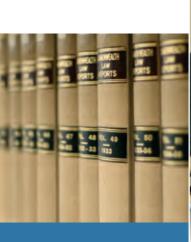


Administrative Appeals Tribunal

ANNUAL REPORT 2009–10





CONTACTING THE TRIBUNAL

Adelaide Registry

11th Floor Chesser House 91 Grenfell St ADELAIDE SA 5000 Tel 08 8201 0600 Fax 08 8201 0610 Email adelaide.registry@aat.gov.au

Brisbane Registry

Level 4 Harry Gibbs Building Commonwealth Law Courts 119 North Quay BRISBANE QLD 4000 Tel 07 3361 3000 Fax 07 3361 3001 Email brisbane.registry@aat.gov.au

Canberra Registry

4th Floor Canberra House 40 Marcus Clarke St CANBERRA CITY ACT 2600 Tel 02 6243 4611 Fax 02 6243 4600 Email canberra.registry@aat.gov.au

Hobart Registry

Edward Braddon Building Commonwealth Law Courts 39-41 Davey St HOBART TAS 7000 Tel 03 6232 1622 Fax 03 6232 1601 Email hobart.registry@aat.gov.au

Melbourne Registry

Level 16 HWT Tower 40 City Rd SOUTHBANK VIC 3006 Tel 03 9282 8444 Fax 03 9282 8480 Email melbourne.registry@aat.gov.au

Perth Registry

Level 5 111 St Georges Tce PERTH WA 6000 Tel 08 9327 7200 Fax 08 9327 7299 Email perth.registry@aat.gov.au

Sydney Registry

Level 7 55 Market St SYDNEY NSW 2000 Tel 02 9391 2400 Fax 02 9283 4881 Email sydney.registry@aat.gov.au

Toll free

If you live outside a metropolitan area, call toll free 1300 366 700. You will be charged for a local call only, and connected to your capital city, except for residents in northern NSW (postcodes 2460–2490) and the Northern Territory who will be connected to the Brisbane Registry.

Non-English speakers

Call the Translating and Interpreter Service on 131 450 and ask them to call the Tribunal.

If you are deaf or have a hearing or speech impairment

Users who are deaf or have a hearing or speech impairment can call through the National Relay Service.

TTY users: call 133 677, then ask for 1300 366 700.

Internet relay users: connect to the National Relay Service (www.relayservice.com.au), then ask for 1300 366 700.

Speak and Listen (speech-to-speech relay) users: call 1300 555 727, then ask for 1300 366 700.

Portable hearing loops systems are available, on request, for use at our office counters, and in conference and hearing rooms.

Post

AAT GPO Box 9955 Your capital city

Website

www.aat.gov.au



Administrative Appeals Tribunal







This report

An electronic version of this annual report is on the Tribunal's website, www.aat.gov.au/ CorporatePublications/AnnualReport.htm. More information about the Tribunal is on the Tribunal's website, www.aat.gov.au.

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

Registrar Principal Registry Administrative Appeals Tribunal GPO Box 9955 SYDNEY NSW 2001

Tel: 02 9391 2491 Fax: 02 9391 2578 Email: principal.registry@aat.gov.au

Photos: Unless otherwise stated, the series of photos used in this report show Tribunal members and staff in situations that self-represented parties may encounter during a review. Cover: Senior Member Steven Frost, Conference Registrar Kim Richardson, Shanthy Sri Ganeshan, Paul Hoffmans. Page 12: Francis Pham, Sheryl Myers. Page 17: Mark Dowsett. Photographer: Leighton Hutchinson.

© Commonwealth of Australia 2010

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Commonwealth. Requests and enquiries concerning reproduction and rights should be addressed to the Commonwealth Copyright Administration, Attorney-General's Department, National Circuit, Barton ACT 2600, or posted at www.ag.gov.au/cca

ISSN 1035-3161

Editorial services provided by Puddingburn Publishing Services Pty Ltd

Designed by ZOO

Printed by Blue Star Print



Administrative Appeals Tribunal PRESIDENT'S CHAMBERS The Hon Justice Garry Downes AM

17 September 2010

The Hon Robert McClelland MP Attorney-General Parliament House CANBERRA ACT 2600

My dear Attonney. Carenal,

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 2010.

GARRY DOWNES

Level 7 55 Market Street SYDNEY NSW 2000 GPO Box 9955 SYDNEY NSW 2001 Australia DX 10200 Sydney Stock Exchange Tel +61 2 9391 2442 Fax +61 2 9391 2577 Email gd@aat.gov.au www.aat.gov.au

ABN: 90 680 970 626

ADMINISTRATIVE APPEALS TRIBUNAL ANNUAL REPORT 2009-10

CONTENTS

Chapter 1: The year in review	1
Chapter 2: Overview of the Tribunal	9
Chapter 3: Our performance	19
Chapter 4: Our users and our partners	31
Chapter 5: Our people and our organisation	39
Financial Statements	53
Appendixes	95
Appendix 1: Members of the Tribunal	96
Appendix 2: Staff of the Tribunal	124
Appendix 3: Applications, outcomes, listings and appeals statistics	126
Appendix 4: Resourcing tables	140
Appendix 5: Tribunal application fees	142
Appendix 6: Changes to jurisdiction	144
Appendix 7: Decisions of interest	148
Appendix 8: Freedom of information	156
Appendix 9: speeches, articles and other activities	158
Appendix 10: Consultancies and other reporting requirements	163
Appendix 11: Commonwealth Disability Strategy—Tribunal performance	165
ENDMATTER	
Glossary	168

Glossary	168
list of requirements	171
Index	174

FIGURES IN THIS REPORT

1.1	Organisational plan and achievements 2009–10	5
2.1	Tribunal membership, 30 June 2010	11
2.2	Executive Deputy Presidents, 30 June 2010	13
2.3	Administrative structure of the Tribunal at 30 June 2010	14
2.4	Case management process	15
3.1	Applications lodged, finalised and current	20
3.2	Applications lodged, finalised and current in 2009–10 $-$ by jurisdiction	21
3.3	Applications lodged, finalised and current $-$ social security	21
3.4	Applications lodged, finalised and current - veterans' affairs	22
3.5	Applications lodged, finalised and current $-$ workers' compensation	23
3.6	Applications lodged, finalised and current — taxation	23
3.7	Performance standards and results, 2009–10	24
3.8	Performance against time standards	25
3.9	Percentage of applications finalised within 12 months	26
3.10	Time standard for Small Taxation Claims Tribunal	26
3.11	Complaints to the Tribunal	28
3.12	Service standards	29
3.13	Applications relating to warrants, controlled operations and other functions considered by Tribunal members	30
3.14	Examinations held under the Proceeds of Crime Act 2002	30
5.1	OH&S management structure	45
5.2	Notifiable incidents	46
5.3	Total actual expenditure on consultancy contracts	49
A2.1	Employment by registry, 30 June 2010	124
A2.2	Equal employment opportunity, 30 June 2010	124
A2.3	Employment status, 30 June 2010	125
A3.1	Applications lodged and applications finalised in 2009–10	127
A3.2	Applications lodged, by state and territory	132
A3.3	Applications finalised, by state and territory	133
A3.4	Percentage of applications finalised without a hearing ^a	133
A3.5	Outcomes of applications for review of a decision finalised in 2009–10	134
A3.6	Applications current, by state and territory at 30 June	136
A3.7	Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal	136
A3.8	Constitution of tribunals for hearings	137

A3.9	Appeals against decisions of the Tribunal, by jurisdiction	137
A3.10	Appeals against decisions of the Tribunal — outcomes of appeals determined	138
A3.11	Appeals from decisions of the Tribunal — outcomes of appeals determined, by jurisdiction	138
A4.1	Tribunal resource statement, 2009–10	140
A4.2	Expenses and resources for outcome 1	141
A5.1	Applications – no fee paid	143
A6.1	New jurisdiction	144
A6.2	Amended jurisdiction	145
A6.3	Jurisdiction removed	147
A9.1	Speeches and presentations	158
A9.2	Professional development and other activities	161
A9.3	Articles and other publications	162
A10.1	Consultancy services let during 2009–10	163
A10.2	Trends in consultancy services let	163
A10.3	Environmental performance reporting	164
A11.1	Tribunal performance against Commonwealth Disability Strategy	165

ADMINISTRATIVE APPEALS TRIBUNAL ANNUAL REPORT 2009-10