



Australian Government

# 2011-12 **ANNUAL REPORT**

SOCIAL SECURITY APPEALS TRIBUNAL

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

1 October 2012

Dear Minister,

In accordance with clause 25(1) of Schedule 3 to the *Social Security (Administration) Act 1999*, I present to you the Annual Report of the Social Security Appeals Tribunal covering the Tribunal's operations for the year ended 30 June 2012.

Yours sincerely,



Jane Macdonnell  
Principal Member

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# CHAPTER 1 YEAR IN REVIEW

## PRINCIPAL MEMBER'S OVERVIEW

### I am pleased to report on the operations of the Social Security Appeals Tribunal (SSAT) in 2011-2012.

The number of applications for review fell slightly from 12,390 in 2010-2011 to 12,154 in the reporting period. The SSAT finalised nearly as many applications for review (11,844) as it received.

In the previous reporting period, the SSAT commenced a transition to constitution by a single member for the hearing of most reviews. During 2011-2012, the SSAT was constituted by a single member for the hearing of around 79% of all reviews (comprising 85% of decisions made under the social security law, the family assistance law and paid parental leave legislation and 47% of reviews of decisions made under the child support legislation).

Applicants dissatisfied with a decision of the SSAT (other than decisions about child support which do not involve the percentage of care that the parties have of a child) may apply for merits review by the Administrative Appeals Tribunal (AAT). Applications to the AAT for review of decisions of the SSAT fell by 13% in 2011-2012. The rate at which the AAT set aside or varied decisions of the SSAT after review has been steady (6% to 7%) over the past 3 years.

The number of appeals to courts with jurisdiction against decisions of the SSAT (and applications for judicial review) in respect of child support fell by 35%. The percentage of successful statutory appeals and judicial review applications was unchanged at 30%. Most of the decisions of the SSAT which were successfully challenged on appeal or review were made before the reporting period. To date, seven statutory appeals to the Federal Magistrates Court have been finalised in 2012-2013. One appeal was withdrawn and six appeals were dismissed.

Last year, I reported that the replacement of the SSAT's case management system (known as AMS) was still a work in progress. I also reported that the planning, tendering and design of that system had required input from members and staff. Such input continued into the system testing phase during the reporting period. Members and staff also participated in training sessions on how to use AMS. In late March 2012, the SSAT's substantial case management data was migrated and AMS went live.

In the last quarter of the reporting period, the SSAT experienced some "bedding down" issues with AMS which adversely affected workflow and therefore the timeliness of a significant number of reviews. However, the SSAT is now looking forward to reaping the benefits of the increased functionality provided by AMS. Enhancements to AMS are also underway.

Constitution of the SSAT by a single member for most reviews has enabled the SSAT to operate with a smaller membership. The smaller membership affords part-time members the opportunity to sit more frequently and to develop greater knowledge of the legislation which they must apply. That opportunity is vital as the legislation is complex and changes regularly. Some 16 Acts amending the social security law, family assistance law, or the child support legislation commenced in the period 1 July 2011 to 30 June 2012.

In the reporting period, the SSAT sought part-time members with medical qualifications and welcomed the appointments of Associate Professor Timothy Bohane and Drs William Allport, Keith Horsley, Anna Popova, Harry Schwarz, and Allison Windsor (who was appointed in August 2012). Once again, the SSAT mourned the death of a member, Dr Grahame Robards. Dr Robards had served as a member of the SSAT since 2007.

The SSAT expects to advertise for a small number of full-time and part-time members for some States in 2012-2013. The position of Registrar will also be filled on a permanent basis.

In the course of the reporting period, the SSAT closed its registry in Canberra and now hears applications for review from residents of the Australian Capital Territory and surrounding areas at the AAT's premises in Canberra. The SSAT's arrangement with the AAT accords with government expectations that Commonwealth tribunals work collaboratively to make the best use of their resources. The SSAT is interested in any opportunities to co-locate with other Commonwealth tribunals when the SSAT's leases expire in other capital cities.

The challenge for the SSAT in 2012-2013 (and the following year) is to ensure that its operations are as efficient as possible so that it can provide a quick, fair and just review to applicants within the SSAT's current funding. The SSAT's strategic plan for 2012-2014 is directed to that objective and to how its attainment is to be measured.

The SSAT's performance in the reporting period reflects the dedication of its members and staff. I commend them for it. As I have previously reported, that dedication is evident even in times of personal adversity. I would also like to express my appreciation for the assistance given to me in the discharge of my statutory responsibilities by the Senior Members, by the Registrar (John Collins) who retired in early 2012 after many years of able service to the SSAT, and by the acting Registrar (Dobe Temelkovski) who led the recent bargaining for a new enterprise agreement for staff at the SSAT and the implementation of AMS.

As the SSAT is not an Executive Agency pursuant to the *Public Service Act 1999* (nor a prescribed agency under the *Financial Management and Accountability Act 1997*), the "Requirements for Annual Reports" issued under the former Act do not apply to the SSAT.

However, in preparing this Annual Report, the SSAT has had regard to the "Requirements for Annual Reports" (particularly to the principles underlying Annual Reporting requirements) and followed those requirements where practicable.



# REGISTRAR'S REPORT

The past year was both challenging and productive for staff of the SSAT. The Registrar, John Collins, retired after twelve years of service in which he had led much change at the SSAT. However, his commitment to continuous improvement in the SSAT's administrative practices was sustained.

Case management is critical to the achievement of the SSAT's statutory objective of providing a mechanism of review that is fair, just, economical, informal and quick. The case management system is used in the management of each application for review and the data which is captured about reviews informs management decisions.

Legislation governs many of the procedures of tribunals. Differences in those procedures mean that case management systems must be customised to a particular tribunal's requirements. After two years of design and development, the SSAT's new Application Management System (AMS) went live in late March 2012. AMS is expected to improve productivity by integration of work processes. As is common with computer systems of the scale of AMS, there were some implementation issues which have been resolved.

AMS was built on a different platform (Microsoft's SQL) to the SSAT's previous case management system (Lotus/Domino). In conjunction with the implementation of AMS, desktops were migrated from Lotus Notes to Microsoft Outlook and Microsoft Windows, and upgraded to Microsoft Office 2010. Migration of other servers continues. As a result of this change, the SSAT has the same platform as other government agencies and a much bigger pool of people from which it can recruit IT staff.

For many years, there have been issues regarding the extent to which the SSAT was provided with the documents relevant to a review of a decision made by an officer employed in Centrelink. The Department of Human Services (of which Centrelink offices are a part) committed to improving its performance in the provision of documents to the SSAT. In February this year, the Department's new approach was tested in Queensland. The SSAT assessed the relevance of the documents provided to the review to which the documents related, and provided feedback to the Department. This feedback was used by the Department to refine its processes. The Department developed a plan to roll out its new approach from 30 July 2012. The SSAT and the Department are committed to ensuring that the relevant documents (and only the relevant documents) are provided to the SSAT within the statutory timeframe.

Other developments in the reporting period which affected registry operations included the closure of the SSAT's Canberra registry in March 2012. Reviews continue to be heard by the SSAT in Canberra (at the premises of the Administrative Appeals Tribunal) but case management is carried out by the registry in Sydney. The registry in Sydney also manages cases which are heard in Wollongong and Newcastle.

As of May 2012, leadership of the SSAT's small registry in Hobart reverted from the registry in Adelaide to the much larger registry in Melbourne.

There were also physical changes to registries. The SSAT's registry and hearing rooms in Sydney were consolidated from two floors to one floor. The SSAT relocated in Brisbane following the expiry of its lease. Fitout of the premises in Sydney and Brisbane gave effect to recommendations to enhance the safety of those workplaces.

During the reporting period, significant effort was devoted to the negotiation of a new Enterprise Agreement for staff. Unfortunately, negotiations were not concluded sufficiently in advance of the 30 June expiry date of the existing Workplace Agreement to enable all of the steps in the APS Bargaining Framework to be completed by that date. In August 2012, around 90% of staff voted on the draft Enterprise Agreement and 93% of those staff voted in favour of the Agreement. The Enterprise Agreement was approved by Fair Work Australia on 14 September 2012.

The SSAT delayed preparation of its strategic plan for 2012-2014 pending the outcome of a review, by Mr Stephen Skehill, which included Commonwealth tribunals. The Government's decision on the recommendations of that review was announced by the Attorney-General on 8 June 2012. The SSAT then commenced work on a new strategic plan. Implementation of some of the strategies contained in the draft plan commenced in 2011.

I would like to thank staff for their constructive input to the changes made by the SSAT in the reporting period, and for their continuing commitment to ensuring that the SSAT meets its objective of providing a mechanism of review that is fair, just, economical, informal and quick.

# CHAPTER 2

## OVERVIEW OF THE SSAT

### ROLE AND FUNCTIONS

#### ESTABLISHMENT

The Social Security Appeals Tribunal (SSAT) was established by Ministerial Instruction in 1975 and by the *Social Security Act 1947* in 1988. The SSAT's existence was continued by the *Social Security Act 1991* and then by the *Social Security (Administration) Act 1999*.

The SSAT's role is to undertake merits review of those decisions in respect of which jurisdiction is conferred on the SSAT. Merits review requires the SSAT to make the legally correct decision and, where more than one decision would be legally correct, the preferable decision on the evidence and material which is before the SSAT.

In carrying out its statutory functions, the SSAT is required to pursue the objective of providing a mechanism of review that is fair, just, economical, informal and quick.

The SSAT is within the portfolio of the Minister for Families, Community Services and Indigenous Affairs (**FaHCSIA**). The Principal Member is required to give the Minister a report of the operations of the SSAT during the year.

#### JURISDICTION

The SSAT reviews decisions made under the *Social Security Act 1991*, *Social Security (Administration) Act 1999*, *A New Tax System (Family Assistance) Act 1999*, *A New Tax System (Family Assistance) (Administration) Act 1999*, *Paid Parental Leave Act 2010*, *Student Assistance Act 1973*, and *Farm Household Support Act 1992*.

The SSAT also reviews decisions made under the *Health Insurance Act 1973* in relation to entitlement to health care cards, and decisions regarding the amount of arrears of service pension payable under the *Veterans' Entitlements Act 1986* where the veteran's partner was receiving a social security payment.

The reviewable decisions made under these nine Acts are made by officers of the Department of Human Services (**DHS**) employed in Centrelink offices. These decisions are referred to in this report as "Centrelink decisions". Except where otherwise indicated in this Annual Report, decisions under the *Paid Parental Leave Act 2010* are included in "Centrelink decisions".

The SSAT also reviews decisions made under the *Child Support (Assessment) Act 1989* and the *Child Support (Registration and Collection) Act 1988* by officers of DHS employed in offices known as the Child Support Agency (**CSA**). These decisions are referred to in this Annual Report as “child support decisions”.

The SSAT cannot review a Centrelink decision unless that decision has been reviewed by an authorised review officer (**ARO**). It is the practice of Centrelink to treat an application to the SSAT for review of a decision, which has not been reviewed by an ARO, as a request for review by an ARO.

The SSAT cannot review a child support decision unless that decision has been the subject of an objection and a decision on the objection has been made by the Child Support Registrar. It is not the practice of the CSA to automatically treat the application to the SSAT for review of a decision, which has not been reviewed by an objections officer, as an application for review by an objections officer.

The CSA sometimes rejects an objection on the basis that it is not “valid”, and adopts the view that the SSAT has no jurisdiction. However, the SSAT may decide to conduct a hearing for the purpose of deciding whether it has jurisdiction.

## POWERS

The powers exercisable by the SSAT, or its Principal Member, for the purposes of a review are set out in 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 *Paid Parental Leave Act 2010*.

In reviewing a decision, the SSAT is not bound by legal technicalities, legal forms or rules of evidence and must act as speedily as a proper consideration of the review allows. In determining what a proper consideration requires, the SSAT must have regard to its statutory objective of providing a mechanism of review that is fair, just, economical, informal and quick.

The SSAT may exercise the powers and discretions of the decision-maker (subject to some exceptions).

Unless an application for review by the SSAT is discontinued, withdrawn or dismissed, the SSAT must make a decision to affirm, vary or set aside the reviewable decision.

Where the SSAT sets aside a decision, the SSAT may either substitute a new decision or send the matter back to Centrelink or the CSA (as the case may be) for reconsideration in accordance with any directions or recommendations of the SSAT.

# ORGANISATION OF THE SSAT

## MEMBERSHIP

The SSAT is composed of its members who are appointed by the Governor-General on a full-time or part-time basis (with the exception of the Principal Member who must be appointed on a full-time basis). Appointments are usually made for a term of five years. Members may be reappointed. Appointments and reappointments usually take effect from 1 January or 1 July each year.

At 30 June 2012, the SSAT comprised the Principal Member, 5 full-time Senior Members, 3 Assistant Senior Members, 15 full-time members and 136 part-time members.

The names and qualifications of the members of the SSAT are listed in Appendix 1.

At the SSAT's request, five part-time members with medical qualifications were appointed.

## PRINCIPAL MEMBER

The Principal Member of the SSAT is responsible for the overall operation and administration of the SSAT.

The Principal Member is required to monitor the operations of the SSAT and to take reasonable steps to ensure that decisions of the SSAT are consistent and that the SSAT efficiently and effectively performs its functions. The Principal Member may give directions to increase the efficiency of the operations of the SSAT and as to the arrangement of business of the SSAT.

## SENIOR MEMBERS

Senior Members assist the Principal Member in the operation and administration of the SSAT. In the reporting period, there was a Senior Member in each of the five mainland States. In New South Wales and Victoria, there were also Assistant Senior Members.

**Table 1 Tribunal membership, 30 June 2012**

Category of member	Full-time	Part-time	Total	(Women)
Principal Member	1		1	(1)
Senior Member	5		5	(4)
Assistant Senior Members	3		3	(3)
Members	15	136	151	(96)
TOTAL	24	136	160	(104)

**Table 2 Senior Members, 30 June 2012**

State / Territory	Senior Members
New South Wales	Suellen Bullock
Queensland	Jim Walsh
South Australia	Sue Raymond
Victoria	Miriam Holmes
Western Australia	Rhonda Bradley

There was no change of Senior Members in the reporting period. Two Senior Members took up appointments as Senior Members of the Migration Review Tribunal and Refugee Review Tribunal in July 2012.

### ASSISTANT SENIOR MEMBERS

During the reporting period, there were two Assistant Senior Members in New South Wales and one Assistant Senior Member in Victoria to assist the respective Senior Members with the management of reviews.

## STAFF

### REGISTRAR

The position of Registrar is not a statutory office. Mr John Collins retired in February 2012 after filling the role of Registrar for more than 12 years. Thereafter, Mr Dobe Temelkovski has been the acting Registrar.

Clause 24 of Schedule 3 to the *Social Security (Administration) Act 1999* stipulates that any staff required to assist the SSAT are to be persons appointed or employed by the Secretary (to FaHCSIA) under the *Public Service Act 1999* and made available for that purpose to the SSAT. In practice, employees are engaged in exercise of power delegated by the Secretary to the Registrar.

See Appendix 2 for staffing information.

## REGISTRIES

The Registrar is located in the SSAT's National Office in Melbourne. The National Office is responsible for management of the SSAT's staff, finances, premises, assets, information technology, and related services. The National Office also houses a member support unit which provides research assistance, case law and legislative amendment alerts, conference papers and materials to members.

The SSAT has a registry in the capital city of each State.

The Senior Member and Deputy Registrar in Sydney are responsible for the management of reviews in New South Wales and the Australian Capital Territory (ACT). The SSAT closed its registry in Canberra in March 2012. Case management of reviews in the ACT is now done in Sydney. However, reviews lodged by residents in, or around, the ACT continue to be heard in person, by telephone or by other electronic means by members sitting in Canberra (at the premises of the Administrative Appeals Tribunal). The Senior Member hears reviews in Canberra regularly.

Until May 2012, the Senior Member and Deputy Registrar in Adelaide led the SSAT's operations in Tasmania. That responsibility then reverted to the Senior Member in Melbourne. A Senior Member heard reviews in Hobart regularly during the reporting period.

The Deputy Registrars report to the Registrar. In the reporting period, the Deputy Registrar in South Australia was appointed to another Commonwealth agency and the Deputy Registrar in Victoria was seconded to the National Office.

See Appendix II for contact details for each registry and the SSAT's National Office.

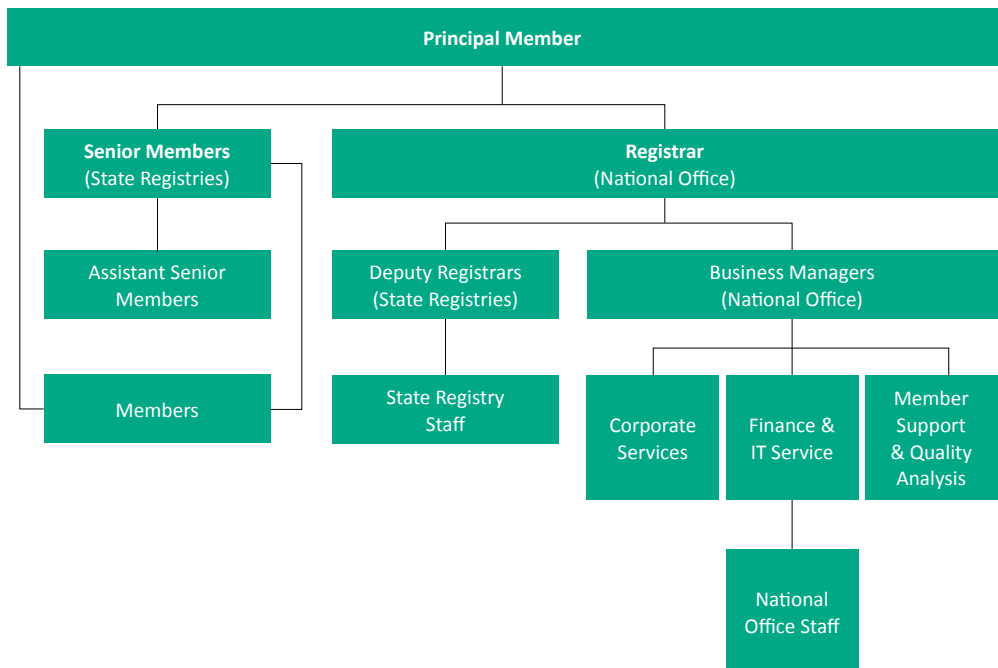
## ADMINISTRATIVE ARRANGEMENTS

Subsection 10(1) of the *Social Security (Administration) Act 1999* permits the Secretary of the Department of FaHCSIA and the Principal Member to agree on administrative arrangements. Under those arrangements, the SSAT uses FaHCSIA's payroll and financial systems.

## FUNDING OF THE SSAT

Funding for the SSAT's operational costs (member remuneration, staff salaries, property, information technology and other administrative expenses) and capital costs is provided from FaHCSIA. The SSAT is subject to annual productivity dividends.

**Figure 1 SSAT administrative structure**



# CHAPTER 3 PERFORMANCE

## OVERVIEW

The SSAT is not an agency for the purposes of the *Financial Management and Accountability Act 1997*. For that reason, the Portfolio Budget Statement does not contain an “outcome” for the SSAT.

The SSAT’s output is the finalisation of applications for review. Some applications seek review of more than one decision. Most applications for review by the SSAT are finalised by a hearing.

The SSAT finalised nearly as many applications for review as it received during the year. Full details are set out in appendix 3.

**Table 3 Applications by type, 2011-12**

	Centrelink	Paid parental leave	Child support	Total
Applications received	9,988	106	2,060	12,154
Applications finalised	9,530	87	2,227	11,844
Decisions reviewed*	10,633	89	2,227	12,949

\*Applications may seek review of more than one decision.

The total number of applications for review made to the SSAT in 2011-12 was 236 fewer (or 2% less) than in 2010-11 due to a reduction in the number of applications for review of decisions of the Child Support Registrar.



# OUTCOMES OF APPLICATIONS FOR REVIEW

The outcomes of applications for review are summarised below, and the outcomes for the previous two years are included to allow comparison. Full details are set out in appendix 4.

## CENTRELINK REVIEWS (EXCLUDING PAID PARENTAL LEAVE)

The SSAT received 9,988 applications for review of Centrelink decisions in 2011-12. This is a small increase (1.4%) over the number of applications received in the previous reporting period. The increase occurred in 2012.

The percentage of decisions affirmed by the SSAT (55%) was unchanged. The percentage of decisions which were set aside or varied fell by 3% to 23% as a result of the increase of 3% in the number of decisions which were not reviewable and applications for review which were withdrawn by the applicant or dismissed by the SSAT.

**Table 4 Outcomes of Centrelink reviews**

Applications for review of Centrelink decisions	2009-10	2010-11	2011-12
Applications received	11,203	9,849	9,988
Applications finalised	11,939	9,777	9,530
Decisions reviewed*	14,226	11,697	10,633
Decisions affirmed <sup>^</sup>	54%	55%	55%
Decisions varied/set aside <sup>^</sup>	27%	26%	23%
Not reviewable / withdrawn / dismissed <sup>^</sup>	19% <sup>1</sup>	19% <sup>2</sup>	22% <sup>3</sup>
On hand at 30 June	1,311	1,385	1,745

\* Some applications in this jurisdiction include more than one decision.

<sup>^</sup> Figures are given as a percentage of decisions of which review sought (rather than of applications for review).

<sup>1</sup> Not reviewable 8%; withdrawn 8%; dismissed 3%.

<sup>2</sup> Not reviewable 8%; withdrawn 8%; dismissed 3%.

<sup>3</sup> Not reviewable 10%; withdrawn 8%; dismissed 4%.

Figure 2 shows the main reasons for setting aside or varying Centrelink decisions.

Of the remaining 22% of Centrelink decisions which were not finalised by a decision of the SSAT after a hearing, 10% were not reviewable (usually because the decision had not first been reviewed by an ARO), 8% were withdrawn by the applicant, and 4% were dismissed because the applicant failed to respond to correspondence from the SSAT or failed to attend the hearing.

## PAID PARENTAL LEAVE (PPL) REVIEWS

The reporting period was the first full year in which applications for review of decisions, made under the *Paid Parental Leave Act 2010*, could be made to the SSAT. The SSAT received 106 applications for review of PPL decisions of which 104 applications were lodged by claimants and 2 applications by employers.

The SSAT finalised 87 PPL reviews during the reporting period. The reviewable decision was affirmed in most cases.

**Table 5 Outcomes of PPL reviews**

Applications for review of PPL decisions	2010-11	2011-12
Applications received	15	106
Applications finalised	4	87
Decisions affirmed <sup>^</sup>	100%	76%
Decisions changed (varied/set aside) <sup>^</sup>	0	6%
Not reviewable / withdrawn / dismissed / not categorised <sup>^</sup>	0	18% <sup>1</sup>
On hand at 30 June	11	24

<sup>^</sup> Figures are given as a percentage of decisions reviewed.

<sup>1</sup> Not reviewable 5%; withdrawn 13%.

**Table 6 Outcomes of child support reviews**

Applications for review of child support decisions	2009-10	2010-11	2011-12
Applications received	2,664	2,526	2,060
Applications finalised	2,767	2,500	2,227
Decisions affirmed <sup>^</sup>	25%	25%	24%
Decisions changed (varied/set aside) <sup>^</sup>	36%	39%	40%
Not reviewable / withdrawn / dismissed <sup>^</sup>	40% <sup>1</sup>	37% <sup>2</sup>	36% <sup>3</sup>
On hand at 30 June	580	622	414

<sup>^</sup> Figures are given as a percentage of decisions reviewed.

<sup>1</sup> Not reviewable 14%; withdrawn 9%; dismissed 17%

<sup>2</sup> Not reviewable 12%; withdrawn 10%; dismissed 15%

<sup>3</sup> Not reviewable 19%; withdrawn 10%; dismissed 7%.

## CHILD SUPPORT REVIEWS

The SSAT received 2,060 applications for review of child support decisions in 2011-12, a decrease of 18% on applications received in the previous reporting period. However, there was a much smaller decrease in the number of applications decided after a hearing as fewer applications were withdrawn or dismissed.

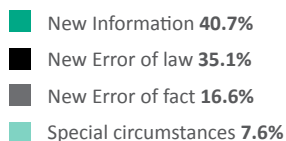
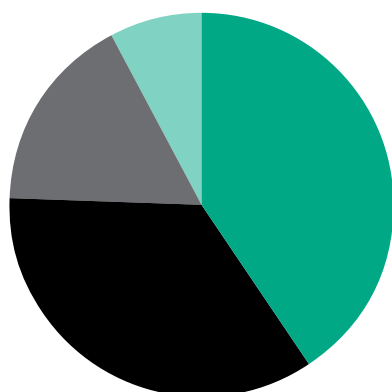
The SSAT finalised a total of 2,227 reviews of child support decisions in 2011-12. This drop of 11% in finalisations from the previous year resulted from the fall in the number of applications to the SSAT for review of such decisions.

The percentage of decisions affirmed by the SSAT (24%) is consistent with previous years. The fall in the number of applications for review which were withdrawn or dismissed (because the decision was not reviewable or for one of the other grounds in subsection 100(1) of the *Child Support (Registration and Collection) Act 1988*) resulted in the increase in the percentage of decisions which were set aside or varied.

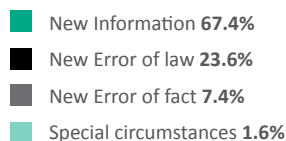
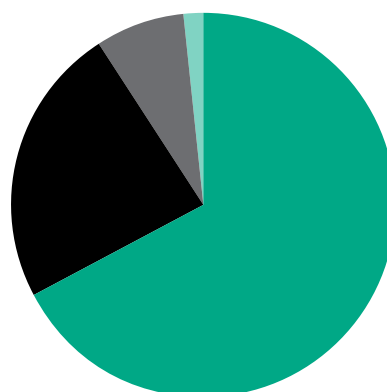
Figure 3 shows the main reasons why the SSAT varied or set aside decisions of the Child Support Registrar.

The main reason why 19% of decisions were not reviewable by the SSAT was that the applicant had not lodged an objection to the decision so that there had been no review of the decision by the Child Support Registrar. Of the remaining decisions which were not reviewed by the SSAT, the application in respect of those decisions was withdrawn by the applicant (10% of cases) or dismissed by the SSAT (7% of cases). Reasons for dismissal include the failure of the applicant and the other party to respond to correspondence from the SSAT, failure to attend a scheduled hearing, or the removal of parties for non-compliance with directions of the SSAT or of the Principal Member.

**Figure 2** Reasons for change of Centrelink decisions



**Figure 3** Reasons for change of child support decisions



# PERFORMANCE MEASURES AND RESULTS

The SSAT's objective, as set out in the *Social Security (Administration) Act 1999* is to provide a mechanism of review that is fair, just, economical, informal and quick.

## ECONOMY

As there is no fee for making an application for review to the SSAT, the economy of the mechanism of review is necessarily judged from the cost of the SSAT's operations.

In addition to its base funding, funding is allocated to the SSAT for the estimated number of reviews which it will receive as a result of new policy. However, such funding is less than the fee payable to a part-time member to conduct a review. The net increase of \$1,055,000 (3.9%) in the SSAT's funding for 2011-12 was less than the increase in the rate of remuneration of members and of staff and in other overheads (such as lease costs and utilities).

The SSAT was able to operate within its funding of \$27,958,000 due to the decrease in the number of applications for review received and finalised by the SSAT and the full year effect of the SSAT being constituted by a single member in most reviews.

Further information regarding the SSAT's operating costs is contained in the Financial Statements which commence at page 28. Excluding depreciation, the SSAT had an operating surplus (\$596,968).

## COSTS OF A REVIEW

The SSAT's cost per application for review is calculated by dividing the SSAT's operating cost of \$27,461,000 (excluding depreciation) by the number of applications finalised (11,844). The result is \$2,318 per application for review.

However, this method of calculating the cost of a review results in an understatement of the costs of applications that are finalised by a hearing because the average cost is skewed by the number of applications which were finalised without a hearing.

The method also results in a substantial understatement of the costs of applications for review of decisions about child support (particularly of decisions on applications for a determination to depart from administrative assessment), which consume much more time from both SSAT members and staff than most Centrelink decisions.

While most reviews of Centrelink decisions are heard by a single member, the SSAT is usually constituted by two members for reviews of child support decisions involving an application for departure from administrative assessment (which made up 46% of child support applications for review in 2011-12). A pre-hearing conference is also usual in such reviews. As most members of the SSAT are part-time members, who are paid a daily fee for reviews, such reviews cost the SSAT at least 3.5 times the cost of the average Centrelink review in members' fees.

In early 2012, the Department of Human Services (Centrelink) tested and refined a new approach to the provision of relevant documents to the SSAT for the purposes of a review. That approach is being progressively introduced in 2012-13. Both the Department and the SSAT hope that the new approach will resolve long standing issues about the provision of all documents relevant to a review (and only such relevant documents) to the SSAT. If so, costs incurred by the SSAT (in locating relevant documents) will be reduced.

## TIMELINESS

The SSAT must pursue a mechanism of review that is quick (among other things).

The Secretary of the Department of Human Services must “send” the Principal Member a statement about the decision under review and the documents which are relevant for the purposes of the review within 28 days of receipt of the SSAT’s notification of receipt of the application for review.

**Table 7 Performance against time standards**

Step	Standard	2009-10	2010-11	2011-12
Acknowledgement letter to applicant	5 days	100%	100%	100%
Receipt of documents from DHS (Centrelink) <sup>1</sup>	28 days	N/A	N/A	97%
Receipt of documents from the Child Support Registrar <sup>1</sup>	28 days	N/A	N/A	74%
Receipt of documents to pre-hearing conference (PHC) in child support review	2 weeks <sup>2</sup>	N/A	N/A	4.6 weeks
PHC to hearing (child support reviews) <sup>3</sup>	6 weeks	N/A	N/A	8.9 weeks
Receipt of documents to hearing (Centrelink reviews)	2 weeks <sup>2</sup>			5.9 weeks
Last day of hearing/date of receipt of further material to making of decision (child support reviews)	1 week	N/A	N/A	3.1 weeks
Last day of hearing/date of receipt of further material to making of decision (Centrelink reviews)	1 week	N/A	N/A	1.6 weeks
Making of decision to giving reasons for decision	14 days	>99%	>99%	>99%
Registration to finalisation (Centrelink)	10 weeks	7.2	7.7	8.2
Registration to finalisation (Child support)	15 weeks	11.7	12.3	14.2

<sup>1</sup> The Secretary must “send” the documents within 28 days. The SSAT previously reported the average number of days for receipt of the documents which suggested (wrongly) that documents were being received within 28 days in all cases.

<sup>2</sup> These are the minimum times for steps in a review in which the applicant and any other party is ready to proceed and fully complies with any directions.

<sup>3</sup> This time can be abridged if the parties fully comply with directions given at the PHC.

In reviewing a decision, the SSAT is required to act as speedily as proper consideration of the review allows. The SSAT must give its reasons for decision within 14 days of making the decision.

It has been the SSAT's practice to measure time from the date of registration of an application for review to the date of finalisation for any reason. However, this practice is not reflective of the average time taken where an application is finalised by a decision of the SSAT made at or after a hearing. The inclusion of the substantial number of applications which are finalised without a hearing (most commonly because the decision is not reviewable by the SSAT) results in an average time from registration to finalisation which is less than the average time from registration to finalisation after a hearing.

Also, the consequences of including applications finalised without a hearing, in the calculation of the average time from the date of registration to the date of finalisation, is that a change in the percentage of applications which are finalised without a review affects the average time. The 10% decrease in the percentage of applications for review of Centrelink decisions which were finalised without a hearing over the last two financial years has contributed to the rise in average time to finalise an application for review of a Centrelink decision. The implementation issues experienced with AMS adversely affected workflows and also contributed to the rise in average finalisation times in the reporting period.

Measuring time from the date of registration to the date of finalisation in child support cases overstates the actual time taken by the SSAT in those cases in which a statutory appeal is successful and the matter is remitted to the SSAT, or an application for review is withdrawn but the other party successfully applies for reinstatement.

The SSAT is reviewing its timeliness standards and how those standards are to be measured.

## **INFORMALITY**

In reviewing a decision, the SSAT is not bound by legal technicalities, legal forms or rules of evidence.

The SSAT conducts its hearings in rooms which do not have the formality of a court room. However, changes were made to hearing rooms in the past year to give effect to recommendations made by the Australian Federal Police to improve security for members and parties.

SSAT members elicit evidence by asking questions of applicants and any other parties. The Secretary and Child Support Registrar do not participate in hearings unless ordered by the SSAT to provide submissions. Such orders are made infrequently and such participation is limited to the making of submissions. The representative of the Secretary or the Child Support Registrar is not permitted to question a party.

## **FAIRNESS**

The SSAT ensures that parties have received a copy of all of the material which is before the SSAT at the hearing, or which is received by the SSAT (and to be taken into account) after the hearing.

In child support reviews, it is common for a party to object to the other parent being given a copy of his or her material. The SSAT proceeds on the view that if the information is relevant or possibly relevant to the issues which the child support legislation requires the SSAT to consider, it must be disclosed to the other party subject to limited exceptions (such as a current residential address, which is not publicly available, where there is a risk of violence or harassment).

The SSAT ensures that the parties to a child support review get an equal opportunity to present their case at the hearing, and the opportunity to comment on any material which was not before the SSAT at the hearing but which the SSAT may take into account in making its decision.

Where necessary to afford a fair hearing, the SSAT arranges the services of an interpreter (usually qualified at NAATI Level 3) to assist an applicant or other party at no cost to that person. The SSAT engaged an interpreter on 296 occasions at a cost of \$167,851 in the reporting period compared to \$118,538 in the previous year. The most common languages in which interpreting services were required were Arabic, Greek and Mandarin.

**Table 8 Interpreter statistics 2011-12**

Registry	Interpreters used	Cost
ACT	5	\$718
NSW	132	\$95,482
NT	3	\$457
QLD	19	\$6,908
SA	17	\$9,002
TAS	8	\$6,699
VIC	100	\$41,606
WA	12	\$6,978
<b>TOTAL</b>	<b>296</b>	<b>\$167,851</b>



**Figure 4 SSAT hearing room set up for a child support hearing**

## JUSTICE

Decision-makers are required to notify persons affected by their decisions (under Acts which confer jurisdiction on the SSAT) of their rights of review by the SSAT.

## ACCESS TO JUSTICE

The SSAT seeks to enhance access to justice through activities and meetings intended to raise general awareness of the availability of review by the SSAT and to assist DHS to continually improve the quality of decision-making. A list of these activities is at Appendix 10.

All of the SSAT's premises are wheelchair accessible. The SSAT provides teletypewriter and hearing loop services. Applicants and other parties are invited to advise the SSAT of any special needs.

In addition to its hearings in all capital cities, the SSAT held hearings in Newcastle, Wollongong, Launceston, Bunbury, Nowra and Penrith.

The SSAT does not arrange legal assistance but provides details of community legal centres to those seeking legal assistance.

## CORRECT AND PREFERABLE DECISION

A "mechanism of review" that is fair and just assists the SSAT to make the legally correct decision, and the preferable decision where more than one decision would be legally correct. The SSAT makes its decision on the evidence and material which is before the SSAT. It is not limited to the evidence and material which was before the decision-maker.

**Table 9 Applications to the AAT for review of SSAT decisions in Centrelink cases**

Number and outcomes of applications to the AAT	2009-10	2010-11	2011-12 <sup>^</sup>
Number of applications to the AAT	2,077	1,649	1,435
Applications finalised by the AAT	2,322	1,834	1,433
Decisions set aside/varied by consent (as % of total decisions finalised)	21%	21%	21%
Decisions affirmed on review <sup>1</sup> (as % of Centrelink decisions reviewed)	73%	68%	75%
Decisions set aside/varied on review (as % of Centrelink decisions reviewed)	27%	32%	25%
Decisions set aside/varied on review (as % of total decisions finalised)	6%	7%	6%

**Source:** The statistics for 2009-10 and for 2010-11 were taken from the AAT's Annual Reports. The AAT provided the statistics for 2011-12.

<sup>^</sup> Includes 3 applications for review of PPL decisions (which were withdrawn or dismissed).

<sup>1</sup> 'On review' means by a decision of the AAT other than a decision by consent.



There are no objective and quantitative measures of whether the SSAT's decisions are correct or preferable on the information before the SSAT. However, the SSAT monitors the outcome of further merits review as an indication of whether it is making the correct or preferable decisions.

The avenues for further review depend on the Act under which the reviewable decision was made.

### FURTHER MERITS REVIEW – CENTRELINK DECISIONS

The decision of the SSAT on the review of a Centrelink decision can be the subject of a further application for merits review by the Administrative Appeals Tribunal (AAT). The number of such applications for review by the AAT fell by 13% in 2011-12. As Table 9 shows, the percentage of decisions of the SSAT which are set aside or varied on review by the AAT fell in the reporting period.

Of the 81 decisions of the SSAT which the AAT varied or set aside (after review) in the reporting period, the SSAT has identified 11 of those decisions as involving an error in interpretation or application of the law by the SSAT. Those 11 decisions amount to 3% of the 324 decisions of the SSAT reviewed by the AAT.

In the remainder of the cases in which the AAT set aside or varied a decision of the SSAT, the AAT took a different view of the evidence or was given evidence by a party which had not been provided to the SSAT. In cases involving disability support pension, the applicant or the Secretary frequently obtain further medical evidence for the purposes of the review by the AAT.

The SSAT currently receives no information about its decisions which were varied or set aside by the AAT with the consent of the parties. On occasions, applicants for review by the SSAT of decisions about debts have told the SSAT that they have sought review by the SSAT for the sole purpose of being able to apply for review by the AAT where they expect Centrelink will reduce the debt. In 2012-13, the SSAT will seek to obtain information about the reasons for decisions which are varied or set aside by the AAT with the consent of the parties.

### FURTHER MERITS REVIEW – CHILD SUPPORT (CARE PERCENTAGE)

The decision of the SSAT on the review of most child support decisions cannot be the subject of further merits review by the AAT. The only exception is a decision which involves the percentage of care which each parent (or the parent liable to pay child support and the non-parent carer) provides to the child or children.

Additionally, if the Principal Member refuses to grant an extension of time to apply for a review of a child support decision, the applicant has the right to apply to the AAT for review of this decision.

Table 10 shows the outcome of applications to the AAT for review of decisions of the SSAT about the percentage of care in relation to child support, and for review of refusals by a delegate of the Principal Member of an extension of time in which to seek review by the SSAT of a child support decision.

**Table 10 Applications to the AAT for review of SSAT decisions in child support cases**

AAT Applications	Extension of time decisions			Percentage of care decisions		
	2009-10	2010-11	2011-12	2009-10	2010-11	2011-12
Applications to the AAT for review of SSAT child support decisions	18	17	10	33	28	27
Applications finalised by the AAT	21	13	15	22	36	26
SSAT decision affirmed	3	4	4	7	11	7
SSAT decision set aside/varied	5	2	3	8	10	6
SSAT decision withdrawn or dismissed	13	7	8	7	15	13

Source: AAT.

## JUDICIAL REVIEW – CHILD SUPPORT

In the reporting period, appeals were filed in the Federal Magistrates Court against 40 of the SSAT’s decisions and in the Family Court of Western Australia against 2 of the SSAT’s decisions. This was a fall of 35% in the number of appeals and applications for judicial review from the previous year.

In the reporting period, the Federal Magistrates Court finalised 38 appeals, 3 applications for judicial review and one application for an extension of time in which to file an appeal. All but 7 of these proceedings involved decisions made by the SSAT (or by the SSAT Principal Member or delegate) before the reporting period. Several appeals involved more than one decision of the SSAT. One appeal involved 6 decisions of the SSAT made over the period 2007 to 2010.

During 2011-12, Federal Magistrates set aside 15 decisions of the SSAT (and remitted 12 matters to the SSAT). The percentage of successful statutory appeals and judicial review applications was 30% (which was unchanged from the previous year). The remainder of the statutory appeals and applications for judicial review were dismissed, discontinued or withdrawn.

The material errors of law which the SSAT was found to have made were:

- » The SSAT did not afford the applicant procedural fairness because she was seeking an extension of a departure determination (due to the child’s special needs) and the SSAT did not tell her that it was contemplating dealing with that issue by increasing the costs of the child, pursuant to section 98S(1)(j) of the *Child Support (Assessment) Act 1989*, which would reduce the amount of child support payable by the respondent: *Crowell & Bodrey (SSAT Appeal)* [2011] FMCAfam 275.

- » The SSAT's treatment of expenses in determining the applicant's real remaining period taxable income for the purposes of section 64 of the *Child Support (Assessment) Act 1989*, was contrary to law, in that it was not in accordance with the Tax Act: *Foster & Child Support Registrar (SSAT Appeal)* [2011] FMCAfam 808;
- » The decision to remove the applicant from the review was made by the SSAT, not by the presiding member as a delegate of the Principal Member exercising delegated power, and the SSAT did not have jurisdiction to make the decision: *Simon & Social Securities Appeals Tribunal* [2011] FMCA 857 (*Simon*).
- » Following delivery of judgment in *Simon* the decision of the SSAT was set aside with the consent of the parties in another (unreported) judicial review proceeding.
- » The SSAT acted without evidence that a social security payment was earned in a particular period: *Tan & Tan (SSAT Appeal)* [2011] FMCAfam 913.
- » In refusing to extend time for lodgement of an objection against the decision of the Senior Case Officer, the SSAT erred in law in failing to come to a clear view as to whether or not the appellant had an arguable case: *Tan & Tan (SSAT Appeal)* [2011] FMCAfam 913.
- » The obliteration [by the party] of details of expenses on the party's bank statements was a fundamental breach of procedural fairness because it deprived the applicant of a real opportunity to challenge the expenditure: *Tan & Tan (SSAT Appeal)* [2011] FMCAfam 913.
- » Even if no findings could be made on the disputed facts, the agreed facts established, at least on a prima facie basis, that there had been a major change in the care arrangements for the child. There was no consideration by the Tribunal of what that meant for the purpose of the Act, even though the appellant argued the move represented a terminating event or at least a significant reduction in the level of care provided by the first respondent: *Polec & Staker (SSAT Appeal)* [2011] FMCAfam 959.
- » The Court could not be satisfied on the material before it that the applicant was lawfully removed as a party to the review so his removal infected the decision of the SSAT because he was denied procedural fairness: *McCormack & McCormack (SSAT Appeal)* [2011] FMCAfam 963.
- » There was no evidence on which the SSAT could have made its finding of the amount received by a party from a trust: *Cazet & Faulkner (SSAT Appeal)* [2011] FMCAfam 1157.
- » The SSAT misconstrued an item in a child maintenance agreement as requiring "actual" movements in average weekly earnings rather than use of forward estimates for such movements: *Sadler & Sadler (SSAT Appeal)* [2011] FMCAfam 1335.
- » Where a party failed to attend the hearing, the SSAT did not have the power to proceed with the hearing because it is not apparent on the face of the decision that the Principal Member authorised, or made the decision that the applicant was removed as a party for the purposes of the decision-making process: *Urquhart & Urquhart (SSAT Appeal)* [2011] FMCAfam 1453.

- » The SSAT made an error in determining that there were special circumstances for the purposes of paragraph 117(2)(c) of the *Child Support (Assessment) Act 1989* on the findings of fact made by the SSAT: *Jordan & Verne (SSAT Appeal)* [2012] FMCAfam 21.
- » The SSAT did not comply with paragraph 103X(3)(b) of the *Child Support (Registration and Collection) Act 1988*: *Crabbe & Crabbe (SSAT Appeal)* [2012] FMCAfam 205. (The SSAT has been advised that the Child Support Registrar has appealed against the judgment of the Federal Magistrate).
- » There was a jurisdictional error of law, in that there was no evidence of the applicant’s capacity to buy into a care facility, which affects the decision because the decision may have been different without the error: *Crowley & Crowley (SSAT Appeal)* [2012] FMCAfam 311.

In response to *Simon* and judgments to like effect, members of the SSAT have been reminded of the importance of not referring to themselves as “the SSAT” or “the tribunal” when exercising power delegated by the Principal Member.

Of the 12 matters remitted by the Court to the SSAT, 3 were withdrawn by the applicants for review; 7 matters were reheard and decided; one matter is still subject to review; and one matter has been deferred pending the outcome of the appeal by the Child Support Registrar against the judgment of the Federal Magistrate.

As far as the SSAT is aware, one appeal has been filed against the decisions of the SSAT in the remitted matters.

So far, seven statutory appeals to the Federal Magistrates Court have been finalised in 2012-13. One appeal was withdrawn and six appeals were dismissed.

## SERVICE CHARTER AND COMPLAINTS

The registries received 160 complaints during the reporting period.

Most complaints were about decisions made by the SSAT to which Deputy Registrars or Senior Members responded by reiterating the avenues for further review available to a person dissatisfied with a decision of the SSAT.

The National Office received 14 complaints. Most of these complaints were also about decisions of the SSAT and some complainants had already received a response from a Senior Member that the SSAT would not (and could not) change its decision.

The SSAT also received complaints that a party to a child support review had breached a non-disclosure direction made by the Principal Member (or a delegate of the Principal Member) under the *Child Support (Registration and Collection) Act 1989*. In most cases, it was apparent that what was alleged to have been disclosed was not caught by the direction which had been made. FaHCSIA investigates any prima facie breaches of non-disclosure directions.

# CHAPTER 4 MANAGEMENT AND ACCOUNTABILITY

## GOVERNANCE

The Principal Member is responsible for the overall management and administration of the SSAT.

Each state registry is led by a Senior Member and a Deputy Registrar. The Senior Members assist the Principal Member in the management of applications for review and of issues relating to members.

The Registrar assists the Principal Member in the management of the SSAT's resources. The Registrar works with the five Deputy Registrars (located in the mainland states) and Business Managers (located in the National Office) to develop nationally consistent procedures and adopt best practice in resource management.

The Principal Member, Senior Members and the Registrar comprise the SSAT's leadership group and meet monthly (mostly by means of teleconference).

Members of the leadership group also chair or participate in committees responsible for specific issues or projects.

### COMMITTEES

The Training Committee plans continuing education activities for members.

The SSAT has a Health and Safety Committee whose primary focus is fulfilment of the functions prescribed by

the *Work Health and Safety Act 2011*.

The Risk Review and Compliance Committee oversees the process of identification, assessment and management of risks to the SSAT's assets, business continuity, the SSAT's reputation and the confidentiality of information held by the SSAT.

The Application Management System (AMS) Steering Committee was responsible for monitoring the scope, schedule and cost of the case management which went live in late March 2012. A new committee is responsible for enhancements to AMS.

The Information Technology Advisory Committee assesses the costs, benefits and risks of significant information technology proposals.

Some registries have a Wellness Committee to encourage healthy practices in the workplace and organise some social activities.

### EXTERNAL SCRUTINY

The SSAT was not the subject of any report by the Commonwealth Ombudsman or the Auditor-General or of any enquiry by a Parliamentary Committee during 2011-12.

The outcomes of reviews of decisions of the SSAT are addressed in Chapter 3.

## HUMAN RESOURCE MANAGEMENT

### STAFFING

Staff required to assist the SSAT are engaged by the Secretary to FaHCSIA under the *Public Service Act 1999* and made available to the SSAT. In practice, employees are engaged by the Registrar in exercise of power delegated by the Secretary.

The *Social Security Appeals Tribunal (SSAT) Workplace Agreement 2009-12* was in force throughout the reporting period. Negotiations for a replacement two year agreement commenced in March 2012 but the resulting draft agreement had not been approved at 30 June 2012. More than 90% of staff voted in favour of the agreement in August 2012 and the *Social Security Appeals Tribunal (SSAT) Enterprise Agreement 2012-2014* was approved by Fair Work Australia on 14 September 2012.

In October 2011, the SSAT's Registry in Adelaide was presented with a 'Personnel Employment Employer Award' by the Governor of South Australia in recognition of the Registry's support of people with disabilities in the workplace. The Adelaide Registry has employed a special employment placement worker in an administrative support role for the past four years. In November 2011, the SSAT's Registry in Sydney celebrated the 20th anniversary of the commencement of a special placement worker.



**Figure 5** Raelene Freeze (SSAT), Sarah Norton (SSAT) and Roula Karzis-Wyatt (Deputy Registrar a/g SA, SSAT) accept the 'Personnel Employment Employer Award' from His Excellency Rear Admiral Kevin Scarce AC CSC RANR, Governor of South Australia. Photo reproduced by permission of Personnel Employment.

No member of staff is eligible for performance pay.

The number of employees at the SSAT, their gender and other equal employment opportunity data, and salary ranges is set out in Appendix 2.

The full-time equivalent of staff at 30 June 2012 was 92.77 (including five persons on long term paid leave) compared to 95.02 (which included three persons on long term paid leave) at 1 July 2012.

Internal training of staff was primarily focussed on use of AMS and of the new online Performance Development System ('ePerform'). External training activities attended by staff in the reporting period covered a broad range of topics such as:

- » Mentoring and coaching
- » Supervision
- » Business writing skills
- » Project management
- » Occupational health & safety
- » Use of software
- » Specialist IT training

The SSAT's training officer attended conferences of the Australasian Committee of Court Education. Staff from courts and other tribunals attended training run or hosted by the SSAT on various topics. SSAT staff attended training hosted by FaHCSIA on generic topics.

## PURCHASING

The SSAT adheres to the *Commonwealth Procurement Guidelines – January 2005* which incorporates the Free Trade Agreement. Value for money is the core principle underpinning Australian Government procurement.

The SSAT adheres to all Whole of Australian Government (WOAG) procurement contracts.

The SSAT paid 93% of its accounts (99.5% by value) by electronic funds transfer with the remaining 7% (0.5% by value) paid by cheque.

## CONSULTANTS

The SSAT employed consultants to undertake work requiring specialist or professional expertise. Most consultants were engaged via open tender or restricted tender based on previous good dealing.

During 2011-12, 15 new consultancy contracts were entered into involving total actual expenditure of \$838,456. In addition, 15 ongoing consultancy contracts were active during the 2011-12 year, involving total actual expenditure of \$1,131,581. The total cost of consultants under all contracts was \$1,970,037 (GST inclusive).

Consultancies were mainly for services in relation to the SSAT's new case management system (including development and implementation costs) and the associated migration of the SSAT's IT systems to a Microsoft platform.

Annual Reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website at [www.tenders.gov.au](http://www.tenders.gov.au)

## CONTRACTS

During the reporting period, no contracts of \$100,000 or more were let that did not provide for the Auditor-General to have access to the contractor's premises, nor were any contracts in excess of \$10,000 exempt from being published in AusTender on the basis that they would have disclosed exempt matters under the *Freedom of Information Act 1982*.

## OTHER MANDATORY INFORMATION

As the SSAT is not an agency under the *Financial Management and Accountability Act 1997*, this report does not include an agency resource statement or Fraud Control Certificate.

As the SSAT is not an agency under the *Financial Management and Accountability Act 1997* or a "public authority" (as that expression is defined in the *Work Health and Safety Act 2011*), the SSAT is not required to include the matters listed in clause 4 of Schedule 2 of the *Work Health and Safety Act 2011* in its annual report. However, information regarding matters of that kind is included in Appendix 5.

## ADVERTISING AND MARKET RESEARCH

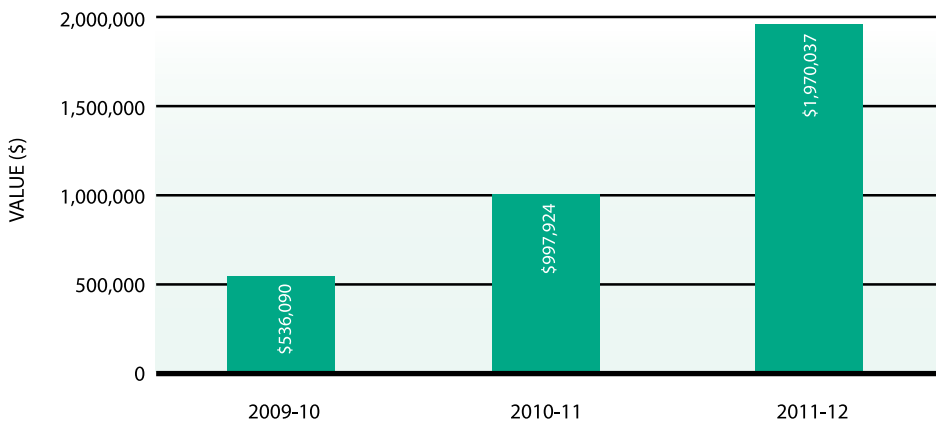
As the SSAT is not an agency within the meaning of the *Public Service Act 1999*, section 311A of the *Commonwealth Electoral Act 1918* does not apply to the SSAT.

However, no advertising campaigns were undertaken by the SSAT in 2011-12. There was no expenditure on market research, polling or direct mail organisations. The SSAT placed advertisements in major newspapers for applications from medically qualified persons for appointment as part-time members, a senior APS position, and an APS position in Perth.

## ENVIRONMENTAL PERFORMANCE REPORTING

The information required by section 516A of the *Environment Protection and Biodiversity Conservation Act 1999* is included in Appendix 6.

Figure 6 SSAT consultancy expenditure





## COMMONWEALTH DISABILITY STRATEGY

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007-08, reporting on the employer role was transferred to the Australian Public Service Commission's *State of the Service Report* and the *APS Statistical Bulletin*. These reports are available at [www.apsc.gov.au](http://www.apsc.gov.au). From 2010-11, departments and agencies have no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy which sets out a ten year national policy framework for improving life for Australians with disability, their families and carers. A high level report to track progress for people with disability at a national level will be produced by the Standing Council on Community, Housing and Disability Services to the Council of Australian Governments and will be available at [www.fahcsia.gov.au](http://www.fahcsia.gov.au). The Social Inclusion Measurement and Reporting Strategy agreed by the Government in December 2009 will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency Annual Reports. More detail on social inclusion matters can be found at [www.socialinclusion.gov.au](http://www.socialinclusion.gov.au).

## FREEDOM OF INFORMATION

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements. The SSAT's FOI Publication Plan is available online at <http://www.ssat.gov.au/foi/ips.aspx>.

# FINANCIAL STATEMENTS

## FINANCIAL STATEMENT DECLARATION

To the best of my knowledge, the attached financial statements for the year ended 30 June 2012 have been prepared based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997* as amended. Further, they have been prepared according to Australian Accounting Standards and are free from material misstatement.



**Dobe Temelkovski**  
Registrar a/g  
Social Security Appeals Tribunal  
10 September 2012

**SOCIAL SECURITY APPEALS TRIBUNAL OPERATING STATEMENT**

Notes

2012  
\$'000

2011  
\$'000

**STATEMENT OF COMPREHENSIVE INCOME**  
for the period ended 30 June 2012

**EXPENSES**

Employee benefits	3A	14,729	15,690
Supplier	3B	12,687	11,755
Depreciation and amortisation	3C**	1,765	1,509
Finance costs	3D	19	14
Write-down and impairment of assets	3E	-	33
Losses from asset sales	3F	26	-
Other expenses	3G	55	-
<b>Total expenses</b>		<b>29,281</b>	<b>29,001</b>

**LESS**

**OWN SOURCE INCOME**

**Own source revenue**

Sale of goods and rendering of services	4A	153	16
<b>Total own source revenue</b>		<b>153</b>	<b>16</b>

**Gains**

Sale of assets	4B	2	2
Other gains	4C	-	49
<b>Total gains</b>		<b>2</b>	<b>51</b>

**Total own source income**

155 67

**Net costs of services**

29,126 28,934

Revenue from Government

4D 27,958 26,903

**Deficit attributable to the Australian Government**

(1,168) (2,031)

**Total comprehensive loss attributable to the Australian Government**

\*\* (1,168) (2,031)

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

<b>SOCIAL SECURITY APPEALS TRIBUNAL BALANCE SHEET</b>		<b>Notes</b>	<b>2012</b>	<b>2011</b>
<b>BALANCE SHEET as at 30 June 2012</b>			<b>\$'000</b>	<b>\$'000</b>
<b>ASSETS</b>				
<b>Financial Assets</b>				
Cash and cash equivalents	5A	57	1,002	
Trade and other receivables	5B	16,124	18,902	
<b>Total financial assets</b>		<b>16,181</b>	<b>19,904</b>	
<b>Non-Financial Assets</b>				
Land and buildings	6A	6,865	4,946	
Property, plant and equipment	6B	1,015	946	
Intangibles	6C	3,027	1,155	
<b>Total non-financial assets</b>		<b>10,907</b>	<b>7,047</b>	
<b>Total assets</b>		<b>27,088</b>	<b>26,950</b>	
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	7A	739	1,234	
Other payables	7B	3,409	2,262	
<b>Total payables</b>		<b>4,148</b>	<b>3,496</b>	
<b>Provisions</b>				
Employee provisions	8A	4,169	3,765	
Other provisions	8B	623	440	
<b>Total provisions</b>		<b>4,792</b>	<b>4,205</b>	
<b>Total liabilities</b>		<b>8,940</b>	<b>7,701</b>	
<b>Net assets</b>		<b>18,148</b>	<b>19,250</b>	
<b>EQUITY</b>				
Contributed equity		13,571	15,602	
Reserves		5,745	5,680	
Retained earnings		(1,168)	(2,031)	
<b>Total equity</b>		<b>18,148</b>	<b>19,250</b>	

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

SOCIAL SECURITY APPEALS TRIBUNAL CASH FLOW STATEMENT for the period ended 30 June 2012	Notes	2012 \$'000	2011 \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Goods and services		–	32
Appropriations		<b>30,865</b>	28,939
Net GST received		<b>880</b>	642
<b>Total cash received</b>		<b>31,745</b>	29,613
<b>Cash used</b>			
Employees		<b>14,110</b>	15,367
Suppliers		<b>12,942</b>	11,006
Payments for service delivery			
<b>Total cash used</b>		<b>27,052</b>	26,373
<b>Net cash from operating activities</b>	9	<b>4,693</b>	3,240
<b>INVESTING ACTIVITIES</b>			
<b>Cash used</b>			
Purchase of property, plant and equipment		<b>3,734</b>	2,055
Purchase of intangibles		<b>1,904</b>	784
<b>Total cash used</b>		<b>5,638</b>	2,839
<b>Net cash from investing activities</b>		<b>5,638</b>	2,839
<b>Net decrease in cash held</b>		<b>(945)</b>	401
<b>Cash and cash equivalents at the beginning of the reporting period</b>		<b>1,002</b>	601
<b>Cash at the end of the reporting period</b>	5	<b>57</b>	1,002

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

## NOTES TO FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 JUNE 2012

### Note 1: Summary of Significant Accounting Policies

The financial statements are general purpose financial statements and are required by section 49 of the *Financial Management and Accountability Act 1997* (FMA Act).

The financial statements have been prepared in accordance with:

- a) Finance Minister's Orders (FMOs) for reporting periods ending on or after 1 July 2011, which includes approved exemptions for the ABA and ATSI/A under Division 17 approved exemptions; and
- b) Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the balance sheet when and only when it is probable that future economic benefits will flow to SSAT or a future sacrifice of economic benefit will be required and the amounts of the assets or liabilities can be reliably measured.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the statement of comprehensive income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Certain comparative amounts have been reclassified or adjusted to conform with the current year's presentation.

There are minor changes in the departmental Balance Sheet and Notes 5B, 7B, 8B and 9.

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### Note 2: Events After the Reporting Period

There were no post balance date events that need to be disclosed in the financial statements.

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<b>Note 3: Expenses</b>	<b>2012 \$'000</b>	<b>2011 \$'000</b>
<b>Note 3A: Employee Benefits</b>		
Wages and salaries	10,793	11,790
Superannuation:		
Defined contribution plans	1,297	1,718
Defined benefit plans	1,061	1,405
Leave and other entitlements	1,229	641
Separation and redundancies	349	136
<b>Total employee benefits</b>	<b>14,729</b>	<b>15,690</b>
<b>Note 3B: Supplier</b>		
<b>Goods and services</b>		
Consultants & contractors	326	175
Stationery	87	123
IT and communication	1,808	1,658
Travel and accommodation	262	286
Members sitting fees	6,771	6,298
Motor vehicle expenses	14	52
Building expenses	323	466
Training	76	124
Recruitment	47	76
Other	525	262
<b>Total goods and services</b>	<b>10,239</b>	<b>9,521</b>
<b>Goods and services are made up of:</b>		
Provision of goods - external parties	291	397
Rendering of services - related entities	118	27
Rendering of services - external parties	9,830	9,097
<b>Total goods and services</b>	<b>10,239</b>	<b>9,521</b>
<b>Other supplier expenses</b>		
Minimum lease payments	2,448	2,234
<b>Total other supplier expenses</b>	<b>2,448</b>	<b>2,234</b>
<b>Total supplier expenses</b>	<b>12,687</b>	<b>11,755</b>

<b>Note 3: Expenses (continued)</b>	<b>2012 \$'000</b>	<b>2011 \$'000</b>
<b>Note 3C: Depreciation and Amortisation</b>		
<b>Depreciation:</b>		
Property, plant and equipment	495	497
<b>Total depreciation</b>	<b>495</b>	<b>497</b>
<b>Amortisation:</b>		
Leasehold improvements	1,238	969
Intangibles:		
Computer Software	32	43
<b>Total amortisation</b>	<b>1,270</b>	<b>1,012</b>
<b>Total depreciation and amortisation</b>	<b>1,765</b>	<b>1,509</b>

\*\* Please Note The SSAT does not receive funding for Depreciation and Amortisation Expense.

This is the result of the revised net cash appropriation arrangements introduced from 2010-11, whereby asset replacement is now funded through a capital appropriation rather than the Departmental operating appropriation. This expenditure does however need to be included in SSAT's Statement of Comprehensive Income which in turn results in an operating deficit. Excluding this depreciation expense would result in a surplus of \$0.597M which reflects the true position of SSAT for 2011-12.

### Note 3D: Finance Costs

Unwinding of discount	19	14
<b>Total finance costs</b>	<b>19</b>	<b>14</b>

### Note 3E: Write Down and Impairment of Assets

#### Asset write-downs and impairments from:

Impairment on financial instruments	-	5
Impairment of property, plant and equipment	-	27
<b>Total write-down and impairment of assets</b>	<b>-</b>	<b>33</b>

### Note 3F: Losses from Asset Sales

#### Property, plant and equipment:

Carrying value of assets sold	26	-
<b>Total losses from assets sales</b>	<b>26</b>	<b>-</b>

### Note 3G: Other Expenses

Change in estimate of makegood provision	55	-
<b>Total other expenses</b>	<b>55</b>	<b>-</b>



Note 4: Income	2012 \$'000	2011 \$'000
<b>OWN SOURCE REVENUE</b>		
<b>Note 4A: Sale of Goods and Rendering of Services</b>		
Rendering of services - external parties	153	16
<b>Total sale of goods and rendering of services</b>	<b>153</b>	<b>16</b>
<b>GAINS</b>		
<b>Note 4B: Sale of Assets</b>		
<b>Property, plant and equipment</b>		
Proceeds from sale	2	2
<b>Net gain from sale of assets</b>	<b>2</b>	<b>2</b>
<b>Note 4C: Other Gains</b>		
Change in estimate of makegood provision	-	49
<b>Total other gains</b>	<b>-</b>	<b>49</b>
<b>REVENUE FROM GOVERNMENT</b>		
<b>Note 4D: Revenue from Government</b>		
<b>Appropriations:</b>		
Departmental appropriations	27,958	26,903
<b>Total revenue from Government</b>	<b>27,958</b>	<b>26,903</b>

Note 5: Financial Assets	2012 \$'000	2011 \$'000
<b>Note 5A: Cash and Cash Equivalents</b>		
Cash on hand	6	6
Cash at bank	51	996
<b>Total cash and cash equivalents</b>	<b>57</b>	<b>1,002</b>
<b>Note 5B: Trade and Other Receivables</b>		
<b>Goods and services:</b>		
Goods and services - related entities	9	-
Goods and services - external entities	63	63
<b>Total receivables for goods and services</b>	<b>72</b>	<b>63</b>
<b>Appropriations receivable:</b>		
For existing programs	15,820	18,728
<b>Total appropriations receivable</b>	<b>15,820</b>	<b>18,728</b>
<b>Other receivables:</b>		
GST receivable from the Australian Taxation Office	177	90
Other	55	21
<b>Total other receivables</b>	<b>232</b>	<b>111</b>
<b>Total trade and other receivables (gross)</b>	<b>16,124</b>	<b>18,902</b>
<b>Less impairment allowance account:</b>		
Goods and services	-	-
<b>Total impairment allowance account</b>	<b>-</b>	<b>-</b>
<b>Total trade and other receivables (net)</b>	<b>16,124</b>	<b>18,902</b>
<b>Receivables are expected to be recovered in:</b>		
No more than 12 months	16,124	18,902
<b>Total trade and other receivables (net)</b>	<b>16,124</b>	<b>18,902</b>

<b>Note 6: Non-Financial Assets</b>	<b>2012 \$'000</b>	<b>2011 \$'000</b>
<b>Note 6A: Land and Buildings</b>		
<b>Leasehold Improvements:</b>		
Fair value	8,583	6,989
Accumulated amortisation	(3,291)	(2,069)
Assets under construction	1,573	26
<b>Total leasehold improvements</b>	<b>6,865</b>	<b>4,946</b>
<b>Total land and buildings</b>	<b>6,865</b>	<b>4,946</b>
<b>Note 6B: Property, Plant and Equipment</b>		
<b>Other property, plant and equipment:</b>		
Fair value	2,389	1,864
Accumulated depreciation	(1,374)	(918)
<b>Total other property, plant and equipment</b>	<b>1,015</b>	<b>946</b>
<b>Total property, plant and equipment</b>	<b>1,015</b>	<b>946</b>
<b>Note 6C: Intangibles</b>		
<b>Computer software:</b>		
Internally development - in progress	3,008	1,104
Internally development - in use	283	283
Accumulated amortisation	(264)	(232)
<b>Total computer software</b>	<b>3,027</b>	<b>1,155</b>
<b>Total intangibles</b>	<b>3,027</b>	<b>1,155</b>

<b>Note 7: Payables</b>	<b>2012 \$'000</b>	<b>2011 \$'000</b>
<b>Note 7A: Suppliers</b>		
Trade creditors and accruals	739	1,236
Others	-	(2)
<b>Total suppliers payables</b>	<b>739</b>	<b>1,234</b>
<b>Suppliers payables expected to be settled within 12 months:</b>		
Related entities	6	267
External entities	733	967
<b>Total</b>	<b>739</b>	<b>1,234</b>
<b>Total suppliers payables</b>	<b>739</b>	<b>1,234</b>
<b>Note 7B: Other Payables</b>		
Salaries and wages	257	256
Superannuation	41	47
Lease Incentive	2,161	1,048
Operating leases straight-lining	725	734
Other	225	177
<b>Total other payables</b>	<b>3,409</b>	<b>2,262</b>
<b>Total other payables are expected to be settled in:</b>		
No more than 12 months	1,536	1,354
More than 12 months	1,873	908
<b>Total other payables</b>	<b>3,409</b>	<b>2,262</b>

<b>Note 8: Provisions</b>	<b>2012 \$'000</b>	<b>2011 \$'000</b>
<b>Note 8A: Employee Provisions</b>		
Leave	3,703	3,339
Separations and redundancies	466	426
<b>Total employee provisions</b>	<b>4,169</b>	<b>3,765</b>
<b>Employee provisions are expected to be settled in:</b>		
No more than 12 months	1,146	1,035
More than 12 months	3,023	2,730
<b>Total employee provisions</b>	<b>4,169</b>	<b>3,765</b>
<b>Note 8B: Other provisions</b>		
Provision for restoration obligations	623	440
<b>Total other provisions</b>	<b>623</b>	<b>440</b>
<b>Other provisions are expected to be settled in:</b>		
No more than 12 months	100	-
More than 12 months	523	440
<b>Total other provisions</b>	<b>623</b>	<b>440</b>

**Note 9 Cash Flow Reconciliation****2012  
\$'000****2011  
\$'000****Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement****Cash and cash equivalents as per:**

Cash flow statement	<b>57</b>	1,002
Balance sheet	<b>57</b>	1,002
<b>Difference</b>	<b>-</b>	<b>-</b>

**Reconciliation of net cost of services to net cash from operating activities:**

Net cost of services	<b>(29,126)</b>	(28,934)
Add revenue from Government	<b>27,958</b>	26,903

**Adjustments for non-cash items**

Depreciation/amortisation	<b>1,765</b>	1,509
Gains on disposal of assets	<b>(2)</b>	(2)
Loss on disposal of assets	<b>26</b>	-
Net write down of non-financial assets	<b>-</b>	33
Change in estimate for makegood provision	<b>55</b>	(49)

**Changes in assets/liabilities:**

Increase/(decrease) in net receivables	<b>2,778</b>	2,044
Increase/(decrease) in employee provisions	<b>404</b>	236
Increase/(decrease) in supplier payables	<b>652</b>	1,530
Increase/(decrease) in other provisions	<b>183</b>	(30)
<b>Net cash from operating activities</b>	<b>4,693</b>	3,240

**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 2011-12 for audited financial statements including cash-flow statements and agency resource statements/summary resource tables by outcome.

# APPENDICES

## APPENDIX 1

### MEMBERS OF THE SSAT AS AT 30 JUNE 2012

<b>Principal Member</b>	Full-time	Tina Bubutievski <i>BEC, LLB (Hons), GradDipLegPrac, CertIV Training &amp; Assessment</i>	Part-time
Jane Macdonnell <i>BA, LLB (Hons)</i>			
<b>Australian Capital Territory</b>			
Meredith Boroky <i>BA (Hons), LLB, LLM</i>	Part-time	Terry Carney <i>LLB (Hons), DipCrim, PhD</i>	Part-time
Keith Horsley <i>MBBS, MPubAdmin</i>	Part-time	Erika Cornwell <i>BSW, Diploma of Family Therapy</i>	Part-time
Wayne Mitchell	Part-time	Jenny D'Arcy <i>BCom, LLB</i>	Part-time
Kenneth Patterson <i>DipSocStud, MSW</i>	Part-time	Jane Deamer <i>BSocStud, LLB</i>	Part-time
Frances Staden <i>BA (Hons), BPhil</i>	Part-time	Kruna Dordevic <i>BA, BSocWk, LLB (Hons 1), GradDipLegPrac</i>	Part-time
Laurann Yen <i>MPsych, GradCertHigherEd, Professional Certificate of Arbitration, BSc (Psych), DipLaws (LPAB), GradDipLegPrac</i>	Part-time	Kathryn Edmonds <i>LLB, GradDipLegPra, BA</i>	Part-time
<b>New South Wales</b>			
<b>Senior Member</b>	Full-time	Martin Glasson <i>BAgr, MB BS (Hons), FRCS, FRACS</i>	Part-time
Suellen Bullock <i>BSocStud</i>		Adam Halstead <i>CPol, AssocDegLaw, MLLP</i>	Part-time
<b>Assistant Senior Member</b>	Full-time	Michael Horsburgh <i>BA, DipSocWk, MSocWk, ThD</i>	Part-time
Glynis Bartley <i>BSocWk, LLB, GradCertLegPra</i>		Penelope Hunter <i>BA, LLB</i>	Part-time
<b>Assistant Senior Member</b>	Full-time	William Kennedy <i>LLB (Hons), BA (Hons), DipEc</i>	Part-time
Karen Peacock <i>LLB (Hons), BSocSc</i>		Maxine Lacey <i>BA, GradDipEd, MA (Counselling), BLegPra, GradDipLegPrac, Professional Certificate in Arbitration</i>	Part-time
Diana Benk <i>DipLaw, GradDipLegPrac, FANZCN – Acc Spec Mediation, GradCertMediation, ProfCert Arbitration, Advanced Diploma Financial Services &amp; CIP, GradDipInsurance, GradDipTaxation</i>	Full-time	Deborah Laver <i>BSocWk</i>	Part-time
Jean Cuthbert <i>LLM, LLB</i>	Full-time	Julia Leonard <i>Advanced Diploma in Community Service Management</i>	Part-time
Gary Richardson <i>BEC, LLB, GradDipLegPrac</i>	Full-time	Susan Lewis <i>LLB, BA, PTC</i>	Part-time
Kate Timbs <i>BA, LLB, CertBusStud (IR), GradDipLegPrac</i>	Full-time	Andrea Mant <i>MBBS, MA, MD, FRACGP</i>	Part-time
William Allport <i>MB BS, MHL, FACRRM</i>	Part-time	Sally Mayne <i>BA, DipEd, LLB, DipLegPrac</i>	Part-time
David Barker <i>MCouns, BSocWk</i>	Part-time	Jillian Moir <i>BA (Hons), LLB, GradDipLegPra, BSc (Psych)</i>	Part-time
Angela Beckett <i>BLegStud (Hons), GradDipLegPra, BA (Hons), Diploma in Child Psychiatry, MCLinPsych</i>	Part-time	Steve Norman * <i>BA, LLB</i>	Part-time
Linda Blue <i>GradDipLegPrac, LLB (Hons), BSocSc</i>	Part-time	Gregory Pearson <i>BCom, LLB</i>	Part-time
Timothy Bohane <i>MB BS, MRACP, FRACP</i>	Part-time	Anna Popova <i>MBBS, FRANZCP</i>	Part-time
Moira Brophy <i>DipLaw, GradDipLegPrac</i>	Part-time	Linda Rogers <i>BSocWk, LLB, GradCertLegPra</i>	Part-time
		Kim Rosser <i>MA, LLB, LLM (Hons)</i>	Part-time
		Paul Ryan <i>BBus (Acc/Ec)</i>	Part-time

Angela Smith <i>DipAcc</i>	Part-time
Robin Taylor <i>MBBS, MPH, FAFPHM, MBA</i>	Part-time
Susan Taylor <i>BSocStud</i>	Part-time
Gregory Tillett <i>BA(Hons), PhD</i>	Part-time

### Northern Territory

Heather King <i>BA (Social Work), GradDip Human Service Practice</i>	Part-time
Ken Ross <i>BA (Hons), BSocAdmin</i>	Part-time

### Queensland

<b>Senior Member</b>	Full-time
Jim Walsh <i>LLB, GradCertMgt</i>	
Jane Bishop ** <i>BA, BSc (Psych), LLB (Hons), DipMental Health Nursing, GradDipLegPrac</i>	Full-time
Timothy Ffrench * <i>BA, LLB (Hons), GradDipLegPrac, LLM</i>	Full-time
Christine Haag <i>BA, DipEd, LLB, Master of Regional and Urban Planning, GradCertTheology</i>	Full-time
Matthew King <i>LLM, GradDipLegPrac</i>	Full-time
Kaarina Ammala ## <i>BA, LLB</i>	Part-time
Matt Amundsen <i>BA, LLB</i>	Part-time
Alexandra Bordujenko <i>MBBS, MPH, FAFPHM</i>	Part-time
Alex Byers <i>BSc, BA (Hons), LLB</i>	Part-time
Jennifer Cavanagh <i>MBBS, FRACGP</i>	Part-time
Glen Cranwell <i>GradDipBusAdmin, LLB, LLM, BSc</i>	Part-time
John Devereux <i>BA, LLB, (Hons), PhD</i>	Part-time
Brian Dittman *	Part-time
Neil Foster <i>BA, LLB, GradCertArts</i>	Part-time
David Gillespie <i>BCom, LLB, LLM</i>	Part-time
Jocelyn Green <i>BA</i>	Part-time
Tina Guthrie <i>LLB (Hons)</i>	Part-time
Patricia Hall <i>MSocWk, BSocWk</i>	Part-time
Debra Harris <i>LLB</i>	Part-time
Peter Jensen <i>LLB</i>	Part-time
Paul Kanowski <i>BA, LLB (Hons), LLM</i>	Part-time
Robert King <i>BA, DipEd, MA (Clin Psych), PhD, FAPS</i>	Part-time
David McKelvey <i>LLB (Hons), LLM</i>	Part-time
Cathy-Ann McLennan <i>LLM (Litigation and Dispute Resolution), LLB, Qualified Mediator</i>	Part-time
Bryan Pickard <i>BCom, BLegStud, LLM</i>	Part-time
Stephen Pozzi <i>BVSc, MBBS</i>	Part-time
Luis Prado <i>MBBS, FRACGP, FRACMA, FCHSM, FAAQHC, GradDipSPMed</i>	Part-time

Virginia Ryan <i>BA, LLB</i>	Part-time
Annette Sheffield <i>MSocAdmin, BSocWk</i>	Part-time
Rosemary Stafford <i>MBBS</i>	Part-time
Susan Trotter <i>LLB, BCom</i>	Part-time
Patrick White <i>BA, LLB, DipLegPrac</i>	Part-time

### South Australia

<b>Senior Member</b>	\Full-time
Sue Raymond * <i>LLB, GradDipLegPrac</i>	
Bruce Harvey <i>BSc</i>	Full-time
Joanne Bakas <i>GradDipLegPrac, LLB, BBus, GDipEd, BA</i>	Part-time
Steven Cullimore <i>MA (Cantab.)</i>	Part-time
Michael de Rohan # <i>BA, LLB</i>	Part-time
Bronte Earl <i>BSc</i>	Part-time
Julie Forgan <i>BEC, GradCert in Public Sector Management, GradCert Clinical Education</i>	Part-time
Mark Fuller <i>MBBS, BA</i>	Part-time
Ian Garnham <i>GradDipLegPrac, MSc, LLB</i>	Part-time
Stavros Georgiadis <i>BSc, LLB, GDLP, Master of Conflict Management, DipEd, GradDipSocSc (Rehab), GradCert in Mediation, Professional Certificate in Arbitration</i>	Part-time
Barbara Johns <i>LLB (Hons), GradDipLegPrac</i>	Part-time
Marten Kennedy <i>BA, LLB (Hons), GradDipLegPrac</i>	Part-time
Donna Lambden <i>BSocWk (Hons), MSocWk</i>	Part-time
Kate Millar <i>BSocWk, LLB (Hons)</i>	Part-time
Jennifer Strathearn <i>BScWk, LLB (Hons)</i>	Part-time
Bruce Swanson <i>MBBS, BSc, BEc (Hons), MHA, FRACMA</i>	Part-time
Yvonne Webb <i>LLB, GradCertLegPrac, Professional Certificate in Arbitration &amp; Mediation, GradCertHRMgt, GradDipEd, DipT(Sec)</i>	Part-time
Paul Williamson * <i>MBBS, MHSM, FACHAM</i>	Part-time

### Tasmania

Christhilde Breheny <i>BSc (Hons), BSocWk (Hons), PhD</i>	Full-time
Kim Barker <i>BA, DipEd, GradCert Counselling and Development, MAICD</i>	Part-time
Michelle Baulch <i>GradDipBusAdmin, GradDipLegPrac, BEc, LLB</i>	Part-time
Lynne Cretan <i>BMedSc, MBBS</i>	Part-time
Kay Rodda	Part-time
Andrea Schiwy <i>BCom</i>	Part-time



Tim Walter # BA, GradDipSocSc, GradCertLegPrac, LLB	Part-time
Samantha Webster * LLB	Part-time
<b>Victoria</b>	
<b>Senior Member</b>	Full-time
Miriam Holmes * BJuris, LLB	
<b>Assistant Senior Member</b>	Full-time
Irene Tsiakas LLB	
Fiona Hewson MALP, BA	Full-time
John Longo GradDipLegPrac, LLB, BA (Hons)	Full-time
Inge Sheck	Full-time
David Stevens Council of Legal Education course for articulated clerks	Full-time
Robyn Anderson BCom	Part-time
William Appleton MBBS (Hons), FRACMA	Part-time
Judith Bennett # BA (Hons), LLB, MBA (Hons)	Part-time
Stephen Bertram MBAcc, GradDipBusMgt, BBA, DipBusAcc, DipFS, FCPA, RTA, Approved SMSF Auditor	Part-time
Wendy Boddison LLM, LLB	Part-time
Annette Brewer BEc, LLB, Accredited Family Law Specialist	Part-time
Neill Campbell LLM, GradDip Practical Legal Training, LLB, BA	Part-time
Catherine Clarke * BA, LLB, GradDip Family Law Mediation	Part-time
Amanda Ducrou BA, LLB, MBA	Part-time
Margaret Fowler BA, BSocWk, LLB	Part-time
Elaine Geraghty	Part-time
Anne Grant BJuris, LLB	Part-time
Helen Grutzner LLB (Hons), BA	Part-time
Tamara Hamilton-Noy BA (Hons), LLB, M Public & International Law	Part-time
Peter Higgins GradDipTech, Chartered Accountant (Fellow), Certified Financial Planner	Part-time
Stephen Lewinsky MBBS, GradDip Musculoskeletal Medicine	Part-time
Christopher Main MBBS, FRACGP	Part-time
Geoffrey Markov MBBS, FRACP	Part-time
Francis Morgan # MBBS, MD	Part-time
Jack Nalpantidis BBehavSc, BSocWk, MBA	Part-time
Paul Noonan BA, BBusAcc	Part-time
Clare-Maree O'Brien BJuris, LLB	Part-time
Sophia Panagiotidis BA, DipCommunity Development, DipTeaching	Part-time

Charlene Price ## LLB (Hons), BA	Part-time
Aruna Reddy MBBS, FRANZCP	Part-time
Robert Richards DipBus (Acc), CPA	Part-time
John Rundell # LLM, MBA, BEc (Acc), BE, Dip International Commercial Arbitration, FIAMA	Part-time
Harry Schwarz BA, MBBS, MPH	Part-time
Alison Smith BA (Hons), LLB	Part-time
Andrea Treble BA, LLB, MPoLaw, PhD	Part-time
Kenneth Warren BBus, CPA	Part-time
<b>Western Australia</b>	
<b>Senior Member</b>	Full-time
Rhonda Bradley BA, LLB (Hons), IAMA Certificate in Mediation	
Rosetta Petrucci LLM (Merit), LLB (Hons), MBus, BBus, CLP, CTP, FCPA, The Practitioner's Certificate in Mediation (IAMA)	Full-time
Karen Barrett-Lennard BSocWk	Part-time
Stephanie Brakespeare BA, GradCertPubPolicy, IAMA Certificate in Mediation	Part-time
William Budiselik BAppSc (Social Work), GradDipBusAdmin, PhD, The Practitioner's Certificate in Mediation (IAMA)	Part-time
Anne Donnelly MBBS, GradDipHlthAdmin	Part-time
Robert Fitzgerald PSM BPsych (Hons), PhD (Psych)	Part-time
Susan Hoffman BA (Hons), Master of Leadership, PhD	Part-time
Michael Jones MB, ChB, D(obst) RCOG	Part-time
Christine Kannis BJuris, LLB, BCom	Part-time
Maxina Martellotta BJuris (Hons), LLB (Hons), The Practitioner's Certificate in Mediation (IAMA)	Part-time
Julie Quinlivan MBBS, PhD, FRANZCOG, Professional Certificate in Arbitration	Part-time
Anne Seghezzi # BJuris, LLB	Part-time
Mark Woodacre GDipPA, GradDipEd, BA	Part-time

\* Member ceased on or after 1 July 2012.

\*\* Member resigned and was reappointed as a part-time member after 1 July 2012.

# Member's appointment ends on 31 December 2012.

## Member ceased to sit at the SSAT, but has not resigned.

# APPENDIX 2

## SSAT STAFFING AS AT 30 JUNE 2012

### Employment by gender and registry at June 30 2012

APS Classification	Male	Female	NO*	NSW	QLD	SA	VIC/TAS	WA	Total
APS1	0	1	0	0	0	1	0	0	1
APS2	0	9	0	2	3	0	3	1	9
APS3	0	4	3	0	0	1	0	0	4
APS4	12	31	1	15	7	4	11	5	43
APS5	4	3	1	1	1	1	2	1	7
APS6	10	9	10	4	1	1	2	1	19
EL1	4	9	8	1	1	1	1	1	13
EL2	3	1	4	0	0	0	0	0	4
<b>Total</b>	<b>33</b>	<b>67</b>	<b>27</b>	<b>23</b>	<b>13</b>	<b>9</b>	<b>19<sup>^</sup></b>	<b>9</b>	<b>100<sup>**</sup></b>

\* National Office

<sup>^</sup> 2 staff in Tas; 17 staff in Vic

<sup>\*\*</sup> Includes 9 staff who were on long term leave

### Equal employment opportunity data at June 30 2012

Description	
ATSI	1
NESB	17
PWD	3
<b>Total APS staff</b>	<b>100</b>

ATSI – Aboriginal and Torres Strait Islander

NESB – non-English-speaking background

PWD – people with disabilities

Note: The data in this table is based in part on information voluntarily provided by staff.

### Employment status at 30 June 2012

Classification	Salary Range	Ongoing	Non-ongoing	Full-time	Part-time	IFAs <sup>^</sup>
APS 1	\$41,603 - \$45,843	1	0	0	1	0
APS 2	\$47,966 - \$52,209	7	2	8	1	0
APS 3	\$55,389 - \$59,706	3	1	2	2	0
APS 4	\$61,682 - \$66,178	41	2	38	5	0
APS 5	\$69,115 - \$72,072	7	0	7	0	0
APS 6	\$74,730 - \$82,708	19	0	19	0	0
EL 1	\$86,698 - \$99,670	12	1	9	4	1
EL 2	\$107,885 - \$124,729	4	0	4	0	2

\* Progression to the maximum salary of Executive Level 2 can only be achieved where the Registrar 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.

<sup>^</sup> Individual Flexibility Agreements. All other SSAT staff are covered by the SSAT Workplace Agreement 2009-12.

# APPENDIX 3

## APPLICATION PROCESSING STATISTICS

### CENTRELINK

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	TOTAL	
Net lodged to 30 June 2012	192	3,086	40	2,103	943	337	2,556	731	9,988	
Finalised	218	2,858	49	2,008	926	333	2,430	708	9,530	
On hand at 1 July 2012:	26	689	2	267	137	55	460	109	1,745	
awaiting statement	7	124	0	84	29	7	93	34	378	
awaiting appointment	2	265	2	52	33	16	161	35	566	
awaiting hearing	11	191	0	100	49	20	149	31	551	
adjourned	2	27	0	11	5	1	21	1	68	
awaiting notification	4	82	0	20	21	11	36	8	182	
Total decisions reviewed:	243	3,108	57	2,242	1,035	381	2,783	784	10,633	
Set aside	63	651	2	333	323	84	621	170	2,247	
Varied	3	30	1	60	10	7	11	24	146	
Affirmed	127	1,717	42	1,329	506	209	1,529	404	5,863	
Total decisions reviewed at hearing	193	2,398	45	1,722	839	300	2,161	598	8,256	
No jurisdiction	8	335	4	248	93	30	329	84	1,131	
Withdrawn	5	95	0	30	31	4	59	17	241	
Withdrawn (conceded)	3	8	0	6	0	4	12	18	51	
Withdrawn (other)	17	164	4	146	39	14	124	22	530	
Dismissed	17	108	4	90	33	29	98	45	424	
Total decisions finalised without hearing	50	710	12	520	196	81	622	186	2,377	
<b>2010-11</b>										
Set aside rate 1 (%) <sup>^</sup>	27.2%	21.9%	5.3%	17.5%	32.2%	23.9%	22.7%	24.7%	22.5%	26.3
Set aside rate 2 (%) <sup>^^</sup>	34.2%	28.4%	6.7%	22.8%	39.7%	30.3%	29.2%	32.4%	29.0%	32.5

<sup>^</sup> Set aside + varied as a percentage of all decisions finalised

<sup>^^</sup> Set aside + varied as a percentage of set aside, varied & affirmed

PPL

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	TOTAL
Net lodged to 30 June 2012	2	41	0	20	3	4	22	14	106
Finalised	3	26	0	18	2	4	18	16	87
On hand at 1 July 2012:	0	13	0	3	2	0	6	0	24
awaiting statement	0	5	0	1	0	0	0	0	6
awaiting appointment	0	0	0	0	0	0	2	0	2
awaiting hearing	0	8	0	2	1	0	3	0	14
adjourned	0	0	0	0	0	0	0	0	0
awaiting notification	0	0	0	0	1	0	1	0	2
Total decisions reviewed:	3	26	0	18	2	4	20	16	89
Set aside	0	0	0	0	0	1	1	2	4
Varied	0	0	0	0	0	0	0	1	1
Affirmed	3	23	0	14	2	2	14	10	68
Total decisions reviewed at hearing	3	23	0	14	2	3	15	13	73
No jurisdiction	0	1	0	2	0	0	1	0	4
Withdrawn	0	1	0	0	0	1	1	1	4
Withdrawn (conceded)	0	0	0	0	0	0	0	1	1
Withdrawn (other)	0	1	0	2	0	0	3	1	7
Dismissed	0	0	0	0	0	0	0	0	0
Total decisions finalised without hearing	0	3	0	4	0	1	5	3	16
Set aside rate 1 (%) <sup>^</sup>	0	0	0	0	0	25.0%	5.0%	18.8%	5.6%
Set aside rate 2 (%) <sup>^^</sup>	0	0	0	0	0	33.3%	6.7%	23.1%	6.8%

<sup>^</sup> Set aside + varied as a percentage of all decisions finalised

<sup>^^</sup> Set aside + varied as a percentage of set aside, varied & affirmed

## CHILD SUPPORT

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	TOTAL
Net lodged to 30 June 2012	53	569	0	558	150	61	458	211	2,060
Finalised	84	566	0	607	149	67	555	199	2,227
On hand at 1 July 2011:	4	135	0	83	34	13	93	52	414
awaiting statement	0	44	0	23	9	1	18	18	113
awaiting appointment	0	29	0	3	7	1	4	6	50
awaiting hearing	1	46	0	54	15	7	41	19	183
adjourned	3	5	0	2	2	3	24	7	46
awaiting notification	0	11	0	1	1	1	6	2	22
Total decisions reviewed	84	566	0	607	149	67	555	199	2,227
Set aside	33	188	0	202	61	28	213	74	799
Varied	2	16	0	38	0	0	11	27	94
Affirmed	23	152	0	128	35	21	123	44	526
Total decisions reviewed at hearing	58	356	0	368	96	49	347	145	1,419
No jurisdiction	6	99	0	137	21	8	116	36	423
Withdrawn	11	70	0	46	27	7	59	14	234
Dismissed	9	41	0	56	5	3	33	4	151
Total decisions finalised without hearing	26	210	0	239	53	18	208	54	808
	<b>2010-11</b>								
Set aside rate 1 (%) <sup>^</sup>	41.7%	36.0%	0	39.5%	40.9%	41.8%	40.4%	50.8%	40.1%
Set aside rate 2 (%) <sup>^^</sup>	60.3%	57.3%	0	65.2%	63.5%	57.1%	64.6%	69.7%	62.9%

<sup>^</sup> Set aside + varied as a percentage of all decisions finalised

<sup>^^</sup> Set aside + varied as a percentage of set aside, varied + affirmed

# APPENDIX 4

## APPLICATION OUTCOMES

### CENTRELINK

	AGE	AUS	CA	CP	CCB	DSP	FTB	MAA	MOB	NSA	PP	PA	PB	PES	RA	SA	SPB	YA	Other	Total	
Applications received	2011-12	980	207	344	217	83	3,446	773	0	26	1,801	535	5	38	46	34	45	136	614	9,988	
	2010-11	1,045	240	406	233	84	2,951	860	2	32	1,653	690	11	113	52	0	47	84	734	9,849	
	2009-10	1,267	290	295	260	69	2,811	1,221	3	49	2,017	884	15	163	89	0	61	82	897	11,203	
% of total	2011-12	9.8%	2.1%	3.4%	2.2%	0.8%	34.5%	7.7%	0.0%	18.0%	5.4%	0.1%	0.4%	0.5%	0.3%	0.5%	1.4%	1.4%	6.1%	6.6%	100.0%
	2010-11	10.6%	2.4%	4.1%	2.4%	0.9%	30.0%	8.7%	<0.1%	16.8%	7.0%	0.1%	1.1%	0.5%	0%	0.5%	0.9%	0.9%	7.5%	6.2%	100.0%
	2009-10	11.3%	2.6%	2.6%	2.3%	0.6%	25.1%	10.9%	0.4%	18.0%	7.9%	0.1%	1.5%	0.8%	0%	0.5%	0.7%	0.8%	8.0%	6.5%	100.0%
<b>Decision outcomes 2011-12:</b>																					
Set aside	215	50	59	59	16	649	206	1	6	487	161	1	1	7	0	9	34	150	136	2,247	
Varied	25	4	1	4	1	28	12	0	1	31	14	0	0	1	0	2	1	17	4	146	
Affirmed	527	113	247	179	57	2,070	450	0	17	996	293	4	6	26	11	24	64	339	440	5,863	
No Jurisdiction	96	25	41	33	12	282	131	0	6	218	103	0	4	4	3	7	22	57	87	1,131	
Withdrawn	21	6	10	6	5	71	21	0	0	56	17	0	1	1	1	2	7	5	11	241	
Withdrawn (conceded)	11	0	1	0	0	11	3	0	0	11	6	0	0	0	0	0	0	0	4	51	
Withdrawn (other)	51	13	17	14	8	142	51	0	4	108	48	0	0	10	0	2	6	25	31	530	
Dismissed	11	6	5	6	5	62	31	0	1	206	25	0	0	1	0	2	1	42	20	424	
Total reviewed*	2011-12	957	217	381	301	104	3,315	905	1	35	2,113	667	5	12	50	15	48	135	639	733	10,633
	2010-11	1,144	276	443	340	180	2,974	1,486	2	37	1,941	962	12	111	82	0	56	89	832	725	11,697
	2009-10	1,472	313	362	338	137	3,051	1,924	8	51	2,883	1,165	29	190	115	0	73	97	1,081	929	14,226
Set aside rate 1** (%)	2011-12	25.1%	24.9%	15.7%	20.9%	16.3%	20.4%	24.1%	100.0%	20.0%	24.5%	26.2%	20.0%	8.3%	16.0%	0%	22.9%	25.9%	26.1%	19.1%	22.5%
	2010-11	30.2%	29.3%	17.6%	23.2%	24.4%	22.0%	30.6%	50.0%	18.9%	28.3%	33.0%	25.0%	18.0%	13.4%	n/a	28.6%	21.3%	27.4%	23.3%	26.3%
	2009-10	28.9%	31.3%	17.4%	23.1%	19.7%	23.4%	32.3%	25.0%	25.5%	31.7%	37.9%	15.3%	27.0%	n/a	31.5%	23.7%	32.3%	24.3%	26.5%	
Set aside rate 2** (%)	2011-12	31.3%	32.3%	19.5%	26.0%	23.0%	24.6%	32.6%	100.0%	34.2%	37.4%	20.0%	14.3%	23.5%	0%	31.4%	35.4%	33.0%	19.1%	29.0%	
	2010-11	36.5%	36.0%	21.4%	29.5%	32.8%	26.1%	38.1%	50.0%	36.9%	40.8%	27.3%	21.1%	15.9%	n/a	34.8%	30.6%	33.9%	29.6%	32.5%	
	2009-10	34.9%	38.7%	21.4%	28.2%	24.8%	27.7%	40.8%	33.3%	31.7%	40.8%	44.0%	17.3%	32.6%	n/a	44.2%	28.8%	39.6%	23.4%	32.7%	

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

PPL

		Claimant Decisions	Employer Decisions	Total
Applications received	2011-12	104	2	106
	2010-11*	15	0	15
% of total	2011-12	98.1%	1.9%	100%
	2010-11	100.0%	0%	100%
<b>Decision outcomes 2011-12:</b>				
Set Aside		4	0	4
Varied		1	0	1
Affirmed		68	0	68
No Jurisdiction		3	1	4
Withdrawn		4	0	4
Withdrawn (conceded)		1	0	1
Withdrawn (other)		7	0	7
Dismissed		0	0	0
Total reviewed	2011-12	88	1	89
	2010-11	4	0	4
Set aside rate 1^ (%)	2011-12	5.7%	0%	5.6%
	2010-11	0%	n/a	0%
Set aside rate 2^ (%)	2011-12	7%	0%	7%
	2010-11	0%	n/a	0%

\* The SSAT assumed responsibility for the PPL jurisdiction on 1 January 2011

^ 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



## CHILD SUPPORT

	Applica- tion for Assess- ment	Care Per- centage of Decision ment <sup>^</sup>	Change of Assess- ment <sup>^</sup>	Child Support Agree- ment	Failure to Collect Arrears	Non- Agency Payment	Particu- lars of Assess- ment	Refusal of EOT to Object	Regis- tration Details	Not Re- viewable by SSAT	Other	Total
Applications received	21	356	945	10	25	115	285	123	47	0	133	2,060
	28	n/a	1,164	28	17	154	727	149	34	18	181	2,500
	34	n/a	1,267	35	26	141	816	190	29	19	107	2,664
% of total	1.0%	17.3%	45.9%	0.5%	1.2%	5.6%	13.8%	6.0%	2.3%	0%	6.5%	100%
	1.1%	n/a	46.6%	1.1%	0.7%	6.2%	29.1%	6.0%	1.4%	0.7%	7.2%	100%
	1.3%	n/a	47.6%	1.3%	1.0%	5.3%	30.6%	7.1%	1.1%	0.7%	4.0%	100%
Decision outcomes 2011-12:												
Set Aside	3	138	500	0	5	15	75	32	16	n/a	15	799
Varied	0	27	53	0	3	5	5	0	1	n/a	0	94
Affirmed	12	119	120	0	4	62	130	39	19	n/a	21	526
No Jurisdiction	6	29	207	0	5	16	64	13	5	0	78	423
Withdrawn	3	35	136	0	3	11	30	4	8	n/a	4	234
Dismissed	3	19	68	0	0	11	30	13	0	n/a	7	151
Total reviewed	27	367	1084	0	20	120	334	101	49	0	125	2227
	28	n/a <sup>~</sup>	1,164	28	17	154	727	149	34	18	181	2,500
	39	n/a <sup>~</sup>	1,343	36	23	155	825	179	34	20	113	2,767
Set aside rate 1* (%)	11.1%	45.0%	51.0%	0%	40.0%	16.7%	24.0%	31.7%	34.7%	n/a	12.0%	40.1%
	21.4%	n/a <sup>~</sup>	48.7%	10.7%	11.8%	31.2%	32.0%	28.9%	35.3%	n/a	30.4%	38.8%
	15.4%	n/a <sup>~</sup>	45.4%	13.9%	21.7%	23.2%	30.1%	30.2%	23.5%	n/a	14.2%	35.7%
Set aside rate 2* (%)	20.0%	58.1%	82.2%	0%	66.7%	24.4%	38.1%	45.1%	47.2%	n/a	41.7%	62.9%
	33.3%	n/a <sup>~</sup>	82.5%	23.1%	20.0%	44.9%	46.7%	38.1%	42.9%	n/a	50.5%	61.2%
	33.3%	n/a <sup>~</sup>	82.5%	27.8%	50.0%	30.5%	45.0%	36.7%	33.3%	n/a	39.0%	59.3%

<sup>^</sup> Please note that in Change of Assessment cases the liability to pay child support is likely to be affirmed but the amount of the liability may be varied

\* 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

<sup>~</sup> Care Percentage Decisions were included as 'Other' previously.

# APPENDIX 5

## WORKPLACE HEALTH AND SAFETY

During the reporting period, staff of the SSAT's National Office inspected all of the SSAT's premises to assess whether the premises posed a risk to the health, security and safety of employees, parties to reviews and any other persons visiting the premises. Remedial action was taken in respect of the (minor) issues identified.

There was no "notifiable incident" within the meaning of that expression in the *Work Health and Safety Act 2011*.

There was no "dangerous incident" within the meaning of that expression in the *Work Health and Safety Act 2011*.

No notices were issued in respect of the SSAT under sections 90, 191 or 195 of the *Work Health and Safety Act 2011*.

Ten workplace incidents were recorded in the reporting period. None of these incidents were considered to warrant reporting to Comcare.

# APPENDIX 6

## ENVIRONMENTAL PERFORMANCE REPORTING

In relation to subsections 516A(5) and (6) of the *Environment Protection and Biodiversity Conservation Act 1999* (assuming that the SSAT is a Commonwealth “agency”) paragraphs 516A(6)(a) and (b) do not apply because the SSAT does not engage in any development.

Paragraphs 516A(6)(c) and (d) require the SSAT to document the effect of its activities on the environment and what measures the SSAT takes to minimise its impact on the environment.

The activities of the SSAT affect the environment through its need for premises in which to carry out its functions and the use of electricity, transport, water and paper in carrying out those functions.

The SSAT minimises the impact of its activities on the environment by the measures set out in the table below:

The SSAT monitors its energy usage against the target per staff member set by the Department of Climate Change. Staff are periodically reminded of the requirement to switch off equipment before leaving the office.

The SSAT reports annually to the Department of Climate Change about energy consumption and subsequent emissions, and to the National Packaging Covenant (a collaborative agreement between government and industry) about disposal of materials, recycling and reuse.

The SSAT’s leadership group conducts most of its meetings by telephone to avoid the need for air travel, and requires most national meetings of staff to be conducted by telephone or video-conferencing.

Theme	Measures
Energy efficiency	Lights automatically switch off after a period of inactivity in the room.
Energy efficiency	The SSAT purchases equipment with an energy saving mode.  Staff asked to switch off computers, including monitors, and other non-essential electronic equipment in their work area when not in use.
Waste management	Separate bins are provided in every office for recyclable, compost and general waste. Individual desk bins are for recyclable material only.
Leasing of accommodation	New accommodation selected with regard to the building’s energy rating, with the aim that all SSAT premises will have a five-star energy rating.
Transport	Conduct meetings by electronic means wherever possible rather than use transport.
Sustainability	Recycled, recyclable and ‘environmentally friendly’ products and office supplies are purchased where available.

# APPENDIX 7

## LEGAL SERVICES EXPENDITURE STATEMENT

This is a statement of legal services expenditure\* by the Social Security Appeals Tribunal for 2011-12, published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

Agency's total legal services expenditure	\$107,562
Agency's total external legal services expenditure	\$107,562
External expenditure on professional fees	\$74,713
External expenditure on counsel	\$8,840
Number of male counsel briefed	1
Value of (3) briefs to male counsel	\$8,840
Number of female counsel briefed	0
Value of briefs to female counsel	\$0
Other disbursements on external legal services	\$0
Agency's total internal legal services expenditure	\$0
Salaries	\$0
Overheads (includes administrative support and accommodation costs)	\$0

\* All figures are GST inclusive.

# APPENDIX 8

## **CORRECTIONS TO LAST YEAR'S REPORT**

The Legal Services Expenditure Statement said that 3 female counsel had been briefed.

No counsel were briefed by the SSAT in 2010-2011. The SSAT did obtain legal services from the Australian Government Solicitor and three solicitors were wrongly characterised as counsel in the SSAT's Legal Services Expenditure Statement.

# APPENDIX 9

## DECISIONS OF INTEREST

### YOUTH ALLOWANCE – DATE OF EFFECT OF ON-LINE CLAIM

The applicant became qualified for youth allowance on her 16<sup>th</sup> birthday and her mother completed an on-line claim on her behalf. A message on her computer screen indicated that the application had been completed but she was subsequently advised that the application had not been received. Following two further unsuccessful attempts to claim on-line, a further on-line claim was successfully lodged 10 weeks after the applicant's birthday.

The issue for the SSAT was whether the applicant could be paid youth allowance from her 16<sup>th</sup> birthday, which required the SSAT to consider whether the applicant had lodged a claim in writing and in a form approved by the Secretary on that date.

The SSAT considered the application of section 14 of the *Electronic Transactions Act 1990*. The SSAT was satisfied that there was sufficient evidence that the on-line claim had entered Centrelink's information system on her birthday and was lodged on that date. The decision under review was set aside.

### SPECIAL BENEFIT – RESIDENCY

Mr D was born in Syria, lived in Australia for many years and was an Australian citizen. He returned to Syria in 2004 where he remarried and had two children (who were Australian citizens by descent). Mr D and his wife lived in both Syria and Egypt but regarded Syria as their home. His son from a previous marriage remained in Australia.

While Mr D was in Australia in early 2011 to visit his son, his wife and two children were evacuated to Australia. His two children were initially granted special benefit but a decision was subsequently made to cancel payment on the basis that the children were not residentially qualified.

The SSAT considered that an intention to remain permanently in Australia did not mean that the person could not have some hope of living elsewhere at a future time. The SSAT concluded that although Mr D and his family did not have strong financial, family or other links to Australia, they were unable to return to Syria or Egypt in the foreseeable future. As a result, the two children were Australian residents and their entitlement to special benefit should be considered on that basis.

### SPECIAL BENEFIT – DEEMED INCOME

Mr C's claim for special benefit was rejected because he had an annuity in South Africa. On Mr C's evidence, the annuity was retained in South Africa by an exchange control ruling. The SSAT was satisfied that Mr C was not able to liquidate his annuity or use some of the funds to repay his debts and transfer the balance to Australia. However the SSAT was satisfied that Mr C was deriving a benefit from the annuity as the annual income was reducing his debts in South Africa.

The Tribunal concluded that the annuity was a ‘managed investment’ as Mr C had a legally enforceable right to share in the income or profits of the investment fund and that the rate of special benefit was to be calculated using an amount of deemed income arising from the investment.

## NEWSTART ALLOWANCE – SUITABLE EMPLOYMENT

Centrelink applied a serious failure to Mr D’s Newstart allowance and imposed an 8 week non-payment period due to him failing to commence employment. Mr D told the employer that he was unable to commence employment as he had secured another job. Mr D told Centrelink that he was not suited to the job as he had child care responsibilities on weekends.

The issue for the SSAT was whether Mr D had refused, or failed, without a reasonable excuse to accept a suitable offer of employment.

In deciding whether the particular paid work was suitable, the SSAT considered whether Mr D was the ‘principal carer’ for a child and had access to appropriate care when required to work. The SSAT concluded that Mr D was not the principal carer for his daughter, although he may care for her on weekends. Accordingly, Mr D failed to accept a suitable offer of employment. As Mr D did not have a reasonable excuse, he committed a ‘serious failure’ and the participation payment was not payable during the 8 week serious failure period.

## DEBT RECOVERY – GARNISHEE OF TAX REFUND

Ms G owed a parenting payment debt and Centrelink sought recovery by sending a garnishee notice to the ATO to withhold Ms G’s tax return.

The SSAT considered its limited powers to review a decision made under s1233 of the *Social Security Act 1991* in respect of the issuing of a garnishee notice and the observations of the Federal Court in *Walker v Secretary, Department of Social Security (No 2)* [1997] FCA 589. The issue for the SSAT was whether Centrelink had properly exercised the power to garnishee Ms G’s tax refund. One of the requirements of section 1233 is that a copy of the garnishee notice be given to the debtor.

Centrelink had sent a letter to Ms G to advise her that a decision had been made to send a garnishee notice to the ATO. The SSAT concluded that that letter was not a copy of the garnishee notice and set aside the decision to issue a garnishee notice. In view of Ms G’s financial difficulties and the arrangement that she had entered into to repay the balance of the debt to Centrelink, the SSAT recommended that \$1,000 of the sum garnisheered be refunded to Ms G and the balance of the debt be recovered through the repayment arrangement in place.

## OVERPAYMENT DETECTED BY DATA MATCHING – STATUTORY NOTICE

A debt of parenting payment was raised following data matching with the ATO’s records.

The SSAT found that in 2008/09 Ms S was earning more income than she was declaring to Centrelink and therefore received a higher amount of parenting payment than she was entitled to receive.

The issue for the SSAT was whether a letter issued to Ms S by Centrelink complied with section 11 of the *Data Matching Program (Assistance and Tax) Act 1990* which requires an agency using information obtained from data-matching to recover an overpayment, to provide the person with particulars of the information, and the proposed action, and give the person 28 days to show cause why the action should not be taken. The SSAT concluded that Ms S had not been provided with this information and the overpayment of parenting payment was not a debt.

### ASSURANCE OF SUPPORT DEBT RAISED IN 1991 – SPECIAL CIRCUMSTANCES

Mr K signed an assurance of support in respect of his parents-in-law in 1991. Soon afterwards they began to receive income support payments as a result of which an assurance of support debt equivalent to the payments they had received was raised against Mr K.

The issue for the SSAT was whether there was an ‘assurance of support debt’ as defined in the *Social Security Act 1947*, which required consideration of the Migration Regulations in force in the 1990’s and historical versions of the *Guide to Social Security Law*.

The SSAT decided that there was a debt under the *Social Security Act 1947* but that recovery of the balance of the debt at the date of the SSAT hearing was waived due to the existence of special circumstances. The special circumstances related to Mr K’s ill-health, poor financial circumstances and his consistent payments of \$50 per month towards the debt over the past 20 years.

### NEWSTART ALLOWANCE – LIQUID ASSETS TEST WAITING PERIOD

Ms B claimed Newstart allowance. Centrelink applied a 13 week liquid assets waiting period. Ms B sought review of the decision to treat, as a liquid asset, an amount withdrawn from her superannuation prior to contacting Centrelink about making a claim for Newstart allowance, which she subsequently spent on necessary medical procedures.

The issue for the SSAT was whether the amount spent on the medical procedures could be disregarded for the purpose of calculating Ms B’s liquid assets. Sections 14A(5) and (6) of the *Social Security Act 1991* provide that if a person has a debt (not related to their principal home or other residential property) and, after becoming unemployed, the person makes a payment of all or some of the debt in the liquid assets waiting period and the amount paid is an amount that the person is *not obliged* to pay, that amount can be disregarded for the purpose of calculating the person’s liquid assets.

The SSAT decided that the provisions did not apply in Ms B’s case because she *was obliged* to pay the medical expenses prior to the procedures. The SSAT observed that, in contrast, if Ms B had incurred a credit card debt and paid greater than the required amount, that extra amount could be disregarded in the calculation of her liquid assets. This appeared to be an anomaly created by the legislation.



## AGE PENSION – COMMUTATION OF AN ASSET TEST EXEMPT INCOME STREAM

The applicant, Mr R, was in receipt of age pension. Mr R made an arrangement with relatives, Mr and Mrs E, that he would sell his home and move into their home in NSW. He would use part of the proceeds of sale to pay out the E's mortgage. In return Mr and Mrs E would sell their NSW home and purchase a property in Queensland with a granny flat where they would live with Mr R. Mr R sold his home, paid out the E's mortgage and moved in with them but they failed to sell their home. Mr R moved out and purchased a relocatable home in a retirement village and subsequently commenced legal action against Mr and Mrs E to recover the money they owed to him.

In order to fund the legal action, Mr R applied to Centrelink to be allowed to commute an income stream. The issue for Centrelink and the SSAT was whether the commuted amount was required to meet an 'unavoidable expenditure' as that expression is defined in subsection 9A(7) of the *Social Security Act 1991*. Was the expenditure *"the cost of replacing a person's principal home ... to the extent that replacement is not covered by an insurance policy"*?

The SSAT considered that the reference to coverage by an insurance policy indicated that Parliament was referring to the replacement of a home that had been destroyed. As Mr R was not replacing a home that had been destroyed, the cost associated with the purchase of a new home was not an 'unavoidable expenditure' as defined.

On appeal the AAT affirmed the SSAT's decision and noted that Mr R was not seeking to use the funds to make an 'unavoidable expenditure' but to undertake 'risky litigation'.

## DISABILITY SUPPORT PENSION – ACTIVE PARTICIPATION IN A PROGRAM OF SUPPORT

Mr A's claim for disability support pension was rejected by Centrelink because he was not qualified as he did not have an impairment of 20 points or more under the Impairment Tables.

On review the SSAT was satisfied that Mr A had a combined impairment rating of 25 points under the Impairment Tables (15 points under Table 20 and 10 points under Table 6).

The remaining issue for the SSAT to determine was whether Mr A had a 'continuing inability to work' because of his impairment. As Mr A did not receive an impairment rating of 20 (or more) points under a single Table he did not have a 'severe impairment'. This meant that in order to qualify for disability support pension he was required to have actively participated in a program of support.

The SSAT found no evidence that Mr A had participated in a disability specific program or other program of support in the past. Therefore, the requirement for active participation was not satisfied and Mr A was not qualified for disability support pension because he did not have a continuing inability to work.

## PAID PARENTAL LEAVE - RETURN TO WORK

Following the birth of her son in February 2011, Ms H applied for and was granted paid parental leave with effect from 25 April 2011. Her payments were cancelled on 20 June 2011. The Family Assistance Office raised a debt for the period 27 May 2011 to 20 June 2011.

One issue for the SSAT was whether Ms H had returned to work for the purposes of section 48 of the *Paid Parental Leave Act 2010* and had performed one hour or more of paid work in any day on or after 27 May 2011.

During the period 27 May 2011 to 20 June 2011, Ms H worked on a casual basis preparing teachers' notes to accompany short educational videos. Ms H was paid a fixed fee for each set of notes once they were completed. Ms H said she did the work in 'bits and pieces' over the course of a week and did not keep a log of hours worked nor did the company require her to submit a time sheet.

The SSAT accepted the testimony of Ms H that she carried out a total of 3 hours work over 5 days and the maximum time spent working on any one day was 45 minutes. As Ms H had not undertaken one hour of paid work on any day, the SSAT concluded that Ms H had not 'returned to work' at any time up to 20 June 2011 and set aside the decision under review.

## PAID PARENTAL LEAVE – RESIDENCY

Ms A was a holder of a visa of a subclass that qualified her for Special Benefit. The Secretary determined that she was eligible for parental leave pay from September 2011 for 17 weeks. On 9 November 2011, Ms A departed Australia to attend a wedding and returned to Australia on 13 November 2011. Having been notified of her departure by the immigration department, the Secretary reviewed the determination and made a new determination on 10 November 2011 that Ms A was not eligible for paid parental leave from the date she departed Australia as she did not satisfy the Australian residency test.

The issue for the SSAT was whether Ms A was an "Australian resident" (which expression is defined in the *Paid Parental Leave Act 2010 (PPL Act)* to have the same meaning as in the *Social Security Act 1999*) and, if not, whether she met one of the other two tests of the Australian residency in subsection 45(1) of the PPL Act. The SSAT concluded that Ms A was not the holder of a "special category visa" (which expression is defined the PPL Act to have the same meaning as in the *Migration Act 1958*). As to the third test, the SSAT found that Ms A was the holder of a visa of the relevant kind but her temporary absence from Australia was not "an allowable absence in relation to special benefit" within the meaning of Part 4.2 of the *Social Security Act 1999* (namely, to seek eligible medical treatment; attend an acute family crisis or for a humanitarian purpose). The SSAT concluded that there was no provision in the PPL Act to allow continuation of parental leave pay during the temporary absence from Australia, or the resumption of paid parental leave pay on Ms A's return to Australia.

## CHILD SUPPORT – ELIGIBLE CARER

The Child Support Registrar (Registrar) accepted an application for an administrative assessment of child support made by a non-parent carer who was the 16 year old child's stepfather. The child had been living with the mother. The Registrar decided that it was unreasonable for the parents of the child to care for the child having been satisfied there has been extreme family breakdown. Shortly after this decision, the child returned to the care of the mother. The objection lodged by the father of the child to this decision was disallowed on the basis that the state of affairs at the time of the application was assessed correctly by the original decision maker and that later events should not affect the original decision. The father applied to the SSAT for a review of that decision.

The issue for the SSAT was whether regard could be had to events after the non-parent carer had made the application for child support. The SSAT decided that the later events were relevant to the question of whether it was reasonable for either of the child's parents to care for her. The SSAT also found that there was evidence that the child had returned to her mother's care at the time of the original decision and to her father's care at the time of the decision on the father's objection to the original decision; and that there was no evidence that the stepfather had become the child's carer for the time that she had resided with him after her mother had left.

## CHILD SUPPORT – REINSTATEMENT APPLICATION

The child's mother applied to the SSAT for review of a decision made by the Child Support Registrar (Registrar) on an application for a determination to depart from administrative assessment. During the course of the review, a direction was made that the father of the child no longer be a party to the review because of his non-compliance with directions given to him. The SSAT set aside the decision of the Registrar and made a departure determination under Part 6A of the *Child Support (Assessment) Act 1989*. In proceedings brought by the father, the Federal Magistrates Court set aside the SSAT's decision and remitted the matter for re-hearing. The mother then withdrew her application with the result that her application was taken to have been dismissed under section 100A of the *Child Support (Registration and Collection) Act 1988* (the Act).

The father asked the SSAT to reinstate the application pursuant to subsection 100A(4) of the Act. In considering whether it was "appropriate" to do so, the SSAT asked itself whether it would be in the interests of justice to reinstate the application. The SSAT considered whether there was a realistic prospect of the father obtaining a more favourable outcome than the Registrar's decision if the application for review was reinstated, and concluded that there was not. The SSAT also noted that there was no suggestion that the father had intended to contest the Registrar's decision on the objection but had not applied for review by the SSAT because he had been notified of the mother's application. The request for reinstatement was refused.

# APPENDIX 10

## ACCESS TO JUSTICE ACTIVITIES

During 2011-12, every SSAT registry held regular meetings with officers of DHS employed in Centrelink offices and the Child Support Agency offices.

### AUSTRALIAN CAPITAL TERRITORY

Meeting with Welfare Rights

Presentation at LegalWise seminar

### NEW SOUTH WALES

Presentation at ARO Induction Training

Presentation at ARO Conference

Meeting with NSW Legal Aid

### QUEENSLAND

Meetings with Welfare Rights

Presentation at University of Queensland Justice and Law Society 'Social Welfare Law'

### SOUTH AUSTRALIA

Presentation and provision of information folders at:

- » Southern Junction Community Centre (Youth Homelessness Team)
- » Australian Salvation Army - Bramwell House (Domestic Violence Crisis Accommodation Service)
- » Migrant Women's Service
- » Anglicare SA Housing and Homeless Services
- » Street to Home Service (Adelaide)

### VICTORIA

Presentations at ARO meetings

Presentations at the Leo Cussen Institute

Presentation to the Financial and Consumer Rights Council

### WESTERN AUSTRALIA

Participation in Law Week

Provision of information folders to Community Legal Agencies for distribution

Presentation at the Legal Aid WA Summer Seminars on the role of the SSAT in reviewing decisions

# APPENDIX 11

## CONTACT DETAILS

### NATIONAL OFFICE

Level 24, 500 Collins Street,  
Melbourne VIC 3000

(PO Box 218, Collins Street West  
Melbourne VIC 8007)

Email: [info@ssat.gov.au](mailto:info@ssat.gov.au)  
Tel: (03) 8626 4923  
Fax: (03) 8626 4949

Principal Member – Jane Macdonnell  
Registrar a/g – Dobe Temelkovski

### AUSTRALIAN CAPITAL TERRITORY

All ACT reviews are managed through the  
NSW registry. Please refer to contact details  
for NSW registry.

### NEW SOUTH WALES

Level 20, 580 George Street,  
Sydney NSW 2000

(GPO Box 9943, Sydney NSW 2001)

Email: [sydney@ssat.gov.au](mailto:sydney@ssat.gov.au)  
Tel: (02) 9202 3400  
Fax: (02) 9202 3499

Senior Member – Suellen Bullock  
Deputy Registrar – Catherine Cudmore

### NORTHERN TERRITORY

All NT reviews are managed through the  
Queensland registry. Please refer to contact  
details for the Queensland registry.

### QUEENSLAND

Level 26, 215 Adelaide Street,  
Brisbane QLD 4000

(GPO Box 9943, Brisbane QLD 4001)

Email: [brisbane@ssat.gov.au](mailto:brisbane@ssat.gov.au)  
Tel: (07) 3005 6200  
Fax: (07) 3005 6215

Senior Member – Jim Walsh  
Deputy Registrar – Robin Harvey

### SOUTH AUSTRALIA

Level 12, 45 Grenfell Street,  
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(GPO Box 9943, Adelaide SA 5001)

Email: [adelaide@ssat.gov.au](mailto:adelaide@ssat.gov.au)  
Tel: (08) 8400 4900  
Fax: (08) 8400 4999

Senior Member – Rhonda Bradley  
Deputy Registrar a/g – Roula Karzis-Wyatt

## TASMANIA

Level 8, 188 Collins Street,  
Hobart TAS 7000

(GPO Box 9943, Hobart TAS 7001)

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Tel: (03) 6211 2800  
Fax: (03) 6211 2899

Senior Member a/g– Irene Tsiakas  
Deputy Registrar a/g – Marianne Evans

## VICTORIA

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(GPO Box 9943, Melbourne VIC 3001)

Email: [melbourne@ssat.gov.au](mailto:melbourne@ssat.gov.au)  
Tel: (03) 9954 0700  
Fax: (03) 9954 0749

Senior Member a/g– Irene Tsiakas  
Deputy Registrar a/g – Marianne Evans

## WESTERN AUSTRALIA

Level 3, 109 St George’s Terrace,  
Perth WA 6000

(GPO Box 9943, Perth WA 6001)

Email: [perth@ssat.gov.au](mailto:perth@ssat.gov.au)  
Tel: (08) 9229 1300  
Fax: (08) 9229 1315

Senior Member – Rhonda Bradley  
Deputy Registrar – Peter Smith

## 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](http://www.ssat.gov.au)

## CONTACT OFFICER

For enquiries about this Annual Report,  
please contact:

Communications Officer  
National Office

PO Box 218, Collins Street West  
Melbourne Vic 8007

Tel: (03) 8626 4923  
Fax: (03) 8626 4949

## ADDITIONAL COPIES OF THIS ANNUAL REPORT

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

It is also available on the SSAT’s website,  
at [www.ssat.gov.au](http://www.ssat.gov.au).

# APPENDIX 12

## CONSULTANTS 2011-12

### CONSULTANCY SERVICES OF \$10,000 OR MORE LET DURING 2011-12

Consultant	Project Description	Contract Price*	Selection Process	Justification
Techwriter Placements Pty Ltd	Review of training materials for the AMS project	\$39,066	Select Tender	A, B
Foundation Technology Services Pty Ltd	Review of training materials for the AMS project	\$70,290	Select Tender	A, B
Reid Campbell	Architectural and project management services	\$125,322	Select Tender	A, B
Datacom Systems Pty Ltd	Lotus notes platform migration	\$458,307	Select Tender	A, B, C
TP3 Pty Ltd	Outlook 07 seminar and training	\$38,460	Select Tender	A, B
Logicalis	Storage area network (SAN) services	\$73,289	Select Tender	A, B
<b>TOTAL</b>		<b>\$804,734</b>		

\*All figures are GST inclusive

Consultancies with a contract value of less than \$10,000 have not been included in this table

Justification:

A. Skills currently unavailable within tribunal

B. Requirement for specialist/professional expertise

C. The consultant is recognised as an expert in the field and uniquely able to provide required services

# GLOSSARY

<b>AAT</b>	Administrative Appeals Tribunal
<b>AMS</b>	Application Management System
<b>ARO</b>	Authorised Review Officer
<b>CSA</b>	Child Support Agency
<b>DHS</b>	Department of Human Services
<b>FaHCSIA</b>	Department of Families, Housing, Community Services and Indigenous Affairs
<b>PPL</b>	Paid Parental Leave
<b>SSAT</b>	Social Security Appeals Tribunal



# LIST OF REQUIREMENTS

As the SSAT is not an executive agency under the *Public Service Act 1999* (or a prescribed agency under the *Financial Management and Accountability Act 1997*), the entire List does not apply to the SSAT. However, the SSAT has endeavoured to apply the List and noted as not applicable all items with which the SSAT cannot comply.

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