
30 YEAR ANNIVERSARY
1976-2006



Administrative Appeals Tribunal

Annual Report 2006-2007

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Administrative Appeals Tribunal

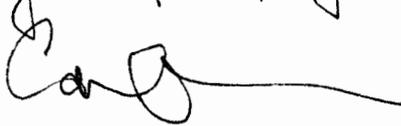
PRESIDENT'S CHAMBERS
The Hon Justice Garry Downes AM

9 October 2007

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 2007.

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 2006 to 30 June 2007.

The Tribunal's Organisational Plan 2006–07 sets out key result areas, goals and strategies that are linked to the outcome specified for the Tribunal in the Portfolio Budget Statements. That outcome is:

Improve the quality of administrative decision-making through the provision of a review mechanism that is fair, just, economical, informal and quick.

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

Chapter 1: The year in review

Chapter 1 comprises the President's overview and the Registrar's report. These two reports highlight significant events, issues and developments during the reporting year. Chapter 1 also includes the Tribunal's Organisational Plan for 2006–07 and a statement of achievements against the plan.

Chapter 2: Overview of the Tribunal

Chapter 2 sets out basic information about the Tribunal's role, functions and powers. It includes information about the Tribunal's members and staff, its organisational structure, case management process and the accessibility of the Tribunal.

Chapter 3: Workload and performance

Chapter 3 provides information and commentary on the Tribunal's workload and performance. It sets out summary statistical information on applications lodged and

finalised in the reporting year and the number of applications on hand at 30 June 2007. It contains information on the Tribunal's performance in relation to the targets specified in the Portfolio Budget Statements, its performance against internal time standards as well as information on complaints about the Tribunal and external scrutiny of the Tribunal's decisions and operations.

Chapter 4: Our users and our partners

Chapter 4 contains information on the achievement of the goals set out in the Tribunal's Organisational Plan in relation to its users and partners. It includes information on the initiatives undertaken during the reporting year to improve the Tribunal's practices and procedures and to better meet the needs of users. This chapter also provides information on the Tribunal's relationships with other organisations and the various activities undertaken during 2006–07 to increase awareness and understanding of the Tribunal and its role.

Chapter 5: Our people and our organisation

Chapter 5 provides information on the achievement of the goals set out in the Tribunal's Organisational Plan in relation to its people and the organisation. It also contains a range of other information relating to 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 55. There are 10 appendices which include more detailed information on aspects of the Tribunal and its operations, including profiles of the Tribunal's members, more detailed statistical information on the Tribunal's workload and performance and summaries of 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 169.

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.

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Chapter 1: The year in review

President's overview



On 1 July 2006, the Administrative Appeals Tribunal celebrated its thirtieth anniversary. As I noted in last year's Annual Report, a commemorative ceremony was held at Old Parliament House in August to mark the occasion.

While a thirtieth anniversary is significant for any organisation, it is quite an achievement for an organisation that was such a bold experiment at the time of its establishment. The Australian Parliament created a generalist merits review tribunal with jurisdiction to review a wide range of administrative decisions. The membership would consist of legally-qualified members and members with expertise in areas of the Tribunal's jurisdiction. Conferences would be conducted with the parties to explore whether a matter could be settled. Hearings would be held to determine those matters that did not settle. The Tribunal would not be bound by the rules of evidence and its procedures would be less formal than the courts.

In the Second Reading Speech on the Administrative Appeals Tribunal Bill 1975, the then Attorney-General, the Hon. Keppel Enderby stated:

The establishment of the Administrative Appeals Tribunal will be a significant milestone in the development in the administrative law of this country. It will provide an opportunity to build up a significant body of administrative law and practice of general application, as well as providing the machinery to ensure that persons are dealt with fairly and properly in their relationships with government.

The Tribunal was able to fulfil the promise of its creation to provide an accessible forum for individuals and organisations to challenge a wide range of government decisions and to improve the quality of government decision-making more generally. Its success is a testament to the vision of the members of the Commonwealth Administrative Review Committee and the Committee on

Administrative Discretions and the work of those who established, and have worked in, the Tribunal over the years.

Looking to the future, the Tribunal recognises that its ongoing value and relevance as an institution will be assured only if its review process continues to be effective and efficient, and its decisions are of the highest quality. The Tribunal has been reviewing aspects of its operations and has undertaken a range of other activities during the year under review to meet this challenge.

The Tribunal's workload is diverse. This diversity relates not only to the many different types of decisions that the Tribunal can review but also to the types of parties involved in Tribunal proceedings, the extent to which parties are represented and the types of material that it may be relevant for the Tribunal to consider. Flexibility is required to ensure that each case progresses towards resolution in the most appropriate way.

For many years, the majority of applications lodged with the Tribunal have been managed in accordance with the General Practice Direction. It has become clear that this is no longer the most appropriate means of managing the Tribunal's diverse workload. Over time, the Tribunal is conducting a review of practice and procedure in each of its major areas of jurisdiction – social security, taxation, veterans' entitlements and workers' compensation. The review of each jurisdiction will result in the publication of a guide which sets out general information about the way in which the Tribunal will manage cases in that jurisdiction. Specific requirements to be met in individual cases will be set by Conference Registrars and Tribunal members and adapted to the nature of the case.

The first part of the review focused on practice and procedure in the workers' compensation jurisdiction. The *Guide to the Workers' Compensation Jurisdiction* was published in March this year and took effect on 30 April. The Tribunal has commenced its review of the social security jurisdiction and will be releasing a draft guide for comment in 2007–08.

One of the key purposes of the jurisdictional guides is to assist parties and their representatives to understand how the Tribunal operates and what is expected of them during the review process. Effective communication with parties and their representatives is an essential aspect of ensuring that the review process operates efficiently. To this end, the Tribunal is undertaking a review of the way in which it communicates with its users generally.

The first stage of the communications review involved engaging a consultant to assess the Tribunal's existing communication strategies and information products. The consultant's report confirms that the Tribunal's general approach is sound, particularly the emphasis that the Tribunal places on personal contact with self-represented parties. The report identifies a number of ways in which the Tribunal can improve its communication with users which the Tribunal will begin implementing in 2007–08.

Since 1999, the Tribunal has received a large number of applications for review of decisions relating to taxation schemes. More than 7,000 applications were lodged between January 1999 and June 2003. The Tribunal developed a case management strategy to progress these longstanding applications, many of which had been deferred pending the outcome of test cases in the courts. I am pleased to report that almost all of these older applications have now been finalised. Applications relating to taxation schemes lodged since July 2003 have also been managed closely by the Tribunal to ensure that they move efficiently towards resolution.

One of the Tribunal's great strengths over time has been the appointment of members who have special knowledge or skills in areas of decision-making that are subject to review by the Tribunal. The Tribunal's ability to draw on this expertise contributes significantly to the quality of its decisions. It is also valuable for alternative dispute resolution processes such as neutral evaluation and case appraisal which may involve issues that require specialised knowledge.

I have been keen to increase the range of expertise available in the Tribunal and note with pleasure that a number of new members with specialist expertise were appointed during 2006–07. These include: Dr Teresa Baker, a chemist with significant experience in the pharmaceutical industry; David Connolly who has a range of relevant experience including in relation to superannuation; Stephen Frost, a taxation lawyer; Dr Tim Hawcroft, a veterinarian; Tim Jenkins, an actuary; and Peter Taylor, a barrister. Dr Kerry Breen, Professor Peter Reilly, Dr Saw Hooi Toh, Dr Robert Walters and Dr Peter Wilkins add to the Tribunal's existing expertise in medical matters. Air Vice Marshal Frank Cox (Rtd), Stuart Ellis and Warren Evans bring a range of experience to the Tribunal, particularly in military matters.

There has been a range of other membership changes during the year. We farewelled a number of expert members who had been with the Tribunal for some time: Dr Patricia Fricker, Air Marshal Barry Gration (Rtd), Brigadier Russell Lloyd (Rtd) and Dr Patrick Lynch. We also farewelled Senior Member Mary Imlach. A number of members were reappointed for further terms and I am particularly pleased to note that Margaret Carstairs, Ann Cunningham, Naida Isenberg and Dr Ken Levy were appointed during the year as Senior Members of the Tribunal.

The Tribunal benefits from the appointment of members from a range of backgrounds and with a range of skills and experience. Given that many new members have not worked in a tribunal previously and some have not worked in a legal environment, it is essential that new members are given adequate training and support over time to carry out their role effectively. Existing members also benefit from ongoing training and development. The Tribunal's professional development program for members is designed to achieve this.

During the year, the Tribunal conducted induction training for new members. A number of conferences, seminars, tutorials and other training opportunities were also organised for members. In particular, I note that two workshops were held on decision-writing, a particular focus of professional development

within the Tribunal in recent times. I am a firm advocate for decisions that provide a simple, clear explanation of the issues in dispute and their resolution. Decisions should readily explain to the parties why the particular decision has been made. Clearly written reasons for decision will also contribute to the normative effect of the Tribunal's decision-making. A further decision-writing workshop will be held in 2007–08.

Another significant event during 2006–07 was a capacity-building project that was undertaken with the Administrative Courts of Thailand. A delegation comprising senior judges from the Supreme Administrative Court and the Central Administrative Court and officials from the Office of the Administrative Courts came to Australia in February 2007. In April, a delegation comprising members and senior staff from the Tribunal and Justice Brian Tamberlin of the Federal Court visited the courts in Thailand.

A series of workshops was held to explore the Australian and Thai systems of administrative law as well as the case management processes and case management systems employed by the Tribunal, the Federal Court and the Administrative Courts of Thailand. The workshops provided a valuable opportunity for the participants to understand how the different institutions operate and to consider ways of improving their processes and systems. A presentation given to a large number of Thai judges on developments in Australia in writing reasons for decision was particularly well received. The Tribunal will seek to continue to build on the strong ties developed with the Thai courts through this project.

One aspect of the Tribunal's operations of particular interest to the Thai delegation was the Tribunal's new electronic case management system which was introduced during the course of 2006–07. The Tribunal has moved from a system which served the Tribunal well for some 20 years to a system which will be able to meet the Tribunal's needs well into the future. I would like to acknowledge the significant amount of work undertaken by Tribunal staff in developing and implementing the new system.

The Tribunal has been active in relation to a range of projects in 2006–07. It has also continued to undertake its core work: the review of a wide range of decisions on the merits. I would like to extend my thanks to the members, Conference Registrars and other staff of the Tribunal who work so hard to provide a high-quality review process for the Tribunal's users. In this way, the Tribunal continues to fulfil the promise of its establishment and provide a valuable service to the Australian community.

A handwritten signature in black ink, consisting of several loops and a long horizontal tail extending to the right.

Garry Downes

Registrar's report



2006–07 has been a very exciting year for the Tribunal with a major project coming to fruition. The Tribunal's new electronic case management system, TRaCS, was rolled out progressively in late

2006 and early 2007. This has been a huge undertaking, requiring dedicated effort from the full range of staff within the Tribunal. The system will improve the Tribunal's capacity to manage and report on its work. With time, and the addition of further modules, I am confident that TRaCS will assist us to provide a more efficient and user-friendly service than before.

Work has continued on the refurbishment of various registries. The work in Sydney and Hobart is complete. Tenders have been let for Melbourne and preliminary work is well underway for Adelaide. This work has ensured we have registry facilities that will remain in good condition for staff and users for the next 10 years.

As with any service organisation, staff members are our greatest asset. The Tribunal has an active staff training calendar which looks at both individual and group training needs. The highlight of the past year has been the biennial staff conference that was held in Melbourne in October 2006. The conference provided an opportunity for registry staff from across the country to meet and receive training on common areas of need. I thank the conference committee for its work on the content and organisation of a very successful conference.

2007–08 marks the beginning of a new broad-banding structure for staff that was agreed to in the agency agreement that commenced in July 2006. This new structure allows for better recognition of skills and work actually undertaken within registries. It removes some artificial barriers to advancement and ensures a consistent basis for grading of staff across Australia. In a similar vein, the recommendations of the staffing review have been implemented with a common registry structure now in place. This structure will allow

more flexibility in the transfer of staff within the Tribunal and a capacity to deal with short-term vacancies by placing staff from other registries in vacant positions.

Another notable initiative carried out during the reporting period was the Work Organisation Review. The review was undertaken by a group comprising staff members from every registry who perform a range of different roles from District Registrar to Case Service Officer. The group visited every registry and collected information about the Tribunal's processes and procedures. The group's report identified inconsistent practices, highlighted areas of best practice and made recommendations for change. The quality of the report is a testament to the talent and dedication of the group members. Their efforts were formally recognised with an Australia Day Medallion in January 2007.

This year has seen the departure of a number of long-serving staff who have made a large contribution to the Tribunal over the years. In particular, I would like to thank Chris Shead, Manager Corporate Services, and Jill Patterson, Personal Assistant to the Registrar and Assistant Registrar, for their contribution to the Tribunal and wish them well in the future.

I am pleased that the Tribunal has been able to continue with its Indigenous employment program by recruiting a further trainee in the Queensland Registry. Trainees have an opportunity to study at TAFE while working at the Tribunal. This program thus offers not only a training opportunity but also relevant job experience, increasing the opportunity to secure long-term employment in the clerical area.

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 2006–07 Organisational Plan and Statement of Achievements

Our Vision		Our Mission		Our Values	
To improve the quality of administrative decision-making through the provision of a review mechanism that is fair, just, economical, informal and quick.		To deliver high-quality independent merits review of administrative decisions in a timely fashion using alternative dispute resolution processes where appropriate.		Integrity Professionalism Efficiency Accessibility Independence	
Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR USERS	To provide a high quality national merits review process that contributes to community confidence in a system of open and accountable government.	<ul style="list-style-type: none"> Continue to review case management practices and procedures. Full use of ADR powers. Seek and respond appropriately to feedback from users. Ensure Tribunal information products meet user expectations. 	<ul style="list-style-type: none"> Commence consultation on revised case management procedures in social security matters. Conduct information sessions on new ADR process models and referral guidelines. Conduct regular liaison meetings. Develop a comprehensive communication strategy for the Tribunal. 	<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. New workers' compensation guidelines implemented. 	<ul style="list-style-type: none"> Guide to the Workers' Compensation Jurisdiction released in March 2007. Draft Guide to the Social Security Jurisdiction circulated to Tribunal members and staff for comment. Draft to be circulated to external stakeholders for comment in 2007–08. Information sessions on new ADR process models and referral guidelines conducted in all registries. Liaison meetings held. Review of communications strategies and products undertaken by external consultant. Implementation of recommendations to commence in 2007–08.

Chart 1.1 Administrative Appeals Tribunal 2006–07 Organisational Plan and Statement of Achievements (continued)

Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR PEOPLE	To maintain professional standards and a positive, safe and productive workplace that values diversity.	<ul style="list-style-type: none"> Maintain occupational health and safety practices. Ensure appropriate staffing and terms and conditions of employment of staff. Maintain and promote employment diversity strategies. Provide and support enhanced learning and development opportunities for members and staff. 	<ul style="list-style-type: none"> Reduce workplace injuries in 2006–07. Implement staffing review findings. Continue Indigenous program. Provide training for EEO/Diversity Committee. Explore Certificate IV for staff. Continue succession planning for key positions. Maintain ongoing learning and development program. Implement professional development program for members. Develop induction program for staff. Hold biennial national staff conference. Conduct staff training needs analysis. 	<ul style="list-style-type: none"> Appropriate workplace policies in all areas. We have a healthy and safe working environment. Members and staff have the skills, knowledge and commitment to deliver high quality services. Increase in ATSI employee numbers. Tribunal has appropriate staffing and structure to deliver efficient and effective services. 	<ul style="list-style-type: none"> Staffing review findings implemented. New Indigenous trainee commenced in Brisbane. Training undertaken by Workplace Diversity Committee. Certificate IV course in training and assessment undertaken by a number of staff. Succession planning continued with attention given to providing opportunities for staff to act in more senior positions. Learning and development plan for staff implemented. Professional development program for members implemented. Work commenced on revised induction program incorporating materials developed by the Australian Public Service Commission. Biennial staff conference held. Staff training needs analysis completed.

Chart 1.1 Administrative Appeals Tribunal 2006–07 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"> - Review accommodation facilities in order to meet Tribunal current and future needs. - Improve IT systems. - Improve resources management. - Minimise exposure to system or other risks, fire or natural disaster. 	<ul style="list-style-type: none"> - Sydney, Melbourne, Adelaide and Canberra accommodation refurbishment completed or underway. - Implement new case management system: TRaCS. - Continue work towards accreditation of compliance with ACSI 33 standards. - Investigate options for HR/Finance systems. - Complete risk assessment process. 	<ul style="list-style-type: none"> - Accommodation and facilities meet user needs. - Planning and organisational decisions are based on timely and accurate information. - IT and other systems and processes allow staff to work more efficiently and provide high quality service. - Business continuity plans in place covering known risks. 	<ul style="list-style-type: none"> - Sydney refurbishment complete. - Canberra refurbishment substantially complete. - Tender let for refurbishment in Melbourne. - Preliminary work undertaken in relation to refurbishment in Adelaide. - TRaCS implemented. - Investigations in relation to Human Resources/ Finance systems underway. - Work undertaken on risk assessment review.

Chart 1.1 Administrative Appeals Tribunal 2006–07 Organisational Plan and Statement of Achievements (continued)

Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR PARTNERS	To co-operate 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 Tribunal 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 Tribunal. - Pursue resource-sharing arrangements with courts and tribunals. - Continue expanded Tribunal moot competition. - Participate in training and convention opportunities for users in administrative law, Tribunal 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 Tribunal's expertise on matters of administrative review. - Better understanding of the Tribunal and its role in the administrative decision-making process. - Government and other tribunals view the Tribunal as a centre of excellence in administrative review. 	<ul style="list-style-type: none"> - Information provided and submissions made in relation to issues and proposals that affect the Tribunal. - Tribunal members and staff participated in activities of the Council of Australasian Tribunals. - Resource sharing arrangements continued. - Planning commenced for moot competition to be conducted in August/September 2007. - Tribunal members and staff participated in a range of conferences, seminars and training activities. - Capacity-building project undertaken with the Administrative Courts of Thailand.

Chapter 2: Overview of the Tribunal

The role of the Tribunal is to provide independent 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 Hon Philip Ruddock, MP.

Establishment

The Tribunal was established by the *Administrative Appeals Tribunal Act 1975* and commenced operations on 1 July 1976. The *Administrative Appeals Tribunal Act 1975* and the *Administrative Appeals Tribunal Regulations 1976* 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 decision under review.

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 *Administrative Appeals Tribunal Act 1975* 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 reviewable decision was made.

The Tribunal has jurisdiction to review decisions made under approximately 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. 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 the President, other presidential members (comprising judges and Deputy Presidents), Senior Members and Members. It exercises powers in Divisions which include the General Administrative Division, Security Appeals Division, Taxation Appeals Division and Veterans' Appeals Division.

Staff members are employed under the *Public Service Act 1999* to assist the Tribunal to carry out its functions.

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 Northern Territory is currently managed from Brisbane.

The President and Registrar are located in Sydney.

Membership

President

The Hon 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.

The President of the Tribunal must be a judge of the Federal Court of Australia.

Membership of the Tribunal

The qualification requirements for the different categories of members are set out in the *Administrative Appeals Tribunal Act 1975*.

Presidential members

Judges of the Federal Court and the Family Court of Australia may be appointed as part-time presidential members of the Tribunal.

Deputy Presidents must have been enrolled as legal practitioners for at least five years.

Senior Members

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

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. Presidential members can exercise powers in any of the Tribunal's Divisions. Senior Members and Members may only exercise powers in the Division or Divisions to which they have been assigned.

As at 30 June 2007, the Tribunal's membership totalled 92. 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 members by State and Territory and shows the Divisions to which each non-presidential member was assigned as at 30 June 2007. 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 2007

Category 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		9	12	21 (8)
Members		3	39	42 (7)
Total	18	18	56	92 (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 during 2006–07 was Sian Leatham, who held office as a senior executive in the Australian Public Service. Ms Leatham 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 2007, a total of 161 staff members were employed by the Tribunal.

Appendix 2 lists:

- numbers of ongoing, non-ongoing and 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 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.

Principal Registry staff members are located in Brisbane, Sydney and Melbourne. Frequent and regular communication between staff members is maintained via email, telephone and video conferences and periodic face-to-face meetings.

District Registries

District Registries are located in each capital city. In Hobart, the registry service is provided by the Federal Court. 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 State or Territory Coordinator (the senior Deputy President or Senior Member in the registry) and a District Registrar who are 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 Registry staff are responsible for:

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

Table 2.2 identifies the State and Territory Coordinators as at 30 June 2007.

Information on the administrative structure of the Tribunal, including the names of senior staff as at 30 June 2007, is set out in Figure 2.3.

Tribunal Committees

The President has established a number of 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 overseeing the use of ADR processes in the Tribunal, including the development of policies and guidelines concerning their use. The Committee comprises the President and a group of members and senior staff with extensive expertise and experience in ADR.

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, the Assistant Registrar and the Principal Registry Librarian.

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 State or Territory Coordinator from each registry. It provides a forum for coordinators to discuss issues relating to case management and other matters of common interest.

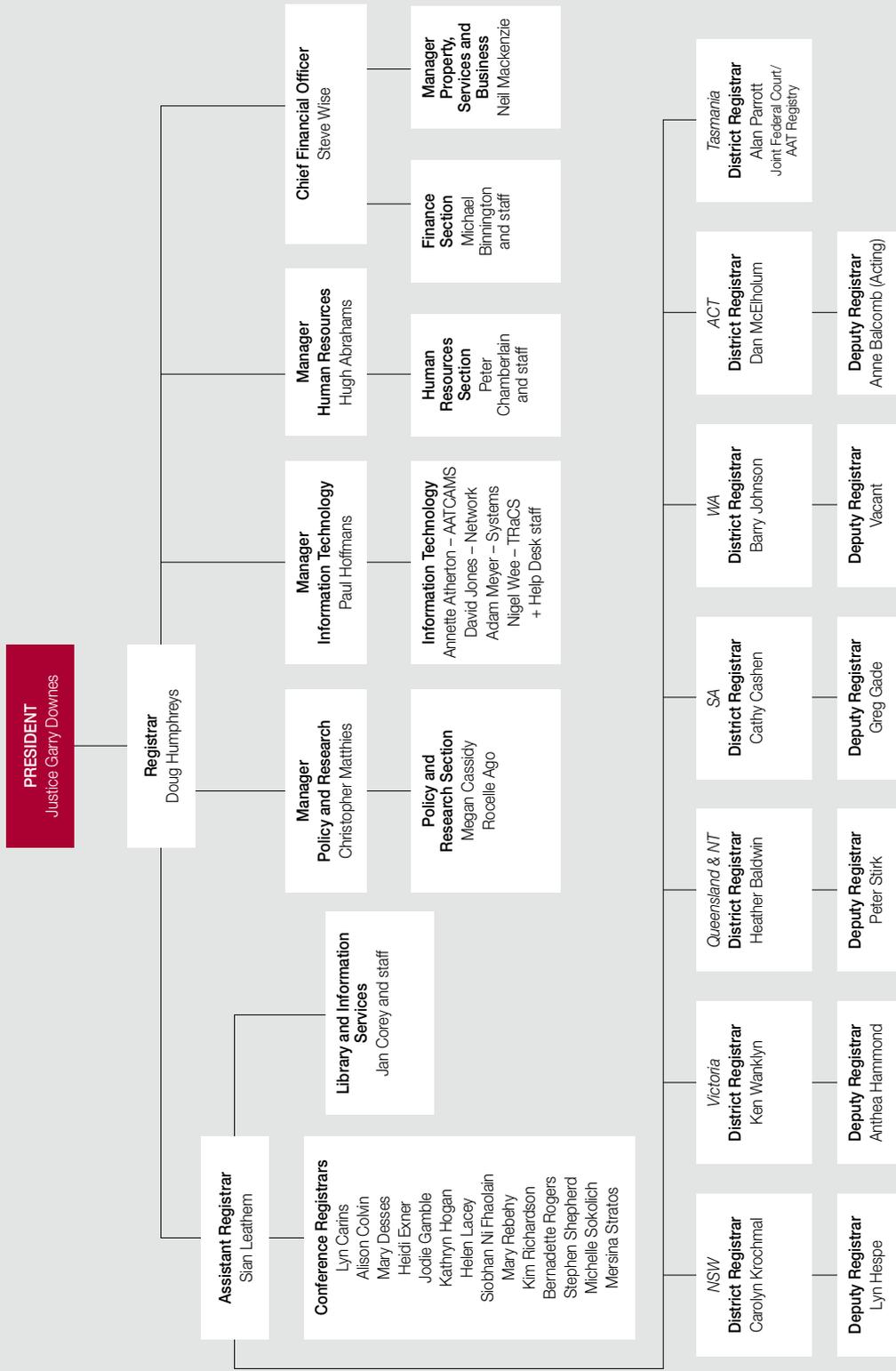
The **Tax Scheme Managing Members Committee** considers issues relating to the management of the large number of applications relating to taxation schemes that the Tribunal has received since 1999. It comprises the President, members who have been appointed to manage particular schemes and the Assistant Registrar.

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.

Table 2.2 State and Territory Coordinators

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

Figure 2.3: Administrative structure of the Tribunal



The case management process

The Tribunal has a case management process that aims to deal with applications in a timely and flexible manner. It 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 parties;
- the effective use and allocation of Tribunal resources; and
- the maintenance and enhancement of public confidence in the Tribunal.

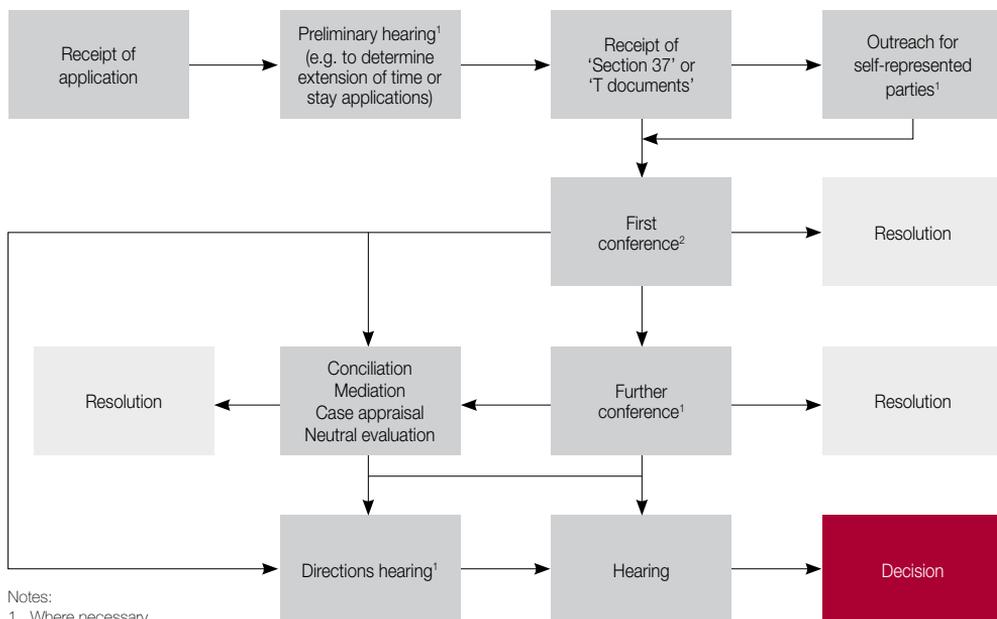
On receipt of an application in relation to which the Tribunal has jurisdiction, the Tribunal notifies the decision-maker that the application has been made. Within 28 days of receiving notice of an application, the decision-maker must provide to the Tribunal and to the applicant a statement of reasons 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 2.4.

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.

Figure 2.4 Case management process flow chart



Notes:

1. Where necessary
2. Explore possibility of using other ADR process

The Tribunal provides assistance to self-represented parties through its Outreach Program and facilitates access to the legal advice schemes operating in most registries.

The Tribunal has developed a number of practice directions and other documents which set out the procedures that will generally be adopted by the Tribunal in managing applications lodged with the Tribunal.

The Tribunal's practice directions 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.

Over time, the Tribunal will be publishing a guide for each of the major jurisdictions which will set out general information about the review process in that jurisdiction. The General Practice Direction will no longer apply to applications in that jurisdiction once the guide has been published. Specific requirements to be met in individual applications will be set by Tribunal members and Conference Registrars.

The Tribunal published the *Guide to the Workers' Compensation Jurisdiction* in March 2007. It took effect on 30 April 2007. The Tribunal is currently developing the *Guide to the Social Security Jurisdiction*.

The practice directions and guide are complemented by practice directions on specific issues. They include:

- the Practice Direction on Procedures relating to Section 37 of the *Administrative Appeals Tribunal Act 1975*;
- 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.

Five ADR processes are specified in the *Administrative Appeals Tribunal Act 1975*:

- 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. The ADR Committee is currently reviewing the process models in light of Tribunal experience to date.

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 parties 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.

The Tribunal recently commenced a comprehensive review of the way in which it communicates with external users. Further information on this review appears in Chapter 4.

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

Outreach Program

The Tribunal has an Outreach Program to provide self-represented parties 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 party may have and what is necessary to meet those needs.

Legal advice schemes and referrals

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. Further assistance, including representation, may be provided if the person makes a successful application for legal aid. The majority of appointments are conducted with self-represented parties in the social security jurisdiction.

The Tribunal also refers self-represented parties to community legal centres or other legal service providers that may be able to provide advice or representation.

Interpreter services

Where a party requires an interpreter for a conference, other ADR process or hearing, the Tribunal engages an 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's website (www.aat.gov.au).

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 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. A copy of the Charter can be viewed on the Tribunal's website (www.aat.gov.au).

Information in relation to compliance with aspects of the Tribunal's obligations under the Charter and 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 *Administrative Appeals Tribunal Act 1975*, members of the Tribunal may exercise powers under a number of other Acts.

Deputy Presidents, and any Senior Member or Member who has been enrolled as a legal practitioner for at least five years, may be nominated to undertake the following functions:

- issue telecommunications interception warrants 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, Deputy Presidents, and any Senior Member who has been enrolled as a legal practitioner for at least five years, may be nominated to make orders allowing information given to the Inspector of Transport Security to be disclosed to another government agency under the *Inspector of Transport Security Act 2006*.

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 any Senior Member or Member who has been enrolled as a legal practitioner for at least five years, may be appointed as an approved examiner 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 2006–07 and the number of applications current at the end of the reporting period. This section also provides more detailed information relating to the Tribunal's major jurisdictions: workers' compensation, social security, taxation and veterans' affairs. 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 in the three most recent reporting years. It also sets out the number of applications on hand as at 30 June for those three reporting years.

The number of applications lodged with the Tribunal in 2006–07 was 15 per cent lower than the number lodged in 2005–06. As Chart 3.2 demonstrates, this decrease can be attributed primarily to a significant decrease in the number of applications relating to taxation decisions.

The Tribunal finalised 7,297 applications in 2006–07, 10 per cent fewer than in 2005–06. This can be attributed primarily

to the finalisation of a smaller number of applications in the Taxation Appeals Division and the veterans' affairs jurisdiction.

The number of applications current as at 30 June 2007 was similar to the number on hand at the end of the previous reporting period. Changes in the number of current applications in particular jurisdictions are discussed in more detail below.

Applications lodged

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

Applications for review of family assistance and social security decisions were the most common type of application lodged with the Tribunal in 2006–07, constituting 27 per cent of all lodgements. Applications in the Taxation Appeals Division and the workers' compensation jurisdiction were the next most common types of applications comprising 26 per cent and 20 per cent of total lodgements respectively.

The number of applications lodged in the social security jurisdiction increased by 22 per cent in 2006–07. Applications from individuals increased across a range

Chart 3.1 Applications lodged, finalised and current

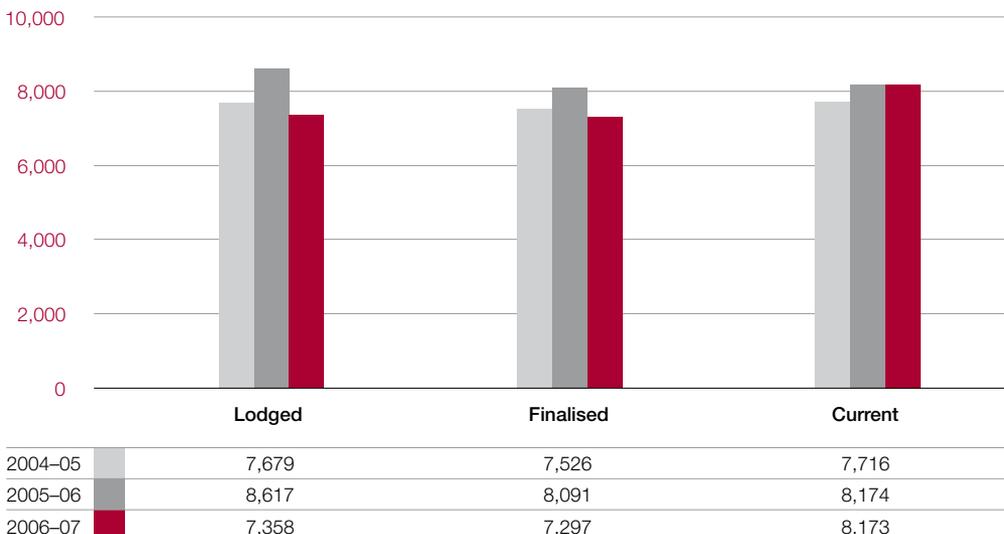
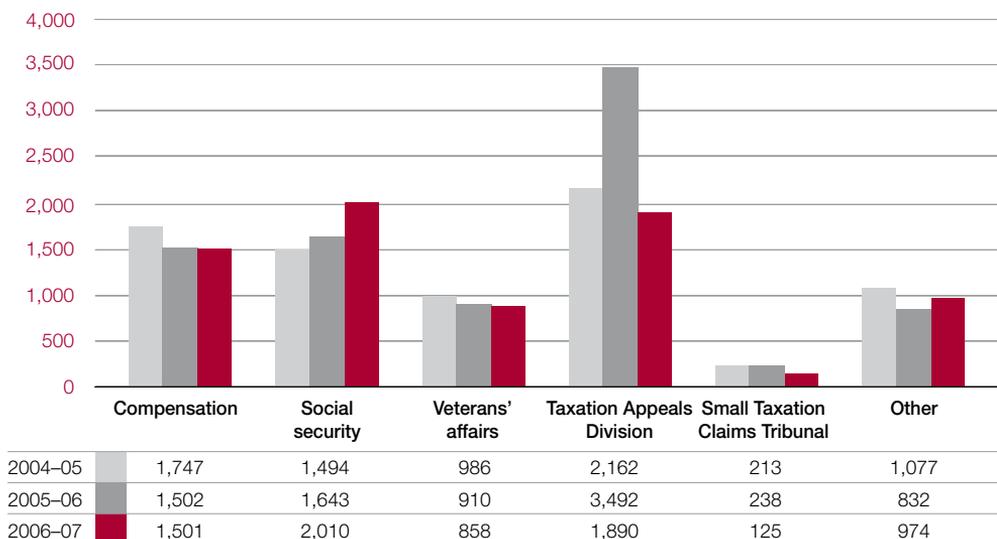


Chart 3.2 Applications lodged in major jurisdictions



of decision types, including decisions concerning family tax benefit and newstart allowance. There was also a further increase in the number of applications lodged by the Departments responsible for the administration of family assistance and social security entitlements. The Tribunal recorded 441 departmental applications in 2006-07, 22 per cent of total lodgements in this jurisdiction. The Department of Employment and Workplace Relations was an applicant in 84 per cent of these applications while the Department of Families, Community Services and Indigenous Affairs was an applicant in almost 16 per cent. The Department of Education, Science and Training was an applicant in a small proportion of applications. The Tribunal notes that the number of departmental applications decreased during the course of the reporting year. The number of applications lodged in the second-half of 2006-07 was 38 per cent lower than the number lodged in the first six months of the reporting year.

The volume of applications lodged in the workers' compensation jurisdiction in 2006-07 remained at a similar level to 2005-06. The Tribunal notes that the number of corporations granted licences under Part VIII of the *Safety, Rehabilitation and Compensation Act 1988*

continues to grow. This is likely to lead to an increase in applications in the future in this jurisdiction. During the reporting year, the Tribunal received its first applications relating to employees of the Linfox group of companies.

There was a 46 per cent decrease in the number of applications lodged in the Taxation Appeals Division in 2006-07. This can be attributed to a significant decrease in the number of applications relating to taxation schemes: 2,354 applications of this kind were lodged in 2005-06 compared with 471 in 2006-07. The number of applications for review of other types of taxation decisions, including decisions relating to assessments of income tax generally and goods and services tax, increased in 2006-07.

There was a 47 per cent decline in the number of applications lodged in the Small Taxation Claims Tribunal. The decrease in application numbers applied across the range of decisions that may be dealt with in the Small Taxation Claims Tribunal.

The number of applications lodged in the veterans' affairs jurisdiction also decreased in 2006-07 by 6 per cent. While there was a small increase in applications for review of decisions made under the *Military Rehabilitation*

and Compensation Act 2004, the number of applications under the *Veterans' Entitlements Act 1986* continues to decline over time.

Table A3.1 in Appendix 3 provides more detail on the applications lodged in the reporting year for all jurisdictions. Chart A3.2 in Appendix 3 provides details in relation to the number of applications lodged in each registry.

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 Tribunal continued to finalise a significant number of applications in the Taxation Appeals Division in 2006–07. Approximately 56 per cent of the applications finalised in this Division were applications relating to taxation schemes. The Tribunal has adopted a case management strategy to ensure that the large number of these types of applications progress in a coordinated and timely manner. This is described in more detail in Chapter 4.

There was a 36 per cent increase in the number of applications finalised in the social security jurisdiction. This reflects the recent increases in applications in this jurisdiction. As shown in Table 3.9, the Tribunal has continued to finalise over 90 per cent of applications within 12 months of lodgement.

The number of applications finalised in the workers' compensation jurisdiction remained steady in 2006–07. This reflects the fact that the number of applications lodged in this jurisdiction in the two most recent reporting years has remained at a consistent level.

There was an 18 per cent decrease in the number of applications finalised in the veterans' affairs jurisdiction in 2006–07 and a 40 per cent decrease in the number of applications finalised in the Small Taxation Claims Tribunal. These results are consistent with the decline in the number of applications lodged in these areas in the two most recent reporting periods.

Table A3.1 in Appendix 3 provides more detail on applications finalised in the reporting year for all jurisdictions. Chart A3.3 in Appendix 3 provides information in relation to the number of applications finalised in each registry. Table A3.5 in Appendix 3 provides statistical information on the outcomes of matters finalised in the reporting year.

Current applications

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

Chart 3.3 Applications finalised in major jurisdictions

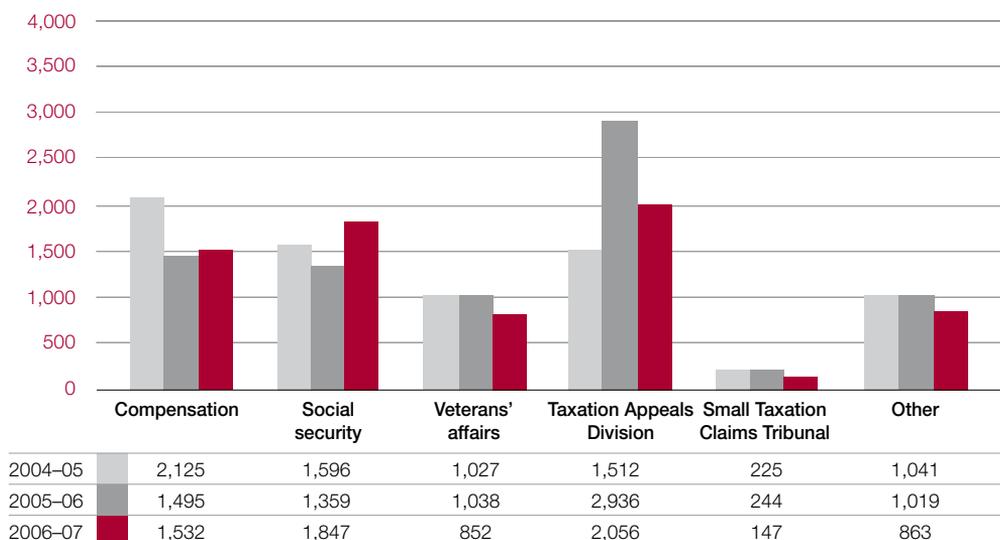
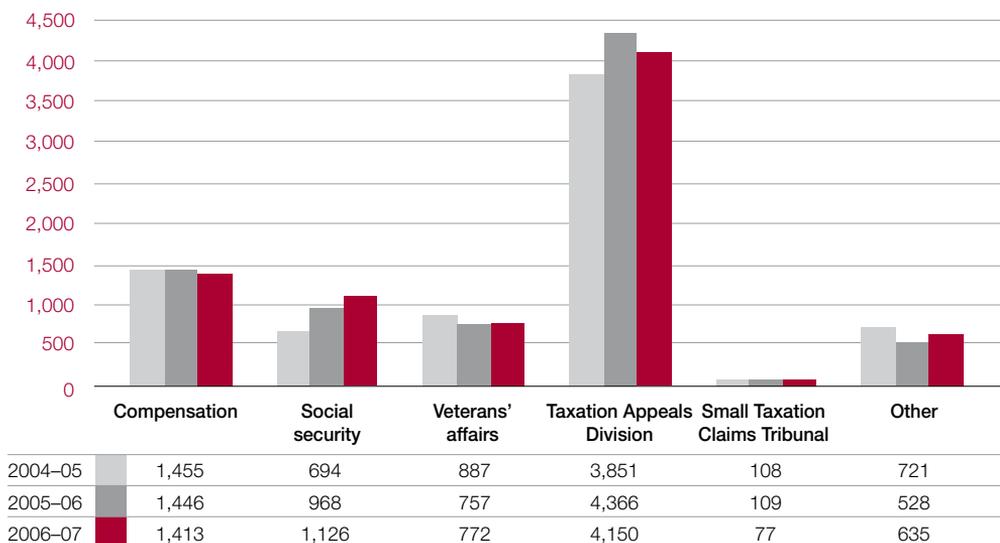


Chart 3.4 Applications current in major jurisdictions



The social security jurisdiction is the only area in which there has been any significant increase in the number of applications current at the end of the reporting period. The 16 per cent increase in applications on hand as at 30 June 2007 is directly related to the greater volume of applications lodged in 2006-07.

The number of applications on hand in the veterans' affairs jurisdiction at the end of the reporting period increased marginally despite a decline in the number of applications lodged in 2006-07. As discussed in more detail below, this reflects the fact that there can be delays in progressing applications in this jurisdiction.

There was a five per cent decrease in the number of applications in the Taxation Appeals Division that were current at the end of the reporting period. Approximately 55 per cent of these are applications relating to taxation schemes, a further third of which were lodged prior to 1 July 2005. While the Tribunal has a case management strategy in place for dealing with these applications, it can take some time to finalise all applications relating to a particular scheme.

The number of applications on hand in the Small Taxation Claims Tribunal decreased by

29 per cent, reflecting the small number of applications lodged in the reporting period. The number of applications on hand in the workers' compensation jurisdiction remained relatively steady.

Chart A3.6 in Appendix 3 provides information about the number of applications current in each registry.

Our performance

Outcome and outputs structure

The Tribunal has one outcome specified in the 2006-07 Portfolio Budget Statements:

Improve the quality of administrative decision-making through the provision of a review mechanism that is fair, just, economical, informal and quick.

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 2006–07 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.

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.

Table 3.5 Total resources for Outcome 1 (\$'000)

	Budget 2006–07	Actual expenses 2006–07	Variation	Budget 2007–08
<i>Departmental appropriations</i>				
Output group 1.1 — Completed reviews of decisions				
Output 1.1.1 — Applications finalised without a hearing	13,494	14,049	555	13,619
Output 1.1.2 — Applications finalised with a hearing	17,981	17,426	(555)	18,147
<i>Total revenue from government (appropriations) contributing to the price of departmental outputs</i>	31,475	31,475	--	31,766
<i>Revenue from other sources</i>				
Output 1.1.1 — Applications finalised without a hearing	530	566	36	535
Output 1.1.2 — Applications finalised with a hearing	706	702	(4)	714
<i>Total Revenue from other sources</i>	1,236	1,268	32	1,249
Total price of departmental outputs (Total revenue from government and other sources)	32,711	32,743	32	33,015
Total estimated resourcing for Outcome 1 (Total price of outputs and administered expenses)	32,660	32,276	(384)	33,015

Table 3.6 Performance standards 2006–07

Performance information for departmental outputs	
Output description	Performance measure
Output group 1.1 — Completed reviews of decisions	
Output 1.1.1 — Applications finalised without a hearing	<i>Price:</i> \$2,713 per completed application ^a
	<i>Quality:</i> 85% of matters have first conference within 13 weeks
	<i>Quantity:</i> 5,218 finalisations ^a
Output 1.1.2 — Applications finalised with a hearing	<i>Price:</i> \$12,778 per completed application ^a
	<i>Quality:</i> 85% of matters to hearing within 40 weeks
	<i>Quantity:</i> 1,476 finalisations ^a

a Projection for 2006–07; see Table 3.7 for actual figures.

Performance results

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

The number of applications finalised by the Tribunal during the year without a hearing was above the budget projections for 2006–07. 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 A3.4 in Appendix 3.

As a means of monitoring its performance, the Tribunal has set time standards in relation to particular steps in the review process and for the finalisation of applications generally. Commentary relating to the Tribunal's performance against the measures set out in Tables 3.6 and 3.7 and the Tribunal's own targets is set out below.

Intermediate time standards

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

- the receipt of the documents required to be lodged under section 37 of the *Administrative Appeals Tribunal Act 1975* (Section 37 Documents) following despatch to the decision-maker of a notice that an application has been received;
- the holding of a first conference;
- the holding of a hearing; and
- the time taken by the Tribunal to deliver a decision following the last day of hearing or the date of receipt of further material after a hearing.

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 3.8 sets out figures on the extent to which these intermediate time standards were met in 2006–07 and in the two previous reporting periods.

There was a marginal decline in the proportion of Section 37 Documents lodged with the Tribunal within the time standard in 2006–07. Small decreases were recorded across all of the major jurisdictions.

The Tribunal notes that the result for this time standard was affected to a degree by the way in which the large number of applications relating to taxation schemes have been managed in the Tribunal. In relation to many schemes, orders have been made deferring the time for lodging the full set of Section 37 Documents in individual applications until a particular application was ready to be progressed further. In many applications, the Section 37 Documents have been lodged some considerable time

Table 3.7 Performance results 2006–07

Output group 1.1 — Completed reviews of decisions	
Output description	Performance result
Output group 1.1 — Completed reviews of decisions	
Output 1.1.1 — Applications finalised without a hearing	Price: \$2,433 per completed application
	Quality: 81% of matters had first conference within 13 weeks
	Quantity: 5,922 finalisations
Output 1.1.2 — Applications finalised with a hearing	Price: \$12,996 per completed application
	Quality: 50% of matters to hearing within 40 weeks
	Quantity: 1,375 finalisations

Table 3.8 Performance in relation to intermediate time standards^a

Step	Time standard (days)	2004–05 %	2005–06 %	2006–07 %
Receipt of Section 37 Documents after notifying decision-maker of application	35	77	83	80
Receipt of application to first conference	91	86	86	81
Receipt of application to first day of hearing	280	48	50	50
Last day of hearing or date of receipt of further material to delivery of decision	60	62	67	73

a The figures for 2004–05 and 2005–06 relate to all applications other than applications dealt with in the Small Taxation Claims Tribunal.

after the Commissioner of Taxation was notified of the application. When Section 37 Documents lodged in taxation scheme applications are excluded, 82 per cent of Section 37 Documents were lodged within the time standard.

In relation to the timeliness of first conferences, the Tribunal fell four per cent short of meeting the performance standard set out in the Portfolio Budget Statements that 85 per cent of applications will have a first conference within 13 weeks of lodgement. The Tribunal notes that this result was also affected by the way in which applications relating to taxation schemes have been dealt with.

The Tribunal generally manages applications relating to a particular scheme as a class. Conferences have not been listed as a matter of course in relation to most scheme applications. The Managing Member for the scheme determines how applications should be progressed. A first conference may therefore be held some time after an application relating to a scheme has been lodged, particularly if the Tribunal has been awaiting the outcome of one or more test cases. When conferences held in taxation scheme applications are disregarded, the proportion of applications in which a first conference was held within 13 weeks of lodgement was 85 per cent.

The figure for the proportion of applications in which a hearing was held within 40 weeks of lodgement in 2006–07 was consistent

with the result for 2005–06 but continued to be below the standard of 85 per cent set out in the Portfolio Budget Statements. Small improvements were recorded in 2006–07 for hearings held in the social security, veterans' affairs and workers' compensation jurisdictions. The overall result was affected to a small degree by hearings held in longstanding applications relating to taxation schemes. When hearings held in taxation scheme applications are excluded, the result is 52 per cent.

As the figures in Table 3.7 make clear, most applications lodged with the Tribunal are finalised other than by way of a decision of the Tribunal following a hearing. The Tribunal's case management process pursues the dual goals of attempting to resolve matters by agreement between the parties where possible, while ensuring that appropriate steps are taken to prepare for hearing those matters that do not settle.

During the pre-hearing process, the Tribunal works with the parties to:

- discuss and define the issues in dispute;
- identify any further supporting material that parties may wish to obtain; and
- explore whether the matter can be settled.

Where an application cannot be resolved during the pre-hearing process, it is referred for hearing.

There is a range of reasons why a hearing may not be held within 40 weeks of an application being lodged. In general, it is because the parties require additional time rather than the Tribunal being unable to list hearings in a timely manner. The pace at which applications progress at the pre-hearing stage is heavily influenced by the time needed by the parties to obtain any expert medical evidence or to undertake other investigations and gather relevant material. Some applications are delayed pending a further decision by a department or agency on a related matter or the decision of a court in a test case. Delays also occur where parties are not in a position to proceed because of illness or other adverse circumstances. The Tribunal's ability to list hearings in a timely manner is affected generally by the availability of parties, representatives and witnesses for the hearing.

In relation to the Tribunal's time standard for delivering decisions, the Tribunal recorded a further six per cent improvement in the proportion of decisions delivered within 60 days of the last day of hearing or the receipt of further submissions or other material.

Time standards for finalising applications

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 2006–07 and in the previous two years is set out in Table 3.9.

Overall, 67 per cent of applications finalised during the reporting period were completed within 12 months of lodgement. This result and the result for the Taxation Appeals Division continue to be affected by the finalisation of a number of longstanding applications relating to taxation schemes. Approximately eight per cent of the total number of applications finalised in 2006–07 were applications of this kind lodged prior to 1 July 2005.

When applications relating to taxation schemes are excluded from the overall figures, 74 per cent of applications were finalised within 12 months of lodgement during 2006–07. Approximately 89 per cent of applications were finalised within 18 months. When applications relating to taxation schemes are excluded from the figures for the Taxation Appeals Division, 62 per cent of applications were finalised within 12 months of lodgement and 79 per cent within 18 months.

In relation to the Tribunal's other major jurisdictions, the results for 2006–07 were consistent with the figures for 2005–06. The Tribunal exceeded the target in the social security jurisdiction but fell short of the targets in the veterans' affairs and workers' compensation jurisdictions by 13 per cent. Approximately 85 per cent of applications in the veterans' affairs and workers' compensation jurisdictions were finalised within 18 months of lodgement.

Table 3.9 Percentage of applications finalised within 12 months

Jurisdiction	Target %	2004–05 %	2005–06 %	2006–07 %
All applications ^a	—	66	65	67
Compensation	75	64	62	62
Social security	90	91	91	91
Veterans' affairs	80	59	66	67
Taxation Appeals Division	75	35	49	42

^a The figures for 2004–05 and 2005–06 relate to all applications other than applications dealt with in the Small Taxation Claims Tribunal.

The Tribunal notes that the reasons identified in the previous section as to why the Tribunal may not hold a hearing within 40 weeks of an application being lodged are also relevant in explaining why the Tribunal may not finalise an application within 12 months of lodgement. Delays in the delivery of decisions following a hearing also contribute to delays in finalising applications.

When the Small Taxation Claims Tribunal was established, the Tribunal indicated that it would aim to finalise applications of this type within 12 weeks of lodgement. Table 3.10 shows that the proportion of applications finalised within this timeframe declined further in 2006–07. The Small Taxation Claims Tribunal was created to provide a cheaper and more informal means for taxpayers to obtain review of decisions where the amount of taxation in dispute is less than \$5,000. The Tribunal's experience is that applications dealt with in the Small Taxation Claims Tribunal are not necessarily less complex than applications for review of other types of taxation decisions. While the amount of tax in dispute may not be large, the issues in dispute can be complex and the parties may require additional time to gather relevant material.

The Tribunal has implemented a number of initiatives in recent years aimed at improving the timeliness of the review process. These include:

- a national system of monitoring and addressing non-compliance by parties with legislative requirements and Tribunal directions;
- regular review of matters outstanding for longer than two years; and
- project management of taxation scheme matters on a national level.

These initiatives continued during the reporting year.

The Tribunal will pursue a range of other matters relating to the timeliness of the review process in 2007–08. The Tribunal will commence a review of the time standards and targets which have been in place for over 10 years. The Tribunal will also be exploring with members and staff how applications are managed in the Tribunal. This will involve considering whether applications are progressing towards finalisation in the shortest possible time in a manner that is also consistent with a review process that is fair, just, economical and informal. The Tribunal will also explore ways in which the new electronic case management system may be used to assist in managing applications for review in a timely manner as well as in improving reporting on timeliness.

External scrutiny

Tribunal decisions are subject to external scrutiny by way of an appeal on a question of law and judicial review. The Tribunal's operations are also 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 *Administrative Appeals Tribunal Act 1975*. 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*

Table 3.10 Percentage of Small Taxation Claims Tribunal applications finalised within 84 days

	2004–05 %	2005–06 %	2006–07 %
Small Taxation Claims Tribunal	37	36	22

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 2006–07, 127 appeals made pursuant to section 44 of the *Administrative Appeals Tribunal Act 1975* were lodged with the Federal Court.¹ There were seven applications for judicial review made under other enactments. Table A3.7 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, 137 appeals lodged under section 44 of the *Administrative Appeals Tribunal Act 1975* and 11 applications for judicial review under other enactments were finally determined. The Tribunal's decision was set aside in 55 cases. This constitutes 37 per cent of the total number of appeals determined during the reporting period and less than one per cent of all applications finalised by the Tribunal during the reporting year.

Tables A3.8 and A3.9 in Appendix 3 provide further information in relation to appeals finally determined during the reporting year and the outcomes of those appeals.

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

Freedom of information

The Tribunal received one request for access to documents under the *Freedom of Information Act 1982* in 2006–07. The Tribunal notified the applicant of the estimated charge for providing the documents and requested payment of a deposit. No response was received and the application was taken to have been withdrawn.

¹ In some circumstances, a party may lodge an application seeking relief under section 44 of the *Administrative Appeals Tribunal Act 1975* and under another enactment. These applications are treated as section 44 appeals for statistical purposes.

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 Annual Report under section 8 of the *Freedom of Information Act 1982* appears at Appendix 7.

Ombudsman

During the 2006–07 year, the Commonwealth Ombudsman received a total of 41 approaches concerning the Tribunal, representing a 28.1 per cent increase over the previous year. Of these approaches, 23 were by telephone, eight in writing, four in person, three via email, one by fax and two via the internet.

The Commonwealth Ombudsman closed 41 cases covering 42 issues during the same period. Of the cases closed, two cases dealing with two issues were investigated. The Ombudsman did not record any findings of administrative deficiency.

Complaints to other bodies

Two complaints were made to the Human Rights and Equal Opportunity Commission during 2006–07. These were ultimately dismissed by the Commission with no finding made against the Tribunal.

Reports by the Auditor-General or Parliamentary Committees

The Tribunal's operations were not the subject of any report by the Auditor-General or any Parliamentary Committee during the reporting period.

Tribunal Service Charter

The Tribunal's Service Charter sets out the Tribunal's service standards and information relating to making complaints about the Tribunal. This section provides information on the extent of the Tribunal's compliance with the service standards, where this information is available, as well as information on the number and nature of complaints made to the Tribunal.

Service standards

Accessibility

The Tribunal's national telephone number, which enables people in any part of Australia to call the Tribunal for the cost of a local call, was available throughout 2006–07. The Tribunal's telephone typewriter service number was also available throughout the reporting year. Induction loops are available at the counter and in conference rooms and hearing rooms at each of the Tribunal's registries. All Tribunal premises are wheelchair-accessible.

The Tribunal conducted hearings and some alternative dispute resolution processes in non-metropolitan centres during 2006–07. Alternative dispute resolution processes and hearings were held by telephone where this was appropriate.

During the reporting year, there was only one instance where the Tribunal was unable to arrange for an interpreter to participate in an alternative dispute resolution process or hearing where needed. The Tribunal maintained its Outreach Program during the reporting year, contacting self-represented parties by telephone to explain the Tribunal's processes and provide other information and assistance.

Fairness

The Service Charter states that a conference will usually be held within 6–10 weeks after receipt of an application. During 2006–07, 62 per cent of applications had a first conference within ten weeks of lodgement. As noted above in the section relating to intermediate time standards, this result was affected to a limited degree by the Tribunal's case management strategy for dealing with applications relating to taxation schemes. When conferences held in taxation scheme applications are excluded, the result is 64 per cent.

Information on the percentage of Tribunal decisions delivered within 60 days after the hearing or the date on which any further submissions or material were received is set out in Table 3.8. Information relating to the sum of application fees refunded in 2006–07 is set out in Appendix 4.

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 2006–07, the Tribunal received written and verbal complaints from 36 individuals. One complainant raised two issues in the complaint. The issues raised in the complaints related to:

Complaints about Tribunal decisions	13
General procedural issues	11
Conduct of members of the Tribunal	6
Conduct of conferences	4
Complaints about Tribunal decisions available on the internet	2
Complaints about timeliness of Tribunal decisions	1

In all but five cases, the Tribunal provided an initial response within the 20-day period. The average number of days from complaint to final response was approximately eight working days. The longest period of time taken to investigate and respond to a complaint was 34 days.

The Tribunal does not measure whether a complainant believes their complaint was resolved. However, 22 per cent of complainants wrote again to the Tribunal after

receiving an initial 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

As noted in Chapter 2, in addition to performing their role under the *Administrative Appeals Tribunal Act 1975*, Tribunal members may exercise powers under a range of other Acts, including the *Surveillance Devices Act 2004* and the *Telecommunications (Interception and Access) Act 1979*.

Table 3.11 sets out the number of occasions on which Tribunal members considered applications under any of those Acts in the three most recent reporting years.

There was a 10 per cent increase in 2006–07.

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 63 occasions. ‘Out-of-hours’ means before 9 am or after 5 pm on weekdays or at any time on the weekend or on a public holiday.

Proceeds of crime examinations

Table 3.12 sets out the number of examination sessions conducted by Tribunal members under the *Proceeds of Crime Act 2002* during the three most recent reporting years. The number of examinations held in 2006–07 was 45 per cent lower than the number of examinations conducted in 2005–06.

Table 3.11 Applications relating to warrants, controlled operations and other functions considered by Tribunal members

	2004–05	2005–06	2006–07
Number of occasions on which applications considered	1,628	1,702	1,864

Table 3.12 Examinations held under the *Proceeds of Crime Act 2002*

	2004–05	2005–06	2006–07
Number of examination sessions held	133	62	34

Chapter 4: Our users and our partners

This chapter describes the Tribunal's performance in meeting the goals identified in the 2006–07 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, organisations and government departments and agencies. The Tribunal also makes information about its role and functions available to members of the public and other organisations, including government bodies.

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

To provide a high quality national 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 December 2006 and May 2007 and discussed a range of matters concerning practice and procedure in the Tribunal. Agenda items included:

- the review of practice and procedure in the social security jurisdiction;
- developments relating to the use of alternative dispute resolution (ADR) processes;
- the development of guidelines relating to opinion evidence and the use of the concurrent evidence procedure in Tribunal hearings;
- the review of the way in which the Tribunal communicates with users; and
- the organisation of work within Tribunal registries.

Significant developments in relation to practice and procedure issues that have occurred in the reporting period are described below.

Development of jurisdiction-specific practice and procedure guides

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 major 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 applications 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 at each stage of the review process so that cases progress in the most efficient and effective manner.

Over time, the Tribunal is undertaking a review of practice and procedure in each of its major jurisdictions. The review of each jurisdiction will result in the publication 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 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.

Guide to the Workers' Compensation Jurisdiction and Practice Direction relating to Section 37 of the Administrative Appeals Tribunal Act 1975

The first phase of the project involved an examination of practice and procedure in the workers' compensation jurisdiction as well as a review of the Practice Direction relating to Section 37 of the *Administrative Appeals Tribunal Act 1975*. Comments were sought from Tribunal users and peak bodies on the general proposal to adopt jurisdiction-specific guides as well as the proposed content of the *Guide to the Workers' Compensation Jurisdiction* and the revised practice direction.

The Tribunal received positive feedback in relation to the concept of jurisdiction-specific guides and a range of specific comments on the content of the documents.

The Tribunal published the *Guide to the Workers' Compensation Jurisdiction* and a revised Practice Direction relating to Section 37 of the *Administrative Appeals Tribunal Act 1975* in March 2007. They came into operation on 30 April 2007. Copies of the Guide and the revised practice direction are available on the Tribunal's website (www.aat.gov.au).

The introduction of the *Guide to the Workers' Compensation Jurisdiction* required consequential changes to other Tribunal practice directions. Firstly, the General Practice Direction was revised to make clear that it no longer applies to applications in the workers' compensation jurisdiction. Secondly, the Direction on Conciliation Conferences was revoked. The Tribunal's expectations and requirements in relation to conciliations are set out in the Guide.

Guide to the Social Security Jurisdiction

The next stage of the project involves reviewing practice and procedure in the social security jurisdiction. The review has been informed, in particular, by the findings of the evaluation undertaken by the Tribunal in 2005–06 of the modified case management procedures that have been operating in the Victorian Registry.

A first draft of the *Guide to the Social Security Jurisdiction* was circulated to members and staff of the Tribunal for comment in June 2007. A consultation draft of the guide will be released for comment in the first half of 2007–08. It will be distributed to regular users and other stakeholders in the social security jurisdiction and will also be made available on the Tribunal's website (www.aat.gov.au). The Tribunal anticipates that the final version of the Guide will be published in 2007–08.

Alternative dispute resolution

Following the May 2005 amendments to the provisions of the *Administrative Appeals Tribunal Act 1975* dealing with alternative

dispute resolution processes, the Tribunal formed a standing ADR Committee. It was noted in the last Annual Report that the Committee had developed process models for each type of ADR identified in the Act: case appraisal, conferencing, conciliation, mediation and neutral evaluation. In addition, the Committee developed and published 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.

During 2006–07, the Tribunal delivered a series of information sessions to external users explaining the process models and the referral guidelines. The last of these was conducted in Canberra in June 2007.

The ADR Committee is now in the process of finalising the parameters for an evaluation of the case appraisals and neutral evaluations conducted by the Tribunal. The objective of the evaluation will be to provide some insights into which elements of the existing process models are working effectively and which areas could be improved. The evaluation will also assist in identifying the types of material and documentation that are useful in conducting case appraisals and neutral evaluations.

Tribunal guidelines relating to opinion evidence

During the reporting period, the Practice and Procedure Committee decided that the Tribunal should develop its own set of guidelines relating to opinion evidence given by experts and other persons. The Committee has been considering the scope and content of the guidelines and their format.

The Tribunal is also developing a set of guidelines relating to the use of the concurrent evidence procedure which involves two or more experts giving evidence at the same time in a Tribunal hearing. The guidelines are being developed in response to, and are informed by, the findings of the Tribunal's pilot study on the concurrent evidence procedure which was finalised in 2005–06.

The Tribunal will release consultation drafts of the guidelines for comment in the next reporting period.

Management of taxation scheme matters

Since 1999, the Tribunal has received in excess of 12,000 applications for review of decisions relating to taxation schemes. Approximately 7,400 applications were lodged prior to 1 July 2003 and many of these were subject to orders deferring further action pending the outcome of test cases in the Federal Court and the High Court.

In December 2003, the Tribunal devised a case management strategy to deal with all matters not awaiting the outcome of an appeal. This strategy involves appointing a member with experience in the taxation jurisdiction to coordinate the management of all applications relating to the same taxation scheme. Where possible, the Managing Member has been appointed from the registry which has the majority of applications relating to the particular scheme.

More than 97 per cent of the applications received before 1 July 2003 have now been finalised. Those that remain outstanding have been awaiting the outcome of cases before the courts or are in the process of being finalised. Applications lodged since 1 July 2003 have been managed closely to ensure that they progress in a coordinated and timely manner.

The Tax Scheme Managing Members Committee met to discuss progress on managing these applications in December 2006 and May 2007. The Tribunal also held liaison meetings with representatives of taxpayers and the Australian Taxation Office to discuss the management of these applications.

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. Parties and their representatives are provided with a range of written materials, including practice directions, guides, leaflets 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, leaflets and other written materials on the Tribunal are also available on the Tribunal's website.

In 2006, the Tribunal decided to undertake a comprehensive review of the ways in which it communicates with the diverse range of people who use the Tribunal. In early 2007, the Tribunal conducted an open tender process and engaged Kathy Jones and Associates to undertake an assessment of the Tribunal's existing information products and methods of communicating with users. The consultant's final report was received in late May 2007. The Tribunal is currently considering the range of recommendations contained in the report and will commence implementation in 2007–08.

Work Organisation Review

The report on the review of staffing in the Tribunal, which was finalised in March 2006, included the recommendation that: "The Tribunal develop and adopt a national case management approach based on best practice with the assistance of a working group". In July 2006, the Work Organisation Group, comprising staff at different levels and from different registries, was selected following



Members of the Work Organisation Group: Nigel Wee, Rita Riberi, Megan Findlay, Jean Scobie, Johanna White, Megan Cassidy, Sue Gourlay.

a call for expressions of interest. The group was asked to identify areas of best practice, recommend the elimination of unnecessary tasks and make appropriate recommendations for change.

Over a period of several months, the group visited each of the Tribunal's registries and collected information about processes and procedures. The final report of the group, delivered in late 2006, was the culmination of the observations made and documents gathered by the group during its visits. The report made a series of recommendations in relation to registry processes, including:

- the adoption of standard procedures for a range of tasks where there were differences between registries;
- parties should generally have one point of contact at a registry in relation to their application; and
- workflow should be streamlined so that tasks on a file are done to the greatest extent possible by the same person and file movements are minimised.

Many of the recommendations made by the Work Organisation Group have been implemented. The Tribunal now has a case management model in place that is broadly consistent across the registries with some variations that take account of differences in size.

Review of standard correspondence

One of the areas for improvement identified in the Work Organisation Review was the standardisation of correspondence across the Tribunal. Over several years, different registries have modified and customised letters to their users. A working group was formed in May 2007 to commence the task of reviewing all standard correspondence issued by the Tribunal. It is anticipated that the working group will conclude the review during 2007–08.

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. Some registries hold meetings with users from all jurisdictions while others arrange jurisdiction-specific meetings.

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.

Members and Principal Registry staff met with representatives of the Australian Taxation Office 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.

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 2006–07, 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 possible amendments to the *Administrative Appeals Tribunal Regulations 1976*.

The Tribunal also liaised with a number of other departments and agencies in relation to issues and proposals that affect the Tribunal, including the Australian Taxation Office, Centrelink, Comcare, the Department of Employment and Workplace Relations, the Department of Health and Ageing and the Department of Human Services.

Council of Australasian Tribunals

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

Justice Downes was Chair of the Council until June 2007. The Tribunal's Registrar, Doug Humphreys, was the Executive Officer 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 and undertook work on a number of Council projects during the reporting year.

Tribunal members and staff have also been active in the Council's State and Territory Chapters. Member Regina Pertou is the Convenor of the Victorian Chapter. Other members have served on the committee of their local chapter. These include Deputy President Philip Hack SC, Deputy President Deane Jarvis, Senior Member Narelle Bell and Senior Member Lesley Hastwell.

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 June 2007, Justice Downes met with the presiding members of the Migration Review Tribunal (MRT) and Refugee Review Tribunal (RRT), the Social Security Appeals Tribunal and the Veterans' Review Board to discuss issues of common interest. The registrars of the tribunals also met in June 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 2006–07. 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.

– *Migration Review Tribunal and Refugee Review Tribunal*

The MRT and RRT have registries in Melbourne and Sydney. In Adelaide, Brisbane and Perth, AAT staff receive applications and handle enquiries on behalf of the tribunals. The Tribunal also provided accommodation and hearing room facilities for MRT and RRT 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 has replaced its existing electronic case management system with a system that will be the platform for improved workflow and electronic 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 electronic 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 was involved in a significant capacity-building project with the Administrative Courts of Thailand. The project was funded by AusAID under the Public Sector Linkages Program with the following objectives:

- improved management by the Administrative Courts of Thailand of their case load; and
- improved quality of decision-making by both the Administrative Courts of Thailand and the Administrative Appeals Tribunal.

A delegation from the Administrative Courts of Thailand visited Australia in February 2007. The delegation comprised the President, one of the two Vice-Presidents and another



Delegation from the Administrative Courts of Thailand and members and staff of the AAT (left to right): Dr Vishnu Varunyou, Registrar Doug Humphreys, Mrs Kirana Sumawong, Assistant Registrar Sian Leathern, Mr Akarawit Sumawong, The Hon Justice Gary Downes AM, Professor Dr Ackaratorn Chularat, Mrs Somchit Chularat, The Hon Justice Brian Tamberlin, Mrs Kanchanaratt Leevirojana, Deputy President Geoffrey Walker, Dr Charnchai Sawangsagdi, Mr Paithoon Klaiyuanthong, Mr Christopher Matthies, Mr Chatchavan Chanchai, Senior Member Geri Ettinger.

Judge of the Supreme Administrative Court of Thailand, a Judge of the Central Administrative Court of Thailand, the Deputy Secretary General of the Office of the Administrative Courts of Thailand and two other members of staff.

In April 2007, a delegation from the Tribunal and the Federal Court visited Thailand. The delegation comprised Justice Downes, Justice Brian Tamberlin, Senior Member Geri Ettinger, the Registrar, the Assistant Registrar and the Manager, Policy and Research.

The visits to Australia and Thailand involved a series of workshops covering a range of issues, including the systems of administrative law operating in each country, the case management processes employed by the participating institutions, the information technology systems used to manage their workload and the professional development programs that are in place for judges, members and staff. The workshops enabled the participants to understand how the different institutions operate and to explore ways in which existing processes and systems could be improved.

The Tribunal also hosted a number of visitors from other overseas courts and organisations interested in gathering information on the Tribunal and its operations. These included:

- The Rt Hon the Lord Newton of Braintree OBE DL, Chairman of the United Kingdom Council on Tribunals; and
- two registrars from the Supreme Court of Singapore.

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 conferences, seminars and other activities

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

Sponsoring work experience placements

The Tribunal's registries provided a number of work experience placements for university students during the year. Work experience placements included near-graduate and graduate law students from the College of Law in New South Wales, Queensland University of Technology, University of Western Australia and Wollongong University.

Chapter 5: Our people and our organisation

This chapter describes the Tribunal's performance in meeting the goals identified in the 2006–07 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 and 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.

Professional Development Committee

The Professional Development Committee met in December 2006 and May 2007. The Committee considered a range of matters relating to the professional development of Tribunal members, including the nature and content of the induction program for new members, the mentoring program, the Tribunal's internal conference program and other professional development activities. Significant developments that occurred during the reporting period 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, appraisal and other professional development opportunities.

The program continues to evolve under the direction of the Professional Development Committee. In the past year, the program has included many important initiatives including regional conferences, the implementation of the mentoring scheme, seminars, workshops, tutorials and local registry professional development meetings.

Induction program for new members

Induction programs for new members were held in Sydney in July 2006 and in November 2006.

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 jurisdiction, the practice and procedure of the Tribunal and case management in the Tribunal. The program is delivered by experienced Tribunal members and senior staff. The induction is designed to deliver a consistent experience for all members.

A comprehensive evaluation of the induction program was undertaken during September 2006. Members who had participated in previous programs were surveyed in relation to the timing, pitch, form and content of the program and were asked to provide suggestions for improving the program. Members indicated that they found the program content highly relevant and useful as they took up their new roles. They valued the opportunity for group discussion about complex legal and other issues, and the development of networks with more experienced members.

Mentoring and appraisal

All new members attending the induction programs in 2006 were allocated a mentor. New members and their mentors had an initial face-to-face meeting during the induction program. It is expected that, over the course of the following year, new members and their mentors will have discussions from time to time about issues relating to their new role. These may occur in person, by telephone or by email.

Senior Member Narelle Bell, the Mentoring Scheme Coordinator, continues to liaise with mentors and new members who are being mentored. In her last report to the Professional Development Committee she indicated that both new members being mentored and mentors had found the program to be of benefit.

Deputy President Deane Jarvis is the current Appraisal Scheme Coordinator. The appraisal scheme framework has been implemented and the first round of peer appraisals will be conducted over a two-year period.

Training and development for members and staff

There have been many initiatives during the reporting year aimed at maintaining and enhancing the skills and knowledge of Tribunal members and staff. These included:

- regional conferences involving members, Conference Registrars and District Registrars;
- workshops on decision writing conducted by Professor James Raymond in the Tribunal in September 2006 and April 2007;
- training on alternative dispute resolution processes;
- a range of in-house seminars, tutorials, workshops and round table discussions;
- the National Staff Conference in Melbourne in October 2006;
- biannual District Registrars' meetings;
- members and staff attending conferences, including the Australasian Institute of Judicial Administration's Tribunals' Conference and the annual conference of the Australian Institute of Administrative Law; and
- members and staff participating 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 also seeks to meet the learning needs of individuals and teams across all registries. The Tribunal also continues to liaise with other tribunals with a view to developing joint training activities and programs for staff where appropriate.

Priorities for staff learning and development have been further refined through information gathered from a recent organisation-wide training needs analysis. Learning and development initiatives are also developed in response to individual staff development plans as well as feedback gathered from session evaluations and during meetings and other forums held within the Tribunal.

During the reporting year, the staff learning and development calendar included activities relating to the following areas: appraisals and appraising, the Australian Public Service Values and Code of Conduct, better health strategies, case management, clear writing, cultural awareness and diversity, financial accountability, office ergonomics, online legal research, security awareness, team work, Tribunal practice and procedure issues and working effectively with self-represented parties.

Tribunal conferences

National Staff Conference

The National Staff Conference was held in Melbourne during October 2006.



Staff at the 2006 National Staff Conference.



Arthur Gotzordis, Cherie McFadden, Ros Hunt at the 2006 National Staff Conference.

The conference provided an opportunity for staff located in registries across the country to be trained together as well as to meet and share information.

The conference program included sessions on managing information, interacting with users with special needs, the new electronic case management system, the review of registry processes undertaken by the Work Organisation Group, Tribunal practice and procedure and working with interpreters. Representatives from each registry also provided updates and progress reports on major initiatives within their registry.

Regional conferences

Members, Conference Registrars and District Registrars attended a series of regional conferences in the second half of 2006 and early 2007. The conferences provided an opportunity for members and senior staff in each registry to develop a program that would meet their particular organisational or professional development needs. A variety of topics were covered, including evaluating expert evidence, recent cases of interest and the Tribunal's use of alternative dispute resolution processes.



Members at the ACT/NSW Regional Conference.

Staff induction program

During the year a working party was formed to revise the Tribunal's staff induction program. The working party was involved in the development of the Australian Public Service induction program CD ROM, "Your guide to working in the Australian Public Service" by participating in the consultation and evaluation process. The working party is now involved in customising this program to meet the needs of the Tribunal.

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 set-up 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.

A trial of an internally-administered injury management scheme aimed at addressing low-cost injuries continued 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 and Safety Incident Reporting Guidelines are in place and are supplemented with Tribunal instructions. There were no reportable incidents during 2006–07 and no investigations into the Tribunal's operations.

The Tribunal has commenced preparations for replacing its current Occupational Health and Safety Policy with new Health and Safety Management Arrangements.

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 2006–07, the Victorian Registry introduced the administrative model for processing applications already in operation in New South Wales, Queensland, South Australia, Western Australia and the Australian Capital Territory. Case officers manage a set of applications from lodgement to finalisation rather than performing specific tasks in relation to all applications.

As has been noted in Chapter 4, a general review of registry processes was undertaken during the year by the Work Organisation Group. The group, comprising staff at different levels from each of the Tribunal's registries, made a number of recommendations designed to ensure that the Tribunal's work organisation model is nationally consistent. The group sought to identify the best of the Tribunal's existing practices and to suggest new processes that would enhance the efficient processing of applications. The majority of the group's recommendations have been accepted and many have been implemented.

The Tribunal's new electronic case management system, TRaCS, was implemented during 2006–07. It is anticipated that the system will facilitate a range of more efficient work practices and time-saving measures over time.

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 his or her immediate family, suffers misadventure or illness from any cause. The trust provided assistance to one member of staff in the 2006–07 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. Staff in the New South Wales Registry fielded a team, the AATackers, in a lunchtime netball competition during the year. Members and staff in the Victorian Registry formed walking and running teams that participated in the Melbourne City Sports Corporate Cup series. Both teams placed first in their respective divisions in the Spring 2006 season and second in the Autumn 2007 season.

Workplace diversity

The Tribunal recognises that people have different qualities, skills, qualifications and experience. 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 Tribunal staff representatives and a Tribunal member, met several times during the reporting year. The Committee continues to be involved in the Tribunal's Indigenous employment strategy, including

supporting the Tribunal's Aboriginal School Based Traineeship planned for the Perth Registry. 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 fall within particular equal employment opportunity categories. This includes the number of Aboriginal and Torres Strait Islander employees.

Accessible Government Services For All Report

The Tribunal contributed to the Department of Immigration and Citizenship's report on "Accessible Government Services for All" which replaced the Access and Equity Annual Report. The Tribunal submitted a self-assessment against the relevant criteria.

Reconciliation Action Plan

On 28 May 2007, the Tribunal finalised its Reconciliation Action Plan. The plan aims to promote reconciliation through the engagement of Indigenous Australian employees and promoting awareness of the Tribunal's services among Indigenous Australians. The plan is available on the Tribunal's website (www.aat.gov.au).

Indigenous 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 second trainee was selected to undertake a one-year clerical traineeship in June 2007 and is due to commence work in the Queensland Registry in July 2007. The traineeship will include work placements in the Principal Registry Finance and Human Resources Sections.

During the year, the Tribunal explored the possibility of extending its Indigenous employment strategy to include a traineeship for a school aged Indigenous person in the Perth Registry. Perth's Aboriginal School Based Traineeship will commence in 2007–08 and is aimed at a student in Years 10 to 12 who will attend school for four days per week with the fifth day spent at the registry.

Workplace Harassment Contact Officer network

The Tribunal has nine Workplace Harassment Contact Officers across its registries, including one Tribunal member. 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 Workplace Harassment Contact Officer 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 to their services and facilities for people with disabilities. 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 relation to these roles during 2006–07.

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 in relation to various aspects of the Tribunal's role as an employer and provider. It is currently under review.

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 2006–07, the Tribunal implemented recommendations from the review of classifications of staff which was finalised in March 2006. The review examined the relativities between positions in the Tribunal and comparable positions in other agencies. The Tribunal has introduced an additional grading point for case officers in all registries which will apply from 1 July 2007. The Tribunal has also upgraded six management positions nationally on work value grounds. Five of these six positions have been filled.

The Tribunal's training and development and performance management programs foster staff retention and professional development. The Tribunal's ongoing staffing complement was quite stable during the reporting period. This resulted in increased familiarity with duties and enhanced performance.

Agency-wide and individual employment agreements

The Tribunal's new Agency Agreement came into operation on 20 July 2006 and is nominally set to expire on 30 June 2009. The three-year certified agreement offers 4.2 per cent annual salary increases. The agreement promotes a high standard of client service and the development of staff. It seeks to improve productivity and efficiency while reducing costs through specific in-house programs and initiatives, particularly those associated with the purpose-designed electronic case management system.

During the reporting year, nine staff members were covered by Australian Workplace Agreements: the Tribunal's only Senior Executive Service employee, four Executive Level 2 staff and four Executive Level 1 staff. Seven of these agreements provided for the payment of 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 eight 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 2006–07 year was \$88,944.

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

All Tribunal staff members have performance agreements in accordance with the Tribunal's Performance Management Program. 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 2007 for all staff members except those who were on leave at the appraisal time or where approval was given for extensions. Staff members also have individual development plans linked to their performance agreements, which identify training and development needs.

Non-salary benefits

Tribunal staff members were provided with the following non-salary benefits under the Agency Agreement:

- 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;
- ability to participate in a Transport Loans Scheme;
- 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, 21 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 \$64,515. Approximately 1,095 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 the Human Resources Section. During the reporting year, 48 employees took up the opportunity to access salary packaging arrangements in relation to superannuation (37), laptop computers (9) 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 Australian Public Service 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 the content and application of the Australian Public Service Values and Code of Conduct.

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.

Finance and property

Finance and property issues are the responsibility of the Chief Financial Officer, the Finance Section and the Manager, Property, Services and Business.

Financial management

The Tribunal's audited financial statements for 2006–07 appear from page 55.

The 2006–07 financial year was an active year for the Finance Section with purchasing activity linked to new leases for Tribunal premises. This should continue into 2007–08. The first stage of the implementation of the new electronic case management system was completed and included the replacement of the existing desktop computer facilities.

The Tribunal's financial performance was just under budget due mainly to delays in some accommodation projects. The increasing number of applications in recent years contributed to an increase in salary costs relating to both members and staff. Supplier costs remained relatively static for this financial year.

Property

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

A refurbishment of the registry in Sydney was completed during 2006–07. A refurbishment of the Canberra Registry was also substantially completed. Planning for refurbishments in Adelaide and Melbourne was completed during the reporting period and the refurbishments will be carried out in 2007–08.

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 are reviewed to ensure that they conform to the current procurement guidelines. 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 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 goods or services that do not involve major purchases or contracts.

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 are used depending on the circumstances, timelines and the identified need for a consultant.

During 2006–07, two new consultancy contracts were entered into involving total actual expenditure of \$31,197 (inclusive of GST). In addition, five ongoing consultancy contracts were active during 2006–07, involving total actual expenditure of \$201,465 (inclusive of GST). Table 5.1 sets out the Tribunal's total actual expenditure on all consultancies in the three most recent reporting years.

Table 5.1 Summary of total actual expenditure on consultancy contracts in the three most recent reporting years (inclusive of GST)

Year	Total actual expenditure (incl GST)
2004–05	\$307,209
2005–06	\$155,093
2006–07	\$232,662

Appendix 10 provides details in relation to each new consultancy let by the Tribunal during 2006–07 for which the total contract value (inclusive of 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.

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.

No contracts in excess of \$10,000 (inclusive of GST) or standing offers were exempted from being published on the AusTender website on the basis that they would disclose exempt matters under the *Freedom of Information Act 1982*.

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

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.

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 Australian Capital Territory, New South Wales and Victorian 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.

The Audit Committee implemented some additional processes to enable the Registrar to complete the Certificate of Compliance for the 2006–07 financial year.

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.

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 2006–07.

Risk management assessment

The Tribunal is currently undertaking a risk assessment review 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 undertaken by a separate contractor. These assessments will provide the basis for a comprehensive review of the Tribunal's current risk management plan.

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 Limited to provide additional security services for Tribunal alternative dispute resolution processes 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 in place with the Family Court and the 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 completed a review of the Tribunal's physical security arrangements in 2006–07 to ensure that appropriate measures are taken to protect Tribunal members, staff, the public and Commonwealth records and assets from attack or unwanted intervention. Implementation of the recommendations of the review will commence in 2007–08.

Information technology

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

New electronic case management system

During the reporting year, the Tribunal replaced its mainframe-based case management system (AATCAMS) which had been in operation for more than 15 years. AATCAMS was replaced with a new system known as TRaCS (Tribunal Record and Case System). TRaCS is based on the latest generation Microsoft Windows server environment, database technology and application software. TRaCS runs on two servers, a web server and an application server, installed in Sydney with data network links to the other registries.

The system allows users to record more information about cases, including documents received, summonses and exhibits. It covers a greater range of standard registry procedures than the former system, including the generation of letters and orders from within the system. The system is also designed to provide enhanced workflow procedures. These features will ensure more consistent processing of applications as well as enhanced capacity to access information about individual cases and monitor their progress.

TRaCS was designed in consultation with software consultants from Strategic Business Consulting Pty Limited, a company experienced in court and tribunal electronic case management systems. TRaCS was first implemented in the New South Wales Registry in December and then progressively rolled out to the other six registries over the following three months.

Work is now focused on developing the system's reporting functions and the migration of all data from the old system into TRaCS. In future years, the Tribunal will introduce additional functionality, such as online document management facilities.

Data network upgrade

The increased volume of data traffic associated with the new electronic case management system made it necessary to upgrade the port speeds at all registries. This work was carried out in November 2006 prior to the commencement of the system. The network upgrade benefited users more generally by providing for faster downloads of documents from interstate file servers and faster web browsing.

New personal computers

In the second half of 2006, the Tribunal rolled out a fleet of new personal computers for Tribunal members and staff. The new PCs feature 19 inch monitors that can be set in landscape and portrait mode so that A4 document pages can be viewed in full without scrolling. The personal computers also have one gigabyte of main memory which will enable efficient running of the Microsoft Vista operating system which will be installed in the future.

Digital recording of hearings

During the reporting year, the Tribunal commenced a trial of making digital recordings of hearings available to members in the Queensland Registry. The trial was undertaken in association with Auscript, the Tribunal's recording and transcription service provider.

The digital recordings of hearings are held on a central server and can be accessed by members through the Tribunal's data network. Members are able to listen to the recording through their personal computer. Access to the digital recording may obviate the need to order transcripts in some circumstances.

Voice recognition system

The Tribunal's use of voice recognition software increased in the past year. Over 20 members and staff now use this software to write documents.

Help Desk management relocated to Sydney

The management of the information technology Help Desk was relocated from Brisbane to Sydney to provide enhanced support for the growing concentration of computer facilities in the Sydney site and to enable more efficient integration of the Help Desk and systems support facilities. The Help Desk now manages requests from users relating to all hardware and software issues. This centralised approach to systems support provides greater consistency in resolving issues raised by users and enables closer teamwork with the Help Desk personnel now located alongside other information technology staff.

Library and information services

Library Committee

The Library Committee met twice during the reporting year in December 2006 and May 2007. The acquisitions sub-committee liaised regularly in relation to the purchase of additional hard-copy and online resources.

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 except Darwin. Libraries are staffed by professional librarians who organise and manage the collection and assist members and staff with their information needs.

The library network 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;
 - continuation of a project to create electronic copies of the earliest decisions produced by the Tribunal;
 - delivery of library orientation training for new members;
 - maintenance of the Tribunal's intranet and internet sites; 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:

- coordinating the publication and distribution of the *Guide to the Workers' Compensation Jurisdiction*;
- coordinating the activities of the Work Organisation Group; and
- assisting with the implementation of the Tribunal's new electronic case management system, TRaCS.

The section comprises four staff: the Manager, the Senior Legal and Policy Officer and two Legal and Policy 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

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INDEPENDENT AUDITOR'S REPORT

To the Attorney General

Scope

I have audited the accompanying financial statements of the Administrative Appeals Tribunal for the year ended 30 June 2007, which comprise: a statement by the Chief Executive and Chief Financial Officer; income statement; balance sheet; statement of changes in equity; cash flow statement; schedules of commitments, contingencies and administered items; a summary of significant accounting policies; and other explanatory notes.

The Responsibility of the Chief Executive for the Financial Statements

The Administrative Appeals Tribunal's Chief Executive is responsible for the preparation and fair presentation of the financial statements in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997* and the Australian Accounting Standards (including the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. My audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Administrative Appeals Tribunal's preparation and fair presentation of the financial statements in order to design audit procedures that are

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appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Administrative Appeals Tribunal's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Administrative Appeals Tribunal's Chief Executive, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

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.

Auditor's 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 the Australian Accounting Standards (including the Australian Accounting Interpretations); and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Administrative Appeals Tribunal's financial position as at 30 June 2007 and of its financial performance and its cash flows for the year then ended.

Australian National Audit Office



Puspa Dash
Acting Executive Director

Delegate of the Auditor-General

Canberra
3 September 2007

ADMINISTRATIVE APPEALS TRIBUNAL**STATEMENT BY THE CHIEF EXECUTIVE AND (CHIEF FINANCIAL OFFICER)**

In our opinion, the attached financial statements for the year ended 30 June 2007 are 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

31 August 2007



STEPHEN WISE

Chief Financial Officer

31 August 2007

INCOME STATEMENT

for the period ended 30 June 2007

	Notes	2007 \$'000	2006 \$'000
INCOME			
Revenue			
Revenue from Government	3A	31,475	28,896
Sale of goods and rendering of services	3B	1,063	1,069
Total Revenue		32,538	29,965
Gains			
Other gains	3C	205	196
Total Gains		205	196
TOTAL INCOME		32,743	30,161
EXPENSES			
Employee benefits	4A	18,936	17,041
Suppliers	4B	12,302	12,815
Depreciation and amortisation	4C	989	762
Write-down and impairment of assets	4D	34	77
Losses from assets sales	4E	15	7
TOTAL EXPENSES		32,276	30,702
SURPLUS (DEFICIT)		467	(541)

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

BALANCE SHEET

as at 30 June 2007

	Notes	2007 \$'000	2006 \$'000
ASSETS			
Financial assets			
Cash and cash equivalents	5A	692	538
Trade and other receivables	5B	7,399	6,973
Total Financial Assets		8,091	7,511
Non-financial assets			
Leasehold improvements	6A,C	6,637	6,161
Plant and equipment	6B,C	1,700	1,342
Intangibles	6D	409	133
Other non-financial assets	6E	1,881	2,042
Total Non-Financial Assets		10,627	9,678
TOTAL ASSETS		18,718	17,189
LIABILITIES			
Payables			
Suppliers	8A	860	755
Total Payables		860	755
Non-Interest Bearing Liabilities			
Other	7	1,119	706
Total Non-Interest Bearing Liabilities		1,119	706
Provisions			
Employee provisions	9A	4,796	4,234
Other provisions	9B	385	385
Total Provisions		5,181	4,619
TOTAL LIABILITIES		7,160	6,080
NET ASSETS		11,558	11,109
EQUITY			
Contributed equity		2,275	2,133
Reserves		2,836	2,996
Retained surplus (accumulated deficit)		6,447	5,980
TOTAL EQUITY		11,558	11,109
Current assets		9,972	9,553
Non-current assets		8,746	7,636
Current liabilities		5,305	4,656
Non-current liabilities		1,855	1,424

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

STATEMENT OF CHANGES IN EQUITY

for the year ended 30 June 2007

	Retained Earnings		Asset Revaluation Reserves		Contributed Equity/Capital		Total Equity	
	2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000
Opening balance								
Balance carried forward from previous period	5,980	6,521	2,996	272	2,133	2,133	11,109	8,926
Adjustment for errors	-	-	-	-	-	-	-	-
Adjustment for changes in accounting policy	-	-	-	-	-	-	-	-
Adjusted opening balance	5,980	6,521	2,996	272	2,133	2,133	11,109	8,926
Income and expense								
Revaluation adjustment	-	-	(160)	2,724	-	-	(160)	2,724
Revaluation	-	-	(160)	2,724	-	-	(160)	2,724
Surplus (deficit) for the period	467	(541)					467	(541)
Total income and expenses	467	(541)	(160)	2,724	-	-	307	2,183
Transactions with owners								
<i>Contribution by owners</i>								
Appropriation (equity injection)	-	-	-	-	142	-	142	-
Sub-total transactions with owners	-	-	-	-	142	-	142	-
Transfer between equity components	-	-	-	-	-	-	-	-
Closing balance at 30 June	6,447	5,980	2,836	2,996	2,275	2,133	11,558	11,109

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

CASH FLOW STATEMENT

for the period ended 30 June 2007

	Notes	2007 \$'000	2006 \$'000
OPERATING ACTIVITIES			
Cash received			
Goods and services		1,077	968
Appropriations		31,035	31,793
Net GST received		1,382	1,366
Total cash received		33,494	34,127
Cash used			
Employees		(18,204)	(16,580)
Suppliers		(12,970)	(13,659)
Total cash used		(31,174)	(30,239)
Net cash from or (used by) operating activities	10	2,320	3,888
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment		(2,005)	(3,505)
Purchase of intangibles		(303)	(121)
Total cash used		(2,308)	(3,626)
Net cash from or (used by) investing activities		(2,308)	(3,626)
FINANCING ACTIVITIES			
Cash received			
Appropriations – contributed equity		142	–
Total cash received		142	–
Net cash from or (used by) financing activities		142	–
Net increase or (decrease) in cash held		154	262
Cash at the beginning of the reporting period		538	276
Cash at the end of the reporting period	5A	692	538

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

SCHEDULE OF COMMITMENTS

as at 30 June 2007

Notes	2007 \$'000	2006 \$'000
BY TYPE		
Capital commitments		
Infrastructure, plant and equipment	-	739
Total capital commitments	-	739
Other commitments		
Operating leases ^{1,2}	45,205	34,696
Total other commitments	45,205	34,696
Commitments receivable	(4,109)	(3,221)
Net commitments by type	41,096	32,214
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	5,646	4,987
From one to five years	27,271	23,257
Over five years	12,288	6,452
Total operating lease commitments	45,205	34,696
Commitments receivable		
One year or less	(513)	(520)
From one to five years	(2,479)	(2,114)
Over five years	(1,117)	(587)
Total commitments receivable	(4,109)	(3,221)
Net commitments by maturity	41,096	32,214

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 leases/General description of leasing arrangements

Leases for office accommodation.

Lease payments are subject to fixed or market review increases as listed in the lease agreements; and all office accommodation leases are current and most have extension options for the Tribunal following a review of rentals to current market. 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 executive officers.

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 2007

	Notes	2007 \$'000	2006 \$'000
Contingent liabilities			
	11	Restoration of Lease Costs	
Balance from previous period		-	425
New		-	-
Re-measurement		-	(75)
Liabilities crystallised		-	(100)
Obligations expired		-	(250)
Total Contingent Liabilities		-	-

Details of each class of contingent liabilities and contingent assets, including those not included above because they cannot be quantified, are disclosed in Note 11 Contingent Liabilities and Assets.

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

SCHEDULE OF ADMINISTERED ITEMS

	Notes	2007 \$'000	2006 \$'000
Income administered on behalf of Government <i>for the year ended 30 June 2007</i>			
Revenue			
Filing fees	16	822	1,053
Total revenues administered on behalf of Government		822	1,053
Total income administered on behalf of Government		822	1,053
Expenses administered on behalf of Government <i>for the year ended 30 June 2007</i>			
Refund of filing fees	17	483	700
Total expenses administered on behalf of Government		483	700

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

There were no administered assets or liabilities as at 30 June 2007, (2006: Nil).

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

SCHEDULE OF ADMINISTERED ITEMS (continued)

	Notes	2007 \$'000	2006 \$'000
Administered Cash Flows <i>for the period ended 30 June 2007</i>			
OPERATING ACTIVITIES			
Cash received			
Filing fees		822	1,053
Total cash received		822	1,053
Cash used			
Refund of filing fees		(483)	(700)
Total cash used		(483)	(700)
Net Cash from Operating Activities	20	339	353
Net Increase (Decrease) in Cash Held			
Cash at the beginning of the reporting period		–	–
Cash from Official Public Account for:			
– Appropriations		483	700
Cash to Official Public Account for:			
– Appropriations		(822)	(1,053)
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 2007, (2006: 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) 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 merit 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 Report

The financial statements and notes are required by section 49 of Schedule 1 to the *Financial Management and Accountability Act 1997* and are a General Purpose Financial Report.

The Financial Statements and notes have been prepared in accordance with:

- Finance Minister's Orders (FMOs) for reporting periods ending on or after 1 July 2006: and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial report has been prepared on an accrual basis and is 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 otherwise specified.

Unless alternative treatment is specifically required by an Accounting Standard or the FMOs, assets and liabilities are recognised in the Balance Sheet when and only when it is probable that future economic benefits will flow to the Entity 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 unrealised are reported in the Schedule of Commitments and the Schedule of Contingencies (other than unquantifiable or remote contingencies, which are reported at Note 11).

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, consumption or loss of economic benefits has occurred and can be reliably measured.

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 departmental items except where otherwise stated at Note 1.23.

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

Australian Accounting Standards require a statement of compliance with International Financial Reporting Standards (IFRSs) to be made where the financial report complies with these standards. Some Australian equivalents to IFRSs and other Australian Accounting Standards contain requirements specific to not-for-profit

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

entities that are inconsistent with IFRS requirements. The Tribunal is a not for profit entity and has applied these requirements, so while this financial report complies with Australian Accounting Standards including Australian Equivalents to International Financial Reporting Standards (AEIFRSs) it cannot make this statement.

Other effective requirement changes

The following amendments, revised standards or interpretations have become effective but have had no financial impact or do not apply to the operations of the Tribunal.

Amendments:

- 2005-1 Amendments to Australian Accounting Standards [AASBs 1, 101, 124]
- 2005-6 Amendments to Australian Accounting Standards [AASB 3]
- 2006-1 Amendments to Australian Accounting Standards [AASB 121]
- 2006-3 Amendments to Australian Accounting Standards [AASB 1045]

Interpretations:

- UIG 4 Determining whether an Arrangement contains a Lease
- UIG 5 Rights to Interests arising from Decommissioning, Restoration and Environmental Rehabilitation Funds
- UIG 7 Applying the Restatement Approach under AASB 129 Financial Reporting in Hyperinflationary Economies
- UIG 8 Scope of AASB 2
- UIG 9 Reassessment of Embedded Derivatives

Future Australian Accounting Standard requirements

The following new standards, amendments to standards or interpretations have been issued by the Australian Accounting Standards Board but are effective for future reporting periods. It is estimated that the impact of adopting these pronouncements when effective will have no material financial impact on future reporting periods.

Financial instrument disclosure

AASB 7 Financial Instruments: Disclosures is effective for reporting periods beginning on or after 1 January 2007 (the 2007-08 financial year) and amends the disclosure requirements for financial instruments. In general AASB 7 requires greater disclosure than that presently. Associated with the introduction of AASB 7 a number of accounting standards were amended to reference the new standard or remove the present disclosure requirements through 2005-10 Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]. These changes have no financial impact but will affect the disclosure presented in future financial reports.

Other

The following standards and interpretations have been issued but are not applicable to the operations of the Tribunal.

- AASB 1049 Financial Reporting of General Government Sectors by Governments
- UIG 10 Interim Financial Reporting and Impairment

1.5 Revenue

Revenue 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.

Resources Received Free of Charge

Resources received free of charge are recorded as either revenue or gains depending on their nature ie whether they have been generated in the course of the ordinary activities of the Tribunal.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Other Types of Revenue

Revenue from the sale of goods is recognised when:

- The risks and rewards of ownership have been transferred to the buyer;
- 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

Other Resources Received Free of Charge

Resources 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 or Authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7)

Sale of Assets

Gains, from disposal of non-current assets, are 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 Australian Government 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.

1.8 Employee Benefits

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 at the present value of the estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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 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 2007. 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 2007 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.

Separation and Redundancy

Provision is made for separations and redundancy benefit payments. The Tribunal recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

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 Australian Government. The PSSap is a defined contribution scheme.

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

The Tribunal makes employer contributions to the Employee Superannuation Scheme at rates determined by an actuary to be sufficient to meet the cost to the Government of the superannuation entitlements of the Tribunal's employees. The Tribunal accounts for the contributions as if they were contributions to defined contribution plans.

From 1 July 2005, new employees are eligible to join the PSSap scheme.

The liability for superannuation recognised at 30 June represents outstanding contributions for 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. 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 7).

1.10 Borrowing Costs

All borrowing costs are expensed as incurred.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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

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, cancelled or expires.

1.14 Impairment of Financial Assets

Financial assets are assessed for impairment at each balance date.

1.15 Supplier and other payables

Supplier and other payables 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).

1.16 Contingent liabilities and contingent assets

Contingent liabilities and Contingent assets are not recognised in the Balance Sheet but are reported 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. Contingent assets are reported when settlement is probable, and contingent liabilities are recognised when settlement is greater than remote.

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 of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

1.18 Property, Plant and Equipment (PP & E)

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.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Revaluations

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, plant and equipment are carried at fair value less accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not materially differ with 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 reverses a previous revaluation decrement of the same asset class that was previously recognised through the operating result. Revaluation decrements for a class of assets are recognised directly through the operating result 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:

	2007	2006
Leasehold improvements (fitout)	Lease term	Lease term
Plant and equipment	3-20 years	3-20 years

Impairment

All assets were assessed for impairment at 30 June 2007. 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 of 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.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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 (2006: 3-5 years).

All software assets were assessed for indications of impairment as at 30 June 2007. 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 (FBT) 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
- except 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.

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 16. 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 – Events after the Balance Sheet Date

There were no significant events occurring after the balance date.

2007	2006
\$'000	\$'000

NOTE 3 – Income

Revenues

Note 3A – Revenue from Government

Appropriations:

Departmental outputs	31,475	28,896
Total revenue from government	31,475	28,896

Note 3B – Sale of goods and rendering of services

Rendering of services to related entities	722	756
Rendering of services to external entities	341	313
Total sale of goods and rendering of services	1,063	1,069

Gains

Note 3C – Other gains

Resources received free of charge	35	34
Liabilities assumed by other departments	170	162
Total other gains	205	196

NOTE 4 – Expenses

Note 4A – Employee benefits

Wages and salaries	14,852	13,633
Superannuation	2,361	2,248
Leave and other entitlements	981	671
Separation and redundancies	217	-
Other employee expenses	525	489
Total employee benefits	18,936	17,041

Note 4B – Suppliers

Provision of goods – related entities	-	-
Provision of goods – external entities	572	398
Rendering of services – related entities	274	569
Rendering of services – external entities	6,410	6,167
Operating lease rentals:		
Minimum lease payments	4,940	5,574
Workers compensation premiums	106	107
Total supplier expenses	12,302	12,815

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2007 \$'000	2006 \$'000
Note 4C – Depreciation and amortisation		
Depreciation:		
Infrastructure, plant and equipment	962	644
Total depreciation	962	644
Amortisation:		
Lease incentives	–	110
Computer software	27	8
Total amortisation	27	119
Total depreciation and amortisation	989	762
Note 4D – Write down and impairment of assets		
Revaluation decrements – non-financial assets	34	77
Total write-down of assets	34	77
Note 4E – Losses from assets sales		
Infrastructure, plant and equipment		
Proceeds from sale	–	–
Carrying value of assets sold	15	7
Selling expense	–	–
Total losses from assets sales	15	7
NOTE 5 – Financial Assets		
Note 5A – Cash and cash equivalents		
Other	692	538
Total cash and cash equivalents	692	538
Note 5B – Trade and other receivables		
Goods and services	86	50
Appropriations receivable for existing outputs	7,140	6,700
GST receivable from the Australian Taxation Office	173	223
Total trade and other receivables (net)	7,399	6,973

All receivables are with entities external to the Tribunal. Credit terms are net 30 days (2006: 30 days).

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2007 \$'000	2006 \$'000
Note 5B – Trade and other receivables (continued)		
Receivables are aged as follows:		
Not overdue	7,385	6,965
Overdue by:		
Less than 30 days	11	7
30 to 60 days	3	1
60 to 90 days	–	–
More than 90 days	–	–
	<u>14</u>	<u>8</u>
Total trade and other receivables (gross)	<u>7,399</u>	<u>6,973</u>
The allowance for doubtful debts is aged as follows:		
Not overdue	–	–
Overdue by:		
Less than 30 days	–	–
30 to 60 days	–	–
60 to 90 days	–	–
More than 90 days	–	–
	<u>–</u>	<u>–</u>
Total allowance for doubtful debts	<u>–</u>	<u>–</u>
Receivables are represented by:		
Current	7,399	6,973
Non-current	–	–
Total trade and other receivables (net)	<u>7,399</u>	<u>6,973</u>

NOTE 6 – Non-Financial Assets

Note 6A – Leasehold improvements

– fair value	6,637	6,161
– accumulated depreciation	–	–
Total leasehold improvements	<u>6,637</u>	<u>6,161</u>

Note 6B – Plant and equipment

– at gross carrying value (at fair value)	1,700	1,342
– accumulated depreciation	–	–
Total plant and equipment	<u>1,700</u>	<u>1,342</u>

All revaluations are in accordance with the revaluation policy stated in Note 1.18. In 2006-07 an independent valuer, the Australian Valuation Office, conducted the valuations.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 6C – Analysis of property, plant, and equipment

TABLE A – Reconciliation of the opening and closing balances of property, plant and equipment (2006–07)

Item	Buildings – Leasehold Improvements \$'000	Plant and Equipment \$'000	TOTAL \$'000
As at 1 July 2006			
Gross book value	6,161	1,342	7,503
Accumulated depreciation/amortisation	–	–	–
Net book value 1 July 2006	6,161	1,342	7,503
Additions			
by purchase	1,331	674	2,005
Revaluation and impairments through equity	(159)	(34)	(193)
Revaluation of makegood	–	–	–
Depreciation/amortisation expense	(696)	(266)	(962)
Recoverable Amount write-downs	–	–	–
Disposals			
Other disposals	–	(16)	(16)
Net book value 30 June 2007	6,637	1,700	8,337
Net book value as at 30 June 2007 represented by:			
Gross book value	6,637	1,700	8,337
Accumulated depreciation/amortisation	–	–	–
	6,637	1,700	8,337

TABLE A – Reconciliation of the opening and closing balances of property, plant and equipment (2005–06)

As at 1 July 2005			
Gross book value	295	1,432	1,727
Accumulated depreciation/amortisation	–	–	–
Net book value 1 July 2005	295	1,432	1,727
Additions			
by purchase	3,330	175	3,505
Revaluation and impairments through equity	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)
Net book value 30 June 2006	6,161	1,342	7,503
Net book value as at 30 June 2006 represented by:			
Gross book value	6,161	1,342	7,503
Accumulated depreciation/amortisation	–	–	–
	6,161	1,342	7,503

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2007 \$'000	2006 \$'000
Note 6D – Intangibles		
Computer software at cost	1,317	1,079
Total computer software	1,317	1,079
Accumulated amortisation	(908)	(946)
Total intangibles (non-current)	409	133

No indicators of impairment were found for intangible assets.

TABLE B – Reconciliation of opening and closing balances of intangibles (2006-07)

Item	Computer software purchased \$'000	Total \$'000
As at 1 July 2006		
Gross book value	1,079	1,079
Accumulated depreciation/amortisation	(946)	(946)
Net book value 1 July 2006	133	133
Additions		
by purchase or internally developed	303	303
Amortisation	(27)	(27)
Disposals:		
Other disposals	–	–
Net book value 30 June 2007	409	409
Net book value as of 30 June 2007 represented by:		
Gross book value	1,317	1,317
Accumulated depreciation/amortisation and impairment	(908)	(908)
	409	409

TABLE B – Reconciliation of opening and closing balances of intangibles (2005-06)

As at 1 July 2005		
Gross book value	958	958
Accumulated depreciation/amortisation	(938)	(938)
Net book value 1 July 2005	20	20
Additions		
by purchase (partially complete)	121	121
Amortisation	(8)	(8)
Disposals:		
Other disposals	–	–
Net book value 30 June 2006	133	133
Net book value as of 30 June 2006 represented by:		
Gross book value	1,079	1,079
Accumulated depreciation/amortisation and impairment	(946)	(946)
	133	133

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2007 \$'000	2006 \$'000
Note 6E – Other Non-Financial Assets		
Prepayments	1,881	2,042
Total other non-financial assets	1,881	2,042

All other non-financial assets are current assets.

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

NOTE 7 – Other Non-Interest Bearing Liabilities

Lease incentives	1,119	706
Total other non-interest bearing liabilities	1,119	706
Current	85	54
Non-current	1,034	652
Total other non-interest bearing liabilities	1,119	706

NOTE 8 – Payables

Note 8A – Suppliers

Trade creditors	860	755
Total suppliers	860	755

All supplier payables are current liabilities. Settlement is usually made 30 days from receipt of invoice.

NOTE 9 – Provisions

Note 9A – Employee Provisions

Salaries and wages	449	317
Leave	3,764	3,386
Superannuation	547	506
Other	36	25
Total employee provisions	4,796	4,234

Employee provisions are represented by:

Current	4,360	3,847
Non-current	436	387
Total employee provisions	4,796	4,234

The classification of current includes amounts for which there is not an unconditional right to defer settlement by one year, hence in the case of employee provisions the above classification does not represent the amount expected to be settled within one year of reporting date. Employee provisions expected to be settled in twelve months from the reporting date is \$1,808,626 (2006: \$1,356,528), in excess of one year \$2,987,785 (2006: \$2,877,147)

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2007 \$'000	2006 \$'000
Note 9B – Other Provisions		
Provision for 'makegood'	385	385
Total other provisions	385	385

All other provisions are non-current liabilities.

	Provision for Make good \$'000	Total \$'000
Carrying amount 1 July 2006	385	275
Additional provisions made	-	385
Provisions realised	-	(275)
Unwinding of discounted amount arising from the passage of time	-	-
Closing balance 2007	385	385

The Tribunal has two agreements for the leasing of premises which have provisions requiring the Tribunal to restore the premises to their original condition at the conclusion of the lease. The Tribunal has made provision to reflect the present value of this obligation.

NOTE 10 – Cash Flow Reconciliation

Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement

Report cash and cash equivalents as per:

Cash Flow Statement	692	538
Balance Sheet	692	538

Reconciliation of operating result to net cash from operating activities:

Operating result	467	(541)
Depreciation/amortisation	989	762
Loss on disposal of assets	15	7
Net write-down of non-financial assets	34	77
(Increase)/decrease in net receivables	(426)	2,796
(Increase)/decrease in prepayments	161	84
Increase/(decrease) in employee provisions	562	298
Increase/(decrease) in supplier payables	105	84
Increase/(decrease) in other provisions	-	150
Increase/(decrease) in other liabilities	413	171
Net cash from/(used by) operating activities	2,320	3,888

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

NOTE 11 – Contingent Liabilities and Assets

Quantifiable Contingencies

The schedule of Contingencies in the Financial Report reports contingent liabilities as at 30 June 2007 in respect of lease makegood costs where the cost has yet to be crystallised as a liability. At 30 June 2007 the Tribunal has no quantifiable contingent liabilities (2006: Nil). In 2005-06 all contingent liabilities were either crystallised or expired.

Unquantifiable or Remote Contingencies

At 30 June 2007, the Tribunal has not identified any unquantifiable or remote contingencies.

NOTE 12 – Executive Remuneration

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

	2007	2006
\$145,000 to \$159,999	-	1
\$160,000 to \$174,999	1	-
\$205,000 to \$219,999	-	1
\$220,000 to \$234,999	1	
Total	2	2

The aggregate amount of total remuneration of executives shown above. **\$403,585** \$357,293

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

NOTE 13 – Remuneration of Auditors

	2007 \$'000	2006 \$'000
Financial statement audit services are provided free of charge to the Tribunal.		
The fair value of the audit services provided was:	35,100	33,500
	35,100	33,500

No other services were provided by the Auditor-General.

NOTE 14 – Average Staffing Levels

	2007	2006
The average staffing levels for the Tribunal during the year were:	164	164

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

NOTE 15 – Financial Instruments

Note 15A – Interest Rate Risk

Financial Instrument	Note	Non Interest-bearing		Total		Weighted Average Effective Interest Rate	
		2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000	2007 %	2006 %
Financial Assets							
Cash and cash equivalents	5A	692	538	692	538	n/a	n/a
Receivables for goods and services	5B	86	50	86	50	n/a	n/a
Total		778	588	778	588		
Total Assets				18,718	17,189		
Financial Liabilities							
Trade creditors	8A	860	755	860	755	n/a	n/a
Total		860	755	860	755		
Total Liabilities				7,160	6,080		

Note 15B – Fair Values of Financial Assets and Liabilities

	Notes	2007		2006	
		Total Carrying Amount \$'000	Aggregate Fair Value \$'000	Total Carrying Amount \$'000	Aggregate Fair Value \$'000
Departmental Financial Assets					
Cash at bank	5A	692	692	538	538
Receivables for goods and services	5B	86	86	50	50
Total Financial Assets		778	778	588	588
Financial Liabilities(Recognised)					
Trade creditors	8A	860	860	755	755
Total Financial Liabilities (Recognised)		860	860	755	755

Note 15C – 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 concentrations of credit risk.

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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

NOTE 16 – Income Administered on Behalf of the Government

	2007 \$'000	2006 \$'000
<i>Revenue</i>		
Filing fees	822	1,053
Total revenue	822	1,053

NOTE 17 – Expenses Administered on Behalf of the Government

	2007 \$'000	2006 \$'000
<i>Expenses</i>		
Refund of filing fees	483	700
Total expenses	483	700

NOTE 18 – Assets Administered on Behalf of the Government

There were no administered assets as at 30 June 2007, (2006: Nil).

NOTE 19 – Liabilities Administered on Behalf of the Government

There were no administered liabilities as at 30 June 2007, (2006: Nil).

NOTE 20 – Administered Reconciliation Table

	2007 \$'000	2006 \$'000
<i>Opening administered assets less administered liabilities as at 1 July</i>	-	-
Opening balance fair value adjustment – administered investments	-	-
Plus: Administered revenues	822	1,053
Less: Administered refunds	(483)	(700)
Administered transfers to/from Australian Government:		
Appropriation transfers from OPA	483	700
Transfers to OPA:	(822)	(1,053)
Closing administered assets less administered liabilities as at 30 June	-	-

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

NOTE 21 – Appropriations

Table A: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Ordinary Annual Services Appropriations and borrowings

Particulars	Departmental Outputs		Total	
	2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000
Balance carried from previous period	7,238	4,864	7,238	4,864
Unspent receipts from 1999-2004 where no s31 agreement was deemed to be in place (funding restored in 2005/06)	-	5,009	-	5,009
Adjusted Balance carried for previous period	7,238	9,873	7,238	9,873
Appropriation Act:				
Appropriation Act (No.1)	30,820	28,620	30,820	28,620
Appropriation Act (No.3)	655	276	655	276
Comcover receipts (Appropriation Act s13)	-	-	-	-
FMA Act:				
Refunds credited (FMA s30)	174	-	174	-
Appropriations to take account of recoverable GST (FMA s30A)	1,368	1,366	1,368	1,366
Annotations to 'net appropriations' (FMA s31)	1,077	968	1,077	968
Total appropriations available for payments	41,332	41,103	41,332	41,103
Cash payments made during the year (GST inclusive)	(33,500)	(33,865)	(33,500)	(33,865)
Appropriations credited to Special Accounts (excluding GST)	-	-	-	-
Balance of Authority to Draw Cash from the Consolidated Revenue Fund for Ordinary Annual Services Appropriations	7,832	7,238	7,832	7,238

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Table A: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Ordinary Annual Services Appropriations and borrowings (continued)

Particulars	Departmental Outputs		Total	
	2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000
Represented by:				
Cash at bank and on hand	692	538	692	538
Receivables – departmental appropriations	7,140	6,700	7,140	6,700
Total	7,832	7,238	7,832	7,238

Departmental and non-operating appropriations do not lapse at financial year end. However, the responsible Minister may decide that part or all of a departmental or non-operating appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament.

Table B: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Other than Ordinary Annual Services Appropriations

Particulars	Non-operating Equity		Total	
	2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000
Balance carried from previous period	-	-	-	-
Appropriation Act:				
Appropriation Act (No.2)	142	-	142	-
FMA Act:				
Refunds credited (FMA s30)	-	-	-	-
Appropriations to take account of recoverable GST (FMA s30A)	14	-	14	-
Total appropriations available for payments	156	-	156	-
Cash payments made during the year (GST inclusive)	(156)	-	(156)	-
Appropriations credited to Special Accounts (excluding GST)	-	-	-	-
Balance of Authority to Draw Cash from the Consolidated Revenue Fund for Other than Ordinary Annual Services Appropriations	-	-	-	-

Table C: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund – Special Appropriations (Unlimited Amount)

<i>Financial Management and Accountability Act 1997</i> section 28	2007 \$'000	2006 \$'000
Cash payments made during the year	483	700
Estimated actual	600	250

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

NOTE 22 – Special Accounts

Other Trust Moneys	2007 \$'000	2006 \$'000
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Legal Authority: *Financial Management and Accountability Act 1997; s20*

Appropriation: *Financial Management and Accountability Act 1997; s20*

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 period	-	-
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Other receipts	-	-
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Available for payments	-	-
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Payments made	-	-
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Balance carried to next year	-	-
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Services for other Governments & Non-Agency Bodies	2007 \$'000	2006 \$'000
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Legal Authority: *Financial Management and Accountability Act 1997; s20*

Appropriation: *Financial Management and Accountability Act 1997; s20*

Purpose: for expenditure in connection with services performed on behalf of other governments and bodies that are not Agencies under the FMA Act.

This account is non-interest bearing.

Balance carried from previous period	-	-
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Appropriation for reporting period	-	-
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Available for payments	-	-
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Payments made to suppliers	-	-
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Balance carried to next year	-	-
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NOTE 23 – Compensation and Debt Relief

	2007 \$	2006 \$
<i>Administered</i>		
'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
<i>Departmental</i>		
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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 24 – Reporting of Outcomes

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

Note 24A – Net Cost of Outcome Delivery

	Total	
	2007 \$'000	2006 \$'000
Expenses		
Administered	483	700
Departmental	32,276	30,702
Total expenses	32,759	31,402
Costs recovered from provision of goods and services to the non-government sector		
Administered	-	-
Departmental	341	313
Total costs recovered	341	313
Other external revenues		
Administered	822	1,053
Departmental	722	756
Total other external revenues	1,885	2,122
Net cost/(contribution) of outcome	30,874	29,280

Note 24B – Major Classes of Departmental Revenues and Expenses by Output Group and Outputs

The Tribunal has only one output group.

	Total	
	2007 \$'000	2006 \$'000
Departmental expenses		
Employees	18,936	17,041
Suppliers	12,302	12,815
Depreciation and amortisation	989	762
Other expenses	49	84
Total departmental expenses	32,276	30,702
Funded by:		
Revenues from government	31,680	29,092
Sale of goods and services	1,063	1,069
Other non-taxation revenue	-	-
Total departmental revenues	32,743	30,161

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 24C – 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	
	2007 \$'000	2006 \$'000
Administered Income		
Fees & fines	822	1,053
Total Administered Income	822	1,053
Administered Expenses		
Refund of fees and fines	(483)	(700)
Total Administered Expenses	(483)	(700)

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Appendix 1: Members of the Tribunal

Tribunal members as at 30 June 2007

President The Honourable Justice GK Downes AM

New South Wales

Presidential members

Federal Court The Honourable Justice BJM Tamberlin
The Honourable Justice RV Gyles AO
The Honourable Justice ACB Bennett AO
The Honourable Justice RF Edmonds

Deputy Presidents Deputy President RNJ Purvis AM QC
Deputy President J Block
Deputy President GDdeQ 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)
Senior Member N Isenberg (G,V,S)
Senior Member PW Taylor SC (G,V,T)

Members Dr IS Alexander (G,V)
Dr TM Baker (G,V)
Dr JD Campbell (G,V)
Mr DM Connolly AM (G,V,S)
Mr SE Frost (G,V,T)
Mr M Griffin (G,V)
Dr TJ Hawcroft (G,V)
Rear Admiral AR Horton AO RAN (Rtd) (G,V)
Mr TC Jenkins (G,V,T)
Professor GAR Johnston (G,V)
Professor TM Sourdin (G,V)
Dr MEC Thorpe (G,V)
Dr SH Toh (G,V)
Brigadier IR Way (Rtd) (G,V,T)

Victoria

Presidential members

Federal Court The Honourable Justice PRA Gray
The Honourable Justice PC Heerey

Family Court The Honourable Justice N Mushin

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

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 Dr KJ Breen AM (G,V)
Brigadier C Ermert (Rtd) (G,V)
Mr E Fice (G,V,T)
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 Honourable Justice JEJ Spender
The Honourable Justice AP Greenwood

Family Court The Honourable Justice JPO Barry

Deputy President Deputy President PE Hack SC

Non-presidential members

Senior Members Senior Member BJ McCabe (G,V,T)
Senior Member MJ Carstairs (G,V,T)
Senior Member PM McDermott RFD (G,V,T)
Senior Member KStC Levy RFD (G,V,T)

Members Dr EK Christie (G,V,T)
Dr ML Denovan (G,V)
Mr SC Fisher (G,V,T)
Mr RG Kenny (G,V,T)
Dr GJ Maynard, Brigadier (Rtd) (G,V)
Associate Professor JB Morley RFD (G,V)

South Australia

Presidential members

Federal Court The Honourable Justice BT Lander

Family Court The Honourable 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	Mr S Ellis AM (G,V,S) Dr ET Eriksen (G,V) Professor PL Reilly AO (G,V) Mr JG Short (G,V,T)

Western Australia

Presidential members

Federal Court	The Honourable Justice RS French The Honourable Justice RD Nicholson The Honourable 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	Mr WG Evans (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 Honourable Justice RJC Benjamin
Deputy Presidents	Deputy President CR Wright QC Deputy President RJ Groom

Non-presidential members

Senior Member	Senior Member AF Cunningham (G,V,T)
Members	Associate Professor BW Davis AM (G,V) Dr R Walters (G,V)

Australian Capital Territory

Presidential members

Family Court	The Honourable Justice MM Finn
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Non-presidential members

Senior Member	Senior Member JW Constance (G,V,T,S)
Members	Air Vice Marshal F Cox AO (Rtd) (G,V) Dr MD Miller AO (G,V) Mr S Webb (G,V,T) Dr P Wilkins (G, V)

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 the powers of the Tribunal in all of the Tribunal's Divisions. Senior Members and Members may exercise the 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 was on leave of absence from the Tribunal during 2006–07.
4. New appointments during the year to 30 June 2007 were:
 - Dr TM Baker, Part-time Member
 - Dr KJ Breen AM, Part-time Member
 - Mr DM Connolly AM, Part-time Member
 - Air Vice Marshal F Cox AO (Rtd), Part-time Member
 - Mr S Ellis AM, Part-time Member
 - Mr WG Evans, Part-time Member
 - Mr SE Frost, Part-time Member
 - Dr TJ Hawcroft, Part-time Member
 - Mr TC Jenkins, Part-time Member
 - Professor PL Reilly, Part-time Member
 - Mr PW Taylor SC, Part-time Senior Member
 - Dr SH Toh, Part-time Member
 - Dr R Walters, Part-time Member
 - Dr P Wilkins, Part-time Member
5. Change in status of appointment:
 - Ms AF Cunningham (from part-time Member to part-time Senior Member)
 - Ms MJ Carstairs (from full-time Member to full-time Senior Member)
 - Ms N Isenberg (from part-time Member to part-time Senior Member)
 - Dr KStC Levy RFD (from part-time Member to part-time Senior Member)
6. The following persons ceased to be members during the reporting year:
 - Dr P Fricker, Part-time Member
 - Air Marshal B Gratton AO AFC RAAF (Rtd), Part-time Member
 - Ms M Imlach, Part-time Senior Member
 - Brigadier RB Lloyd OBE MC RL, Part-time Member
 - Dr PD Lynch, Part-time Member

Member profiles

The Honourable Justice Garry Downes AM BA LLB FCIArb

President

Justice Downes was appointed a Judge of the Federal Court of Australia and President of the Administrative Appeals Tribunal in 2002. He is ex officio a member of the Administrative Review Council and immediate past Chair of the Council of Australasian Tribunals. He is also a member of the Council of the Australasian Institute of Judicial Administration.

Justice Downes was called to the Australian Bar in 1970 and appointed Queen's Counsel in 1983. He was a member of the English Bar (Inner Temple). His practice was concentrated on commercial law, administrative law and international arbitration.

Justice Downes 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 International 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 New South Wales Bar Association and Chairman of the New South Wales 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. He 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 was a member of the Library Committee in 2006.

Dr Teresa Baker

Part-time Member, NSW

Teresa Baker was appointed to the AAT as a part-time Member in August 2006. She is the Director of Pharmedica Consulting Pty Ltd, a company specialising in providing advice on pharmaceutical regulation that she established in 2001. Dr Baker has a PhD in Chemistry from the University of Western Australia and thirteen years' experience in the pharmaceutical industry, including as a consultant to, and a regulatory and medical affairs manager with, several large pharmaceutical companies. Dr Baker is in the final year of a postgraduate Diploma in Law.

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 New South Wales Administrative Decisions Tribunal (1994–2001), Consultant Reviewer with the Office of the Legal Services Commissioner (1995–2001), member of the Professional Standards Council of New South Wales and Western Australia and legal policy consultant. She worked as a corporate counsel and legal

adviser (part time) for the New South Wales State Rail Authority 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 is the AAT's Mentoring Coordinator and is a member of the AAT's Professional Development Committee. She is also a member of the Executive Committee of the New South Wales Chapter of the Council of Australasian Tribunals.

Julian Block H.DIP. Law H.DIP. Tax LLM 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 New South Wales Administrative Decisions Tribunal and an acting judge of the New South Wales 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 is a managing member for taxation schemes.

Dr Kerry Breen AM MBBS MD FRACP

Part-time Member, Vic

Kerry Breen is a consultant physician in gastroenterology who has been a part-time Member since 2006. He has served as President of the Australian Medical Council and President of the Medical Practitioners Board of Victoria. From 2000 to 2006 he chaired the Australian Health Ethics Committee of the National Health and Medical Research Council.

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. He 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 Senior Member, Qld

Margaret Carstairs was appointed as a full-time Member of the AAT in 2001 and as a full-time Senior Member in November 2006. 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 Social Security Appeals Tribunal 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 BAgSc 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 was a member of the AAT's Alternative Dispute Resolution Committee in 2006.

David Connolly AM

Part-time Member, NSW

David Connolly was appointed to the AAT as a part-time member in August 2006. He was a career diplomat serving in Colombo, the UN New York and Tel Aviv before his election to the House of Representatives as the member for Bradfield from 1974 to 1996. He was a consultant with Phillips Fox Lawyers and a Commonwealth adviser to the South African Parliament up to 1998 when he was appointed Australia's High Commissioner to South Africa, Namibia, Botswana, Lesotho and Swaziland. On his return to Australia in 2003, he was appointed a Trustee/Director of the CSS/PSS now ARIA superannuation schemes and chairman of Rice Warner Actuaries. He is also a director of the Braidwood Rural Lands Protection Board and a part-time member of the Migration and Refugee Review Tribunals.

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 a managing member for taxation schemes during 2006–07 and was a member of the AAT's 30th Anniversary Organising Committee.

Air Vice Marshal Franklin (Frank) D Cox AO (Rtd)

Part-time Member, ACT

Frank Cox was appointed to the AAT as a part-time member on 24 August 2006. He trained with the Royal Australian Air Force (RAAF) as a pilot and held numerous flying and staff appointments during his military career. The last senior appointment he held was Assistant Chief of the Defence Force — Personnel.

Air Vice Marshal Cox is a graduate of the Royal College of Defence Studies (London) and the USAF Air War College. After service with the RAAF, he worked as a consultant in human resource management. He was appointed to the Defence Force Remuneration Tribunal in 1999 and held the position of ex-service member for a period of six years.

Air Vice Marshal Cox is a member of the AAT's Alternative Dispute Resolution Committee.

Ann Cunningham LLB (Hons)

Part-time Senior Member, Tas

Ann Cunningham was appointed as a part-time Member of the AAT in 1995 and became a Senior Member on 1 July 2006. She is a Presiding Member of the Resource Management and Planning Appeal Tribunal and Deputy President of the Mental Health Tribunal in Tasmania. She is Chairperson 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.

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

Associate Professor Bruce Davis AM Dip.Str.

Eng Dip.Pub.Admin 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 Chairman of 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.

Dr Marella 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 South Australian 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. He is also 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.

Senior Member Dunne was a managing member for taxation schemes during 2006–07.

Stuart Ellis AM BA Grad Dip Mgt Stud Grad Dip Strtgc Stud

Part-time Member, SA

Stuart Ellis was appointed a part-time Member in 2006. He served with the Australian Army from 1975 to 1996. He was involved in a number of overseas deployments including to Somalia in 1994. He was subsequently appointed CEO of the Country Fire Service in South Australia before establishing his own consultancy business in 2002. Mr Ellis consults nationally on operational leadership and emergency management, including to the Australian Defence Force.

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. Dr Eriksen 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 (Rtd) MSc FIEAust CPEng

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 sectors. 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 New South Wales Medical Board in relation to disciplinary action regarding medical practitioners. She is an Arbitrator and Mediator of the New South Wales Workers Compensation Commission and chairs its Medical Appeals Panels. For many years since the 1980s, Senior Member Ettinger held an appointment as a part-time member of the New South Wales 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 the Deputy Chair of the AAT's Alternative Dispute Resolution Committee and is a coordinator of the professional development program run by the members in Sydney. She is also a managing member for taxation schemes.

Warren Evans psc Grad Dip Logistics Mngt Cert Business Studies FAIM

Part-time Member, WA

Warren Evans was appointed to the AAT as a part-time Member in September 2006. He served in the Australian Army from 1967 until 1989 after having been called-up for National Service. He served in South Vietnam in 1970–71. During his service, Mr Evans undertook extensive and diversified training, gaining considerable experience across a number of disciplines, including aviation, administration, logistics, recruiting, Special Forces and intelligence. During 1978–79, he was Honorary Aide-de-Camp to Sir Roden Cutler VC, Governor of New South Wales. From 1986 to 1989, he was the Chairman

of the Defence Armaments Committee and on the Steering Committee of Monash University Logistics Degree Course. Retiring as a Lieutenant Colonel in 1989, Mr Evans became the State Manager (Logistics) for Myer Stores in Western Australia and then undertook several CEO appointments, directing several successful company recoveries.

After establishing his own company in 1996, Mr Evans has concentrated on corporate forensic intelligence work which has led to work with the Commonwealth and State Governments on major projects, interspersed with private sector activity. From 1997 to 2000, he was also on the supervisory staff of Curtin University, responsible for students undertaking PhD studies in logistics management, a member of the Western Australian Government's Aviation Training Advisory Committee, a member of the Western Australian Department of Main Roads Consultative Committee, a member of Jandakot Airport Chamber of Commerce and a member of several flying clubs. From 2001 to 2005, he held a senior appointment with the Defence Materiel Office, associated with the \$6 billion ANZAC Ship Project. Mr Evans is an experienced company director, company secretary and business consultant. In 2006, he was involved in the retention of Jandakot Airport at its present site. In January 2007, Mr Evans was appointed Honorary Colonel of the Royal Australian Army Ordnance Corps — Western Region. He has been a Fellow of the Australian Institute of Management since 1995.

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 Phillips 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 is a managing member for taxation schemes and is a member of the AAT's Alternative Dispute Resolution Committee. He is also a member of the Organising Committee for the 2007 AAT National Conference.

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 was 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 was 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.

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 Deputy Chair of the AAT's Library Committee and the Practice and Procedure Committee. She is also a member of the State and Territory Coordinators Committee and is a managing member for taxation schemes.

Dr Patricia Fricker MBBS

Part-time Member, Vic

Patricia Fricker has worked as a general practitioner since 1976 and was appointed a part-time Member of the AAT in 1995. Prior to that, 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.

Dr Fricker's appointment as a member of the Tribunal ended on 30 September 2006.

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 (1988–1993). He represented the Victorian Department of Human Services 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.

Stephen Frost BA (Hons) Dip Law (BAB) FTIA MIAMA

Part-time Member, NSW

Stephen Frost was appointed to the AAT in August 2006. He has been a tax practitioner in the private sector for 18 years and has been a tax partner at KPMG since 1995. From 1977 to 1989, he was employed by the Australian Taxation Office in Sydney and Canberra. Mr Frost was admitted as a legal practitioner in New South Wales in 1989. He is an Affiliate of the Institute of Chartered Accountants in Australia, a Fellow of the Taxation Institute of Australia, a Member of the Australian Institute of Administrative Law and an accredited mediator member of the Institute of Arbitrators & Mediators Australia.

Air Marshal Barry Gratton AO AFC RAAF (Rtd) BCom GAICD

Part-time Member, ACT

Barry Gratton served as a pilot in the Royal Australian Air Force 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.

Air Marshal Gratton's appointment as a member of the Tribunal ended on 30 September 2006.

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. In June 2007, Mr Griffin was appointed as the Principal Member of the Veterans' Review Board.

Prior to his appointment to the Veterans' Review Board, Mr Griffin was a solicitor in private practice and a Colonel in the Army Reserve. He was the Subject Matter Expert in Administrative Law for the Australian Defence Force and 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 Inquiry.

The Honourable 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 of Tasmania. 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 as well as 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 to the AAT. 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, the State and Territory Coordinators Committee and the Professional Development Committee. He is also a managing member for taxation schemes.

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 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 ombudstry.

Senior Member Handley was a member of the AAT's Alternative Dispute Resolution Committee in 2006 and is currently a member of the Professional Development Committee.

Lesley Hastwell LLB LLM

Part-time Senior Member, SA

Lesley Hastwell was admitted as a barrister and solicitor of the Supreme Court of South Australia in March 1976. She has been in private legal practice since that time apart from a period of five years when she worked on a full-time basis as a tutor and lecturer in the Law School at the University of Adelaide. She continued to have academic involvement after ceasing full-time academic work and for a number of years she continued to present courses for the Law School in the field of family property law.

She is currently in practice as a partner in the Adelaide law firm Norman Waterhouse. Her particular specialty in private practice is in family law and all associated areas.

Senior Member Hastwell was appointed to the AAT in July 2004. She has previously held appointments as a Deputy President of the South Australian Guardianship Board (1994–2004), a legal member of the Social Security Appeals Tribunal (1987–96) and a legal member of the South Australian Dental Board (1992–99). She was recently appointed to the position of Deputy Chair of the South Australian Psychological Board. She holds a Masters Degree in Law from the University of Adelaide.

Senior Member Hastwell is a member of the AAT Organising Committee for the 2007 AAT National Conference. She is also a member of the Committee of the South Australian Chapter of the Council of Australasian Tribunals.

Dr Timothy Hawcroft BVSc (Hons) MACVS

Part-time Member, NSW

Tim Hawcroft was appointed to the AAT in July 2006. He graduated with a Bachelor of Veterinary Science (Hons) from the University of Sydney in 1969. He established, and was principal, of the Gordon Veterinarian Hospital from 1971 to 2002. He was Honorary Veterinarian for the Royal Agricultural Society of New South Wales from 1975 until 1986, and a part-time consultant for the University Veterinary Centre, Sydney, during 2003. He is an accredited veterinarian with the Australian Quarantine Inspection Service.

Dr Hawcroft is the author of a number of books on veterinary science and animal care, and has presented papers at conferences. He is a life member of the Australian Veterinary Association and the Australian College of Veterinary Scientists.

Rear Admiral Anthony Horton AO RAN (Rtd) BA

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 Organising Committee of the 2007 AAT National Conference.

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 several textbooks in the area of administrative law.

Deputy President Hotop is a member of the AAT's Library Committee, the Practice and Procedure Committee and the State and Territory Coordinators Committee. He is also a managing member for taxation schemes.

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 textbooks, 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 has 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.

Senior Member Imlach's appointment as a member of the Tribunal ended on 30 September 2006.

Naida Isenberg LLB

Part-time Senior Member, NSW

Naida Isenberg was appointed as a part-time Member of the AAT in 2001. In August 2006, she was appointed as a part-time Senior Member. She is also a New South Wales Law Society Panel Mediator, a Mediator with the Dust Diseases Tribunal, and a legal management consultant. She was formerly a part-time Senior Member of the Veterans' Review Board and a District Court Arbitrator. Her previous experience includes: general counsel of a major insurance company; Director of Crown Legal Services, New South Wales; and Deputy Director of the Australian Government Solicitor. She is also a Lieutenant

Colonel in the Army Reserve (Legal Corps) and is the Legal Consultant to Headquarters Training Command. She is a fellow of the Institute of Chartered Secretaries.

Senior Member Isenberg is a member of the AAT's Alternative Dispute Resolution Committee.

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 chair 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 chair 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.

Deputy President Jarvis is the Vice-convenor of the South Australian Chapter of the Council of Australasian Tribunals. He has provided tuition to persons undertaking the South Australian Bar Readers' course. He is the Convenor of the AAT's Professional Development Committee and is the Coordinator of the Members' Appraisal Scheme. He is a member of the Practice and Procedure Committee and the State and Territory Coordinators Committee. He is also a member of the Organising Committee for the 2007 AAT National Conference.

Timothy Jenkins FIA FIAA

Part-time Member, NSW

Tim Jenkins was appointed a part-time Member of the AAT in 2006. He has been an emeritus partner and consulting actuary with PricewaterhouseCoopers since 2003, having been a partner from 1999 until 2002. He was Chief Executive of Superannuation and Insurance at Westpac from 1996 until 1998, having been general manager of Westpac Financial Services from 1993 until 1996, and before that, Managing Director of ANZ Funds Management from 1989 until 1993. Mr Jenkins had also been Managing Director of ANZ Life, a partner with E S Knight & Co, Consulting Actuaries, and an actuary at MLC Life.

Mr Jenkins has been Chair of the Life Insurance Actuarial Standards Board since 1998. He is a former President of the Institute of Actuaries of Australia and Convenor of the Institute's Professional Conduct Committee. He was elected as a life member of the Institute of Actuaries of Australia in 2005. He qualified as an actuary by satisfying requirements for admission as a fellow of the Institute of Actuaries (London) in 1965.

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 New South Wales Environment Protection Authority from 1996 and has appeared in various courts, tribunals and inquiries. She was a member of Professional Conduct Committees of the New South Wales 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.

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 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 Senior Member, Qld

Kenneth Levy was appointed as a part-time Member of the AAT in July 2004 and appointed as a part-time Senior Member in September 2006. Prior to his appointment to the AAT, he worked in the Queensland Public Service for approximately 36 years, retiring as Director-General of the Department of Justice in Queensland in December 2003. Since that time, Dr Levy was National President of the professional accounting body, CPA Australia, in 2004–05 and is a practising barrister. He has also been appointed as a part-time Adjunct Professor to the Faculty of Law of Bond University in 2007. Dr Levy was a Fulbright scholar at the University of California at Irvine and undertook postdoctoral psychological research into adolescent crime and the criminal justice system in the United States. His professional life included a wide experience in research, practice and management in the legal and accounting professions.

This year, Dr Levy contributed to a review of governance requirements of CPA Australia and served on its Board Nominating Committee. He also serves as a Director of the Accounting Professional and Ethical Standards Board and is involved with the Public Interest Advisory Group of the Australian Psychological Society.

Dr Levy 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 (RFD), the Centenary Medal, the Australian Defence Medal and the National Service Medal.

Senior Member Levy is a member of the AAT's Library Committee and was a member of the Professional Development Committee in 2006.

Brigadier Russell Lloyd OBE MC RL jssc psc (Rtd)

Part-time Member, WA

Russell Lloyd was appointed as a member of the AAT in 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 the Australian embassy in the Philippines from 1977 to 1979 and is a graduate of Australia's Army Staff College and the Joint Services Staff College.

Brigadier Lloyd resigned from the Tribunal in September 2006.

Dr Patrick Lynch MBBS FFARACS FANZCA RFD LTCOL RAAMC

Part-time Member, NSW

Patrick Lynch was appointed as a part-time Member of the AAT in 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 4 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.

Dr Lynch's appointment as a member of the Tribunal ended on 30 September 2006.

Associate Professor Bernard McCabe BA

LLB GradDipLegPrac 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 was a member of the Faculty of Law at Bond University from 1992 until 2006 and is now an Adjunct Professor of Law. 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 2006–07, Senior Member McCabe has also served as a judge in the Bond University High School Mooting competition and delivered talks to university students and interns at the Queensland Public Interest Law Clearing House.

Senior Member McCabe is a member of the AAT's Professional Development Committee and is a managing member for taxation schemes.

Associate Professor Peter 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).

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 Australian Capital Territory 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 (Rtd) MBBS MSc
(OCC MED) DIH DTM&H

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 Australian 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. His 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.

Dr Michael Miller AO AVM (Rtd) MBBS FRANZCOG
FRCOG FAFPHM

Part-time Member, ACT

Michael Miller was appointed to the AAT in August 1995. He had a specialist medical practice in Brisbane from 1964 to 1968 and became an officer in the Royal Australian Air Force (RAAF) 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 the 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 and holds a number of other positions: Chair, Board of Directors, St John Ambulance (ACT) and Chair, National Advisory Committee on Veterans' Health, Returned and Services League, National Headquarters, Canberra.

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 Royal Australian Air Force Specialist Medical Reserve from 1969 until 1989. Initially appointed in 1972 as a medical member of the War Pensions Assessment Appeals Tribunal, Associate Professor Morley 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 of the Rural Clinical School of the University of Queensland.

The Honourable 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 was recently appointed as the Aboriginal Land Commissioner in the Northern Territory, a position he has held on an acting basis 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 is a managing member for taxation schemes.

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 from 2002 until 2007. 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 appointment to the AAT, 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 and a Commissioner of the Victorian Multicultural Commission. 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 was awarded a Centenary Medal in 2001 for services to equal opportunity, immigration, ethnic affairs and the law.

In April 2007, Ms Perton was elected as Convenor of the Victorian Chapter of the Council of Australasian Tribunals.

The Honourable 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 wide variety of other capacities as a member, chairman or president of various committees and organisations.

Deputy President Purvis is Deputy Chair of the Tax Scheme Managing Members Committee.

Professor Peter Lawrence Reilly AO

Part-time Member, SA

Peter Reilly was appointed to the AAT as a part-time Member in July 2006. He has been a practising neurosurgeon since 1976. From 1994 until 2005, he was head of the Department of Neurosurgery at the Royal Adelaide Hospital. He has also been a visiting staff specialist at Flinders Medical Centre and the Women's and Children's Hospital. Since 2004, he has been clinical professor of Neurosurgery in the Department of Surgery at the University of Adelaide. He is currently a visiting neurosurgeon at the Royal Adelaide Hospital.

Professor Reilly is an executive member and secretary of the Neurosurgical Research Foundation Inc. He has recently completed a term as president of the International Neurotrauma Society. He is a former President of the Neurosurgical Society of Australasia (1996-98), Chair of the Neurosurgical Board of the Royal Australasian College of Surgeons (1991-94) and supervisor of Neurosurgical Training for South Australia. He has a Bachelor of Medical Science, Doctorate of Medicine and Bachelor of Surgery from the University of Adelaide. He is a fellow of the Royal Australasian College of Surgeons and of the Faculty of Pain Medicine. He was

made an Officer in the General Division of the Order of Australia in 2002 for service to the advancement of neurosurgery in the prevention and treatment of head injuries through clinical practice, research, education and membership in relevant professional organisations. He remains actively involved in the study of traumatic brain injuries.

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, Ms Shanahan was a senior lecturer in the Department of Surgery at Monash University. She has served on numerous hospital committees, a hospital Board of Management, the Health Service Commissioners Review Council, a Health Insurance Commission Committee and the Red Cross International Humanitarian Law Committee.

**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 as a member of the United Nations 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. During December 2006, Senior Member Shearer was appointed to serve as a member of the International Independent Group of Eminent Persons to monitor the Sri Lankan Government's Commission of Inquiry into certain alleged violations of human rights and international humanitarian law.

Senior Member Shearer was made a member of the Order of Australia in 1995.

John Short LLB

Part-time Member, SA

John Short was appointed to the AAT in 2004. Prior to this, 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 South Australian Residential Tenancies Tribunal (2001–04). Mr Short was a legal practitioner in general practice from 1984 until 1992. He lectured in contract law on a part-time basis at the Douglas Mawson Institute (SA) between 1989 and 1992. He has been a part-time Child Support Review Officer since 1992. Mr Short completed a LEADR mediation course in 1997 and maintains a strong interest in alternative dispute resolution.

Mr Short is a member of the AAT's Alternative Dispute Resolution Committee.

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 a Professor of Law and Dispute Resolution at La Trobe University and has an adjunct professorial appointment with the University of Queensland. She has worked as a lawyer, court registrar, academic, mediator and tribunal member since being admitted to practise as a lawyer in 1985. She is also a part-time Senior Member with the New South Wales Consumer Trader and Tenancy Tribunal and was a part-time member of predecessor tribunals for more than 10 years. She 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.

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 was a member of the AAT's Dispute Resolution Committee in 2006.

Andre Sweidan BComm 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 Australia and overseas for more than 35 years. He is currently a Consultant at Anchor Legal, a firm which he co-founded, 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, which subsequently became Mallesons Stephen Jaques 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.

Senior Member Sweidan is a member of the AAT's Professional Development Committee and is a managing member for taxation schemes.

Mr Peter Taylor sc

Part-time Senior Member, NSW

Peter Taylor was appointed to the AAT as a part-time Senior Member in August 2006. He is a barrister in private practice in New South Wales. He graduated from the University of Adelaide in 1974 with a Bachelor of Laws (Honours) and was made Senior Counsel in New South Wales in 1993. Senior Member Taylor practises in the areas of commercial, building and construction, insurance, professional liability, equity and trusts and public authority tort law. He was the Chair of the New South Wales Bar Association Advocacy Committee from 1996 to 2000, Convenor of the New South Wales Bar Association Bar Practice Course Working Party in 2006 and has been a member of the Legal Practitioners Admission Board of New South Wales since 1994.

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. For 28 years, 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. 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 World Health Organisation Consultant in Cambodia advising on postgraduate education. Dr Thorpe is a Guest Professor at 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.

Dr Saw Hooi Toh MBBS FRACGP

Part-time Member, NSW

Saw Hooi Toh was appointed to the AAT as a part-time Member in August 2006. Dr Toh is a general practitioner and a medical educator at the Institute of General Practice Education. She sits as a member of the Medical Tribunal and of Professional Standards Committees of the New South Wales Medical Board. Dr Toh is also Senior Examiner for the Australian Medical Council Board of Examiners.

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 Honourable 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. Ms Tovey is also a member of the Western Australia Bar Association Equal Opportunity Committee and the Law Society of Western Australia Human Rights Committee.

Professor Emeritus Geoffrey Walker LLB

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 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 Practice and Procedure Committee and the State and Territory Coordinators Committee. He was Deputy Chair of the Library Committee and the Professional Development Committee in 2006.

Dr Robert Walters

Part-time Member, Tas

Robert Walters is a medical practitioner in general practice in Hobart and was appointed to the AAT in November 2006. He is a senior medical officer in the Australian Army Reserve with the rank of Colonel. He has seen active service in this capacity having been deployed to Timor. Dr Walters also holds an appointment as the Medical Member of the Tasmanian Workcover Board.

Brigadier Anthony Gerard (Gerry) Warner

AM LVO (Rtd) 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, a member of the Mental Health Review Board of Western Australia and is CEO of the RAAF Association (WA Div) Inc.

Brigadier Ian Way (Rtd) BEng MBA FIEAust CPEng

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 New South Wales including University Registrar and Deputy Principal (Administration) until his retirement in 1992. He was an Honorary Aide-de-Camp to the Governor-General between 1981 and 1984 and a Director of the National Institute of Dramatic Arts between 1988 and 1990.

Simon Webb

Full-time Member, ACT

Simon Webb was appointed to the AAT in July 2001. From 1997 to 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.

Mr Webb is a member of the AAT's Professional Development Committee, 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. He is a part-time Tutor in Problem Based Learning for year 2 medical students at the University of Notre Dame — School of Medicine. Prior to his appointment to the AAT, he was a medical member of the Social Security Appeals Tribunal from 1994 until 1996. Dr Weerasooriya practised 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.

**Dr Peter Wilkins MBE BA MBBS MHP MLitt
GradDipHum**

Part-time Member, ACT

Peter Wilkins was appointed to the AAT in August 2006. He served full-time in the Royal Australian Air Force for 22 years and remains a member of its Specialist Reserve. Dr Wilkins has held senior management positions with the Federal Australian Medical Association, NSW Health and as Director of Aviation Medicine for the Civil Aviation Safety Authority. His main current work is consultant practice in occupational medicine.

The Honourable 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) and 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 A2.1 Employment by Registry — ongoing full-time, ongoing part-time and non-ongoing staff as at 30 June 2007

Salary range	Registries								Total
	NSW	Vic	Qld	SA	WA	ACT	Tas	Principal Registry ^a	
\$33,795 – 37,349	–	–	–	–	–	–	–	–	0
\$38,247 – 47,017	14	11	13	5	10	5	–	2	60
\$48,551 – 52,715	13	9	9	4	3	2	2	6	48
\$54,151 – 57,423	–	1	–	1	–	–	–	7	9
\$58,485 – 67,184	3	2	1	1	1	–	–	4	12
\$73,026 – 87,453	–	–	–	1	–	–	–	7	8
\$88,967 – 101,144	5	4	4	2	4	2	–	2	23
\$95,682 – 115,000	–	–	–	–	–	–	–	1	1
Total	35	27	27	14	18	9	2	29	161

a Principal Registry staff are based in Brisbane (15), Sydney (13) and Melbourne (1).

The figures in Table A2.1 include 23 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 A2.2 Equal employment opportunity statistics — ongoing full-time, ongoing part-time and non-ongoing staff as at 30 June 2007

Class	Salary range	Women	Men	ATSI	NESB	PWD	Total staff
APS 1	\$33,759 – 37,349	–	–	–	–	–	0
APS 2/3	\$38,247 – 47,017	43	17	1	23	2	60
APS 4	\$48,551 – 52,715	37	11	–	19	–	48
APS 5	\$54,151 – 57,423	5	4	–	4	–	9
APS 6	\$58,485 – 67,184	10	2	–	2	–	12
Exec 1	\$73,026 – 87,453	3	5	–	–	–	8
Exec 2	\$88,967 – 101,144	17	6	–	7	–	23
SES 1	\$95,682 – 115,000	1	–	–	–	–	1
Total		116	45	1	55	2	161

ATSI = Aboriginal and Torres Strait Islanders; NESB = people of non-English-speaking background; PWD = people with disabilities

Note: The data in this table are based in part on information provided by staff on a voluntary basis.

Table A2.3 Employment status statistics as at 30 June 2007

Class	Salary range	Full time	Part time	Irregular/ Intermittent	Total staff	AWAs	Agency Agreement
APS 1	\$33,795 – 37,349	–	–	–	0	–	0
APS 2/3	\$38,247 – 47,017	37	3	20	60	–	60
APS 4	\$48,551 – 52,715	45	1	2	48	–	48
APS 5	\$54,151 – 57,423	8	–	1	9	–	9
APS 6	\$58,485 – 67,184	8	4	–	12	–	12
Exec 1	\$73,026 – 87,453	8	–	–	8	3	5
Exec 2	\$88,967 – 101,144	15	8	–	23	3	20
SES 1	\$95,682 – 115,000	1	–	–	1	1	0
Total		122	16	23	161	7	154

Appendix 3: Statistics for the year ended 30 June 2007

This appendix contains statistical information on different aspects of the Tribunal's workload during 2006–07. 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
A3.1	Applications lodged and finalised in 2006–07
A3.2	Applications lodged in each registry
A3.3	Applications finalised in each registry
A3.4	Percentage of applications finalised without a hearing
A3.5	Outcomes of applications for review of decisions finalised in 2006–07
A3.6	Applications current in each registry as at 30 June
A3.7	Appeals from decisions of the Tribunal by jurisdiction
A3.8	Appeals from decisions of the Tribunal — outcomes of appeals determined
A3.9	Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction

Table A3.1 provides more detailed information on applications lodged with the Tribunal and finalised by the Tribunal in 2006–07. 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 A3.1 Applications lodged and finalised in 2006–07

	Applications lodged		Applications finalised	
	No	%	No	%
<i>APPLICATIONS FOR REVIEW OF A DECISION</i>				
Compensation				
<i>Safety, Rehabilitation and Compensation Act 1988: Australian Postal Corporation</i>	385		387	
<i>Safety, Rehabilitation and Compensation Act 1988: Comcare</i>	513		494	
<i>Safety, Rehabilitation and Compensation Act 1988: Military Rehabilitation and Compensation Commission</i>	274		305	
<i>Safety, Rehabilitation and Compensation Act 1988: Optus Administration Pty Limited</i>	14		6	
<i>Safety, Rehabilitation and Compensation Act 1988: Other decision-makers</i>	23		24	
<i>Safety, Rehabilitation and Compensation Act 1988: Telstra Corporation Limited</i>	242		253	
Seafarers' compensation	50		63	
<i>Subtotal</i>	<i>1,501</i>	<i>20</i>	<i>1,532</i>	<i>21</i>
Social security				
Age pension/Pension bonus scheme	159		134	
Austudy payment	13		7	
Carer allowance/payment	89		65	
Compensation preclusion period	61		64	
Disability support pension	665		653	
Family tax benefit	110		78	
Maternity payment	34		28	
Newstart allowance	161		133	
Other	57		41	
Overpayments and debt recovery	549		540	
Parenting payment	71		69	
Rent assistance	10		12	
Youth allowance	31		23	
<i>Subtotal</i>	<i>2,010</i>	<i>27</i>	<i>1,847</i>	<i>25</i>
Veterans' affairs				
<i>Military Rehabilitation and Compensation Act 2004</i>	16		3	
Other	33		20	

	Applications lodged		Applications finalised	
	No	%	No	%
<i>Veterans' Entitlements Act 1986: Disability pension</i>	534		617	
<i>Veterans' Entitlements Act 1986: Service pension/Income support supplement/Pension bonus</i>	134		58	
<i>Veterans' Entitlements Act 1986: Widows pension</i>	140		152	
<i>Veterans' Review Board: Procedural decisions</i>	1		2	
<i>Subtotal</i>	858	12	852	12
Taxation Appeals Division				
Australian Business Number	16		15	
Fringe benefits tax	19		37	
Goods and services tax	258		152	
Income tax (other than taxation schemes)	941		564	
Other	77		49	
Self-managed superannuation fund regulation	10		8	
Superannuation guarantee charge	52		55	
Taxation administration	46		30	
Taxation schemes	471		1,146	
<i>Subtotal</i>	1,890	26	2,056	28
Small Taxation Claims Tribunal				
Fringe benefits tax	1		–	
Goods and services tax	4		4	
Income tax	47		41	
Other	25		39	
Refusal of extension of time to lodge objection	20		11	
Release from taxation liabilities	27		52	
Superannuation guarantee charge	1		–	
<i>Subtotal</i>	125	2	147	2
Agriculture, Fisheries and Forestry Portfolio				
Agricultural and veterinary chemicals	1		1	
Fisheries	1		9	
Wine and brandy	–		3	
<i>Subtotal</i>	2	<1	13	<1
Attorney-General's Portfolio				
Bankruptcy	23		29	
Customs	58		29	

	Applications lodged		Applications finalised	
	No	%	No	%
Import and export of prohibited goods	1		1	
Waiver of fees in courts	4		2	
<i>Subtotal</i>	86	1	61	<1
Communications, Information Technology and the Arts Portfolio				
Communications and media	3		4	
Sports anti-doping	3		1	
<i>Subtotal</i>	6	<1	5	<1
Defence Portfolio				
Defence Force retirement and death benefits	8		15	
Decisions under defence legislation or legislative instruments	5		2	
<i>Subtotal</i>	13	<1	17	<1
Education, Science and Training Portfolio				
Education services for overseas students	2		1	
Higher education funding	10		13	
Mutual recognition of occupations	4		2	
<i>Subtotal</i>	16	<1	16	<1
Employment and Workplace Relations Portfolio				
Disability services	2		2	
<i>Subtotal</i>	2	<1	2	<1
Environment and Water Resources Portfolio				
Environment protection and biodiversity	3		1	
Great Barrier Reef Marine Park	1		–	
<i>Subtotal</i>	4	<1	1	<1
Families, Community Services and Indigenous Affairs Portfolio				
Child support	27		29	
<i>Subtotal</i>	27	<1	29	<1
Finance and Administration Portfolio				
Superannuation Acts	1		1	
<i>Subtotal</i>	1	<1	1	<1
Foreign Affairs and Trade Portfolio				
Export market development grants	13		11	
Passports	23		23	
<i>Subtotal</i>	36	<1	34	<1

	Applications lodged		Applications finalised	
	No	%	No	%
Health and Ageing Portfolio				
Aged care	20		9	
Industrial chemicals	1		3	
Other	3		5	
Pharmacists	13		13	
Therapeutic goods	3		5	
<i>Subtotal</i>	40	<1	35	<1
Immigration and Citizenship Portfolio				
Business visa cancellation	159		144	
Citizenship	121		84	
Migration agent registration	15		12	
Protection visa cancellation or refusal	3		2	
Visa cancellation or refusal on character grounds: Visa applicant or holder in Australia	40		41	
Visa refusal on character grounds: Visa applicant outside Australia	50		24	
<i>Subtotal</i>	388	5	307	4
Industry, Tourism and Resources Portfolio				
Automotive industry	–		5	
Industry research and development	–		1	
Patents, designs and trademarks	4		3	
Textiles, clothing and footwear	3		4	
<i>Subtotal</i>	7	<1	13	<1
Transport and Regional Services Portfolio				
Airports	3		–	
Aviation and maritime security	12		10	
Civil aviation	23		19	
Maritime safety	1		4	
Motor vehicle standards	24		21	
<i>Subtotal</i>	63	<1	54	<1
Treasury Portfolio				
Auditors and liquidators registration	4		2	
Corporations	33		16	
Insurance and superannuation regulation	6		11	
Tax agent registration	25		23	
<i>Subtotal</i>	68	<1	52	<1

	Applications lodged		Applications finalised	
	No	%	No	%
Security Appeals				
ASIO assessments	2		7	
<i>Subtotal</i>	2	<1	7	<1
Whole of Government				
<i>Freedom of Information Act 1982</i>	120		128	
<i>Subtotal</i>	120	2	128	2
Case Management and Tribunal Decisions				
No jurisdiction/Uncertain jurisdiction	54		50	
<i>Subtotal</i>	54	<1	50	<1
OTHER APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT 1975				
Application for extension of time to lodge application for review of a decision	38		37	
Application for stay of a primary decision	1		1	
<i>Subtotal</i>	39	<1	38	<1
Total^a	7,358	100	7,297	100

a Percentages do not total 100% due to rounding.

Chart A3.2 Applications lodged in each registry

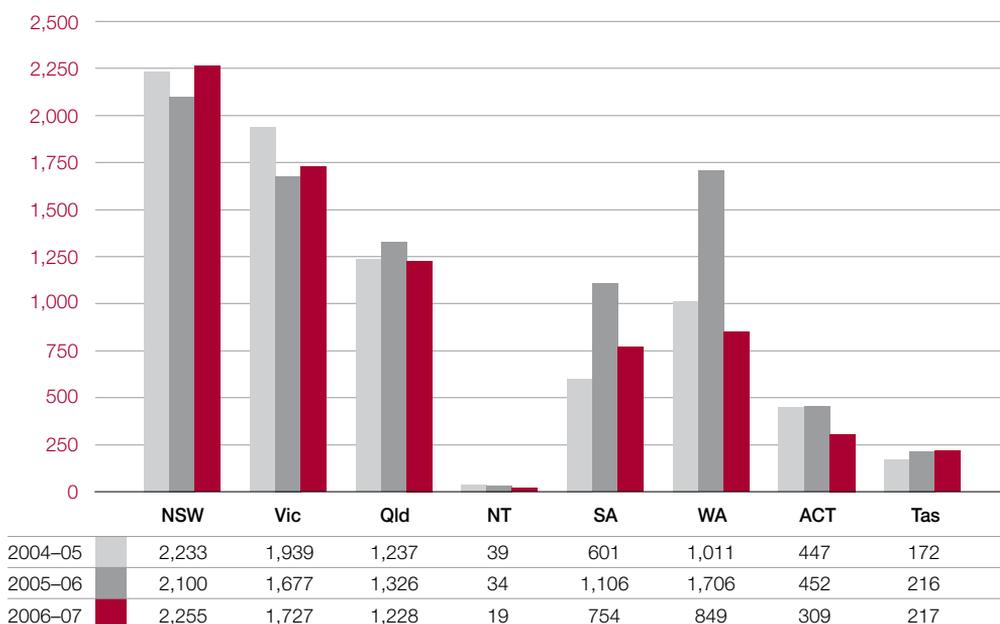


Chart A3.3 Applications finalised in each registry

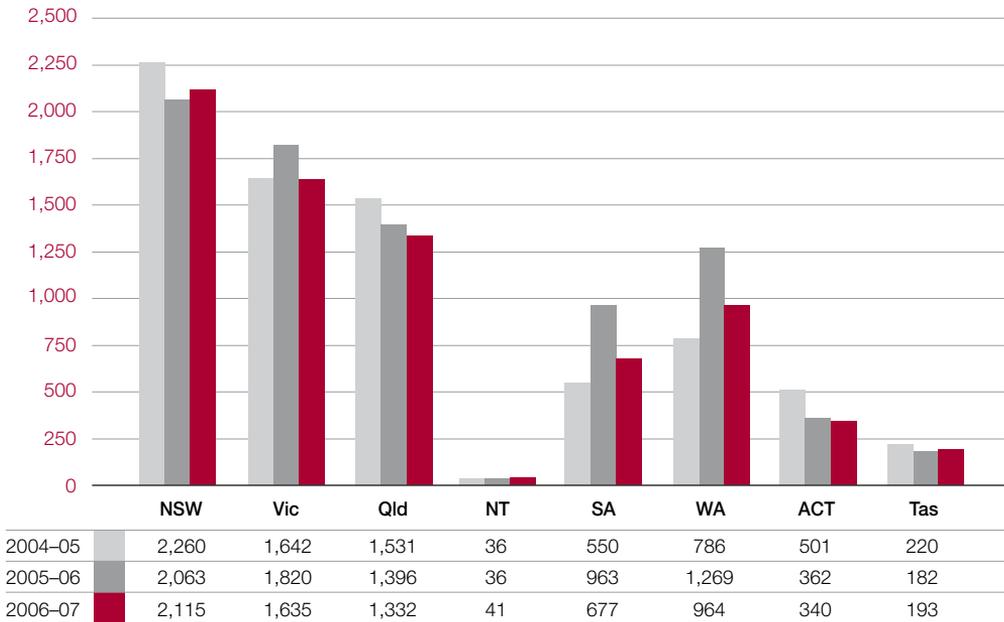


Table A3.4 Percentage of applications finalised without a hearing

Jurisdiction	2004-05	2005-06	2006-07
	%	%	%
All applications	78	81	81
Compensation	87	85	85
Social security	73	68	72
Veterans' affairs	71	72	78
Taxation Appeals Division	83	94	92
Small Taxation Claims Tribunal	75	78	77

Note: Applications finalised without a hearing are applications that were finalised otherwise than by a Tribunal decision under section 43 of the *Administrative Appeals Tribunal Act 1975*. This includes 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 A3.5 Outcomes of applications for review of a decision finalised in 2006–07

Outcome	All applications		Compensation		Social security		Veterans' affairs		Taxation Appeals Division		Small Taxation Claims Tribunal	
	No	%	No	%	No	%	No	%	No	%	No	%
By consent												
Decision affirmed under section 34D or 42C	457	6	370	24	17	<1	14	2	49	2	1	<1
Decision varied under section 34D or 42C	1,176	16	60	4	25	1	97	11	947	46	28	19
Decision set aside under section 34D or 42C	1,301	18	459	30	218	12	222	26	263	13	28	19
Dismissed by consent under subsection 42A(1)	142	2	28	2	28	2	20	2	32	2	2	1
Dismissed by operation of law ^a	310	4	N/A	–	310	17	N/A	–	N/A	–	N/A	–
By decision under section 43 of the Administrative Appeals Tribunal Act 1975												
Decision affirmed	899	12	148	10	374	20	116	14	72	4	34	23
Decision varied	74	1	6	<1	14	<1	8	<1	37	2	0	–
Decision set aside	402	6	69	5	132	7	61	7	49	2	0	–
Other												
Withdrawn by applicant	1,994	27	366	24	593	32	299	35	458	22	50	34
Dismissed by Tribunal ^b	207	3	9	<1	65	4	8	<1	82	4	0	–
No jurisdiction ^c	126	2	11	<1	15	<1	4	<1	20	1	4	3
Extension of time refused	61	<1	5	<1	43	2	2	<1	6	<1	0	–
No application fee paid	85	1	N/A	–	N/A	–	0	–	33	2	0	–
Other ^d	25	<1	1	<1	13	<1	1	<1	8	<1	0	–
Total^e	7,259		1,532		1,847		852		2,056		147	

a Where an application in the social security jurisdiction relates to the recovery of a debt, the parties may agree in writing to settle the proceedings. On receipt of the agreement, the application is taken to have been dismissed: section 182 of the Social Security (Administration) Act 1999 and section 146 of the A New Tax System (Family Assistance) (Administration) Act 1999.

b These figures refer to applications dismissed under subsection 42A(2) of the Administrative Appeals Tribunal Act 1975 (non-appearance at a case event), subsection 42A(5) (failure to proceed with an application or to comply with a direction of the Tribunal) and subsection 42B(1) (application is frivolous or vexatious).

c These figures refer to applications in relation to which the Tribunal has determined that it does not have jurisdiction and applications dismissed under subsection 42A(4) of the Administrative Appeals Tribunal Act 1975 on the basis that the applicant has failed to demonstrate that the decision is reviewable.

d These figures include applications for review of a decision that have been lodged out of time and in relation to which no extension of time application is subsequently received.

e Percentages do not total 100% due to rounding.

Chart A3.6 Applications current in each registry as at 30 June

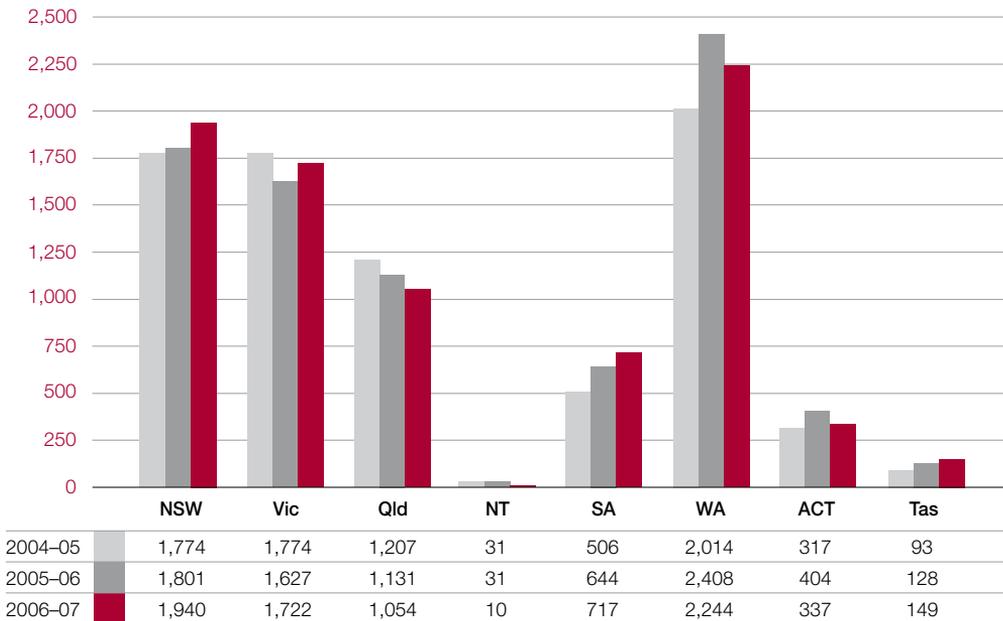


Table A3.7 provides information in relation to appeals from decisions of the Tribunal that were lodged in 2006-07 and in the two previous years. The table distinguishes between appeals lodged in the Federal Court under section 44 of the *Administrative Appeals Tribunal Act 1975* and applications for 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 A3.7 Appeals from decisions of the Tribunal by jurisdiction

Jurisdiction	2004-05		2005-06		2006-07	
	Section 44	Other	Section 44	Other	Section 44	Other
Compensation	25	3	22	4	21	1
Social security	11	0	29	4	39	0
Veterans' affairs	21	0	27	0	24	0
Taxation Division	21	0	19	0	18	0
Small Taxation Claims Tribunal	2	0	3	0	0	0
Other	47	8	42	15	25	6
Total	127	11	142	23	127	7

Note: In some circumstances, a party may lodge an application seeking relief under section 44 of the *Administrative Appeals Tribunal Act 1975* and under another enactment. These applications are treated as section 44 appeals for statistical purposes.

Tables A3.8 and A3.9 provide information on the outcomes of appeals from decisions of the Tribunal that were finally determined in 2006–07 and in the two previous years.

Table A3.8 Appeals from decisions of the Tribunal — outcomes of appeals determined

Outcome	2004–05		2005–06		2006–07	
	Section 44	Other	Section 44	Other	Section 44	Other
Allowed/Remitted	51	1	32	6	52	3
Dismissed	80	5	67	11	59	7
Discontinued	20	3	21	9	26	1
Other	1	0	0	0	0	0
Total	152	9	120	26	137	11

Note: 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, 12 appeals under section 44 of the *Administrative Appeals Tribunal Act 1975* were determined in the Federal Magistrates Court following transfer of the appeal from the Federal Court pursuant to section 44AA of the *Administrative Appeals Tribunal Act 1975*.

Table A3.9 Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction

Outcome	2004–05		2005–06		2006–07	
	Section 44	Other	Section 44	Other	Section 44	Other
Compensation						
Allowed/Remitted	13	0	5	2	10	1
Dismissed	7	1	16	0	10	1
Discontinued	4	0	4	0	2	0
<i>Subtotal</i>	<i>24</i>	<i>1</i>	<i>25</i>	<i>2</i>	<i>22</i>	<i>2</i>
Social security						
Allowed/Remitted	2	0	4	0	7	0
Dismissed	16	0	9	1	14	0
Discontinued	5	0	8	3	10	0
<i>Subtotal</i>	<i>23</i>	<i>0</i>	<i>21</i>	<i>4</i>	<i>31</i>	<i>0</i>
Veterans' affairs						
Allowed/Remitted	19	0	9	0	14	0
Dismissed	17	0	12	0	9	0
Discontinued	3	0	1	0	3	0
Other	1	0	0	0	0	0
<i>Subtotal</i>	<i>40</i>	<i>0</i>	<i>22</i>	<i>0</i>	<i>26</i>	<i>0</i>
Taxation Appeals Division						
Allowed/Remitted	3	0	4	0	9	0
Dismissed	9	0	11	1	6	0
Discontinued	1	0	5	0	5	0
<i>Subtotal</i>	<i>13</i>	<i>0</i>	<i>20</i>	<i>1</i>	<i>20</i>	<i>0</i>
Small Taxation Claims Tribunal						
Allowed/Remitted	0	0	1	0	0	0
Dismissed	0	0	0	0	3	0
Discontinued	1	0	0	0	0	0
<i>Subtotal</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>3</i>	<i>0</i>
Other						
Allowed/Remitted	14	1	9	4	12	2
Dismissed	31	4	19	9	17	6
Discontinued	6	3	3	6	6	1
<i>Subtotal</i>	<i>51</i>	<i>8</i>	<i>31</i>	<i>19</i>	<i>35</i>	<i>9</i>
Total	152	9	120	26	137	11

Appendix 4: Tribunal application fees

This appendix sets out information in relation to application fees that are payable in relation to applications for review.

Rules relating to the payment and refund of 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 the payment and refund 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 2006–07 was \$639. 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 \$64.

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*; and
- any decision under the *Freedom of Information Act 1982* concerning a document that relates to a decision specified in Schedule 3 to the *Administrative Appeals Tribunal Regulations 1976*.

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).

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, which is 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.

Information relating to application fees in 2006–07

In 2006–07, the Tribunal received \$821,707.00 in application fees.

Table A4.1 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.

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 \$740,348.00.

During the reporting year, the Tribunal refused six applications to waive the application fee on financial hardship grounds under paragraph 19(6)(c). 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 2006–07.

In 2006–07, the Tribunal refunded application fees in the amount of \$483,132.00.

Table A4.1 Applications where no fee paid

Category	Number of applications
One fee paid in relation to two or more applications relating to the same applicant	902
Applicant exempt from paying fee	170
Application fee waived by Tribunal	110
Total	1,182

Appendix 5: Changes to jurisdiction

This appendix lists the laws – the Acts and legislative instruments (collectively referred to as ‘enactments’) – that altered the Tribunal’s jurisdiction in the period 1 July 2006 to 30 June 2007.

The appendix includes enactments that were assented to or made prior to 1 July 2006 but which commenced during the reporting period. It does not include enactments that were assented to or made in the reporting period but had not commenced as at 30 June 2007.

The appendix is divided into three different sections: new jurisdiction conferred; existing jurisdiction that has been altered; and jurisdiction removed.

New jurisdiction conferred

The enactments listed in the left column conferred new jurisdiction on the Tribunal to review decisions made under that enactment or under the enactment listed in the right column.

Conferring enactment	Affected enactment
<i>Anti-Money Laundering and Counter-Terrorism Amendment Act 2007</i>	<i>Anti-Money Laundering and Counter-Terrorism Act 2006</i>
Australian Meat and Live-stock (Beef Export to the USA – Quota Year 2007) Order 2006	
<i>Australian Participants in British Nuclear Tests (Treatment) Act 2006</i>	
<i>Copyright Amendment Regulations 2006</i>	<i>Copyright Regulations 1969</i>
<i>Fuel Tax (Consequential and Transitional Provisions) Act 2006</i>	<i>Fuel Tax Act 2006</i>
Marine Orders Part 17 – Issue 6 (Order No 3 of 2006)	
Marine Orders Part 21 – Issue 5 (Order No 5 of 2006)	
Marine Orders Part 25 – Issue 5 (Order No 1 of 2006)	
Marine Orders Part 27 – Issue 3 (Order No 4 of 2006)	
Marine Orders Part 31 – Issue 6 (Order No 6 of 2006)	
Marine Orders Part 34 – Issue 6 (Order No 1 of 2007)	
Marine Orders Part 35 – Issue 3 (Order No 2 of 2006)	
Marine Orders Part 41 – Issue 8 (Order No 16 of 2006)	
Marine Orders Part 43 – Issue 6 (Order No 13 of 2006)	
Marine Orders Part 50 – Issue 4 (Order No 2 of 2007)	
Marine Orders Part 54 – Issue 4 (Order No 10 of 2006)	
Marine Orders Part 91 – Issue 5 (Order No 15 of 2006)	
Marine Orders Part 93 – Issue 5 (Order No 14 of 2006)	
<i>Medibank Private Sale Act 2006</i>	
Premium Support (Medical Indemnity Provider) Scheme 2006	
<i>Private Health Insurance Act 2007</i>	
<i>Social Security and Veterans’ Affairs Legislation Amendment (One-Off Payments and Other 2007 Budget Measures) Act 2007</i>	
<i>Telecommunications Integrated Public Number Database Scheme 2007</i>	

Existing jurisdiction amended

The enactments listed in the left column 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>ACIS Administration Amendment (Unearned Credit Liability) Act 2007</i>	<i>ACIS Administration Act 1999</i>
<i>Aviation Transport Security Amendment Act 2006</i>	<i>Aviation Transport Security Act 2004</i>
<i>Bankruptcy Amendment Regulations 2006 (No 2)</i>	<i>Bankruptcy Regulations 1996</i>
<i>Bankruptcy Legislation Amendment (Debt Agreements) Act 2007</i>	<i>Bankruptcy Act 1966</i>
<i>Broadcasting Legislation Amendment (Digital Radio) Act 2007</i>	<i>Broadcasting Services Act 1992</i>
<i>Broadcasting Legislation Amendment (Digital Television) Act 2006</i>	<i>Broadcasting Services Act 1992</i>
<i>Broadcasting Services Amendment (Media Ownership) Act 2006</i>	<i>Broadcasting Services Act 1992</i>
<i>Building and Construction Industry Improvement (Accreditation Scheme) Amendment Regulations 2006 (No 2)</i>	<i>Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005</i>
<i>Child Support Legislation Amendment (Reform of the Child Support Scheme — New Formula and Other Measures) Act 2006</i>	<i>Child Support (Assessment) Act 1989</i> <i>Child Support (Registration and Collection) Act 1988</i>
<i>Civil Aviation Safety Amendment Regulations 2007 (No 1)</i>	<i>Civil Aviation Safety Regulations 1988</i>
<i>Copyright Amendment Act 2006</i>	<i>Copyright Act 1968</i>
<i>Customs Amendment (2007 Harmonised System Changes) Act 2006</i>	<i>Customs Act 1901</i>
<i>Education Services for Overseas Students Legislation Amendment (2006 Measures No 1) Act 2006</i>	<i>Education Services for Overseas Students Act 2000</i>
<i>Environment and Heritage Legislation Amendment Act (No 1) 2006</i>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<i>Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Act 2006</i>	<i>Antarctic Treaty (Environment Protection) Act 1980</i>
<i>Excise Laws Amendment (Fuel Tax and Other Measures) Act 2006</i>	<i>Excise Act 1901</i>
<i>Family Assistance Legislation Amendment (Child Care Management System and Other Measures) Act 2007</i>	<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>
<i>Family Law Amendment Regulations 2007 (No 1)</i>	<i>Family Law Regulations 1984</i>
<i>Financial Sector Legislation Amendment (Restructures) Act 2007</i>	<i>Financial Sector (Business Transfer and Group Restructure) Act 1999</i>
<i>Fuel Tax (Consequential and Transitional Provisions) Act 2006</i>	<i>Products Grants and Benefits Administration Act 2000</i> <i>Taxation Administration Act 1953</i>
<i>Health Legislation Amendment (Private Health Insurance) Act 2006</i>	<i>National Health Act 1953</i>

Amending enactment	Affected enactment
<i>Maritime Legislation Amendment Act 2006</i>	<i>Navigation Act 1912</i>
<i>Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Act 2006</i>	<i>Maritime Transport and Offshore Facilities Security Act 2003</i>
<i>Maritime Transport and Offshore Facilities Security Amendment Regulations 2006 (No 1)</i>	<i>Maritime Transport and Offshore Facilities Amendment Regulations 2003</i>
<i>Non-Proliferation Legislation Amendment Act 2007</i>	<i>Nuclear Non-Proliferation (Safeguards) Act 1987</i>
<i>Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2007 (No 1)</i>	<i>Occupational Health and Safety (Safety Standards) Regulations 1994</i>
<i>Petroleum Resource Rent Tax Assessment Amendment Act 2006</i>	<i>Petroleum Resource Rent Tax Assessment Act 1987</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2006 (No 2)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2006 (No 3)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2006 (No 4)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2006 (No 5)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2007 (No 3)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Privacy Legislation Amendment Act 2006</i>	<i>Privacy Act 1988</i>
<i>Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007</i>	<i>Health Insurance Act 1973</i> <i>National Health Act 1953</i>
<i>Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006</i>	<i>Research Involving Human Embryos Act 2002</i>
<i>Renewable Energy (Electricity) Amendment Act 2006</i>	<i>Renewable Energy (Electricity) Act 2000</i>
<i>Superannuation Legislation Amendment (Simplification) Act 2007</i>	<i>Income Tax Assessment Act 1936</i> <i>Superannuation Guarantee (Administration) Act 1992</i>
<i>Superannuation Safety Amendment Act 2004</i>	<i>Superannuation Industry (Supervision) Act 1993</i>
<i>Tax Laws Amendment (2007 Measures No 2) Act 2007</i>	<i>Income Tax Assessment Act 1936</i>
<i>Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006</i>	<i>Income Tax Assessment Act 1936</i> <i>Venture Capital Act 2002</i>
<i>Tax Laws Amendment (Simplified Superannuation) Act 2007</i>	<i>Income Tax Assessment Act 1997</i>
<i>Telecommunications Numbering Plan Variation 2007 (No 1)</i>	<i>Telecommunications Numbering Plan 1997</i>

Jurisdiction removed

The enactments listed in the left column 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>Antarctic Seals Conservation Repeal Regulations 2007</i>	<i>Antarctic Seals Conservation Regulations 1986</i>
<i>Excise Laws Amendment (Fuel Tax and Other Measures) Act 2006</i>	<i>Coal Excise Act 1949</i> <i>Distillation Act 1901</i> <i>Spirits Act 1906</i>
<i>Law Enforcement (AFP Professional Standards and Related Measures) Act 2006</i>	<i>Complaints (Australian Federal Police) Act 1981</i>
Marine Orders Part 17 — Issue 6 (Order No 3 of 2006)	Marine Orders Part 17 — Issue 5
Marine Orders Part 21 — Issue 5 (Order No 5 of 2006)	Marine Orders Part 21 — Issue 4
Marine Orders Part 25 — Issue 5 (Order No 1 of 2006)	Marine Orders Part 25 — Issue 4
Marine Orders Part 27 — Issue 3 (Order No 4 of 2006)	Marine Orders Part 27 — Issue 2
Marine Orders Part 31 — Issue 6 (Order No 6 of 2006)	Marine Orders Part 31 — Issue 5
Marine Orders Part 34 — Issue 6 (Order No 1 of 2007)	Marine Orders Part 34 — Issue 5
Marine Orders Part 35 — Issue 3 (Order No 2 of 2006)	Marine Orders Part 35 — Issue 2
Marine Orders Part 41 — Issue 8 (Order No 16 of 2006)	Marine Orders Part 41 — Issue 7
Marine Orders Part 43 — Issue 6 (Order No 13 of 2006)	Marine Orders Part 43 — Issue 5
Marine Orders Part 50 — Issue 4 (Order No 2 of 2007)	Marine Orders Part 50 — Issue 3
Marine Orders Part 54 — Issue 4 (Order No 10 of 2006)	Marine Orders Part 54 — Issue 3
Marine Orders Part 91 — Issue 5 (Order No 15 of 2006)	Marine Orders Part 91 — Issue 4
Marine Orders Part 93 — Issue 5 (Order No 14 of 2006)	Marine Orders Part 93 — Issue 4
<i>National Health Amendment Regulations 2007 (No 2)</i>	<i>National Health Regulations 1954</i>
<i>Social Security and Family Assistance Legislation Amendment (Miscellaneous Measures) Act 2006</i>	<i>Home Deposit Assistance Act 1982</i> <i>Homes Savings Grant Act 1964</i>
<i>Statute Law Revision Act 2007</i>	<i>Australian Capital Territory Taxation (Administration) Act 1969</i> <i>Bounty (Ships) Act 1989</i> <i>Pay-roll Tax (Territories) Assessment Act 1971</i>
<i>Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006</i>	<i>Debits Tax Administration Act 1982</i> <i>Pay-roll Tax Assessment Act 1941</i> <i>Sales Tax Assessment Act 1992</i> <i>Sales Tax Assessment Act (No 1) 1930</i> <i>Sales Tax Assessment Act (No 2) 1930</i> <i>Sales Tax Assessment Act (No 3) 1930</i> <i>Sales Tax Assessment Act (No 4) 1930</i> <i>Sales Tax Assessment Act (No 5) 1930</i> <i>Sales Tax Assessment Act (No 6) 1930</i> <i>Sales Tax Assessment Act (No 7) 1930</i> <i>Sales Tax Assessment Act (No 8) 1930</i> <i>Sales Tax Assessment Act (No 9) 1930</i> <i>Sales Tax Assessment Act (No 10) 1985</i> <i>Sales Tax Assessment Act (No 11) 1985</i> <i>Wool Tax Administration Act 1964</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.

Civil aviation

Re Serong and Civil Aviation Safety Authority

[2006] AATA 1123; 22 December 2006

Mr E Fice, Member; Dr K Breen, Member

Whether the decision to refuse Mr Serong a class one medical certificate was the correct or preferable decision — Whether the conditions imposed on Mr Serong's class two medical certificate are necessary in the interests of air navigation safety

Mr Serong qualified for a commercial pilot licence in 1996. In April of that year, he developed type one (insulin dependent) diabetes mellitus which caused him to cease flying for a year. In 1997, the Civil Aviation Safety Authority (CASA) refused to renew Mr Serong's class one medical certificate which would have enabled him to fly commercially. CASA renewed his class two medical certificate but imposed a condition that he only fly as, or with, a safety pilot.

In 2006, Mr Serong applied for the renewal of his class two medical certificate and for the issue of a class one medical certificate. CASA issued the class two medical certificate subject to conditions, including that he only fly as, or with, a qualified co-pilot. The application for a class one medical certificate was refused. Mr Serong applied to the Tribunal for review of these decisions.

As Mr Serong suffers from type one diabetes which can only be controlled by insulin injection, he does not meet the medical standard under the *Civil Aviation Safety Regulations 1998* for the issue of a class one or a class two medical certificate. However, the Regulations confer a discretion on CASA to issue a medical certificate to a person who does not meet the medical standard if he or she is not likely to endanger the safety of

air navigation. The certificate may be issued subject to any condition that is necessary in the interests of the safety of air navigation.

CASA developed a policy that class two medical certificates may be issued to type one diabetics whose diabetes is well-controlled but subject to conditions which include the requirement for a co-pilot. CASA submitted that its policy is consistent with the prevailing approaches of regulatory bodies internationally and should be adopted by the Tribunal.

The Tribunal examined the medical evidence regarding the problems posed by type one diabetes on aviators and found that the most significant problem is hypoglycaemia, a severe lowering of the blood sugar levels. The onset of hypoglycaemia can be subtle and difficult for the diabetic to detect and can lead to impaired decision-making, disorientation, poor performance and incognisance of skills, confusion and unconsciousness.

CASA submitted that, in considering the likely risk to the safety of air navigation, the Tribunal could not be satisfied that Mr Serong would always recognise the symptoms of the onset of hypoglycaemia or be in a position to respond to any perceived symptoms when airborne. The Tribunal held that demanding a zero risk that Mr Serong would suffer a hypoglycaemic event likely to endanger the safety of air navigation was too high a standard.

The Tribunal reviewed research relating to hypoglycaemia. It also considered the experience of the United States Federal Aviation Administration (FAA) in relation to a protocol which provides for type one diabetics to be granted medical certificates authorising solo flights in respect of student, recreation or private pilot licences. The FAA found that, since the protocol was established in 1996, persons issued with medical certificates under the protocol had been involved in five accidents or incidents but that none were attributable to their diabetes. The Tribunal observed that the experience of the FAA establishes that the risk of type one diabetics becoming incapacitated due to hypoglycaemia can be reduced to an acceptable level by implementing measures such as strict preliminary screening and

imposing strict conditions on the operation of aircraft, including testing of blood glucose levels before and during flight and carrying amounts of rapidly absorbable glucose. The Tribunal held that the FAA protocol was no longer experimental and that its safety had been adequately demonstrated.

On the evidence before it, the Tribunal was satisfied that Mr Serong's diabetes was well-controlled and that he met the requirements for certification under the FAA protocol.

The Tribunal decided to vary the decision relating to the conditions imposed on Mr Serong's class two medical certificate. The Tribunal held that it is unnecessary for Mr Serong to fly as, or with, a qualified co-pilot when he engages in day flying under the visual flight rules on flights not exceeding three hours. The Tribunal imposed additional conditions on the medical certificate in relation to solo flights, including requirements that Mr Serong carry readily absorbable glucose and that he monitor his glucose level before and during flight.

In relation to the decision not to issue Mr Serong a class one medical certificate, the Tribunal noted that there was insufficient material before it regarding air operations by an insulin dependent diabetic in commercial operations to make a proper assessment of conditions which would attach to such a certificate to ensure the safety of air navigation. The Tribunal affirmed the decision not to issue a class one medical certificate.

Environment

Re The Wildlife Protection Association of Australia and Minister for the Environment and Heritage & Ors

[2006] AATA 953; 10 November 2006
Deputy President PE Hack SC; Dr EK Christie, Member; Dr TJ Hawcroft, Member

Whether wildlife trade management plans relating to Bennett's wallabies and Tasmanian pademelons on Flinders Island and King Island, Tasmania should have been approved — Whether appropriate consideration given to the likely impact of commercial hunting on the species

In November 2005, the then Minister for the Environment and Heritage declared that two wildlife trade management plans were approved for the purposes of s 303FO of the *Environment Protection and Biodiversity Conservation Act 1999*. The management plans related to the commercial culling of Bennett's wallabies and Tasmanian pademelons on Flinders Island and Bennett's wallabies on King Island. The decisions imposed a framework for commercial harvesting in the context of the export of products from these animals to overseas markets.

The Wildlife Protection Association applied for review of the decision to approve the plans. The Australian Wildlife Protection Council Inc, Animals Australia and Flinders Council were joined as parties.

The issues to be determined by the Tribunal were:

1. whether the management plans permit the hunting of wallabies and pademelons in an inhumane manner;
2. whether the quotas adopted by the management plans were based upon data that is erroneous, inaccurate or misleading; and
3. whether the management plans should include further measures to monitor the effect of harvesting so that it is ecologically sustainable.

Humane killing

To approve a wildlife trade management plan, the Minister, and the Tribunal on review, must be satisfied that the management plans are consistent with the objects set out in s 303BA of the Act which include promoting the humane treatment of wildlife. Both management plans require that wallabies be taken in accordance with the requirements of the Animal Welfare Standard for the Hunting of Wallabies in Tasmania made under the *Animal Welfare Act 1993* (Tas). The Standard sets targets for the "Recommended Minimum Requirements" for shooting with rifles and also requires that injured animals be despatched quickly and humanely and that females killed be examined for young

which are to be humanely killed without delay. The management plans set out additional requirements designed to ban the use of shotguns and/or dogs by commercial shooters and to ensure that all holders of commercial wallaby hunting permits are appropriately trained and accredited.

The Wildlife Protection Association argued that the management plans should not permit the use of .22 rimfire ammunition. Two experts agreed, however, that .22 rimfire ammunition was appropriate for distances up to 50 metres as stipulated in the Welfare Standard. Evidence before the Tribunal was that nearly all wallabies harvested were shot at a range of no more than 50 metres. Additionally, commercial shooters were required to undertake a Certificate Course in Meat Processing which involved field shooting assessments designed to ensure that only proficient hunters are accredited. The Tribunal was satisfied that the use of .22 rimfire ammunition would not lead to inhumane outcomes for the animals.

Quotas

The quota-setting mechanism set out in the management plans operates on the basis of population density: that is, number of animals per square kilometre. Population densities, rather than counts of actual size, are used because of the environmental characteristics of the islands and the nocturnal behaviour of the species. Monitoring is undertaken through a system of spotlight survey counts performed bi-annually across parts of the islands where animals are harvested.

Annual quotas are determined on the basis of the population density estimates and the figures for non-commercial harvesting. The management plans operate on the basis of a range of “trigger points”. For example, if the population density for Bennett’s wallabies is above 40 per km² and the non-commercial quotas have been set at 4,000 animals, the commercial quota would be no higher than 11,000 animals. Commercial harvesting would cease for densities lower than 10 per km².

The Wildlife Protection Association challenged the reliability of the population density data. It claimed that the quota was based on

erroneous, inaccurate or misleading data which has overstated the number of wallabies and pademelons such that the Minister could not be satisfied that the impact on the species is ecologically sustainable. Having considered the expert evidence on this issue, the Tribunal was satisfied that there had been appropriate consideration of the likely impacts that the proposed commercial harvesting would have on the animal populations.

Future monitoring methods

During the course of the hearing, the Tribunal raised with witnesses for the Minister whether it was desirable or necessary that some additional monitoring of harvesting be undertaken, particularly in relation to the gathering of statistics of age/sex class ratio. One of the objects of Part 13A of the Act is to ensure that any commercial utilisation of Australian wildlife for the purpose of export is done in an ecologically sustainable way. Further, the decision-maker must be satisfied that the management plans monitor the environmental impact of the activities covered by the plans.

Expert evidence indicated that attention should be paid to population demographics to ensure that, for example, the adult male population was not being selectively taken out. The age/sex characteristics had not been incorporated into the management plans because of the difficulty in recording the numbers while spotlighting. It was acknowledged by expert witnesses that the recording of these characteristics could be done at the abattoir or that other measures could readily be taken to obtain that data.

The Tribunal varied the decisions under review to include a requirement in each management plan that the sex and an estimate of age of all harvested animals be recorded. The Tribunal was otherwise satisfied that the measures included within the plans were adequate to monitor the wallaby and pademelon populations and the safeguards within the plans meant that no single decision could render the commercial harvesting of those animals a threat to the species.

Insurance and superannuation regulation

Re VBN and Ors and Australian Prudential Regulation Authority

[2006] AATA 710; 25 July 2007

Deputy President SA Forgie; Senior Member BH Pascoe

Whether Trustee of a superannuation fund breached covenants in the Superannuation Industry (Supervision) Act 1993 – Whether disqualified directors were fit and proper persons

The Board of the Trustee of the AXA Superannuation Fund (Fund) had nine directors. Four were nominated by the employer, AXA Australia (AXA), and four by the employee members. The ninth was the chairman. The Australian Prudential Regulation Authority (APRA) disqualified seven of the directors on the basis that they were directors when the Trustee contravened ss 52(2)(b), (c) and (g) of the *Superannuation Industry (Supervision) Act 1993*. It also disqualified two of those seven on the further ground that they had conflicts of interest and were not fit and proper persons to be responsible officers of a body corporate that is a trustee.

The Tribunal decided that the Act cannot be regarded as a codification or restatement of the previous law relating to regulated superannuation funds. It changed, modified or complemented some of the existing law. In relation to all seven directors, the Tribunal had first to decide whether the Trustee had contravened all or any of the covenants which are found in ss 52(2)(b), (c) and (g) of the Act and which are deemed by that section to form part of the Fund's governing rules. Only if the Trustee was in breach did it become relevant to consider whether the nature and seriousness of the contraventions was such that the directors should be disqualified.

Whether Trustee contravened any covenants

The Trustee managed a fund with three categories of membership: defined benefit members, deferred benefit members and accumulation members. Membership of the first category is closed and so is diminishing. Deferred benefit members are those who have left the employ of AXA but who have

chosen to leave their contributions in the Fund. The membership of that category is growing. Accumulation members are those who became employees of AXA after 1 April 2001. The members made contributions to the Fund. Their amounts varied according to the category of membership and were regulated by the Trust Deed. The Trust Deed also provided for AXA to make contributions to the Fund from time to time.

In managing the Fund, the Trustee was required to comply with the Trust Deed and with the Act. As part of its management, it had to decide a crediting rate policy for the Fund. The Trustee had a crediting rate policy before 1 July 1998. It comprised an interest rate reserve, a minimum crediting rate and the Trustee's discretion to smooth returns while maintaining a reasonable interest rate reserve position and crediting the minimum return. The result had been to credit less than the Fund's earnings to its members but that had been necessary to remove a "negative" interest rate reserve that had arisen due to high crediting rates in the late 1980s and early 1990s. As a consequence, new members subsidised high crediting rates given to previous generations of members. The Trustee sought actuarial advice. The actuarial advice was, in summary, that it adopt a policy of declaring a crediting rate based on a three year compound average of the Fund's returns with a minimum of the lesser of 50 per cent of the net case rates and 50 per cent of the net 10-year bond yields. This was the policy adopted by the Trustee but an increase in the number of deferred benefit members and of younger members in that category meant that it was difficult to assess the future cost of providing their entitlements. The cost of funding the Fund's benefits had not been costed on the basis of there being so many members. Further actuarial advice was to the effect that the crediting rate policy could result in a high degree of smoothing and effectively assumed sufficient reserves were available. The policies also gave deferred benefit members some scope to choose when to withdraw their benefit from the Fund.

The Trustee was also aware that AXA had asked for actuarial advice to consider the scope of its contributions in light of the Plan's then surplus and that the Chief Executive

Officer of AXA was anxious for the interest rate question to be resolved followed by an examination of pension factors. The actuary had earlier recommended that, while the Fund was then in a satisfactory financial position, AXA should recommence contributions no later than 1 July 2001 and that the matter should be monitored in the meantime. On the advice of the actuary, the Trustee decided to recoup the previously occurring over-crediting of interest over the following three years. After that, a new crediting rate policy would be developed based on actuarial advice, the Fund's earning rate and the level of the then crediting rate reserve. Just as the Trustee had advised the members of its previous decisions, the Trustee notified the members of its decision.

Some deferred benefit members complained to APRA that the change in crediting rate policy had been made retrospectively and deprived members in their category of their proper entitlements. The Tribunal decided that the Trustee's decision needed to be viewed in light of the best interests of all of the members of the Fund. When viewed in that way, the Trustee had not contravened any of the covenants.

AXA had decided to make an offer to deferred benefit members to encourage them to take a lump sum rather than a pension. Members who withdrew a lump sum would be offered a 5 per cent enhancement to that part of their account balances that could be converted to a pension and 100 per cent of the balance. The Trustee considered whether the offer detrimentally affected other Fund members and whether it could be legally implemented under the Trust Deed. AXA and the Trustee were aware that the valuation basis adopted for the last actuarial investigation for the Fund had valued the pension conversion option at 128 per cent of the members' account balances for those exercising the option at age 55 years or approximately 120 per cent for those exercising it at 65. The Trustee advised the members of AXA's offer but made no reference to the approximate valuations.

The Tribunal decided that the Trustee had given adequate information to the members regarding the value of their pension options. The Trustee had told the members that they needed to take account of their own personal circumstances and plans. The Tribunal considered that this was appropriate and that it would have been inappropriate for the Trustee to attempt to give the members guidance as to what they should do when their members' circumstances and plans, and so the value to them of a pension, could not be known to it.

As the Trustee was not in breach of the covenants, the Tribunal set aside the decisions to disqualify five of the seven directors.

Whether two of the seven directors were fit and proper persons

The role of two of the employer nominated directors in the affairs of the Fund led to APRA's decision that they should be disqualified on the basis that they were not fit and proper persons to be responsible officers of a body corporate that is a trustee. The issues concerned their involvement in the development of AXA's offer to the Fund's deferred benefit members. Their involvement was known to the other directors and the Tribunal found that neither had attempted to influence the Trustee's considerations. Both held senior positions in AXA. In the case of one director, it was reasonable to expect that he would be involved in the development of its offer to the deferred benefit members. After all, decisions affecting the Fund could have significant financial implications for the employer. In relation to both directors, the Tribunal found that it was well understood that all of the directors, including these two, would bring their experience in the employ of the employer and otherwise to their positions with the Trustee.

As a consequence of its conclusions, the Tribunal decided that there was no basis on which to conclude that the remaining two directors were not fit and proper persons to be responsible officers of a body corporate that is a trustee. APRA's decisions to disqualify the directors were set aside.

Maritime safety

Re Fleet Management Limited and Australian Maritime Safety Authority

[2007] AATA 56; 14 February 2007

Senior Member JW Constance

*Whether defects rendered ships unseaworthy
— Whether compliance under Port State control and Flag State control inspections*

In August 2005, two international trading ships operated by Fleet Management Limited (Fleet Management) were separately detained in Australian ports by the Australian Maritime Safety Authority (AMSA). The ships were the *MV Noble Dragon* and the *MV Afric Star*. Each ship was detained on the basis that it appeared to be unseaworthy, each having several defects.

Fleet Management sought to have the decisions to detain the ships set aside.

Under the international regime governing merchant shipping, a ship is registered under a particular flag and is subject to that country's safety requirements. It is also subject to Port State control which means that, once it enters a port of another country, it is subject to the inspection regime of that country to determine whether it substantially complies with certificates issued by the Flag State concerning the condition of the ship or its equipment.

Pursuant to s 210 of the *Navigation Act 1912*, AMSA may order the provisional detention of a ship that appears to be unseaworthy. In this event, notice is given to the master of the ship and a report is prepared. A survey is carried out if necessary. On receipt of the report, AMSA may order that the ship be finally detained.

The critical issue to be determined by the Tribunal in this case was whether the defects found on the ships were sufficient to allow AMSA to detain them. In relation to the *MV Noble Dragon*, the Tribunal was also required to determine whether the detention order was served unnecessarily.

The evidence before the Tribunal was that a marine surveyor employed by AMSA had boarded and inspected the *MV Noble Dragon*.

He noted that the ship's radio was not working properly. This deficiency was not noted in the certificates produced by the master of the ship to the surveyor. After further testing and failed attempts at fixing the radio, the surveyor issued the detention order. The Tribunal found that the absence of a fully functioning radio system would have placed the crew at risk in the event of an emergency. As such, this defect was sufficient for a determination that the ship was unseaworthy.

The Tribunal found that a facsimile from the ship's Flag State granting a dispensation from the requirement to carry a working radio was sighted by the surveyor only after the order was served. The order was therefore not given unnecessarily.

In relation to the *MV Afric Star*, the evidence was that the surveyor found three relevant defects: a corroded hole in the garbage chute, damaged guard rails and a general failure of the Safety Management System. The Tribunal found that the construction of the chute would not prevent the entry of water into the ship and that the deficiency compromised the ship's watertight integrity. In relation to the guardrails, the Tribunal found they were severely corroded and broken in places representing a very clear risk to the safety of the crew. The Tribunal also found that the Safety Management System in force at the time was inadequate. Each of these defects alone provided sufficient basis for detention.

The Tribunal affirmed the decisions to detain the ships.

Practice and procedure

Re The Taxpayer and Commissioner of Taxation

[2006] AATA 598; 5 July 2006

Member S Webb

Whether the Tribunal should grant the Taxpayer's request for an order under s 38 of the Administrative Appeals Tribunal Act 1975 that the Commissioner provide an additional statement of reasons containing further and better particulars

The Taxpayer claimed tax deductions for legal expenses in relation to certain leases. His claims were rejected by the Commissioner of Taxation and penalties were imposed. The Taxpayer lodged an objection to the assessment. On review, the Commissioner affirmed the assessment but decided to reduce the penalties previously imposed. The Taxpayer applied for review of the Commissioner's decision.

The Commissioner lodged a statement of reasons for the reviewable decision and other documents pursuant to s 37 of the *Administrative Appeals Tribunal Act 1975* (Administrative Appeals Tribunal Act). The Taxpayer asserted that the statement of reasons was inadequate and requested that the Tribunal order the Commissioner to provide an additional statement containing further and better particulars under s 38 of the Administrative Appeals Tribunal Act. The Tribunal may make such an order if it is satisfied that the statement lodged does not contain adequate particulars of factual findings, adequate reference to the evidence or other material on which the findings were based or adequate particulars of the reasons for the decision.

The Tribunal found that the Commissioner's statement of reasons did not contain sufficient particulars to expose the reasoning process clearly and granted the order. The additional statement was duly lodged by the Commissioner. The Taxpayer was not satisfied and sought an order that the Commissioner provide a third statement containing further and better particulars.

Tribunal's power to require an additional statement containing further and better particulars

Pursuant to s 37(1) of the Administrative Appeals Tribunal Act, a decision-maker must lodge a statement that sets out its findings on material questions of fact, refers to the evidence or other material on which those findings were based and gives the reasons for the decision. Section 14ZZF of the *Taxation Administration Act 1953* (Taxation Administration Act) modifies this requirement in relation to applications for review of taxation decisions. The Commissioner is required

to provide "a statement of reasons for the decision". The Commissioner contended that the modified s 37(1) imposes a less onerous obligation on the Commissioner than would otherwise apply. The Tribunal does not have the power to order the Commissioner to lodge an additional statement in the terms contemplated by that subsection.

The Tribunal held that the Commissioner's statement of reasons must set out the actual reasons for the decision in a manner intelligible to a reasonable lay person. For that purpose it is necessary to expose the reasoning process in relation to each of the substantive issues. The reasoning process will be exposed if, in relation to each issue, the applicable law or standard is identified, any relevant findings of fact are set out with reference to the material on which those findings are made, and the conclusions reached are explained by applying the facts to the relevant law or standard. If it is not possible to understand the reasons for a decision without particulars of the factual findings and the evidence being set out, or without the particulars of the reasons for the decision being clearly explicated, then the reasons may be found to be inadequate. The Tribunal concluded that it may order an additional statement setting out further and better particulars of this kind if the essential precondition of inadequacy exists.

The Tribunal recognised that it is an important principle of natural justice for a taxpayer to be adequately informed of the matters that gave rise to the Commissioner's decision when preparing his or her case. That is especially so because the taxpayer bears the burden of proof set out in s 14ZZK of the Taxation Administration Act. Furthermore, it is important that the Tribunal properly apprehends the issues for determination and the matters about which it is to be satisfied, including all the relevant factors, when making a decision. An adequate statement of reasons for the objection decision may assist the Tribunal in that regard.

Whether the Tribunal should order the Commissioner to provide a further additional statement of reasons

The Tribunal examined the additional statement provided by the Commissioner and held that it contained further and better particulars sufficient to convey the reasons for the decision. Deficiencies in the statement were not found to render the statement unintelligible to a reasonable lay person. The Tribunal stated that the deficiencies in the statement would be a matter for evidence. It was noted that the Taxpayer's concerns could be addressed by directions concerning the future conduct of the review.

The Tribunal held that the deficiencies in the Commissioner's statement did not render it inadequate, and therefore the discretionary power was not enlivened. The Tribunal observed that, even if the order was granted, it would not be likely to advance fairness or justice in the proceedings, but would instead be productive of delay and further disputation over issues that could be more appropriately dealt with by directions, or by evidence and submissions in the substantive hearing.

The Tribunal held that it was not appropriate to exercise the discretion in s 38 of the Administrative Appeals Tribunal Act.

Social security

Re VCG and Secretary, Department of Employment and Workplace Relations

[2006] AATA 956; 10 November 2006
Deputy President SA Forgie

Whether the applicant is to be treated as a member of a couple in a marriage-like relationship — Relevance of a person being homosexual

Since 22 November 2002, the applicant was qualified for and received a disability support pension under the *Social Security Act 1991*. She was paid at the single rate rather than at the lower rate applicable to a member of a couple. Circumstances in which a person is regarded as a member of a couple under the Act include those where the relationship between that person and another is a "marriage-like relationship". In

deciding whether a person is in a marriage-like relationship, s 4(3) requires that regard be had to certain criteria.

Centrelink decided that the applicant had been a member of couple with Anthony since 8 April 2004 and decided to raise and recover a debt of \$12,497.02.

The applicant and Anthony are not married. They had known each other for two to three years before Anthony moved to the applicant's home address. The applicant lives in the house with her daughter and pays their living expenses. Anthony, who is homosexual, lives in a converted garage at the rear of the house. He carries out work around the house and garden in return for rent-free accommodation.

For a short period while the applicant was incapacitated, Anthony received a carer allowance and assisted her by picking up her children from school, driving her to medical appointments, cleaning and washing dishes. Occasionally, he has assisted the children with their homework. They do not have a sexual relationship and Anthony looks to people other than the applicant to meet his emotional needs. The applicant regards Anthony as a great friend who gives her peace of mind and who has helped her and her children. Their living arrangements are likely to continue as long as she owns the home property.

The applicant and her ex-husband previously owned the home jointly. Anthony guaranteed a loan which enabled the applicant to borrow the necessary money to buy her ex-husband's share. At the insistence of the lending institution, she and Anthony became the owners of the property as tenants in common. He held a 1/20th share and she the remainder. The applicant and Anthony also invested in two properties together and, in order to secure the necessary loans, offered the security of the home property and opened joint bank accounts.

The Tribunal analysed what is meant by the term "marriage-like relationship". It considered what is meant by a marriage under the *Marriage Act 1961* and the Constitution, noting that the courts have rejected the argument that one of the principal purposes

of marriage is the procreation of children. The courts have made observations regarding some move in the community towards regarding marriage as a voluntary union for life between two people to the exclusion of all others rather than as such a union just between a man and a woman. The Tribunal went on to consider how marriage is regarded in literature and in religious texts drawn from four of the large number of faiths followed in Australia: Christianity, Islam, Judaism and Hinduism.

The Tribunal noted that many of the indicia of a marriage are also the indicia of friends who have loyalty and affection for each other and who show support for each other in tangible and intangible ways. They may pool their resources in much the same way that students pool their resources in order to minimise their living costs and to achieve a standard of living that a person living alone could not achieve. A friendship, however close, the Tribunal found, is not marriage-like. It has none of the more ephemeral characteristics including, for example, aspects of sanctification and spirituality, a sense of union or joinder, a sense of common purpose and a sense of walking through life's journey together. The bond between friends has room for others but it will not have the spiritual significance that the religious persons in many cultures attach to marriage. Friends may well have commitment and common understanding but they will generally be circumscribed by matters such as circumstances, events or time. A marriage is not circumscribed in that way.

The Tribunal observed that the Act requires regard to be had to the many and varied notions of marriage that abound in Australian society. There is no one formula encompassing all of these notions. The Tribunal also noted that a person may be in a marriage-like relationship with a woman even if the marriage is not consummated and there is no prospect that it will be. Consummation, or the inclination to consummate, is only one factor in determining the quality of the relationship.

The Tribunal concluded that the friendship between the applicant and Anthony was

one of strong commitment but that it did not have the sense of union or common purpose inherent in a marriage or in something resembling or typical of marriage. It had neither a physical or spiritual bonding nor any sense of union transcending particular activities or enterprises. The arrangement suited both of them and would continue while that was the case. As it was not a marriage-like relationship, the Tribunal decided that the applicant had not been overpaid disability support pension.

Taxation

Re Debonne Holdings Pty Limited and Commissioner of Taxation

[2006] AATA 886; 19 October 2006
Justice GK Downes, President

Whether a contract for the sale of land as part of an arrangement to purchase a hotel business involves the supply of a going concern

In 2002, Debonne Holdings Pty Limited (Debonne Holdings) acquired the Bassendean Hotel. There were separate but interdependent contracts for the sale of the business and the land. Both contracts required simultaneous settlement. The business sale contract expressly provided that it was the supply of a going concern. The land sale contract provided that the purchase price included any GST liability of the vendor.

In its Business Activity Statement, Debonne Holdings claimed the land component of the purchase as a creditable acquisition entitling it to input tax credits. The Commissioner assessed that both the business and land contracts involved the supply of a going concern and, therefore, were GST-free. Debonne Holdings sought review of that decision. The question for the Tribunal was whether the land sale involved the supply of a going concern.

The *A New Tax System (Goods and Services Tax) Act 1999* provides that the supply of a going concern is GST-free if the supply is for consideration, the supply is to a recipient registered or required to be registered under the Act and "the supplier and recipient have agreed in writing that the supply is of a going

concern" (s 38-325(1)). The phrase "supply of a going concern" is defined in s 38-325(2) to include the requirement that the supplier supply "all of the things that are necessary for the continued operation of an enterprise".

Debonne Holdings argued that there were two contracts which, although providing for simultaneous settlement, were separate. It followed that the GST provision in the business sale contract operated only with respect to the subject matter of that contract and not the land sale. The Commissioner argued that, although there were two contracts, there was only one transaction and the provisions of both contracts should be brought to bear on the whole transaction. As such, the express provision relating to a "going concern" in the business sale contract governed both contracts.

The Tribunal held that the enterprise in this case, the business of the Bassendean Hotel, required the sale of the land on which the hotel was situated as one of the things necessary for its continued operation. The relevant going concern for the purposes of the Act was, accordingly, both the business and the land on which it was situated. Further, the parties' use of the phrase "going concern" in the business sale contract constituted agreement in writing (s 38-325(1)) and that agreement related to the whole of the subject matter of the sale: that is, the business and the land on which it was situated.

The Tribunal upheld the Commissioner's decision that Debonne Holdings was not entitled to input tax credits on the land sale.

Textiles, clothing and footwear

Re The Victoria Carpet Company Pty Limited and Secretary, Department of Industry, Tourism and Resources

[2007] AATA 1424; 12 June 2007

Senior Member GD Friedman

Whether displays of carpet samples placed by a manufacturer in retail stores constitute in-store promotions

In April 2005, a scheme for promoting the Australian textiles, clothing and footwear

industry came into effect. The scheme provides incentives to promote investment and innovation in the industry. Pursuant to the scheme, brand support expenditure consisting of in-store promotions is an activity eligible for a grant dealing with capital investment expenditure.

The Victorian Carpet Company Pty Limited applied for a grant for activities related to the display in retail stores of carpet samples in sample books and in layers on stands. The displays remain in stores for lengthy periods and are sometimes updated as new carpet products become available. The Department refused the application for a grant on the basis that the displays were not in-store promotions.

Before the Tribunal, the company argued that in-store brand support activities maximise opportunities to inform customers of the attributes of the products. It stated that displays in retail stores and the ability to take carpet samples home represent the most effective means of persuading customers to purchase the products. The company maintained that the displays are brand support, and the scheme does not require in-store promotions to be one-off, short-term events.

The Tribunal noted that the term *promotion* is not defined in the scheme and held that it should be given its ordinary meaning in the context of the scheme. The Tribunal concluded that the term refers to an investment activity carried out in a store involving the publicising of one product over another through marketing or advertising initiatives beyond the provision of stock or samples. Examples might include a marketing campaign in a particular location or a time-limited activity designed to advance the sales of individual products.

The Tribunal found that the company's permanent displays and sample books are provided for the information of customers as a guide to the range of available products. There is no specific publicity, advertising or marketing campaign, or other activity such as special offers or inducements that would encourage a customer to prefer the company's carpet to a competitor's. The Tribunal held that the

company's activities were normal offerings of its products for sale and were not in-store promotions. The decision under review was affirmed.

Veterans' affairs

Re Cmielewski and Repatriation Commission

[2006] AATA 1063; 11 December 2006
Deputy President DG Jarvis

Whether a Polish veteran who was a member of two underground resistance groups in World War II had rendered qualifying service as an allied veteran for the purposes of the Veterans' Entitlements Act 1986

Mr Aleksander Cmielewski joined an underground resistance group during the German occupation of Poland in World War II. Following the German invasion, the Polish Government fled to Paris and later, in July 1940, to London. The Polish Government in London, known as the "government-in-exile", then operated from London until the end of World War II. This government was recognised by Australia as the legitimate government of Poland during the war.

The underground resistance group that Mr Cmielewski joined was called the Narodowe Siły Zbrojne (NSZ) or National Armed Forces. In about May 1944, after being warned that he was about to be arrested by the Gestapo, Mr Cmielewski left the town where he was living and fled to the mountains, where he joined the NSZ armed forces. Later in 1944, members of the NSZ based in the area of the Holy Cross Mountains, including Mr Cmielewski, amalgamated to form another force known as the Holy Cross Brigade (HCB).

The issue for the Tribunal was whether Mr Cmielewski was an allied veteran who had rendered qualifying service as a member of a defence force established by an allied country, pursuant to s 7A of the *Veterans' Entitlements Act 1986*.

The Repatriation Commission had previously accepted that persons who had fought with the largest resistance group in Poland were allied veterans and entitled to benefits under

the Act. Mr Cmielewski's claim was rejected on the basis that neither the NSZ nor the HCB was a "defence force established by an allied country" within the meaning of the definition of that expression in s 5C(3) of the Act.

In considering the proper interpretation of the above expression, the Tribunal noted that, during a period when the government of an allied country is in exile, its ability to "establish" a defence force (or some part of it) is of necessity greatly curtailed.

The Tribunal decided that this situation should be taken into account in interpreting the legislation, and as a result, the expression "defence force established by an allied country" should be interpreted so as to extend beyond the regular or official defence force of a country. It should include forces set up or founded by an allied country, and also forces sanctioned, recognised or supported by an allied country, in circumstances where the government of that allied country was in exile.

The Tribunal then considered historical evidence as to the formation of the NSZ and the HCB. This indicated that the NSZ was a merged organisation that included members of a pre-war nationalist association, and numbered around 75,000 members. By the time the NSZ had been formed, it had established and developed relations with the Polish government-in-exile in London. There was evidence that the Polish government-in-exile was involved in reorganising the NSZ, in giving it a regular army structure, in providing support and arms and in maintaining contact with its commanders. As a result, the NSZ gathered intelligence and passed on this information to the Polish government-in-exile, either directly or via the Polish Home Army. Members of the NSZ also fought alongside the Home Army during the Warsaw Uprising in late 1944. Consequently, the Tribunal found that the NSZ was a defence force established by the Polish government-in-exile.

As to the HCB, the Tribunal was satisfied that it was sanctioned, recognised and supported by the Polish government-in-exile, and therefore could be said to have been "established" by it. This finding was based on evidence that the HCB had received some

assistance from the Polish government-in-exile, and on occasions carried out its orders and joined in, or cooperated with, the actions of the Home Army. The HCB also embarked on a long march to join other allied forces on the orders, or with the support, of the Polish government-in-exile.

The Tribunal set aside the decision under review and decided that Mr Cmielewski had rendered qualifying service during the periods when he was a member of the NSZ and HCB.

Re Roncevich and Repatriation Commission

[2006] AATA 660; 26 July 2006

Justice GK Downes, President; Deputy President PE Hack SC; C Ermert, Member

Whether a knee injury following a fall while stationed at a military barracks was "defence-caused"

Jure Roncevich served in the Australian Regular Army from 1974 to 1998. In February 1986, he attended a function in the Sergeants' Mess of the Holsworthy Military Barracks. When he returned to his room he was affected by alcohol. He fell from his window and injured his left knee. He returned to full duties later in the year.

In 1997, Mr Roncevich applied for a disability pension based, in part, on problems with his left knee. The Repatriation Commission rejected his claim and this decision was affirmed by the Veterans' Review Board.

Mr Roncevich lodged an application with the Tribunal which affirmed the decision under review. On appeal, the Tribunal's decision was set aside by consent and remitted to the Tribunal for re-hearing. A second Tribunal also affirmed the decision to reject Mr Roncevich's claim for a pension. Appeals to a single judge of the Federal Court and a Full Court of the Federal Court were dismissed. Mr Roncevich obtained special leave to appeal to the High Court which allowed the appeal and remitted the matter to the Tribunal to be determined according to law.

Whether the injury was defence-caused

By virtue of s 70(5)(a) of the *Veterans' Entitlements Act 1986*, an injury is taken to

be a defence-caused injury if it "arose out of, or was attributable to, any defence service" of a member. The Repatriation Commission argued that there was no order requiring Mr Roncevich to attend the Sergeants' Mess and no requirement that he drink the amount of beer that he did. The Tribunal was satisfied that there was a function at the mess on the evening in question and that Mr Roncevich, as a living-in Senior Non Commissioned Officer, was expected to attend. The Tribunal also accepted that while Mr Roncevich was not required, as a matter of duty, to drink to the state where his faculties were impaired, there was an expectation that he would drink and would "keep pace" with his Regimental Sergeant Major, who at that time "drank at a rapid rate". The Tribunal held that the fall and the resulting injury were attributable to defence service within s 70(5)(a) of the Act.

Nature and diagnosis of knee injury and connection with service

Based on the medical evidence before it, the Tribunal accepted that between the time of the accident and the time of his claim for a pension, the veteran suffered from three pathologies: a torn lateral meniscus, a degenerative tear of the medial meniscus and a chronic anterior cruciate ligament tear. Each of these pathologies was found to satisfy the definition of "internal derangement of the knee" in the relevant Statement of Principles, No 60 of 1997. Those pathologies had not resolved by the time of the claim in 1997.

The Commission argued that the Tribunal could not be satisfied of the connection between the internal knee derangement and Mr Roncevich's defence service. Paragraph 5 of the relevant Statement of Principles identifies two factors that must exist before it can be said that the internal derangement of the knee is connected with service:

- (1) the trauma or injury occurred within the six months immediately before the clinical onset of the internal derangement; and
- (2) pain and swelling occurred within the two hours immediately following and as a result of the trauma or injury.

The Tribunal was satisfied that Mr Roncevich experienced pain and swelling within two

hours immediately following the fall from the window. The Tribunal further found that clinical onset of one of the pathologies was detected within six months of the trauma and this was sufficient for the injury to be defence-caused. The Tribunal rejected the Commission's argument that the pathologies should be considered separately for the purpose of the Statement of Principles and held that it was irrelevant that only one of those pathologies was the principal cause of present symptoms.

The Tribunal set aside the Commission's decision and remitted the matter for assessment.

Workers' compensation

Re Kennedy and Military Rehabilitation and Compensation Commission

[2007] AATA 19; 15 January 2007

Deputy President SD Hotop; Dr PA Staer, Member

Whether a Special Action Force Allowance should continue to be taken into account in determining weekly compensation payments to a former Special Air Service Regiment soldier

Mr Kennedy served in the Australian Army from 1984 until 1992. He was a member of the Special Air Service Regiment from June 1987 until his discharge. As a member of the Special Air Service Regiment, he received the Special Action Force Allowance in addition to his standard Army pay. Mr Kennedy suffered various injuries in the course of, or arising out of, his Army service and was voluntarily discharged from the Army in 1992 because of medical unfitness.

Mr Kennedy claimed and was paid weekly incapacity payments under s 19 of the *Safety, Rehabilitation and Compensation Act 1988* in respect of his injuries. Section 19 prescribes the method of calculating the amount of compensation payable to the employee each week. One factor in these calculations is the employee's "normal weekly earnings". Section 8 of the Act provides for the calculation of "normal weekly earnings" under a formula whose components include any allowance payable to the employee.

Pursuant to s 8(1) of the Act, Mr Kennedy's Special Action Force Allowance payments were included when calculating his "normal weekly earnings" for the purposes of calculating his incapacity entitlement. However, s 8(10) of the Act operates to impose a limitation on incapacity payments to ensure that the employee is not placed in a more advantageous position during the period of incapacity than he or she was in before becoming incapacitated for work. In September 2000, the Military Rehabilitation and Compensation Commission determined that Mr Kennedy would only have been employed in the Special Air Service Regiment, and therefore eligible to receive the Special Action Force Allowance, within a 14 year period from the time he first commenced employment with the regiment. This meant that, pursuant to s 8(10), the calculation of Mr Kennedy's "normal weekly earnings" would not include his Special Action Force Allowance after 5 June 2001.

The issue before the Tribunal was whether the calculation of Mr Kennedy's "normal weekly earnings" should continue to include the Special Action Force Allowance after 5 June 2001.

Mr Kennedy gave evidence at the hearing that, prior to his injuries, he had every intention of remaining in the Special Air Service Regiment for the rest of his military career. The Tribunal was satisfied that Mr Kennedy had a firm and unequivocal desire, intention and expectation that he would have continued to serve as a SASR Trooper beyond 5 June 2001, and a belief that, but for his injuries, he would still be a SASR Trooper.

Relying in part on statistical information, the Commission submitted that the average duration of postings to the Special Air Service Regiment was 5–6 years, and that, while Mr Kennedy's posting to the regiment may have extended beyond that period, his period of Special Air Service Regiment service would have expired by 5 June 2001.

In the absence of contradictory evidence from the Commission, the Tribunal found that there was no official policy of the Special Air Service Regiment, the Australian Army or

any other Australian Defence Force agency which imposed a limit on the period in which a soldier might serve in the Special Air Service Regiment.

Assessing the Commission's evidence, the Tribunal stated that it was not satisfied that Mr Kennedy would not have continued to serve as a Trooper in the Special Air Service Regiment beyond 5 June 2001. The Tribunal found that, had he continued to be employed as a member of the Army, Mr Kennedy would have continued to serve as a Trooper in the regiment, and would therefore have continued to receive Special Action Force Allowance.

The Tribunal set aside the decision under review and decided that the Special Action Force Allowance should be included in calculating Mr Kennedy's incapacity payments after 5 June 2001.

Wine and brandy

Re King Valley Vignerons Inc and Geographical Indications Committee Re Baxendale's Vineyards Pty Limited & Ors and Geographical Indications Committee & Anor

[2006] AATA 885; 18 October 2006
Justice GK Downes, President

Whether there should be one or two wine regions within the King Valley – How the King Valley region should be identified and named

The King Valley is a wine growing area in North East Victoria. The Geographical Indications Committee, which has statutory authority to define and name wine regions in Australia under the *Australian Wine and Brandy Corporation Act 1980*, determined that the area should be identified by certain boundaries and indicated by the expression "King Valley".

There were two applications for review of the decision. One group submitted that an area including the highest country in which grapes are grown should be a separate region called the Whitlands High Plateaux. King Valley Vignerons Inc, a cooperative of vineyard owners, agreed with the Committee that there should be one region, but sought to include an additional area within its boundary.

In determining a geographical indication, the Committee and, on review, the Tribunal is required to have regard to the range of criteria set out in the *Australian Wine and Brandy Corporation Regulations 1981*. These include:

- whether the area falls within the definition of a subregion, a region, a zone or any other area;
- the history of the founding and development of the area;
- the existence in relation to the area of natural and constructed features such as rivers, roads and railways; and
- the degree of discreteness and homogeneity of the proposed geographical indication in respect of a range of attributes, including geological formation, uniformity of climate, whether part or all of the area is within a natural drainage basin and the history of grape and wine production in the area.

In relation to the proper approach to its task, the Tribunal noted that the first criterion requires attention, amongst other things, to the potential identification of an area of land "that is discrete and homogeneous in its grape growing attributes". Despite considerable debate regarding the meaning of the phrase "grape growing attributes", the Tribunal saw no reason for concluding that the legislature intended the decision-maker to ignore the ordinary meaning of the phrase. The Tribunal held that this first criterion is of major significance and states a necessary but not a sufficient condition precedent for classification. The other criteria are more associated with discretionary considerations as to whether an area which satisfies the condition precedent should be classified. Different criteria will call for differing evaluation in different cases.

The Tribunal was satisfied that a distinction can be drawn between the valley land and the plateau land and that it is more appropriate to link certain ridges with the Plateau than it is to link them with the valley floor. The Tribunal also acknowledged differences in grape growing characteristics within the area. While noting that there is greater homogeneity within the Plateau, the ridges, or the Plateau and the ridges together, than in the whole valley, the

Tribunal concluded that the lesser homogeneity of the whole valley does not deprive it from qualification as a region.

The Tribunal considered that the discretionary criteria not associated with viticulture or wine making, including the area's natural features, the history of the area and of grape and wine production and the use of the name King Valley point to the wider King Valley being classified as a region. In relation to grape growing attributes, the Tribunal accepted that there are differences in grapes grown, in growing techniques, in climate and in soils between the Plateau and ridges on the one hand and the balance of the area. However, on balance, the Tribunal was not satisfied that the King Valley and Whitlands High Plateaux were separate regions.

In determining the region's boundaries, the Tribunal held that the region should not include land on which wine grapes will not be grown but should include land on which wine grapes might be grown. The Tribunal also held that land within State Forests and National Parks should be included in order to avoid irregular boundaries, despite the fact that viticulture is unlikely in these areas.

The Tribunal set aside the decision of the Committee and substituted a decision that there should be a single region for the area called "King Valley" with the boundaries specified in the decision.

Appendix 7: Freedom of information

Statement under section 8 of the *Freedom of Information Act 1982*

This statement is made for the purposes of section 8 of the *Freedom of Information Act 1982* (Freedom of Information Act) and is correct as at 30 June 2007.

Subsections 8(1) and (3) of the Freedom of Information Act require Australian Government 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; and
- 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 Annual Report relating to the organisation, functions and powers of the Tribunal.

Arrangements for participation in agency decision-making

The Tribunal undertakes consultation in relation to proposals for changes to its case management process. Details of proposed changes are sent to regular users and other key stakeholders for comment. They are also made available on the Tribunal's website.

Members and staff of the Tribunal hold liaison meetings with users of the Tribunal and other stakeholders. Meetings may involve 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 users in relation to its

operations generally and also in relation to specific proposals for change.

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.

Categories of documents

The Tribunal maintains the following categories of documents:

- paper files relating to applications under the *Administrative Appeals Tribunal Act 1975*;
- paper files relating to requests for examinations under the *Proceeds of Crime Act 2002*;
- electronic case management systems containing information in relation to applications under the *Administrative Appeals Tribunal Act 1975* and requests for examinations under the *Proceeds of Crime Act 2002*;
- Tribunal decisions and reasons for decisions;
- lists of case events, including alternative dispute resolution processes, preliminary 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 *Guide to the Workers' Compensation Jurisdiction*, the *Getting Decisions Right* video/DVD and an audio cassette for the visually impaired containing general information on the Tribunal;
- the Tribunal's Service Charter;
- reference materials, including the Registry Procedures Manual, user manuals for the Tribunal's electronic case management systems and the Tribunal jurisdiction list;
- 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 files containing statistical information on the Tribunal's operations, documents relating to learning and development programs within the Tribunal and 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
- the 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 electronic case management systems;
- once a hearing has been held in relation to an application, any transcripts of evidence given before the Tribunal as well as documents lodged with the Tribunal or received in evidence by the Tribunal unless disclosure of the documents has been prohibited or restricted by the Tribunal under section 35 of the *Administrative Appeals Tribunal Act 1975*;
- 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;
- reference materials, including the Registry Procedures Manual, user manuals for the Tribunal's electronic case management systems and Tribunal jurisdiction list;

- 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

Documents available free of charge upon request are available from the Tribunal at each registry or from the Tribunal's website (www.aat.gov.au). Facilities for examining documents and obtaining copies are available 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 set out at the end of this Annual Report.

Appendix 8: Speeches, papers and other activities

This appendix provides information on speeches and papers given by Tribunal members and staff during 2006–07. It also provides information on training and education activities involving Tribunal members and staff.

Justice Garry Downes, President

The Administrative Appeals Tribunal: Building on 30 Years of Independent Merits Review
2006 Veterans' Law Conference
Surfers Paradise, 27 July 2006

The Security Appeals Division of the Administrative Appeals Tribunal — Functions, Powers and Procedures
National Security Law Course, University of Sydney
Sydney, 13 September 2006

Australia and Thailand Comparative Administrative Law
Visit to Australia by Judges and Officials of the Administrative Courts of Thailand
Sydney, 5 February 2007

Decision-Writing
Superannuation Complaints Tribunal Members Conference
Melbourne, 1 March 2007

The Role of Courts and Tribunals
University of Sydney Foundations of Law Lecture
Sydney, 19 March 2007

Writing Reasons for Judgment or Decision
Administrative Courts of Thailand
Bangkok, 3 May 2007

The State of Administrative Justice in Australia
Canadian Council of Administrative Tribunals
Fourth International Conference, World Report #1
Vancouver, 7 May 2007

Administrative Law and the Churches
Church Law Forum, Wesley Mission
Sydney, 17 May 2007

Future Directions: How Can We Make Administrative Law More Relevant?
2007 Administrative Law Forum, Australian Institute of Administrative Law
Canberra, 15 June 2007

Heather Baldwin, District Registrar

How a matter proceeds through the AAT
Bar Association of Queensland
Brisbane, 11 October 2006

Practice and Procedure of the AAT
Queensland Young Lawyers
Brisbane, 31 October 2006

Practice and Procedure of the AAT
North Queensland Law Association
Conference 2007
Cairns, 1 June 2007

Narelle Bell, Senior Member

Decision-writing seminar
(with Professor Jim Raymond)
New South Wales Chapter of the Council of Australasian Tribunals
Sydney, September 2006

Decision-writing seminar (with Professor Jim Raymond, Jane Westaway and Margot Schwabb)
Judges of the National and Supreme Courts of Papua New Guinea
Port Moresby, 1–2 May 2007

Decision-writing seminar (with Professor Jim Raymond, Jane Westaway and Margot Schwabb)
Magistrates of the District Courts of Papua New Guinea
Port Moresby, 3–4 May 2007

Decision-writing seminar
Full-Time Members of the Social Security Appeals Tribunal
Sydney, 18 May 2007

James Constance, Senior Member

The Administrative Appeals Tribunal — Some Tips and Traps
Law Society of the Australian Capital Territory
Seminar
Canberra, 7 February 2007

An Introduction to the Administrative Appeals Tribunal

Tribunal Advocacy Course, Department of Veterans' Affairs
Canberra, 4 June 2007

Recent Developments in Compensation Law under the Safety, Compensation and Rehabilitation Act 1988 (Cth)

Australian Lawyers Alliance ACT Branch Conference
Canberra, 22 June 2007

Rodney Dunne, Senior Member

Running a Tax Dispute at the AAT
2007 South Australian State Convention of the Taxation Institute of Australia
Barossa Valley, 4 May 2007

Graham Friedman, Senior Member

Overview of the AAT
Social Security Appeals Tribunal
Melbourne, 23 March 2007

Justice Andrew Greenwood, Presidential member

Overview of the AAT
Bar Association of Queensland
Brisbane, 11 October 2006

Michael Griffin, Member

Legal issues for psychologists in commissions of inquiry
2007 Australian Defence Force Mental Health Conference
Sydney, 8 March 2007

Philip Hack SC, Deputy President

Advocacy in the AAT
Bar Association of Queensland
Brisbane, 11 October 2006

Development and role of the AAT
Government Lawyers Conference
Brisbane, 19 April 2007

Differences between judicial review and merits review

North Queensland Law Association Conference 2007
Cairns, 1 June 2007

Doug Humphreys, Registrar

COAT: The National Perspective and Other Chapters

New South Wales Chapter of the Council of Australasian Tribunals Conference
Sydney, 11 May 2007

Dr Kenneth Levy, Senior Member

Towards Greater Effectiveness in Offender Rehabilitation

Menzies Research Centre
Sydney, 9 September 2006

High Quality Corporate Reporting
Indonesian Institute of Accountants
Jakarta, 21 November 2006

Deane Jarvis, Deputy President

Procedural fairness as it applies in the Administrative Appeals Tribunal
Law Society of South Australia
Adelaide, 16 March 2007

Bruce Pascoe, Senior Member

An Insight into the AAT from the Inside
Taxation Institute of Australia
Melbourne, 22 March 2007

Regina Perton, Member

Therapeutic jurisprudence in the tribunal context
Victorian Chapter of the Council of Australasian Tribunals with the Victorian Civil and Administrative Tribunal
Melbourne, 26 October 2006

Overview of the AAT
Social Security Appeals Tribunal
Melbourne, 23 March 2007

Bernadette Rogers, Conference Registrar

ADR processes in the AAT
Bar Association of Queensland
Brisbane, 11 October 2006

Simon Webb, Member

Mock Hearing
Tribunal Advocacy Course, Department of Veterans' Affairs
Canberra, 8 June 2007

Appendix 9: Commonwealth Disability Strategy — the Tribunal’s performance

Performance indicator	Performance measures	Performance for 2006–07
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.	Percentage of recruitment information requested and provided in: <ul style="list-style-type: none"> – accessible electronic formats; and – accessible formats other than electronic. Average time taken to provide accessible information in: <ul style="list-style-type: none"> – electronic format; and – formats other than electronic. 	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.
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. Adjustments are 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.
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 2006–2009 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.	Regular liaison meetings were held with Tribunal users providing a forum for feedback on service provision.

Performance indicator	Performance measures	Performance for 2006–07
<p>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.</p>	<p>Established service charter that adequately reflects the needs of people with disabilities in operation.</p>	<p>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.</p>
<p>Complaints/grievance mechanism, including access to external mechanisms, in place to address issues and concerns raised about performance.</p>	<p>Established complaints/grievance mechanisms, including access to external mechanisms, in operation.</p>	<p>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.</p>

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 A10.1 sets out information on consultancies that were let during 2006–07

where the value of the services is \$10,000 or more (inclusive of GST).

Table A10.2 provides summary information on the number of consultancies let by the Tribunal in the three most recent reporting years where the value of the contract was \$10,000 or more (inclusive of GST). It sets out the number of consultancies and the total value of the contracts.

Table A10.1 Consultancy services let during 2006–07 where value is \$10,000 or more (inclusive of GST)

Name of Consultant	Description	Contract price	Selection process (1)	Justification (2)
GS Corporate Services Pty Ltd	Audit services	\$136,618	Open Tender	B
Kathy Jones & Associates Pty Ltd	Review of communication strategies and products	\$27,720	Open Tender	A
TOTAL		\$164,338		

(1) Explanation of selection process terms drawn from the *Commonwealth Procurement Guidelines* (January 2005):

Open Tender: A procurement procedure in which a request for tender is published inviting all businesses that satisfy the conditions for participation to submit tenders. Public tenders are sought from the marketplace using national and major metropolitan newspaper advertising and the Australian Government AusTender internet site.

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.

Panel: An arrangement under which a number of suppliers, usually selected through a single procurement process, may each supply property or services to an agency as specified in the panel arrangements. Tenders are sought from suppliers that have pre-qualified on the agency panels to supply to the government. This category includes standing offers and supplier panels where the consultant offers to supply goods and services for a pre-determined length of time, usually at a pre-arranged price.

(2) Justification for decision to use consultancy:

A — skills currently unavailable within agency

B — need for specialised or professional skills

C — need for independent research or assessment

Table A10.2 Summary of consultancies let in the three most recent reporting years where gross value is \$10,000 or more (inclusive of GST)

Year	No of Consultancies	Total Contract Value (incl GST)
2004–05	5	\$122,749
2005–06	4	\$120,916
2006–07	2	\$164,338

Other reporting requirements

Advertising and market research

The Tribunal did not make any payments to advertising agencies, market research organisations, polling organisations or direct mail organisations in 2006–07.

Non-campaigning advertising expenditure of \$31,173 was paid to HMA Blaze Pty Ltd for advertising employment vacancies in newspapers.

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 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. 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 2% per cent during the reporting year due to the efforts and diligence of staff in monitoring electricity usage. Petrol consumption fell by 11.5%, mostly due to a reduction in the number of vehicles leased.

End matter

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Glossary

AASB	Australian Accounting Standards Board
AATCAMS	The Tribunal's former electronic case management system.
ACSI 33	Australian Communications Security Instructions 33 which forms part of the Protective Security Manual.
ADR	Alternative dispute resolution
AEIFRS	Australian Equivalents to International Financial Reporting Standards.
Affirm	The Tribunal may affirm a decision under review. This means that the original decision still stands.
ANAO	Australian National Audit Office
Applicant	This is the person, organisation, department or agency that has lodged an application with the Tribunal.
Application for extension of time	An application for review of a decision must be given to the Tribunal within a certain time limit. However, an application may be made to the Tribunal to extend the time for lodging an application.
Case appraisal	Case appraisal is an ADR process conducted by a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, who assists the parties to resolve the dispute by providing a non-binding opinion on the facts in dispute and likely outcomes.
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 may 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.
CRF	Consolidated Revenue Fund
CSS	Commonwealth Superannuation Scheme
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, the Tribunal may dismiss an application 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 an ADR process, directions hearing or hearing, or if the Tribunal is satisfied that the application is frivolous or vexatious.
FMO	Finance Minister's Order
GST	Goods and Services Tax
Hearing	A hearing is conducted by one, two or three Tribunal members. 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, including 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 issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in relation to the content of the dispute but may advise on or determine the mediation process.
NAATI	National Accreditation Authority for Translators and Interpreters
Neutral Evaluation	Neutral evaluation is an ADR process in which a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, assists the parties to resolve the dispute by evaluating the facts and law at issue in the dispute and providing a non-binding opinion on the likely outcomes.
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.
OPA	Official public act
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, department or agency has applied to the Tribunal for review of a decision, any other person, department or agency 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, department, or agency is a party joined.
Portfolio Budget Statements	Statements prepared to explain the Budget appropriations for agencies within a portfolio in terms of outcomes and outputs.
PSSap	Public Sector Superannuation accumulation plan
PSS	Public Sector Superannuation Scheme
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 organisation that made the original decision.
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 <i>Administrative Appeals Tribunal Act 1975</i> : 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 may make a new decision or remit the matter to the original decision-maker.
Stay order	This is an order of the Tribunal to suspend the operation or 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'.
TRaCS	The Tribunal's new electronic case management system.
Tribunal	Administrative Appeals Tribunal
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) 6243 4600

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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