and safety through the efforts of its OH&S Committee. The Committee consists of Health and Safety Representatives, Harassment Contact Officers, the Human Resources Officer in the National Office as well as management representatives and the Community and Public Sector Union. It is supported by a network of First Aid Officers and Fire Wardens.

In 2007-08 OH&S on-site reviews were conducted on all SSAT State Offices with the exception of the National Office. As the National Office had relocated to new premises in mid-July 2007 all OH&S issues had been addressed and allowed for during fitout.

Further, the SSAT Finance Unit in the National Office prepares an annual OH&S report. A copy of the national OH&S report was provided to the National Manager. All areas which failed to meet the required standard were brought to the attention of the on-site Director and Business Manager for their attention. Auditors found that overall SSAT State Offices were providing a safe environment of a fairly high standard.

The SSAT also arranged for WorkSolutions Australia to conduct individual worksite assessments for all employees. In these assessments, employees are assessed and advised on matters relating to posture, workstation setup and equipment requirements. The National Office met the costs associated with the assessments and State Offices met the costs of any new equipment required.

During 2007-08 the SSAT again arranged for national compliance testing of all fire fighting equipment housed in SSAT premises. These tests are conducted by Wormald and are completed every six months. Compliance tests were conducted in October/November 2007 and again in May/June 2008. All redundant and faulty equipment identified in the testing was replaced or repaired.

Workplace-related Incidents

During the course of the year, there were four recorded incidents.

1. A fall on public transport. Hurt knee, shoulder and finger.
2. Automatic doors closed on wrist. Swollen wrist.
3. Tripped over a footstool in office area. Injury to shin, left knee and wrist.
4. Twisted arm. Carrying too much and trying to lift luggage off conveyer belt at airport.

Of the four recorded injuries, three were at locations external to an SSAT Office. To date none of the reported incidents have resulted in a compensation claim. The incident which occurred at an SSAT office resulted in some files being moved to reduce the possibility of a similar incident. It should be noted that due to legislative changes in 2007 incidents occurring outside of the workplace (on the way to or from work, for example) are no longer included in claims.

There were no directions given under section 45 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* during the year. No notices were issued under sections 29, 46 or 47 of the Act and there were no accidents or dangerous occurrences requiring notice under section 68. No investigations into OH&S accidents were required during the year.

Chapter 10 – Financial Resources

- Assets Management
- Purchasing
- Consultants
- Legal Services Expenditure
- Advertising, Publications and Outreach

In 2007-08 the SSAT incurred expenses of \$26,165,909. Funding of \$26,894,000 for the operations of the SSAT was received from the overall FaHCSIA appropriation.

The overall average cost of reviewing a decision in 2007-08 was \$1,942. This figure is obtained by dividing the total operating expenses (including all overheads and accruals) by the total number of decisions finalised in Centrelink and CSA appeal cases (12,343).

As a number of decisions can be made from one appeal, the corresponding average overall finalised appeal cost to the SSAT in 2007-08 was \$2,120.

A detailed breakdown of the financial resources and expenditure of the SSAT in 2007-08 is contained in the Financial Statements in this Annual Report.

Assets Management

Assets may be financial, physical or intangible. They may be current or non-current. Assets take a number of forms and have an economic value to its owner. One distinction made is between financial assets (cash being an example) and non-financial assets. Non-financial assets may have a physical (or tangible) form such as buildings, machinery and motor vehicles.

The SSAT has well-designed and informative policy and procedural material in place covering its operational asset requirements. All asset acquisitions must be recorded in the SSAT financial management system. The full value is to be recorded, including incidental costs directly attributable to bringing the asset to the location and condition necessary for its intended use. Examples of such costs include, but are not limited to, site preparation, delivery, handling, construction, installation, customs duty and relocation costs.

The SSAT has a nominated Assets Officer to ensure accuracy and completeness of the SSAT Assets Register. The Assets Officer is responsible for:

1. the timely processing of asset details, including acquisition, transfer and disposal;
2. the filing of Transfer and Disposal Forms; and
3. issuing and affixing barcodes and authorising their removal as appropriate (employees must not remove barcodes without obtaining written authority from the Assets Officer).

The SSAT assets are re-valued by the Australian Valuation Office on a regular basis (not being greater than every two years).

Purchasing

The SSAT adheres to the *Commonwealth Procurement Guidelines – January 2005* which incorporates the Free Trade Agreement. The Guidelines represent a significant change in the procurement policy environment. Of particular note are the establishment of mandatory procurement procedures for covered procurements and the introduction of a chapter on Encouraging Competition.

Value for money is the core principle underpinning Australian Government procurement. This means that SSAT officials need to be satisfied that the best possible outcome has been achieved taking into account all relevant costs and benefits over the whole of the procurement cycle.

The SSAT promotes the achievement of value for money by managing procurement processes which facilitates the delivery of good business outcomes.

The SSAT paid 81% of its accounts payable transactions by electronic funds transfer with the remaining 19% paid by cheque. This represents approximately 95.4% and 4.6% of payment value respectively.

Consultants

The SSAT employs consultants to undertake a variety of work that it is not equipped to undertake. During 2007-08, the SSAT engaged 20 consultants at a total cost of \$1,127,399. Details of these consultancies are provided in Appendix 6. In addition, nine ongoing consultancy contracts were active during the 2007-08 year involving total actual expenditure of \$2,626,469.

Information on expenditure on contracts and consultancies is also available on the AusTender website at www.tenders.gov.au.

Legal Services Expenditure

The SSAT is required to report, under paragraph 11.1(ba) of the *Legal Services Directions 2005*, legal services expenditure for the 2007-08 financial year. Total legal expenditure by the SSAT in 2007-08 was \$238,784 (GST exclusive). This comprised \$162,841 (GST exclusive) on internal legal services and \$75,943 (GST exclusive) on external legal services. Further details of the SSAT's legal services expenditure can be found in Appendix 13.

Advertising, Publications and Outreach

In 2007-08 the SSAT spent a total of \$114,317 on print advertising of vacancies for staff & member positions. The major component was related to advertisements for additional members due to the substantial increase in appeals lodged with the SSAT and the assumption of the child support jurisdiction. Another \$4,515 was spent on advertising (non-recruitment), \$105,195 was spent on publishing and printing (excluding forms) and \$5,866 on displays. The SSAT publishes a range of information products for applicants and their representatives covering such matters as preparing for an appeal, how the SSAT conducts telephone hearings and video-conferences and information

on the Administrative Appeals Tribunal in the event of a further appeal. The SSAT also spent approximately \$409,131 (including staff time and resources) on Community Outreach & Education.

Part 4

Financial Statements

SSAT OPERATING STATEMENT

for the period ended 30 June 2008

	Notes	2007/08 \$
Operating Revenue		
Revenues from government	1	26,770,000
Sale of goods and services		3,434
Net gains from sale of assets		2,925
Interest		0
Other		1,606
Total operating revenues (before abnormal items)		26,777,965
Operating expenses		
Employees	2	12,849,480
Suppliers	3	12,014,892
Depreciation and amortisation		1,271,046
Write-down of assets		8,612
Interest		0
Net losses from sale of assets		0
Other costs of providing goods and services		21,879
Total operating expenses		26,165,909
Operating surplus (deficit) before extraordinary items		612,056
Gain on extraordinary items		0
Net surplus or deficit after extraordinary items		612,056
Net deficit attributable to the Commonwealth		
Accumulated surpluses or (deficits) at beginning of reporting period		0
Total available for appropriation		0
Capital use provided for or paid		0
Adjustment to Opening Retained Earnings		0
Capital Injection		0
Transfer of Asset Revaluation Reserve		0
Accumulated surpluses at end of reporting period		612,056

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

SSAT BALANCE SHEET

as at 30 June 2008

	Notes	2007/08 \$
ASSETS		
Financial Assets		
Cash		508,507
Receivables		9,873,166
Investments		0
Total financial assets		10,381,673
Non – Financial Assets		
Land and buildings	4	5,076,446
Infrastructure, plant and equipment	5	1,067,781
Inventories		0
Intangibles		746,509
Other		0
Total non-financial assets		6,890,736
Total assets		17,272,409
LIABILITIES		
Debt		
Loans		0
Leases		0
Other		0
Total debt		0
Provisions and Payables		
Capital Use		0
Employees	6	3,308,355
Suppliers	7	1,356,654
Other		700,356
Total provisions and payables		5,365,365
Total Liabilities		5,365,365
EQUITY		
Capital		7,059,873
Reserves		4,235,115
Accumulated surpluses		612,056
Total equity		11,907,044
Total liabilities and equity		17,272,409
Current liabilities		(4,854,216)
Non-current liabilities		(511,149)
Current assets		10,381,673
Non-current assets		6,890,736

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

NOTES TO FINANCIAL STATEMENTS

for the period ended 30 June 2008

1. Revenues from government include:	Appropriations for outputs	\$26,770,000
	Resources received free of charge	\$0
2. Employees expenses include:	Salaries and wages	\$12,606,013
	Separation and redundancy	\$0
	Other employee expenses	\$243,467
3. Suppliers expenses include:	Property operating expenses	\$4,430,742
	Part-time members' fees (payments to full-time members are included in Salaries)	\$4,876,778
	Administration	\$2,283,349
	Information Technology (includes Comms)	\$424,023
4. Land and buildings include:	Leasehold improvements at cost	\$5,884,838
	less accumulated depreciation	\$808,392
		<u>\$5,076,446</u>
5. Infrastructure, plant and equipment include:	Plant & equipment at cost	\$1,488,018
	less accumulated depreciation	\$420,237
		<u>\$1,067,781</u>
6. Employees payable include:	Salaries and wages	\$85,122
	Leave (includes LSL)	\$2,936,800
	Superannuation	\$286,433
	Separation and redundancy	\$0
7. Suppliers payable include:	Trade creditors	\$1,356,654

Please note: The SSAT falls under the budget of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). Please refer to the FaHCSIA Annual Report 2007-08 for audited financial statements including cash-flow statements.

Appendices

Appendix I

Jurisdiction of the Social Security Appeals Tribunal

The jurisdiction of the Social Security Appeals Tribunal is discussed in Chapter 2. An outline is given below of the restrictions placed on the SSAT by the *Social Security (Administration) Act 1999*, *Student Assistance Act 1973*, *A New Tax System (Family Assistance) (Administration) Act 1999* and the *Child Support (Registration and Collection) Act 1988*. The other Acts under which the SSAT reviews decisions either do not confer any powers on the SSAT (relevant powers being conferred by the *Social Security (Administration) Act 1999* or the *Child Support (Registration and Collection) Act 1988*) or do not restrict the powers of the SSAT.

Decisions not reviewable by the SSAT:

Social Security (Administration) Act 1999 (Section 144)

- Of the Minister for Agriculture, Fisheries and Forestry or the Secretary to the Department of Agriculture, Fisheries and Forestry under the *Farm Household Support Act 1992*;
- Under section 36 of the *Social Security Act 1991* (major disaster declaration);
- A decision under the *Social Security Act 1991* or the *Social Security (Administration) Act 1999* in relation to Part 2.27 of the 1991 Act (Northern Territory CDEP transition payment)
- Under section 1061ZZGC of the *Social Security Act 1991*;
- Under a provision dealing with the approval by the Employment Secretary of a course, labour market program, program of work for unemployment payment or rehabilitation program;
- Under section 16 of the *Social Security (Administration) Act 1999*;
- Under section 58 or 59 of the *Social Security (Administration) Act 1999* to pay an amount to a person;
- To make a payment under section 75 of the *Social Security (Administration) Act 1999*;
- Under subsection 59(3) of the *Social Security (Administration) Act 1999*, to grant a claim for a pension bonus after the claimant has died;
- Under subsection 7A(2) or paragraph 15(b) of the *Farm Household Support Act 1992*;
- A decision under Part 3B of the *Social Security (Administration) Act 1999* that relates to a person who is subject to the income management regime under section 123UB;
- To give a notice under Subdivision B of Division 6 of Part 3 of the *Social Security (Administration) Act 1999*;
- Under subparagraph 129(2)(b)(i) regarding the information that is to be given to a person under that paragraph;
- Under section 131 or 145 of the *Social Security (Administration) Act 1999*;
- Under section 192, 193, 194 or 195 of the *Social Security (Administration) Act 1999*;
- Under section 238 of the *Social Security (Administration) Act 1999*;
- Of the Secretary:
 - i. determining, under subsection 1100(2) of the *Social Security Act 1991*, that it is not appropriate for that subsection to apply in respect of a payment or a class or kind of payments; or
 - ii. determining, in accordance with section 1100 of the *Social Security Act 1991* that a rate of exchange is appropriate for the calculation of the value in Australian currency of an amount (the foreign amount) received by a person in a foreign currency if that rate does not differ by more than 5% from the rate of exchange

that was applied when the person received Australian currency for the foreign amount;

- Relating to the Secretary's power under section 182 of the Social Security (Administration) Act 1999 to settle proceedings before the Administrative Appeals Tribunal.

Student Assistance Act 1973 (Section 313)

- Under section 343 or 345 (notice requiring information from any person); or
- Under section 305 or 314 (continuation of payment pending review of adverse decision).

A New Tax System (Family Assistance) (Administration) Act 1999 (subsection 111(2))

- A decision about the form and manner of a claim under subsection 7(2), 38(2) or 49C(1), or paragraph 50L(7)(b), or subparagraph 50T(2)(a)(ii), or paragraph 50T(3)(b), or subsections 50Z(4), 50ZA(3), 50ZB(4), 50ZC(3) or 57G(2), or section 64F, or paragraph 219AB(1)(a), or subsections 219AE(4), 219AF(2) or 219N(3), or paragraphs 219QB(4)(a) or 219R(2)(a), or subsection 219RA(4) of the *A New Tax System (Family Assistance) (Administration) Act 1999*; or subsection 57(6) or 81(5) of the *A New Tax System (Family Assistance Act) 1999*;
- A decision about the continuation of payment, pending review of adverse decision under section 108 or 112 of the *A New Tax System (Family Assistance) (Administration) Act 1999*;
- Under section 154, 155, 156 or 157 of the *A New Tax System (Family Assistance) (Administration) Act 1999* (Secretary requiring information from a person);
- Under section 146 of the *A New Tax System (Family Assistance) (Administration) Act 1999* relating to the Secretary's power to settle proceedings before the Administrative Appeals Tribunal;
- Under Part 8 (approval of child care services and approval of registered carers);
- Under section 219NA (Secretary requiring service to provide information about number of child care places);
- A decision to make a determination under subsection 57(1) of the *A New Tax System (Family Assistance Act) 1999* (determination that an approved child care service is a sole provider); and
- A decision under section 57G of the *A New Tax System (Family Assistance) (Administration) Act 1999* (Secretary requiring service to provide information about aspects of care provided to enrolled children).

Decisions that are only reviewable by the SSAT if review of those decisions is expressly applied for and the sections, where relevant, are:

Social Security (Administration) Act 1999 (Section 143)

- Section 501A of the *Social Security Act 1991* (to the extent to which it relates to the terms of a Parenting Payment Activity Agreement that is in force);
- Section 544B of the *Social Security Act 1991* (to the extent to which it relates to the terms of a Youth Allowance Activity Agreement that is in force);
- Section 606 of the *Social Security Act 1991* (to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force); and
- Section 731M of the *Social Security Act 1991* (to the extent to which it relates to the terms of a Special Benefit Activity Agreement that is in force).

Section 150 of the *Social Security (Administration) Act 1999* provides that, in reviewing Activity Agreement decisions under sections 501A, 525B, 544B, 606 and 731M of the *Social Security Act 1991*, the SSAT may only affirm the decision or set it aside and send the matter back to the Department for reconsideration in accordance with any recommendations. The SSAT may not vary such a decision, substitute its own decision, or make directions.

The powers and discretions of the Secretary that the SSAT may not exercise are those conferred by:

Social Security (Administration) Act 1999 (subsection 151(2))

- A provision dealing with the form and place of lodgement of a claim;
- A provision dealing with the manner of payment of a social security payment;
- Section 1061ZZGC of the *Social Security Act 1991*;
- Section 1233 of the *Social Security Act 1991* (giving garnishee notices);
- A provision dealing with the giving of a notice requiring information;
- Section 1100 of the *Social Security Act 1991* (valuation of foreign currencies);
- Section 131 or 145 of the *Social Security (Administration) Act 1999* (continuation of payments pending outcome of review);
- A provision dealing with the imposition of requirements before the grant of a social security payment; or
- A provision dealing with the deduction of amounts from payments of a social security payment for tax purposes.

Student Assistance Act 1973 (subsection 316(5))

- A provision dealing with the form and place of lodgement of a claim;
- A provision dealing with the manner of payment of Financial Supplement;
- Subsection 42(3) (notice requiring payment to the Commonwealth);
- Sections 343 to 346 (notice requiring information from any person); or
- Section 305 or 314 (continuation of payment pending review of adverse decision).

Child Support (Registration and Collection) Act 1988 (section 89(2))

- The objection was a refusal by the Registrar, under section 98E or 98R of the *Child Support (Assessment) Act 1989*, to make a determination under Part 6A of that Act in respect of a child support assessment (ie. because issues are too complex) and the Registrar disallowed the objection; or
- The objection was to a decision by the Registrar made in respect of a child support assessment and in making a decision on the objection, the Registrar, under section 98E or 98R of the Assessment Act (ie. because issues are too complex), refused to make a determination under Part 6A of that Act in respect of the assessment.

Note: In that case, the person may apply to a court for an order under Division 4 of Part 7 (departure orders) of the Assessment Act.

Appendix 2

SSAT Service Charter

The Social Security Appeals Tribunal (SSAT) is an independent statutory tribunal which provides reviews of Centrelink and/or Child Support Agency decisions.

This Service Charter expresses the tribunal's commitment to providing high quality, timely and courteous service to our applicants and other parties.

It tells you what you can expect from the tribunal in terms of services and service standards, and outlines your rights and responsibilities.

The SSAT is an appeal tribunal established by the *Social Security (Administration) Act 1999* with offices in all capital cities except Darwin.

Our role

The SSAT reviews decisions made by Centrelink and/or the Child Support Agency (CSA). The tribunal is completely independent of Centrelink and the CSA and considers individual cases in a fair and just manner. The SSAT can set aside, vary or affirm Centrelink and CSA decisions. The tribunal's objective is to provide an appeal service that is fair, just, economical, informal and quick.

Applicants

Anyone who thinks that Centrelink or the CSA have made a wrong decision about their social security payments or their child support can appeal to the SSAT. The SSAT can review most decisions made by Centrelink and the CSA including those relating to pensions, benefits, allowances and child support assessments.

Appeals about Centrelink decisions can be lodged with the SSAT any time after a review of the original decision by a Centrelink Authorised Review Officer. If the appeal is about payment of a Centrelink benefit, it is best to lodge the appeal without delay (certainly within 13 weeks). Payment of arrears may not be possible if a successful appeal is lodged more than 13 weeks after the Centrelink review.

Appeals about CSA decisions should be lodged with the SSAT within 28 days after a review of the original decision by a CSA Objections Officer. If you are out of time you can apply to the SSAT for an extension of time to lodge your appeal.

SSAT services and service standards

The SSAT offers:

- An independent appeal system for review of Centrelink and/or CSA decisions.
- Information and assistance from a case manager at each step of the process.
- Information on organisations and services that could help you with your appeal.
- A Freecall™ number for you to call if you have any questions or want to lodge your application over the phone (1800 011 140).
- Assistance with disability-related needs, like teletypewriter service, hearing loop and flexible hearing options.

- Interpreter services for your hearing, as needed.
- Waiting rooms that are comfortable and wheelchair accessible.
- Hearings in capital cities and a range of regional locations (including Darwin).
- Hearings in person, by phone or video-conference.
- In some circumstances, a refund of your costs for attending the hearing, limited to public transport costs.
- A written or oral explanation of the decision, with details on further appeal rights.

The SSAT members and staff will:

- Be helpful, prompt and respectful when they deal with you.
- Use language that is clear and easily understood.
- Accept your appeal in the easiest way for you: in writing on an appeal form, by phone or in person at one of our offices.
- Confirm that your application has been received within five days of getting it.
- Arrange a hearing date as soon as possible, usually within six to ten weeks of receiving the hearing papers.
- Ensure that copies of the documents relevant to your appeal are sent to you at least seven days before your hearing (note: in child support appeals the documents are usually provided by the Child Support Agency).
- Give you the chance to fully explain your case and listen carefully to what you say.
- Conduct hearings in person (in a capital city office or a regional centre), by phone or video-conference depending on the circumstances of your appeal.
- Write to you with the result of an appeal within 14 days of making the decision.
- Aim to complete the appeal process within three months of lodgement of the appeal.

Your rights

You have a right to:

- Receive personal and efficient service and help with your special needs.
- Have your privacy respected and your information kept confidential by the SSAT.
- A fair hearing, with an opportunity to have your say.
- Be kept informed about the progress of your appeal.
- Bring a friend or family member on the day of your hearing for support.
- Be assisted at your hearing by a representative or advocate (at your own expense).
- See the documents relevant to your appeal (subject to Freedom of Information and privacy provisions) before your hearing.
- Be told about your further appeal rights.
- Give feedback on the SSAT's service.

Your responsibilities

The SSAT can provide a better service if you:

- Tell staff if your phone number or address changes.
- Treat staff and members fairly.
- Come to your hearing on time or be ready for your phone or video-conference.
- Provide information about your reasons for appealing.
- Let the SSAT know in advance if you need any help with language and/or access to our offices.

Comments & enquiries

Comments and enquiries about SSAT services are welcome. Please call or visit your nearest office, write to us or send an email through the SSAT's website (www.ssat.gov.au).

Complaint handling

The SSAT treats complaints seriously and will respond quickly. Information you provide about the service of staff and members can assist the SSAT to improve these services. To make a complaint, please contact us either in person, by mail, phone, fax or email.

If you are unhappy with the handling of your complaint, or you feel that your complaint was not dealt with satisfactorily, you can contact the Commonwealth Ombudsman by calling 1300 362 072 (local call cost). They have an office in every State and Territory.

For more information, please contact your nearest SSAT office:

Freecall™	1800 011 140	
ACT	Phone: (02) 6200 3700	Fax: (02) 6200 3709
Northern Territory*	Phone: (07) 3005 6200	Fax: (07) 3005 6215
NSW	Phone: (02) 9202 3400	Fax: (02) 9202 3499
Queensland	Phone: (07) 3005 6200	Fax: (07) 3005 6215
South Australia	Phone: (08) 8400 4900	Fax: (08) 8400 4999
Tasmania	Phone: (03) 6211 2800	Fax: (03) 6211 2899
Victoria	Phone: (03) 9954 0700	Fax: (03) 9954 0749
Western Australia	Phone: (08) 9229 1300	Fax: (08) 9229 1315
National Office	Phone: (03) 8626 4923	Fax: (03) 8626 4949

*Note: Northern Territory appeals are heard in the Northern Territory but are managed by the Queensland Office.

Or access the SSAT's website at www.ssat.gov.au.

Services provided for applicants and other parties

Translating and Interpreting Service

For information in another language, call 131 450 from anywhere in Australia. The Translating and Interpreting Service can call the SSAT on your behalf.

Disability-Related Needs

Contact your nearest office to discuss how the SSAT can best meet your individual needs. Assistance may include sign interpreters, hearing loop, help getting to and from the hearing and flexible hearing options (like hearings by phone or video-conference).

Teletypewriter Service (TTY)

Call Freecall™ 1800 060 116 for teletypewriter service.

Large Print

Contact your nearest office if you need large print formats of SSAT general information documents.

Appendix 3

Strategic Plan 2005-08

Vision

To be an accessible, user-friendly agency providing high quality efficient and effective merits review.

Role

The Social Security Appeals Tribunal is a statutory body under the Social Security (Administration) Act 1999.

The statutory objective of the Tribunal is to provide a mechanism of review that is fair, just, economical, informal and quick.

The Tribunal's purpose is to provide external merits review of Centrelink and Child Support Agency (CSA) decisions.

The Tribunal is completely independent of both Centrelink and the CSA and decides each case on its merits.

Environment

The Tribunal's operations are within the portfolio of the Minister for Families, Housing, Community Services and Indigenous Affairs, to whom the Executive Director reports regarding performance.

The Tribunal reviews decisions of Centrelink and CSA, which are within the portfolio of the Minister for Human Services.

Centrelink delivers services for the Department of Education, Employment and Workplace Relations and the Department of Families, Housing, Community Services and Indigenous Affairs.

The CSA was formed to assist separated parents to take responsibility for the financial support of their children. CSA administers the child support scheme which was introduced in 1988.

Centrelink delivers its services to over 5 million people in Australia, while the CSA deals with approximately 1.4 million people. The Tribunal receives appeals from a wide cross-section of the Australian community.

The Tribunal works with other Commonwealth review tribunals to develop cooperative measures for improving efficiency.

Values

The Tribunal values:

- Contributing to open and accountable government services by providing an accessible merits review Tribunal.
- Performing functions in a strictly impartial and professional manner.
- Treating all users of the Tribunal's services fairly, courteously and respectfully.
- Conducting with integrity the roles of service provider, employer and purchaser of services.
- Recognising and respecting the contribution of members and staff.
- Building internal and external working relationships based on communication, consultation and cooperation consistent with being an independent review body.
- Achieving results by a quick and fair appeal system and improving services.

The Tribunal upholds the APS Values and Code of Conduct and embraces workplace diversity.

Strategic Directions

1: Strengthen decision-making

Key result: High quality and consistent decision-making

- Develop and implement a quality assurance mechanism to assess the Tribunal's decisions in major review types
- Implement a national plan for training and developing members
- Implement a plan for better sharing administrative review and social security knowledge
- Improve the accessibility and effectiveness of research resources for members

2: Strengthen case management services

Key result: High quality and consistent case management services

- Manage efficiently all aspects of appeals lodged with the Tribunal
- Expand the national case manager training program
- Continue to implement the information and communication strategy
- Respond to feedback from users of case management services including people who appeal to the Tribunal

3: Strengthen internal relationships

Key result: Highly co-operative and productive relationships

- Strengthen commitment to performance assessment and development
- Strengthen national office expert guidance and support for effective resource management
- Implement the information management program
- Strengthen commitment to sharing resources and services nationally

4: Strengthen external relationships

Key result: Raise the Tribunal's profile and build stronger working relationships

- Develop and strengthen appropriate relationships with key departments and agencies
- Liaise with advocacy and advice centres to exchange information
- Participate in opportunities for communication, consultation and co-operation with other Tribunals
- Develop and implement applicant feedback

Appendix 4

Members of the SSAT (as at 30 June 2008)

Executive Director*

Blacklow, Les	National Office
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Directors*

Bullock, Suellen	ACT/NSW
Duckworth, Pamela	WA
Holmes, Miriam	Vic
Raymond, Sue	SA/Tas
Walsh, Jim	Qld/NT

*Note: All Directors are full-time members

Australian Capital Territory

Hewson, Fiona	Full Time
Symonds, Elizabeth	Full Time
Delaney, Graeme	Part Time
Finley, Philip	Part Time
Gladman, Catherine	Part Time
Mitchell, Wayne	Part Time
Staden, Frances	Part Time
Wilkins, Peter	Part Time
Woolf, Kathleen	Part Time
Yen, Laurann	Part Time

New South Wales

Benk, Diana	Full Time
Bennett, Robert	Full Time
Duri, Alan	Full Time
Hasan, Ismail	Full Time
Slattery, Bernard	Full Time
Smith, Angela	Full Time
Barker, David	Part Time
Barnetson, Diane	Part Time
Bartley, Glynis	Part Time
Beckett, Angela	Part Time
Berg, Lilina	Part Time
Bubutievski, Tina	Part Time
Capon, Anthony G	Part Time
Carney, Terry	Part Time

Connolly, Browyn	Part Time
Cornwell, Erika	Part Time
D'Arcy, Jenny	Part Time
Deamer, Jane	Part Time
Dordevic, Kruna	Part Time
Durvasula, Suseela	Part Time
Edmonds, Kathryn	Part Time
Gamble, Helen	Part Time
Gawdan, Alexandra	Part Time
Glasson, Martin	Part Time
Halstead, Adam	Part Time
Horsburgh, Michael	Part Time
Lacey, Maxine	Part Time
Laurence, Kerrie E	Part Time
Leonard, Julie	Part Time
MacDonald, Amanda	Part Time
Mant, Andrea	Part Time
Mayne, Sally	Part Time
McManus, Louise	Part Time
Moir, Jillian	Part Time
Nolan, Dennis	Part Time
Norman, Steve	Part Time
Orr, Mark	Part Time
Pearson, Gregory	Part Time
Quinlivan, Julie	Part Time
Reid, Margaret	Part Time
Robards, Grahame	Part Time

Rogers, Linda	Part Time
Sheedy, Tracy	Part Time
Taylor, Susan	Part Time
Tillett, Gregory	Part Time
Towney, Gina	Part Time
Turton, Ian	Part Time
Tzannes, Ross	Part Time
Viney, Diana	Part Time
Wilson, Robert	Part Time

Northern Territory

King, Heather	Part Time
Ross, Ken	Part Time

Queensland

Allen, Simon	Full Time
Bishop, Jane	Full Time
Byers, Alex	Full Time
Foster, Neil	Full Time
Jensen, Peter	Full Time
Kanowski, Paul	Full Time
McQuinlan, Rick	Full Time
Ammala, Kaarina	Part Time
Barratt, Lynn	Part Time
Bordujenko, Alexandra	Part Time
Bothmann, Susan	Part Time
Cavanagh, Jennifer	Part Time
Christou, Alison	Part Time
Cranwell, Glen	Part Time
De Riva O'Phelan, Josephine	Part Time
Devereux, John	Part Time
Dittman, Brian	Part Time
Endicott, Clare	Part Time
Gillespie, David	Part Time
Guthrie, Tina	Part Time
Hall, Patricia	Part Time
Hulin, Elizabeth	Part Time
Jackson, Patricia	Part Time
Kerr, Sandra	Part Time
King, Robert	Part Time
Liddell, David	Part Time
McCartney, Wilhelmina	Part Time

McKelvey, David	Part Time
McLennan, Cathy-Ann	Part Time
Peacock, Jane	Part Time
Peltola, Carol	Part Time
Pickard, Bryan	Part Time
Pozzi, Stephen	Part Time
Prado, Luis	Part Time
Ryan, Virginia	Part Time
Smyth, Donald	Part Time
Stafford, Rosemary	Part Time
Trotter, Susan	Part Time
Weir, Michael	Part Time
White, Patrick	Part Time
Winters, Sylvia	Part Time

South Australia

Garnham, Ian	Full Time
Harvey, Bruce	Full Time
Kennedy, Martin	Full Time
Anagnostou, Penny	Part Time
Barr, Stuart	Part Time
Bonesmo, Margaret	Part Time
Cotton, Gaybrielle	Part Time
Cullimore, Steven	Part Time
de Rohan, Michael	Part Time
Dibden, Diana	Part Time
Earl, Bronte	Part Time
Faulkner, Angela	Part Time
Forgan, Julie	Part Time
Fuller, Mark E	Part Time
Georgiadis, Stavros	Part Time
Lambden-Rowe, Donna	Part Time
Madden, Paul	Part Time
Millar, Kate	Part Time
Strathearn, Jennifer	Part Time
Swanson, Bruce	Part Time
Webb, Yvonne	Part Time
Williamson, Paul A.	Part Time

Tasmania

Breheeny, Christhilde	Full Time
Hutchinson, Diana	Full Time
Agh, Katalin	Part Time

Barker, Kim	Part Time
Baulch, Michelle	Part Time
Clarke, Ketrina	Part Time
Cretan, Lynne	Part Time
Rodda, Kay	Part Time
Schiwy, Andrea	Part Time
Walter, Tim	Part Time
Webster, Samantha	Part Time

Victoria

Bartlett, Jillian	Full Time
Francis, Patrick	Full Time
Longo, John	Full Time
Mercer, Alison	Full Time
Sheck, Inge	Full Time
Stevens, David	Full Time
Tsiakas, Irene	Full Time
Anderton, Anne	Part Time
Appleton, William	Part Time
Bigby, Christine	Part Time
Boddison, Wendy	Part Time
Clarke, Catherine	Part Time
Coulson Barr, Lynne	Part Time
Ducrou, Amanda	Part Time
Fowler, Margaret	Part Time
Geraghty, Elaine	Part Time
Grant, Anne	Part Time
Haag, Christine	Part Time
Hamilton-Noy, Tamara	Part Time
Harris, Peter	Part Time
Hart, William	Part Time
Hayes, Christine	Part Time
King, Gilbert	Part Time
Kirmos, Kay	Part Time
Lennon, Dominic	Part Time

Lewinsky, Stephen	Part Time
Main, Christopher	Part Time
Markov, Geoffrey	Part Time
Murphy, Alison	Part Time
Nalpantidis, Jack	Part Time
Panagiotidis, Sophia	Part Time
Polglase, Jane	Part Time
Reddy, Aruna	Part Time
Secombe, Wendy	Part Time
Skiotis, Fionn	Part Time
Smith, Alison	Part Time
Top, Vivienne	Part Time
Treble, Andrea	Part Time
Woodford, Susan	Part Time
Woodward, Catherine	Part Time

Western Australia

Bradley, Rhonda	Full Time
Brakespeare, Stephanie	Full Time
Caravella, Tony	Full Time
Alexander, Peter	Part Time
Barrett-Lennard, Karen	Part Time
Brown, Annette	Part Time
Budiselik, William	Part Time
Donnelly, Anne	Part Time
Fitzgerald, Robert	Part Time
Haslem, Yvonne	Part Time
Hoffman, Susan	Part Time
Kannis, Christine	Part Time
Martellotta, Maxina	Part Time
Merriam, Charles	Part Time
Petrucci, Rosetta	Part Time
Stribling, Jennifer	Part Time
Watt, Nicola	Part Time

Appendix 5

Staff of the SSAT (as at 30 June 2008)

Gender	Total	non-ongoing full-time	non-ongoing part-time	ongoing full-time	ongoing part-time
Female	75	4	4	62	5
Male	36	0	1	35	0
TOTAL	111	4	5	97	5

- 1 person on long term leave
- 1 person currently on temporary assignment with another Agency

Class	Total	Female	Male	NO*	ACT	NSW	QLD	SA	TAS	VIC	WA
APS 1	8	8	0	0	0	1	3	2	0	1	1
APS 2	11	10	1	1	0	5	1	1	0	3	0
APS 3	1	1	0	1	0	0	0	0	0	0	0
APS 4	56	36	20	3	2	18	10	5	3	12	3
APS 5	2	0	2	2	0	0	0	0	0	0	0
APS 6	20	12	7	13	0	1	1	1	0	2	2
EL 1	9	5	4	5	0	1	1	1	0	1	0
EL 2	4	2	2	4	0	0	0	0	0	0	0
TOTAL	111	75	36	29	2	26	16	10	3	19	6

* National Office

Salary Range by Classification 2007-08

Classification	Pay Point – Lower (\$)	Pay Point – Higher (\$)
APS 1	\$35,459	\$39,075
APS 2	\$40,883	\$44,500
APS 3	\$47,212	\$50,890
APS 4	\$52,728	\$56,407
APS 5	\$58,910	\$61,431
APS 6	\$63,697	\$70,495
EL 1	\$73,896	\$84,954
EL 2	\$91,955	\$106,313

**Progression to the maximum salary of Executive Level 2 can only be achieved where the National Manager is satisfied that the work value of the position justifies the higher salary point and the Employee has managerial and/or professional technical skills to warrant movement to that level.*

Staff Under Australian Workplace Agreements and Collective Agreements

SSAT staff covered by Australian Workplace Agreements:

EL 1 x 4
 EL2 x 3

Appendix 6

Consultants 2007-08

Consultant	Project Description	Contract Price*	Selection Process	Justification
3 Dimensional Consulting P/L	Consultancy service for enhancements to AMSWIN (registration and processing of CSA appeals)	\$66,696	Biv	a d
Novell P/L	Consulting services for Network Operating System upgrade	\$11,254	Biv	a d
Preemptive Consulting P/L	Consulting services for Network Infrastructure	\$207,536	Biv	a d
Objective Corporation Ltd.	Consultancy service for provision of EDRMS services	\$177,667	A	a d e
Lanier Voice	Provision of voice recording system for CSA appeals	\$71,724	A	a d e
e-Centric Communications	Portal programming	\$24,750	Bii	a d
Hyperware Consulting Pty Ltd	Configuring and programming of servers and the web	\$47,784	Bii	a d
Results Consulting	Job analysis of SSAT positions	\$68,280	Bii	a d
Blake Dawson	Review of CSA case management processes	\$209,557	A	a d
Nash Management Group	Project management services for the refurbishment of SSAT Tas Office	\$13,200	Bi	a d
Howie Herring & Forsyth	Project management services for the refurbishment of SSAT NSW Office (L20)	\$29,214	Bi	a d
Howie Herring & Forsyth	Project management services for the refurbishment of SSAT ACT Office	\$33,490	Bi	a d
Howie Herring & Forsyth	Project management services for the relocation & refurbishment of SSAT Qld Office	\$39,964	Bi	a d

Consultant	Project Description	Contract Price*	Selection Process	Justification
Reid Campbell	Project management services for the relocation & refurbishment of SSAT Vic Office	\$27,408	Bi	a d
Reid Campbell	Project management services for the relocation & refurbishment of SSAT National Office	\$47,941	Bi	a d
Reid Campbell	Project management services for the relocation & refurbishment of SSAT NSW Office (L22)	\$37,765	Bi	a d

* All figures are GST inclusive

Selection Process:

- A Open Tender
- Bi Restricted Tender – urgency
- Bii Restricted Tender – knowledge of product
- Biii Restricted Tender – consult with Government Communications Unit
- Biv Restricted Tender – previous good dealing
- Bv Restricted tender – other
- C Sole supplier

Justification:

- a. skills currently unavailable within department
- b. requirements for collection of quantitative/qualitative statistical information
- c. requirement for independent or impartial research/assessment by an independent organisation
- d. requirement for specialist/professional expertise
- e. the consultant is recognised as an expert in the field and uniquely able to provide required services

Appendix 7

Application Processing Statistics (Centrelink)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
On hand at 1 July 2007*	85	243	49	9	46	365	76	397	1270
Net Transfers 2007-08**	70	-30	55	9	1	-36	63	-132	305
Net lodged to 30 June 2008	1191	2221	362	63	447	2696	886	3730	11596
Finalised	1003	2051	336	64	404	2381	778	3442	10459

On hand at 1 July 2008:	273	413	75	8	89	680	184	685	2407
awaiting statement	37	79	9	1	14	74	40	122	376
awaiting appointment	102	103	33	2	26	368	69	357	1060
awaiting hearing	112	211	27	5	45	181	65	175	821
adjourned (awaiting decision?)	16	7	3	0	3	40	3	14	86
awaiting notification	6	13	3	0	1	17	7	17	64

Total decisions reviewed:	1093	2375	370	79	462	2745	831	3637	11592
Set aside	350	453	118	9	130	652	215	939	2866
Varied	26	99	17	3	17	37	48	32	279
Affirmed	517	1190	160	50	224	1335	436	1723	5635
Total decisions reviewed at hearing	893	1742	295	62	371	2024	699	2694	8780
No jurisdiction	73	200	12	4	16	377	36	359	1077
Withdrawn (conceded)	8	25	4	0	3	26	5	25	96
Withdrawn (other)	74	192	26	4	37	157	38	329	857
Dismissed	45	216	33	9	35	161	53	230	782
Total decisions finalised without hearing	200	633	75	17	91	721	132	943	2812

										2006-07	2005-06
Set aside rate 1 (%)	34.4	23.2	36.5	15.2	31.8	25.1	31.6	26.7	27.1	25.3	27.1
Set aside rate 2 (%)	41.9	31.3	45.8	19.4	39.4	34.0	37.5	35.9	35.6	31.4	33.4

* Discrepancy from last year's reported figure (396 in NSW; 1269 Total) is due to adjustment of source data of one case.

** Cases transferred from Office of lodgement for processing and hearing in another State Office where applicant moves state or where to assist with the appeal workload. A negative (-) figure indicates net transfers out of the State Office; a positive figure indicates net transfers into the State Office.

Application Processing Statistics (Child Support)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
On hand at 1 July 2007*	22	116	11	3	9	76	13	132	382
Net Transfers 2007-08**	6	13	7	-8	-3	-3	0	-12	52
Net lodged to 30 June 2008	146	538	95	3	65	530	208	589	2174
Finalised	119	504	77	5	53	405	180	541	1884

On hand at 1 July 2008:	49	150	29	1	21	201	41	180	672
awaiting statement	10	43	5	1	7	55	17	70	208
awaiting appointment	5	30	6	0	2	20	5	54	122
awaiting hearing	21	63	16	0	11	83	14	41	249
adjourned (awaiting decision?)	12	10	1	0	1	41	5	14	84
awaiting notification	1	4	1	0	0	2	0	1	9

Total decisions reviewed***	119	500	76	5	53	405	180	541	1879
Set aside	32	108	16	1	12	117	26	108	420
Varied	14	63	6	0	4	27	26	24	164
Affirmed	35	103	26	1	22	103	66	201	557
Total decisions reviewed at hearing	81	274	48	2	38	247	118	333	1141
No jurisdiction	13	83	12	2	9	70	33	122	344
Withdrawn	14	36	4	0	3	51	13	40	161
Dismissed	11	107	12	1	3	37	16	46	233
Total decisions finalised without hearing	38	226	28	3	15	158	62	208	738

										2006-07
Set aside rate 1 (%)	55.4	56.6	40.7	50.0	41.0	55.4	43.0	37.2	48.0	18.7
Set aside rate 2 (%)	56.8	62.4	45.8	50.0	42.1	58.3	44.1	39.6	51.2	48.0

* Discrepancies from last year's reported figures (24 in SA; 2 in NT; 8 in TAS; 128 in NSW; 378 Total) are due to adjustment of source data of eight cases.

** Cases transferred from Office of lodgement for processing and hearing in another State Office where applicant moves state or where to assist with the appeal workload. A negative (-) figure indicates net transfers out of the State Office; a positive figure indicates net transfers into the State Office.

*** There were 5 cases recorded as 'Not categorised'.

Appendix 8

Timeliness Statistics (Centrelink)

Time for Centrelink to refer applications for review of its decisions to the SSAT (ie. applications lodged with Centrelink) (limit: 7 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Applications received (applications lodged with Centrelink)									
2007-08	0	1	0	0	0	33	1	26	61
2006-07	4	12	0	0	1	51	0	22	90
2005-06	3	20	4	7	5	51	0	27	117
Average days taken (from lodgement to receipt by SSAT)									
2007-08	n/a	8.0	n/a	n/a	n/a	5.1	n/a	9.5	7.0
2006-07	5.3	5.7	n/a	n/a	1.0	6.6	n/a	6.0	6.2
2005-06	1.3	6.6	4.5	3.4	6.8	13.8	n/a	8.9	9.9
% in 7 day limit									
2007-08	n/a	0	n/a	n/a	n/a	81.8	100	76.9	78.7
2006-07	50.0	66.7	n/a	n/a	100.0	70.6	n/a	81.8	72.2
2005-06	100	75	75	85.7	60	62.7	n/a	66.7	68.4
Average time for cases over 7 days (days)									
2007-08	n/a	8.0	n/a	n/a	n/a	18.2	n/a	29.5	22.6
2006-07	10.5	13.8	n/a	n/a	n/a	15.7	n/a	25.8	16.6
2005-06	n/a	20.2	13.0	13.0	16.0	31.6	n/a	24.0	26.4

Time taken to register applications for review of Centrelink decisions (standard: 100% within 1 day)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Number registered									
2007-08	1121	2251	307	54	446	2732	823	3862	11596
2006-07	793	1747	258	38	332	2220	688	2513	8589
2005-06	721	1817	236	38	361	1995	646	2327	8141
Number registered within 1 working day of receipt									
2007-08	1096	2226	304	54	441	2712	821	3847	11501
2006-07	775	1716	255	36	318	2171	686	2493	8450
2005-06	717	1808	232	37	346	1977	645	2313	8075
% registered within 1 working day of receipt									
2007-08	97.8	98.9	99.0	100.0	98.9	99.3	99.8	99.6	99.2
2006-07	97.7	98.2	98.8	94.7	95.8	97.8	99.7	99.2	98.4
2005-06	99.5	99.5	98.3	97.4	95.8	99.1	99.9	99.4	99.2

Time for Centrelink to provide statements to the SSAT*
(limit: 28 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Statements received									
2007-08	1023	2019	306	52	426	2353	754	3362	10295
2006-07	731	1558	246	37	324	1956	663	2198	7713
2005-06	621	1696	214	38	332	1792	582	2019	7294
Average days taken									
2007-08	11.4	8.7	13.3	11.2	9.5	10.0	9.2	9.7	9.8
2006-07	11.8	7.7	13.6	9.5	9.1	9.2	10.6	9.3	9.4
2005-06	10.2	7.6	10.7	9.6	10.4	9.4	11.8	9.1	9.3
% by due date									
2007-08	96.5	95.9	92.2	94.2	97.7	96.7	99.6	96.9	96.7
2006-07	98.1	99.3	92.3	100.0	97.2	97.0	99.5	96.3	97.5
2005-06	98.9	98.9	97.7	100.0	94.6	97.0	98.6	96.9	97.6
Average time if after due date									
2007-08	29.4	27.5	41.8	21.7	21.8	35.3	8.3	33.8	32.0
2006-07	29.1	33.9	32.7	n/a	23.4	38.5	17.3	32.8	33.6
2005-06	23.4	35.5	34.2	n/a	38.7	33.5	20.8	33.2	33.2

* Includes priority cases where Centrelink statements are provided within 7 days

Hearing papers sent to applicants in Centrelink appeal cases at least 7 days prior to hearing
(standard: 95%*)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
% of papers sent at least 7 days prior to hearing									
2007-08	99.1	95.2	98.9	100.0	97.0	98.0	98.9	97.3	97.4
2006-07	96.7	97.1	98.1	93.8	95.8	99.3	98.9	98.2	98.1
2005-06	98.0	98.7	99.0	97.9	95.9	99.1	98.0	98.2	98.4

* NB. If an applicant seeks an urgent hearing it may not be possible to meet this standard

Appointment waiting time in Centrelink appeal cases
(ie. days from Centrelink statement received to date of first appointment)
(standard: 75% within 42 days*)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Average waiting time in days									
2007-08	41.4	47.8	57.0	56.2	44.3	63.7	31.9	52.8	51.1
2006-07	37.8	38.0	44.4	57.5	33.7	45.1	34.7	38.0	39.6
2005-06	31.3	36.5	50.4	83.3	53.6	40.2	34.0	37.6	38.6
% with wait of 42 days or less									
2007-08	61.8	45.5	52.3	47.1	55.4	22.9	86.6	52.3	48.4
2006-07	65.3	73.2	65.9	47.1	74.6	52.9	89.0	73.1	68.2
2005-06	80.3	75.8	60.3	17.0	38.2	62.4	92.5	75.5	71.6

* It is usually on request of applicants that hearing dates are set outside the 42-day standard

Heard Centrelink appeal cases decided without adjournment
(standard: 90%)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
% without adjournment									
2007-08	86.5	96.4	86.9	93.5	88.5	85.1	97.6	92.6	91.1
2006-07	89.7	97.7	79.3	96.8	92.7	88.8	98.6	90.1	91.8
2005-06	94.5	98.3	79.5	78.7	93.0	86.6	96.9	88.9	91.5

**Time for SSAT to notify applicants of Centrelink appeal outcomes
(limit: 14 days)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Outcomes notified									
2007-08	1003	2051	336	64	404	2381	778	3442	10459
2006-07	784	1771	268	35	357	2249	741	2477	8682
2005-06	740	1806	251	58	348	1849	615	2243	7910
Average days to notify									
2007-08	9.6	7.3	10.8	6.8	9.6	8.5	7.6	9.1	8.6
2006-07	9.3	7.9	9.7	6.9	9.9	9.2	7.0	9.0	8.7
2005-06	10.1	7.5	9.1	7.7	9.7	9.3	5.3	7.9	8.3
% within 14 days									
2007-08	96.7	99.7	98.1	97.9	98.5	98.8	99.9	99.6	99.1
2006-07	95.6	99.4	99.5	100	97.5	99.4	100	99.3	99.0
2005-06	92.4	99.7	100	97.9	97.4	99.9	100	99.8	99.0

**Overall processing time for Centrelink appeals (registration to notification)
(standard: 10 weeks)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Average time to process (weeks)(statistical average)									
2007-08	8.9	8.7	12.2	9.6	9.7	11.2	7.0	9.7	9.6
2006-07	8.4	7.8	10.7	11.6	8.2	9.2	7.7	7.8	8.4
2005-06	6.7	7.4	10.9	14.5	11.1	8.8	7.7	7.6	8.1
% within 10 weeks (standard 75%)									
2007-08	71.9	79.5	54.8	67.2	67.8	49.1	91.8	69.6	68.2
2006-07	73.3	84.5	64.2	57.1	79.8	70.3	87.0	82.5	78.5
2005-06	90.0	85.7	67.3	31.0	56.9	75.6	85.9	84.7	81.2

Timeliness Statistics (Child Support)

Time for agencies to refer applications for review of CSA decisions to the SSAT (ie. applications lodged with agencies) (limit: 7 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>Applications received</u>									
2007-08	1	0	4	0	0	8	0	3	16
2006-07	0	4	0	0	0	0	1	2	7
<u>Average days taken*</u>									
2007-08	5	n/a	3.75	n/a	n/a	8.25	n/a	<1	5.5
2006-07	n/a	<1	n/a	n/a	n/a	n/a	<1	2	<1
<u>% in 7 day limit</u>									
2007-08	100	n/a	75	n/a	n/a	62.5	n/a	100	75
2006-07	n/a	100	n/a	n/a	n/a	n/a	100	100	100
<u>Average time for cases over 7 days (days)</u>									
2007-08	n/a	n/a	11	n/a	n/a	17	n/a	n/a	15.5
2006-07	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

* A result of <1 indicates applications were received on average the same day of lodgement.

Time take to register applications for review of CSA decisions (standard: 100% within 1 day)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>Number registered (net)</u>									
2007-08	146	538	95	3	65	530	208	589	2174
2006-07	41	186	25	3	16	124	48	261	704
<u>Number registered within 1 working day of receipt</u>									
2007-08	130	500	84	11	66	522	207	592	2112
2006-07	40	183	25	3	15	119	48	258	691
<u>% registered within 1 working day of receipt</u>									
2007-08	92.9	95.2	95.5	100	97.1	97.9	99.5	98.5	97.2
2006-07	97.6	98.4	100	100	93.8	96.0	100	98.9	98.2

Time for CSA to provide statements to the SSAT & other parties* (limit: 28 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>Statements received</u>									
2007-08	112	353	70	1	46	379	139	368	1468
2006-07	12	34	8	1	0	7	14	78	154
<u>Number received within 28 days</u>									
2007-08	93	295	49	1	32	313	130	320	1233
2006-07	9	34	6	1	n/a	7	14	61	132
<u>% by due date</u>									
2007-08	83.0	83.6	70.0	100.0	69.6	82.6	93.5	87.0	84.0
2006-07	75	100	75	100	n/a	100	100	78.2	85.7

* In child support appeal cases the CSA sends hearing papers directly to the parties

**Appointment waiting time in child support appeal cases
(ie. days from CSA statement received to date of first appointment)
(standard: 75% within 56 days*)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>Average waiting time in days</u>									
2007-08	55.5	45.2	65.2	57.5	56.8	58.6	33.6	62.1	53.8
2006-07	56	30	28	n/a	n/a	46	34	30	36
<u>% with wait of 56 days or less</u>									
2007-08	58.7	71.9	37.3	100	48.8	47.5	96.2	54.5	60.4
2006-07	57.1	72.7	100	n/a	n/a	66.7	100	91.3	85.6

* It is usually on request of parties that hearing dates are set outside the 56-day standard

**Heard child support appeal cases decided without adjournment
(standard: 90%)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>% without adjournment</u>									
2007-08	51.2	62.5	76.0	100	76.3	47.9	85.6	82.8	67.7
2006-07	88.9	84.3	78.6	100	100	95.8	94.3	88.0	89.0

**Time for SSAT to notify parties of child support appeal outcomes
(limit: 14 days)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>Outcomes notified</u>									
2007-08	119	504	77	5	53	405	180	541	1884
2006-07	18	70	14	1	7	48	35	133	326
<u>Average days to notify</u>									
2007-08	10.8	8.0	12.2	4.0	8.5	8.2	8.4	9.2	8.8
2006-07	10.1	6.9	11.9	0	1.0	9.0	7.7	9.6	8.8
<u>% within 14 days</u>									
2007-08	93.8	92.3	93.8	100	97.4	97.6	98.3	99.4	96.5
2006-07	100	100	100	100	100	100	100	100	100

**Overall processing time for child support appeals (registration to notification)
(standard: 15 weeks)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>Average time to process (weeks)(statistical average)</u>									
2007-08	14.0	13.6	15.6	9.4	14.0	16.0	8.1	12.4	13.3
2006-07	8.8	6.2	7.8	5	0.7	2.6	3.8	6.9	5.8*
<u>% within 15 weeks (standard 75%)</u>									
2007-08	56.3	61.6	44.2	60.0	56.6	47.9	91.1	63.2	60.8
2006-07**	77.8	85.7	78.6	100	100	95.8	97.1	90	89.8

* It should be noted that, on average, the SSAT processed child support appeals quickly in 2006-07 as that year had only six months of the jurisdiction – many of the appeals received were 'no jurisdiction' cases which do not require a hearing and were thus often completed within a matter of days. This figure increases to 11.5 weeks once 'no jurisdiction' cases are excluded. Please refer to Chapter 5 for further discussion.

** In 2006-07 the standard was 13 weeks

Appendix 9

Application Outcomes (Centrelink)

		AGE	AUS	CA	CCB	CDA	CP	DSP	FTB	MA	MAA	MOB
Applications received	2007-08	1 186	220	324	60	0	276	2494	953	95	9	33
	2006-07	983	213	326	59	0	233	2159	954	141	28	27
	2005-06	888	165	270	55	0	165	2552	891	112	0	19
% of total	2007-08	10.2%	1.9%	2.8%	0.5%	0	2.4%	21.5%	8.2%	0.8%	0.1%	0.3%
	2006-07	11.4	2.5	3.8	0.7	0	2.7	25.1	11.1	1.6	0.3	0.3
	2005-06	10.9	2	3.3	0.7	0	2	31.3	10.9	1.4	0	0.2
Decision outcomes 2007-08:												
Set aside		313	62	60	21	0	57	666	291	17	2	10
Varied		45	9	3	1	0	2	39	54	0	0	0
Affirmed		595	96	214	58	0	177	1,321	558	77	10	15
No jurisdiction		87	21	27	17	0	31	185	165	7	0	4
Withdrawn (conceded)		14	0	6	0	0	6	15	6	2	0	0
Withdrawn (other)		107	16	19	3	0	27	136	76	3	0	4
Dismissed		10	7	5	2	0	4	57	65	1	1	2
Total reviewed*	2007-08	1,171	211	334	102	0	304	2,419	1,215	107	13	35
	2006-07	1085	222	361	99	0	294	2438	1348	150	32	27
	2005-06	935	184	309	73	0	195	2508	1138	109	0	19
Set aside rate 1** (%)	2007-08	30.6%	33.6%	18.9%	21.6%	n/a	19.4%	29.1%	28.4%	15.9%	15.4%	28.6%
	2006-07	29.0	30.6	15.0	11.1	n/a	27.2	24.8	27.5	9.3	31.3	14.8
	2005-06	32.8	31.5	20.1	21.9	n/a	22.1	26.6	27.0	8.3	n/a	5.3
Set aside rate 2** (%)	2007-08	37.6%	42.5%	22.7%	27.5%	n/a	25.0%	34.8%	38.2%	18.1%	16.7%	40.0%
	2006-07	35.4	38.6	17.3	15.9	n/a	32.4	28.8	35.6	10.3	52.6	20.0
	2005-06	38.9	38.7	24.7	24.6	n/a	27.0	31.2	33.7	8.8	n/a	6.7

		NSA	PA	PB	PES	PP	RTA	SA	SPB	YA	Other	Total
Applications received	2007-08	3 108	46	160	62	1 077		66	96	743	588	11 596
	2006-07	1 278	56	103	81	790	0	32	84	631	411	8 589
	2005-06	1 125	0	82	61	814	0	41	65	518	318	8 141
% of total	2007-08	26.8%	0.4%	1.4%	0.5%	9.3%	0	0.6%	0.8%	6.4%	5.1%	100.0%
	2006-07	14.9	0.7	1.2	0.9	9.2	0	0.4	1	7.3	4.8	100 [^]
	2005-06	13.8	0	1	0.7	10	0	0.5	0.8	6.4	3.9	100
Decision outcomes 2007-08:												
Set aside		668	10	28	10	275	0	16	18	204	138	2,866
Varied		45	1	1	1	44	0	5	2	13	14	279
Affirmed		1,139	16	110	34	520	0	25	47	314	309	5,635
No jurisdiction		263	5	6	16	125	0	6	10	44	58	1,077
Withdrawn (conceded)		27	2	2	0	8	0	1	1	2	4	96
Withdrawn (other)		246	2	6	8	93	0	4	10	53	44	857
Dismissed		479	0	3	6	47	0	6	0	67	20	782
Total reviewed*	2007-08	2,867	36	156	75	1,112	0	63	88	697	587	11,592
	2006-07	1366	67	106	85	955	0	49	96	642	462	9884
	2005-06	1261	1261	79	66	975	0	50	71	546	365	8883
Set aside rate 1** (%)	2007-08	24.9%	30.6%	18.6%	14.7%	28.7%	n/a	33.3%	22.7%	31.1%	25.9%	27.1%
	2006-07	20.9	37.3	14.2	18.8	31.8	n/a	20.4	22.9	28.5	23.6	25.3
	2005-06	24.1	n/a	15.2	13.6	31.6	n/a	32.0	31.0	30.2	27.4	27.1
Set aside rate 2** (%)	2007-08	38.5%	40.7%	20.9%	24.4%	38.0%	n/a	45.7%	29.9%	40.9%	33.0%	35.8%
	2006-07	29.2	44.6	16.7	23.2	39.5	n/a	37.0	30.5	34.9	31.3	31.5
	2005-06	32.9	n/a	19.0	19.1	39.3	n/a	38.1	39.3	38.6	35.0	33.4

[^] Actual total is 99.9% due to rounding

* Includes requests for reviews of multiple decisions within one application

** Set aside rate 1 = set aside and varied as percentage of all finalised decisions of the one payment type

Set aside rate 2 = set aside and varied as percentage of set aside, varied and affirmed decisions of the one payment type

Abbreviations:

AGE	Age Pension	FTB	Family Tax Benefit	PES	Pensioner Education Supplement
AUS	Austudy	MA	Maternity Allowance	PP	Parenting Payment
CA	Carer Allowance	MAA	Mature Age Allowance	RTA	Rent Assistance
CCB	Child Care Benefit	MOB	Mobility Allowance	SA	Sickness Allowance
CDA	Child Disability Allowance	NSA	Newstart Allowance	SPB	Special Benefit
CP	Carer Payment	PA	Partner Allowance	YA	Youth Allowance
DSP	Disability Support Pension	PB	Pension Bonus	Other	All other payments

Appendix 10

Application Outcomes (Child Support)

		Child Support Agreement	Application for Assessment	Change of Assessment ^{^^}	Non-Agency Payment	Extension of Time to Appeal	Failure to Collect Arrears
Applications received	2007-08	25	26	1122	196	37	23
	2006-07*	6	20	334	57	12	7
% of total	2007-08	1.1%	1.2%	51.6%	9.0%	1.7%	1.1%
	2006-07*	0.8%	2.8%	47.4%	8.1%	1.7%	1.0%
Decision outcomes 2007-08:							
Affirmed		12	9	194	74	9	9
Set Aside		3	5	246	39	5	0
Varied		0	2	146	4	0	0
Dismissed		1	1	135	22	15	1
No Jurisdiction		10	3	147	13	4	10
Withdrawal		0	2	89	15	2	1
Total reviewed	2007-08	26	22	957	167	35	21
	2006-07*	2	11	122	25	12	1
Set aside rate 1** (%)	2007-08	11.5%	31.8%	41.0%	25.7%	14.3%	0
	2006-07*	0	45.0%	25.0%	19.0%	0	0
Set aside rate 2** (%)	2007-08	20.0%	43.8%	66.9%	36.8%	35.7%	0
	2006-07*	0	71.0%	57.0%	36.0%	0	0

		Particulars of Assessment	Refusal of EOT to Object	Registration Details	Not Reviewable by SSAT	Other	Total
Applications received	2007-08	502	89	13	66	75	2174
	2006-07*	163	38	6	39	22	704
% of total	2007-08	23.1%	4.1%	0.6%	3.0%	3.4%	100.0%
	2006-07*	23.2%	5.4%	0.8%	5.5%	3.1%	100.0% [^]
Decision outcomes 2007-08:							
Affirmed		180	46	6		19	558
Set Aside		89	22	5		7	421
Varied		13	0	0		1	166
Dismissed		42	6	0		10	233
No Jurisdiction		56	4	1	69	28	345
Withdrawal		44	6	0		2	161
Total reviewed	2007-08	424	84	12	69	67	1884
	2006-07*	81	22	5	37	8	326
Set aside rate 1** (%)	2007-08	24.1%	26.2%	41.7%	0	11.9%	31.2%
	2006-07*	7.0%	50.0%	20.0%	0	13.0%	18.7%
Set aside rate 2** (%)	2007-08	36.2%	32.4%	45.5%	0	29.6%	51.3%
	2006-07*	21.0%	69.0%	33.0%	0	33.0%	48.0%

- [^] Actual total is 99.8% due to rounding
- ^{^^} Please note that in 'Change of Assessment' cases the liability to pay child support would be affirmed but the amount of the liability might be varied
- * Jan-June 2007
- ** Set aside rate 1 = set aside and varied as percentage of all finalised decisions of this type
Set aside rate 2 = set aside and varied as percentage of set aside, varied and affirmed decisions of this type

Appendix I I

Projects 2007-08

Finance	
Development of complete SSAT review package	in progress
Effort survey management system	complete
Development and implementation of risk management system	in progress
National Office accommodation needs	complete
State Office accommodation needs	in progress
Development and implementation of security management system	complete
IT	
Enhancements to AMSWIN case management system	complete
Development of SSAT Portal	complete
E-lodgement of applications	in progress
National Office Server upgrade and hardware replacement	complete
Legal	
Report on the Scope of the SSAT's Child Support Jurisdiction	complete
Report on "newstart participation failures"	complete
Report on SSAT's power to access and disclose Family Court and Federal Magistrate Court documents	in progress
Development of FOI / Privacy DVD Training Package	in progress
Submission on the Review of Australian Privacy Law	complete
Review on the Legislative Instruments Act	complete
Report on confidentiality and immunity	in progress
QA	
Quality analysis of 'Change of Assessment' decisions across all states	complete
Provision of training and information for members	recurring
Quality Analysis of Centrelink decisions from South Australia	complete
Provision of decision writing training for members	complete
Provision of new member induction training and technical training	recurring
Provision of training on changes to child support scheme	complete
Maintaining a leading cases database	in progress
Executive/Corporate	
Implementations of Balanced scorecard management system	complete
Staffing review	complete
EDRMS rollout	complete
EDRMS training and upgrades	recurring
Implementation of in-house payroll function	complete
Development of staff retention strategy	complete
Learning and development reviews	complete
Review of child support publications	in progress
AAA review	in progress
Organisational planning	in progress
MOU with FaHCSIA	in progress

Appendix I 2

Freedom of Information: Section 8 Statement

This statement is published to meet the requirements of section 8 of the Freedom of Information Act 1982. It is correct as at 30 June 2008.

Establishment

The Social Security Appeals Tribunal (the SSAT) was first established by Ministerial directive on 10 February 1975 as a body with the power to review certain social security decisions. Its powers were only recommendatory.

The SSAT was established as an independent statutory authority with decision-making powers by the *Social Security (Review of Decisions) Act 1988* and began operations on 1 November 1988.

Organisation

The SSAT consists of the National Office in Melbourne and offices in each State and Territory capital city, except in the Northern Territory. Each office handles applications for a designated area. Details of the structure and organisation of the SSAT are set out in Chapter 3 of this report.

Powers and Functions

The powers and functions of the SSAT flow primarily from the *Social Security (Administration) Act 1999*. It is responsible for reviewing various decisions, on application by persons affected by those decisions, made under the:

- Social Security Law;
- Family Assistance Law;
- *Child Support (Registration and Collection) Act 1988*;
- *Child Support (Assessment) Act 1989*;
- *Farm Household Support Act 1992*;
- *Health Insurance Act 1973*;
- *Student Assistance Act 1973*;
- *Child Support (Assessment) Act 1989*;
- *Veterans' Entitlements Act 1986*; and
- *Aged Care Act 1997*.

Details of the powers and functions of the SSAT are set out in Chapter 2 and Appendix I of this Report.

Arrangements for outside participation in policy development

As the SSAT is an independent statutory tribunal no arrangements exist for bodies outside the Commonwealth administration to participate in the affairs of the SSAT. However, officers of the SSAT engage in community liaison with a variety of welfare, legal and community bodies, as well as users of the Tribunal.

Categories of Documents

The following categories of documents are held by the SSAT:

- Case files and departmental files relating to applications to the SSAT, including all papers lodged or produced;
- A computerised register of cases;
- Decisions and reasons for decisions;

- Hearings lists and associated papers;
- Internal working documents and correspondence;
- Statistical and monitoring information;
- Administrative, financial and personnel files;
- Legal advices, reports, briefs and other legal documents;
- Ministerial and policy documents, including recommendations and decisions;
- Freedom of Information application and review documents and associated papers;
- Documents relating to privacy matters;
- Documents relating to the SSAT's reporting requirements;
- Information brochures, pamphlets and forms;
- Office procedures manuals;
- Members' Handbook;
- Internal online publications and discussion forums;
- Documents relating to meetings (agendas, minutes and reports);
- Copies of questions in the Parliament, together with related replies;
- Tender documents and contracts.

Facilities for Access

Facilities for examining documents are available at, or can be organised by, any office of the SSAT. Access to documents would normally be granted at the offices of the SSAT (see Contact Details at Appendix 15).

Freedom of Information (FOI) Procedures and Initial Contact Points

FOI requests must be made in accordance with section 15 of the *Freedom of Information Act 1982*. Applications for access to documents may be submitted to any office of the SSAT. Requests can be made in any written format, giving sufficient information to identify the documents requested and providing a return address.

The requirement of the payment of any fees and charges is qualified by regulation 6 of the *Freedom of Information (Fees and Charges) Regulations*.

Appendix I3

Legal Services Expenditure Statement

This is a statement of legal services expenditure by the Social Security Appeals Tribunal for 2007-08, published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

Agency's total legal services expenditure	\$ 238,784 (GST exclusive)
Agency's total external legal services expenditure	\$ 75,943 (GST exclusive)
External expenditure on solicitors	\$ 75,943 (GST exclusive)
External expenditure on counsel	\$ 0 (GST exclusive)
Number of male counsel briefed	0
Value of briefs to male counsel	\$ 0 (GST exclusive)
Number of female counsel briefed	0
Value of briefs to female counsel	\$ 0 (GST exclusive)
Other disbursements on external legal services	\$ 0 (GST exclusive)
Agency's total internal legal services expenditure	\$ 162,841 (GST exclusive)
Salaries	\$ 119,863 (GST exclusive)
Overheads (includes administrative support and accommodation costs)	\$ 42,978 (GST exclusive)

Appendix I 4

Commonwealth Disability Strategy Performance Report

The Commonwealth Disability Strategy is a framework to assist Government organisations meet their obligations under the *Disability Discrimination Act 1992*.

It ensures agencies will strive to consider and improve their performance in terms of five core roles of government. Two of these roles—the policy advisor and the regulator are not applicable to the SSAT. The APSC reports on the employer role. Therefore, the SSAT is required to report on its role as:

- purchaser, and
- provider.

The SSAT as a Purchaser

SSAT objectives:

- Ensure requests for information in an accessible format are actioned in a timely manner
- Ensure that the Commonwealth purchases services that reflect the needs of applicants and other parties with disabilities
- Ensure that the Commonwealth builds accountability for the delivery of non-discriminatory goods and services into its purchasing agreements with providers (purchasing agreements can include contracts, memoranda of understanding and service level agreements)
- Ensure that members, staff, applicants and other parties with disabilities can talk directly with purchasers regarding a provider's performance.

Performance Indicator	Performance Measure	Current level of performance 2007 – 2008
Publicly available information on agreed purchasing specifications are available in accessible formats for people with disabilities.	Percentage of publicly available purchasing specifications requested and provided in: - accessible electronic formats; and - accessible formats other than electronic. Average time taken to provide accessible material in: - electronic formats; and - formats other than electronic	All publicly available purchasing specifications are available in accessible formats upon request. No requests for purchasing specifications were received during 2007-08.

Performance Indicator	Performance Measure	Current level of performance 2007 – 2008
Processes for purchasing goods or services with a direct impact on the lives of people with disabilities are developed in consultation with people with disabilities.	Percentage of processes for purchasing goods or services that directly impact on the lives of people with disabilities that are developed in consultation with people with disabilities.	The SSAT takes into consideration relevant government legislation, Australian building standards and HREOC guidelines when refurbishing/relocating its offices. This includes specifications for desks, elevators, hallways etc to ensure facilities are suitable for and accessible by people with disabilities.
Purchasing specifications and contract requirements for the purchase of goods and services are consistent with the requirements of the <i>Disability Discrimination Act 1992</i> .	<p>Percentage of purchasing specifications for goods and services that specify that tender organisations must comply with the <i>Disability Discrimination Act 1992</i>.</p> <p>Percentage of contracts for the purchase of goods and services that require the contractor to comply with the <i>Disability Discrimination Act 1992</i>.</p>	The SSAT has a standard contract that requires contractors to comply with all relevant Commonwealth legislation, including the <i>Disability Discrimination Act 1992</i> .
Publicly available performance reporting against the purchase contract specifications requested in accessible formats for people with disabilities is provided.	<p>Percentage of publicly available performance reports against the contract purchasing specification requested and provided in :</p> <ul style="list-style-type: none"> - accessible electronic formats; and - accessible formats other than electronic. <p>Average time taken to provide accessible material in:</p> <ul style="list-style-type: none"> - electronic formats; and - formats other than electronic. 	<p>All publicly available performance reports against the contract purchasing specification are available in accessible formats upon request.</p> <p>No requests for performance reports were received during 2007-08.</p>

Performance Indicator	Performance Measure	Current level of performance 2007 – 2008
Complaints/grievance mechanisms, including access to external mechanisms, in place to address concerns raised about provider's performance.	Established complaints /grievance mechanisms, including access to external mechanisms, in operation.	Complaints/grievance mechanisms are set out in the SSAT's Service Charter and Complaints Handling Policy. The Charter includes information on external complaints-handling mechanisms, including referral to the Ombudsman.

The SSAT as a Provider

SSAT objectives:

- Ensure that the SSAT continually improves on its performance in meeting the needs of its applicants with disabilities
- Ensure that the SSAT recognises people with disabilities as its applicants
- Ensure that applicants with disabilities are able to have their issues and concerns addressed.

Performance Indicator	Performance Measure	Current level of performance 2007 – 2008
Providers have established mechanisms for quality improvement and assurance.	Evidence of quality improvement and assurance systems in operation.	<p>The SSAT reviews the mechanisms for quality improvement and assurance that target the needs of applicants with disabilities.</p> <p>Onsite Physical Access & Equity Reviews are conducted annually by members of the Finance Unit. Reports containing recommendations are provided to SSAT management which ensures remedial action is taken as required.</p> <p>The SSAT's internet site complies with W3C standards which includes standards relating to accessibility for disabled users.</p>

Performance Indicator	Performance Measure	Current level of performance 2007 – 2008
Providers have an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.	Established service charter that adequately reflects the needs of people with disabilities in operation.	The SSAT's Service Charter (included in Appendix 2 of this Report) advises of facilities and services available for people with disabilities including TTY services and large print and audio CD formats of information brochures.
Complaints/grievance mechanisms, including access to external mechanisms, in place to address concerns raised about performance.	Established complaints /grievance mechanisms, including access to external mechanisms, in operation.	The SSAT Service Charter and Complaints Handling Policy set out the complaints/grievance mechanisms in place and provide information on accessing another level of resolution if this fails.

Appendix 15

Contact Details

National Office

Level 24, 500 Collins Street, Melbourne
(PO Box 218, Collins Street West
Melbourne Vic 3000)
E-mail: info@ssat.gov.au
Tel: (03) 8626 4923
Fax: (03) 8626 4949

Executive Director – Les Blacklow
National Manager – John Collins

Australian Capital Territory

Level 5, 71 Northbourne Avenue,
Canberra
(GPO Box 9943, Canberra ACT 2601)
E-mail: canberra@ssat.gov.au
Tel: (02) 6200 3700
Fax: (02) 6200 3709

Director – Suellen Bullock
Business Manager – Karen Peacock

New South Wales

Level 20, 580 George Street, Sydney
(GPO Box 9943, Sydney NSW 2001)
E-mail: sydney@ssat.gov.au
Tel: (02) 9202 3400
Fax: (02) 9202 3499

Director – Suellen Bullock
Business Manager – Karen Peacock

Northern Territory

All NT appeals are managed through the
Queensland office. Please refer to
contact details for the Queensland office.

Queensland

Level 5, 380 Queen Street, Brisbane
(GPO Box 9943, Brisbane Qld 4001)
E-mail: brisbane@ssat.gov.au
Tel: (07) 3005 6200
Fax: (07) 3005 6215

Director – Jim Walsh
Business Manager – Robin Harvey

South Australia

Level 12, 45 Grenfell Street, Adelaide
(GPO Box 9943, Adelaide SA 5001)
E-mail: adelaide@ssat.gov.au
Tel: (08) 8400 4900
Fax: (08) 8400 4999

Director – Sue Raymond
Business Manager – Jacqui Nelson

Tasmania

Level 8, 188 Collins Street, Hobart
(GPO Box 9943, Hobart Tas 7001)
E-mail: hobart@ssat.gov.au
Tel: (03) 6211 2800
Fax: (03) 6211 2899

Director – Sue Raymond
Business Manager – Jacqui Nelson

Victoria

Level 11, 565 Bourke Street, Melbourne
(GPO Box 9943, Melbourne Vic 3001)
E-mail: melbourne@ssat.gov.au
Tel: (03) 9954 0700
Fax: (03) 9954 0749

Director – Miriam Holmes
Business Manager – Siobhan Jordan

Western Australia

Level 3, 109 St George's Terrace, Perth
(GPO Box 9943, Perth WA 6001)
E-mail: perth@ssat.gov.au
Tel: (08) 9229 1300
Fax: (08) 9229 1315

Director – Pamela Duckworth
Business Manager – Edyta Pelc

National Freecall™ Number

The SSAT provides a national toll free telephone number – 1800 011 140.

SSAT Website

For further information, please refer to the SSAT's website, at www.ssat.gov.au

Contact Officer

For enquiries about this Annual Report, please contact:

Mr John Collins
National Manager, SSAT
National Office
PO Box 218, Collins Street West
Melbourne Vic 3000

Tel: (03) 8626 4923

Fax: (03) 8626 4949

Email: john.collins@ssat.gov.au

Additional Copies of this Annual Report

Additional copies of this Annual Report are available from the National Office or by contacting your nearest SSAT office.

It is also available on the SSAT's website, at www.ssat.gov.au.

Glossary

AAA	Administrative Arrangements Agreement (between the SSAT and Centrelink)
AAT	Administrative Appeals Tribunal
AFP	Australian Federal Police
AMSWIN	Appeals Management System for Windows (SSAT)
APS	Australian Public Service
APSC	Australian Public Service Commission
Centrelink	Commonwealth Service Delivery Agency
CEO	Chief Executive Officer
CHOT	Commonwealth Heads of Tribunals
COA	Change of Assessment
COAT	Council of Australasian Tribunals
CSA	Child Support Agency
DEEWR	Department of Education, Employment and Workplace Relations
EAP	Employee Assistance Program
EDRMS	Electronic Document and Records Management System
EMS	Environmental Management System
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FMA	Financial Management and Accountability (Act)
FOI	Freedom of Information
HREOC	Human Rights and Equal Opportunity Commission
JCA	Job Capacity Assessment
KPI	Key Performance Indicator
LSB	Legal Services Branch (Centrelink)
MOU	Memorandum of Understanding
NAATI	National Accreditation Authority for Translators and Interpreters Ltd
OFPC	Office of the Federal Privacy Commissioner
OH&S	Occupational Health and Safety
PDS	Performance Development System
Secretary, the	Secretary to the Department of Families, Housing, Community Services and Indigenous Affairs; or Secretary to the Department of Education, Employment and Workplace Relations (depending on context)
SES	Senior Executive Service
SSAT	Social Security Appeals Tribunal
TTY	Teletype Machine

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Description	Requirement	Page
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Number of new consultancy services contracts let and total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts active in the reporting year; and the total actual expenditure on ongoing consultancy contracts (inclusive of GST). Statement noting that information on contracts and consultancies is available through the AusTender website.	Mandatory	75, 95-96
<i>Australian National Audit Office Access Clauses</i>		
Absence of provisions in contracts allowing access by the Auditor-General	Mandatory	nil
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Contracts exempt from the AusTender	Mandatory	nil
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