



Administrative Appeals Tribunal

ANNUAL REPORT 2005 – 2006

... welcome to those who cannot afford legal representation to argue their case where it is believed an injustice has occurred. May it always be available.

"I was very pleased with the way AAT staff and the member who

conference

The applicant has appealed a decision rejecting his claim for compensation.

HEARING

The decision under review is set aside.

... was very impressed with the professionalism and thorough detail of the

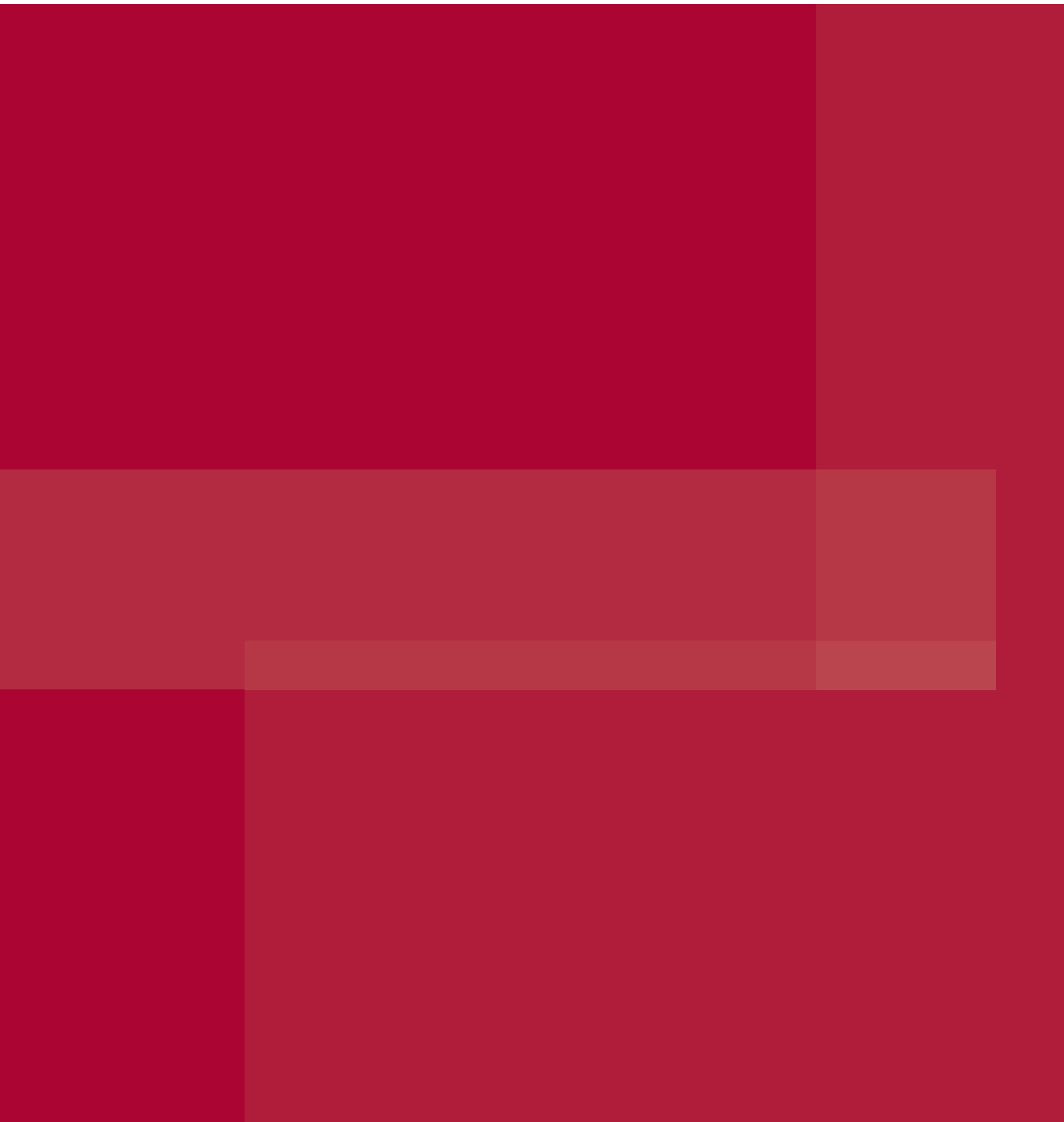
applications are referred

... an AAT staff member came and re-emphasised how it would be fair and I would be listened to.

Response

The cover of this year's annual report features text from two sources. Firstly, there are a number of quotes from individual applicants who responded to the Tribunal's user survey that was conducted in 2005. Secondly, there are a number of words and phrases which relate to the Tribunal's role and its operations. The text reflects the day-to-day workings of the Tribunal and the experiences of Tribunal users in the context of the Tribunal's legislatively stated obligation to provide a mechanism of review that is fair, just, economical, informal and quick.

Administrative Appeals Tribunal
Annual Report 2005–2006



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Administrative Appeals Tribunal

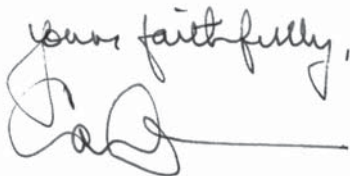
PRESIDENT'S CHAMBERS
The Hon Justice Garry Downes AM

16 October 2006

The Hon Philip Ruddock MP
Attorney-General
Parliament House
CANBERRA ACT 2600

My dear Attorney-General,

In accordance with section 24R of the *Administrative Appeals Tribunal Act 1975*, I present to you the Annual Report of the Administrative Appeals Tribunal covering the Tribunal's operations for the year ended 30 June 2006.

Yours faithfully,


GARRY DOWNES

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Reader's guide

The purpose of this annual report is to inform the Attorney-General, the Parliament, Tribunal users and the general public about the performance of the Administrative Appeals Tribunal during the period 1 July 2005 to 30 June 2006.

The Tribunal's Organisational Plan 2005–06 sets out key result areas, goals and strategies that are linked to the outcome specified in the Portfolio Budget Statement for the Tribunal. That outcome is:

to provide aggrieved persons and agencies with timely, fair and independent merits review of administrative decisions over which the Tribunal has jurisdiction.

This report provides information on the Tribunal's performance in relation to this outcome and each of the key result areas identified in the plan.

CHAPTER 1: THE YEAR IN REVIEW

This chapter comprises the President's overview and Registrar's report. These two reports highlight significant issues relating to the Tribunal's performance during the reporting year. Chapter 1 also includes the Tribunal's Organisational Plan for 2005–06 and a statement of achievements against the plan.

CHAPTER 2: OVERVIEW OF THE TRIBUNAL

This chapter sets out basic information about the Tribunal's role, functions and powers, its members and staff, its organisational structure, case management process and accessibility.

CHAPTER 3: WORKLOAD AND PERFORMANCE

This chapter provides information and commentary on the Tribunal's workload and performance results. It includes information on financial performance, performance against internal time standards, complaints about the Tribunal and external scrutiny of the Tribunal's decisions and operations.

CHAPTER 4: OUR USERS AND OUR PARTNERS

This chapter contains information on initiatives that are designed to improve the Tribunal's practices and procedures, access to the Tribunal and the Tribunal's liaison with its users. It also describes the Tribunal's relationships with other organisations in relation to issues concerning the Tribunal and its operations.

CHAPTER 5: OUR PEOPLE AND OUR ORGANISATION

This chapter provides information on human resource management within the Tribunal and the administration of the Tribunal generally.

The audited financial statements of the Tribunal are set out after Chapter 5, commencing at page 57. The appendices include more detailed information on aspects of the Tribunal's operations, including profiles of the Tribunal's members and decisions of interest. A complete list of appendices is provided in the table of contents.

The following tools may assist in finding information in this report – the table of contents at page iv, a compliance index at page 166 and an alphabetical index at page 168.

An electronic version of this annual report is available from the Tribunal's website at www.aat.gov.au/corporatepublications/annualreport.htm. Further information about the Tribunal is available from the Tribunal's homepage, at www.aat.gov.au.

Enquiries, comments or requests for further information about this annual report may be addressed to:

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Administrative Appeals Tribunal
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Telephone: (02) 9391 2491
Fax: (02) 9391 2578
Email: annrep@aat.gov.au

Chapter 1: The year in review



President's overview

The Administrative Appeals Tribunal completed 30 years of operations at the end of the financial year under review. The occasion was marked by a memorable commemorative ceremony in Old Parliament House, Canberra. I am delighted to report that the event was attended by more than 170 people. The Chief Justice of Australia, the Hon. Murray Gleeson, AC, the Attorney-General of Australia, the Hon. Philip Ruddock, MP, the first President of the Tribunal, the Hon. Sir Gerard Brennan, AC, KBE and the Chief Justice of Western Australia, the Hon. Wayne Martin made presentations. Former and current Presidents, Deputy Presidents, Senior Members, Members, Registrars and Tribunal staff came together to reminisce and reflect on the past 30 years and to contemplate the future for the Tribunal.

The Tribunal has come a long way since its doors first opened in Canberra on 1 July 1976. In that first year, the Tribunal received 49 applications for review. Over the years, the Tribunal's jurisdiction and workload has grown steadily. In 2005–06, the Tribunal received more than 8,500 applications. Applications relating to taxation decisions now constitute the largest single area of work for the Tribunal, a development that has been acknowledged through the provision of additional funding. In the coming year, the Tribunal will be working hard to finalise many longstanding taxation scheme applications and to ensure that applications generally are dealt with appropriately and in a timely manner.

Review in the Tribunal is not litigation or dispute resolution as such. However, dispute resolution may be a consequence of review in the Tribunal. Indeed, approximately 80 per cent of applications

made to the Tribunal are finalised without a formal determination following a hearing. In this regard, the Tribunal has been reviewing its use of alternative dispute resolution (ADR) and the range of flexible and innovative processes which may assist in finalising matters before the Tribunal. Process models for the different forms of ADR that can be used and a set of referral guidelines have been developed and are available for inspection on the Tribunal website.

In late 2005, the Tribunal released its long-awaited report of the study into the use of concurrent evidence in the New South Wales Registry. Concurrent evidence involves two or more expert witnesses giving evidence at the same time. The evaluation lends support for the continued use of this mode of taking evidence. In particular, the report indicates that concurrent evidence improves the quality of the evidence given and enhances the decision-making process. The Tribunal is now engaged in further work to develop guidelines on the use of concurrent evidence as well as associated information and training for members, representatives and expert witnesses.

During the reporting year, the Tribunal implemented a comprehensive professional development program for members. This has included the appointment of coordinators for mentoring and appraisal, as well as the delivery of training and the development of materials for mentors and appraisers. The Tribunal continues to provide ongoing in-house and external professional development opportunities, which included our National Conference held in October 2005.

The Tribunal has continued to play a key role in the Council of Australasian Tribunals (COAT). In April 2006, I was re-elected as Chair for a further year. The Council's major achievement during the year was the launch of the COAT Practice Manual for Tribunals. The manual covers a range of legal and procedural matters that commonly arise in tribunals, such as statutory interpretation, procedural fairness and conducting hearings. This comprehensive resource will be of assistance to members of tribunals across Australia and

New Zealand. It is already proving popular, judging from the number of orders that have been received. I would like to thank Chris Matthies, the Tribunal's Manager of Policy and Research, for his efforts in coordinating the development and publication of the manual.

Much is to be learned from interaction and collaboration with colleagues in our region and further afield. I was therefore very pleased to be invited to visit the Supreme Administrative Court of Thailand in February 2006 with Justice Brian Tamberlin of the Federal Court. Our visit has led to plans for a more extensive capacity building project.

During the year, I also had the pleasure of hosting visits from Lord Justice Carnwath of the English Court of Appeal and the United Kingdom Tribunals Service, as well as a delegation led by the Minister for Courts of New Zealand examining the future of administrative review in that country. It is a tribute to the success of the Administrative Appeals Tribunal that both the United Kingdom and New Zealand have shown an interest in exploring whether aspects of our model of merits review might have a place in their system of administrative law.

In June 2006, the Attorney-General, the Hon. Philip Ruddock, MP, officially opened the new registry in Perth. The importance and growth of work in Western Australia has been recognised by the appointment of Deputy President Stan Hotop on a full-time basis and the appointment of additional members to cope with an increase in lodgements, particularly in the taxation area.

There have been other membership changes during the reporting year. In late 2005, we farewelled Deputy President Don Muller who had been with the Queensland Registry since 1988. We have since welcomed Deputy President Philip Hack, SC, as his replacement. We also welcomed the appointment of Mr Egon Fice as a full-time Member in Melbourne. I am also pleased to report on the appointment of a number of judges of the Federal Court and Family Court as additional

presidential members. These include Justice Brian Tamberlin who will act as President when I am absent from the Tribunal.

The breadth and scope of the activities outlined above gives you a flavour of how busy the Tribunal has been over the past 12 months. I would like to extend my thanks to Tribunal members and staff for their efforts in keeping the momentum going. Another busy 12 months awaits.



Garry Downes



Registrar's report

Annual reports provide an opportunity to pause and reflect on the past year's activities. The year 2005–06 has been one of considerable achievement across a range of areas, including accommodation, information technology, professional development, staffing and budget.

The Tribunal has finalised or negotiated new leases for its accommodation in Adelaide, Melbourne, Perth and Sydney. In Perth, the Tribunal was required to relocate and new premises were secured at 111 St Georges Terrace. Notwithstanding a short timeframe and an architecturally challenging building, the fit-out was completed within the required time. The result is outstanding. It is a credit to all involved and particularly Barry Johnson, District Registrar in Western Australia, and Chris Shead, Manager of Corporate Support.

Within the Sydney registry, a major refurbishment is being undertaken with repainting, new carpet, new toilets and foyers. Some structural alterations have been undertaken to make better use of existing space and provide more useful facilities for Tribunal users, members and staff. The positive manner in which members and staff have coped with working in a building site has been most appreciated. Work will be carried out in Adelaide, Canberra and Melbourne in the coming year.

There has been steady progress on the implementation of the Tribunal's new case management system. The design phase has been completed with testing to take place in the next few months. Roll out of the system will

take place in early 2007. In anticipation of this, a contract was let for the replacement of all Tribunal personal computers. This is taking place at the time of writing this report and represents a further milestone towards ensuring the Tribunal has the information technology support required for the future. In addition, the Tribunal has replaced telephone handsets and PABXs in all registries except Brisbane and Hobart, where the Tribunal has accommodation in Commonwealth Law Courts buildings.

The Tribunal has continued to devote significant time and resources to the development and training of Tribunal members and staff. In October 2005, the Tribunal held its biannual National Conference. Held over three days, this conference provided a wonderful opportunity for members and senior staff of the Tribunal to gather in one place and undertake continuing education activities together. The Tribunal is geographically disparate. The value of a conference of this kind as a way of reinforcing common values and discussing issues as a group cannot be underestimated.

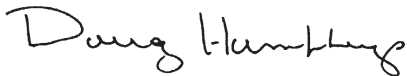
The Tribunal conducted a review of its staffing throughout Australia during the year. The review found that there are some differences and inequities in the staffing and structure of registries around Australia. In the interest of national consistency and organisational parity, the review made a number of recommendations aimed at achieving a fair distribution of resources and improving the management and operations of the Tribunal. A number of the recommendations have already been accepted and implemented. Other recommendations are scheduled for a phased implementation and the remainder are under active consideration by senior management.

Another major task during the year has been the negotiation and finalisation of a new agency agreement for the Tribunal, which will apply for the next three financial years. I congratulate those involved in the agency bargaining committee in finalising the agreement in a constructive and helpful manner. In particular, Hugh Abrahams,

the Tribunal's Manager of Human Resources, worked tirelessly in drafting an agreement that met all new requirements.

The Tribunal has continued to provide administrative and other support to the Council of Australasian Tribunals (COAT). This year has seen the successful publication of the COAT Practice Manual for Tribunals. Orders for additional copies indicate that the publication has been well received.

Finally, I note the allocation of an additional \$1.881m in the 2006–07 Budget. This additional funding will ensure the Tribunal can continue to provide a review mechanism that is fair, just, economical, informal and quick. In particular, this funding will allow additional resources to be allocated to the finalisation of the increasing number of taxation matters being lodged with the Tribunal.

A handwritten signature in black ink that reads "Doug Humphreys". The signature is written in a cursive, flowing style.

Doug Humphreys

CHART 1.1 ADMINISTRATIVE APPEALS TRIBUNAL 2005–06 ORGANISATIONAL PLAN AND STATEMENT OF ACHIEVEMENTS

OUR VISION	OUR MISSION	OUR VALUES			
<p>To be a leader in administrative review, providing fair, just, economical, informal and quick merits review.</p>	<p>To deliver high quality independent merits review of administrative decisions in a timely fashion, using alternative dispute resolution processes where appropriate.</p>	<p>User focus Integrity Professionalism Efficiency Equity and accessibility Independence</p>			
KEY RESULT AREA	GOALS	STRATEGIES	KEY TARGETS	OUTCOMES	ACHIEVEMENTS
OUR USERS	<p>To provide a national high quality merits review process that contributes to community confidence in a system of open and accountable government</p>	<ul style="list-style-type: none"> Maintain and improve access to legal advisory services for self-represented users Continue to review case management practices and procedures Seek and respond appropriately to feedback from users Ensure AAT information products meet user expectations 	<ul style="list-style-type: none"> Pursue opportunities for additional services with Community Legal Centres and other providers Finalise review of case management procedures in compensation and social security matters Develop ADR referral policy Develop and implement responses to results of the user survey Conduct regular liaison meetings Review and update information products for users 	<ul style="list-style-type: none"> Australians have equitable access to fair, just, economical, informal and quick merits review Processes are monitored and improved in response to user comments 	<ul style="list-style-type: none"> Legal Aid advice scheme established in South Australia. Advice schemes continue to operate in other registries Consultation draft of Guide to the Workers' Compensation Jurisdiction released. Comments considered and changes agreed Review of social security procedures in Victoria completed ADR Committee established. ADR process models and referral policy developed and approved User survey responses considered and taken into account in planning Regular liaison meetings conducted in registries Information products updated pending major review that will commence in 2006–07

CHART 1.1 ADMINISTRATIVE APPEALS TRIBUNAL 2005–06 ORGANISATIONAL PLAN AND STATEMENT OF ACHIEVEMENTS (CONTINUED)

KEY RESULT AREA	GOALS	STRATEGIES	KEY TARGETS	OUTCOMES	ACHIEVEMENTS
OUR PEOPLE	To maintain professional standards, a positive, safe and productive workplace that values diversity	<ul style="list-style-type: none"> • Maintain occupational health and safety practices • Ensure appropriate staffing, terms and conditions of employment of staff • Maintain and promote diversity employment strategies • Provide and support learning and development opportunities for members and staff 	<ul style="list-style-type: none"> • Reduce workplace injuries in 2005–06 • Conduct review of Tribunal staffing • Continue succession planning for key positions • Renegotiate AAT staff employment agreement • Continue Aboriginal and Torres Strait Islander employment program • Support professional development program for members • Maintain ongoing learning and development program • Introduce and develop staff induction program • Hold biannual National Conference 	<ul style="list-style-type: none"> • Promote a healthy and safe working environment • AAT has appropriate staffing and structure to deliver efficient and effective services • Increase in ATSI employee numbers • Members and staff have the skills, knowledge and commitment to deliver high quality services 	<ul style="list-style-type: none"> • Training undertaken by occupational health and safety officers, including risk management • Workplace injuries reduced by 47% over previous year • Staffing review completed and being implemented • Staff given opportunities to act in more senior positions • Agency agreement negotiated successfully. • ATSI recruit completed traineeship • Implementation of members' professional development program commenced. Handbook developed and published • Members and staff offered a range of development and training opportunities • Preliminary development work undertaken on staff induction program • National Conference held in October 2005

CHART 1.1 ADMINISTRATIVE APPEALS TRIBUNAL 2005–06 ORGANISATIONAL PLAN AND STATEMENT OF ACHIEVEMENTS (CONTINUED)

KEY RESULT AREA	GOALS	STRATEGIES	KEY TARGETS	OUTCOMES	ACHIEVEMENTS
OUR ORGANISATION	To be an organisation with systems and processes that maximise effective and efficient use of Tribunal resources	<ul style="list-style-type: none"> • Secure accommodation facilities that meet AAT needs • Improve IT systems • Improve resources management • Minimise exposure to system or other risks, fire or natural disaster 	<ul style="list-style-type: none"> • Adelaide, Canberra, Melbourne, Perth and Sydney accommodation finalised and refurbishment completed or in train • Finalise selection of new case management system and commence implementation • Implement revised AAT purchasing guidelines • Issue a coordinated business continuity plan 	<ul style="list-style-type: none"> • Accommodation and facilities available at an affordable cost • Systems and processes allow staff to work more efficiently and provide high quality service • Planning and organisational decisions are based on timely and accurate information 	<ul style="list-style-type: none"> • Leases finalised or negotiated in all locations • New registry opened in Perth • Refurbishment planned or in train in Adelaide, Canberra, Melbourne and Sydney • New case management system selected and development underway • New computers and telephone equipment purchased. New contracts for voice, data and internet services let with considerable savings • Purchasing guidelines revised • Risk assessment being undertaken as part of business continuity plan • Review of physical security being undertaken

CHART 1.1 ADMINISTRATIVE APPEALS TRIBUNAL 2005–06 ORGANISATIONAL PLAN AND STATEMENT OF ACHIEVEMENTS (CONTINUED)

KEY RESULT AREA	GOALS	STRATEGIES	KEY TARGETS	OUTCOMES	ACHIEVEMENTS
OUR PARTNERS	To cooperate with government, other tribunals, the legal profession and other interested groups	<ul style="list-style-type: none"> Develop and enhance our links with government, other tribunals and our partners in administrative review Develop links with universities and law education providers Increase AAT participation in community and continuing legal education 	<ul style="list-style-type: none"> Participate fully and provide expert advice to government and legal forums relevant to the work of the AAT Pursue resource sharing arrangements with courts and tribunals Continue AAT moot competition Participate in training and convention opportunities for users in administrative law, AAT practice and procedure Identify and pursue additional opportunities to participate in community education activities 	<ul style="list-style-type: none"> Legislators and policy makers value the Tribunals' expertise on matters of administrative review Better understanding of the AAT and its role in the administrative decision-making process 	<ul style="list-style-type: none"> Advice provided to government on issues relating to the Tribunal in a timely manner Significant work undertaken in relation to the administration of the Council of Australasian Tribunals and COAT projects Delegations hosted from Mexico, New Zealand, Taiwan and the United Kingdom Co-operative arrangements with other Commonwealth tribunals continue. Tribunal training and development opportunities offered to other tribunals Moot competition conducted for university students in Australian Capital Territory, New South Wales, Queensland and Victoria Speeches and papers given by members and staff at a range of conferences and seminars Tribunal participated in community education activities

Chapter 2: Overview of the Tribunal

The role of the Tribunal is to provide merits review of administrative decisions. The Tribunal must pursue the objective of providing a mechanism of review that is fair, just, economical, informal and quick.

The Tribunal falls within the portfolio of the Attorney-General, the Honourable Philip Ruddock, MP.

Establishment

The Tribunal was established by the *Administrative Appeals Tribunal Act 1975* (AAT Act) and commenced operations on 1 July 1976. The AAT Act and the *Administrative Appeals Tribunal Regulations 1976* (AAT Regulations) set out the Tribunal's powers, functions and procedures.

Functions and powers

REVIEW OF DECISIONS

The Tribunal is an independent body that reviews a wide range of administrative decisions made by Australian Government ministers, officials, authorities and other tribunals. The Tribunal can also review administrative decisions made by state government and non-government bodies in limited circumstances.

Merits review of an administrative decision involves its reconsideration. On the facts before it, the Tribunal decides whether the correct – or, in a discretionary area, the preferable – decision has been made in accordance with the applicable law. It will affirm, vary or set aside the original decision.

The Tribunal is not always the first avenue of review of an administrative decision. In some cases, it cannot review a decision until an internal review has been conducted by the body that made the primary decision. In other cases, review by the Tribunal is only available after intermediate review by a specialist tribunal. For example, in the area of social security, an application may be made to the Tribunal only after review by the Social Security Appeals Tribunal.

Section 33 of the AAT Act requires that proceedings of the Tribunal be conducted with as little formality and technicality, and with as much expedition, as the requirements of the Act and a proper consideration of the matters before the Tribunal permit. The Tribunal is not bound by the rules of evidence and can inform itself in any manner it considers appropriate.

JURISDICTION

The Tribunal does not have a general power to review decisions made under Commonwealth legislation. The Tribunal can only review a decision if an Act, regulation or other legislative instrument provides specifically that the decision is subject to review by the Tribunal. Jurisdiction is generally conferred by the enactment under which the original decision was made.

The Tribunal has jurisdiction to review decisions made under more than 400 separate Acts and legislative instruments. Decisions in the areas of social security, taxation, veterans' affairs and workers' compensation constitute the bulk of the Tribunal's workload. However, the Tribunal also reviews decisions in areas such as bankruptcy, civil aviation, corporations law, customs, freedom of information, immigration and citizenship, industry assistance and security assessments undertaken by the Australian Security Intelligence Organisation.

Changes to the Tribunal's jurisdiction during the reporting year are set out in Appendix 5.

Organisation

The Tribunal consists of a President, other presidential members (comprising judges and Deputy Presidents), Senior Members and Members. The qualification requirements for the different categories of membership are set out in the AAT Act.

The President must be a judge of the Federal Court of Australia. Other judges of the Federal Court and judges of the Family Court of Australia may be appointed as presidential members.

Deputy Presidents of the Tribunal must have been enrolled as legal practitioners for at least five years. Senior Members must have been enrolled as legal practitioners for at least five years or have special knowledge or skill relevant to the duties of a Senior Member. Members must have knowledge or skill relevant to the duties of a Member. Current Members have expertise in a range of areas, including accountancy, aviation, engineering, environmental science, law, medicine, pharmacology, military affairs, public administration and taxation.

Appointments to the Tribunal may be full-time or part-time.

The President, with the assistance of the Registrar, is responsible for the management of the Tribunal and its resources. The President has established a number of committees comprising Tribunal members and senior staff to provide advice and assistance in specific areas. Principal Registry managers and District Registrars also provide policy advice and operational assistance.

The Tribunal's Principal Registry is located in Brisbane and Sydney. The Tribunal has registry facilities in all capital cities. The President and Registrar are located in Sydney.

Membership

PRESIDENT

The Honourable Justice Garry Downes, AM, was appointed as a judge of the Federal Court of Australia on 2 April 2002. On that day, Justice Downes was also appointed Acting President of the Tribunal. On 16 May 2005, he was appointed as President of the Tribunal for a period of seven years.

MEMBERSHIP OF THE TRIBUNAL

As at 30 June 2006, the Tribunal's membership totalled 83. The number of full-time and part-time members in each category is set out in Table 2.1.

Appendix 1 contains a list of the Tribunal's membership by state and territory and shows the Divisions to which each non-presidential member was assigned as at 30 June 2006. Appendix 1 also contains a profile of each of the Tribunal's members other than judges of the Federal Court and Family Court.

TABLE 2.1 TRIBUNAL MEMBERSHIP AS AT 30 JUNE 2006

Class of member	Judges	Full-time	Part-time	Total (Women)
President	1			1 (0)
Presidential members:				
Federal Court judges	12			12 (1)
Family Court judges	5			5 (2)
Deputy Presidents		6 ^a	5	11 (1)
Senior Members		8	9	17 (6)
Members		4	33	37 (9)
Total	18	18	47	83 (19)

^a One full-time Deputy President was on extended leave of absence from the Tribunal throughout the reporting period.

Registrar and Assistant Registrar

The Tribunal's Registrar is Doug Humphreys. He commenced with the Tribunal on 25 August 2003.

The Registrar assists the President to manage the Tribunal and advises on its operations and performance. The Registrar may act on behalf of the President in relation to the administrative affairs of the Tribunal. The position of Registrar is a statutory office appointed by the Governor-General. The Registrar is the agency head for the purposes of the *Public Service Act 1999* and is responsible for the employment of the Tribunal's staff on behalf of the Commonwealth. The Registrar is also the Chief Executive for the purposes of the *Financial Management and Accountability Act 1997*.



The Registrar is assisted by the Assistant Registrar and senior officers in the Principal Registry and District Registries.

The Assistant Registrar is Sian Leathem, who holds office as a senior executive in the Australian

Public Service. Ms Leathem commenced with the Tribunal in January 2004.

Staff

Tribunal staff members are employed under the *Public Service Act 1999* as ongoing, non-ongoing or intermittent employees. As at 30 June 2006, a total of 152 staff members were employed by the Tribunal.

Appendix 2 lists:

- numbers of ongoing, non-ongoing or intermittent staff of each classification in each registry; and
- numbers of ongoing employees who fall into each equal employment opportunity category, where staff members have provided this information.

Registries

PRINCIPAL REGISTRY

Principal Registry staff members are located in Brisbane and Sydney, with outposted technical specialists in information technology and library services in other capitals. Frequent and regular communication between staff members is maintained via email, telephone conferences and periodic face-to-face meetings.

Principal Registry staff members provide advice and assistance to the President and the Registrar as well as a range of services for Tribunal members and staff. Principal Registry staff members are responsible for finance, human resource management, information technology, legal and policy issues affecting the Tribunal, library services, payroll and property.

DISTRICT REGISTRIES

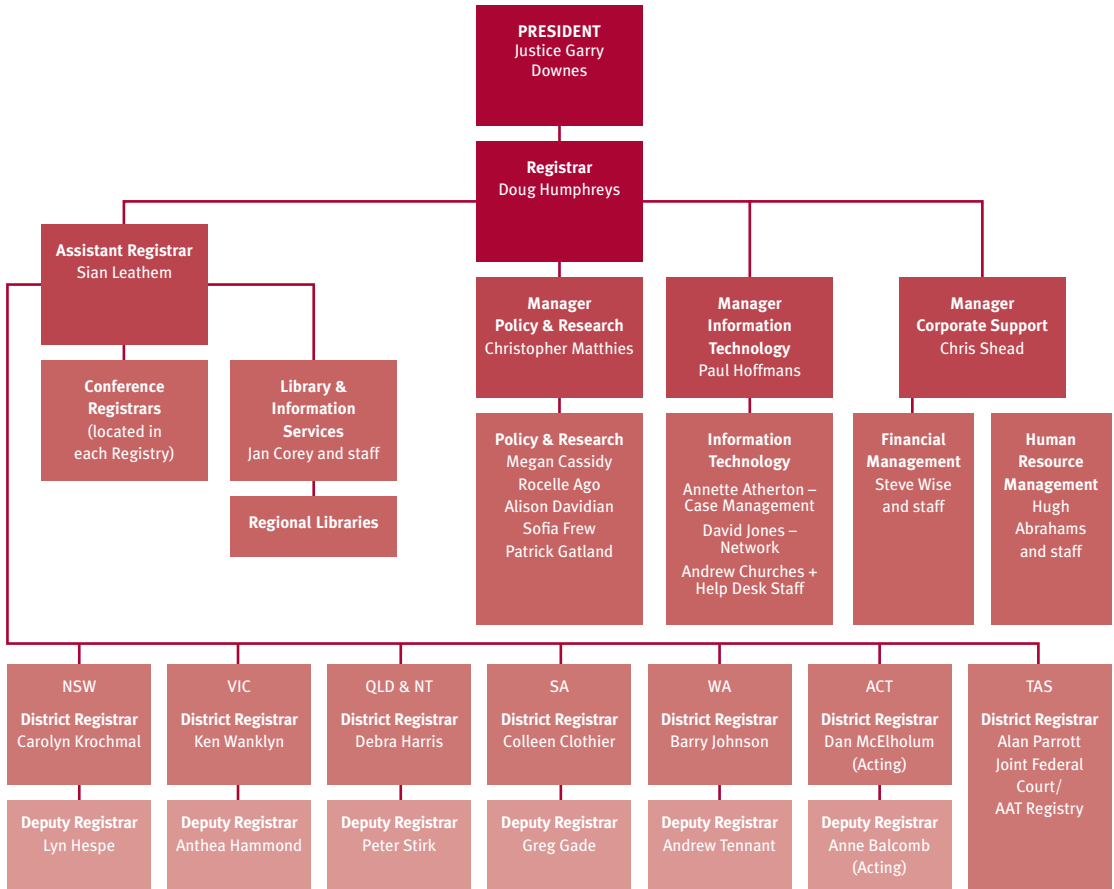
District Registries are located in each capital city. In Hobart, the registry service is provided by the Federal Court of Australia. The Queensland Registry has responsibility for Northern Territory applications and for ensuring an effective level of service to Northern Territory residents.

Each registry has a District Registrar who is responsible for local registry management. Conference Registrars conduct the bulk of the pre-hearing conferences in all District Registries with the exception of Tasmania, where the District Registrar performs that role. Conference Registrars also conduct other alternative dispute resolution (ADR) processes.

District Registries are also responsible for:

- providing information to parties to proceedings and their representatives as well as to the general public on the operation and procedures of the Tribunal;
- processing of documents;
- facilitating the listing and conduct of conferences, other alternative dispute resolution processes and hearings; and
- providing administrative and other support services to members.

FIGURE 2.2 ADMINISTRATIVE STRUCTURE OF THE TRIBUNAL



Information on the administrative structure of the Tribunal and the names of senior staff are set out in Figure 2.2.

Tribunal Committees

The President has established seven committees that provide advice and assistance in relation to aspects of the management of the Tribunal. A brief description of the role and membership of each committee is set out below.

The **Alternative Dispute Resolution Committee** is responsible for the development of policies and guidelines concerning the use of ADR processes in the Tribunal. The Committee comprises the President and a group of members and senior staff with extensive expertise and experience in ADR.

The **Constitution Committee** deals with issues relating to the constitution of tribunals and, in particular, the appropriate and consistent constitution of multi-member tribunals. It comprises the President, a diverse group of members from different Tribunal registries and the Registrar.

The **Information Technology Committee** is an advisory group that considers the Tribunal's information technology strategies. It comprises the President, a number of members of the Tribunal, the Registrar, the Assistant Registrar, the Manager, Corporate Support, the Manager, Information Technology and the District Registrars from New South Wales and Western Australia.

The **Library Committee** considers issues relating to the Tribunal's information needs and oversees the Tribunal's collection development policy. It comprises the President, a diverse group of members from different Tribunal registries, the Registrar and the Assistant Registrar.

The **Practice and Procedure Committee** deals with practice and procedure issues and, in particular, proposals to improve the way in which the Tribunal manages applications for review. The committee comprises the President, the State and Territory Coordinators, the Registrar, the Assistant Registrar, the District Registrar from each Tribunal registry and a representative of the Tribunal's Conference Registrars.

The **Professional Development Committee** considers issues relating to the professional development of Tribunal members. The committee comprises the President, a diverse group of members from different Tribunal registries with an interest in professional development and the Registrar.

The **State and Territory Coordinators Committee** comprises the President and the Deputy President or Senior Member in each registry who is responsible for coordinating the work performed in that registry. It provides a forum for coordinators to discuss issues relating to case management and other matters of common interest.

Some of the highlights of the work undertaken by the committees are discussed in Chapters 4 and 5. The members' profiles in Appendix 1 identify the committees on which members serve.

The case management process

The Tribunal has a case management system that aims to deal with applications in a timely and flexible manner. The case management system is designed to promote:

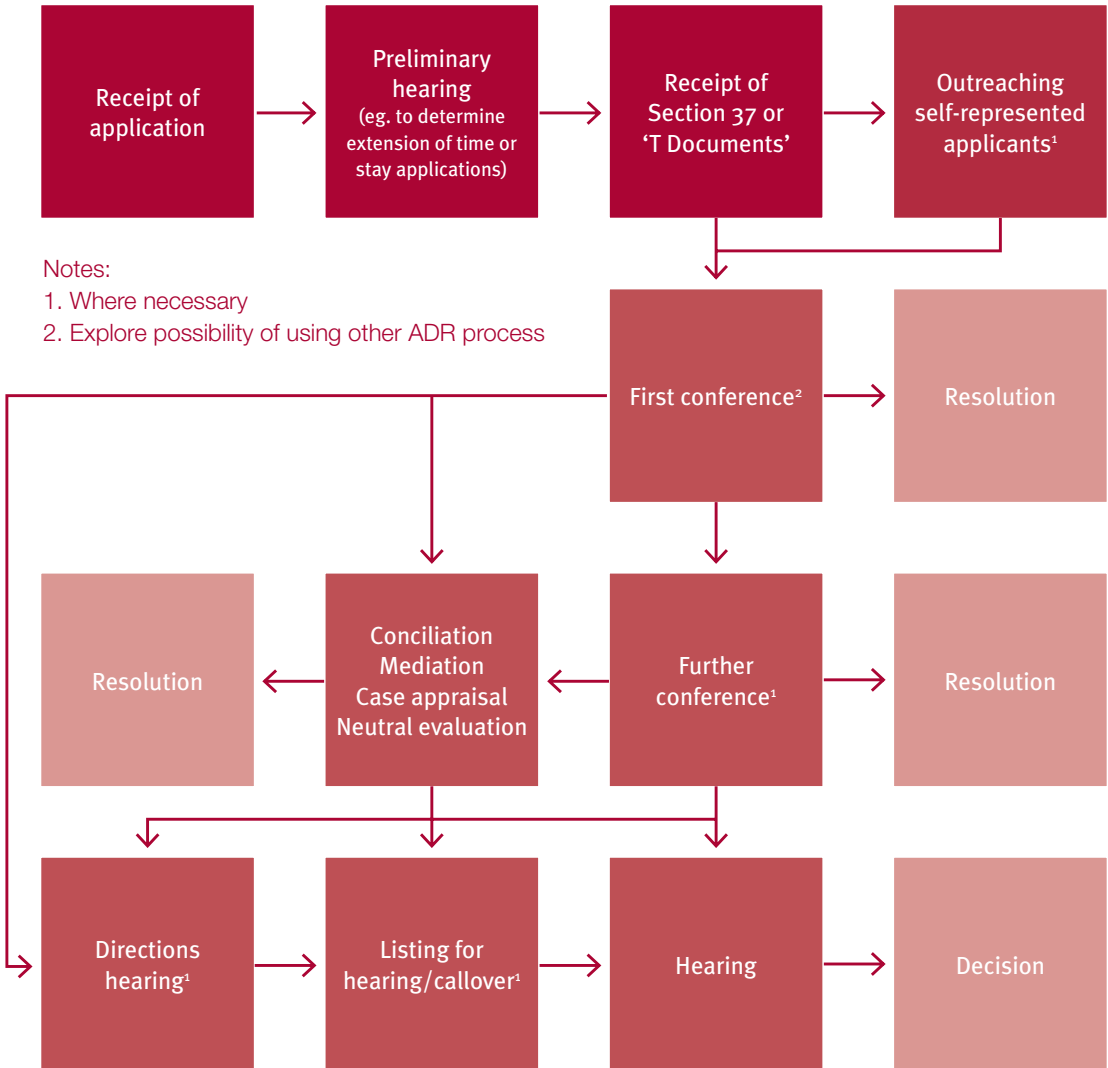
- the orderly and controlled passage of matters from lodgement to resolution;
- the achievement of case management targets;
- the equitable treatment of all parties;
- the effective use and allocation of Tribunal resources; and
- the maintenance and enhancement of public confidence in the Tribunal.

On receipt of an application in relation to which the Tribunal has jurisdiction, the Tribunal notifies the decision-maker that the application has been made. Within 28 days, the decision-maker must provide to the Tribunal and to the applicant a statement of reasons for the decision and all documents that are relevant to the review. These are known as the 'Section 37 documents' or the 'T documents'.

One or more conferences conducted by a Conference Registrar or Tribunal member will be held with the parties to discuss the issues in dispute, identify any further material that parties may wish to obtain and explore whether the matter can be settled. Conferences also provide an opportunity to discuss the future conduct of the application and, in particular, whether another form of ADR may assist in resolving the matter. Where an agreed resolution cannot be reached, the Tribunal will conduct a hearing and make a formal decision.

A flow chart outlining the progress of an application through the Tribunal from receipt of application to resolution appears in Figure 2.3.

FIGURE 2.3 CASE MANAGEMENT FLOW CHART



The Tribunal assists the parties to reach an agreed resolution where possible while ensuring that appropriate steps are taken to prepare for hearing those matters that do not settle. Parties are expected to play an active part in identifying legal and factual issues early in the pre-hearing process. This encourages early resolution of disputes or, where that is not possible, a clear framework within which the parties can prepare for hearing. The Tribunal provides assistance to self-represented parties.

The Tribunal has developed a number of Practice Directions, which set out the procedures that will generally be adopted by the Tribunal in applications lodged with the Tribunal. These include:

- the General Practice Direction, which applies to the majority of applications lodged with the Tribunal where the applicant is represented; and
- the Small Taxation Claims Tribunal Practice Direction, which applies to all applications to be dealt with in the Small Taxation Claims Tribunal.

These documents are complemented by further practice directions on specific issues. They include:

- the Practice Direction on Procedures relating to Section 37 of the AAT Act;
- the Freedom of Information Practice Direction; and
- the Listing and Adjournment Practice Direction, which sets out the Tribunal's approach to listing hearings and dealing with requests for adjournments.

The Tribunal is in the process of finalising the Guide to the Workers' Compensation Jurisdiction, which will replace the General Practice Direction in that jurisdiction. A new practice direction relating to the taxation of costs is in development.

Five ADR processes are specified in the AAT Act:

- conferencing;
- conciliation;
- mediation;
- case appraisal; and
- neutral evaluation.

The Tribunal has developed process models for each of the different forms of ADR and a policy that guides referral of applications to the different ADR processes.

CASE MANAGEMENT RESPONSIBILITIES

Each registry has a State or Territory Coordinator who is responsible for case management in that registry. This includes determining the constitution of tribunals for hearings and generally ensuring that appropriate systems are in place so that applications progress as efficiently and effectively as possible.

Table 2.4 identifies the State and Territory Coordinators as at 30 June 2006. Northern Territory matters are the responsibility of the Queensland State Coordinator.

TABLE 2.4 STATE AND TERRITORY COORDINATORS

Registry	State/Territory Coordinator
New South Wales	Deputy President Geoffrey Walker
Victoria	Deputy President Stephanie Forgie
Queensland/ Northern Territory	Deputy President Philip Hack, SC
South Australia	Deputy President Deane Jarvis
Western Australia	Deputy President Stanley Hotop
Australian Capital Territory	Senior Member James Constance
Tasmania	Deputy President Raymond Groom



State and Territory Coordinators: Senior Member James Constance (ACT), Deputy President Geoffrey Walker (NSW), Deputy President Donald Muller (Queensland until December 2005), Deputy President Deane Jarvis (SA), Deputy President Raymond Groom (Tasmania) and Deputy President Stanley Hotop (WA) (with President Justice Garry Downes, AM and Registrar Doug Humphreys). **Absent:** Deputy President Stephanie Forgie (Victoria) and Deputy President Philip Hack SC (Queensland from January 2006).

Access to the Tribunal

INFORMATION ON THE TRIBUNAL

The Tribunal has developed a range of leaflets which contain information about when the Tribunal can be of assistance, how to make an application, the pre-hearing process, what happens at a hearing and what to do once a Tribunal decision is made. This information is also available in a range of languages, in large print and on audio cassette.

A video/DVD entitled 'Getting Decisions Right' is available to applicants and provides information about the Tribunal's practice and procedure.

The Tribunal has also developed:

- an information sheet on the Tribunal's procedures for overseas applicants which has been translated into a number of community languages;
- information sheets on applications subject to expedited review procedures in the immigration jurisdiction.

Comprehensive information about the Tribunal and its procedures is also available on the Tribunal's internet website (www.aat.gov.au).

OUTREACH PROGRAM

The Tribunal has an Outreach Program to provide self-represented applicants with information about the Tribunal's processes and answers to questions that they may have about procedural issues. Outreach is usually conducted over the telephone by trained officers who identify any further information needs the self-represented applicant may have and what is necessary to meet those needs.

LEGAL ADVICE SCHEMES

The Tribunal hosts legal advice schemes in cooperation with the legal aid bodies in New South Wales, Queensland, South Australia, Victoria and Western Australia. A legal aid solicitor attends the Tribunal registry for a full day or half day on either a weekly or fortnightly basis. During Outreach, the Tribunal advises self-represented parties that they can make an appointment with the solicitor. If the person expresses interest, an appointment is made.

The solicitor is able to provide the person with advice and minor assistance and, in appropriate cases, may invite the person to apply to legal aid for further assistance, including representation. The majority of appointments are conducted with self-represented parties in the social security jurisdiction.

The Tribunal also has referral arrangements in place in some states and territories to refer self-represented parties to community legal centres or other legal service providers.

Further details about the schemes are set out in Chapter 4.

INTERPRETER SERVICES

Where a party requires an interpreter for a conference, other alternative dispute resolution process or hearing, the Tribunal engages the interpreter and will meet the associated cost. The Tribunal's policy is to arrange interpreters who are accredited by the National Accreditation Authority for Translators and Interpreters (NAATI) at the 'professional' level. A 'paraprofessional' interpreter may only be used in languages where no professional-level interpreter is accredited. In languages where there is no NAATI accreditation, a NAATI certificate of recognition is provided.

The Tribunal has developed an information sheet for interpreters that provides information on Tribunal procedures and terminology used in the Tribunal. The information sheet is available from the Tribunal's registries and can be accessed on the Tribunal website.

ACCESS BY PERSONS WITH DISABILITIES

In accordance with the Tribunal's Disability Action Plan, the Tribunal strives to make access to the Tribunal easier for people with a disability by:

- making electronic and printed material available in appropriate formats;
- providing hearing aid induction loops in Tribunal premises, including conference and hearing rooms, and at most registry counters;
- providing a telephone typewriter machine with national toll-free access for those with a hearing impairment;
- making all premises wheelchair accessible; and
- providing facilities for participation in conferences or hearings by telephone or video link.

Further information about the Tribunal's Disability Action Plan and performance against the Commonwealth's Disability Strategy is outlined in Chapter 5 and Appendix 9 of this report.

SERVICE CHARTER AND COMPLAINTS

The Tribunal's Service Charter sets out the rights and responsibilities of the Tribunal and its users. It provides information about the Tribunal's service standards, commitments to clients, responsibilities of the parties and contact information. The Charter also includes information on how to make a complaint together with information on the Tribunal's complaint-handling procedures.

The Charter is written in clear, simple language and is intended to be accessible to all users of the Tribunal. A copy of the charter can be viewed on the Tribunal's website (www.aat.gov.au).

Information in relation to complaints is set out in Chapter 3.

Additional functions conferred on Tribunal members

In addition to carrying out their functions under the AAT Act, members of the Tribunal may exercise powers under a number of other Acts.

Deputy Presidents, full-time Senior Members and other Senior Members and Members who have been enrolled as legal practitioners for at least five years may be nominated to undertake the following functions:

- issue telecommunications interception and stored communications warrants under the *Telecommunications (Interception and Access) Act 1979*;
- issue warrants and exercise related powers under the *Surveillance Devices Act 2004*; and
- review certificates that authorise controlled operations under the *Crimes Act 1914*.

The President and Deputy Presidents may be appointed as issuing authorities in relation to the making of continued preventative detention orders under the *Criminal Code*.

All members of the Tribunal are authorised to exercise a range of powers under the *Education Services for Overseas Students Act 2000* and the *Migration Act 1958* relating to the monitoring of compliance with student visa conditions.

Presidential members of the Tribunal and non-presidential members who have been enrolled as legal practitioners for at least five years may also be appointed as approved examiners under the *Proceeds of Crime Act 2002*. Approved examiners are authorised to issue examination notices at the request of the Commonwealth Director of Public Prosecutions and oversee compulsory examinations in connection with confiscation proceedings.

Chapter 3: Workload and performance

Workload

This section of the annual report provides key statistical information on the number of applications lodged and finalised in 2005–06 and the number of applications current at the end of the reporting period. This section also provides information relating to the Tribunal's major jurisdictions: social security, taxation, veterans' affairs and workers' compensation. Information relating to the previous two reporting periods is provided for the purposes of comparison.

OVERALL RESULTS

Chart 3.1 sets out the total number of applications lodged and finalised and the number of current applications for the last three years.

The number of applications lodged with the Tribunal continues to rise. The number of lodgements in 2005–06 was 12 per cent higher than the number lodged in 2004–05. As Chart 3.2 demonstrates, this increase can be attributed primarily to a further rise in the number of applications relating to taxation decisions.

The number of applications finalised by the Tribunal in 2005–06 was 8 per cent higher than the number of finalisations in 2004–05. This increase can also be attributed primarily to the finalisation of a larger number of applications in the Taxation Appeals Division (Taxation Division). Approximately two-thirds of these finalisations related to taxation scheme matters.

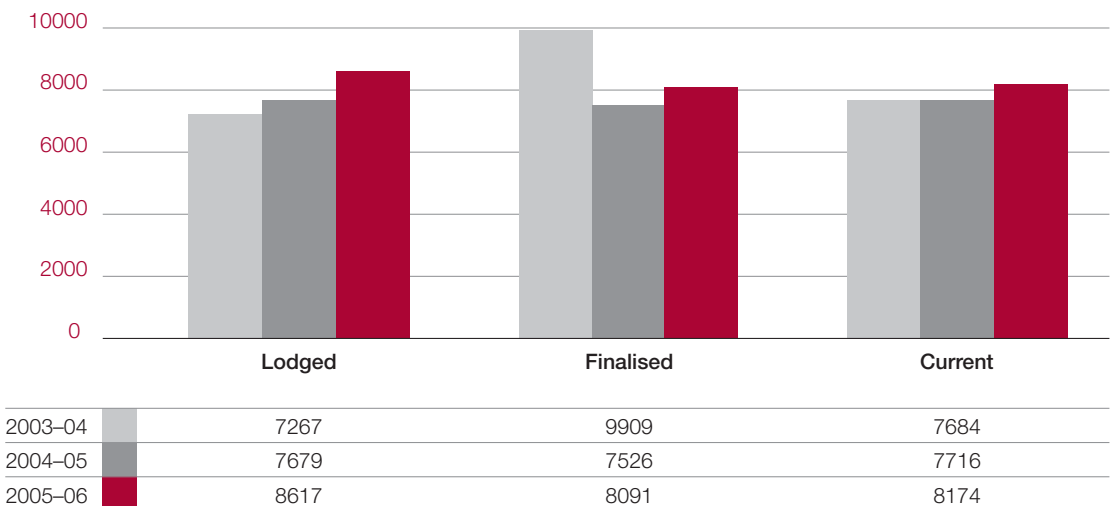
The number of applications current at 30 June 2006 is 6 per cent higher than the number current at the end of 2004–05. The increase in the number of applications lodged in the Taxation Division has contributed significantly to this result.

APPLICATIONS LODGED

The number of applications lodged in the Tribunal's major jurisdictions in each of the past three years is shown in Chart 3.2.

Applications relating to taxation decisions were the most common type of application lodged with the Tribunal in 2005–06 and constituted 43 per cent of all lodgements. Applications relating to social security and workers' compensation were the next

CHART 3.1 APPLICATIONS LODGED, FINALISED AND CURRENT



largest jurisdictions comprising 19 per cent and 17 per cent of total lodgements respectively.

There has been a 62 per cent increase in the number of applications lodged in the Taxation Division over the number lodged in 2004-05. Two-thirds of these lodgements were applications relating to taxation schemes or employee benefit arrangements.

The number of applications relating to family assistance and social security decisions also increased by 10 per cent. In part, this increase can be attributed to an increase in the number of applications lodged by Departments and, in particular, by the Department of Employment and Workplace Relations. There were almost 250 departmental appeals in 2005-06 compared with approximately 80 in 2004-05. Departmental appeals represented 15 per cent of total lodgements in the social security jurisdiction during the reporting year.

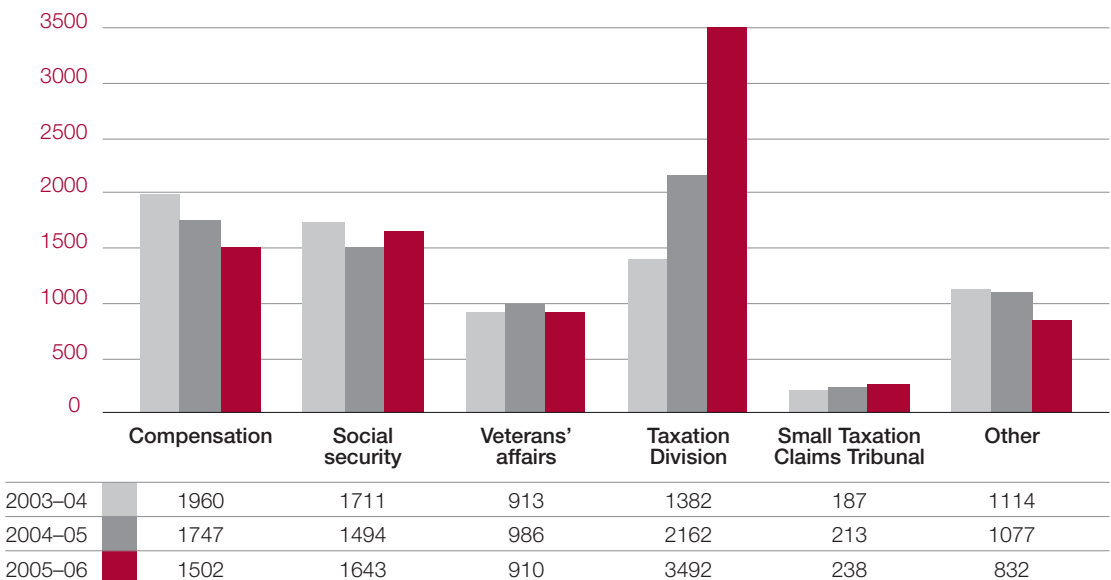
The number of lodgements in the workers' compensation jurisdiction in 2005-06 was 14 per cent lower than in 2004-05. This continues

a trend that has been evident since 2002-03. The Tribunal notes that the recent grant of licences to a number of corporations under the *Safety, Rehabilitation and Compensation Act 1988* may lead to an increase in applications in this jurisdiction in the future. During the reporting year, the Tribunal received its first applications relating to employees of Optus Administration Pty Ltd. The Tribunal will continue to monitor developments in workload in this jurisdiction.

The number of applications lodged in the veterans' affairs jurisdiction also decreased in 2005-06 by 8 per cent. However, the number of lodgements in 2005-06 is consistent with the number lodged in 2003-04. The Tribunal notes that it received its first application for review of a decision under the new *Military Rehabilitation and Compensation Act 2004* during the reporting period.

Table 3.1 in Appendix 3 provides more detail on the applications lodged in the reporting year for all jurisdictions. Chart 3.2 in Appendix 3 provides details in relation to the number of applications lodged in each registry.

CHART 3.2 APPLICATIONS LODGED IN MAJOR JURISDICTIONS



APPLICATIONS FINALISED

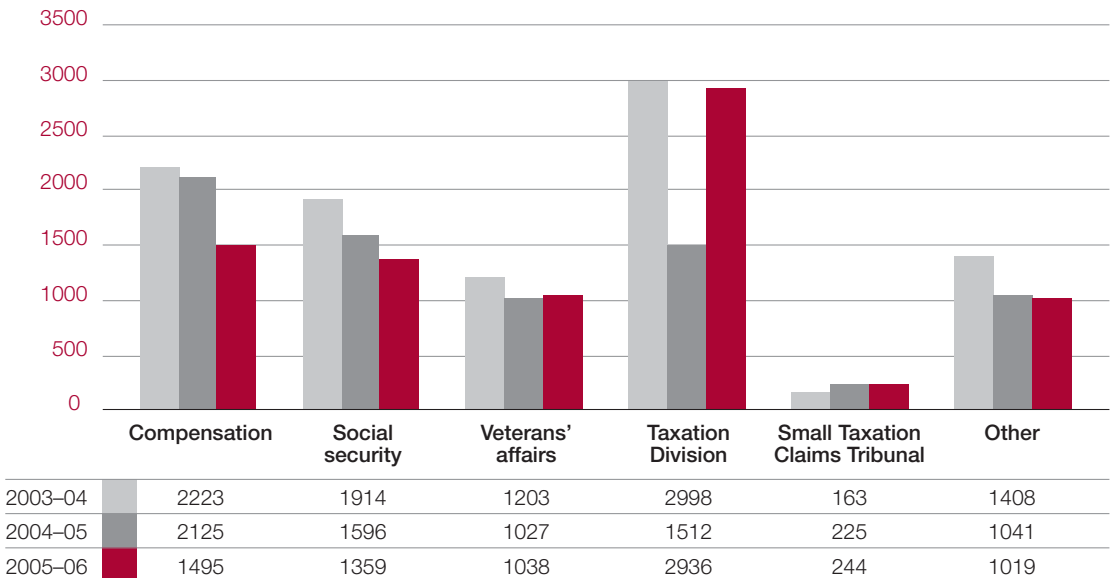
The number of applications finalised in the Tribunal's major jurisdictions in each of the past three years is shown in Chart 3.3.

The number of applications finalised in the Taxation Division in 2005–06 was 94 per cent higher than the number of finalisations in 2004–05. This increase is attributable to a significantly higher number of finalisations of taxation scheme applications. These constitute approximately two-thirds of all finalisations in the Taxation Division in 2005–06. The majority of applications were finalised by way of a negotiated agreement between the parties.

The number of applications finalised in the workers' compensation and social security jurisdictions in 2005–06 fell by 30 per cent and 15 per cent respectively. The smaller number of finalisations reflects the lower number of applications lodged in these jurisdictions during previous years.

Table 3.1 in Appendix 3 provides more details on applications finalised in the reporting year for all jurisdictions. Chart 3.3 in Appendix 3 provides information in relation to the number of applications finalised in each registry. Table 3.5 in Appendix 3 provides statistical information on the outcomes of matters finalised in the reporting year.

CHART 3.3 APPLICATIONS FINALISED IN MAJOR JURISDICTIONS



CURRENT APPLICATIONS

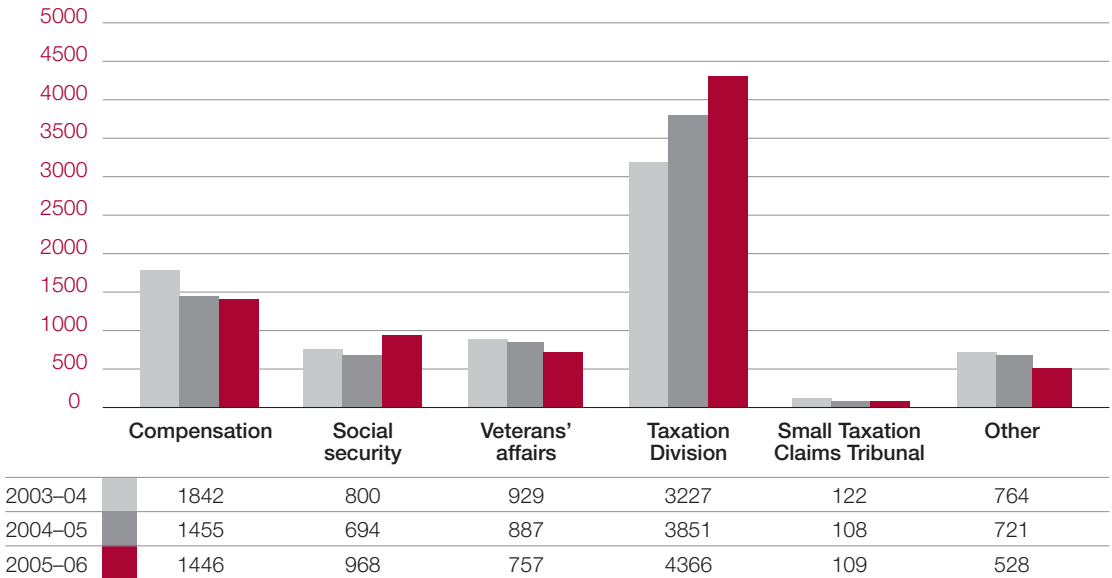
The number of applications current in the Tribunal's major jurisdictions at the end of the current and the previous two reporting periods is shown in Chart 3.4.

The overall increase in the number of applications current at the end of 30 June 2006 is related primarily to a 13 per cent rise in the number of current Taxation Division applications and a 39 per cent rise in the number of social security applications on hand. Increases in lodgements in both of these areas in 2005–06 have contributed to this result.

The number of current applications in the veterans' affairs jurisdiction at 30 June 2006 was 15 per cent lower than at the end of the previous reporting period. The number of applications on hand in the workers' compensation jurisdiction remained steady.

Table 3.6 in Appendix 3 provides information about the status of applications on hand at 30 June 2006. Chart 3.7 in Appendix 3 provides information about the number of applications current in each registry.

CHART 3.4 CURRENT APPLICATIONS BY MAJOR JURISDICTION



Our performance

OUTCOME AND OUTPUTS STRUCTURE

The Tribunal has one outcome specified in the 2005–06 Portfolio Budget Statements:

to provide aggrieved persons and agencies with timely, fair and independent merits review of administrative decisions over which the Tribunal has jurisdiction.

There is one output group relating to this outcome:

Output group 1.1 – Completed review of decisions

Output 1.1.1 – Applications finalised without a hearing

Output 1.1.2 – Applications finalised with a hearing.

TOTAL RESOURCING FOR OUTCOME

Table 3.5 shows how the 2005–06 budget appropriations for the Tribunal translate to total resourcing for the Tribunal's outcome, including administered expenses, revenue from the Government (appropriation), revenue from other sources and the total price of the outputs.

TABLE 3.5 TOTAL RESOURCES FOR OUTCOME 1 (\$'000)

	Budget 2005–06	Actual expenses 2005–06	Variation	Budget 2006–07
<i>Departmental appropriations</i>				
Output group 1.1 – Completed reviews of decisions				
Output 1.1.1 – Applications finalised without a hearing	12,389	12,905	516	13,213
Output 1.1.2 – Applications finalised with a hearing	16,507	15,991	(516)	17,607
Total revenue from government (appropriations) contributing to the price of departmental outputs	28,896	28,896	–	30,820
<i>Revenue from other sources</i>				
Output 1.1.1 – Applications finalised without a hearing	465	565	100	530
Output 1.1.2 – Applications finalised with a hearing	620	700	80	706
<i>Total revenue from other sources</i>	1,085	1,265	180	1,236
Total price of departmental outputs (Total revenue from government and other sources)	29,981	30,161	180	32,056
Total estimated resourcing for Outcome 1 (Total price of outputs and administered expenses)	30,832	30,702	(130)	32,005

PERFORMANCE MEASURES

Table 3.6 sets out the performance measures for the Tribunal's outcome. The Tribunal's performance against these standards is described below.

PERFORMANCE RESULTS

Notification of review rights

The Tribunal provides advice and information to agencies and other decision-makers in relation to the notification of review rights. Advice and information is provided on request and where the Tribunal identifies issues of concern regarding notices of rights of review.

The Tribunal informs agencies and other decision-makers of the Code of Practice for Notification of Reviewable Decisions and Rights of Review determined under section 27B of the AAT Act and provides advice on the form and content of notices of rights of review. The Tribunal has developed a range of pro-forma statements of review rights.

The Tribunal provided advice and information of this kind to one agency during the reporting year.

TABLE 3.6 PERFORMANCE STANDARDS 2005–06

Effectiveness – Overall achievement of the outcome	
<i>Effectiveness indicators</i>	<i>Measures</i>
Those affected by administrative decisions within the Tribunal's jurisdiction are advised of their rights of review.	All decision-makers are provided with relevant material so they can advise people of their review rights.
Review processes are efficient and fair.	Parties to the review process are satisfied that the Tribunal's practices and procedures are efficient and fair, and complaints are dealt with efficiently and fairly.
Applications to the Tribunal are resolved in a timely manner.	Time standards are complied with.
Performance information for departmental outputs	
<i>Output description</i>	<i>Performance measure</i>
Output group 1.1 – Completed reviews of decisions	
Output 1.1.1 – Applications finalised without a hearing	Price: \$2,533 per completed application ^a
	Quality: 85% of matters have first conference within 13 weeks
	Quantity: 5,218 finalisations
Output 1.1.2 – Applications finalised with a hearing	Price: \$11,933 per completed application ^a
	Quality: 85% of matters to hearing within 40 weeks
	Quantity: 1,476 finalisations

^a Projection for 2005–06; see Table 3.7 for actual figures.

Review processes are efficient and fair

The Tribunal is committed to providing a high-quality merits review process, which is efficient and fair. This is reflected in the Organisational Plan 2005–06 and is embodied, in particular, in the goal relating to our users. The Tribunal's performance in relation to this goal is discussed in Chapter 4. Information on complaints made to the Tribunal and complaints-handling by the Tribunal is provided later in this chapter.

Price, quality and quantity of applications finalised

Table 3.7 sets out the Tribunal's performance against the effectiveness indicators and measures related to applications finalised, including the cost per finalised application.

The number of applications finalised by the Tribunal during the year, both with and without a hearing, was above the budget projections for 2005–06. As a result, the price per completed application was less than anticipated. Further information relating to the percentage of applications finalised without a hearing in the major jurisdictions is set out in Table 3.4 in Appendix 3.

The Tribunal exceeded the target of holding a first conference within 13 weeks of lodgement in 85 per cent of applications. However, the Tribunal continued to experience difficulties in meeting the target of holding a hearing within 40 weeks of lodgement in 85 per cent of applications. Comparative information relating to the Tribunal's performance against these targets in previous years is provided below in Table 3.10.

TIMELINESS OF REVIEW

As a means of monitoring its performance, the Tribunal has set time standards for the finalisation of applications generally and in relation to particular steps in the review process from receipt of an application to the delivery of a decision.

The Tribunal aims to finalise the majority of applications within 12 months of lodgement. It has set percentage targets for the finalisation of applications within this timeframe for the major jurisdictions. Information on compliance with these targets in the reporting period and in previous years is set out in Table 3.8.

TABLE 3.7 PERFORMANCE RESULTS 2005–06

Output group 1.1 – Completed reviews of decisions

<i>Output description</i>	<i>Performance result</i>
Output group 1.1 – Completed reviews of decisions	
Output 1.1.1 – Applications finalised without a hearing	Price: \$2,087 per completed application
	Quality: 86% of matters had first conference within 13 weeks ^a
	Quantity: 6,570 finalisations
Output 1.1.2 – Applications finalised with a hearing	Price: \$11,170 per completed application
	Quality: 50% of matters had hearing within 40 weeks ^a
	Quantity: 1,521 finalisations

^a These figures do not include applications dealt with in the Small Taxation Claims Tribunal, which are subject to shorter time standards for this event.

Overall, 65 per cent of applications finalised during the reporting period were finalised within 12 months of lodgement. This result continued to be affected by the finalisation of a number of longstanding applications relating to taxation schemes that were deferred pending the outcome of test cases in the Federal Court and the High Court. Approximately 18 per cent of applications finalised in the Taxation Division were applications relating to taxation schemes lodged prior to 1 July 2003. Compared with the result for 2004–05, there has been a significant improvement in the proportion of Taxation Division applications finalised within 12 months.

Excluding finalisations in the Taxation Division from the overall figures, there has been a small improvement in the percentage of applications finalised within 12 months of lodgement during this reporting period. Seventy-five per cent of applications were finalised within this timeframe.

In relation to the other major jurisdictions, the Tribunal met its target in the social security jurisdiction but fell short of its target in the veterans' affairs and workers' compensation jurisdictions by 14 per cent and 13 per cent respectively. The result for the veterans' affairs jurisdiction is a significant improvement over previous reporting periods. The percentage of workers' compensation applications finalised within 12 months is consistent with the result for 2003–04.

The Tribunal aims to finalise applications dealt with in the Small Taxation Claims Tribunal within 12 weeks or 84 days of lodgement. Table 3.9 shows that the percentage of Small Taxation Claims Tribunal applications finalised within 84 days has declined marginally since the previous year.

TABLE 3.8 PERCENTAGE OF APPLICATIONS FINALISED WITHIN 12 MONTHS

Jurisdiction	Target %	2003–04 %	2004–05 %	2005–06 %
All applications	–	54	66	65
All applications (excluding Taxation Division)	–	72	74	75
Compensation	75	62	64	62
Social security	90	90	91	91
Taxation Division	75	13	35	49
Veterans' affairs	80	56	59	66

Note: These figures do not include applications dealt with in the Small Taxation Claims Tribunal.

TABLE 3.9 PERCENTAGE OF SMALL TAXATION CLAIMS TRIBUNAL APPLICATIONS FINALISED WITHIN 84 DAYS

	2003–04 %	2004–05 %	2005–06 %
Small Taxation Claims Tribunal	49	37	36

The Tribunal has set time standards for the following intermediate steps in the review process:

- the dispatch to the decision-maker of a notice that an application has been received and receipt of the statement of reasons and documents required under section 37 of the AAT Act;
- the receipt of an application and the holding of a first conference;
- the receipt of an application and the holding of a hearing; and
- the last day of hearing or the date of receipt of further material after a hearing and delivery of a decision by the Tribunal.

The first of the steps is within the control of decision-makers. Responsibility for the timeliness of the second and third steps is shared between the Tribunal and the parties. The fourth step is within the control of the Tribunal.

Table 3.10 shows performance against these intermediate time standards in relation to all applications other than applications dealt with in the Small Taxation Claims Tribunal, which are subject to different time standards.

There has been a significant improvement in relation to the timely receipt of Section 37 Documents, which minimises delay in the early stages of the

review process. The Tribunal has maintained its standard in relation to the timing of the first conference. While there has been only a marginal improvement in relation to the timing of hearings, there has been a marked improvement in the proportion of decisions delivered in a timely manner.

The President and the Registrar monitor closely the Tribunal's performance against time standards. Detailed workload and performance statistics were provided to State and Territory Coordinators and senior staff on a quarterly basis. The following initiatives undertaken during the reporting year were aimed at improving the timeliness of review:

- maintenance of a national system of monitoring and addressing non-compliance with legislative requirements and Tribunal directions;
- regular review of matters outstanding for longer than two years to identify systemic issues;
- project management of taxation scheme matters on a national level; and
- development of an alternative dispute resolution referral policy with a view to timely and effective settlement of appropriate matters.

Further information about these initiatives and other initiatives designed to improve the Tribunal's review processes is contained in Chapter 4.

TABLE 3.10 INTERMEDIATE TIMELINESS STATISTICS FOR APPLICATIONS OTHER THAN SMALL TAXATION CLAIMS TRIBUNAL APPLICATIONS

Step	Time standard (days)	2003–04 %	2004–05 %	2005–06 %
Dispatch of notice to decision-maker to receipt of Section 37 Documents	35	80	77	83
Receipt of application to first conference	91	87	86	86
Receipt of application to first day of hearing	280	54	48	50
Last day of hearing or date of receipt of further material to delivery of decision	60	57 ^a	62 ^b	67 ^b

a This figure may not include applications in which further material or submissions were to be provided by one or more of the parties following the last day of a hearing. Decisions in these applications may have been delivered within 60 days of receiving that further material or submissions.

b Where multiple applications have been heard together, they have been treated as one application for the purpose of compiling this figure for 2004–05 and 2005–06.

External scrutiny

Tribunal decisions are subject to external scrutiny by way of judicial review. The Tribunal's operations more generally are subject to external scrutiny by way of complaints to the Commonwealth Ombudsman, requests under the *Freedom of Information Act 1982*, inquiries undertaken by parliamentary committees and audits undertaken by the Australian National Audit Office. This section provides a summary of activity in relation to these forms of scrutiny during the reporting period.

APPEALS FROM TRIBUNAL DECISIONS

A party may appeal to the Federal Court, on a question of law, from any final decision of the Tribunal pursuant to section 44 of the AAT Act. The Federal Court may transfer the appeal to the Federal Magistrates Court unless the Tribunal was constituted by, or included, a presidential member.

A party may seek judicial review of decisions made in the course of the review process and certain final decisions under the *Administrative Decisions (Judicial Review) Act 1977*, section 39B of the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* or section 75 of the Constitution. Applications may be made to the Federal Court, the Federal Magistrates Court or the High Court.

In 2005–06, 142 appeals were lodged with the Federal Court under section 44 of the AAT Act.¹ There were 23 applications for judicial review made under other enactments, six of which related to interlocutory decisions. Table 3.10 in Appendix 3 provides information on the number of appeals lodged against decisions in each of the Tribunal's major jurisdictions.

During the reporting year, 120 appeals lodged under section 44 of the AAT Act and 26 applications for judicial review under other enactments were finalised. The Tribunal's decision was set aside in 38 cases. This constitutes 26 per cent of the total number of appeals finalised during the reporting period and less than one per cent of

all applications finalised by the Tribunal during the reporting year.

Tables 3.11 and 3.12 in Appendix 3 provide further information in relation to appeals determined during the reporting year and the outcomes of those appeals.

During the reporting year, there were no judicial decisions or decisions of other tribunals that had or may have a significant impact on the operations of the Tribunal.

FREEDOM OF INFORMATION

The Tribunal received five requests for access to documents under the *Freedom of Information Act 1982* in 2005–06. All requests were finalised during the reporting period within 30 days of receipt. Two requests were granted in full, two were granted in part and one application was refused.

The Tribunal did not receive any requests to amend or annotate records and no requests were carried over from previous years.

The statement required to be published in this report under Section 8 of the Freedom of Information Act is at Appendix 7.

OMBUDSMAN

The Ombudsman received two complaints relating to the Tribunal during the reporting year, substantially fewer than the 11 complaints made in the previous year. The Ombudsman investigated one complaint but made no finding of administrative deficiency on the part of the Tribunal. The second complaint was resolved with an explanation to the complainant and the Ombudsman.

The Tribunal and the Ombudsman have in place administrative arrangements to facilitate referral of matters between the two bodies where each might have jurisdiction.

¹ In some circumstances, a party may lodge an application seeking relief under both section 44 of the AAT Act and under another enactment. These applications are treated as section 44 appeals for statistical purposes.

REPORTS BY AUDITOR-GENERAL OR PARLIAMENTARY COMMITTEES

During the reporting year, the Auditor-General released a report on an audit undertaken in relation to the reporting of expenditure on consultants by agencies covered by the *Financial Management and Accountability Act 1997: Reporting of Expenditure on Consultants*, Audit Report No. 27 2005–06. The Auditor-General identified some deficiencies on the part of the Tribunal in the reporting of consultancies in its annual reports and the notification of contracts in accordance with the Gazette Publishing System. The Tribunal has taken steps to ensure that these problems do not occur in the future. Omissions or incorrect information in previous annual reports have been corrected in this annual report.

The Tribunal's operations were not the subject of any parliamentary committee report during the reporting period.

Complaints to the Tribunal

The Tribunal's Service Charter sets out how a person may make a complaint to the Tribunal about its service. It also sets out the standards for responding to complaints. Complaints may be made verbally or in writing.

Where a complaint is made in person or by telephone, the Tribunal will attempt to resolve it immediately. The Tribunal aims to respond to written complaints within 20 working days. The Tribunal aims to respond to complaints submitted in a language other than English within 30 working days. If additional time is required because of the complexity of the complaint or the need to consult with other persons before providing a response, the Tribunal will advise the complainant of progress in handling the complaint. Responses to complaints must address the issues that led to the complaint being made. Where appropriate, a complaint will result in an apology or a change to practice and procedure.

During 2005–06, the Tribunal received written and verbal complaints from 39 individuals.

Two complainants each lodged two complaints and one complainant lodged four complaints. The issues raised in the complaints related to:

Conduct of conferences	2
Conduct of members of the Tribunal	8
Complaints about Tribunal decisions	14
Complaints about timeliness of Tribunal decisions	5
Complaints about Tribunal decisions available on the internet	5
General procedural issues	13

In all cases, the Tribunal provided an initial response within the 20-day period. The average number of days from complaint to final response was 10 working days. The longest period of time taken to investigate and respond to a complaint was 44 days. One complaint was outstanding at the end of the reporting period.

The Tribunal does not measure whether a complainant believes that their complaint was resolved. Forty per cent of complainants wrote again to the Tribunal after receiving a response to their complaint. In most instances, these complainants were provided with further information to address any outstanding concerns.

Additional functions conferred on Tribunal members

WARRANTS, CONTROLLED OPERATIONS AND OTHER FUNCTIONS

During the course of the reporting period, 39 members of the Tribunal were nominated for the purposes of issuing telecommunications interception warrants under the *Telecommunications (Interception and Access) Act 1979*. Thirty-one members were appointed as issuing authorities in relation to stored communications warrants under that Act. Thirty-nine members were authorised to exercise powers under the *Surveillance Devices Act 2004* and 35 members were nominated to review certificates authorising controlled operations under the *Crimes Act 1914*. Nine presidential

members were appointed as issuing authorities for continued preventative detention orders under the *Criminal Code*.

Table 3.11 sets out the number of occasions on which Tribunal members considered applications under any of these Acts in 2004–05 and 2005–06. There was a marginal increase in the number of applications considered in 2005–06. No requests were received for Tribunal members to exercise powers under the *Criminal Code*, the *Education Services for Overseas Students Act 2000* or the *Migration Act 1958*.

The Tribunal is flexible in relation to the performance of these functions and members are available outside standard business hours.

In the reporting period, out-of-hours appointments were arranged on 38 occasions. ‘Out-of-hours’ means before 9am or after 5pm on weekdays or at any time on the weekend or on a public holiday.

PROCEEDS OF CRIME EXAMINATIONS

During the course of 2005–06, 40 members of the Tribunal were approved examiners for the purposes of conducting examinations under the *Proceeds of Crime Act 2002*.

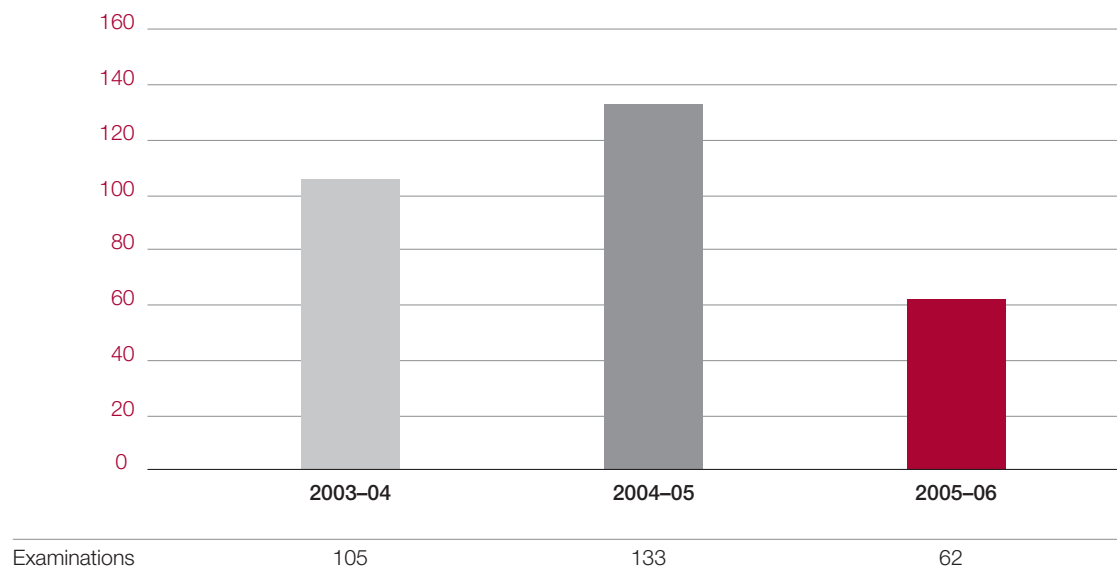
Chart 3.12 sets out the number of examination sessions held during the last three financial years. The number of examinations held in 2005–06 was 53 per cent lower than the number of examinations conducted in the previous reporting period.

TABLE 3.11 APPLICATIONS RELATING TO WARRANTS, CONTROLLED OPERATIONS AND OTHER FUNCTIONS CONSIDERED BY TRIBUNAL MEMBERS

	2004–05	2005–06
Number of appointments held	1,628 ^a	1,702

^a Please note that this figure differs from the figure given in the 2004–05 Annual Report which was 1,755. An audit revealed that incorrect information had been entered on three statistical returns for that reporting period.

CHART 3.12 PROCEEDS OF CRIME EXAMINATIONS



Chapter 4: Our users and our partners



This chapter describes the Tribunal's performance in meeting the goals identified in the 2005–06 Organisational Plan in relation to its users and partners.

Users of the Tribunal

The principal users of the Tribunal are parties to Tribunal proceedings and their representatives. Parties to proceedings include individuals, corporations and government agencies. The Tribunal also makes information available about its role and functions to members of the public and other organisations including government agencies.

The Tribunal's goal in relation to its users, as outlined in its Organisational Plan, is:

to provide a national high-quality merits review process that contributes to community confidence in a system of open and accountable government.

This section of the report outlines developments during the reporting year that relate to the achievement of this goal.

PRACTICE AND PROCEDURE COMMITTEE

The Committee met in October 2005 and May 2006 and discussed a range of matters concerning practice and procedure in the Tribunal. Agenda items included the review of practice and procedure in the workers' compensation and social security jurisdictions, alternative dispute resolution (ADR), procedures relating to the taxation of costs and the management of taxation scheme applications. Significant developments in relation to practice and procedure issues, which have occurred in the reporting period, are described below.

REVIEW OF PRACTICE AND PROCEDURE

For many years, the Tribunal has relied on the General Practice Direction to manage the majority of applications lodged with the Tribunal. It sets out the general procedure to be adopted by the Tribunal and imposes time limits on the parties for undertaking significant steps in the review process.

The Tribunal has decided that the General Practice Direction is no longer the most appropriate means

of managing its diverse workload. Each of the major jurisdictions has particular characteristics that impact on the way in which those cases proceed towards resolution. A jurisdiction-specific approach will provide greater clarity in relation to the management of those types of applications. Greater flexibility is also required in identifying what parties must do, and at what stage of the review process, so that cases progress in the most efficient and effective manner.

The Tribunal is undertaking a review of practice and procedure in each of its major jurisdictions in turn. The review of each jurisdiction will result in the development of a guide that sets out general information about the review process in that jurisdiction. The guide will provide the general framework for the review process. Specific requirements to be met in individual applications will be set out in directions made by Conference Registrars or Tribunal members. This will ensure that parties and their representatives have clear guidance as to what is required at each stage of the review process.

Workers' Compensation Jurisdiction

The first stage of the review has involved an examination of practice and procedure in the workers' compensation jurisdiction. The Tribunal developed a consultation draft of the Guide to the Workers' Compensation Jurisdiction which was released for comment in September 2005. The draft guide together with proposed amendments to the Practice Direction on Procedures relating to Section 37 of the AAT Act were distributed to regular users in the workers' compensation jurisdiction. The documents were also sent to the broader community of Tribunal users and made available on the Tribunal's website. The Tribunal sought feedback on the general proposal to adopt jurisdiction-specific guides as well as the draft documents.

Comments received on the overall approach proposed by the Tribunal and the draft guide were positive. Specific comments relating to aspects of the Guide to the Workers' Compensation Jurisdiction have been considered by the Practice and Procedure Committee. The final version of the

Guide to the Workers' Compensation Jurisdiction and a revised Practice Direction on Procedures relating to Section 37 of the AAT Act will be published in the second half of 2006. The General Practice Direction will be amended to provide that it no longer applies to the workers' compensation jurisdiction.

Social Security Jurisdiction

The second stage of the review involves an examination of practice and procedure in the social security jurisdiction.

In September 2004, the Practice and Procedure Committee appointed a subcommittee to conduct an evaluation of social security case management procedures introduced in the Victorian Registry in October 1999. The final report of the subcommittee was presented to the Committee in May 2006. The evaluation sought to assess the effectiveness and efficiency of the procedures through a comparison with the social security case management procedures in the New South Wales Registry and the South Australian Registry.

The evaluation found some notable differences in the case management of social security applications in Victoria including:

- the exclusive use of Conference Registrars in the conduct of outreach with self-represented parties;
- less frequent scheduling of second or subsequent conferences;
- quicker referral of matters to hearing; and
- no use of Statements of Facts and Contentions.

Overall, the evaluation found that between the three registries there does not appear to be a marked difference in the time taken to finalise matters, the method of finalisation or the satisfaction levels of the parties. However, the report does note that the Victorian Registry has a slightly higher proportion of matters that meet the Tribunal's 12-month time standard of finalising applications. Frequent users of the Tribunal in each of the three registries appear to have a high level of satisfaction with the Tribunal's procedures.

The report did not recommend any immediate changes to case management practices in any registry. However, the findings of the evaluation will be used to inform the development of the guide for managing social security applications. A draft guide will be developed and released for consultation in 2006–07.

ALTERNATIVE DISPUTE RESOLUTION

It was noted in last year's annual report that the ADR provisions in the AAT Act were amended in May 2005. Conciliation, case appraisal and neutral evaluation are now included specifically as ADR processes that are available to the Tribunal in addition to conferences and mediation.

The subcommittee that was formed to consider the Tribunal's use of ADR was replaced by a standing committee in late 2005. The Alternative Dispute Resolution Committee has been examining what is involved in the different ADR processes and how they may best be applied in the Tribunal context.

The Committee has developed process models for each type of ADR. Each process model sets out a definition of the process and a range of information relating to the conduct of the process, including the stage of the proceedings at which the process is likely to be undertaken, a description of the way in which the process will proceed, the role of the person conducting the process, as well as the role of the parties and their representatives.

The Committee has also developed referral guidelines which set out a range of considerations to be taken into account in deciding whether to refer a matter to an ADR process and which ADR process may be appropriate. Relevant factors include such things as the capacity of the parties to participate, the attitudes of the parties, the nature of the issues in dispute, the likelihood of reaching agreement or reducing the issues in dispute and the cost to the parties. The guidelines also identify factors that may make a particular form of ADR suitable for use.

The Committee has run a series of information sessions for members and staff of the Tribunal on the process models and referral policy. The Tribunal will be delivering similar information sessions to external users in the first half of 2006–07. Copies of the ADR referral guidelines and process models are available on the Tribunal’s website.

TAXATION OF COSTS

The Tribunal has the power to order that costs should be paid under a number of pieces of legislation. Costs orders are made most commonly under section 67 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

Subsection 67(13) of the SRC Act provides that the Tribunal may ‘tax or settle the amount of costs or order that costs be taxed by the Registrar, a District Registrar or Deputy Registrar’. This provision is complemented by subsection 69A(1) of the *Administrative Appeals Tribunal Act 1975*, which provides that, where the Tribunal has ordered a party to pay costs and the parties are unable to agree as to the amount of those costs, the President may give directions for the costs to be taxed by the Tribunal.

Neither the AAT Act nor the AAT Regulations provides any guidance on the procedures to be followed in assessing the costs that are payable in accordance with a costs order. The Practice and Procedure Committee appointed a subcommittee to develop a plain English practice direction setting out the Tribunal’s approach to taxation of costs. The draft has been subject to internal consultation and will be released to external users for comment in the first half of 2006–07.

CONCURRENT EVIDENCE STUDY

In 2002, the Tribunal commenced a study in the New South Registry on the use of concurrent evidence. This procedure involves taking evidence from more than one expert witness at the same time. It provides a forum in which, in addition to providing their own evidence, expert witnesses can listen to, question and critically evaluate the evidence of the other expert or experts.

The Tribunal released its report on the study in November 2005. A total of 199 cases were examined for the purposes of deciding whether or not concurrent evidence should be used at hearing. Concurrent evidence was considered to be suitable for use in 138 of these cases and the procedure was actually used in 48 hearings. All but one of the cases were workers’ compensation and veterans’ entitlements cases involving expert medical evidence.

The Tribunal used a combination of techniques to collect data in relation to the study. These included:

- surveys completed by Tribunal members when deciding whether concurrent evidence would be used in a case and following use of the procedure at hearing;
- focus groups conducted with representatives;
- a telephone survey conducted with experts; and
- an audit of the files of cases that were part of the study.

The findings of the study provide support for the continued use of concurrent evidence in the Tribunal in appropriate cases. In particular, the data suggests that the procedure has significant benefits for Tribunal decision-making. Tribunal members reported that the concurrent evidence process improved the quality of the expert evidence presented, made evidence comparison easier and enhanced the decision-making process. In relation to its impact on the overall length of hearings and the time spent by experts giving evidence, the study revealed that the concurrent evidence process led either to time savings or was neutral in approximately 80 per cent of cases. It was noted, however, that individual experts tended to spend longer giving evidence and this can have an impact on costs for the parties.

The Tribunal will be developing guidelines in relation to the use of concurrent evidence to address a number of concerns raised by participants in the study and to ensure consistency across the Tribunal. The guidelines will address the identification and selection of cases in which concurrent evidence would be appropriate to use as well as the

procedures to be followed in taking concurrent evidence. The Tribunal will make a draft of the guidelines available for comment. Once the guidelines are finalised, the Tribunal anticipates that it will conduct information sessions for representatives and experts in relation to its use.

EARLY DISPUTE RESOLUTION PILOT IN THE COMPENSATION JURISDICTION

This pilot provides for the Tribunal to conduct an early settlement conference in applications in the workers' compensation jurisdiction that meet the criteria for the pilot. It was originally envisaged that the pilot would operate in the Victorian and Western Australian Registries from 1 September 2004. However, given the small number of eligible applications in Western Australia, it was decided to limit the pilot to the Victorian Registry. The pilot has a proposed finish date of 31 October 2006.

The criteria for the pilot have been expanded during the course of the pilot and are now as follows:

- the applicant must be a current or former employee of an agency in relation to which Comcare is the claims manager;
- the claim must come within one or more of the following categories:
 - initial liability for psychological injuries;
 - rejected claim for medical treatment, e.g. physiotherapy;
 - rejected claim for aids and appliances;
 - ceased pre-premium claims;
 - rejected periods of incapacity; and
 - permanent impairment where the percentage is in dispute.

The objectives of the pilot include:

- an examination of early intervention opportunities;
- a reduction in the number of disputed claims proceeding to hearing; and
- a reduction in the duration of applications.

The Tribunal will conduct an evaluation of the pilot at the conclusion of the trial period.

LEGAL ADVICE SCHEMES

The Tribunal has entered into arrangements with legal aid bodies in a number of states to provide a legal advice service at the Tribunal's premises. The Tribunal invites self-represented parties to make an appointment with the service. A legal aid solicitor attends the Tribunal's premises on a one-day or half-day per week or fortnight basis and provides clients with initial advice and assistance. Further assistance and representation may be provided if the person is eligible for a grant of legal aid.

The scheme has been operating successfully in New South Wales, Queensland and Victoria since 2004 and in Western Australia since May 2005. Legal aid bodies in those states have agreed to continue to provide the service. The scheme was introduced in South Australia in November 2005.

Legal advice schemes have not been established in either the Australian Capital Territory or Tasmania. Community legal centres provide advice and representation in those regions. The Tribunal refers self-represented parties to community legal centres for assistance as and when appropriate.

MANAGEMENT OF TAXATION SCHEME MATTERS

Between January 1999 and June 2003, the Tribunal received in excess of 7,400 applications for review of decisions relating to taxation schemes and employee benefit arrangements. The majority of these were subject to orders deferring further action pending the outcome of test cases in the Federal Court and the High Court on the various schemes and arrangements. Most of these test cases have been finalised and the Tribunal is dealing with the applications that were on hold.

In December 2003, the Tribunal devised a case management strategy to deal with all matters not awaiting the outcome of an appeal. This strategy centred around the appointment of a Managing Member to coordinate applications relating to the same taxation scheme or type of arrangement. Managing Members have been appointed on the basis of their experience in the taxation jurisdiction.

Where possible, they are attached to the Registry where the majority of applications reside.

More than 92 per cent of the applications received before 1 July 2003 have now been finalised. Those that remain outstanding are the subject of ongoing appeals before the courts or are in the process of being finalised. The Tribunal has been involved in ongoing discussions with the Australian Taxation Office concerning the most effective way to manage the remaining taxation scheme and employee benefit matters.

Since 1 July 2003, the Tribunal has received more than 4,000 applications relating to taxation schemes and employee benefit arrangements. The Tribunal is assigning Managing Members to schemes with a significant number of applications to ensure that matters progress in a coordinated and timely manner. More information on current taxation matters at the Tribunal is contained in Appendix 3.

REGULAR USER FORUMS AND MEETINGS WITH USERS

The Tribunal met with regular users and other stakeholders in a range of forums during the reporting year. The Tribunal remains committed to being an approachable and transparent organisation that takes account of the needs of the people and organisations that use its services.

Individual Tribunal registries arrange user group meetings with departments and agencies, legal practitioners and others who appear regularly before the Tribunal in that location. New South Wales and Victoria held separate meetings with users in different jurisdictions. Other registries held a single meeting for all regular users once or twice during the year.

While the format of the user forums may vary between registries, they provide an excellent opportunity for the Tribunal to explain any changes to practice and procedure affecting parties. In addition, the Tribunal receives valuable feedback on areas where we are performing well and areas where we might be able to make improvements.

The AAT/Law Council of Australia liaison committee met in November 2005 and June 2006. Principal Registry staff also met with representatives from the Australian Taxation Office, Centrelink and the Department of Employment and Workplace Relations at different times during the year to discuss operational issues arising in the jurisdictions involving those agencies.

USER SURVEY

As was noted in last year's annual report, the Tribunal engaged Profmark Consulting to conduct a major user survey, which took place in May 2005. The Tribunal received the final report on the survey in July 2005.

Written surveys were sent to all individuals whose applications were finalised in 2004. The consultant also conducted telephone surveys with employees of government departments and agencies and legal practitioners who appear regularly in the Tribunal.

A total of 1,177 responses were received from individuals which was a response rate of 22%. Most individuals who responded to the survey had applications in the following jurisdictions: social security (33%), veterans' affairs (32%) and workers' compensation (18%).

Key findings of the survey responses from individuals were as follows:

- 59% of survey respondents who represented themselves did not feel disadvantaged;
- 65% felt that the Tribunal dealt fairly with their review;
- survey respondents were generally satisfied with all aspects of the service with the courtesy of staff receiving the highest rating (4.1) on a scale of 1–5 and the perceived independence of the Tribunal receiving the lowest rating (3.5);
- Tribunal facilities were rated highly and the majority of participants with a disability believed the facilities fully or partly met their needs.

Representatives of departments and agencies rated all aspects of service higher than 4.0 as did legal practitioners who represent non-government

parties. Most legal practitioners representing non-government parties (62%) and representatives of departments and agencies (60%) believed Tribunal decisions are generally correct. Slightly fewer legal practitioners for government parties (52%) held that view.

The Tribunal plans to conduct another user survey in 2007–08.

REVIEW OF COMMUNICATION WITH TRIBUNAL USERS

The Tribunal communicates with its users in a variety of ways and using a number of different media. These have developed in a relatively ad hoc manner over time. A range of written materials are provided to parties and their representatives, including practice directions, brochures and letters. Information is provided by members and staff in person and by telephone during outreach, conferences and other contacts with the Tribunal. The Tribunal has a DVD that demonstrates how the Tribunal operates, which is made available to self-represented parties. Practice directions, brochures and other written materials on the Tribunal are available on the Tribunal's website.

The Tribunal has decided to undertake a review of the ways in which it communicates with the diverse range of people who use the Tribunal. The initial part of the review will involve the development of a communication policy that sets the broad principles for communicating with the different groups of users. This policy will provide the framework for reviewing the Tribunal's audiovisual and written information products and other ways of communicating with parties and their representatives.

While initial development work was undertaken during the reporting period, substantive work on the review will commence in 2006–07. This will include engaging a consultant to provide advice and assistance in relation to the development of the communication policy.

CONSTITUTION COMMITTEE

The Committee met in October 2005 and May 2006 and finalised the content of guidelines for determining how the Tribunal should be constituted for the

purposes of reviewing a decision. The guidelines will be published in the next reporting period. Having completed this project, the Committee will meet as required to consider further issues relating to the constitution of the Tribunal.

Tribunal partners

Tribunal partners are organisations or individuals with whom the Tribunal has a relationship beyond the context of participation in Tribunal proceedings. Partners may be organisations or individuals involved in administrative review or with an interest in issues relating to tribunals. They may also be organisations with which the Tribunal develops cooperative arrangements for the sharing of resources. Tribunal partners include government departments and agencies, tribunals, courts, the legal profession, individuals and other national and international organisations.

The Tribunal's goal in relation to its partners, as outlined in its Organisational Plan 2005–06, is:

to cooperate with government, other tribunals, the legal profession and other interested groups.

This section of the report describes the activities undertaken by the Tribunal during the reporting period that are directed to meeting this goal.

DEVELOPING AND ENHANCING LINKS WITH GOVERNMENT, OTHER TRIBUNALS AND OTHER RELEVANT INDIVIDUALS AND ORGANISATIONS

The Tribunal worked with a range of other agencies, organisations and individuals during the reporting period.

Liaison with the Attorney-General's Department and other departments and agencies

The Tribunal worked closely with the Attorney-General's Department during the reporting year on a wide range of issues relating to the Tribunal and its operations. This included significant liaison in relation to workload and budget issues as well as the timely completion of processes for the appointment and re-appointment of Tribunal members.

The Tribunal also liaised with a number of other departments and agencies including the Australian Taxation Office, Centrelink, Comcare, the Department of Employment and Workplace Relations and the Therapeutic Goods Administration in relation to issues and proposals that are likely to impact on the Tribunal.

Council of Australasian Tribunals

The Tribunal continued to make a significant contribution to the work of the Council of Australasian Tribunals (COAT) during the reporting year.

Justice Downes was elected Chair of the Council for a fourth term at the Annual General Meeting held in April 2006. In accordance with the Council's Constitution, the Tribunal's Registrar, Doug Humphreys, was the Secretary of the Council during the reporting period.

The Tribunal performed secretariat functions for the Council at the national level. This included managing the Council's finances as well as arranging and providing administrative support for meetings of the Council and the Executive. The Tribunal continued to host and maintain the content on the Council's website.

In April 2006, the Council published the COAT Practice Manual for Tribunals. The manual is designed to be a practical resource for tribunal members and covers topics that are relevant to a broad range of tribunals, such as statutory interpretation, procedural fairness, conducting hearings and making decisions. The Tribunal managed this project on the Council's behalf and has undertaken work on a number of other Council projects during the reporting year.

Tribunal members and staff have been active in the Council's State and Territory Chapters. Senior Member Geri Ettinger is a member of the committee of the New South Wales Chapter. Deputy President Deane Jarvis is a member of the committee of the South Australian Chapter and Deputy President Stephanie Forgie and Member Regina Pertou are members of the committee of the Victorian Chapter.

Administrative Review Council

As President of the Tribunal, Justice Downes is an ex-officio member of the Administrative Review Council, a body responsible for advising the Attorney-General on the operation of the Commonwealth system of administrative law and recommending possible reforms. The President attended meetings and participated in the activities of the Council during the reporting year. For further information relating to the Council and its operations, please refer to the Council's Annual Report.

Cooperation with other tribunals, courts and agencies

In April 2006, Justice Downes met with the presiding members of the Migration Review Tribunal and Refugee Review Tribunal, the National Native Title Tribunal and the Veterans' Review Board to discuss issues of common interest. The registrars of the tribunals also met in April and have communicated on a regular basis in relation to areas of common interest and opportunities for efficiencies through cooperative action between tribunals. These include joint training activities, use of facilities and advertising of staff vacancies within tribunals.

The Tribunal had arrangements with a number of courts, tribunals and other agencies in relation to the provision of facilities and services during the reporting year. These included:

– *Australian Institute of Criminology*

The Tribunal provided personnel and payroll services to the Australian Institute of Criminology.

– *Federal Court of Australia*

The Tribunal shares a joint registry with the Federal Court in Hobart. The court provides staff to meet the needs of the Tribunal in that registry.

– *Inquiry in relation to the UN Oil-for-Food Programme*

The Tribunal made two hearing rooms available to the inquiry in its New South Wales registry during the first half of 2006.

– *Migration Review Tribunal (MRT)*

The MRT has registries in Melbourne and Sydney. In Adelaide, Brisbane and Perth, AAT staff receive applications and handle enquiries on behalf of the MRT. The Tribunal provided accommodation and hearing room facilities for MRT members, including hearing room assistance and video conferencing facilities.

– *National Native Title Tribunal (NNTT)*

The Tribunal provided additional accommodation to the NNTT from within its Adelaide premises.

Information technology strategic alliances

The Tribunal is replacing its existing case management system with a system that will be the platform for improved workflow and e-business practices into the future. The Tribunal recognises the value of liaising with other tribunals, courts and other organisations to evaluate possible alliances where business requirements are similar. The Tribunal's Manager of Information Technology is a member of the Australian Government Information Management Office's Chief Information Officer Forum. The Tribunal also maintains a cooperative relationship with other tribunals and courts in order to exchange knowledge, experience and ideas.

The template of the new case management system selected by the Tribunal is already in use in several state tribunals and courts. This provides opportunities to work with other users to enhance the system on a cost-share basis.

International delegations and relationships

During the reporting year, the Tribunal hosted a number of delegations from overseas courts and tribunals and met with foreign government officials interested in gathering information on the Tribunal and its operations. The Tribunal met with representatives from:

- Mexico;
- New Zealand;
- the Supreme Administrative Court of Taiwan; and
- the United Kingdom's Tribunals Service.

In February 2006, Justice Downes visited Thailand in response to an invitation from the Supreme Administrative Court of Thailand. Presentations were given on the structure, powers and duties of the Tribunal and its case management and case-tracking systems. A longer-term capacity building project, which will involve the Tribunal and the Federal Court providing assistance to judges and staff of the Supreme Administrative Court of Thailand, will commence in 2006–07.

RAISING AWARENESS OF THE TRIBUNAL AND ITS ROLE IN ADMINISTRATIVE LAW

The Tribunal was involved in a range of activities during the reporting period which were directed to raising awareness of the Tribunal and its role.

Tribunal participation in education, training and other activities

Members and staff gave presentations on the tribunal and its operations at a variety of conferences and seminars and other forums during the reporting period. Members and staff were also involved in training and education programs for advocates and other persons appearing before the Tribunal. Specific information about these activities is set out in Appendices 1 and 8.

Administrative Appeals Tribunal Mooting Competition

The Tribunal's second annual mooting competition involved 16 teams of law students from universities in the Australian Capital Territory, New South Wales, Queensland and Victoria. The aims of the organising committee were to raise the Tribunal's profile among students and to give future practitioners experience in presenting a matter to a tribunal conducting merits review of administrative decisions.

Each team consisted of two students acting in the roles of senior and junior counsel. A third student could participate as a research assistant. The teams were issued with detailed factual scenarios in each round and were required to prepare submissions and formulate oral arguments to



The winners of the 2006 Tribunal Mooting Competition: Sarah Kemeny and Nicole Lynch from the University of Melbourne.

present to the Tribunal members who adjudicated the moots. The areas of administrative law covered included freedom of information, immigration and migration agents' registration.

The final involved teams from Bond University and the University of Melbourne. The teams presented arguments to a three-member tribunal comprising the President, Justice Downes, Senior Member Josephine Kelly and Senior Member Ivan Shearer. The competition was won by the University of Melbourne team.

The Tribunal will conduct a third mooting competition in 2007.

Sponsoring work experience placements

The Tribunal's registries provided a number of work experience placements for university students during the year. The Tribunal provides these opportunities to the extent that staff availability and accommodation will allow. Work experience placements included near-graduate and graduate law students from the College of Law in New South Wales, Monash University, Notre Dame University, Queensland University of Technology and Wollongong University.

Chapter 5: Our people and our organisation



This chapter describes the Tribunal's performance in meeting the goals identified in the 2005–06 Organisational Plan in relation to its people and the organisation.

Our people

The Tribunal's goal in relation to its people is:

to maintain professional standards, a positive, safe and productive workplace that values diversity.

This section of the report describes the activities undertaken by the Tribunal during the reporting period that are directed to meeting this goal. It provides information in relation to the activities of the Professional Development Committee and more general information relating to human resource management in the Tribunal.

PROFESSIONAL DEVELOPMENT COMMITTEE

The Committee met in October 2005 and May 2006 and discussed a range of issues relating to the professional development of the Tribunal's members. Agenda items included the Members' Professional Development Program, the nature and content of the induction program for new members, professional development activities for Tribunal members, the development of a practice manual for Tribunal members, the Tribunal's internal conference program and the use of decision templates.

Significant developments relating to matters considered by the Committee are outlined separately in this section of the report.

MEMBERS' PROFESSIONAL DEVELOPMENT PROGRAM

The Members' Professional Development Program is a comprehensive program based on a framework of competencies developed for the Tribunal. The program comprises induction, mentoring, professional development opportunities and appraisal.

Implementation of the program commenced in 2005–06 with the appointment of Deputy President Deane Jarvis as Appraisal Coordinator and Senior Member Narelle Bell as Mentoring Coordinator.

The National Conference in October 2005 included a session dedicated to the program and its proposed implementation.

The Professional Development Committee decided that a handbook should be produced that would:

- provide members with information and practical assistance on all aspects of the program; and
- assist mentors and appraisers of the Tribunal to perform their roles appropriately and effectively.

The development of the handbook was overseen by the President, the Appraisal Coordinator and the Mentoring Coordinator.

In June 2006, members who had been selected to act as mentors and appraisers participated in a two-day workshop conducted by Dr Anthony Grant, Director Coaching Psychology Unit, School of Psychology, The University of Sydney.

New members attending the induction program to be held in August 2006 will be allocated a mentor. The new member and their mentor will have an initial face-to-face meeting during the program to begin their mentoring relationship.

The Professional Development Committee has also endorsed a Tutorial Scheme for the Tribunal. The Tutorial Scheme will provide a further avenue for members to participate in meaningful professional development. In the tutorial, members draw on their own and other members' knowledge, skill and past experiences to gain new perspectives and insights on aspects of their work in the Tribunal.

Induction program for new members

On 15 June 2005, the Attorney-General announced a round of appointments and re-appointments to the Tribunal to take effect on 1 July 2005. An induction program for new members was held in Adelaide in July 2005.

The induction program provides new members with a comprehensive overview of the Tribunal and its mission. It acquaints new members with the principles and practice of administrative law, the Tribunal's jurisdictions, the practice and procedure

of the Tribunal and case management in the Tribunal. The program also introduces the new member to the roles and duties of members of the Tribunal. The program is delivered by experienced Tribunal members and senior staff. The induction experience provides an opportunity for the development of networks between new and more experienced members.

A comprehensive evaluation of the induction program for new members will be undertaken in 2006–07.

TRIBUNAL PRACTICE MANUAL PROJECT

The Tribunal has identified the development of a practice manual for Tribunal members as one of its strategies. The manual is intended to be a resource that provides Tribunal members with practical guidance on performing their duties under the AAT Act and under other legislation that confers jurisdiction on the Tribunal.

It was decided that the Tribunal manual would be developed after the *Practice Manual for Tribunals* had been published by the Council of Australasian Tribunals (COAT). This would avoid duplication of content and encourage consistency of approach. As was noted in Chapter 4, the COAT manual was published in April 2006.

The Professional Development Committee has considered the scope of what should be covered in the Tribunal manual and how it may be integrated with the material in the COAT Practice Manual for Tribunals. Further work will be undertaken on the manual in 2006–07.

TRAINING AND DEVELOPMENT

A range of initiatives aimed at maintaining and enhancing the skills and knowledge of Tribunal members and staff were undertaken during the reporting year. These included:

- training of members who will be mentors and appraisers under the Members' Professional Development Program;
- the Conference Registrars' Conference held in June 2006;
- District Registrars' meetings held in October 2005 and May 2006;
- professional development seminars for members and staff on a range of issues of interest;
- attendance of members and staff at relevant external conferences, including the Australian Institute of Judicial Administration's Tribunals' Conference and the annual conference of the Australian Institute of Administrative Law; and
- participation of members and staff in external training courses run by the Australian Public Service Commission, Australian Government Solicitor and others.

The organisation-wide staff learning and development program is aligned and linked with the Tribunal's Organisational Plan and reflects the values of the Tribunal. The program seeks to meet the learning needs of individuals and teams across all registries.

Priorities for staff learning and development are determined having regard to training needs analysis data and development plans. Feedback is also gathered from training evaluations and from meetings and other forums held within the Tribunal. During the reporting year, staff learning and development activities were expanded to include courses in the following areas: the APS Values and Code of Conduct, better health strategies, clear writing, coaching and mentoring, cultural awareness and diversity, effective team work, financial reporting, office ergonomics, online legal research, security awareness and work/life balance. Sessions on practice and procedure issues conducted by the Tribunal's Policy and Research Section received widespread endorsement and have now become a regular feature on the learning and development calendar.

Tribunal staff members have intranet access to a reference database of training and development opportunities available across Australia. The Learning and Development Officer maintains a

database recording staff attendance at training and development courses.

Tribunal conferences

National Conference

The National Conference was held from 23 to 26 October 2005. It provided a welcome opportunity for Tribunal members, Conference Registrars and District Registrars from across Australia to meet and share information and experiences. The theme of the conference was the Tribunal's statutory objective to provide a mechanism of review that is fair, just, economical, informal and quick.



National Conference 2005

The first plenary session of the conference involved a panel discussion of the different components of the Tribunal's statutory objective. Other topics on Day One of the conference included a review of key cases that inform the Tribunal's work, informality and other issues relevant to self-represented parties, confidentiality, public interest and the media and mathematics, statistics and science for lawyers. The keynote address was delivered by the Honourable Justice Roslyn Atkinson of the Supreme Court of Queensland.

Day Two of the conference was dedicated to updates on a number of issues, including alternative dispute resolution, information technology in the Tribunal, the user survey, the Members' Professional Development Program, concurrent evidence and decision writing. On Day Three of the conference, Amanda Davies, Assistant Secretary, Attorney-General's

Department discussed the Department's role in relation to the Tribunal and the general responsibilities of government decision-makers who are involved in Tribunal proceedings.

Conference Registrars' Conference

The Conference Registrars' Conference was held in June 2006. The first day of proceedings focused on the developments in the Tribunal in relation to alternative dispute resolution processes. On the second day, presentations were given on the new Comcare Guide to the Assessment of the Degree of Permanent Impairment, which commenced in March 2006, and the Welfare to Work changes.

District Registrars' biannual meetings

District Registrars' meetings are held to coincide with the Tribunal committee meetings. District Registrars' meetings were held in October 2005 and May 2006. The purpose of the meetings is to provide training on appropriate topics, improve internal communication and promote consistency in national practice and procedure.

A POSITIVE, SAFE AND PRODUCTIVE WORKPLACE THAT VALUES DIVERSITY

Occupational health and safety

The Tribunal gives priority to the health and work safety of its members and staff. In accordance with Comcare requirements and to assist in monitoring occupational health and safety issues, the Tribunal has a National Occupational Health and Safety Committee, which includes staff representatives from each registry. The committee meets regularly by telephone to discuss issues including site reports, incident reporting and recent information releases from Comcare. Expressions of interest are sought from staff members to act as health and safety representatives. Representatives attend appropriate training from providers, including Comcare.

Workplace assessments are undertaken by the Commonwealth Rehabilitation Service or similar providers for the benefit of staff where occupational health and safety problems are identified. Assessments are conducted in relation to matters such as posture, workstation

setup and equipment requirements. Remedial action is implemented. Case management of compensation matters is conducted either in-house or by external service providers, depending on the location and the complexity of the matter.

An internally administered injury management scheme aimed at addressing low-cost injuries has continued to be trialled during the reporting year. The scheme provides injured employees with the option of seeking immediate reimbursement by the Tribunal for costs outlaid in managing their injuries. Employees continue to have the right to lodge a formal claim for compensation through Comcare at any time in the future. This scheme facilitates quick resolution of minor work-related injuries.

The Comcare Occupational Health & Safety Incident Reporting Guidelines are in place and are supplemented with Tribunal instructions. There were no reportable incidents during 2005–06 nor were there any investigations into the Tribunal's operations.

Productivity gains

The Tribunal is pursuing several initiatives designed to achieve further productivity gains in its operations. The broad-based learning and development program aims to address the identified learning needs of employees. Specific training to improve personal and office-wide skills continues to be targeted.

During 2005–06, the Australian Capital Territory and South Australian Registries introduced the file management model already in operation in New South Wales, Queensland and Western Australia. This entails case officers managing a set of applications from lodgement to finalisation rather than performing specific tasks in relation to all applications.

More generally, a Work Organisation Group was established in June 2006 to examine current work practices in the Tribunal's registries. The group will make recommendations to management in relation to the introduction of a nationally consistent work organisation model. This model

will adopt the best of existing processes and implement new processes to maximise the efficient processing of applications. The Group includes staff from each of the registries and will complete its work in 2006–07.

The implementation of the Tribunal's new case management system in the next reporting period is also expected to generate a range of more efficient work practices and time-saving measures.

Tribunal Benevolent Fund

A benevolent trust funded by voluntary contributions from members and staff and managed by elected trustees was established in 2003. The trust is able to provide financial support in circumstances where a Tribunal member or staff member, or a member of that person's immediate family, suffers misadventure or illness from any cause. The trust received no requests for assistance by a member of staff in the 2005–06 year.

Tribunal sporting activities

The Tribunal encourages a healthy lifestyle for its staff by making a financial contribution towards the registration of Tribunal teams in sporting competitions and activities. The New South Wales Registry fielded a team, the AATackers, in lunchtime volleyball and netball competitions during the year. The walking and running teams in the Victorian Registry achieved final three placings in both divisions of the Melbourne City Sports Corporate Cup held in Spring 2005. They were placed fourth in the Melbourne City Sports Corporate Cup held in Autumn 2006.

Workplace diversity

The Tribunal recognises that people have different qualities, skills, qualifications, experience and attitudes to work. Valuing and making proper and effective use of these differences can improve the workplace for individuals and enhance the overall performance of the Tribunal. These attitudes are reflected in the Tribunal's Workplace Diversity Plan, which can be viewed on the Tribunal's website at: www.aat.gov.au/CorporatePublications/WorkplaceDiversityPlan.htm.

The Tribunal's Workplace Diversity Committee, which comprises both Tribunal members and staff representatives, met several times during the reporting year. The Committee oversaw the implementation of the Aboriginal and Torres Strait Islander traineeship and the Workplace Harassment Contact Officer selection and training. Minutes from the meetings are made available to members and staff via the intranet.

Appendix 2 provides information on the number of staff members who have indicated that they are within particular equal employment opportunity categories. This includes the number of Aboriginal and Torres Strait Islander employees.

Contribution to Access and Equity Report

The Tribunal contributed to the Department of Immigration and Multicultural Affairs' 2005 Access and Equity Annual Report. The Tribunal met all four of the performance indicators assessed for 2005 at the level of "met well". This compares favourably with the 2004 assessment where only half of the performance indicators were met at that standard.

Aboriginal and Torres Strait Islander traineeship

The Tribunal has implemented an indigenous employment strategy, providing Aboriginal and Torres Strait Islander trainees with an opportunity to learn basic clerical job skills and to prepare for a career in the Australian Public Service or elsewhere. The Tribunal's first trainee completed a one-year clerical traineeship in April 2006.

The traineeship program was reviewed and a second traineeship will be offered in late 2006 within the Tribunal's Principal Registry in Brisbane. The trainee will work in the human resources and finance areas and may work in the library, depending on the trainee's chosen field of study at TAFE.

Workplace Harassment Contact Officer network

The Tribunal has nine Workplace Harassment Contact Officers (WHCOs) across its registries including a member of the Tribunal. The officers have undertaken training with the Australian Public Service Commission and operate as a national network. Tribunal members and staff members are able to contact any WHCO within the network.

All members and staff of the Tribunal are entitled to a workplace free from intimidation and harassment. The Tribunal's commitment to the prevention and elimination of all forms of harassment in the workplace is supported by its Prevention and Elimination of Workplace Harassment Policy. This policy sets out the Tribunal's expectations of Tribunal members, managers and staff in preventing and dealing with workplace harassment. In particular, the policy encourages managers and supervisors to be familiar with, and actively promote and support, the Tribunal's policy and strategies for dealing with harassment.

Commonwealth Disability Strategy

The Commonwealth Disability Strategy is designed to help agencies improve access for people with disabilities to their services and facilities. The Tribunal is assessed as performing the roles of an employer and a provider. Appendix 9 provides a summary of the Tribunal's performance in these areas during the 2005–06 year.

Disability Action Plan

The Tribunal's Disability Action Plan reflects and implements the Tribunal's commitment to the principles of workplace diversity and equality of access. It is based on the Commonwealth Disability Strategy. The plan sets out performance indicators as measures in relation to various aspects of the Tribunal's role as an employer and provider.

The plan can be viewed on the Tribunal's website at: www.aat.gov.au/CorporatePublications/DisabilityActionPlan.htm.

HUMAN RESOURCE MANAGEMENT

Workplace planning, staff retention and turnover

During the reporting period, a major review of classifications of staff in all registries, including the Member Support Teams, was completed. The review evaluated relativities between positions in the Tribunal and comparable positions in other agencies. Recommendations included an additional grading point for case officers in all registries and an upgrade of six management positions nationally on work value grounds.

The Tribunal's training and development and performance management programs foster staff retention and professional development. There was a continued emphasis on timeliness of monitoring and performance appraisals.

The Tribunal's ongoing staffing complement was quite stable during the reporting period, leading to increased familiarity with duties and enhanced performance.

Agency-wide and individual employment agreements

The Tribunal's Agency Agreement expired on 30 June 2006. Negotiations for a new agreement commenced in late 2005. The new three-year certified agreement, which will commence from 20 July 2006, offers 4.2 per cent annual salary increases. The agreement continues to promote a high standard of client service and the development of staff. It seeks to improve productivity and efficiency while reducing cost through specific in-house programs and initiatives, particularly those associated with the purpose-designed case management system.

During the reporting year, six staff members were covered by Australian Workplace Agreements: the Tribunal's only Senior Executive Service employee, two Executive Level 2 staff and three Executive Level 1 staff. All but one of the Executive Level 1 staff members were eligible for, and received, a performance bonus linked to a performance agreement. In addition, the Registrar of the Tribunal, as a statutory appointee, is eligible for a performance bonus under the Principal Executive Officers determination set by the Remuneration Tribunal. As only six employees in total are eligible, the quantum of individual bonuses paid is not published for privacy reasons. The total value of bonuses paid by the Tribunal for the 2005–06 year was \$62,900.

Salary ranges for all staff members covered by Australian Workplace Agreements are included in Table 2.1 in Appendix 2. Other conditions of service are similar or identical to those contained in the Agency Agreement.

The Tribunal does not have a performance pay or bonus system for employees covered only by the Agency Agreement.

Senior Executive Service Officer remuneration

The Tribunal has only one Senior Executive Service position: the Assistant Registrar. Remuneration for that position is based on comparisons with the remuneration for staff in similar Australian Government agencies. The remuneration package allows the occupant to cash out certain limited items in accordance with common Australian Government practice.

Performance Management Program

In accordance with the Tribunal's Performance Management Program, all staff members have performance agreements. Depending on performance during the appraisal period, staff members are able to advance through the salary pay scale up to the maximum of the salary range for the relevant position. The program is linked to the Agency Agreement. Appraisals were completed by 30 June 2006 for all staff members except those who were on leave at the appraisal time or where approval was given for extensions.

Twenty-six staff members were eligible for performance-related salary advancement, which would generally be paid from July 2006. Staff members also have individual development plans linked to their performance agreements, which identify training and development needs.

Non-salary benefits

Under the Agency Agreement, staff members were provided with the following non-salary benefits:

- two days of paid leave between Christmas Day and New Year's Day during which the Tribunal operates a skeleton staff to maintain basic registry functions;
- two additional weeks of paid maternity/parenting leave;
- health and well-being benefits such as influenza vaccinations; and
- study assistance.

Ongoing staff members are eligible to apply for study assistance, which can include limited time off work to attend lectures, tutorials and examinations and may include full or partial reimbursement of fees and costs. During the reporting year, 25 staff members were accredited as approved students under the Tribunal's study assistance scheme. Approved courses included accounting, business, human resources management, information technology, public administration and policy, workplace training and various areas of the law, including public law and Tribunal procedures. The cost of reimbursing study fees and charges was approximately \$68,500. Approximately 590 study hours were approved for all purposes, such as attendance at lectures and tutorials, study leave and exam leave.

Salary packaging

Salary packaging is available to Tribunal members and staff pursuant to two policies covering different products: one policy is administered externally by the commercial firm, McMillan Shakespeare, and the other is administered internally by Human Resources. During the reporting year, 23 employees took up the opportunity to access salary packaging arrangements in relation to superannuation (15), laptop computers (7) and motor vehicles (2).

Ethical standards

Tribunal staff members are required to act in accordance with the Australian Public Service Values and Code of Conduct. The Tribunal employs a range of means to ensure that staff members are aware of, understand and apply them.

The APS Values, Code of Conduct and explanatory materials are available to staff on the intranet. Recruitment guidelines and induction materials include information on them. Specific training was undertaken during the reporting period in relation to their content and application.

Our organisation

The Tribunal's goal in relation to the organisation is:

to be an organisation with systems and processes that maximise effective and efficient use of Tribunal resources.

This section of the report describes the activities undertaken by the Tribunal during the reporting period that were directed to meeting this goal. It also provides more general information on the Tribunal's administration and governance.

CORPORATE SUPPORT

The Corporate Support area of the Tribunal is divided into the Finance Section and the Human Resources Management Section. Information on human resources issues is set out in the previous section of this report.

Financial management

The Tribunal's audited financial statements appear as part of the Annual Report 2005–06 from page 57.

The 2005–06 financial year was a dynamic year for the Finance Section with considerable purchasing activity linked to new leases for Tribunal premises. The implementation of the new case management system, which involves a replacement of the existing personal computer facilities, is underway. Most registries also installed new PABX facilities, which contributed to the purchasing activity.

The Tribunal's financial performance was close to budget with the increasing number of applications being the main factor contributing to an increase in employee costs. The small increase in supplier costs related mainly to additional costs associated with the renegotiation of Tribunal leases and relocation of Tribunal premises.

Property

The Tribunal operates from commercially leased premises in Adelaide, Canberra, Melbourne, Perth and Sydney. It occupies premises in the Commonwealth Law Courts buildings in Brisbane and Hobart.

New leases were negotiated or finalised during the reporting year in relation to all commercial sites other than Canberra.

The leases in Melbourne and Sydney expired in December 2005. The lease in Perth expired in early 2006 and the Adelaide lease expired in mid 2006. A property consultant was engaged in each city to undertake an open-market property search for the most suitable leasing deals that would enable the Tribunal to operate from affordable premises with leases of up to 10 years duration. The Tribunal negotiated new leases at its existing premises in Adelaide, Melbourne and Sydney. The Perth registry moved to another building close to its previous location.

A refurbishment of the registry in Sydney was substantially completed during the reporting period. Minor refurbishments will be undertaken in Adelaide, Canberra and Melbourne in 2006–07.

Purchasing

The Tribunal observes the core principles of the *Commonwealth Procurement Guidelines* and relevant best practice guidelines in relation to its purchasing activities. The Tribunal's Chief Executive Instructions were reviewed to ensure that they conformed with the current procurement guidelines and were reissued during 2005–06. They are a valuable tool for staff with purchasing duties and have been used as a model by several other agencies.

For major purchases or contracts, the Tribunal uses competitive procurement processes to ensure value for money as well as providing for proper and effective competition. Open tender processes are employed unless the circumstances indicate that a select tender would be appropriate. In accordance with the Tribunal's purchasing guidelines, at least three quotes are ordinarily obtained for other goods or services.

With regard to information technology purchases, the Tribunal uses the Endorsed Supplier Arrangement to source likely suppliers of goods and services. Adherence to the principle of using only endorsed suppliers has resulted in some firms

joining the endorsed supplier list in order to tender for Tribunal business.

Consultants

The Tribunal employs consultants when the required skills are not available within the Tribunal or where the capacity to undertake the work in a specialist area is not available. Consultants are engaged using the procurement methods specified in the Chief Executive Instructions for the purchasing of services. Open tender, select tender or direct sourcing may be used depending on the circumstances, timelines and the identified need for a consultant.

Eight new consultancies were let during 2005–06 for internal auditing services and advice in a range of areas including human resources issues, information technology security, procurement processes and property. Actual expenditure on consultancies let during the reporting year was \$74,001 (including GST). Six consultancies let during previous years were active during 2005–06 involving total actual expenditure of \$81,092 (including GST).

Appendix 10 provides details in relation to each new consultancy let by the Tribunal during 2005–06 for which the total contract value (including GST) is \$10,000 or more. Appendix 10 also sets out the number and aggregate value of consultancies valued at \$10,000 or more for the three most recent reporting years.

Please note that the Tribunal's 2003–04 Annual Report overstated the value of consultancies let in that year. The error related to the consultancy for property services let to United KFPW. The value of the consultancy was inadvertently reported as \$100,000 which was twice its actual value.

Reporting on purchases

All purchases were gazetted as required. Overview details of all contracts of \$100,000 or more current in any one calendar year are available through the Tribunal's website in accordance with the Senate order relating to agency contracts.

There were no contracts in excess of \$10,000 (including GST) or standing offers that were

exempt from being published in the Gazette on the basis that they would disclose exempt matters under the *Freedom of Information Act 1982*.

RISK MANAGEMENT

Audit and fraud control

The Tribunal's Audit Committee meets periodically to oversee the audit policy and plans for the forthcoming year. Its responsibilities include providing advice to the Registrar on a range of matters, such as the financial statements and fraud risk assessment, as well as commissioning internal audits on operational activities.

The Registrar certifies that the Tribunal has prepared risk assessments and fraud control plans and has in place procedures that provide for fraud prevention, detection, investigation, reporting and data collection in compliance with the Commonwealth Fraud Control Guidelines. Each year, the Tribunal's independent internal auditor reviews the operations at most risk, and at most common risk, and undertakes audit activities related to these operations. During the reporting year, the internal auditor undertook audits of the Queensland, South Australian and Western Australian Registries. Areas scrutinised included assets, attendance records and payroll, bank accounts, hospitality, payments and receipting, purchasing and security. Audits of Principal Registry finance and human resources operations are also undertaken each year. No major risks were identified as a result of the audits.

Insurance

The Tribunal is insured through Comcover. In general terms, the Tribunal has a low risk of insurance exposure and a limited likelihood of major disruption to its services. However, cover is provided should that occur. In line with a general trend in the industry, the insurance premium decreased again in 2005–06. The Tribunal's insurance cover has been increased in respect of its fit-out and property-related items.

Risk management assessment

The Tribunal commenced a risk assessment review during the reporting period examining all business risks that may impact on the Tribunal's national operations. The review will cover registry operations, public interaction and information systems and will

link with the security assessment being undertaken by a separate contractor.

Security

The Tribunal's office areas are access-controlled. Duress alarms are installed in conference and hearing rooms and at registry counters to protect Tribunal members and staff in the event of an incident. The Tribunal has a fee-for-service agreement with Chubb Security Pty Ltd to provide additional security services for Tribunal ADR events and hearings as required. During the year, security services were arranged on several occasions as a precautionary measure. No security incidents were reported at any Tribunal registry.

The Tribunal has arrangements with the Family Court and Federal Court to use their court rooms and security arrangements for hearings that involve a security risk. Court rooms were used on several occasions during the year for this purpose without incident.

The Australian Federal Police undertakes security vetting of staff whose duties require a security clearance in compliance with the Commonwealth Protective Security Manual.

T4 Protective Security is undertaking a review of the Tribunal's physical security arrangements to ensure that appropriate measures are taken to protect Tribunal members, staff, the public and Commonwealth records and assets from attack or unwanted intervention.

INFORMATION TECHNOLOGY

The Information Technology Section has developed and managed several significant projects during the year.

Case Management System

During the reporting year, the Tribunal awarded the contract for the provision of a new case management system to replace the mainframe-based system that has operated for over 15 years. The new system will bring to the Tribunal the latest server-based computer technology, enabling state-of-the-art case management workflow techniques to be used.

The company that was awarded the contract, Strategic Business Consulting, has worked closely with a team of Tribunal staff to develop a detailed design specification which has now been approved. The new system will provide a structured online workflow for all stages of case management from initial receipt of applications, arranging ADR processes and hearings through to publication of decisions.

Technical development of the Tribunal's requirements is being added to a base system already implemented in several courts and tribunals around Australia. The system is expected to be fully operational by early 2007.

New PCs

The Tribunal awarded a contract during 2005–06 for the supply of new personal computers for all Tribunal members and staff around Australia. The existing fleet of PCs was several years old and unable to meet the needs of new software technologies being introduced.

The new PCs feature a 19-inch flat panel screen that can be positioned either in portrait or landscape mode. In portrait mode, full-sized displays of A4 pages can be displayed without the need for any scrolling, a beneficial feature in an environment that is focused on text documents.

Roll out commenced during the reporting period and was completed in early 2006–07.

New communications contracts

New contracts for the supply of telephone and data services that will take full advantage of the lower cost of telephone calls and data network bandwidths commenced during the reporting year. These contracts have led to a dramatic reduction in the Tribunal's costs in these areas.

Security

Work was carried out during the reporting year to develop strategies and implement improvements in relation to system security. This work will continue with some aspects to be completed in 2006–07. While the Tribunal's systems are already well secured, there is an ongoing need

to implement measures that address new threats that may impact on the Tribunal's operations.

Information Technology Committee

The Information Technology Committee is an advisory and review body that reports to the President on IT projects within the Tribunal. The committee met in October 2005 and May 2006 to discuss a range of issues, including the new case management system, an upgrade to voice recording software and issues relating to digital recording of Tribunal proceedings.

LIBRARY AND INFORMATION SERVICES

Library Committee

The Library Committee met in October 2005 and May 2006 to discuss issues relating to the management and maintenance of the Tribunal's library resources. The Committee has focused on ensuring the currency of the library's book collection and expanding the collection of electronic research, journal and law report resources. The Committee has aimed to improve members' accessibility to the materials needed for the performance of their work and to ensure the overall maintenance and ongoing improvement in the collection.

Library Network

The Tribunal's Library Network provides library and information services to Tribunal members and staff in all registries throughout Australia. The network is comprised of the Principal Registry Library in Brisbane and District Registry Libraries in all other mainland capital cities. Libraries are staffed by professional librarians who organise and manage the collection and assist members and staff with their information needs. The Library Network also provides access to a number of online legal resources and online reference resources, which are available through the Tribunal intranet. The Electronic Publishing Officer, also a librarian located in Principal Registry Library, manages the content of the Tribunal's internet and intranet.

Achievements of the Library Network in the reporting year include:

- acquisition, cataloguing and distribution of new paper and electronic materials in response to Library Committee recommendations for the collection;
- commencement of a project to create electronic copies of the earliest decisions produced by the Tribunal;
- improvement in access to the written works of past and current Tribunal members by cataloguing members' papers and articles and making the details available via the library's computerised catalogue, Horizon;
- delivery of library orientation training for new members;
- production of a photo-gallery suitable for electronic publication that provides a photographic history of the Tribunal, commemorating significant events and ceremonies and recording the Tribunal's past and present membership and staff;
- regular improvement to the intranet and internet sites, particularly in response to user feedback and change requests; and
- ongoing management of the process of electronic delivery of Tribunal decisions to publishers, government departments and agencies and other interested parties.

- producing and maintaining resource materials, including the Tribunal's jurisdiction list and procedure manuals;
- coordinating reporting on Tribunal performance including producing statistical information on the Tribunal's workload;
- managing projects and providing support to Tribunal committees; and
- assisting with the delivery of training for Tribunal staff.

Key achievements for the reporting year included:

- publication of the report on the study relating to concurrent evidence in the Tribunal's New South Wales Registry; and
- participating in the development of the specification for the Tribunal's new case management system.

The section comprises four staff: the Manager, Senior Research Officer and two Legal Research Officers.

POLICY AND RESEARCH SECTION

The Policy and Research Section provides the President, Registrar and Assistant Registrar with advice and assistance in relation to legal and policy issues affecting the Tribunal. It also provides information and assistance to Tribunal members and staff in relation to legislative changes, case law developments and practice and procedure issues. The primary responsibilities of the section are:

- undertaking research and preparing advice, correspondence and papers relating to matters affecting the Tribunal;
- monitoring appeals from Tribunal decisions and arranging representation where the Tribunal is named as a party;

Financial Statements

For The Year Ended 30 June 2006

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INDEPENDENT AUDIT REPORT

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FINANCIAL STATEMENTS

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- Statement by Chief Executive Officer
- Income Statement
- Balance Sheet
- Statement of Cash Flows
- Statement of Changes in Equity
- Schedule of Commitments
- Schedule of Contingencies
- Schedule of Administered Items



INDEPENDENT AUDIT REPORT

To the Attorney-General

Scope

The financial statements and Chief Executive's responsibility

The financial statements comprise:

- Statement by the Chief Executive and Chief Finance Officer;
- Income Statement, Balance Sheet and Statement of Cash Flows;
- Statement of Changes in Equity;
- Schedules of Commitments and Contingencies;
- Schedule of Administered Items; and
- Notes to and forming part of the Financial Statements

of the Administrative Appeals Tribunal for the year ended 30 June 2006.

The Administrative Appeals Tribunal's Chief Executive is responsible for preparing financial statements that give a true and fair presentation of the financial position and performance of the Administrative Appeals Tribunal, and that comply with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, Accounting Standards and other mandatory financial reporting requirements in Australia. The Administrative Appeals Tribunal's Chief Executive is also responsible for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial statements.

Audit Approach

I have conducted an independent audit of the financial statements in order to express an opinion on them to you. My audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing and Assurance Standards, in order to provide reasonable assurance as to whether the financial statements are free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive, rather than conclusive, evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

While the effectiveness of management's internal controls over financial reporting was considered when determining the nature and extent of audit procedures, the audit was not designed to provide assurance on internal controls.

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I have performed procedures to assess whether, in all material respects, the financial statements present fairly, in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, Accounting Standards and other mandatory financial reporting requirements in Australia, a view which is consistent with my understanding of Administrative Appeals Tribunal's financial position, and of its financial performance and cash flows.

The audit opinion is formed on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial statements; and
- assessing the appropriateness of the accounting policies and disclosures used, and the reasonableness of significant accounting estimates made by the Chief Executive.

Independence

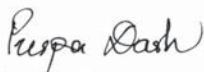
In conducting the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the ethical requirements of the Australian accounting profession.

Audit Opinion

In my opinion, the financial statements of the Administrative Appeals Tribunal:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*; and
- (b) give a true and fair view of the Administrative Appeals Tribunal's financial position as at 30 June 2006 and of its performance and cash flows for the year then ended, in accordance with:
 - (i) the matters required by the Finance Minister's Orders; and
 - (ii) applicable Accounting Standards and other mandatory financial reporting requirements in Australia.

Australian National Audit Office



Puspita Dash

Senior Director

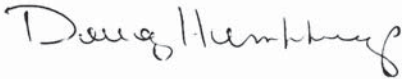
Delegate of the Auditor General

Canberra

31 August 2006

ADMINISTRATIVE APPEALS TRIBUNAL**STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCE OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2006 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.



DOUGLAS HUMPHREYS

Chief Executive

30 August 2006



STEPHEN WISE

Chief Finance Officer

30 August 2006

Income statement

FOR THE YEAR ENDED 30 JUNE 2006

	Notes	2006 \$'000	2005 \$'000
INCOME			
<i>Revenue</i>			
Revenues from Government	4A	28,896	28,162
Goods and services	4B	1,069	891
Total revenue		29,965	29,053
<i>Gains</i>			
Other gains	4C	196	190
Total Gains		196	190
TOTAL INCOME		30,161	29,243
EXPENSES			
Employees	5A	17,041	15,926
Suppliers	5B	12,815	12,400
Depreciation and amortisation	5C	762	1,187
Write-down and impairment of assets	5D	77	126
Net loss on disposal of assets	5E	7	-
TOTAL EXPENSES		30,702	29,639
OPERATING RESULT		(541)	(396)

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

Balance sheet

AS AT 30 JUNE 2006

	Notes	2006 \$'000	2005 \$'000
ASSETS			
Financial assets			
Cash and cash equivalents	6A	538	276
Receivables	6B	6,973	9,769
Total Financial Assets		7,511	10,045
Non-financial assets			
Leasehold improvements	7A,C	6,161	295
Plant and equipment	7B,C	1,342	1,432
Intangibles	7D	133	20
Other non-financial assets	7E	2,042	2,126
Total Non-Financial Assets		9,678	3,873
TOTAL ASSETS		17,189	13,918
LIABILITIES			
Payables			
Suppliers	9A	755	671
Total Payables		755	671
Non-Interest Bearing Liabilities			
Other	8	706	110
Total Non-Interest Bearing Liabilities		706	110
Provisions			
Employee provisions	10A	4,234	3,936
Other provisions	10B	385	275
Total Provisions		4,619	4,211
TOTAL LIABILITIES		6,080	4,992
NET ASSETS		11,109	8,926
EQUITY			
Contributed equity		2,133	2,133
Reserves		2,996	272
Retained surpluses		5,980	6,521
TOTAL EQUITY		11,109	8,926
Current assets		9,553	12,171
Non-current assets		7,636	1,747
Current liabilities		4,656	4,680
Non-current liabilities		1,424	312

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

Statement of cash flows

FOR THE YEAR ENDED 30 JUNE 2006

	Notes	2006 \$'000	2005 \$'000
OPERATING ACTIVITIES			
Cash received			
Goods and services		968	982
Appropriations		31,793	27,116
Net GST received from Australian Taxation Office		1,366	1,139
Total cash received		34,127	29,237
Cash used			
Employees		(16,580)	(16,279)
Suppliers		(13,659)	(13,122)
Total cash used		(30,239)	(29,401)
Net cash from or (used by) operating activities	11	3,888	(164)
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment		(3,505)	(113)
Purchase of intangibles		(121)	(16)
Total cash used		(3,626)	(129)
Net cash from or (used by) investing activities		(3,626)	(129)
Net increase or (decrease) in cash held			
Cash at the beginning of the reporting period		276	569
Cash at the end of the reporting period	11	538	276

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

Statement of changes in equity

FOR THE YEAR ENDED 30 JUNE 2006

	Accumulated Results		Asset Revaluation reserve		Contributed Equity/Capital		Total Equity	
	2006	2005	2006	2005	2006	2005	2006	2005
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Opening Balance	6,521	6,917	272	–	2,133	2,133	8,926	9,050
Adjusted opening balance	6,521	6,917	272	–	2,133	2,133	8,926	9,050
Income and expense								
Revaluation adjustment	–	–	2,724	272	–	–	2,724	272
Subtotal income and expenses recognised directly in equity	–	–	2,724	272	–	–	2,724	272
Net operating result	(541)	(396)	–	–	–	–	(541)	(396)
Total income and expenses	(541)	(396)	2,724	272	–	–	2,183	(124)
Transactions with owners	–	–	–	–	–	–	–	–
Sub-total Transactions with owners	–	–	–	–	–	–	–	–
Closing balance at 30 June	5,980	6,521	2,996	272	2,133	2,133	11,109	8,926

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

Schedule of commitments

AS AT 30 JUNE 2006

	Notes	2006 \$'000	2005 \$'000
BY TYPE			
Capital commitments			
Plant and equipment		739	–
Total capital commitments		739	–
Other commitments			
Operating leases ^{1,2}		34,696	13,223
Total other commitments		34,696	13,223
Commitments receivable		(3,221)	(1,202)
Net commitments by type		32,214	12,021
BY MATURITY			
Capital commitments			
One year or less		739	–
From one to five years		–	–
Over five years		–	–
Total capital commitments		739	–
Operating lease commitments			
One year or less		4,987	4,671
From one to five years		23,257	7,610
Over five years		6,452	942
Total operating lease commitments		34,696	13,223
Commitments receivable		(3,221)	(1,202)
Net commitments by maturity		32,214	12,021

NB: Commitments are GST inclusive where relevant.

1 These commitments comprise leases of hearing rooms and office accommodation for the Tribunal.

2 Operating leases included are effectively non-cancellable and comprise:

Nature of lease	General description of leasing arrangement
Leases for office accommodation	<ul style="list-style-type: none"> – lease payments are subject to fixed or market review increases as listed in the lease agreements; – all office accommodation leases are current and most have extension options for the Tribunal following a review of rentals to current market; and – a commitment for four years has been included for the Commonwealth Law Courts Buildings in Brisbane and Hobart even though there is no lease. This is because budget funding has been approved for this period.
Agreements for the provision of motor vehicles to senior executives	<ul style="list-style-type: none"> – no contingent rentals exist; and – there are no renewal or purchase options available to the Tribunal.

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

Schedule of contingencies

AS AT 30 JUNE 2006

	Notes	2006 \$'000	2005 \$'000
Contingent liabilities			
Restoration of Lease Costs			
Balance from previous period		425	510
New		-	75
Re-measurement		(75)	-
Liabilities crystallised		(100)	(160)
Obligations expired		(250)	-
Total Contingent Liabilities		-	425

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

Schedule of administered items

Notes	2006 \$'000	2005 \$'000
Income Administered on Behalf of Government		
for the year ended 30 June 2006		
Revenue		
Non-taxation		
Filing fees	1,053	1,094
Total Revenues Administered on Behalf of Government	1,053	1,094
Total Income Administered on Behalf of Government	1,053	1,094
Expenses Administered on Behalf of Government		
for the year ended 30 June 2006		
Refund of filing fees	700	371
Total Expenses Administered on Behalf of Government	700	371

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

There were no administered assets or liabilities as at 30 June 2006, (2005:Nil).

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

Schedule of Administered Items (continued)

Notes	2006 \$'000	2005 \$'000
Administered Cash Flows		
for the year ended 30 June 2006		
Operating activities		
Cash received		
Filing fees	1,053	1,094
Total cash received	1,053	1,094
Cash used		
Refund of filing fees	700	371
Total cash used	700	371
Net Cash from Operating Activities	353	723
Net Increase (Decrease) in Cash Held	353	723
Cash at the beginning of the reporting period	–	–
Cash from Official Public Account for:		
– Appropriations	700	371
Cash to Official Public Account for:		
– Appropriations	(1,053)	(1,094)
Cash at End of Reporting Period	–	–

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

There were no administered commitments or contingencies as at 30 June 2006, (2005:Nil).

The major administered activities of the Tribunal are directed towards achieving the outcome described in Note 1 to the Financial Statements. The major financial activities are the collection of fees payable on lodging with the Tribunal of an application for a review of a decision, other than in income maintenance matters. On matters other than income maintenance, applicants may apply for a waiver of the fee under regulation 19(6) or 19AA(6) of the *Administrative Appeals Tribunal Regulations 1976*.

Fees are refunded in whole if the proceedings terminate in a manner favourable to the applicant except for Small Taxation Claims Tribunal applications where a smaller once-only fee is payable irrespective of the outcome of the decision.

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

Notes to and forming part of the Financial Statements

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Notes to and forming part of the Financial Statements

Note 1 – Summary of significant accounting policies

1.1 OBJECTIVES OF THE TRIBUNAL

The Administrative Appeals Tribunal (the Tribunal) is an Australian Public Service organisation. The objective and sole outcome of the Tribunal is to provide independent review on the merits of a wide range of administrative decisions of the Australian Government so as to ensure in each case the correct or preferable decision is made.

Tribunal activities contributing toward these outcomes are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, revenues and expenses controlled or incurred by the Tribunal in its own right. Administered activities involve the management or oversight by the Tribunal, on behalf of the Government, of items controlled or incurred by the Government.

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

1.2 BASIS OF PREPARATION OF FINANCIAL STATEMENTS

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

The statements have been prepared in accordance with:

- Finance Minister's Orders (or FMOs, being the *Financial Management and Accountability Orders (Financial Statements for reporting periods ending on or after 1 July 2005)*);
- Australian Accounting Standards issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period; and

- Interpretations issued by the AASB and UIG that apply for the reporting period.

This is the first financial report to be prepared under Australian Equivalents to International Financial Reporting Standards (AEIFRS). The impacts of adopting AEIFRS are disclosed in Note 2.

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

The financial report is presented in Australian dollars and values are rounded to the nearest thousand dollars unless disclosure of the full amount is specifically required.

Unless alternative treatment is specifically required by an accounting standard, assets and liabilities are recognised in the Balance Sheet when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under agreements equally proportionately unperformed are not recognised unless required by an Accounting Standard. Liabilities and assets which are unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies (other than unquantifiable or remote contingencies, which are reported at Note 12).

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

Notes to and forming part of the Financial Statements

Administered revenues, expenses, assets and liabilities and cash flows reported in the Schedule of Administered Items and related notes are accounted for on the same basis and using the same policies as for Tribunal items except where otherwise stated.

1.3 SIGNIFICANT ACCOUNTING JUDGEMENTS AND ESTIMATES

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

1.4 STATEMENT OF COMPLIANCE

The financial report complies with Australian Accounting Standards, which include the AEIFRS.

Australian Accounting Standards require the Tribunal to disclose Australian Accounting Standards that have not been applied, for standards that have been issued but are not yet effective.

The AASB has issued amendments to existing standards. These amendments are denoted by year and then number, for example 2005-1 indicates amendment 1 issued in 2005.

The table on the following page illustrates standards and amendments that will become effective for the Tribunal in the future. The nature of the impending change within the table, has been abbreviated out of necessity and users should consult the full version available on the AASB's website to identify the full impact of the change. The expected impact on the financial report of adoption of these standards is based on the Tribunal's initial assessment at this date, but may change. The Tribunal intends to adopt all of the standards upon their application date.

Notes to and forming part of the Financial Statements

Title	Standard affected	Application date*	Nature of impending change	Impact expected on financial report
2005-1	AASB 139	1 Jan 2006	Amends hedging requirements for foreign currency risk of a highly probable intra-group transaction	No expected impact.
2005-4	AASB 139, AASB 132, AASB 1, AASB 1023 and AASB 1038	1 Jan 2006	Amends AASB 139, AASB 1023 and AASB 1038 to restrict the option to fair value through profit or loss and makes consequential amendments to AASB 1 and AASB 132.	No expected impact.
2005-5	AASB 1 and AASB 139	1 Jan 2006	Amends AASB1 to allow an entity to determine whether an arrangement is, or contains, a lease. Amends AASB 139 to scope out a contractual right to receive reimbursement (in accordance with AASB 137) in the form of cash.	No expected impact.
2005-10	AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 and AASB 1038	1 Jan 2007	Amended requirements subsequent to the issuing of AASB 7.	No expected impact.
2006-1	AASB 7 Financial Instruments; Disclosures	1 Jan 2007	Revises the disclosure requirements for financial instruments from AASB 132 requirements.	No expected impact.

Notes to and forming part of the Financial Statements

1.5 REVENUE

Revenues from Government

Amounts appropriated for Departmental outputs appropriations for the year (adjusted for any formal additions and reductions) are recognised as revenue, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

Other revenue

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the owner;
- the seller retains no managerial involvement nor effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the entity.

Revenue from the rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits with the transaction will flow to the entity.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any provision for bad and doubtful debts. Collectability of debts is reviewed

at balance date. Provisions are made when collectability of the debt is no longer probable.

1.6 GAINS

Resources Received Free of Charge

Services received free of charge are recognised as gains when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another government agency as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

Other Gains

Gains from disposal of non-current assets is recognised when control of the asset has passed to the buyer.

1.7 TRANSACTIONS WITH THE GOVERNMENT AS OWNER

Equity injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) are recognised directly in Contributed Equity in that year.

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Commonwealth agency or authority under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

Other distributions to owners

The FMOs require that distributions to owners be debited to contributed equity unless in the nature of a dividend.

Notes to and forming part of the Financial Statements

1.8 EMPLOYEE BENEFITS

As required by the FMOs, the Tribunal has early adopted AASB 119 Employee Benefits as issued in December 2004.

Liabilities for services rendered by employees are recognised at the reporting date to the extent that they have not been settled.

Liabilities for 'short-term employee benefits' (as defined in AASB 119) and termination benefits due within twelve months of balance date are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

All other employee benefit liabilities are measured as the present value of the estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the Tribunal is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration, including the Tribunal's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The non-current portion of the liability for long service leave is recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 2006. In determining the present value of the liability, the Tribunal has taken into account attrition rates and pay increases through promotion and inflation.

The liability for annual leave reflects the value of total annual leave entitlements of all employees at 30 June 2006 and is recognised at the nominal amount. The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability. The Tribunal's certified agreement raises pay rates on 1 July each year and the financial effect of this change has been included.

Superannuation

Most members and staff of the Tribunal are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) and the PSS Accumulation Plan (PSSap).

The CSS and PSS are defined benefit schemes for the Commonwealth. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course.

The Tribunal makes employer contributions to the Australian Government at rates determined by an actuary to be sufficient to meet the cost to the Commonwealth of the superannuation entitlements of the Tribunal's employees.

From 1 July 2005, new employees are eligible to join the PSS accumulation plan scheme.

The liability for superannuation recognised at 30 June represents outstanding contributions as at the final fortnight of the year.

1.9 LEASES

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased non-current assets. An operating lease is a lease that is not a finance lease.

Notes to and forming part of the Financial Statements

In operating leases, the lessor effectively retains substantially all such risks and benefits.

The Tribunal does not have any finance leases. Operating lease payments are expensed on a straight line basis which is representative of the pattern of benefits derived from the leased assets.

Lease incentives taking the form of 'free' leasehold improvements and rent holidays are recognised as liabilities. These liabilities are reduced by allocating lease payments between rental expense and reduction of the liability over the term of the related lease (refer Note 8).

1.10 BORROWING COSTS

All borrowing costs are expensed as incurred.

1.11 CASH

Cash means notes and coins held and any deposits held at call with a bank or financial institution. Cash is recognised at its nominal amount.

1.12 FINANCIAL RISK MANAGEMENT

The Tribunal's activities expose it to normal commercial financial risk. As a result of the nature of the Tribunal's business and internal and Australian Government policies dealing with the management of financial risk, the Tribunal's exposure to market, credit, liquidity and cash flow and fair value interest rate risk is considered to be low.

1.13 DERECOGNITION OF FINANCIAL ASSETS AND LIABILITIES

As prescribed in the FMOs, the Tribunal has applied the option available under AASB 1 of adopting AASB132 and AASB139 from 1 July 2005 rather than 1 July 2004.

Financial assets are derecognised when the contractual rights to the cash flows from the financial assets expire or the asset is transferred to another entity. In the case of a transfer to another

entity, it is necessary that the risks and rewards of ownership are also transferred.

Financial liabilities are derecognised when the obligation under the contract is discharged or cancelled or expires.

For the comparative year, financial assets were derecognised when the contractual right to receive cash no longer existed. Financial liabilities were derecognised when the contractual obligation to pay cash no longer existed.

1.14 IMPAIRMENT OF FINANCIAL ASSETS

As prescribed in the FMOs, the Tribunal has applied the option available under AASB 1 of adopting AASB 132 and AASB139 from 1 July 2005 rather than 1 July 2004.

Financial assets are assessed for impairment at each balance date.

Comparative Year

In 2004-05 receivables were recognised and carried at original invoice amount less a provision for doubtful debts based on an estimate made when collection of the full amount was no longer probable. Bad debts were written off as incurred.

Other financial assets carried at cost, which were not held to generate net cash inflows, were assessed for indicators of impairment. Where such indicators were found to exist, the recoverable amount of the assets were estimated and compared to the assets carrying amount and, if less, reduced to the carrying amount. The reduction was shown as an impairment loss.

1.15 TRADE CREDITORS

Trade creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

Notes to and forming part of the Financial Statements

1.16 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

Contingent liabilities and assets are not recognised in the Balance Sheet but are discussed in the related schedules and notes. They may arise from uncertainty as to the existence of a liability or asset, or represent an existing liability or asset in respect of which settlement is not probable or the amount cannot be reliably measured. Remote contingencies are part of the disclosure. Where settlement becomes probable, a liability or asset is recognised. A liability or asset is recognised when its existence is confirmed by a future event, settlement becomes probable (virtually certain for assets) and reliable measurement becomes possible.

1.17 ACQUISITION OF ASSETS

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate. The Tribunal does not own any land and buildings.

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

1.18 PROPERTY, PLANT AND EQUIPMENT

Asset recognition threshold

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

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'makegood' provisions in property leases taken up by the Tribunal where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Tribunal's leasehold improvements with a corresponding provision for the 'makegood' taken up.

Revaluations Basis

Property, plant and equipment are carried at fair value, being revalued with sufficient frequency such that the carrying amount of each asset is not materially different, at reporting date, from its fair value. Valuations undertaken each year are as at 30 June except for property fit-out associated with the renewal of an existing lease which is valued as at the date of the lease renewal.

Fair values for each class of asset are determined as shown below.

Asset class	Fair value measured at:
Leasehold improvements	Depreciated replacement cost
Plant and equipment	Market selling price

Following initial recognition at cost, valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not materially differ from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised through profit and loss. Revaluation decrements for a class of assets are recognised directly through profit

Notes to and forming part of the Financial Statements

and loss except to the extent that they reverse a previous revaluation increment for that class.

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

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Tribunal using, in all cases, the straight-line method of depreciation. Leasehold improvements are depreciated on a straight-line basis over the lesser of the estimated useful life of the improvements or the unexpired period of the lease.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	2006	2005
Leasehold improvements (fit-out)	Lease term	Lease term
Plant and equipment	3–20 years	3–20 years

Impairment

All assets were assessed for impairment at 30 June 2006. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future

cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows and the asset would be replaced if the Tribunal were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

No indicators of impairment were found for assets at fair value.

1.19 INTANGIBLES

The Tribunal's intangibles comprise externally purchased software for internal use. These assets are carried at cost. Software is amortised on a straight-line basis over their anticipated useful lives. The useful lives of the Tribunal's software is 3-5 years (2005: 3-5 years).

All software assets were assessed for indications of impairment as at 30 June 2006. No indications of impairment were found for intangible assets.

1.20 TAXATION

The Tribunal is exempt from all forms of taxation except fringe benefits tax and the goods and services tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- for receivables and payables.

1.21 FOREIGN CURRENCY

Transactions denominated in a foreign currency are converted at the exchange rate at the date of the transaction. Foreign currency receivables and payables are translated at the exchange rate current as at balance date. Associated currency gains and losses are not material.

Notes to and forming part of the Financial Statements

1.22 INSURANCE

The Tribunal has insured against risks through the Government's insurable risk managed fund, called 'Comcover'. Workers' compensation is insured through Comcare Australia.

1.23 REPORTING OF ADMINISTERED ACTIVITIES

The Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the Schedule of Administered Items and related Notes.

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

Administered Cash Transfers to and from Official Public Account

Revenue collected by the Tribunal for use by the Government rather than the Tribunal is Administered Revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Administration. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the Tribunal on behalf of the Government and reported as such in the Statement of Cash Flows in the Schedule of Administered Items and in the Administered Reconciliation Table in Note 17. Thus, the Schedule of Administered Items largely reflects the Government's transactions, through the Tribunal, with parties outside the Government.

Revenue

All administered revenues are revenues relating to the course of ordinary activities performed by the Tribunal on behalf of the Australian Government.

Fees are charged on lodgement of applications for review. Some exemptions and waivers can apply to the payment of a fee. Applications deemed to be successful may result in a refund of the fee paid.

Notes to and forming part of the Financial Statements

Note 2 – The impact of the transition to AEIFRS from previous AGAAP

	2005 \$'000	2004 \$'000
Reconciliation of Total Equity as presented under previous AGAAP to that under AEIFRS		
Total equity under previous AGAAP	8,926	9,050
Adjustments to retained earnings	–	–
Adjustments to other reserves	–	–
Total Equity translated to AEIFRS	8,296	9,050
Reconciliation of Profit and Loss as presented under previous AGAAP to that under AEIFRS		
Prior year profit as previously reported	(396)	
Adjustments	–	
Prior year profit translated to AEIFRS	(396)	

The cash flow statement presented under previous AGAAP is equivalent to that prepared under AEIFRS.

The Tribunal has no Administered Assets or Liabilities therefore there are no AEIFRS adjustments to report.

Reconciliation of Expenses Administered on behalf of Government presented under previous AGAAP to that under AEIFRS

Prior year profit as previously reported	371
Adjustments	–
Prior year profit translated to AEIFRS	371

Note 3 – Events occurring after balance sheet date

There were no significant events occurring after the balance date.

Notes to and forming part of the Financial Statements

Note 4 – Income

	2006 \$'000	2005 \$'000
Revenues		
Note 4A – Revenues from Government		
Appropriations for outputs	28,896	28,162
Total revenues from government	28,896	28,162
Note 4B – Goods and Services		
Services	1,069	891
Total sales of goods and services	1,069	891
Rendering of services to:		
Related entities	756	664
External entities	313	227
Total rendering of services	1,069	891
Gains		
Note 4C – Other gains		
Resources received free of charge	34	34
Liabilities assumed by other departments	162	156
Total other gains	196	190

Note 5 – Operating expenses

	2006 \$'000	2005 \$'000
Note 5A – Employee Expenses		
Wages and salary	13,633	12,514
Superannuation	2,248	2,293
Leave and other entitlements	671	652
Other employee expenses	489	467
Total employee expenses	17,041	15,926

Notes to and forming part of the Financial Statements

Note 5B – Supplier Expenses

Provision of goods – related entities	–	–
Provision of goods – external entities	398	367
Rendering of services – related entities	569	810
Rendering of services – external entities	6,167	5,642
Operating lease rentals ¹	5,574	5,505
Workers’ Compensation Premium	107	76
Total supplier expenses	12,815	12,400

¹These comprise minimum lease payments only.

Note 5C – Depreciation and Amortisation

Depreciation

Depreciation of property, plant and equipment	644	890
Total depreciation and amortisation	644	890

Amortisation

Amortisation of lease incentives	110	107
Amortisation of intangibles – software	8	190
Total depreciation and amortisation	762	1,187

The aggregate amounts of depreciation or amortisation expensed during the reporting period for each class of depreciable asset are as follows:

Leasehold improvements	567	771
Plant and equipment	187	226
Intangibles – software	8	190
Total depreciation and amortisation	762	1,187

Note 5D – Write-Down and Impairment of Assets

Property, plant and equipment – revaluation decrement	77	126
Total write-down of assets	77	126

Note 5E – Net Loss from Disposal of Assets

Disposal of assets	7	–
Net loss from disposal of assets	7	–

Notes to and forming part of the Financial Statements

Note 6 – Financial assets

	2006 \$'000	2005 \$'000
Note 6A – Cash and cash equivalents		
Departmental (other than special accounts)	538	276
Total cash and cash equivalents	538	276
Note 6B – Receivables		
Goods and services	50	43
GST receivable from the Australian Taxation Office	223	129
Appropriations receivable – for existing outputs	6,700	9,597
Total receivables (net)	6,973	9,769
Receivables is represented by:		
Current	6,973	9,769
Non-current	–	–
Total receivables (net)	6,973	9,769

All receivables are with entities external to the Tribunal. Credit terms are net 30 days (2005: 30 days).

Receivables (gross) are aged as follows:

Current	6,965	9,763
Overdue by:		
Less than 30 days	7	6
30 to 60 days	1	–
60 to 90 days	–	–
More than 90 days	–	–
	8	6
Total receivables (gross)	6,973	9,769

Notes to and forming part of the Financial Statements

Note 7 – Non-financial assets

	2006	2005
	\$'000	\$'000
Note 7A – Leasehold Improvements		
<i>Leasehold Improvements</i>		
– at fair value	6,161	295
– accumulated amortisation	–	–
<i>Total leasehold improvements</i>	6,161	295
Note 7B – Property, Plant and Equipment		
<i>Property, plant and equipment</i>		
– at fair value	1,342	1,432
– accumulated depreciation	–	–
<i>Total property, plant and equipment</i>	1,342	1,432

All revaluations are in accordance with the revaluation policy stated in Note 1.18. In 2005-06 an independent valuer, the Australian Valuation Office, conducted the valuations.

Revaluation increment of \$2,724,000 for leasehold improvements (2005: increment of \$272,124) was credited to the asset revaluation reserve. A decrement of \$76,961 for property, plant and equipment was expensed (2005: decrement of \$126,430 was expensed).

Notes to and forming part of the Financial Statements

Note 7 – Non-financial assets (continued)

Note 7C - Analysis of Property, Plant, and Equipment

TABLE A – Reconciliation of the opening and closing balances of property, plant and equipment

Item	Buildings – Leasehold Improvements \$'000	Plant and Equipment \$'000	Total \$'000
As at 1 July 2005			
Gross book value	295	1,432	1,727
Accumulated depreciation/amortisation	–	–	–
Opening Net Book Value	295	1,432	1,727
Additions			
by purchase	3,330	175	3,505
Net revaluation increment/(decrement)	2,724	(77)	2,647
Revaluation of makegood	385	–	385
Depreciation/amortisation expense	(567)	(187)	(754)
Recoverable Amount write-downs	–	–	–
Disposals			
Other disposals	(6)	(1)	(7)
As at 30 June 2006			
Gross book value	6,161	1,342	7,503
Accumulated depreciation/amortisation	–	–	–
Closing Net book value	6,161	1,342	7,503

	2006 \$'000	2005 \$'000
Note 7D – Intangibles		
Computer software (at cost)	1,079	958
Accumulated amortisation	(946)	(938)
Total intangibles (non-current)	133	20

Notes to and forming part of the Financial Statements

Note 7 – Non-financial assets (continued)

Note 7D – Intangibles (continued)

TABLE A – Reconciliation of opening and closing balances of intangibles

Item	Computer software purchased \$'000	Total \$'000
As at 1 July 2005		
Gross book value	958	958
Accumulated depreciation	(938)	(938)
Opening Net Book Value	20	20
Additions		
Purchases (partially complete)	121	121
Movements		
Depreciation/amortisation	(8)	(8)
Disposals	–	–
As at 30 June 2006		
Gross book value	1,079	1,079
Accumulated depreciation	(946)	(946)
Closing Net book value	133	133
	2006	2005
	\$'000	\$'000
Note 7E – Other Non-Financial Assets		
Prepayments	2,042	2,126

All other non-financial assets are current assets.

Notes to and forming part of the Financial Statements

Note 8 – Other non-interest bearing liabilities

	2006	2005
	\$'000	\$'000
Lease incentives	706	110
Total lease incentives	706	110
Current	54	110
Non-current	652	–
Total lease incentives	706	110

Note 9 – Payables

	2006	2005
	\$'000	\$'000
Note 9A – Suppliers		
Trade creditors	755	671
Total supplier payables	755	671

All supplier payables are current liabilities. Settlement is usually made 28 days from receipt of invoice.

Note 10 – Provisions

	2006	2005
	\$'000	\$'000
Note 10A – Employee Provisions		
Salaries and wages	317	205
Leave	3,386	3,194
Superannuation	506	512
Other	25	25
Total employee provisions	4,234	3,936
Current	3,847	3,624
Non-current	387	312
Total employee provisions	4,234	3,936
Note 10B – Other Provisions		
Provision for 'makegood'	385	275
	385	275

Notes to and forming part of the Financial Statements

Note 10 – Provisions (continued)

	Provision for Makegood \$'000	Total \$'000
Carrying amount at beginning of period	275	–
Additional provisions made	385	275
Provisions realised	(275)	–
Unwinding of discounted amount arising from the passage of time	–	–
Amount owing at end of period	385	275

Note 11 – Cash flow reconciliation

	2006 \$'000	2005 \$'000
Reconciliation of cash per Balance Sheet to Statement of Cash Flows		
Cash at year end per Statement of Cash Flows	538	276
Balance Sheet items comprising above cash: 'Financial Assets – Cash and cash Equivalents'	538	276
Reconciliation of operating result to net cash from operating activities:		
Opening result	(541)	(396)
Depreciation/amortisation	762	1187
Loss on Disposal of assets	7	–
Net write-down of non-financial assets	77	126
(Increase)/Decrease in net receivables	2,796	(955)
(Increase)/Decrease in prepayments	84	131
Increase/(Decrease) in employee provisions	298	(509)
Increase/(Decrease) in supplier payables	84	84
Increase/(Decrease) in other provisions	150	–
Increase/(Decrease) in other liabilities	171	168
Net cash from/(used by) operating activities	3,888	(164)

Note 12 – Contingent liabilities and assets

Unquantifiable or Remote Contingencies

At 30 June 2006, the Tribunal has not identified any unquantifiable or remote contingencies.

Notes to and forming part of the Financial Statements

NOTE 13 – Executive remuneration

The number of senior executives who received or were due to receive total remuneration of \$130,000 or more:

	2006	2005
\$145,000 to \$159,999	1	–
\$190,000 to \$204,999	–	1
\$205,000 to \$219,999	1	–
Total	2	1
The aggregate amount of total remuneration of executives shown above.	\$357,293	\$199,852

The aggregate amount of separation and redundancy/termination benefit payments during the year to executives shown above.

Nil Nil

Note 14 – Remuneration of auditors

	2006 \$'000	2005 \$'000
Financial statement audit services are provided free of charge to the Tribunal.		
The fair value of the audit services provided was:	33,500	34,000
	33,500	34,000

No other services were provided by the Auditor-General.

Note 15 – Average staffing levels

	2006	2005
The average staffing levels for the Tribunal during the year were:	164	161

Notes to and forming part of the Financial Statements

Note 16 – Financial instruments

Note 16A – Interest Rate Risk

Financial Instrument	Note	Non Interest-bearing		Total		Weighted Average Effective Interest Rate	
		2006 \$'000	2005 \$'000	2006 \$'000	2005 \$'000	2006 \$'000	2005 \$'000
Financial Assets							
Cash at bank	6A	538	276	538	276	n/a	n/a
Receivables for goods and services	6B	273	172	273	172	n/a	n/a
Appropriation receivable	6B	6,700	9,597	6,700	9,597	n/a	n/a
Total		7,511	10,045	7,511	10,045		
Total Assets				17,189	13,918		
Financial Liabilities							
Trade creditors	10	755	671	755	671	n/a	n/a
Total		755	671	755	671		
Total Liabilities				6,080	4,992		

Note 16B – Net Fair Values of Financial Assets and Liabilities

	Notes	2006		2005	
		Total Carrying Amount \$'000	Aggregate Fair Value \$'000	Total Carrying Amount \$'000	Aggregate Fair Value \$'000
Departmental Financial Assets (Recognised)					
Cash at bank	6A	538	538	276	276
Receivables for goods and services (net)	6B	50	50	43	43
Appropriations receivable	6B	6,700	6,700	9,597	9,507
Total Financial Assets (Recognised)		7,511	7,511	10,045	10,045
Financial Liabilities (Recognised)					
Trade creditors	10	755	755	671	671
Total Financial Liabilities (Recognised)		755	755	671	671

Notes to and forming part of the Financial Statements

Note 16 – Financial instruments (continued)

Note 16C – Credit Risk Exposure

The Tribunal's maximum exposures to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Balance Sheet.

The Tribunal has no significant exposures to any concentration of credit risk.

All figures for credit risk referred to do not take into account the value of any collateral or other security.

Note 17 – Administered reconciliation table

	2006 \$'000	2005 \$'000
Opening administered assets less administered liabilities as at 1 July	–	–
Opening balance fair value adjustment – administered investments	–	–
Plus: Administered revenues	1,053	1,094
Less: Administered expenses	(700)	(371)
Administered transfers to/from Australian Government:		
Appropriation transfers from OPA:	700	371
Appropriation transfers to OPA:	(1,053)	(1,094)
Closing administered assets less administered liabilities as at 30 June	–	–

Notes to and forming part of the Financial Statements

Note 18 – Appropriations

Note 18A – Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund (CRF) for Ordinary Annual Services Appropriations

Table A

Particulars	Departmental Outputs		Total	
	2006 \$	2005 \$	2006 \$	2005 \$
Balance carried from previous year	4,864,055	9,119,614	4,864,055	9,119,614
Unspent receipts from 1999–2004 where no s 31 agreement was deemed to be in place (funding restored in 2005-06)	5,008,678	(4,517,349)	5,008,678	(4,517,349)
<i>Adjusted Balance carried for previous period</i>	\$9,872,733	4,602,265	\$9,872,733	4,602,265
Appropriation Act (No.1)	28,620,000	27,582,000	28,620,000	27,582,000
Appropriation Act (No.3)	276,000	568,000	276,000	568,000
Appropriation Act (No.5)	–	12,000	–	12,000
Comcover receipts (Appropriation Act s 13)	–	7,602	–	7,602
Subtotal Annual Appropriation	38,768,733	32,771,867	38,768,733	32,771,867
Appropriations to take account of recoverable GST (FMAA s 30A)	1,365,962	1,138,991	1,365,962	1,138,991
Annotations to 'net appropriations' (FMAA s 31)	968,356	490,367	968,356	490,367
Total appropriations available for payments	41,103,051	34,401,225	41,103,051	34,401,225
Cash payments made during the year (GST inclusive)	(33,864,593)	(29,537,170)	(33,864,593)	(29,537,170)
<i>Balance of Authority to Draw Cash from the CRF for Ordinary Annual Services Appropriations</i>	7,238,458	4,864,055	7,238,458	4,864,055

Notes to and forming part of the Financial Statements

Note 18 – Appropriations (continued)

Note 18A – Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund (CRF) for Ordinary Annual Services Appropriations (continued)

Table A (continued)

Particulars	Departmental Outputs		Total	
	2006	2005	2006	2005
	\$	\$	\$	\$
Represented by:				
Cash at bank and on hand	538,458	275,733	538,458	275,733
Receivable – departmental appropriations	6,700,000	9,597,000	6,700,000	9,597,000
Receivables – GST receivable from customers	8,570	8,235	8,570	8,235
Receivables – GST receivable from the ATO	222,621	129,127	222,621	129,127
Payables – GST Payables	(231,191)	(137,362)	(231,191)	(137,362)
Receipts from periods of no s 31 agreement in years 1999-2005 not currently available	–	(5,008,678)	–	(5,008,678)
Total	7,238,458	4,864,055	7,238,458	4,864,055

Note 18B – Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund – Special Appropriations (Unlimited Amount)

<i>Financial Management and Accountability Act 1997</i>	2006	2005
– section 28	Outcome 1	
	\$	\$

Purpose: A section to allow for the expenditure of amounts the Commonwealth is legally required to pay, but for which there is no other appropriation. Pursuant to the *Administrative Appeals Tribunal Regulations 1976*, a refund of the application fee is payable where the fee is determined to not be payable or where proceedings terminate in favour of the applicant.

All transactions under this Act are recognised as administered items.

Cash payments made during the year	699,979	370,779
Budget estimate	250,000	250,000

Notes to and forming part of the Financial Statements

NOTE 19 – Special accounts

Other Trust Moneys	2006	2005
Legal Authority: <i>Financial Management and Accountability Act 1997; s 20</i>		
Appropriation: <i>Financial Management and Accountability Act 1997; s 20</i>		
Purpose: for expenditure of monies temporarily held on trust or otherwise for the benefit of a person other than the Commonwealth.		
This account is non-interest bearing.		
Balance carried from previous year	–	–
Payments made to suppliers	–	–
Total	–	–

Services for other Governments & Non-Agency Bodies	2006	2005
Legal Authority: <i>Financial Management and Accountability Act 1997; s20</i>		
Appropriation: <i>Financial Management and Accountability Act 1997; s20</i>		
Purpose: for receipt of monies from other agencies temporarily held on trust or otherwise for the benefit of a person other than the Commonwealth.		
This account is non-interest bearing.		
Balance carried from previous year	–	–
Payments made to suppliers	–	–
Total	–	–

Notes to and forming part of the Financial Statements

Note 20 – Reporting of outcomes

The Tribunal has only one outcome which is described in Note 1.1.

Note 20A – Net Cost of Outcome Delivery

	Total	
	2006 \$'000	2005 \$'000
Administered	700	371
Departmental	30,702	29,639
Total expenses	31,161	30,010
<i>Costs recovered from provision of goods and services to the non-government sector</i>		
Administered	–	–
Departmental	313	227
Total costs recovered	313	227
<i>Other external revenues</i>		
Administered		
Filing fees	1,053	1,094
Total Administered	1,053	1,094
Departmental		
Interest on cash deposits	–	–
Goods and Services Revenue from Related Entities	756	664
Total Departmental	756	664
Total other external revenues	2,122	1,985
Net cost/(contribution) of outcome	29,039	28,025

Notes to and forming part of the Financial Statements

Note 20 – Reporting of outcomes (continued)

Note 20B – Major Classes of Departmental Revenues and Expenses by Output Group and Outputs

The Tribunal has only one output group.

Departmental expenses		
Employees	17,041	15,926
Suppliers	12,815	12,400
Depreciation and amortisation	762	1,187
Other expenses	84	126
Total departmental expenses	30,702	29,639
Funded by:		
Revenues from government	29,092	28,352
Sale of goods and services	1,069	891
Other non-taxation revenue	–	–
Total departmental revenues	30,161	29,243

Note 20C – Major Classes of Administered Revenues and Expenses by Outcomes.

The Tribunal has only one output group which is described in Note 1.1.

	Total Outcome 1	
	2006 \$'000	2005 \$'000
Administered revenues		
Fees & fines	1,053	1,094
Total Administered revenues	1,053	1,094
Administered expenses		
Refund of fees and fines	(700)	(371)
Total Administered expenses	(700)	(371)

Notes to and forming part of the Financial Statements

Note 21 – Compensation and debt relief

	2006 \$	2005 \$
Administered		
No 'Act of Grace' payments, waivers of debt, ex gratia payments, Compensation for Detriment caused by Defective Administration Scheme payments or special circumstances payments pursuant to section 73 of the <i>Public Service Act 1999</i> were made during the reporting period.	Nil	Nil
Departmental		
No 'Act of Grace' payments, waivers of debt, ex gratia payments, Compensation for Detriment caused by Defective Administration Scheme payments or special circumstances payments pursuant to section 73 of the <i>Public Service Act 1999</i> were made during the reporting period.	Nil	Nil

Appendices

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Appendix 1: Members of the Tribunal

TRIBUNAL MEMBERS AS AT 30 JUNE 2006

President The Hon. Justice GK Downes, AM

NEW SOUTH WALES

Presidential members

Federal Court The Hon. Justice BJM Tamberlin
The Hon. Justice RV Gyles, AO
The Hon. Justice ACB Bennett, AO
The Hon. Justice RF Edmonds

Deputy Presidents Deputy President RNJ Purvis, AM, QC
Deputy President J Block
Deputy President GD de Q Walker

Non-presidential members

Senior Members Senior Member MD Allen (G,V,T,S)
Senior Member G Ettinger (G,V,T,S)
Senior Member NP Bell (G,V,S)
Senior Member R Hunt (G,V,T,S)
Senior Member JC Kelly (G,V)
Senior Member IA Shearer, AM, RFD (G,V,S)

Members Dr IS Alexander (G,V)
Dr JD Campbell (G,V)
Mr MA Griffin (G,V)
Rear Admiral AR Horton, AO, RAN (Rtd) (G,V)
Ms N Isenberg (G,S)
Professor GAR Johnston (G,V)
Dr PD Lynch (G,V)
Professor TM Sourdin (G,V)
Dr MEC Thorpe (G,V)
Brigadier IR Way (Rtd) (G,V,T)

VICTORIA

Presidential members

Federal Court The Hon. Justice PRA Gray
The Hon. Justice PC Heerey

Family Court The Hon. Justice N Mushin

Deputy Presidents Deputy President SA Forgie
Deputy President GL McDonald
Deputy President HW Olney, AM, QC

VICTORIA (CONTINUED)

Non-presidential members

Senior Members	Senior Member JR Handley (G,V,T) Senior Member BH Pascoe (G,V,T) Senior Member GD Friedman (G,V,S)
Members	Brigadier C Ermert (Rtd) (G,V) Mr E Fice (G,V,T) Dr PD Fricker (G,V) Dr GL Hughes (G,V,T) Dr RJ McRae (G,V) Ms RL Perton (G,V,S) Miss EA Shanahan (G,V)

QUEENSLAND

Presidential members

Federal Court	The Hon. Justice JEJ Spender The Hon. Justice AP Greenwood
Family Court	The Hon. Justice JPO Barry
Deputy President	Deputy President PE Hack, SC

Non-presidential members

Senior Members	Senior Member BJ McCabe (G,V,T) Senior Member PM McDermott, RFD (G,V,T)
Members	Ms MJ Carstairs (G,V,T) Dr EK Christie (G,V,T) Dr ML Denovan (G,V) Mr SC Fisher (G,V,T) Mr RG Kenny (G,V,T) Dr KStC Levy, RFD (G,V,T) Dr GJ Maynard, Brigadier (Rtd) (G,V) Associate Professor JB Morley, RFD (G,V)

SOUTH AUSTRALIA

Presidential members

Federal Court	The Hon. Justice BT Lander
Family Court	The Hon. Justice CE Dawe
Deputy President	Deputy President DG Jarvis

Non-presidential members

Senior Members	Senior Member L Hastwell (G,V) Senior Member RW Dunne (G,V,T)
Members	Dr ET Eriksen (G,V) Mr JG Short (G,V,T)

WESTERN AUSTRALIA

Presidential members

Federal Court	The Hon. Justice RS French The Hon. Justice RD Nicholson The Hon. Justice AN Siopis
Deputy President	Deputy President SD Hotop

Non-presidential members

Senior Members	Senior Member S Penglis (G,V,T) Senior Member A Sweidan (G,V,T)
Members	Brigadier RDF Lloyd, OBE, MC (Rtd) (G,V) Dr PA Staer (G,V) Ms LR Tovey (G,V) Brigadier AG Warner, AM, LVO (Rtd) (G,V,S) Dr HAD Weerasooriya (G,V)

TASMANIA

Presidential members

Family Court	The Hon. Justice RJC Benjamin
Deputy Presidents	Deputy President CR Wright, QC Deputy President RJ Groom

Non-presidential members

Senior Member	Miss MA Imlach (G,V,T)
Members	Ms AF Cunningham (G,V,T) Associate Professor BW Davis, AM (G,V)

AUSTRALIAN CAPITAL TERRITORY

Presidential members

Family Court	The Hon. Justice MM Finn
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Non-presidential members

Senior Member	Senior Member JW Constance (G,V,T,S)
Members	Air Marshal IB Gratton, AO, AFC, RAAF (Rtd) (G,V) Dr MD Miller, AO (G,V) Mr S Webb (G,V,T)

Additional Information

1. Presidential members and Senior Members are listed according to their date of appointment, while Members are listed alphabetically.
2. Presidential members may exercise powers of the Tribunal in all of the Tribunal's Divisions. Senior Members and Members may exercise powers of the Tribunal only in the Divisions to which they have been assigned. The Divisions to which Senior Members and Members have been assigned are indicated as follows:

G General Administrative Division

V Veterans' Appeals Division

T Taxation Appeals Division

S Security Appeals Division.

3. Deputy President G McDonald is currently on leave of absence from the Tribunal.
4. New appointments during the year to 30 June 2006 were:

Deputy President PE Hack, SC

Senior Member A Sweidan

Dr ML Denovan, Member

Dr RJ McRae, Member

5. Change in status of appointment:

Mr E Fice, Member (from part-time Member to full-time Member)

6. The following ceased to be members during the reporting year:

The Hon. Justice DG Hill

The Hon. Justice ARO Rowlands, AO, RFD

Deputy President D Muller

Mr M Allen, Member

Associate Professor GA Barton, Member

Dr KP Kennedy, Member

Associate Professor JH Maynard, Member

Ms L Savage Davis, Member

Member profiles

**THE HON. JUSTICE GARRY DOWNES, AM,
BA, LLB, FCIARB
President**

Justice Downes was appointed a Judge of the Federal Court and President of the Administrative Appeals Tribunal in 2002. He is ex officio a member of the Administrative Review Council and Chair of the Council of Australasian Tribunals. He was called to the Australian Bar in 1970 and appointed Queen's Counsel in 1983. He was a member of the English Bar. His practice was concentrated on commercial law, administrative law and international arbitration. He was Chairman of the Federal Litigation Section of the Law Council of Australia and Chairman of its Administrative Law Committee. He has served international and national organisations in various capacities, including as President of the Union Internationale des Avocats, Patron and Founder of the Anglo-Australasian Lawyers' Society, Chairman of the Chartered Institute of Arbitrators Australia, member of the International Court of Arbitration of the International Chamber of Commerce, member of the Council of the NSW Bar Association and Chairman of the NSW Council of Law Reporting.

**DR ION ALEXANDER, MBBS (HONS), LLB,
MRACMA, FRACP, FJFICM
Part-time Member, NSW**

Ion Alexander was appointed to the AAT as a part-time Member in August 2004. Ion is a Senior Staff Specialist and Clinical Director at Sydney Children's Hospital at Randwick. He has been a member of the Health Care Complaints Peer Review Panel since 1997 and the Professional Services Review Panel since 2001.

**MASON ALLEN, RFD, BARRISTER-AT-LAW
Full-time Senior Member, NSW**

After admission in 1968, Mason Allen served with the Australian Army Legal Corps in South Vietnam and Papua New Guinea. He was a Solicitor, Common Law, with Brisbane City Council from 1970 to 1973 when he was appointed Crown Counsel in the office of the Tasmanian Solicitor-General. He was appointed Senior Crown Counsel in 1978. In 1980, he returned to private practice at the Queensland

Bar with a commission to prosecute in both the Supreme and District Courts. He was appointed Senior Member of the Veterans' Review Board in 1985 and Senior Member with tenure of the AAT in 1988.

Senior Member Allen is a member of the AAT's Library Committee and was an adjudicator in the 2006 AAT Mooting Competition.

**MURRAY ALLEN, LLB, MBA
Part-time Member, WA**

A part-time Member of the AAT since 2002, Murray Allen was previously the Ombudsman for Western Australia (1996–2001) and the Regional Commissioner of the Australian Securities Commission in Western Australia (1991–96). Between 1984 and 1990, he worked as an investment banker in Melbourne and Auckland. He has also worked for the National Companies and Securities Commission and the Australian Treasury and as a barrister and solicitor in private practice. Mr Allen is also a consultant to the public and private sectors.

Mr Allen's appointment as a member of the Tribunal ended on 7 August 2005. He is currently the President of the Mental Health Review Board (WA) and a Senior Member of the State Administrative Tribunal (WA).

**ASSOCIATE PROFESSOR GLENTON BARTON, BA, LLB,
LLM (SA), LLM (HARVARD)
Part-time Member, WA**

Glen Barton is an Associate Professor in the Law School of the University of Western Australia where he lectures in the areas of revenue and corporations law at the undergraduate and postgraduate level. He is a barrister and solicitor of the Supreme Court of Western Australia, a member of the Taxation Committee and a past member of the Education Committee of the Law Society of Western Australia. He is a former Director and Chairman of the National Education Committee of the Taxation Institute of Australia and was made an Honorary Life Member of the Institute in 2005.

Associate Professor Barton's appointment as a Member of the Tribunal ended on 15 April 2006.

NARELLE BELL, BA, LLB**Full-time Senior Member, NSW**

Narelle Bell was appointed to the AAT as a full-time Member in 2001 and was appointed as a full-time Senior Member from 1 July 2004. She is a former legal member of the Social Security Appeals Tribunal (1994–2001), Judicial Member/Mediator with the Administrative Decisions Tribunal of NSW (1994–2001), Consultant Reviewer with the Office of the Legal Services Commissioner (1995–2001), member of the Professional Standards Council of NSW and Western Australia and legal policy consultant. She worked as a corporate counsel and legal adviser (part time) for the State Rail Authority (NSW) during 1994–95. From 1988 until 1994, she worked as a policy officer and assistant director in the Legislation and Policy Division of the New South Wales Attorney General's Department. Prior to this she worked as a solicitor at the Anti-Discrimination Board (1986–88), the Redfern Legal Centre (1983–86) and for a private law firm (1982–83).

Senior Member Bell was a co-instructor with the President in seminars on decision writing for AAT members, presented by Professor Jim Raymond in September 2005 and June 2006. She is the AAT's Mentoring Coordinator with responsibility for the establishment and coordination of the AAT's Mentoring Scheme, which is part of the Members' Professional Development Program. She is also a member of the AAT's Professional Development Committee and was an adjudicator in the 2006 AAT Mooting Competition.

JULIAN BLOCK, H.DIP. LAW, H.DIP. TAX, LL.M., MTAX**Part-time Deputy President, NSW**

Julian Block was originally admitted as a solicitor in South Africa and thereafter in the United Kingdom. He emigrated to Australia in March 1978 and joined Freehills in 1978, becoming a partner in 1980. He was appointed Senior Member at the AAT in 1995, Deputy President full time in 2000 and Deputy President part time in 2001. He is a part-time Judicial Member of the NSW Administrative Decisions Tribunal and an acting judge of the NSW District Court. He is a part-time consultant to Morgan Lewis, Solicitors, and to Investec Bank. He has presented various papers and lectures. He is a member of the Executive of the Sydney

International Piano Competition and Wagner Society and a patron of Opera Australia.

Deputy President Block was an adjudicator in the 2006 AAT Mooting Competition.

DR JOHN CAMPBELL, MBBS, DTM&H, MHA, LLB,**LLM, FRACMA, FAICD, FAIM****Part-time Member, NSW**

John Campbell has been a part-time Member of the AAT since 1991. John Campbell served in the Australian Army between 1962 and 1980 and as a senior executive in NSW Health between 1980 and 1998. In subsequent years, John has been involved with NRMA (until 2001) and Mercy Family Life Centre (until 2003) as a director and as Chairman of M.A. International Ltd, a health management consultancy company.

Dr Campbell is a member of the AAT's Professional Development Committee.

MARGARET CARSTAIRS, BA (HONS), LLB**Full-time Member, Qld**

Margaret Carstairs has been a full-time Member of the AAT since 2001. Prior to her appointment to the AAT, she was the Executive Director of the Social Security Appeals Tribunal (2000–01) and was a Senior Member of the SSAT in Brisbane for four years from 1996. She has extensive experience in administrative law within Australian Government departments and was Coordinator of the Welfare Rights Centre in Brisbane from 1994 to 1995. She has lectured in public administration at the University of New England and has published in this area.

DR EDWARD CHRISTIE, BAGRSC, MAGRSC, PHD,**BARRISTER-AT-LAW****Part-time Member, Qld**

Edward Christie is a barrister and mediator and has been a part-time Member of the AAT since 1991. In 1990–91, he was the Principal Adviser to the Commission Chairman (Tony Fitzgerald, QC) in the State of Queensland Commission of Inquiry into Fraser Island and the Great Sandy Region. In 1993–94, he was a Commissioner in the Commonwealth Commission of Inquiry into Shoalwater Bay. He held a Fulbright Award (for practising lawyers) to the

United States of America in 1994 in the subject area of the precautionary principle, risk assessment and legal decision-making. He was associated with the Commonwealth Scientific and Industrial Research Organisation over the period 1994–2000 in various advisory committees providing strategic research planning advice, including a period as Chair of the Meat, Dairy and Aquaculture Sector Advisory Committee. Since 2000, he has been the Chair of the Ministerial Advisory Committee (Vegetation Management), a Queensland Government committee advising on regulatory and policy issues associated with tree clearing and soil salinity. He was a major author of a chapter on environmental law in Halsbury's Laws of Australia. He is currently contracted on a part-time basis, as an Associate Professor, to teach environmental law to final-year law students, as well as alternative dispute resolution and environmental conflicts to Masters-level students. He was awarded a Centenary Medal in 2003 for long and distinguished services to the law and education.

Dr Christie is a member of the AAT's Alternative Dispute Resolution Committee and Professional Development Committee.

JAMES CONSTANCE, BA, LLB (HONS)
Full-time Senior Member, ACT

James Constance was appointed to the AAT in August 2004. He has practised as a barrister and solicitor in the Australian Capital Territory and New South Wales continuously since 1970 as an employed solicitor, sole practitioner and, for more than 22 years, as a partner in legal firms. Senior Member Constance graduated from the Australian National University with a Bachelor of Arts degree, a Bachelor of Laws with First Class Honours and the University Prize in Law in 1968. His legal experience encompasses administrative law, taxation law, employment law, family law, personal injury compensation, discrimination, wills and estates, mortgages and property, veterans' affairs, defamation, contracts, statutory interpretation, criminal law and coronial inquests.

Senior Member Constance is a member of the AAT's Library Committee, the Practice and Procedure Committee and the State and Territory Coordinators Committee. He was also an adjudicator in the 2006 AAT Mooting Competition.

ANN CUNNINGHAM, LLB (HONS)
Part-time Member, Tas

Ann Cunningham was appointed as a part-time Member of the AAT in 1995 and will be a Senior Member from 1 July 2006. She is a Presiding Member of the Resource Management Planning Appeals Tribunal and Deputy President of the Mental Health Tribunal in Tasmania. She is Chairman of the Board of the Public Trustee and a complaints commissioner with the University of Tasmania. Ms Cunningham is an accredited mediator and arbitrator and has worked as a mediator for the Supreme Court of Tasmania and the Magistrates Court. She worked as a barrister and solicitor in private practice for a number of years. Between 1984 and 1999, she was a Deputy Registrar of the Family Court of Australia.

Ms Cunningham is a member of the AAT's Alternative Dispute Resolution Committee.

**ASSOCIATE PROFESSOR BRUCE DAVIS, AM,
DIPSTRENG, DIP PUBADMIN, BEC (HONS), PHD**
Part-time Member, Tas

Bruce Davis has been a part-time Member of the AAT since 1992. He is a retired academic with ongoing affiliations with the University of Tasmania and one of its residential colleges, Jane Franklin Hall. In addition to earlier experience in civil engineering and project management, he has served at senior executive level in both State and Commonwealth governments, including service as Chairman of the Heritage Commission and the Rural Industries Research and Development Corporation and Commissioner of Tasmania's Resource Planning and Development Commission. His research specialisations are natural resources policy and environmental management.

Associate Professor Davis is a member of the AAT's Constitution Committee.

DR MARELLA LOUISE DENOVAN BSC, MBBS, FRACGP, JD
Part-time Member, Qld

Marella Denovan was appointed to the AAT in December 2005. She was a part-time medical advisor with the Department of Veterans' Affairs between 2000 and 2001 and a general practitioner in private practice between 1992 and 2001.

Dr Denovan holds a Bachelor of Science from Griffith University (1984), a Bachelor of Medicine/ Bachelor of Surgery from the University of Queensland (1990), and a Juris Doctor from the University of Queensland (2004). She was awarded Fellowship of the Royal Australian College of General Practitioners in 2000.

RODNEY (ROD) DUNNE, LLB, FCPA
Part-time Senior Member, SA

Rod Dunne was admitted as a barrister and solicitor of the Supreme Court of South Australia in October 1982 and is a qualified accountant. He was appointed to the AAT in June 2005. Senior Member Dunne continues to practise part time as a partner in the Adelaide commercial law firm, Donaldson Walsh. He is a member of the Specialist Taxation Committee of the Business Law Section of the Law Council of Australia, a member of the Regional (Adelaide) Tax Practitioner Forum and the SA Tax Technical Liaison Group with the Australian Taxation Office representing the Law Society of South Australia. He is also a member of the State Taxes Accountants and Solicitors Consulting Group with RevenueSA.

Senior Member Dunne is a former lecturer and tutor in income tax law as part of the commerce degree and a past lecturer and examiner in taxation administration as part of the Master of Legal Studies degree with the law school at the University of Adelaide.

DR ERIK ERIKSEN, MBBS, FRCS, FRACS
Part-time Member, SA

Dr Erik Eriksen was appointed to the AAT as a part-time Member in October 2002. From 1977 until 1998, he was a medical consultant and consultant surgeon at the Ashford Hospital. In 1976, he was a visiting specialist in Accident and Emergency at the Royal Adelaide Hospital.

He spent 1973 in Tanzania as a consultant and orthopaedic surgeon at Williamson Diamond Mine. From 1967 to 1971 he gained experience in the speciality of neurosurgery in the United Kingdom and the United States of America. He is currently involved in rehabilitative orthopaedic medicine as a rehabilitation consultant.

BRIGADIER CONRAD ERMERT, MSC, FIEAUST, CPENG (RTD)
Part-time Member, Vic

Conrad Ermert has been a part-time Member of the AAT since 1991. He is a practising engineering consultant. He had 31 years service in the Australian Army, his last appointments being Director General Electrical and Mechanical Engineering and Director General Logistics in the rank of Brigadier. From 1990 to 1995, he was Director of Facilities and Supply at the Alfred Group of Hospitals before establishing his consultancy practice. He is the Chairman and a Director of AMOG Holdings, Chairman of the AIF Malayan Nursing Scholarship, a past Chairman of the Victoria Division, Institution of Engineers, Australia and the current Chairman of Judges of the Institution's Excellence Awards.

GERI ETTINGER, BA (ECONOMICS), LLB
Part-time Senior Member, NSW

Geri Ettinger was first appointed to the AAT in June 1991. She has worked both in the private and public sector. She was chief executive of the Australian Consumers' Association, publisher of CHOICE Magazine, for more than 10 years and was for a long period, until mid 2002, a member of the Board of St George Bank.

Senior Member Ettinger first trained as a mediator approximately 20 years ago and has been mediating and conciliating at the AAT as well as in the commercial, equity, personal injury and medical negligence fields and workplace disputes since that time. In addition to undertaking regular additional training to keep up to date, she has conducted training for the Australian Commercial Disputes Centre, Lawyers Engaged in Alternative Dispute Resolution, the University of Technology, University of Western Sydney and other private parties.

Senior Member Ettinger sits as a member of the Medical Tribunal and chairs Professional Standards Committees on behalf of the NSW Medical Board in relation to disciplinary action regarding medical practitioners. She is an Arbitrator of the Workers Compensation Commission and chairs its Medical Appeals Panels. For many years since the 1980s, she held an appointment as a part-time member of the Consumer, Trader and Tenancy Tribunal (formerly the Consumer Claims Tribunal, Building Disputes Tribunal and Fair Trading Tribunal).

Senior Member Ettinger participates in the work of various committees and advisory bodies, including the Dispute Resolution Committee and the Specialist Accreditation Committee of the Law Society of New South Wales. She is a member of the AAT's Alternative Dispute Resolution Committee and the Professional Development Committee.

EGON FICE, BA, LLB (HONS), LLM
Full-time Member, Vic

Egon Fice was appointed to the AAT as a part-time Member in 2003 and appointed on a full-time basis from 29 August 2005. Prior to taking up his full-time appointment, Mr Fice was a partner in Charles Fice, Solicitors. He was a partner specialising in litigation in Philips Fox from 1995 to 1998 and worked in insolvency and commercial litigation law from 1990 until 1995. From 1967 to 1980, he was a pilot in the Royal Australian Air Force before working as a pilot for eight years with Associated Airlines (BHP and CRA Corporate Airline).

Mr Fice was an adjudicator in the 2006 AAT Mooting Competition.

SIMON FISHER, LLB (HONS), LLM
Part-time Member, Qld

Simon Fisher has been a part-time member of the AAT since 2004. From 2000 until his appointment to the AAT, he was a part-time member of the Social Security Appeals Tribunal.

Mr Fisher is a practising member of the Queensland Bar. His practice spans many areas, including administrative law and governmental law, competition law and corporate and securities law.

He is a sessional lecturer at the TC Beirne School of Law at the University of Queensland, having previously been an Associate Professor of Law. He was previously a lecturer (1992–95) and senior lecturer (1995–99) in the Faculty of Law at the Queensland University of Technology and was a visiting fellow at ANU in 1995.

Between 1992 and 2002, Mr Fisher practised as a solicitor and legal consultant at Praeger Batt, Solicitors, Ebsworth & Ebsworth, Solicitors, and Bowdens Lawyers. From 1981 until 1987, he worked for the Reserve Bank of Australia in various positions of a legal, policy and operational nature and from 1980 until 1981, worked in the import/export area of the Banque Nationale de Paris.

Mr Fisher is a member of the Corporations Law Committee of the Law Council of Australia and a board member of several not-for-profit enterprises. He has published widely in the area of contracts, personal property, commercial, company and associations law and the law of obligations and has authored and co-authored a number of books, including one entitled *Churches, Clergy and the Law*. He is enrolled in the degree of Doctor of Juridical Science (SJD) at the Queensland University of Technology.

Mr Fisher was an adjudicator in the 2006 AAT Mooting Competition.

STEPHANIE FORGIE, LLB (HONS)
Full-time Deputy President, Vic

Stephanie Forgie has been a Deputy President with the AAT since 1988. Prior to joining the AAT, she was in private practice, lectured and tutored in contract law and held various statutory positions as Deputy Master of the Supreme Court of the Northern Territory. She worked in various positions in the Attorney-General's Department in Canberra on matters such as the policy development and implementation of various pieces of legislation, including the *Freedom of Information Act 1982* and the *Insurance Contracts Act 1984*. She worked on policy issues relating to international trade law and private international law and represented Australia at international meetings. Subsequently, she became the Departmental Senior Adviser to the

Attorney-General before being appointed as Registrar of the Tribunal.

During her time with the AAT, Deputy President Forgie has also held part-time positions as Deputy Chairperson of the Land Tribunal (Queensland) and Member, Land Court (Queensland). Over the years, she has held various positions with professional associations and arts councils and with a charitable organisation.

Deputy President Forgie is a member of the AAT's Constitution Committee, the Information Technology Committee, the Library Committee, and the State and Territory Coordinators Committee. She is Deputy Chair of the Practice and Procedure Committee.

DR PATRICIA FRICKER, MBBS
Part-time Member, Vic

Patricia Fricker has worked as a general practitioner since 1976 and has been a part-time Member of the AAT since 1995. From 1988, she was a part-time member of the Social Security Appeals Tribunal. She is a member of the Medical Advisory Committee of the Manningham Medical Centre.

GRAHAM FRIEDMAN, BEC, LLB, GRADDIPADMIN
Full-time Senior Member, Vic

Graham Friedman has been a member of the AAT since July 2001 and was appointed as a Senior Member in June 2005. He was a Senior Member of the Migration Review Tribunal from 1999 to 2001 and Chairman/Convenor of the Disciplinary Appeal Committee of the Public Service and Merit Protection Commission from 1993 to 2000. Prior to this, Senior Member Friedman practised at the Victorian Bar (1988 to 1993). He represented the Department of Human Services (Victoria) as Prosecutor, Child Protection, from 1993 to 1999. He was Chairman, Grievance Review Tribunal, Victorian Department of Conservation and Natural Resources from 1994 to 1996. He has previous experience in administrative law with the Australian Government Attorney-General's Department.

Senior Member Friedman is a member of the AAT's Constitution Committee.

AIR MARSHAL IB GRATON, AO, AFC, BCOM, GAICD, RAAF (RTD)
Part-time Member, ACT

Barry Graton served as a pilot in the RAAF for almost 42 years, rising to the position of Chief of Air Staff from 1992 until 1994. Apart from flying, his specialty appointments were in command, operations, representation and personnel. He became a part-time Member of the AAT in 1996 and has developed expertise mainly in compensation and, to a lesser degree, aviation. His strengths are familiarity with human relations and the Australian Public Service, together with an enthusiasm for the discipline of legal argument. He currently acts mostly in a conciliation role.

MICHAEL GRIFFIN, LLB, LLM
Part-time Member, NSW

Michael Griffin has been a part-time Member of the AAT since July 2001. Prior to that, he was a Senior Member of the Migration Review Tribunal and a Member of the Refugee Review Tribunal.

Mr Griffin is a solicitor in private practice and a Colonel in the Army Reserve. He is the Subject Matter Expert in Administrative Law for the Australian Defence Force and is the Senior Competency Officer Assessor in Administrative Law for legal officers. During 2004-05, he was engaged by the Senate Foreign Affairs, Defence and Trade References Committee as an expert adviser on the inquiry into the military justice system. He was also appointed as Foreign Attorney Consultant for Mr David Hicks before the United States Military Commission in Guantanamo Bay, Cuba. During 2006, he was appointed as Counsel Assisting the Warrant Officer Nary and Private Kovco Boards of Inquiries.

THE HON. RAYMOND GROOM, LLB

Part-time Deputy President, Tas

Raymond Groom has been a part-time Deputy President of the AAT since July 2004. He was admitted to practice in the Supreme Court of Victoria in 1968 and Tasmania in 1970. He was a partner in the Tasmanian firm of Crisp Hudson & Mann and committee member of the Bar Association of Tasmania. He is a former Premier of Tasmania and Attorney-General. He was Chairman of the Australian Standing Committee of Attorneys-General, as well as Chairman of the Australian Housing Industry Council and the Australian Construction Industry Council. Mr Groom is chairman of the Salvation Army Red Shield Appeal and Development Council as well as a director of several other charities and community bodies.

Deputy President Groom is a member of the AAT's Practice and Procedure Committee and the State and Territory Coordinators Committee.

PHILIP HACK, SC

Full-time Deputy President, Qld

Philip Hack took office as a Deputy President on 9 January 2006 after a career as a barrister in private practice extending over some 23 years. He was admitted to practice as a barrister in 1981 and commenced private practice the following year. He was appointed Senior Counsel in and for the State of Queensland on 1 December 2000. Deputy President Hack had a broad practice at the Bar, successfully undertaking both criminal and criminal appellate work, especially in his more junior years, as well as, increasingly, general civil, commercial, insolvency, revenue and public law cases at both trial and appellate level.

Deputy President Hack served on the Committee (later the Council) of the Bar Association of Queensland for more than 16 years until his appointment. He was, for a number of years, the Honorary Treasurer of the Queensland Bar Association and the Australian Bar Association. More recently, he was the inaugural Chair of the Bar's Practising Certificate Committee.

Deputy President Hack is a member of the AAT's

Practice and Procedure Committee and the State and Territory Coordinators Committee. He was an adjudicator in the 2006 AAT Mooting Competition.

JOHN HANDLEY

Full-time Senior Member, Vic

John Handley was appointed a member of the Victorian Administrative Appeals Tribunal (now Victorian Civil and Administrative Tribunal) in 1988 and a full-time tenured Senior Member of the Commonwealth AAT in 1989. He is a barrister and solicitor of the Supreme Court of Victoria and High Court and was in private practice between 1981 and 1988. He was a part-time member of the Crimes Compensation Tribunal during 1987 and 1988. From 1981 until 1988, he was a member of the Goulburn Valley College of TAFE. While in private legal practice in Shepparton during this time, he was also involved in the Shepparton self-help group and Council for Disabled Persons and for a time served as its President. He is a mediator and has a special interest in dispute resolution and ombudsmen.

Senior Member Handley is Deputy Chair of the AAT's Alternative Dispute Resolution Committee and a member of the Professional Development Committee.

LESLEY HASTWELL, LLB, LLM

Part-time Senior Member, SA

Lesley Hastwell was appointed a part-time Senior Member of the AAT in 2004. She is a legal practitioner in private practice. She has previously held appointments as a Deputy President of the Guardianship Board (1994–2004), legal member of the Social Security Appeals Tribunal (1987–1996) and legal member of the South Australian Dental Board (1992–1999). She has also had a background of academic involvement and at different times she has presented courses on the law of trusts and family property law in the Faculty of Law at the University of Adelaide.

REAR ADMIRAL ANTHONY HORTON, AO, BA, RAN (RTD)

Part-time Member, NSW

Tony Horton has been a member of the AAT since June 1991. His appointment followed completion of service in the Royal Australian Navy, his last appointment being Flag Officer Naval Support

Command. During his service, he specialised in naval aviation and navigation and held a number of commands and senior positions, including responsibility for naval and civilian personnel and the naval legal branch. During a two-year posting in command of the Naval College, he was also appointed a Special Magistrate. He has interests in the merchant shipping industry and has been, and remains on, the boards of a number of charitable organisations.

Rear Admiral Horton is a member of the AAT's Constitution Committee.

STANLEY HOTOP, BA, LLB, LLM
Full-time Deputy President, WA

Stan Hotop has been a member of the AAT since 1991. He was appointed as a part-time Deputy President in March 2002 and became a full-time Deputy President in June 2005. He was an Associate Professor of Law at the University of Sydney from 1980 to 1988 and at the University of Western Australia from 1989 to 2005. He was Dean and Head of the Law School at the University of Western Australia from 1990 to 1993 and was President of the Australasian Law Teachers' Association from 1990 to 1991. He taught administrative law in university law schools from 1971, first at the University of Sydney (1971–88) and subsequently at the University of Western Australia (1989–2005). He is the author of textbooks in the area of administrative law.

Deputy President Hotop is Deputy Chair of the AAT's Constitution Committee and a member of the Library Committee. The Practice and Procedure Committee and the State and Territory Coordinators Committee.

DR GORDON HUGHES, LLB (HONS), LLM, PHD
Part-time Member, Vic

Gordon Hughes was appointed as a part-time Member in July 2004. He has been a partner at Blake Dawson Waldron since 1997 and is currently joint head of their national information technology, communications and media division. He was a managing partner of the Melbourne office of Hunt & Hunt from 1993 until 1997 and partner with Lander & Rogers from 1979 until 1993. He is

a past president of the Law Institute of Victoria (1992–93), the Law Council of Australia (1999–2000) and Lawasia (2001–03). He has authored several legal text books, including one on accident compensation and one on privacy. He is also a qualified Grade 1 (top grade) arbitrator and an Adjunct Professor at RMIT University.

ROBIN HUNT, BA, LLM
Full-time Senior Member, NSW

Robin Hunt was appointed to the AAT in July 2004. She was previously a full-time Senior Member of the Migration Review Tribunal (MRT) in Canberra from October 2001. She was a full-time Member of the MRT in Sydney from 1999 until 2001 and for a short time prior to that a part-time Member of the Immigration Review Tribunal. Prior to joining the MRT on a full-time basis, she was a senior associate and solicitor in private practice for over thirty years.

Between 1996 and 2001, Senior Member Hunt undertook work as a technical tax writer with Computer Law Services and Thompson Legal (Law Book Company). She has tutored and lectured in tax, corporations and business law at Macquarie University and been an occasional lecturer in law at the University of Technology Sydney. She has a Bachelor and Master of Laws from the University of Sydney.

MARY IMLACH, LLB
Part-time Senior Member, Tas

Mary Imlach was appointed to the AAT in July 2003. She was admitted to practice as a solicitor and barrister of the Supreme Court of Tasmania in 1966 and from 1984 to 2001, she was a partner in the Hobart law firm, Jennings Elliot. Jennings Elliot merged with Ogilvie McKenna in 2001 and she became a consultant to the new firm. Prior to 1984, Senior Member Imlach worked for the firm Simmons Wolfhagen. She has practised in all aspects of contractual and estate matters. She has been involved over many years in a number of organisations, including as Director of the Heart Foundation of Tasmania, as a member of the Disciplinary Committee of the Law Society of Tasmania, as a delegate to the Constitutional Convention, as a member of the Winston Churchill

Trust, Tasmania, and the Hobart Benevolent Society and as Chairperson of the Calvary Hospital Ethics Committee.

NAIDA ISENBERG, LLB
Part-time Member, NSW

Naida Isenberg has been a part-time Member of the AAT since 2001. She is also a part-time Senior Member of the Veterans' Review Board, a District Court Arbitrator, a Law Society Panel Mediator and a Mediator with the Dust Diseases Tribunal. She is also a legal management consultant. Her previous experience includes: general counsel of a major insurance company; Director of Crown Legal Services, NSW; and Deputy Director of the Australian Government Solicitor in Sydney. She is also a Lieutenant Colonel in the Army Reserve (Legal Corps) and a fellow of the Institute of Chartered Secretaries.

DEANE JARVIS, LLB (HONS), FAICD
Full-time Deputy President, SA

Deane Jarvis was admitted as a barrister and solicitor of the Supreme Court of South Australia in March 1964. He was engaged in private practice until his appointment as a full-time Deputy President of the AAT from 1 July 2003. He was previously the senior partner and chairman of a prominent Adelaide commercial law firm. He is a former Chair of Bridgestone Australia Ltd and an Adelaide radio station and is a former Director of Macquarie Broadcasting Holdings Limited. He served on the Council of the Law Society of South Australia for 10 years and is a former Chairman of that Society's Planning, Environment and Administrative Law Committee and of its Property Committee. He was the honorary consul-general of Japan for South Australia from 2002 to 2003. He is a former examiner in administrative law and a former part-time tutor in Australian constitutional law at the University of Adelaide. He is the Vice-convenor of the South Australian Chapter of the Council of Australasian Tribunals.

During the reporting year, Deputy President Jarvis provided tuition to persons undertaking the South Australian Bar Readers' Course.

Deputy President Jarvis is a member of the AAT's Constitution Committee, the Practice and Procedure Committee, the Professional Development Committee and the State and Territory Coordinators Committee. He is the Coordinator of the AAT Members' Appraisal Scheme for Tribunal members.

PROFESSOR GRAHAM JOHNSTON AM, BSC, MSC, PHD, FRACI, FTSE
Part-time Member, NSW

Graham Johnston has been a member of the AAT since 1991. He is Professor of Pharmacology at the University of Sydney and trained as an organic chemist at the universities of Cambridge and Sydney. He brings expertise in chemistry, pharmacology and toxicology to the Tribunal. His scientific research is directed to the discovery of drugs to treat Alzheimer's disease, amnesia, anxiety, epilepsy and schizophrenia.

JOSEPHINE KELLY, BA, LLB
Full-time Senior Member, NSW

Josephine Kelly was in practice at the New South Wales Bar from 1986 until her appointment to the AAT in 2004. Her practice included administrative law and areas related to public law. She specialised in local government, environmental law and related areas such as property and common law. She was statutory counsel for the Environment Protection Authority (NSW) from 1996 and has appeared in various courts, tribunals and inquiries. She was a member of Professional Conduct Committees of the NSW Bar Association from 2001 until 2004 and has been a committee member of various legally related associations and a trustee of a not-for-profit organisation. She edited Environmental Law News from 1989 to 2004. Before going to the Bar, she worked as an associate to a judge, in administration and politics.

Senior Member Kelly is a member of the AAT's Library Committee and was an adjudicator in the 2006 AAT Mooting Competition.

DR KEVIN KENNEDY, OBE, MBBS, FRACP

Part-time Member, Qld

Kevin Kennedy was appointed as a part-time Member of the AAT in 1991. He is a specialist thoracic physician. Prior to 1991, Dr Kennedy had been Medical Superintendent of the Prince Charles Hospital in Brisbane for a period of 18 years. During that time, he served on a number of hospital and health department committees. Since retiring from the position of medical superintendent, Dr Kennedy has continued to work as a part-time thoracic physician at the Prince Charles Hospital.

Dr Kennedy's appointment as a member of the AAT ended on 30 September 2005.

GRAHAM KENNY, BA, LLB (HONS), LLM

Part-time Member, Qld

Graham Kenny has been a part-time Member of the AAT in Queensland since 2001. He was a part-time Member and Senior Member of the Veterans' Review Board from 1988 until March 2004. He was a part-time legal member of the Social Security Appeals Tribunal from 1995 until 2001 and Queensland convenor (part time) of the Student Assistance Review Tribunal from 1988 until 1994. He is a senior lecturer in the School of Law at the University of Queensland, having joined the school in 1976. His current responsibilities include Chair of the Law School Teaching and Learning Committee, Director of the Bachelor of Laws and Juris Doctor programs and Law School Chief Examiner.

Mr Kenny practised as a barrister from 1978 until 1989. From 1964 until 1974, he was a teacher with the Queensland Department of Education.

DR KENNETH LEVY, RFD, BA, BCOM, LLB, PHD, FCA, FCPA, MAPS BARRISTER-AT-LAW

Part-time Member, Qld

Ken Levy has been a part-time Member of the AAT since 2004. Prior to his appointment to the AAT, he worked in the Queensland Public Service for approximately 36 years. He retired from the position of Director-General of the Department of Justice in December 2003. Since that time, he has been a barrister and consultant and undertaken a range of other activities.

In 2004-05, Dr Levy was president of the professional accounting body, CPA Australia. He remained a member of the Board and served on various committees until he was appointed as an inaugural member of the Accounting Professional and Ethical Standards Board in 2006. In 2005, he was a Fulbright scholar at the University of California at Irvine where he undertook postdoctoral psychological research into adolescent crime and the criminal justice system in the United States of America.

Dr Levy's professional life has included wide experience in research, practice and management in the legal and accounting professions. He has also had a long association with the Australian Army and held various regimental, staff and instructional appointments. He remains committed to the Army where he is on the Standby Reserve and holds the rank of Lieutenant Colonel. He has been awarded the Reserve Force Decoration and the Centenary Medal.

Dr Levy is a member of the AAT's Library Committee and the Professional Development Committee.

BRIGADIER RUSSELL LLOYD, OBE, MC, RL, JSSC, PSC (RTD)

Part-time Member, WA

Russell Lloyd has been a member of the AAT since 1991 and before that was a full-time services member of the Veterans' Review Board. He graduated from the Royal Military College Duntroon as an Infantry Officer in 1951 and served continuously in the Regular Army until retirement in 1985. He served in 1952-53 as a Platoon Commander in the Korean War and was wounded and decorated and then served in Japan. He served in Australia and overseas, mainly in command of troops, including six years in Papua New Guinea prior to its independence and again on active service in the Vietnam War. He has also held senior staff appointments at Army Headquarters in Canberra and as the Director of Defence Security at the Department of Defence. He was Australia's Defence Attaché at our embassy in the Philippines in 1977-79 and is a

graduate of Australia's Army Staff College and the Joint Services Staff College.

DR PATRICK LYNCH, MBBS, FFARACS, FANZCA, RFD, LTCOL RAAMC

Part-time Member, NSW

Patrick Lynch has been a part-time Member of the AAT since 1995. Dr Lynch has more than 35 years experience as a medical practitioner and as a specialist anaesthetist. He has been relieving consultant anaesthetist at the Concord Repatriation Hospital since 1994. He is the founder of the Concord Pain Clinic and was the Senior Staff Specialist (Anaesthesia) at Concord Hospital from 1975 to 1994. As an Army Reserve Officer, he has experience as a Regimental Medical Officer and specialist anaesthetist to both the Reserve and Regular Army, as well as with four RAAF Hospital Butterworth Malaysia (1968–92). While Honourable Federal Secretary of the Repatriation Medical Officers Association (1970–76), he gained experience in preparation and advocacy before the Public Service Arbitrator and the Full Bench of the Arbitration Commission.

ASSOCIATE PROFESSOR BERNARD MCCABE, BA, LLB, GRADDPLEGPRACT, LLM (CORP & COMM) (DIST)

Full-time Senior Member, Qld

Bernard McCabe was appointed as a part-time Member of the AAT in July 2001 and as a Senior Member in November 2003. He is an Associate Professor of Law at Bond University and has been a member of the faculty there since 1992. From 1998 to 2001, he served as a member of the legal committee of the Companies and Securities Advisory Committee, the federal government's peak corporate law advisory body. He continues to edit the consumer protection section of the Trade Practices Law Journal and publish in the area of trade practices.

During the reporting year, Senior Member McCabe served as a moot court judge in the grand final of the Bond University High Schools' Mooting Competition Senior. He was also an adjudicator in the 2006 AAT Mooting Competition.

ASSOCIATE PROFESSOR PETER MALCOLM MCDERMOTT, RFD, LLB (HONS), LLM, PHD
Part-time Senior Member, Qld

Peter McDermott was appointed as a part-time Senior Member of the AAT in November 2004. He is a Reader in Law in the School of Law at the University of Queensland. He was the Senior Legal Officer (1982–88) and later the Principal Legal Officer (1988–91) of the Queensland Law Reform Commission. In 1998, he accepted a term appointment as an Assistant Commissioner of Taxation, Australian Taxation Office, to contribute to the Ralph reform process (1998–99).

Since 1978, Senior Member McDermott has been a barrister of the Supreme Court of Queensland. In the Wik case, he was junior counsel to the late Sir Maurice Byers, QC before both the Federal Court of Australia and the High Court of Australia. He is a member of the Bar Association of Queensland. Since 2002, he has been a member of the South Queensland Regional Community Corrections Board.

Senior Member McDermott is the author of *Equitable Damages* (1994). He is a co-author of *Principles of the Law of Trusts* (3rd ed., 1996), *Company Law* (2006) and *Fundamental Company Legislation* (2006). He has published a number of articles in the reporting year, including (with B Freudenberg) 'The forgotten CGT events: Are asset revaluation reserve distributions by trustees of discretionary trusts capital gains?' (2005) 34 *Australian Tax Review* 67.

Senior Member McDermott was an adjudicator in the 2006 AAT Mooting Court Competition.

DR RODERICK MCRAE, MBBS(HONS), BMEDSC(HONS), FANZCA, FJFICM, FAMA, MBIOETH, JD
Part-time Member VIC

Roderick McRae was admitted as a barrister and solicitor of the Supreme Court of the ACT in December 2004 and the Supreme Court of Victoria in February 2005. He was appointed to the AAT in January 2006.

Dr McRae is a practising anaesthetist and intensive care physician. He works primarily in the public

healthcare sector providing medical care to non-neonatal patients undergoing complex surgical interventions, as well as participating in many hospital committees. He is a past Chairman of the Federal Australian Medical Association (AMA) and is a qualified bioethicist who sits on several hospital Human Research Ethics Committees as well as the AMA's Ethics and Medicolegal Committee. He has significant undergraduate and postgraduate teaching experience and is an Honorary Senior Lecturer at Monash University's Department of Epidemiology and Preventive Medicine.

BRIGADIER GRAHAM MAYNARD, MBBS, MSC (OCC MED), DIH, DTM&H (RTD)

Part-time Member, Qld

Graham Maynard was appointed as a part-time Member of the AAT in July 2004. After graduating in Queensland in 1965, he spent 27 years as an Army medical officer commencing with duties as an Infantry Battalion Medical Officer in SVN and finishing as Director of Medical Services for the Army in 1990. His career included postings in clinical positions, hospital command, malaria research and senior command. Specialist training was in tropical medicine and occupational medicine. From 1990 to 2002, he was employed as a senior medical officer in the Commonwealth Department of Health with responsibilities at various times in food safety, Australian Government Health Services management, Creutzfeldt-Jacob disease matters and finally as Chief Medical Adviser for Medical Devices at the Therapeutic Goods Administration.

ASSOCIATE PROFESSOR JOHN MAYNARD, MBBS, FRCPA, AFAIM

Part-time Member, Vic

John Maynard was appointed to the AAT as a specialist medical member in 1999. He has been a pathologist with the Victorian Institute of Forensic Medicine at the Coroner's Court and sessional pathologist at Geelong Hospital since 1997. He has also been a lecturer in pathology and clinical Associate Professor in the Department of Pathology and Immunology at Monash University since 1994. He had extensive prior experience as a practising pathologist at various hospitals in Melbourne and in regional Victoria. He has published

and lectured widely in the fields of pathology, safety, quality systems and accreditation and has authored three books. He is an active member of a number of professional and community organisations. He also served in Vietnam as a pathologist with the Australian Army in 1970.

Associate Professor Maynard's appointment as a member of the AAT ended on 31 December 2005. He was a member of the AAT's Professional Development Committee.

DR MICHAEL MILLER, AO, MBBS, FRANZCOG, FRCOG, FAFPHM, AVM (RET)

Part-time Member, ACT

Michael Miller was appointed to the AAT on 9 August 1995. He had a specialist medical practice in Brisbane from 1964 to 1968 and became an RAAF officer in 1968. His appointments included Senior Medical Officer in Vietnam (1970–71), Commanding Officer 4 RAAF Hospital Butterworth in Malaysia (1974–75) and exchange duty with United States Air Force (1977–79). His various staff appointments included Director of Medical Plans and Deputy Director General Air Force Health Services. He was appointed Director General Air Force Health Services in 1987 with rank of Air Vice Marshal and Surgeon General Australian Defence Force in 1990. He retired in September 1992. He is a consultant to the Surgeon General; Chair, Board of Directors, St John Ambulance (ACT); and Chair, National Advisory Committee on Veterans' Health, Returned and Services League, National Headquarters, Canberra.

Dr Miller is a member of the AAT's Constitution Committee.

ASSOCIATE PROFESSOR BARRIE MORLEY, RFD, MBBS, FRACP, FRCP

Part-time Member, Qld

Barrie Morley, a consultant neurologist since 1965, has been a part-time Member of the AAT since November 1985. He was consultant neurologist to the RAAF Specialist Medical Reserve from 1969 until 1989. Initially appointed in 1972 as a medical member of the War Pensions Assessment Appeals Tribunal, he served on the Repatriation

Review Tribunal and then on the Veterans' Review Board. He was formerly Dean of the Clinical School and Head of Medicine of the (now) Monash Medical Centre. He moved to Queensland in 1992 and is now Associate Professor of Medicine in the South West Division (in Toowoomba) of the Rural Clinical School of the University of Queensland.

DONALD MULLER, LLB

Full-time Deputy President, Qld

Donald Muller was appointed as a Senior Member of the AAT on 31 March 1988 and appointed as a Deputy President on 9 August 2002. He was in private practice as a barrister for 17 years from February 1971 to March 1988. He was a part-time lecturer in company law and commercial law at Queensland Institute of Technology for three years from 1971 to 1974.

Deputy President Muller's appointment ended on 31 December 2005. He was a member of the AAT's Constitution Committee, the Practice and Procedure Committee and the State and Territory Coordinators Committee.

THE HON. HOWARD OLNEY, AM, QC, LLB

Part-time Deputy President, Vic

Howard Olney was appointed to the AAT as a Deputy President in June 2005. He is currently the acting Aboriginal Land Commissioner in the Northern Territory, a position he has held since 2003. Prior to this, Deputy President Olney was a Judge of the Federal Court of Australia, Additional Judge of the Supreme Court of the Northern Territory and presidential member of the Administrative Appeals Tribunal (1988–2003). He is a former Deputy President of the Federal Police Disciplinary Tribunal (1991–2001) and Deputy President of the National Native Title Tribunal (1994–99). He was a Judge of the Family Court of Australia (1988–90) and the Supreme Court of Western Australia (1982–88) and is a former member of the Legislative Council of Western Australia (1980–82).

Deputy President Olney has extensive administrative law experience at the highest level throughout Australia. He graduated with a Bachelor of Laws from the University of Western Australia

and was admitted as a barrister and solicitor to the Supreme Court of Western Australia in 1957. Mr Olney was appointed Queen's Counsel in 1980. He was awarded a member of the Order of Australia in 2005 for service to the law and the judiciary, particularly in relation to Indigenous land issues.

BRUCE PASCOE, FCA, FTIA, MIAMA

Part-time Senior Member, Vic

Bruce Pascoe was appointed as a part-time Member of the AAT in December 1991 and has been a Senior Member since April 1995. Until 1991, he was a senior partner of Ernst & Young, Chartered Accountants, where he specialised in taxation and corporate finance. He is a former President of the Taxation Institute of Australia, former National Treasurer of the Institute of Arbitrators and Mediators Australia and a Grade 1 Arbitrator and Accredited Mediator with that Institute. He was Chair of the Tax Agents' Board of Victoria until 1997 and is a director of several companies.

Senior Member Pascoe was an adjudicator in the 2006 AAT Mooting Competition.

STEVEN PENGLIS, BJURIS, LLB

Part-time Senior Member, WA

Steven Penglis was appointed to the AAT as a part-time Senior Member in June 2005. He is a senior commercial litigator with the national law firm Freehills which he joined in 1983, becoming a partner in 1987. He has been an elected member of the Legal Practice Board of Western Australia since 1996 and Chairman since 2002. Senior Member Penglis has been an elected Member of Council of the Law Society of Western Australia since 2002 and is also the Convenor of the Society's Courts Committee which he also convened from 1995 to 2000. Since 1992, he has been the Chair of Freehills' Perth Pro Bono Committee.

REGINA PERTON, BA, LLB, DIP ED

Full-time Member, Vic

Regina Perton has been a full-time Member of the AAT since August 2004. Prior to her AAT appointment, she was a Senior Member of the Migration Review Tribunal. She has also been a Member of the Refugee Review Tribunal and the Immigration Review Tribunal. She was a member

of the Victorian Equal Opportunity Commission as well as a Commissioner of the Victorian Multicultural Commission and of a major Victorian inquiry into illicit drug issues. Ms Perton has held management positions in several dispute resolution bodies, including Registrar of the Victorian Residential Tenancies Tribunal and Small Claims Tribunal. Other roles have included working for the Parole Board, in real estate and as a secondary teacher. She has been a member of various boards and committees of professional, health and community organisations, including the Austin & Repatriation Medical Centre and the Turning Point Alcohol & Drug Centre.

Ms Perton is a member of the Committee of the Victorian Chapter of the Council of Australasian Tribunals.

THE HON. RODNEY PURVIS, AM, QC, BA, DIPLAW, DIPCRIM, MLITT, FCA

Part-time Deputy President, NSW

Rodney Purvis has been a presidential member of the AAT since June 1986. He has professional expertise in the areas of law, accounting and criminology and expertise or Tribunal experience in the areas of corporations law, family law, mediation and arbitration as well as private and public international law. In 1998, after 13 years on the bench, he retired as a judge of the Family Court. He was Chair of the Trade Practices Committee of the Law Council of Australia for 12 years from 1978 and has served in a formidable variety of other capacities as a member, chairman or president of various committees and organisations.

Deputy President Purvis was an adjudicator in the 2006 AAT Mooting Competition.

LINDA SAVAGE DAVIS, BA (HONS), LLB, MA

Part-time Member, WA

Linda Savage Davis was appointed as a part-time Member of the AAT in April 2003. She was a member of the Social Security Appeals Tribunal in Western Australia from 1994 and its Director from 1999 until 2002. She has served on a number of advisory committees and boards and in 1997 was awarded the Lawyers Community Service Award

by the Law Society of Western Australia for outstanding service in the community. She was a member of Chief Justice David Malcolm's Gender Bias Taskforce and Chair of the committee that established the Women's Legal Service in Western Australia. She is currently a member of the Western Australia Reproductive Technology Council and is on the board of the Art Gallery of Western Australia.

Ms Savage Davis' appointment to the AAT ended on 15 April 2006.

ELIZABETH ANNE SHANAHAN, BSC, MBBS, FRACS, LLB

Part-time Member, Vic

Anne Shanahan has been a part-time Member of the AAT since 1991. She is a cardiothoracic surgeon who has worked both in public and private hospitals in Victoria for 37 years. She is also a barrister. From 1973 until 1985, Miss Shanahan was a senior lecturer in the Department of Surgery at Monash University. She has served on numerous hospital committees and a hospital Board of Management, in addition to the Health Service Commissioners Review Council, an HIC Committee and the Red Cross International Humanitarian Law Committee.

Ms Shanahan was an adjudicator in the 2006 AAT Mooting Competition.

PROFESSOR EMERITUS IVAN SHEARER, AM, RFD, LLB, LLM, SJD

Part-time Senior Member, NSW

Ivan Shearer was appointed as a part-time Senior Member of the AAT in September 2004. He retired as Challis Professor of International Law at the University of Sydney on 31 December 2003. He is a former Professor of Law (1975–92) and Dean of the Faculty of Law (1984–90) at the University of New South Wales. In 2000, he was elected to the United Nations as a member of the Human Rights Committee for a four-year term and was re-elected to a second term in 2004. He retired from the Royal Australian Navy Reserve, with the rank of Captain, in 2000. His current appointments include member of the Panel of Arbitrators of the Permanent Court of Arbitration, The Hague, President

of the Australian Branch of the International Law Association and elected member of the International Institute of Humanitarian Law. In 1999, and again in 2002, Professor Shearer served as a judge ad hoc on the International Tribunal for the Law of the Sea. He has been a special consultant to UN development programs and the Australian Government and has published widely and presented lectures and seminars both nationally and internationally on a broad range of international law matters. Senior Member Shearer was made a member of the Order of Australia in 1995.

Senior Member Shearer was an adjudicator in the 2006 AAT Mooting Competition.

JOHN SHORT, LLB
Part-time Member, SA

John Short joined the AAT in 2004. He was a part-time member of the Social Security Appeals Tribunal in Adelaide (1989–2004), a part-time member of the Veterans' Review Board (1993–97) and a part-time member of the Residential Tenancies Tribunal (SA) (2001–04). Mr Short lectured in contract law on a part-time basis at the Douglas Mawson Institute (SA) (1989–92). He has been a part-time Child Support Review Officer since 1992. He was a legal practitioner in general practice from 1984 until 1992. He completed a LEADR mediation course in 1997 and maintains a strong interest in alternative dispute resolution.

PROFESSOR TANIA SOURDIN, BA, LLB, LLM, PHD
Part-time Member, NSW

Tania Sourdin has been a part-time Member of the AAT since 2001. She is currently the Professor of Law and Dispute Resolution at La Trobe University and has worked as a lawyer, court registrar, academic, mediator and tribunal member since being admitted to practise as a lawyer in 1985. She was a legal specialist with the Australian Law Reform Commission and has published many papers and books in the area of alternative dispute resolution, litigation and research into dispute resolution processes. She is a member of the National Alternative Dispute Resolution Advisory Council and attended a number of conferences as a keynote and specialist speaker during the past year.

Professor Sourdin is a member of the AAT's Alternative Dispute Resolution Committee, the Constitution Committee and the Professional Development Committee.

**DR PETER STAER, MBBS, DOBST (RCOG),
FRCS (ENG), FRACS**
Part-time Member, WA

Peter Staer has been a member of the AAT since 1985 and was previously a member of the Repatriation Review Tribunal and Veterans' Review Board. He has practised medicine for 45 years, primarily as a surgeon/gynaecologist. He has served on the Nurses' Examination Board and various medical advisory committees. He is a qualified mediator. He spends two to three months per year in voluntary work in developing countries.

Dr Staer is a member of the AAT's Alternative Dispute Resolution Committee.

**ANDRE SWEIDAN, B.COMM, LLB, H. DIP. TAX LAW,
GRAD. CERT ARBITRATION AND MEDIATION**
Part-time Senior Member, WA

Andre Sweidan was appointed as a part-time Senior Member of the AAT in 2005. He has practised in various fields of law in Perth for more than 20 years and has gained a strong reputation for his expertise in taxation law. He is currently the Senior Partner at Anchor Legal in Perth. He has had an extensive legal career in the areas of taxation, revenue, intellectual property and administrative law. He has also had extensive experience representing clients before the AAT, the Federal Court and the Supreme Court of Western Australia. In 1998, he commenced practice as a Senior Partner with KPMG Legal in Perth. From 1993 to 1998, he worked in sole practice and from 1983 was a Partner at Stone James & Co in Perth. Before immigrating to Australia from South Africa, Mr Sweidan was a Partner in the law firm Trakman & Sweidan for a period of 12 years.

DR MAXWELL THORPE, MBBS, MD, FRACP
Part-time Member, NSW

Max Thorpe has been a member of the AAT since November 1985 and was previously a member of the Repatriation Review Tribunal. He was a consultant physician in private practice and Visiting

Medical Officer, Prince of Wales Hospital, where he was Warden of the Clinical School, University of New South Wales, for 28 years. Dr Thorpe is now an Honorary Consultant Medical Officer at the Prince of Wales Hospital. He is currently Chairman of the Appeals Committee, Overseas Doctors, Australian Medical Council. He was previously a WHO Consultant in Cambodia to advise on postgraduate education. Dr Thorpe is a Guest Professor, Harbin Medical University, China and director of an exchange of medical specialists from Harbin Medical University with teaching hospitals of the University of New South Wales. He has extensive involvement in insurance and reinsurance medicine. Dr Thorpe's interests include rugby union, forestry and horse breeding.

LISA TOVEY, BJURIS, LLB, LLM (DIST)
Part-time Member, WA

Lisa Tovey was appointed as a part-time Member of the AAT in June 2005. She has been a barrister at John Toohey Chambers in Perth since 2003. She is also a part-time senior lecturer at the University of Notre Dame Australia. She was admitted as a barrister and solicitor of the Supreme Court of Western Australia and High Court of Australia in 1992. She commenced practice with Corrs Chambers Westgarth and then worked as Associate to the Hon. Justice Rowland at the Supreme Court of Western Australia. Ms Tovey was a Crown Prosecutor within the Office of the Director of Public Prosecutions for Western Australia between 1996 and 2001. As well as lecturer and senior lecturer, Ms Tovey has been the Course Controller for both the law of evidence and administrative law courses at the University of Notre Dame Australia.

Ms Tovey is currently the presiding member of the Osteopaths Registration Board of Western Australia, having served as the deputy presiding member between 2003 and 2004. She is also a member of the Legal Aid Western Australia Review Committee. Ms Tovey was a Lieutenant in the Royal Australian Naval Reserves between 1994 and 2001 and has completed a Practitioner's Certificate in Mediation.

PROFESSOR EMERITUS GEOFFREY WALKER, LL.D
Full-time Deputy President, NSW

Geoffrey Walker was appointed to the AAT in 2004. He was admitted to the Bar in 1965 and subsequently gained extensive legal experience in private practice, industry and government. In 1978, he joined the academic staff of the Australian National University and has also taught law at the universities of Sydney, Queensland and Pennsylvania. For 11 years, until returning to the Bar in 1997, he was Dean of Law at the University of Queensland. He has recently been appointed Adjunct Professor of Law at Murdoch University.

Deputy President Walker is the author of four books, including *The Rule of Law: Foundation of Constitutional Democracy* (1988), and approximately 100 articles in legal and related journals.

Deputy President Walker is a member of the AAT's Information Technology Committee, the Library Committee, the Practice and Procedure Committee and the State and Territory Coordinators Committee. He is Deputy Chair of the AAT's Professional Development Committee.

BRIGADIER ANTHONY GERARD (GERRY) WARNER, AM, LVO, BSC (HONS), DIPMILSTUD, FAICD
Part-time Member, WA

Gerry Warner was appointed to the AAT in June 2005. His military career following graduation from the Royal Military College, Duntroon, included extensive command experience, tours on the personal staff of Governors-General, pivotal operations and personnel staff appointments and UN peacekeeping on the Golan Heights and in Southern Lebanon. He was the senior Defence representative in Western Australia in 1996–97 and in his final posting was Chief of Staff Land Headquarters in Sydney during a period of intense operational tempo, including the East Timor campaign and support to the Olympic Games. After separation from the Army in 2003, he was appointed to the independent committee convened by the Board of Western Power to report on the power supply crisis of February 2004. He is a Sessional Senior Member of the State Administrative Tribunal (SAT), a member

of the Mental Health Review Board (WA) and is CEO of the RAAF Association (WA Div) Inc.

BRIGADIER IAN WAY, BENG, MBA (RTD)

Part-time Member, NSW

Ian Way was first appointed to the AAT in 1992. He had extensive Army service in the Corps of Royal Australian Engineers, including operational service in Korea, Japan, Singapore and Vietnam. He has also held various senior administrative positions in the University of NSW until his retirement in 1992 as University Registrar and Deputy Principal (Administration). He was an Honorary Aide-de-Camp to the Governor-General in 1981–84 and a Director of the National Institute of Dramatic Arts in 1988–90.

SIMON WEBB

Full-time Member, ACT

Simon Webb was appointed to the AAT in July 2001. From 1997–2001 he held the office of Deputy Director of the Commonwealth Classification Board with extensive periods acting in the office of Director. During this period, he was Secretary of the Commonwealth, State and Territory Censorship Ministers' Council. From 1994, Mr Webb worked with Commonwealth, state and territory ministers and officials to implement revised censorship laws in a cooperative national legislative classification scheme. He was involved in establishing the Classification Board and the Classification Review Board in 1996 and worked with the Australian Customs Service reviewing prohibited import and export regulations and related administrative procedures. Prior to that, Mr Webb conducted a management consultancy and was General Manager of the Arts Council of Australia. He has over 25 years senior management and public administration experience and is an accredited mediator.

In October 2005, Mr Webb conducted training sessions for advocates in a Department of Veterans' Affairs national training program at the University of Canberra. During 2006, he was appointed as an Appraiser under the AAT's Appraisal Scheme and was a member of the AAT's 30th Anniversary Organising Committee.

**DR DAVID WEERASOORIYA, MBBS, MRCP (LOND.),
MRCP (EDIN.), MRCP (GLAS.), DCH
Part-time Member, WA**

David Weerasooriya has been a part-time Member of the AAT since 1996. Prior to that, he was a medical member of the Social Security Appeals Tribunal from 1994 to 1996. He was practising as a specialist physician, paediatrician and vocationally registered general practitioner in Kalgoorlie from 1972 to 1976 and in Perth thereafter. He was a visiting specialist physician to Wanneroo Hospital from 1989 until 1996. He was a senior lecturer in paediatrics at the University of Ceylon, Colombo. Dr Weerasooriya undertook his postgraduate training in the United Kingdom between 1959 and 1964. He was the author of a textbook on health science for GCE 'O' level students in Sri Lanka. Dr Weerasooriya is a qualified mediator.

Dr Weerasooriya is a member of the AAT's Library Committee.

THE HON. CHRISTOPHER WRIGHT, QC, BBL

Part-time Deputy President, Tas

Christopher Wright has been a part-time Deputy President of the AAT since February 2001. From 1986 until 2000, he was a judge of the Supreme Court of Tasmania, having been Solicitor General from 1984 until 1986. He practised at the Tasmanian Bar from 1977 until 1983 and was a magistrate in Hobart from 1972 until 1977. Between 1959 and 1972, he was a partner in the Hobart law firm Crisp Wright and Brown. Other appointments he has held include Chairperson of the Retirements Benefits Fund Investment Trust (1984–86), the Social Security Appeals Tribunal (1979–83), the Tenancy Law Review Committee in Tasmania (1979) and President of the Bar Association of Tasmania (1977–79). He was appointed as Chairman of the Tasmanian Police Review Board in 2004. He was appointed Queen's Counsel in 1984.

Appendix 2: Staff of the Tribunal

This appendix sets out summary information in relation to the staff of the Tribunal.

TABLE 2.1 EMPLOYMENT BY REGISTRY – ONGOING FULL-TIME, ONGOING PART-TIME AND NON-ONGOING STAFF AS AT 30 JUNE 2006

Salary range (\$)	Registries								Total
	NSW	Vic	Qld	SA	WA	ACT	Tas	Principal Registry ^a	
32,433 – 35,844	–	–	–	–	–	–	–	–	0
36,705 – 45,122	14	12	10	6	11	5	–	2	60
46,594 – 50,590	12	7	5	4	3	2	2	8	43
51,968 – 55,108	0	1	1	1	1	–	–	5	9
56,128 – 64,476	2	1	1	–	–	–	–	11	15
70,083 – 83,928	–	–	–	1	1	1	–	6	9
85,381 – 97,067	4	3	2	1	1	1	–	3	15
91,826 – 109,826	–	–	–	–	–	–	–	1	1
	32	24	19	13	17	9	2	36	152

^a Principal Registry staff are based in Brisbane (17), Sydney (13), Melbourne (2), Canberra (1), Adelaide (1) and Perth (2), and include information technology and library staff outposted to the District Registries.

The figures in Table 2.1 also include 19 non-ongoing staff employed at various locations for duties that are irregular or intermittent.

Staff on long-term unpaid leave of absence or long-term temporary transfer to another agency are not included in these figures. If these staff have been replaced, the replacement staff are included.

TABLE 2.2 EQUAL EMPLOYMENT OPPORTUNITY STATISTICS – ONGOING FULL-TIME, ONGOING PART-TIME AND NON-ONGOING/IRREGULAR STAFF OF THE TRIBUNAL AS AT 30 JUNE 2006

Class	Salary range	Total staff	Women	Men	NESB	PWD	ATSI
APS 1	\$32,433 – 35,844	0	–	–	–	–	–
APS 2/3	\$36,705 – 45,122	60	40	20	21	3	1
APS 4	\$46,594 – 50,590	43	32	11	11	–	–
APS 5	\$51,968 – 55,108	9	4	5	2	–	–
APS 6	\$56,128 – 64,476	15	12	3	3	–	–
Exec 1	\$70,083 – 83,928	9	4	5	–	–	–
Exec 2	\$85,381 – 97,067	15	10	5	3	–	–
SES 1	\$91,826 – 109,826	1	1	–	–	–	–
Total		152	103	49	40	3	1

ATSI = Aboriginal and Torres Strait Islanders; NESB = people of non-English-speaking background; PWD = people with disabilities

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

TABLE 2.3 EMPLOYMENT STATUS STATISTICS AS AT 30 JUNE 2006

Class	Salary range (\$)	Total staff	Women	Men	Part time	Full time	Irregular/ Intermittent	AWAs	Certified Agreement
APS 1	32,433–35,844	0	–	–	–	–	–	–	0
APS 2/3	36,705–45,122	60	40	20	3	40	17	–	60
APS 4	46,594–50,590	43	32	11	3	39	1	–	43
APS 5	51,968–55,108	9	4	5	–	9	–	–	9
APS 6	56,128–64,476	15	12	3	3	11	1	–	15
Exec 1	70,083–83,928	9	4	5	–	9	–	3	6
Exec 2	85,381–97,067	15	10	5	4	13	–	2	13
SES 1	91,826–109,826	1	1	–	–	1	–	1	0
Total		152	103	49	12	121	19	6	146

Appendix 3: Statistics for the year ended 30 June 2006

This appendix contains statistical information on different aspects of the Tribunal's workload during 2005–06. In some areas, information relating to previous years has been provided for the purposes of comparison.

The information contained in this appendix is summarised below.

Table or chart reference	Overview of information contained in table or chart
3.1	Lodgements and finalisations for all jurisdictions
3.2	Lodgements in each registry
3.3	Finalisations in each registry
3.4	Finalisations without a hearing
3.5	Outcomes of matters finalised
3.6	Status of current applications
3.7	Current applications in each registry
3.8	Constitution of tribunals for hearings
3.9	Case events, including conferences and other alternative dispute resolution processes, interlocutory hearings and hearings
3.10	Appeals lodged from decisions of the Tribunal by jurisdiction
3.11	Outcomes of appeals from decisions of the Tribunal
3.12	Outcomes of appeals from decisions of the Tribunal by jurisdiction

Table 3.1 provides more detailed information on the subject matter of applications lodged with the Tribunal and finalised by the Tribunal in 2005-06. Information relating to the Tribunal's major jurisdictions is set out first. This is followed by information on other applications grouped by Australian Government portfolio.

TABLE 3.1 APPLICATIONS LODGED AND FINALISED IN 2005-06

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Compensation				
Australian Postal Corporation	360		343	
Comcare	517		472	
Military compensation: <i>Safety, Rehabilitation and Compensation Act 1988</i>	346		361	
Optus Administration Pty Ltd	3		–	
Other compensation decision-makers	22		18	
Telstra Corporation	201		250	
Seafarers' compensation	53		51	
<i>Subtotal</i>	<i>1502</i>	<i>17</i>	<i>1495</i>	<i>18</i>
Social security				
Age pension	107		98	
Assurance of support decisions	4		1	
Austudy payment	8		14	
Bereavement allowance	1		1	
Carer payment/allowance	60		56	
Child care benefit	–		2	
Compensation preclusion period	68		53	
Disability support pension	543		376	
Double orphan pension	1		1	
Family tax benefit	61		63	
Farm household support	1		1	
Health care cards	2		2	
Maternity allowance	21		13	
Mature age allowance	2		3	
Mobility allowance	3		6	
Newstart allowance	98		79	
One-off payments	1		2	
Overpayment and debt recovery	481		434	
Parenting payment	68		47	
Partner allowance	9		9	
Pension bonus scheme	25		27	

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Pensioner education supplement	4		4	
Rent assistance	18		20	
Sickness allowance	3		2	
Special benefit	10		9	
Special category visa holder determination	–		2	
Widow allowance/pension	9		6	
Wife pension	2		–	
Youth allowance	33		28	
<i>Subtotal</i>	<i>1643</i>	<i>19</i>	<i>1359</i>	<i>17</i>
Veterans' affairs				
Allowances and benefits	10		16	
Disability pension	661		750	
Gold Card	3		3	
Military compensation: <i>Military Rehabilitation and Compensation Act 2004</i>	1		–	
Service pension	52		75	
Veterans' Review Board: Procedural decisions	2		6	
Widows' pension	181		188	
<i>Subtotal</i>	<i>910</i>	<i>11</i>	<i>1038</i>	<i>13</i>
Taxation (other than STCT applications) ^a				
Australian Business Number	4		3	
Excise	–		1	
Fringe benefits tax	24		16	
Goods and services tax	240		128	
Income tax (other than taxation schemes)	746		696	
Luxury car tax	1		1	
Payroll tax	–		17	
Product grants and benefits	3		–	
Sales tax	–		8	
Superannuation contributions tax	3		4	
Superannuation guarantee charge	64		20	
Taxation administration	41		33	
Taxation schemes	2354		2000	
Wine equalisation tax	1		–	
<i>Subtotal</i>	<i>3481</i>	<i>40</i>	<i>2927</i>	<i>36</i>

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Small Taxation Claims Tribunal ^a				
Goods and services tax	3		4	
Income tax (other than taxation schemes)	85		108	
Other matters	52		27	
Refusal of extension of time to lodge objection	24		22	
Release from taxation liabilities	60		63	
Sales tax	3		1	
Superannuation contributions tax	5		8	
Taxation schemes	–		5	
<i>Subtotal</i>	232	3	238	3
Agriculture, Fisheries and Forestry Portfolio				
Agricultural and veterinary chemicals	2		1	
Dairy produce	–		1	
Fisheries	2		7	
Wine and brandy	1		1	
<i>Subtotal</i>	5	<1	10	<1
Attorney-General's Portfolio				
Bankruptcy	30		32	
Customs	12		45	
Import and export of censored goods	1		1	
Marriage celebrants	2		2	
Privacy	1		1	
Waiver of fees in courts and tribunals	2		5	
<i>Subtotal</i>	48	<1	86	1
Communications, Information Technology and the Arts Portfolio				
Communications and media	1		4	
<i>Subtotal</i>	1	<1	4	<1
Defence Portfolio				
Defence Force retirement and death benefits	9		11	
Employer support payments	1		1	
Other	1		1	
<i>Subtotal</i>	11	<1	13	<1
Education, Science and Training Portfolio				
Higher education funding	21		19	
Mutual recognition of occupations	–		3	
<i>Subtotal</i>	21	<1	22	<1

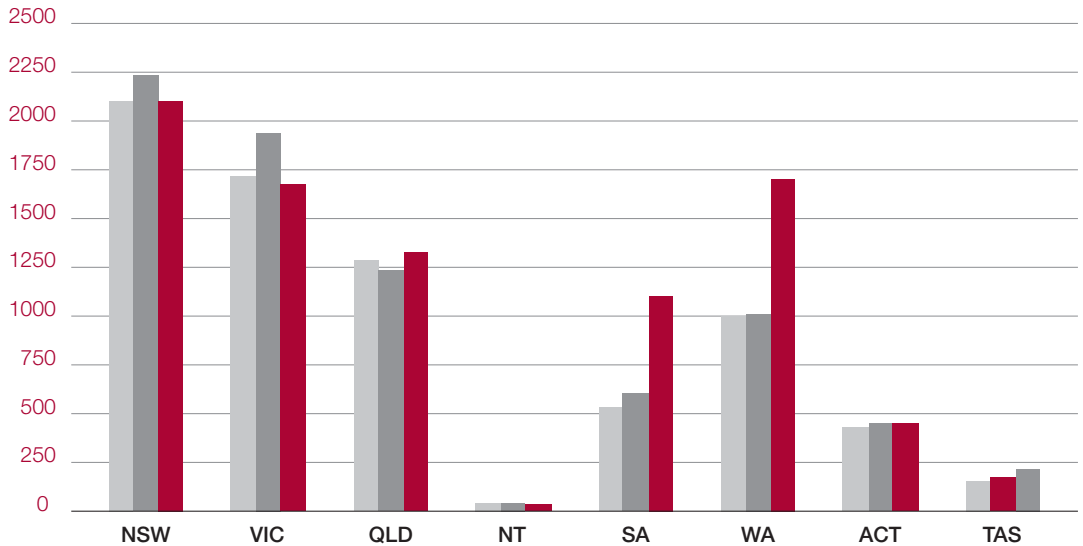
Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Employment and Workplace Relations Portfolio				
Disability services	1	–		
<i>Subtotal</i>	1	<1	–	<1
Environment and Heritage Portfolio				
Environment protection and biodiversity	2		2	
Great Barrier Reef Marine Park	–		1	
Protection of moveable cultural heritage	–		1	
Renewable Energy	1		1	
<i>Subtotal</i>	3	<1	5	<1
Families, Community Services and Indigenous Affairs Portfolio				
Aboriginal councils and associations	–		1	
<i>Subtotal</i>	–	<1	1	<1
Finance and Administration Portfolio				
Child support	32		32	
Lands acquisition	–		1	
Superannuation Acts	1		–	
<i>Subtotal</i>	33	<1	33	<1
Foreign Affairs and Trade Portfolio				
Export market development grants	6		6	
Passports	21		10	
<i>Subtotal</i>	27	<1	16	<1
Health and Ageing Portfolio				
Aged care	10		6	
Medicare Australia decisions	13		9	
Pharmacists	11		8	
Therapeutic goods	10		8	
<i>Subtotal</i>	44	<1	31	<1
Immigration and Multicultural Affairs Portfolio				
Business visa cancellation	119		169	
Citizenship	69		97	
Criminal deportation	–		2	
Guardianship of children	–		1	
Migration agent registration	13		31	
Protection visa cancellation or refusal	1		6	
Visa refusal on character grounds: Visa applicant outside Australia	19		52	

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Visa cancellation or refusal on character grounds: Visa applicant or holder in Australia	47		60	
<i>Subtotal</i>	268	3	418	5
Industry, Tourism and Resources Portfolio				
Automotive industry	7		3	
Industrial chemicals	3		–	
Industry research and development	5		6	
Patents, designs and trademarks	–		2	
Textile, clothing and footwear	3		3	
<i>Subtotal</i>	18	<1	14	<1
Transport and Regional Services Portfolio				
Air navigation	–		1	
Airports	–		3	
Aviation and maritime security	9		5	
Civil aviation	21		31	
Maritime safety	4		1	
Motor vehicle standards	19		20	
<i>Subtotal</i>	53	<1	61	<1
Treasury Portfolio				
Auditors and liquidators registration	2		–	
Corporations	20		35	
Insurance and superannuation regulation	31		23	
Tax agent registration	21		25	
<i>Subtotal</i>	74	<1	83	1
Security Appeals				
ASIO assessments	9		3	
<i>Subtotal</i>	9	<1	3	<1
Whole of Government				
<i>Freedom of Information Act 1982</i>	141		146	
<i>Subtotal</i>	141	2	146	2
Case Management and Tribunal Decisions				
No jurisdiction/Uncertain jurisdiction	92	–	87	
Review of taxation of costs	–		1	
<i>Subtotal</i>	92	1	88	1
Total for all jurisdictions^b	8617	100	8091	100

a These figures do not include all applications that are dealt with in the Small Taxation Claims Tribunal or the Taxation Appeals Division. For example, applications in relation to which jurisdictional issues arise are not included in these figures.

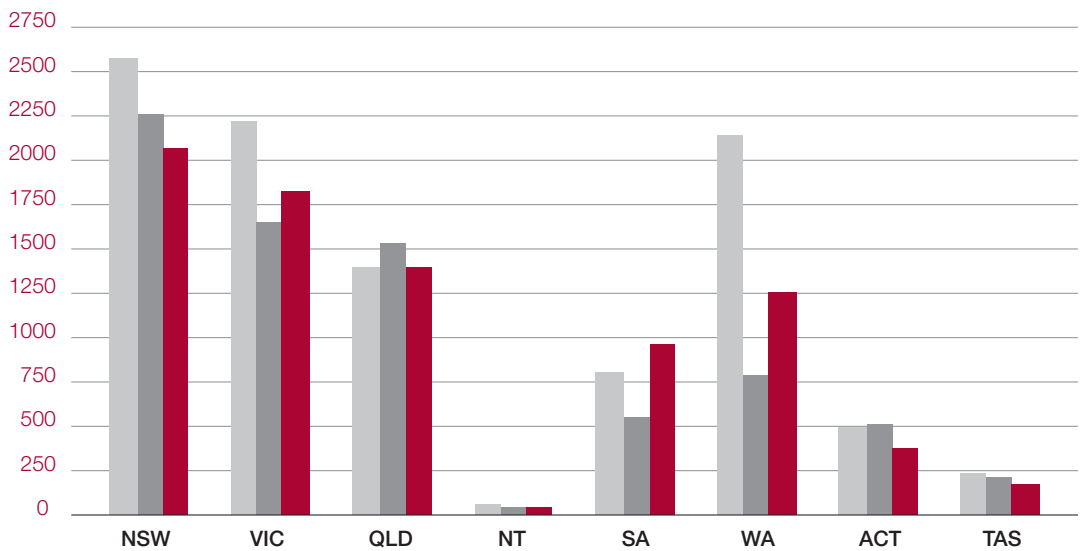
b Percentages do not total 100% due to rounding.

CHART 3.2 APPLICATIONS LODGED IN EACH REGISTRY



2003-04	2103	1719	1290	38	534	1004	428	151
2004-05	2233	1939	1237	39	601	1011	447	172
2005-06	2100	1677	1326	34	1106	1706	452	216

CHART 3.3 APPLICATIONS FINALISED IN EACH REGISTRY



2003-04	2576	2230	1386	60	801	2152	480	224
2004-05	2260	1642	1531	36	550	786	501	220
2005-06	2063	1820	1396	36	963	1269	362	182

TABLE 3.4 PERCENTAGE OF APPLICATIONS FINALISED WITHOUT A HEARING

Jurisdiction	2003-04 %	2004-05 %	2005-06 %
All applications	81	78	81
Compensation	86	87	85
Social security	69	73	68
Veterans' affairs	71	71	72
Taxation Division	97	83	94
Small Taxation Claims Tribunal	85	75	78

Note: Applications finalised without a hearing include all applications that were finalised otherwise than by a Tribunal decision following a hearing on the merits. This includes, for example, applications finalised in accordance with terms of agreement lodged by the parties pursuant to sections 34D or 42C of the AAT Act, applications withdrawn by the applicant under subsection 42A(1A) and applications dismissed by the Tribunal under sections 42A and 42B.

TABLE 3-5 APPLICATIONS FINALISED IN 2005-06, BY OUTCOME

	All applications		Compensation		Social security		Veterans' affairs		Taxation Division		Small Taxation Claims Tribunal	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
By consent												
Affirmed	321	4	284	19	2	<1	7	<1	20	<1	2	1
Varied	1207	15	115	8	18	1	104	10	917	31	41	17
Set aside	2009	25	493	33	159	12	281	27	876	30	30	12
Dismissed/ Withdrawn ^a	2089	26	337	23	666	49	343	33	376	13	94	39
By decision												
Affirmed	961	12	141	9	296	22	178	17	85	3	42	17
Varied	93	1	13	<1	19	1	14	1	21	<1	2	1
Set aside	467	6	69	5	119	9	98	9	65	2	10	4
No jurisdiction	87	1	6	<1	1	<1	2	<1	22	<1	2	1
Dismissed ^b	282	3	28	2	43	3	11	1	100	3	17	7
Extension of time refused	59	<1	6	<1	34	3	0	0	1	<1	1	<1
Other												
No fee paid	64	<1	N/A	-	N/A	-	N/A	-	20	<1	3	1
Other ^c	452	6	3	<1	2	<1	0	0	433	15	0	0
Total^d	8091		1495		1359		1038		2936		244	

a Includes applications dismissed under subsections 42A(1) and (1B) of the AAT Act and otherwise by operation of law.

b Includes applications dismissed under subsections 42A(2) of the AAT Act (non-appearance at case event); 42A(4) (failure to show reviewable decision); 42A(5) (failure to proceed with application or to comply with a direction of the Tribunal); and 42B(1) (applications is frivolous or vexatious).

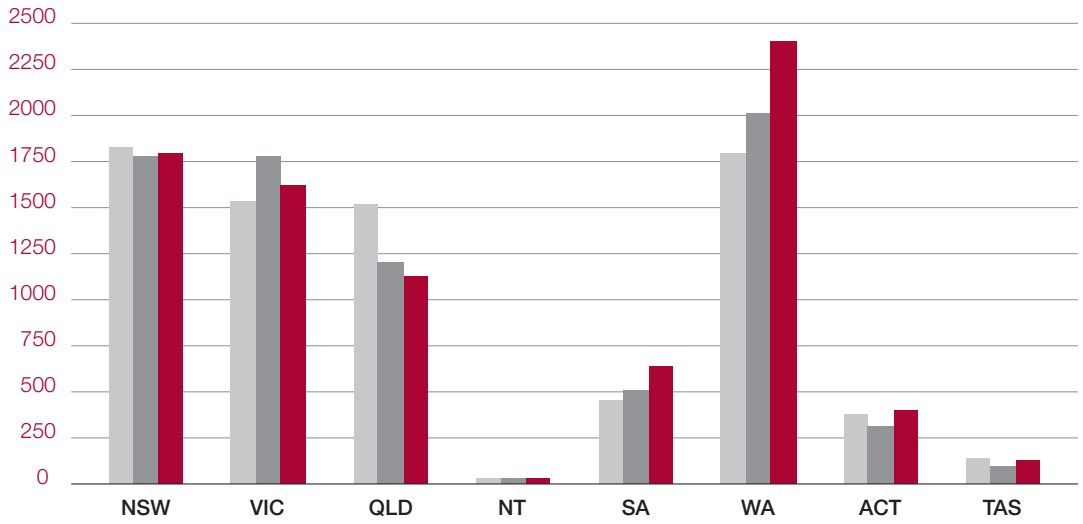
c Includes applications for review of a decision which have been lodged out of time and in relation to which no extension of time application is subsequently received as well as applications for an extension of time to lodge an application for review which have been granted and in relation to which no application for review of a decision is subsequently received. The SA Registry received 414 applications for an extension of time to lodge applications for review of decisions relating to three taxation schemes which were granted and in relation to which no applications for review were subsequently received.

d Percentages do not total 100% due to rounding.

TABLE 3.6 STATUS OF APPLICATIONS CURRENT AS AT 30 JUNE 2006

Jurisdiction	No.	%
Compensation		
In pre-hearing process	1378	
Part heard	53	
Awaiting decision	15	
<i>Subtotal</i>	1446	18
Social security		
In pre-hearing process	932	
Part heard	24	
Awaiting decision	12	
<i>Subtotal</i>	968	12
Veterans' affairs		
In pre-hearing process	719	
Part heard	23	
Awaiting decision	15	
<i>Subtotal</i>	757	9
Taxation Division		
In pre-hearing process	4344	
Part heard	11	
Awaiting decision	11	
<i>Subtotal</i>	4366	53
Small Taxation Claims Tribunal		
In pre-hearing process	109	
Part heard	0	
Awaiting decision	0	
<i>Subtotal</i>	109	1
Other matters		
In pre-hearing process	477	
Part heard	30	
Awaiting decision	21	
<i>Subtotal</i>	528	6
Total^a	8174	100

a Percentages do not total 100% due to rounding.

CHART 3.7 APPLICATIONS CURRENT IN EACH REGISTRY

	2003-04	2004-05	2005-06
NSW	1825	1774	1801
VIC	1539	1774	1627
QLD	1514	1207	1131
NT	34	31	31
SA	451	506	644
WA	1801	2014	2408
ACT	378	317	404
TAS	142	93	128

TABLE 3.8 CONSTITUTION OF TRIBUNALS FOR HEARINGS

Tribunal	2003-04		2004-05		2005-06	
	No.	%	No.	%	No.	%
Judge alone	10	<1	10	<1	8	<1
Judge with 1 other member	3	<1	4	<1	0	0
Judge with 2 other members	3	<1	2	<1	4	<1
Deputy President alone	300	16	249	15	204	14
Deputy President with 1 other member	37	2	36	2	37	2
Deputy President with 2 other members	22	1	4	<1	11	<1
Senior Member alone	382	21	505	30	487	33
Senior Member with 1 other member	172	9	166	10	168	11
Senior Member with 2 other members	27	1	11	<1	2	<1
Member alone	882	48	696	41	518	35
Two Members ^a	N/A	–	5	<1	48	3
Three Members	N/A	–	0	0	2	<1
Total^b	1,838	100	1,688	100	1,489	100
Total multi-member tribunals	264	14	227	14	272	18

a From 16 May 2005, the Tribunal could be constituted by two or three Members.

b Percentages do not total 100% due to rounding.

Note: This table does not include hearings on the papers.

TABLE 3.9 NUMBER OF ALTERNATIVE DISPUTE RESOLUTION PROCESSES, INTERLOCUTORY HEARINGS AND HEARINGS

Type	2003–04	2004–05	2005–06
Conference	9,422	8,942	8,450
Case appraisal ^a	N/A	0	0
Conciliation	779	771	582
Mediation	84	50	26
Neutral evaluation ^a	N/A	0	2
Interlocutory hearings ^b	444	396	488
Hearings (including hearings on the papers)	1,961	1,711	1,527

a The *Administrative Appeals Tribunal Amendment Act 2005* amended the provisions of the AAT Act relating to ADR processes. An application may be referred to any of the following ADR processes: conferencing, case appraisal, conciliation, mediation and neutral evaluation.

b Includes hearings relating to the jurisdiction of the Tribunal and hearings relating to applications for orders of the following kind:

- an extension of time to lodge an application for review;
- to be joined as a party to a proceeding;
- a confidentiality order under section 35 of the AAT Act;
- an order staying the operation or implementation of a reviewable decision;
- to dismiss an application; or
- to reinstate an application.

Table 3.10 provides information in relation to appeals from decisions of the Tribunal that have been lodged in 2005-06 and the two previous years. The table distinguishes between appeals lodged in the Federal Court under section 44 of the AAT Act and applications for judicial review made under other enactments, including the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* and section 75(v) of the Constitution.

TABLE 3.10 APPEALS FROM DECISIONS OF THE TRIBUNAL BY JURISDICTION

Jurisdiction	2003–04		2004–05		2005–06	
	Section 44	Other	Section 44	Other	Section 44	Other
Compensation	32	1	25	3	22	4
Social security	32	0	11	0	29	4
Veterans' affairs	48	1	21	0	27	0
Taxation Division	9	1	21	0	19	0
Small Taxation Claims Tribunal	1	0	2	0	3	0
Other	33	11	47	8	42	15
Total	155	14	127	11	142	23

Note: In some circumstances, a party may lodge an application seeking relief under section 44 of the AAT Act and under another enactment. Such applications are treated as section 44 appeals for statistical purposes.

Tables 3.11 and 3.12 provide information on the outcomes of appeals from decisions of the Tribunal that were determined in 2005–06 and in the two previous years.

TABLE 3.11 APPEALS FROM DECISIONS OF THE TRIBUNAL – OUTCOMES OF APPEALS DETERMINED

Outcome	2003–04		2004–05		2005–06	
	Section 44	Other	Section 44	Other	Section 44	Other
Allowed/Remitted	41	2	51	1	32	6
Dismissed	102	5	80	5	67	11
Discontinued	27	5	20	3	21	9
Other	4	0	1	0	0	0
Total	174	12	152	9	120	26

Notes: Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court has been appealed, only the ultimate result is counted for the purpose of these statistics.

During the reporting year, 14 appeals under section 44 of the AAT Act were determined in the Federal Magistrates Court following transfer of the appeal from the Federal Court pursuant to section 44AA of the AAT Act.

TABLE 3.12 APPEALS FROM DECISIONS OF THE TRIBUNAL – OUTCOMES OF APPEALS DETERMINED BY JURISDICTION

Outcome	2003–04		2004–05		2005–06	
	Section 44	Other	Section 44	Other	Section 44	Other
Compensation						
Allowed/Remitted	6	0	13	0	5	2
Dismissed	20	2	7	1	16	0
Discontinued	8	3	4	0	4	0
Other	4	0	0	0	0	0
<i>Subtotal</i>	38	5	24	1	25	2
Social security						
Allowed/Remitted	6	0	2	0	4	0
Dismissed	23	1	16	0	9	1
Discontinued	5	1	5	0	8	3
Other	0	0	0	0	0	0
<i>Subtotal</i>	34	2	23	0	21	4
Veterans' affairs						
Allowed/Remitted	15	0	19	0	9	0
Dismissed	28	0	17	0	12	0
Discontinued	5	0	3	0	1	0
Other	0	0	1	0	0	0
<i>Subtotal</i>	48	0	40	0	22	0
Taxation Division						
Allowed/Remitted	4	0	3	0	4	0
Dismissed	4	0	9	0	11	1
Discontinued	4	0	1	0	5	0
Other	0	0	0	0	0	0
<i>Subtotal</i>	12	0	13	0	20	1
Small Taxation Claims Tribunal						
Allowed/Remitted	1	0	0	0	1	0
Dismissed	2	0	0	0	0	0
Discontinued	0	0	1	0	0	0
Other	0	0	0	0	0	0
<i>Subtotal</i>	3	0	1	0	1	0
Other						
Allowed/Remitted	9	2	14	1	9	4
Dismissed	25	2	31	4	19	9
Discontinued	5	1	6	3	3	6
Other	0	0	0	0	0	0
<i>Subtotal</i>	39	5	51	8	31	19
Total	174	12	152	9	120	26

Appendix 4: Tribunal application fees

An application to the Tribunal is not taken to be made unless the prescribed fee is paid: section 29A of the *Administrative Appeals Tribunal Act 1975*. The rules relating to payment of fees are set out in regulations 19 and 19AA of the *Administrative Appeals Tribunal Regulations 1976*.

Subject to a number of exceptions, an application fee is payable for lodging:

- an application for review of a decision;
- an application for a decision on whether a person was entitled to be given a statement of reasons for a decision under subsection 28(1) of the *Administrative Appeals Tribunal Act 1975*; and
- an application for a declaration under subsection 62(2) of the *Freedom of Information Act 1982* that a statement of reasons for a decision is not adequate.

The standard application fee during 2005–06 was \$606. The lower application fee payable when lodging an application for review of a decision that will be dealt with in the Small Taxation Claims Tribunal was \$61.

CIRCUMSTANCES IN WHICH AN APPLICATION FEE IS NOT PAYABLE

Applications for review of certain types of decisions do not attract a fee: regulation 19(1).

The relevant decisions are:

- any decision specified in Schedule 3 to the *Administrative Appeals Tribunal Regulations 1976*; or
- any decision under the *Freedom of Information Act 1982* concerning a document that relates to a decision specified in Schedule 3.

Decisions specified in Schedule 3 include decisions in the areas of social security, veterans' affairs and workers' compensation.

If two or more applications relate to the same applicant and may be conveniently heard before the Tribunal at the same time, the Tribunal may order that only one fee is payable for those applications: subregulations 19(5) and 19AA(5).

Certain types of applicants are exempt from the requirement to pay a fee. An application fee is not payable where:

- the person liable to pay the fee is granted legal aid for the matter to which the application relates: paragraphs 19(6)(a) and 19AA(6)(a); or
- the person liable to pay the fee is:
 - the holder of a health care card, a health benefit card, a pensioner concession card, a Commonwealth seniors health card or any other card that certifies entitlement to Commonwealth health concessions;
 - an inmate of a prison, in immigration detention or otherwise lawfully detained in a public institution;
 - a child under the age of 18 years;
 - in receipt of youth allowance, an Austudy payment or benefits under the ABSTUDY Scheme: paragraphs 19(6)(b) and 19AA(6)(b).

The Tribunal also has a discretion to waive an application fee when it is satisfied that payment of the fee would cause financial hardship to the person: paragraphs 19(6)(c) and 19AA(6)(c).

INFORMATION RELATING TO APPLICATION FEES IN 2005–06

In 2005–06, the Tribunal received \$1,052,873.60 in application fees.

Table 4.1 sets out the number of applications lodged during the reporting year in relation to which no fee was paid where an application fee would otherwise have been payable for the type of decision under review.

TABLE 4.1 APPLICATIONS WHERE NO FEE PAID

Category	Number of applications
One fee paid in relation to two or more applications relating to the same applicant	1584
Applicant exempt from paying fee	186
Application fee waived by Tribunal	82
Total	1852

In relation to fees that were not paid pursuant to subregulations 19(5), 19(6), 19AA(5) and 19AA(6), the total revenue foregone was \$1,081,437.00.

The Tribunal refused six applications to waive the application fee on financial hardship grounds under paragraph 19(6)(c) during the reporting year. No applications were refused under paragraph 19AA(6)(c).

Regulation 20 provides that an applicant can apply to the Tribunal for review of a decision not to waive payment of an application fee. There were no such applications for review lodged during 2005–06.

REFUND OF APPLICATION FEES

A person who has paid a standard application fee is entitled to a refund of the fee if it was not payable or if the proceedings have terminated in a manner favourable to the applicant. The lower application fee payable to lodge an application for review of a decision that will be dealt with in the Small Taxation Claims Tribunal is refundable only if it was not payable.

In 2005–06, the Tribunal refunded applications fees in the amount of \$699,979.00.

Appendix 5: Changes to jurisdiction

This appendix lists the Acts, regulations and other legislative instruments (collectively referred to as enactments) that altered the Tribunal's jurisdiction in the period 1 July 2005 to 30 June 2006.

The list includes enactments or parts of enactments that were assented to or registered prior to 1 July 2005 but which commenced during the reporting period. The list does not include those enactments or parts of enactments that were assented to or registered in the reporting period

but had not commenced as at 30 June 2006. The list is divided into three sections: new jurisdiction conferred; existing jurisdiction that has been altered; and jurisdiction removed.

NEW JURISDICTION CONFERRED

The enactments listed in the left column have conferred jurisdiction on the Tribunal to review decisions made under the named enactment or under the enactment listed in the right column. In the case of the enactments listed in the right column, the Tribunal did not previously have jurisdiction to review decisions made under that enactment.

Conferring enactment	Affected enactment
<i>Anti-Terrorism Act (No. 2) 2005</i>	<i>Criminal Code Act 1995</i>
<i>Australian Meat and Live-stock (Beef Export to the USA – Quota Year 2006) Order 2005</i>	
<i>Australian Passports Act 2005</i>	
<i>Australian Passports Determination 2005</i>	
<i>Australian Sports Anti-Doping Authority Act 2006</i>	<i>Australian Sports Anti-Doping Authority Regulations 2006</i>
<i>Bankruptcy Amendment Regulations 2006 (No. 1)</i>	
<i>Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005</i>	
<i>Energy Efficiency Opportunities Act 2006</i>	
<i>Export Control (Dairy, Eggs and Fish) Orders 2005</i>	
<i>Export Control (Eggs and Egg Products) Orders 2005</i>	
<i>Export Control (Fish and Fish Products) Orders 2005</i>	
<i>Export Control (Meat and Meat Products) Orders 2005</i>	
<i>Export Control (Milk and Milk Products) Orders 2005</i>	
<i>Export Control (Plants and Plant Products) Orders 2005</i>	
<i>Export Control (Prescribed Goods – General) Order 2005</i>	
<i>Marine Orders Part 30, Issue 7 (Order No. 4 of 2005)</i>	
<i>Marine Orders Part 41, Issue 7 (Order No. 7 of 2005)</i>	
<i>Marine Orders Part 94, Issue 4 (Order No. 5 of 2005)</i>	
<i>Marine Orders Part 95, Issue 4 (Order No. 6 of 2005)</i>	
<i>Maritime Transport and Offshore Facilities Security Amendment Regulations 2005 (No. 1)</i>	<i>Maritime Transport and Offshore Facilities Security Regulations 2003</i>
<i>Petroleum Resource Rent Tax Assessment Regulations 2005</i>	

EXISTING JURISDICTION AMENDED

The enactments listed in the left column have amended the Tribunal's existing jurisdiction to review decisions under the enactment or enactments listed in the right column. The enactments have either extended the Tribunal's jurisdiction or reduced the number of decisions subject to review.

Amending enactment	Affected enactment
<i>Aboriginal and Torres Strait Islander Commission Amendment Act 2005</i>	<i>Aboriginal and Torres Strait Islander Act 2005</i>
<i>Aged Care Amendment (2005 Measures No. 1) Act 2006</i>	<i>Aged Care Act 1997</i>
<i>Aged Care Amendment (Extra Service) Act 2005</i>	<i>Aged Care Act 1997</i>
<i>Aged Care Amendment (Transition Care And Assets Testing) Act 2005</i>	<i>Aged Care Act 1997</i>
<i>Australian Passports (Transitionals and Consequentials) Act 2005</i>	<i>Passports Act 1938 (now known as Foreign Passports (Law Enforcement and Security) Act 2005)</i>
<i>Australian Wine and Brandy Corporation Amendment Regulations 2005 (No. 2)</i>	<i>Australian Wine and Brandy Corporation Regulations 1981</i>
<i>Aviation Transport Security Amendment Regulations 2005 (No. 4)</i>	<i>Aviation Transport Security Regulations 2005</i>
<i>Aviation Transport Security Amendment Regulations 2006 (No. 2)</i>	<i>Aviation Transport Security Regulations 2005</i>
<i>Aviation Transport Security Amendment Regulations 2006 (No. 3)</i>	<i>Aviation Transport Security Regulations 2005</i>
<i>Bankruptcy Amendment Regulations 2006 (No. 1)</i>	<i>Bankruptcy Regulations 1996</i>
<i>Broadcasting Services Amendment (Subscription Television Drama and Community Broadcasting Licences) Act 2006</i>	<i>Broadcasting Services Act 1992</i>
<i>Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001</i>	<i>Customs Act 1901</i>
<i>Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Act 2004</i>	<i>Customs Act 1901</i>
<i>Defence Determination 2002 (Employer Support Payments) Amendment Determination 2005 (No. 1)</i>	<i>Defence Determination 2002 (Employer Support Payments) (now known as Defence (Employer Support Payments) Determination 2005)</i>
<i>Family Assistance, Social Security and Veterans' Affairs Legislation Amendment (2005 Budget and Other Measures) Act 2006</i>	<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>
<i>Federal Court of Australian Amendment Regulations 2006 (No. 1)</i>	<i>Federal Court of Australia Regulations 2004</i>

Amending enactment	Affected enactment
<i>Great Barrier Reef Marine Park Amendment Regulations 2005 (No. 3)</i>	<i>Great Barrier Reef Marine Park Regulations 1983</i>
<i>Great Barrier Reef Marine Park Amendment Regulations 2006 (No. 1)</i>	<i>Great Barrier Reef Marine Park Regulations 1983</i>
<i>Health and Other Services (Compensation) Amendment Act 2006</i>	<i>Health and Other Services (Compensation) Act 1995</i>
<i>Maritime Transport Security Amendment Act 2005</i>	<i>Maritime Transport and Offshore Facilities Security Act 2003</i>
<i>Tax Laws Amendment (2004 Measures No. 1) Act 2004</i>	<i>Taxation Administration Act 1953</i>
<i>Tax Laws Amendment (2005 Measures No. 4) Act 2005</i>	<i>A New Tax System (Wine Equalisation Tax) Act 1999</i> <i>Taxation Administration Act 1953</i>
<i>Tax Laws Amendment (2006 Measures No. 3) Act 2006</i>	<i>Income Tax Assessment Act 1997</i>
<i>Tax Laws Amendment (Improvements to Self Assessment) Act (No. 2) 2005</i>	<i>Income Tax Assessment Act 1936</i> <i>Taxation Administration Act 1953</i>
<i>Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Act 2005</i>	<i>Telecommunications Act 1997</i>
<i>Therapeutic Goods Amendment Act (No. 1) 2006</i>	<i>Therapeutic Goods Act 1989</i>

JURISDICTION REMOVED

The enactments listed in the left column have repealed an enactment that provided for merits review by the Tribunal or removed the Tribunal's jurisdiction under an enactment which continues to exist. The affected enactment is noted in the right column.

Repealing enactment	Affected enactment
<i>Australian Sports Anti-Doping Authority Agency (Consequential and Transitional Provisions) Act 2006</i>	<i>Australian Sports Drug Agency Regulations 1999</i>
<i>Export Control (Dairy, Eggs and Fish) Orders 2005</i>	<i>Export Control (Processed Food) Orders 1992</i>
<i>Export Control (Fish and Fish Products) Orders 2005</i>	<i>Export Control (Dairy, Eggs and Fish Products) Orders 2005</i>
<i>Export Control (Meat and Meat Products) Orders 2005</i>	<i>Export Meat Orders 1985</i>
<i>Export Control (Plants and Plant Products) Orders 2005</i>	<i>Export Control (Dried Fruits) Orders Grains, Plants and Plant Products Orders</i>
<i>Export Control (Prescribed Goods — General) Order 2005</i>	<i>Prescribed Goods (General) Orders</i>
<i>Export Market Development Grants Legislation Amendment Act 2006</i>	<i>Export Expansion Grants Act 1978</i>
<i>Financial Framework Legislation Amendment Act (No. 1) 2006</i>	<i>Employment Services Act 1994</i>
<i>Marine Orders Part 30, Issue 7 (Order No. 4 of 2005)</i>	<i>Marine Orders Part 30, Issue 6</i>
<i>Marine Orders Part 94, Issue 4 (Order No. 5 of 2005)</i>	<i>Marine Orders Part 94, Issue 3</i>
<i>Marine Orders Part 95, Issue 4 (Order No. 6 of 2005)</i>	<i>Marine Orders Part 95, Issue 3</i>
<i>National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Act 2005</i>	<i>National Occupational Health and Safety Commission Act 1985</i>
<i>Passports Repeal Regulations 2005</i>	<i>Passports Regulations 1939</i>
<i>Statute Law Revision Act 2006</i>	<i>Bounty and Capitalisation Grants (Textile Yarns) Act 1981 Bounty (Bed Sheeting) Act 1977 Bounty (Books) Act 1986 Bounty (Citric Acid) Act 1991 Bounty (Computers) Act 1984 Bounty (Fuel Ethanol) Act 1994 Bounty (Machine Tools and Robots) Act 1985 Bounty (Photographic Film) Act 1989 Bounty (Printed Fabrics) Act 1981 Liquefied Petroleum Gas (Grants) Act 1980</i>

Appendix 6: Decisions of interest

The following summaries of Tribunal decisions provide an idea of the types of issues raised in the Tribunal's major jurisdictions and highlight some of the more important or interesting decisions delivered during the reporting year.

ENVIRONMENT

Re The International Fund For Animal Welfare (Australia) Pty Ltd & Ors and Minister for Environment and Heritage & Ors

[2005] AATA 1210; 7 December 2005

[2006] AATA 94; 6 February 2006

Justice GK Downes, AM, QC; Senior Member G Ettinger; Dr I Alexander, Member

Whether eight Asian elephants should be imported into Australia — Whether any further conditions should be attached to the import permit

The operators of Melbourne Zoo and Taronga Zoo in Sydney applied to the Minister for the Environment and Heritage for permits to import eight Asian elephants from Thailand. The zoos also jointly applied to the Minister for approval of a Captive Management Plan as a cooperative conservation program.

The Minister approved the Plan and issued the permits subject to conditions under the *Environment Protection and Biodiversity Conservation Act 1999*. The International Fund for Animal Welfare (Australia) Pty Ltd, Humane Society International Inc and RSPCA Australia Inc applied to the Tribunal for review of the decisions to issue the permits.

The critical issues to be determined by the Tribunal were:

- (i) whether the importation of the elephants will be detrimental to, or contribute to trade which is detrimental to, the survival or recovery in nature of Asian elephants;
- (ii) whether the elephants were obtained in contravention of, or their importation would involve the contravention of, any law;
- (iii) whether the elephants are being imported for the purposes of conservation breeding or propagation and not primarily for commercial purposes; and
- (iv) whether the zoos are suitably equipped to manage, confine and care for the animals, including meeting their behavioural and biological needs.

The Tribunal received detailed evidence in relation to the proposed facilities at both zoos, including the size and features of the various enclosures and barns. The Tribunal and the parties' representatives visited both sites. Evidence was given by 17 expert witnesses. Witnesses whose evidence related to similar areas of knowledge gave evidence concurrently. A number of overseas witnesses participated by videoconference or telephone.

In relation to the potential impact of this importation on the survival or recovery in nature of Asian elephants, the evidence before the Tribunal was that there are approximately 4,600 elephants in Thailand: approximately 2,900 in captivity and approximately 1,700 in the wild. While accepting that there may be elephants in captivity that were born in the wild, the Tribunal was satisfied on the evidence that the elephants proposed for importation had most likely been born in captivity. The Tribunal noted that there was no evidence of any direct relationship between the capture and sale of wild elephants and the export of elephants from Thailand, nor of any immediate threat to the population of either wild or captive elephants in Thailand. The Tribunal was satisfied that the proposed importation would not be detrimental to, nor contribute to trade which is detrimental to, the survival or recovery in nature of Asian elephants.

As to the lawfulness of the importation, the Tribunal held that the importation would not contravene any relevant law. In particular, there would be no contravention of Australian law if the elephants are imported pursuant to a permit.

In relation to the purposes for which the elephants are being imported, the purpose relied on by the zoos was “conservation breeding or propagation”. The Tribunal considered expert evidence relating to the breeding of elephants in captivity. While noting that difficulties may arise, the Tribunal was satisfied that the program proposed in the Captive Management Plan is a bona fide program that has the object of establishing a breeding population of Asian elephants in Australia. While the zoos also intend to exhibit the elephants, the existence of this further purpose, which alone would not be sufficient to allow for importation, does not invalidate the importation for a permissible purpose.

The Tribunal was also required to be satisfied that the importation is not primarily for commercial purposes. The Tribunal noted that the primary purposes of the zoos include research, education and breeding: their primary activities do not involve commercial purposes. The Tribunal accepted that part of the reasoning of the zoos in seeking to import the elephants is that they will be exhibited and are likely to increase the visitors to the zoos. However, the Tribunal was satisfied that the importation of the elephants is not primarily motivated by earning more income, but to educate and expose the public to environmental and conservation issues.

In relation to the welfare of the elephants, the Tribunal recognised that care and management will occur in circumstances of confinement. Meeting the biological and behavioural needs of the elephants does not require natural conditions but assumes captivity. The Tribunal was satisfied that, subject to further evidence to be given in relation to a number of aspects of the facilities available, the zoos are suitably equipped as required by the legislation to manage, confine and care for the elephants, including their behavioural and biological needs. While the space available for the elephants is not large, the Tribunal held that it is adequate to satisfy the legislative requirements, particularly when proposals for training and requiring the elephants to emulate certain tasks undertaken in the wild are taken into account. While it would be desirable for the elephants

to be members of the same family, the Tribunal noted that this would not be feasible. Each of the elephants had been separated from its family for a long time. The proposal to group the elephants in each zoo under a matriarch was considered to be positive in terms of the welfare requirement.

The Tribunal sought further evidence from the zoos in relation to a range of aspects of the facilities for the elephants, including:

- the availability of mud wallows and sand or sandy loam banks for the elephants to use; and
- the state of the indoor flooring and the extent to which it would encourage the elephants to lie down.

Following the receipt of this further evidence, the Tribunal was satisfied that the zoos had adequately addressed the areas of concern. The Tribunal set aside the decisions of the Minister and substituted new decisions to issue replacement permits for the importation of the elephants with the conditions specified in the original permits, together with a number of additional conditions. These included requirements for further works on the enclosures and barns, undertaking trials of different bedding material, the installation of closed circuit television camera in the enclosures and barns and the provision of reports to the Department of the Environment and Heritage on actions taken.

Re Humane Society International and Minister for the Environment and Heritage

[2006] AATA 298; 3 April 2006

Deputy President H Olney, AM, QC; Senior Member J Kelly; Mr IR Way, Member

Whether fishing operations in the Southern Bluefin Tuna Fishery should be declared to be an approved wildlife trade operation

In November 2004, the Minister for the Environment and Heritage made a declaration approving fishing operations in the Southern Bluefin Tuna Fishery as an approved wildlife trade operation under the *Environment Protection and Biodiversity Conservation Act 1999*. The Minister also amended a list of exempt native specimens

to include fish taken in the fishery. The effect of making these instruments was that it is not an offence to export southern bluefish tuna that have been caught in the fishery while the declaration remains in force. The Humane Society International applied for review of the decision to make the declaration.

Southern bluefin tuna is a highly migratory fish. It can live up to 40 years and grows up to two metres in length. It is one of the most highly valued fish for sashimi, particularly in Japan, which is the main market for the fish. Southern bluefin tuna has been fished since the 1950s and, by the early 1980s, there were signs that the breed was dangerously overfished.

In 1989, Japan, Australia and New Zealand agreed to set informal catch limits, which led to substantial reductions in take. In 1994, Australia, Japan and New Zealand entered into the Convention for the Conservation of Southern Bluefin Tuna. A major function of the Commission, established under the Convention, is to decide upon a total allowable catch and its allocation among the member countries. The Commission also asks certain non-member countries to abide by specified catch limits.

The Australian Southern Bluefin Tuna Fishery is managed by the Australian Fisheries Management Authority (AFMA). AFMA is responsible for determining Australia's national catch allocations in a manner consistent with domestic and international legal obligations.

The legislation sets out that the Minister must not declare an operation to be an approved wildlife trade operation unless it is satisfied that:

- the operation is consistent with the objects of the part of the Act dealing with the international movement of wildlife specimens;
- the operation will not be detrimental to the survival of, or conservation status of, a taxon to which the operation relates; and

- the operation will not be likely to threaten any relevant ecosystem, including, but not limited to, any habitat or biodiversity.

The Minister must also have regard to the significance of the impact of the operation on an ecosystem and the effectiveness of the management arrangements for the operation, including monitoring procedures.

In considering whether to make a declaration, the Minister can take into account a range of relevant matters but is required to rely primarily on the outcomes of any assessment carried out under the Act in relation to the fishery. A relevant assessment of the Southern Bluefin Tuna Fishery was undertaken by AFMA. The following principles guided the assessment:

- that the fishery is conducted in a manner that does not lead to overfishing or, for those stocks that are over fished, the fishery must be conducted such that there is a high degree of probability that stocks will recover;
- fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.

In relation to the first principle, AFMA concluded that there is a strong, verifiable framework to ensure that the fishery is conducted in a manner that Australia meets its national and international obligations. AFMA was also satisfied that there is a high chance of achieving the objective set out in the second principle.

Over the course of six hearing days, the Tribunal received a large amount of oral and documentary evidence. In particular, evidence was given by a number of experts and senior government officials relating to the impact of the fishing operations and the international context in which Australia manages the Southern Bluefin Tuna Fishery.

The Tribunal noted that this area of decision-making concerns a field of endeavour that is highly specialised and equally highly uncertain. The evidence and opinions of skilled scientists and others intimately involved in the particular field

is critical to the decision. The statutory requirement that the Minister, and the Tribunal on review, rely primarily on the outcomes of any assessment carried out under the Act reflects this.

The Tribunal concluded that its process had provided an opportunity to consider the outcomes expressed in the assessment undertaken by AFMA. The Tribunal held that it was appropriate to give effect to the legislative intention that the Tribunal rely primarily on that assessment in reviewing the Minister's decision. The Tribunal held that it was satisfied as to each of the statutory preconditions to making the declaration and affirmed the Minister's decision.

IMMIGRATION

Re Priori and Minister for Immigration and Multicultural and Indigenous Affairs

[2005] AATA 1288; 22 December 2005
Member S Webb

Whether the visa applicant passes the character test — Whether the visa should be refused on the basis that he fails the character test

The visa applicant, an Albanian, was born in Kosovo in 1983. In 1999, he and his brother fled Serbia at the urging of their parents to escape persecution at the hands of the Serbian military. The brothers travelled first to Belgium where the visa applicant was issued with two certificates by Belgian authorities, both in false names. The brothers entered Australia in November 1999 using bogus documents. They were assisted by a man known only as 'Arif'.

The visa applicant, using his real name, lodged an application for a protection visa, which was refused on 22 November 2000. The Refugee Review Tribunal affirmed the decision in 2001 on the basis that the situation in Kosovo had undergone radical changes for the better. An application for judicial review and a request to the Minister to exercise her residual discretion were unsuccessful. The visa applicant departed Australia in March 2004.

In May 2002, the visa applicant had met Ms Priori. They began living together in March 2003 and were engaged to be married. On his return to Europe, the visa applicant applied for a prospective marriage visa. In May 2004, he was advised that the application had been refused on character grounds pursuant to section 501 of the *Migration Act 1958*. Mr Priori applied to the Tribunal for review of the decision.

The Tribunal considered whether the visa applicant failed to pass the character test on either of the following grounds:

- the visa applicant had an association with 'Arif', a man whom the Minister reasonably suspected was involved in criminal conduct; and
- the visa applicant was not of good character because of his general conduct in that he used a false passport, entered Australia with the assistance of a people smuggler, obtained permission to remain in Belgium on the basis of a false identity and engaged in work contrary to the conditions of his bridging visa.

The Tribunal noted that, only if it found that the visa applicant did not pass the character test, would it be necessary to consider whether the discretion not to refuse the visa should be exercised in his favour.

The Tribunal found that 'Arif' was a person reasonably suspected of involvement in criminal conduct. The Tribunal accepted the evidence of the visa applicant that it was his older brother who dealt directly with 'Arif', that he had no knowledge that the destination of choice was to be Australia and that he knew nothing of international laws, having the benefit of only limited education. The Tribunal noted that the visa applicant was just 15 years of age at the time. The Tribunal described the relationship between the visa applicant and 'Arif' as a 'tenuous, indirect and exploitative relationship for profit between a child victim and an adult perpetrator'. Further, the degree, frequency, duration and nature of the visa applicant's involvement with 'Arif' satisfied the Tribunal that the association was not one contemplated by the Act.

In relation to the visa applicant's past and present general conduct, the Tribunal found that the visa applicant's age and dire circumstances led him to follow the advice he had been given by adults to provide false identity details to the Belgian authorities. The Tribunal was not satisfied that this conduct pointed to any deficiency of good character. In relation to the issue of whether the visa applicant worked in breach of the bridging visa requirements, the Tribunal was not persuaded on the evidence before the Tribunal that this had occurred. The Tribunal was satisfied, however, that the visa applicant had engaged in 'bad conduct' by obtaining and entering Australia using bogus documents, providing false information to immigration officials on arrival in Australia and seeking to conceal his use of a false identity in Belgium.

In considering whether this conduct was a sufficient basis to conclude that the visa applicant was not of good character, the Tribunal noted that the need for non-citizens to demonstrate a high degree of honesty and integrity in their dealings with Australian immigration authorities had been the subject of comment in previous cases. However, the Tribunal also referred to the statement of the Full Court of the Federal Court in *Goldie v Minister for Immigration and Multicultural Affairs* (1999) 56 ALD 321 that the concept of good character in section 501 is concerned with whether a person's character in the sense of his or her enduring moral qualities 'is so deficient as to show it is for the public good to refuse entry'. The Tribunal considered any countervailing factors relevant to the 'bad conduct' and any recent 'good conduct'.

The Tribunal accepted that a person claiming to be in fear for their life and safety may lie in an effort to advance a claim for protection 'without necessarily laying bare any enduring deficiency of integrity or character'. The Tribunal was satisfied that the visa applicant's actions were those of a traumatised child. With regard to 'good conduct', the Tribunal noted that the visa applicant applied for a protection visa in his real name two weeks after arriving in Australia, he complied with the

conditions attached to his bridging visa, he formed strong attachments with the Albanian community and had developed strong bonds with Ms Priori's family.

The Tribunal was satisfied that the visa applicant's 'good conduct' outweighed his reprehensible conduct, a conclusion consistent with what the Australian community would expect. The Tribunal set aside the Minister's decision and remitted the matter with the direction that the visa applicant did not fail the character test under section 501 of the *Migration Act 1958*.

INSURANCE

Re Slee and Australian Prudential Regulation Authority

[2006] AATA 206; 6 March 2006

Deputy President RNJ Purvis, AM, QC; Senior Member G Ettinger

*Whether Mr Slee should be disqualified from holding any appointment as an actuary —
Whether the Tribunal should publish its decision identifying Mr Slee*

Mr Slee was the consulting actuary for HIH Insurance Limited for a number of years including between January 1997 and March 2001. In 2004, the Australian Prudential Regulation Authority (APRA) decided that Mr Slee should be disqualified from holding any appointment as an actuary of a general insurer under section 44 of the *Insurance Act 1973*. Mr Slee applied to the Tribunal for review of this decision.

The power to disqualify a person from acting as an auditor or actuary of a general insurer under section 44 of the *Insurance Act 1973* may be exercised only if the person:

- has failed to perform adequately and properly the functions and duties of such an appointment as set out in either the Insurance Act or the Prudential Standards;
- otherwise does not meet one or more of the criteria for fitness and propriety set out in the Prudential Standards; or

- does not meet the eligibility criteria for such an appointment as set out in the Prudential Standards.

Before the Tribunal, APRA argued that Mr Slee had not demonstrated competence in the conduct of business duties within the meaning of General Prudential Standard 220 issued by APRA under section 32 of the *Insurance Act 1973*. It was contended that Mr Slee had not complied with relevant professional standards and the more general standard of professional care and diligence expected of a reasonable and competent actuary in the performance of the work in question. The professional standards were said to be contained in the Code of Conduct for Actuaries and Professional Standard 300 issued by the Australian Institute of Actuaries.

Mr Slee argued that his retainer by HIH Insurance Limited was of a more limited nature than APRA contended and that he was not necessarily required to comply with Professional Standard 300. While there was no written document evidencing any contract or retainer between Mr Slee and HIH Insurance Limited, the Tribunal was satisfied on the basis of the documentation before it that Mr Slee had been retained to provide advice of a broader nature. Further, Mr Slee was required to comply with the Code of Conduct for Actuaries and Professional Standard 300. Failure to carry out his work in a manner consistent with them may evidence a lack of competence on his part as an actuary.

Mr Slee's position was that nevertheless he had complied with the requirements of the Code of Conduct and the Professional Standard. Even if he had not complied fully with the requirements, his omissions were not such as to lead to disqualification.

The Tribunal received evidence in relation to the role of an actuary in advising an insurer. It examined Mr Slee's conduct in relation to three financial periods during 1999 and 2000 and considered a number of reports that he had prepared during that time.

The Tribunal found that Mr Slee advised HIH Insurance Limited as to figures for central estimates of outstanding claims liability that did not have a 50 per cent chance of being accurate. He inappropriately assessed future claim handling costs and placed uncritical reliance on the opinion of management. Mr Slee provided inadequate documentation in his reports and failed to provide the basis for his estimates.

The Tribunal was satisfied that Mr Slee did not demonstrate competence such as to satisfy the requirements of fitness and propriety for actuaries under the General Prudential Standard 220. He failed to adhere to relevant professional standards and did not exercise the professional care and diligence expected of a reasonable and competent actuary. The Tribunal noted that this finding was no attack upon Mr Slee's honour or character but rather his competence, skill and ability to carry out the obligations of an actuary.

Mr Slee's application was heard in private in accordance with the requirement set out in section 63 of the *Insurance Act 1973*. The Tribunal considered whether the decision should be released in full with all parties identified. The Tribunal held that the requirement to hear the application in private did not prohibit it from publishing its reasons and identifying the applicant. To construe the provision otherwise would be contrary to public policy, open justice and the policy of the *Insurance Act 1973* in enabling disqualification. The Tribunal reasoned that, given the purpose of the disqualification power is to protect the public, it is important for the insurance industry and other interested parties to be informed of the status of participants.

The Tribunal affirmed the decision under review.

SOCIAL SECURITY

Re Secretary, Department of Employment and Workplace Relations and QX2006/1

[2006] AATA 372; 28 April 2006

Deputy President PE Hack, SC and
Member MJ Carstairs

Whether an overpayment of benefits occurred where the claimant used an assumed identity without any intention to defraud – Whether any overpayment should be waived

The respondent was born in March 1956. From June 1988, he commenced using another name. He obtained a driving learner's permit, opened a bank account and was sentenced to a term of imprisonment under the assumed name. The respondent's explanation for using another name was that he was part of a witness protection program and had been urged to assume a new identity by an unnamed but now deceased member of the Victorian Police. The Tribunal was satisfied that the respondent genuinely believed he was at risk and did not assume the new identity for any nefarious purpose.

Between June 1992 and April 2005, the respondent claimed for, and received, a range of social security benefits, including special benefit, job search allowance, newstart allowance and disability support pension. The respondent lodged the claims under the assumed name and gave a date of birth in May 1953. In the claim form for special benefit, he gave no answer to a question asking for his full name at birth. In the claim form for disability support pension, he ticked the 'No' box in relation to whether he had had any other name.

In June 2004, Centrelink commenced an investigation into the respondent's identity. He was interviewed and provided his birth name and family details, expressing concern that details regarding his birth name were contained in certain records. Centrelink cancelled payment of the disability support pension and invited the respondent to lodge an application using his 'true and correct' name. He did so and the disability support pension was granted with effect from 5 May 2005.

Overpayments were raised against the respondent amounting to more than \$120,000. On review, the Social Security Appeals Tribunal determined that the respondent had not been overpaid. The Secretary, Department of Employment and Workplace Relations sought review of this decision.

The Secretary argued that, because the respondent claimed benefits under an assumed identity, he was not entitled to be paid those benefits and must repay them. This was so even though the Secretary conceded that, if the respondent had applied for the benefits in his birth name, he would have received those benefits in the amount that he in fact received.

The Tribunal identified the provisions of the *Social Security Act 1991* that govern whether an overpayment of benefits had occurred at the relevant times and noted that the issues for determination were:

- whether a false statement or false representation (or misrepresentation) had been made;
- whether there had been a failure or omission to comply with (or contravention of) the social security law; and
- if either or both of these were answered in the affirmative, whether a social security payment was made because of (or as a result of) such matters.

If there was a debt, the Tribunal would then consider whether it should be waived under section 1237AAD of the *Social Security Act 1991*.

The Tribunal noted that it is well settled in case law that a person may assume and use another name provided its use is not calculated to deceive or cause pecuniary loss. The respondent was entitled to use a name other than his birth name and this did not involve the making of a false statement, false representation or misrepresentation.

However, the Tribunal was satisfied that the provision of a date of birth in May 1953 on the claim forms did constitute a false statement.

The respondent's failure to answer the question asking for his full name at birth was an omission conveying a false representation that the name given on the form was his birth name. Further, the negative answer to the question as to whether the respondent had had any other names was a false statement. These actions constituted a failure to comply with the social security law.

The Tribunal considered the proper construction of the overpayment provisions and held that falsity must be material to the payments made. That is, it must be shown that the payments would not have been made, either at all or in the same amount, had the true position been revealed. The Tribunal found that the payments received by the respondent were not paid because of, or as a result of, any falsity. The amounts would have been paid even if his 'true' position had been known. On this basis, the Tribunal found that no overpayment was made.

The Tribunal held that, had it been necessary to consider the question of waiver, it would have been of the view that each of the matters in section 1237AAD was established and that the debt should be waived. In particular, the debt did not result wholly or partly from the respondent making a false statement or false representation or knowingly failing or omitting to comply with a provision of the legislation.

The Tribunal was satisfied that the fact that the payments made were identical to those to which the respondent would have been entitled had he applied in his own name constituted special circumstances that would make it desirable to waive the debt.

The Tribunal affirmed the decision under review.

TAXATION

Re South Sydney Junior Rugby League Club Limited and Commissioner of Taxation

[2006] AATA 265; 21 March 2006
Deputy President J Block

Whether the Club is exempt from income tax on the basis that it is established for the encouragement of a game or sport

The South Sydney Junior Rugby League Club (the Club) is a highly profitable licensed club. The Commissioner of Taxation decided that the Club was not exempt from income tax for the financial years from 1999–2000 to 2002–03. The Club sought review of this decision arguing that, while it is a highly profitable organisation, its main purpose during the relevant years was the encouragement of rugby league.

Division 50 of the *Income Tax Assessment Act 1997* defines the range of entities that are exempt from the requirement to pay income tax. Pursuant to sections 50-1 and 50-45, a society, association or club established for the encouragement of a game or sport will be regarded as an exempt entity subject to certain conditions. The conditions were not in issue in this case.

The Federal Court has considered on a number of occasions whether clubs of a similar kind are eligible for tax-exempt status. In *Cronulla-Sutherland Leagues Club Ltd v Commissioner of Taxation* (1990) 23 FCR 82, the Full Court of the Federal Court held that, in order for a club to qualify for the exemption, the club's main object or purpose must be to encourage or promote an athletic game or athletic sport in which human beings are the sole participants. Any other activities must be regarded as incidental, ancillary or secondary to its devotion to sport. The Court determined that the Cronulla–Sutherland Leagues Club was not eligible for the exemption.

In *St Mary's Rugby League Club Ltd v Commissioner of Taxation* (1997) 36 ATR 281, the Federal Court held that the club did meet the exempt entity requirements. Although the social

activities of the club were significant, they were subordinate to the activities of the club in encouraging and promoting rugby league. Of particular note was the number of teams the club fielded, the provision of a sporting field and evidence that persuaded the court that people were drawn to membership because of their involvement or interest in rugby league.

The Tribunal considered a significant amount of evidence relating to the activities of the Club and found that they ranged from providing entertainment and extensive gaming facilities to a tourist hotel and a facility for home and business loans. The Tribunal also considered the Club's relationship with a number of associated entities, including the South Sydney District Junior Rugby Football League Limited, which administers junior rugby league in South Sydney, and the Souths Juniors Sporting Association Limited, which was a vehicle for investing money to generate income for rugby league activities.

The Club admitted that its principal activity was the operation of a licensed club but contended that its revenue-raising activities encouraged rugby league to the extent required by the legislation. It referred the Tribunal to:

- substantial cash donations made to the junior and senior rugby league clubs; and
- contributions made to the maintenance of a field even though it did not provide a field itself.

The Club contended that there were crucial factual differences between its operations and those of the Cronulla–Sutherland Leagues Club:

- the Club in this case was under the control of the South Sydney District Junior Rugby Football League Limited, which must appoint four of the seven directors of the Club pursuant to the Club's Articles of Association;
- the Club provided significantly more direct financial support to the football clubs than was the case with the Cronulla–Sutherland Leagues Club; and

- the Club provided extensive non-cash support to the South Sydney District Junior Rugby Football League Limited.

The Club also noted that the Commissioner granted the exemption in the 2003–04 financial year.

The Tribunal held that the fact that the Club was granted an exemption in 2003–04 was not relevant to considering eligibility during the earlier years. Further, the Tribunal was not satisfied that the Souths Juniors Sporting Association Limited's financial results should be consolidated with those of the Club. Even if they were, the Tribunal did not consider that there would be a material difference to the outcome.

The Tribunal noted that the amount of money distributed by the Club is relevant to the question of whether the entity is exempt but not determinative. While it was satisfied that the Club made substantial cash donations to the South Sydney District Junior Rugby Football League Limited, the Tribunal was unable to determine the precise proportion of profits devoted to rugby league and did not consider them to be as high as claimed by the Club. The evidence before the Tribunal did not allow for the proper calculation of the provision of non-cash support by the Club.

In relation to the availability of a field, the Tribunal noted that, while the Club contributed to the maintenance of a field, it did not make a field available for rugby league at a nominal cost as did Cronulla–Sutherland Leagues Club. Nor does the Club field any teams itself.

The Tribunal found that, while the directors of the Club were involved in rugby league, there was no evidence that the members or a substantial body of them were interested in rugby league to any significant extent. The Tribunal considered it likely that the members were primary or solely interested in the numerous and various benefits offered to members. A significant number of non-members used the Club's facilities and it was suggested that they were only interested in the facilities on offer. The Tribunal did not accept that

the Club was seeking to maximise its profits in order to benefit rugby league. Profits were retained to expand and diversify the activities of the Club in the interests of its members.

The Tribunal held that rugby league was not the main object or even an object equal to that of the licensed club itself during the relevant years. The Tribunal held that the Commissioner of Taxation's decision should be affirmed.

VETERANS' AFFAIRS

Re Wild and Repatriation Commission

[2005] AATA 670; 13 July 2005

Senior Member BJ McCabe

Whether conditions suffered by the veteran are related to his service aboard the HMAS Melbourne

Mr Wild had two periods of operational service on board the HMAS *Melbourne* between 1959 and 1962. He performed a variety of roles in relation to the aircraft that landed and took off from the aircraft carrier. During his second period of operational service, Mr Wild served as a 'hook-man'.

The role of hook-man was regarded as one of the most dangerous jobs on an aircraft carrier. Aircraft would approach the ship at a speed of about 120 miles per hour. Pilots relied on mirrors and signals from the flight-deck to negotiate the approach towards the narrow flight-deck that might be pitching and rolling according to the conditions. Six thick cables were strung out across the deck. The pilot would land so as to catch one of the cables on a hook attached to the plane's fuselage and halt the plane. Ideally, a pilot would catch the first or second cable. Less tidy landings would rely on cables laid further down the flight-deck.

As a plane touched down and picked up an arrestor cable, the hook-man would run towards where the aircraft would likely come to rest. If the aircraft was a Sea Venom jet, there was an automatic hook release. If the automatic release malfunctioned, the hook-man might have to manually release the cable from the hook. The Gannet propeller-driven planes did not have any automatic release mechanism. The hook-man was required to run

in behind the aircraft and wrestle the wire from the hook. He had to take care to dodge propellers, remain balanced on the sometimes heaving deck and stay clear of propeller wash and exhaust fumes. Sometimes the aircraft were armed. Occasionally rockets would malfunction and an aircraft would land with a rocket hanging loose from its bracket on the wing.

Mr Wild claimed he suffered stress and anxiety during his work as a hook-man. This contributed to the development of post traumatic stress disorder (PTSD). He drank to relieve the stress and developed an alcohol abuse problem, which led to gastro-oesophageal reflux disease. On the medical evidence, the Tribunal was satisfied that Mr Wild suffered from all three conditions.

The Repatriation Commission argued that the material before the Tribunal did not point to a hypothesis connecting Mr Wild's service with his conditions. In particular, there was no identifiable event or incident that could be identified as a factor in the development of PTSD or the alcohol abuse condition for the purposes of the relevant Statements of Principles. Relying on the decision of the Full Court of the Federal Court in *Repatriation Commission v Stoddart* (2003) 134 FCR 392, the Repatriation Commission argued that very stressful jobs cannot give rise to a threat of injury or death if the risk of harm only arises when something goes wrong. In the absence of evidence that something has gone wrong, a person in Mr Wild's position with his training and background would not perceive there to be a threat.

The Tribunal considered that Mr Wild's job comprised a series of events within the meaning of the relevant Statements of Principles. The decision in *Stoddart* required the Tribunal to have regard to how a person with Mr Wild's background and experience would perceive those events. The Tribunal noted Mr Wild's evidence that he was terrified every time he went onto the flight-deck and that he was always conscious of the risk of death or serious injury. The evidence suggested that his job exposed him to more serious threats than other service jobs and the risk of things going wrong was high, particularly

at night and in rough seas. While people performing dangerous jobs might be expected to be prepared for, or become accustomed to, the risks they faced whether because of temperament, training or experience, Mr Wild did not volunteer for the position and the training was limited. The Tribunal was satisfied that the material pointed to a hypothesis linking Mr Wild's service to his claimed conditions.

The Tribunal then considered whether the hypothesis raised by Mr Wild was consistent with the Statements of Principles for the claimed conditions. In relation to PTSD, the Tribunal was satisfied that any person with Mr Wild's experience, training and background would reasonably perceive the events involved in his work as threats of death or serious injury. The material supported the contention that Mr Wild experienced a severe stressor, meeting one of the factors set out in the Statement of Principles.

The Tribunal noted that, if Mr Wild's PTSD was connected to service, the Statements of Principles concerning alcohol abuse and gastro-oesophageal reflux disease would also be met. The evidence was that Mr Wild's problem with alcohol started after he began work as a hook-man. One of the factors in the Statement of Principles is that the veteran was suffering from a psychiatric disorder at the time of the clinical onset of the condition. In relation to the reflux condition, the medical evidence was that the alcohol abuse condition was present at the time of the development of the disease. This met one of the factors in the Statement of Principles for the reflux condition.

The Tribunal accepted Mr Wild was an honest witness who did not exaggerate his story. As Mr Wild's hypothesis could not be disproved beyond reasonable doubt, the Tribunal was satisfied the three claimed conditions were war-caused. The Tribunal set aside the decision and remitted the matter to the Repatriation Commission to calculate the amount of pension payable.

WORKERS' COMPENSATION

Re Peisley and Telstra Corporation Limited

[2005] AATA 929; 26 September 2005

Justice GK Downes, AM, QC; Senior Member JW Constance; Dr MD Miller, Member

Whether various forms of overtime should be taken into account in calculating the amount of compensation payable to an injured worker

Mr Peisley was employed by Telstra as an installer/repairer when he injured his right shoulder at work in October 2002. Mr Peisley continued working on a restricted basis, one such restriction being that he could not work overtime.

Before his injury, Mr Peisley worked hours additional to his 'ordinary hours' in three different situations:

- (a) work after ordinary hours when extra time was needed to finish a job;
- (b) weekend work, which was usually arranged during the previous week; and
- (c) recall work, which was undertaken to complete urgent repair jobs.

In each situation, it was Mr Peisley's choice to undertake the additional work when the need arose. He was never directed to do overtime to which he had not agreed.

Telstra accepted liability to compensate Mr Peisley for the loss suffered as a result of the injury to his shoulder. In calculating his normal weekly earnings for the purposes of determining the amount of compensation to be paid, Telstra did not take into account the additional hours that Mr Peisley worked prior to the injury. Mr Peisley applied for review of Telstra's decision on the amount of compensation payable.

An employee's normal weekly earnings are calculated in accordance with section 8 of the *Safety, Rehabilitation and Compensation Act 1988*. It provides that an additional amount is to be included where an employee is required to work overtime on a regular basis.

Telstra argued that Mr Peisley had not been required to work overtime on a regular basis within the meaning of the Act.

The Tribunal noted that neither the Act nor the workplace agreements relating to Mr Peisley's employment defined 'overtime' but that the term is commonly understood to be work performed outside an employee's normal working hours. The Tribunal held that, for the purposes of section 8 of the Act, any work done outside normal hours is overtime.

In relation to whether Mr Peisley was 'required' to work overtime, Telstra argued that the Tribunal should follow the decision in *Re Zarb and Comcare* (1997) 48 ALD 718. In that case, it was held that the word 'required' involved the imposition, by the employer in an authoritative fashion, of an obligation upon the employee to work overtime. Considering the statutory context in which the provision appears and the beneficial nature of the Act, the Tribunal held that this interpretation should no longer be followed.

The Tribunal pointed out that each individual occasion on which overtime was worked was the result of an agreement between the parties. Once an agreement to do the work was in place, Mr Peisley was no longer simply a volunteer. It was the existence of this agreement, whether or not it amounted to a binding contractual obligation, which led to Mr Peisley working overtime and thus brings it within the normal usage of the word 'required'. The moment both Telstra and Mr Peisley agreed that he would do the work, he was required to undertake the work.

In considering whether Mr Peisley was required to work overtime 'on a regular basis', the Tribunal disagreed with the view expressed in *Re Zarb* that 'regular' means a uniform or symmetrical pattern of hours worked overtime, which can be described as usual or customary.

The Tribunal held that it is the requirement to work overtime not the overtime itself that must be considered. Use of the phrase 'on a regular basis' makes clear that it is the requirement to work

rather than the hours worked on any particular occasion that must be regular.

The Tribunal concluded that the additional hours worked by Mr Peisley should be taken into account in determining his normal weekly earnings for the purposes of the Act. On appeal, the Full Court of the Federal Court found no error in the Tribunal's interpretation of the relevant provisions of the Act.

Appendix 7: Freedom of information

FREEDOM OF INFORMATION STATEMENT

This statement is made in accordance with section 8 of the *Freedom of Information Act 1982* (FOI Act) and is correct as at 30 June 2006.

Subsections 8(1) and 8(3) of the FOI Act require Commonwealth agencies to publish the following information:

- the organisation and functions of the agency;
- arrangements that exist for outside participation in agency decision-making;
- the categories of documents that the agency possesses;
- how people can gain access to information held by the agency.

ORGANISATION AND FUNCTIONS

This statement should be read in conjunction with the detailed information contained in Chapter 2 of this report relating to the organisation, functions and powers of the Tribunal.

ARRANGEMENTS FOR PARTICIPATION IN AGENCY DECISION-MAKING

The Tribunal welcomes comments on the standard of the service it provides. The Service Charter sets out the ways in which comments or complaints in relation to its operations may be made.

The Tribunal's registries hold regular liaison meetings with Tribunal users, including representatives of government departments and agencies whose decisions are reviewed by the Tribunal, legal practitioners and other persons who appear regularly before the Tribunal, community legal centres, legal aid bodies, veterans' representative groups and other representative bodies. Liaison meetings provide an opportunity for the Tribunal to seek feedback from its users in relation to its operations generally but also in relation to specific proposals for change.

The Tribunal undertakes a consultative process in relation to any proposal for changes to its case management processes or to practice and procedure. Details of the proposed changes are made available on the Tribunal's website and sent to regular users and other key stakeholders for comment.

CATEGORIES OF DOCUMENTS

The Tribunal maintains the following categories of documents:

- paper files relating to applications under the *Administrative Appeals Tribunal Act 1975*, including all papers lodged or produced;
- paper files relating to requests for examinations under the *Proceeds of Crime Act 2002*;
- a computerised register of applications and requests for examinations;
- Tribunal decisions and reasons for decisions;
- lists of case events, including alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal and associated papers;
- Practice Directions issued by the President of the Tribunal;
- leaflets and other information materials relating to the review process, including the Getting Decisions Right video/DVD and an audio cassette containing general information on the Tribunal for the visually impaired;
- the Tribunal's Service Charter;
- Registry Procedures Manual, AATCAMS user manual, Tribunal jurisdiction list and other reference materials;
- administrative arrangements between the President of the Tribunal and the Commonwealth Ombudsman to facilitate mutual referral of matters where each body may have jurisdiction;
- administrative and personnel files, including statistical information on the Tribunal's operations;
- internal working documents and correspondence;
- annual reports on the Tribunal's operations;

- Personnel Directions to Staff; and
- Chief Executive Instructions under the *Financial Management and Accountability Act 1997*.

The following categories of documents are available free of charge on request:

- Practice Directions;
- leaflets and other written information materials relating to the review process; and
- Tribunal's Service Charter.

The following categories of documents are available for inspection upon request:

- public register of applications to the Tribunal produced from the Tribunal's case management system;
- Tribunal decisions and reasons for decisions that are not subject to a confidentiality order under section 35 of the *Administrative Appeals Tribunal Act 1975*;
- administrative arrangements between the President of the Tribunal and the Commonwealth Ombudsman to facilitate mutual referral of matters where each body may have jurisdiction;
- Getting Decisions Right video/DVD and audio cassette with general information on the Tribunal;
- Registry Procedures Manual, AATCAMS user manual, Tribunal jurisdiction list and other reference materials;
- annual reports on the Tribunal's operations;
- Personnel Directions to Staff; and
- Chief Executive Instructions.

The following documents are available for purchase by the public in accordance with arrangements set by the Tribunal:

- copies of Tribunal decisions and reasons for decisions; and
- Registry Procedures Manual.

A range of documents can be accessed free-of-charge on the Tribunal's website: www.aat.gov.au. In addition, many Tribunal decisions can be accessed free-of-charge through the AustLII website: www.austlii.edu.au.

FACILITIES FOR ACCESS

Facilities for examining documents and obtaining copies are available at each District Registry. Documents available free-of-charge upon request are available from the Tribunal at each registry. A public register search of applications made to the Tribunal is available through each registry.

FREEDOM OF INFORMATION PROCEDURES AND INITIAL CONTACT POINTS

Enquiries concerning access to documents relating to individual applications should be directed to the District Registrar in each Tribunal registry. Northern Territory residents should direct any enquiries to the Queensland Registry. Enquiries concerning access to other documents held by the Tribunal or general enquiries concerning freedom of information requests should be directed to the Assistant Registrar in Principal Registry.

Contact officers, addresses and telephone numbers are contained at the end of this annual report.

Appendix 8: Speeches, papers and other activities

This appendix provides information on speeches, papers and other presentations given by Tribunal members and staff during the reporting period.

Barton, GA (Member)

Administrative Appeals Tribunal [paper]
Taxation Institute of Australia
Perth, 24 November 2005

Bell, NP (Senior Member)

Understanding the Tribunal's Perspective [paper]
Legalwise Seminar
Sydney, 20 October 2005

Carins, L and Lacey, H (Conference Registrars)

Fair, Just, Economical, Informal and Quick: The Role of Conferencing and Other Forms of ADR in Achieving the AAT's Statutory Mission [paper]
2006 National Administrative Law Forum,
Australian Institute of Administrative Law Inc
Gold Coast, 23 June 2006

Downes, GK (President)

Future Directions [paper]
2005 Administrative Law Forum
Australian Institute of Administrative Law
Canberra, 1 July 2005

Speech
New South Wales State Legacy Conference
Sydney, 16 July 2005

Recent Amendments to the Administrative Appeals Tribunal Act 1975 [address]
Public Law Section, Victorian Commercial Bar Association
Melbourne, 8 August 2005

The Council of Australasian Tribunals: The National Perspective [address]
Annual Conference of the New South Wales Chapter of the Council of Australasian Tribunals
Sydney, 13 September 2005

Address
Forum of Commonwealth Agencies Network
15 September 2005

Why Does Australia Have a General Review Tribunal? [address]
New Zealand Chapter of the Council of Australasian Tribunals
Wellington, New Zealand,
7 October 2005

Expert Evidence: The Value of Single or Court-Appointed Experts [paper]
Australian Institute of Judicial Administration Expert Evidence Seminar
Melbourne, 11 November 2005

Finality of Administrative Decisions: The Ramifications of Minister for Immigration and Multicultural Affairs and Bhardwaj (2002) 209 CLR 597 [lecture]
Hartigan Memorial Lecture
Brisbane, 30 November 2005

Future Directions for the Administrative Appeals Tribunal [paper]
17th Australian Army Legal Corps Conference 2005
Canungra, Queensland, 6 December 2005

Structure, Power and Duties of the Administrative Appeals Tribunal of Australia [speech]
Supreme Administrative Court of Thailand and Central Administrative Court of Thailand
Thailand, 21 February 2006

Case Management and Case Tracking in the Administrative Appeals Tribunal [speech]
Central Administrative Court, Thailand
Thailand, February 2006

Expert Witnesses in Proceedings in the Administrative Appeals Tribunal [paper]
Administrative Law Section, NSW Bar Association
Sydney, 22 March 2006

The Role of Courts and Tribunals [paper]
University of Sydney Foundations of Law Lecture
Sydney, 27 March 2006

Overview of Tribunals Scene Australia [speech]
International Tribunal Workshop
Canberra, 5 April 2006

The Administrative Appeals Tribunal: Its Role in the Regulation of the Insurance Industry [speech]
Australian Insurance Law Association —
Northern Territory Branch — Seminar (Published
in the *Australian Insurance Law Bulletin*: (2006)
21(8) ILB 123)
Darwin, 11 April 2006.

*The Use of Expert Witnesses in Court and
International Arbitration Processes* [speech]
16th Inter-Pacific Bar Association Conference 2006
Sydney, 3 May 2006

*The Council of Australasian Tribunals: The National
Perspective* [address]
Annual Conference of the New South Wales
Chapter of the Council of Australasian Tribunals
Sydney, 26 May 2006

Modern International Arbitration [speech]
Diploma in International Commercial Arbitration
Course Dinner
Sydney, 29 June 2006

Jarvis, D (Deputy President)

*Subsection 33(1AA) of the Administrative Appeals
Tribunal Act 1975* [presentation]
Seminar at the Australian Government Solicitor
Adelaide, 7 July 2005

*The Commonwealth Administrative Appeals
Tribunal: Its Jurisdiction and Special
Attributes* [paper]
Administrative Law: Integrity in Government
Seminar, Administrative Law Committee of the
Law Society of South Australia
Adelaide, 24 February 2006

The role of the AAT [presentation]
Meeting of the South Australian Chapter of the
Council of Australasian Tribunals
Adelaide, 11 May 2006.

*An Introduction to the Administrative
Appeals Tribunal* [address]
Information Session, Law Week
Adelaide, 25 May 2006

Levy, Dr K (Member)

The Psychology of Corporate Governance [paper]
2005 CPA Congress, Sofitel Hotel Brisbane
Brisbane, 13 October 2006

McCabe, BJ (Senior Member)

Inquisitorial Role of the Tribunal
Legalwise Seminar
Brisbane, 24 August 2005

McDermott, PM (Senior Member)

*Directors' Social Responsibilities (post James
Hardie)* [seminar]
University of Queensland Executive Education
Brisbane, 5 October 2005

The Administrative Appeals Tribunal [address]
Brisbane Lions Club, Tattersall's Club
Brisbane, 3 November 2005

Ni Fhaolain, S (Conference Registrar)

*An Introduction to the Administrative
Appeals Tribunal*
Repatriation Commission: Tribunal Advocacy
Course 2006, University of Canberra
Canberra, 5 June 2006

Rogers, B (Conference Registrar)

Power in Mediation [paper]
Theories of Dispute Resolution, Master of Laws,
University of Queensland
Brisbane, 17 March 2006

Appendix 9: Commonwealth Disability Strategy – the Tribunal’s performance

Performance indicator	Performance measures	Performance for 2005–06
Employment policies, procedures and practices comply with the requirements of the <i>Disability Discrimination Act 1992</i> .	Number of employment policies, procedures and practices that meet the requirements of the Act.	All employment policies and procedures have been reviewed and found to comply with the requirements of the Act.
Recruitment information for potential job applicants is available in accessible formats on request.	<p>Percentage of recruitment information requested and provided in:</p> <ul style="list-style-type: none"> • accessible electronic formats; and • accessible formats other than electronic. <p>Average time taken to provide accessible information in:</p> <ul style="list-style-type: none"> • electronic format; and • formats other than electronic. 	<p>All recruitment information was available in a variety of electronic and non-electronic formats. In relation to information on the Tribunal’s website, the Tribunal met Website Accessibility Priority 1 and 2 checkpoints as set out in the <i>World Wide Web Access: Disability Discrimination Act Advisory Notes</i>. A telephone typewriter service was available for use by hearing-impaired job applicants. All requests for recruitment information were despatched within 48 hours of request.</p>
Agency recruiters and managers apply the principle of ‘reasonable adjustment’.	Percentage of recruiters and managers provided with information on ‘reasonable adjustment’.	All staff had access to information about reasonable adjustment in the Staff Selection Manual, Disability Action Plan and Reasonable Adjustment Policy, which are available on the Tribunal’s intranet. District Registrars attended a dedicated training session on reasonable adjustment. Adjustments were made to accommodate the needs of staff with disabilities.
Training and development programs consider needs of staff with disabilities.	Percentage of training and development programs that consider the needs of staff with disabilities.	The Tribunal took into account the needs of members and staff with disabilities in relation to all in-house training programs. The Tribunal also ensured that all externally organised events had facilities, if required, for members or staff with disabilities.
Training and development programs include information on disability issues as they relate to the content of the program.	Percentage of training and development programs that include information on disability issues as they relate to the program.	All Tribunal in-house training and development courses included information on disability issues where relevant.

Performance indicator	Performance measures	Performance for 2005–06
Complaints/grievance mechanism, including access to external mechanisms, in place to address issues and concerns raised by staff.	Established complaints/grievance mechanisms, including access to external mechanisms, in operation.	The AAT Agency Agreement 1 July 2003 — 30 June 2006 contains a formal process for dispute resolution. In addition, there is provision for internal and external review of actions in the <i>Public Service Regulations 1999</i> .
Providers have established mechanisms for quality improvement and assurance.	Evidence of quality improvement and assurance systems in operation.	The Tribunal conducted a user survey in 2004-05. Issues raised concerning service provision for people with disabilities have been considered and action taken to address them. Regular liaison meetings were held with Tribunal users providing a forum for feedback on service provision.
Providers have an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.	Established service charter that adequately reflects the needs of people with disabilities in operation.	The Tribunal has a Service Charter which sets out its commitment to providing equitable access to all users. The charter was available in leaflet form (including in large print) and on the Tribunal's website.
Complaints/grievance mechanism, including access to external mechanisms, in place to address issues and concerns raised about performance.	Established complaints/grievance mechanisms, including access to external mechanisms, in operation.	The Tribunal has complaint-handling procedures in place which are set out in the Tribunal's Service Charter. When responding to complaints, the Tribunal advises complainants of external mechanisms relevant to the issues raised, including the Ombudsman and the Human Rights and Equal Opportunity Commission.

Appendix 10: Consultancies and other reporting requirements

This appendix provides more detailed information on certain consultancies let during the reporting year and information on a range of other matters that must be included in the Tribunal's annual report.

CONSULTANCIES

Table 10.1 sets out information on consultancies that were let during 2005–06 where the gross value of the services is \$10,000 or more.

TABLE 10.1 CONSULTANCIES LET IN 2005–06 WHERE GROSS VALUE IS \$10,000 OR MORE (INCLUDING GST)

Name of Consultant	Description	Contract price for consultancy (incl. GST) (\$)	Selection process ^a	Justification ^b
Fellowes Medlock and Associates	Independent review of staffing structure	23,825	Select tender (below public tender threshold)	C
Mercer Human Resource Consulting	Independent advice on remuneration for members	18,480	Direct sourcing (urgent timeframe to meet externally set deadlines)	C
T4 Protective Security	Security Risk Review	64,211	Direct sourcing (limited to agency with specific expertise and familiar with Tribunal business)	B
Volante	IT Systems Review	14,400	Select tender (below public tender threshold)	B

a Explanation of selection process terms drawn from the *Commonwealth Procurement Guidelines* (January 2005):

Select Tender: A procurement procedure in which the procuring agency selects which potential suppliers are invited to submit tenders. Tenders are invited from a short list of competent suppliers.

Direct Sourcing: A form of restricted tendering, available only under certain defined circumstances, with a single potential supplier or suppliers being invited to bid because of their unique expertise and/or their special ability to supply the goods and/or services sought.

b **Justification:**
 A — skills currently unavailable in agency
 B — need for specialist or professional skills
 C — need for independent research or assessment

Table 10.2 provides summary information on the number of consultancies let by the Tribunal in the past three reporting years. It sets out the number of consultancies and the total value of the contracts.

TABLE 10.2 SUMMARY OF CONSULTANCIES LET IN THE LAST THREE YEARS WHERE GROSS VALUE IS \$10,000 OR MORE (INCLUDING GST)

Year	No. of Consultancies	Aggregated Contract Value (incl GST)
2003–04	9	\$457,265 ^a
2004–05	5	\$122,749
2005–06	4	\$120,916

a Please note that this figure differs from the figure provided in previous annual reports. The Tribunal inadvertently reported the value of the consultancy let to United KFPW in 2003–04 as \$100,000 which was twice its actual value. This figure has been revised to reflect the true value of that consultancy.

OTHER REPORTING REQUIREMENTS

Advertising and market research

The Tribunal made total payments of \$29,686 to advertising and market research organisations in 2005-06.

Profmark Consulting Pty Ltd, a market research organisation, was paid \$17,820 in relation to the conduct of a survey into the satisfaction levels of tribunal users. Non-campaign advertising expenditure of \$11,866 was paid to hma Blaze Pty Ltd for advertising employment vacancies in newspapers.

The Tribunal would like to correct the information provided in its 2004-05 Annual Report in relation to payments made to advertising and market research organisations in 2004-05. The total payments made to advertising and market research organisations in that year was in fact \$22,051. This comprised expenditure of:

- \$15,100 paid to Profmark Consulting Pty Ltd in relation to the conduct of the survey of tribunal users; and
- \$6951 paid to hma Blaze Pty Ltd for newspaper advertising of employment vacancies and tenders.

The payment to Profmark Consulting was not included in last year's Annual Report.

Contracting out

During the reporting year, the Tribunal did not contract out the delivery of any government activities that it had previously performed.

Discretionary grants

The Tribunal has no programs involving the payment of discretionary grants.

Environmental performance

Pursuant to section 516A of the *Environment Protection and Biodiversity Conservation Act 1999*, agencies are required to report on ecologically sustainable development and environmental matters. The Tribunal is a review body and, as such, does not administer policy that has any major detrimental effect on the environment. The Tribunal attempts to limit its impact on the environment in day-to-day administrative functions by ensuring that energy usage and wastage of resources is minimised.

Results to date are encouraging in that energy usage is moderate compared with usage by similar organisations.

The Tribunal is a partner in the development of an environmental management system (EMS) for Commonwealth Law Courts buildings nationally. An EMS review of several Commonwealth Law Courts buildings has been conducted. A management scheme maximising energy savings and waste recycling has been introduced into the buildings where the Tribunal is located. In addition, the landlord of the Tribunal's registry in Sydney continues to actively promote energy and resource conservation within the building and seeks ongoing reduction in consumption of these items.

General energy consumption fell again by five per cent during the reporting year due to the efforts and diligence of staff in monitoring electricity usage. Petrol consumption rose slightly due to a change in fleet composition. As the number of executive cars is small, changes in car models can affect general consumption levels. The Tribunal has no cars for general office use.

Endmatter

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Glossary

ADR	Alternative dispute resolution
Affirm	The Tribunal may affirm a decision under review. This means that the original decision still stands.
Applicant	This is the person who has lodged an application with the Tribunal.
Application for extension of time	An application for review of a decision must be made to the Tribunal within a certain time limit. However, an application may be made to the Tribunal to ask for an extension of time in which to lodge an application.
Case appraisal	Case appraisal is an ADR process conducted by a Tribunal member or other person, chosen on the basis of their expert knowledge of the subject matter, who investigates and provides a non-binding opinion on the facts in dispute and likely outcomes.
Conciliation	Conciliation is an ADR process in which a Tribunal member or Conference Registrar assists the parties to identify the issues in dispute and endeavour to reach an agreement. The conciliator has no determinative role but may advise on or determine the conciliation process, make suggestions on terms of settlement and actively encourage the parties to reach an agreement.
Conference	A conference is a meeting conducted by a Tribunal member or Conference Registrar with the parties and/or their representatives. Conferences provide an opportunity to discuss and define the issues in dispute, identify further evidence that needs to be gathered, explore whether the matter can be settled and discuss the future conduct of the matter.
Confidentiality order	The Tribunal may make an order directing that a hearing or part of a hearing be held in private. The Tribunal may also give directions prohibiting or restricting the publication of the names of a party or witnesses, evidence given before the Tribunal or matters contained in documents lodged with the Tribunal.
Directions hearings	Directions hearings are conducted by Tribunal members and may be held to deal with procedural matters such as the exchange of statements or documents or to clarify issues relating to the conduct of a hearing. They may also be held to progress a matter in which there has been delay by a party.
Dismissal of application	In certain circumstances, an application may be dismissed by the Tribunal without proceeding to review the decision. An application may be dismissed, for example, at the request of the parties, if the applicant fails to appear at a case event or if the Tribunal is satisfied that the application is frivolous or vexatious.
Hearing	A hearing is conducted by one, two or three members at the Tribunal's premises or occasionally by telephone. It is the opportunity for the parties to present to the Tribunal evidence and submissions in relation to the decision under review. Parties may call witnesses to give evidence.
Interlocutory application	This is any application made by a party that relates to an application for review of a decision. It may be an application for an extension of time to lodge an application, an application to stay the operation of the decision under review or an application for a confidentiality order.

Mediation	Mediation is an ADR process in which a Tribunal member or Conference Registrar assists the parties to identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in relation to the content of the dispute but may advise on or determine the mediation process.
Neutral Evaluation	Neutral evaluation is an ADR process in which a Tribunal member or other person, chosen on the basis of their expert knowledge of the subject matter, investigates the facts and law at issue in the dispute and provides a non-binding opinion on the likely outcomes.
Outreach	This is a Tribunal program that provides self-represented parties with information about Tribunal practices and procedures and other assistance in relation to the review process.
Party	Parties are the participants in the proceedings before the Tribunal. Parties include the person who makes the application to the Tribunal, the decision-maker or other respondent to the application and any other person joined to the proceedings.
Party joined	Where a person has applied to the Tribunal for review of a decision, any other person whose interests are affected by the decision may apply to be made a party to the proceeding, and the Tribunal may grant that application. This person is a party joined.
Remit	The Tribunal may set aside a decision and send it back (remit it) to the original decision-maker to be reconsidered in accordance with any directions or recommendations of the Tribunal.
Respondent	This is the party who responds to or answers an application. This is usually the department, agency or person that made the original decision.
Section 29 notice	This is a notice from the Tribunal to the department, agency or person that made the decision under review advising that an application has been received.
Section 37 documents	These are the statement and documents that a decision-maker must prepare and provide to the Tribunal and the other party under section 37 of AAT Act: known generally as the 'T documents'. They include the reasons for the decision under review and all other relevant documents.
Set aside	The Tribunal may set aside a decision under review. The effect is that the Tribunal disagrees with the original decision and makes a new decision.
Stay order	This is an order of the Tribunal to suspend the implementation of the decision under review until the matter is determined or resolved.
Summons	This is a notice issued by the Tribunal calling a person to appear before it or to produce documents to it.
T documents	See 'Section 37 documents'.
Vary	The Tribunal may vary a decision under review. This means that the Tribunal changes or alters the original decision.

Contacting the Tribunal

The Tribunal can be contacted in person, by telephone or in writing (by letter or fax). Office hours are 8.30 am to 5.00 pm, Monday to Friday.

If you are writing to the Tribunal, the letter should be addressed to:

The District Registrar
AAT
GPO Box 9955
Your capital city

REGISTRY LOCATIONS AND CONTACT NUMBERS

New South Wales

Level 7, City Centre Tower
55 Market Street
SYDNEY NSW 2000
Telephone: (02) 9391 2400
Facsimile: (02) 9283 4881

Victoria

Level 16, Southgate, HWT Tower
40 City Road
SOUTHBANK VIC 3006
Telephone: (03) 9282 8444
Facsimile: (03) 9282 8480

Queensland

Level 4
Commonwealth Law Courts
Cnr North Quay and Tank Street
BRISBANE QLD 4000
Telephone: (07) 3361 3000
Facsimile: (07) 3361 3001

South Australia

11th Floor, Chesser House
91 Grenfell Street
ADELAIDE SA 5000
Telephone: (08) 8201 0600
Facsimile: (08) 8201 0610

Western Australia

Level 5, 111 St Georges Terrace
PERTH WA 6000
Telephone: (08) 9327 7200
Facsimile: (08) 9327 7299

Tasmania

Ground Floor, Commonwealth Law Courts
39–41 Davey Street
HOBART TAS 7000
Telephone: (03) 6232 1712
Facsimile: (03) 6232 1701

Australian Capital Territory

4th Floor, Canberra House
40 Marcus Clarke Street
CANBERRA ACT 2601
Telephone: (02) 6243 4611
Facsimile: (02) 6247 0962

Northern Territory

Northern Territory residents should direct any enquiries to the Queensland Registry.

NATIONAL TELEPHONE NUMBER

The Tribunal provides a national telephone number — 1300 366 700. You can use it to call the Tribunal's office, in the capital city of the state in which you live, for the cost of a local call. Those calling from the Northern Territory and the Northern Rivers area of New South Wales will be connected with Brisbane.

TELEPHONE TYPEWRITER SERVICE

The Tribunal has established a telephone typewriter service for the deaf and hearing or speech impaired. The service's number is 1800 650 662. You can use this service to call the Tribunal from anywhere in Australia free of charge. It is not a voice phone and cannot be used as such.

TRIBUNAL WEBSITE

Further information about the Tribunal, including more details about contacting the Tribunal, is available from the Tribunal's website: www.aat.gov.au.

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Notes

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The Tribunal affirms the decision under review

SET
ASIDE

varied

Overall the AAT is very fair, helpful and useful.

These applications are for the review of decisions to disallow objections to amended assessments of income tax

The applicant has applied to this Tribunal for review of the

This is a review of a decision that the applicant's generalised anxiety disorder and diabetes are not war-caused.

This legal assistance is, and was to me, most welcome for those who

age pension