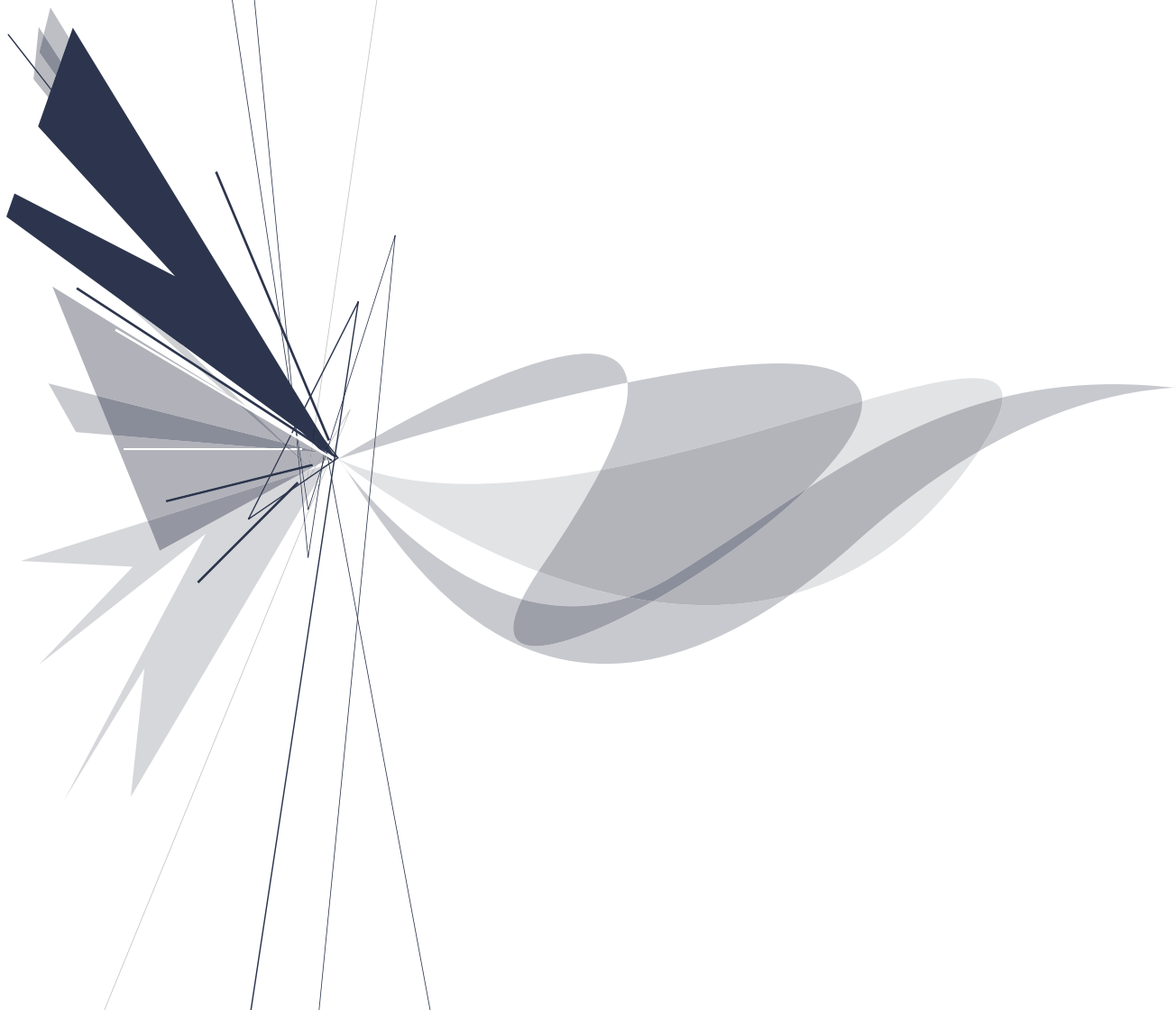




Administrative Appeals Tribunal
Annual Report
2003-04



© Commonwealth of Australia 2004

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 Australian Government, available from the Department of Communications, Information Technology and the Arts. Requests and enquiries concerning reproduction and rights should be addressed to the Commonwealth Copyright Administration, Intellectual Property Branch, Department of Communications, Information Technology and the Arts, GPO Box 2154, Canberra ACT 2601, or posted at www.dcita.gov.au/cca.

ISSN 1035-3161

Editorial services provided by WordsWorth Writing

Designed by Spectrum Graphics sg.com.au

Printed by National Capital Printing



Administrative Appeals Tribunal

PRESIDENT'S CHAMBERS
The Hon Justice Garry Downes AM

20 September 2004

The Hon Philip Ruddock MP
Attorney-General of the
Commonwealth of Australia
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 2004.

yours faithfully,

GARRY DOWNES

Contents

Reader's guide	V
Chapter 1: The year in review	1
President's overview	2
Registrar's report	4
Chapter 2: Overview of the Tribunal	11
Chapter 3: Workload and performance	21
Chapter 4: Our users and our partners	35
Chapter 5: Our people and our organisation	45
Financial statements	63
Appendices	103
Appendix 1: Members of the Tribunal	104
Appendix 2: Staff of the Tribunal	123
Appendix 3: Statistics for the year ending 30 June 2004	124
Appendix 4: Tribunal application fees	137
Appendix 5: Changes to the Tribunal's jurisdiction	139
Appendix 6: Decisions of interest	142
Appendix 7: Freedom of information	151
Endmatter	153
Glossary	154
Contacting the Tribunal	157
Indexes	159
Compliance index	160
Alphabetical index	163

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 (the AAT) during the period 1 July 2003 to 30 June 2004. In producing the report, the Tribunal has been mindful of this diverse range of readers.

In this year's report, the Tribunal has adopted a revised approach to the presentation of information on its operations. The Tribunal's Organisational Plan 2003–04, which appears at the end of Chapter 1, sets out key result areas, goals and strategies which are linked to the outcome specified in the Tribunal's Portfolio Agency Budget Statements. That outcome is:

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

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

Other new features of this report include:

- profiles of the Tribunal's members
- more statistical information relating to the Tribunal's major jurisdictions – compensation, social security, taxation and veterans' affairs
- a compliance index.

Chapter 1: The year in review – comprises the President's overview and Registrar's report.

These two reports highlight significant issues relating to the Tribunal's performance during the reporting year, which are discussed in more detail throughout the report.

Chapter 2: Overview of the Tribunal – provides basic information about the Tribunal, including its role, functions and powers, organisational structure, people, dispute resolution process and accessibility.

Chapter 3: Workload and performance – provides information and commentary on the Tribunal's workload and performance results. This chapter includes information on financial performance, performance against internal time standards, complaints and external scrutiny.

Chapter 4: Our users and our partners – contains information on initiatives to improve the Tribunal's practices and procedures, access to the Tribunal and the Tribunal's liaison with its users. It also describes the Tribunal's contact and relationships with other external bodies in relation to issues concerning the Tribunal and its operations.

Chapter 5: Our people and our organisation – provides information on human resource management within the Tribunal and the administration of the Tribunal generally.

The audited financial statements of the Tribunal are set out after Chapter 5, commencing at page 63.

The appendices include profiles of the Tribunal's members, more detailed statistical information on the Tribunal's workload, changes to the Tribunal's jurisdiction, Tribunal decisions of interest, and freedom of information data. 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, glossary at page 154, compliance index at page 160, and index to this report at page 163.

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

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

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

Telephone: (02) 9391 2491
Facsimile: (02) 9283 4881
Email: annrep@aat.gov.au



Chapter 1:

The year in review

2 President's overview

4 Registrar's report

Chapter 1: The year in review

President's overview



This year has been one of hard work and consolidation as the Tribunal worked towards its goal of being a leader in administrative review, providing 'informal, fast and fair merits review, unfettered by costly and legalistic procedures' to use the words of the Attorney-General.

During the year work has continued on proposed amendments to the *Administrative Appeals Tribunal Act 1975*. An exposure draft was released in June. The Bill is designed to provide changes in five key areas:

- reforms to Tribunal procedures
- removal of restrictive constitution provisions
- better use of ordinary members
- reform of the role of the Federal Court
- changes to the qualifications required for appointment as President.

The Tribunal looks forward to a speedy consideration of the proposed amendments by Parliament in the next reporting period.

This year has seen considerable change at senior levels within the Tribunal, with the appointment of Mr Doug Humphreys as Registrar from 25 August 2003 for a period of five years. I would like to record my thanks to Ms Jill Toohey, who acted as Registrar until that date. Ms Toohey served the Tribunal well during a period of considerable uncertainty and I wish her well for the future.

Following the unfortunate and untimely death of Ms Janet Cooper, our long term Assistant Registrar, Ms Sian Leathem was appointed Assistant Registrar in January 2004. She has been joined by Mr Chris Matthies, who returned to the Tribunal, following a period at the Australian Broadcasting Authority, as Manager of Policy and Research.

The Principal Registry team has been focusing on a large range of projects, many of which will continue into the coming year.

An area of considerable progress has been the introduction of pilot duty lawyer schemes in our New South Wales, Queensland and Victoria Registries. These pilots have only been possible through the assistance and cooperation of the Legal Aid Commissions in these states. The provision of advice and assistance to self-represented litigants by experienced legal aid solicitors has assisted the Tribunal in the efficient disposition of these matters in a just manner. I note that the recent inquiry by the Senate Legal and Constitutional References Committee into legal aid in Australia recommended that a duty solicitor scheme should be introduced for the Tribunal.

The Tribunal spent considerable time during the year contributing to the Tribunal Efficiencies Working Group. This group was made up of the presiding members and other representatives of the Administrative Appeals Tribunal, Migration Review Tribunal, Refugee Review Tribunal, Social Security Appeals Tribunal and the Veterans' Review Board, together with representatives of the departments with which each tribunal is associated. The Group was asked to look at opportunities for resource sharing and other efficiencies between tribunals. I note that there is already cooperation and resource sharing between the relevant tribunals. For example, the AAT provides registry and videoconferencing services to the MRT in its Queensland, South Australia and Western Australia registries.

Given the differing needs and roles of the various tribunals, opportunities to cooperate further may be limited in the absence of legislative change and additional funding.

This year I have been active as Chair of the Council of Australasian Tribunals (COAT). The Council is a peak body for Commonwealth, State, Territory and New Zealand tribunals which aims to share information, knowledge and resources across areas of common interest. Local chapters of COAT are now active in most States and Territories and in New Zealand. These local chapters contribute considerably to the exchange of information and professional development of tribunal members, including AAT members.

A major project to be pursued in the next 12 months is the production of a tribunals' model practice manual. The manual will be similar to bench books that have been provided for the judiciary in a number of jurisdictions in Australia and will build on a number of existing practice manuals in tribunals. The aim of the manual will be to provide material that is relevant to tribunals generally on such matters of common concern as procedural fairness. It will also provide a template for the inclusion of material that is specific to individual tribunals. There is considerable support for the production of this manual among tribunals across Australia and New Zealand.

During the next 12 months the Tribunal will face a number of challenges. These include securing affordable accommodation as long-term leases in Sydney and Melbourne come to an end. The Tribunal is also required to develop a new case management system to replace the AATCAMS system which has reached the end of its useful and supportable life.

One of the matters that has occupied a considerable amount of my time during the year has been work associated with reappointments and appointments to the Tribunal. The terms of appointment of more than thirty members ended during the reporting period. I wish those who have left the Tribunal every success for the future and record my appreciation of their commitment and hard work for the Tribunal during their time with us.

I record with sadness the passing of Member Catherine Prime in February 2004.

As always, I remain impressed by the quality of the members and staff of the Tribunal. The result of this year's work, as set out in this report, is a very clear indication of their commitment and hard work to both the Administrative Appeals Tribunal and the Australian public whom it serves.

Finally, at the time of my last report, I noted that I had been appointed for a further term of one year to expire on 7 April 2004. On 13 April 2004, I was appointed for a further term of one year.



Garry Downes

Registrar's report



This report marks my first as Registrar of the AAT. The past 10 months have been very busy as I have settled into the position, developing a better understanding of the Tribunal's role, jurisdiction, practices and procedures, staff and users.

An important step has been the rewrite and issue of an updated organisational plan. A copy of this plan, together with a statement of the Tribunal's achievements, is set out below. As is clear from a perusal of this annual report, the Tribunal has not only achieved almost all of the goals that we set ourselves for the 12 months, but in some cases exceeded them. Most pleasing has been the high number of matters finalised this year (9,909) and the resultant reduction of matters on hand by 2,648 or 26 per cent. Improvement in the timeliness of the finalisation of matters will be a major goal in the next 12 months.

The Tribunal has taken a number of steps to enhance its accessibility to users, increase the knowledge and skills of members and staff, and cultivate a productive and positive place in which to work.

Accessibility has been improved via the introduction of legal aid advice clinics, with the cooperation of relevant legal aid organisations in New South Wales, Queensland and Victoria. Our website has been upgraded to make it more user friendly and easier to navigate. Our brochures and charter have been revised and will be reprinted in the next reporting year. The Tribunal is currently developing a new Aboriginal and Torres Strait Islander employment program, which I look forward to implementing in the next 12 months.

The Tribunal has focused on reducing delays in the finalisation of matters during the 2003–04 year. A national management scheme was put in place to promote the finalisation of applications relating to mass-marketed taxation schemes. This national management scheme, together with improved liaison with regular users, will ensure that delays will continue to be reduced. In a small number of cases, where there has been regular and persistent non-compliance with timetables or a failure to progress matters, directions hearings have been held before the President. The Tribunal will continue to use these and other methods to ensure that the time taken for matters to be finalised is reduced and that the Tribunal meets its published time standards.

In the training area, one of my first tasks on joining the Tribunal was to complete the organisation for, and participate in, our biennial National Members' Conference. This was held in Launceston in October 2003. The conference provided a much-needed opportunity to meet as a large group, hone skills and reaffirm common values and ideals. This year has also seen the appointment of a dedicated Learning and Development Officer. This new position will allow us to better manage and provide more learning and development opportunities to both members and staff. We also hope to share resources with other tribunals and similar organisations in areas of common interest.

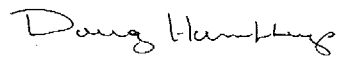
During 2003–04, the Tribunal has taken a number of other steps to ensure that we have a positive workplace. This has included the establishment of a staff benevolent fund, and the provision of free flu injections and health checks to staff and members. Staff teams have participated in a number of sporting competitions, with some considerable success.

This year I have assumed the position of Secretary of the Council of Australasian Tribunals (COAT). This has involved the provision of administrative support to the Council and, in particular, adding to and improving the COAT website which is hosted by the AAT. The major COAT event has been the annual general meeting held in Brisbane in June this year in conjunction with the Australian Institute of Judicial Administration's Tribunals' Conference. The conference and COAT meetings were a great success. As outlined in the President's overview, next year, COAT will be aiming to produce a practice manual for tribunal members.

I would like to thank the staff and members of the Tribunal for their welcome to me and the hard work they have put in throughout the year. The Principal Registry team has almost completely changed over the last 12 months. Sian Leathem (Assistant Registrar) and Chris Matthies (Manager, Policy and Research) have been welcome additions to the team. Paul Hoffmans joined as Manager, Information Services and Technology, late in the previous financial year.

He and the Information Technology team have worked very hard delivering new operating systems and hardware to the Tribunal on time and within budgeted cost. Chris Shead, Manager, Corporate Support, has provided a welcome degree of continuity and corporate knowledge. Steve Wise, our Financial Manager, has been of great support to a new Registrar. Finally, to the Principal Registry Executive Assistant, Jill Patterson, my great thanks for keeping the place turning over.

I look forward to being able to report further on the achievements of the Administrative Appeals Tribunal in 12 months time.



Doug Humphreys

Chart 1.1 Organisational plan and statement of achievements

Administrative Appeals Tribunal (AAT) 2003-4 organisational plan and statement of achievements					
Our vision		Our mission		Our values	
We will be a leader in administrative review, providing informal, fast and fair merits review, unfettered by costly and legalistic procedures.		To deliver high-quality independent merits review of administrative decisions in a timely fashion using alternative dispute resolution processes where appropriate.		User focus Integrity Professionalism Efficiency Equity and accessibility	
Key result area	Goals	Strategies 2003–04	Key targets 2003–04	Outcomes	Achievements
OUR USERS	We will provide a national high-quality merits review process that contributes to community confidence in a system of open and accountable government.	<ul style="list-style-type: none"> Pilot a plan with legal aid bodies to provide duty lawyer services to self-represented users. Review the General Practice Direction and procedures. 	<ul style="list-style-type: none"> Duty lawyer services provided in two registries. Uniform framework for dealing with matters in all registries. 	<p>Australian people have equitable access to a fast and efficient system of merits review delivering high-quality decisions.</p>	<ul style="list-style-type: none"> Duty lawyer service trials underway in New South Wales, Queensland and Victoria. Commenced review of Practice Directions. Implementation of a system for addressing regular non-compliance. Implementation of a strategy for managing applications concerning mass-marketed taxation schemes. Client Service Charter and information brochures revised (awaiting printing). Continued concurrent evidence study. Decrease in current matters.

Chart 1.1 Organisational plan and statement of achievements *(continued)*

Key result area	Goals	Strategies 2003–04	Key targets 2003–04	Outcomes	Achievements
OUR PARTNERS	We will work cooperatively 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. 	<ul style="list-style-type: none"> Participate fully and provide expert input into government and legal forums relevant to the work of the AAT. Hold regular user forums in each registry at least twice yearly. Increase AAT participation in community and continuing legal education. AAT involved in training in administrative law. 	<ul style="list-style-type: none"> The Tribunals expertise in providing policy input in the area of administrative review is sought and valued by policy makers and legislators. We monitor and review our processes in the light of user feedback. Better understanding of the AAT and its part in the administrative decision-making process. 	<ul style="list-style-type: none"> Participated in Tribunal Efficiencies Working Group. Engaged and consulted on proposed amendments to the AAT Act. Submissions made to reviews and inquiries on issues relating to the AAT. Provided Council of Australasian Tribunals (COAT) secretariat services including administration and updating of COAT website. Liaised with and pursued cooperative arrangements with a number of Commonwealth tribunals and courts. Established and strengthened links with relevant international bodies. Held user forums and meetings with regular users. Presentations given at conferences, seminars and community information sessions. Participated in training programs for advocates and legal practitioners. Sponsored work placement students.

Chart 1.1 Organisational plan and statement of achievements (continued)

Key result area	Goals	Strategies 2003–04	Key targets 2003–04	Outcomes	Achievements
OUR PEOPLE	We will have a professional culture and a positive and productive workplace that values diversity.	<ul style="list-style-type: none"> Initiate a training and development strategy for members and staff. Review and reissue Members' Handbook. Develop and implement an Aboriginal and Torres Strait Islander (ATSI) employment strategy. Commence development of an AAT bench book. 	<ul style="list-style-type: none"> Training and development officer employed. Training plan developed in consultation with staff and members. Updated Members' Handbook issued. Increase ATSI employees. Project plan developed and work commenced on bench book. 	Our members and staff have the skills, knowledge and commitment to deliver high-quality services.	<ul style="list-style-type: none"> Learning and Development Officer appointed. Members' Handbook issued. ATSI employment plan in development. Preliminary development and scoping work undertaken in relation to AAT practice manual. Revised induction program for new members designed. Members' conference held including significant session on decision writing. Conference Registrars' and District Registrars' conferences held. Taxation of costs training undertaken. Submissions made to Remuneration Tribunal regarding members salaries/terms and conditions. Revised and reissued workplace diversity and disability action plan. Issued AAT harassment policy. Established AAT staff benevolent fund. Increased emphasis on performance agreements/monitoring. Queensland District Registry implemented a registry work reorganisation to adopt a case office system.

Chart 1.1 Organisational plan and statement of achievements *(continued)*

Key result area	Goals	Strategies 2003–04	Key targets 2003–04	Outcomes	Achievements
OUR ORGANISATION	We will be an organisation with modern systems and processes that maximise the efficient and effective use of Tribunal resources.	<ul style="list-style-type: none"> • Upgraded information technology (IT) systems. • New case management system. • Develop an improved website. • Minimise our exposure to system or other risks, fire or natural disaster. 	<ul style="list-style-type: none"> • Upgraded computer operating systems in place. • New case management system identified. • New website in place. • Revised and improved disaster recovery plan issued. 	<ul style="list-style-type: none"> • Organisational decisions and planning based on accurate and timely information. • Tribunal's systems and processes allow staff to work more efficiently and allow users and perhaps partners to access information easily on administrative law. 	<ul style="list-style-type: none"> • Introduced new desktop operating system and Office 2003 suite and installed new printers. • Formed IT Steering Committee. • User requirements specification project for case management system commenced. • Website upgraded. • Disaster recovery planning commenced in IT and physical areas. • Remote access risk assessment and technical design project commenced. • Issued new fraud control plan. • Renewed Canberra lease. • Commenced property search for Sydney/Melbourne premises. • Conducted user survey for library. • Improved statistical reporting on workload.

The background features a series of overlapping, semi-transparent shapes in various shades of grey and white. These shapes are fluid and organic, resembling stylized waves or abstract forms that create a sense of depth and movement. The overall aesthetic is clean and modern.

Chapter 2:

Overview of the Tribunal

Chapter 2: Overview of the Tribunal

The role of the AAT is to provide independent merits review of administrative decisions.

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

Establishment

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

Functions and powers

Review of decisions

The Tribunal is an independent body that reviews, on the merits, a broad range of administrative decisions made by the Australian Government, including ministers and officials, authorities and other tribunals. The Tribunal also reviews administrative decisions made by some State government and non-government bodies in limited circumstances. Merits review of an administrative decision involves its reconsideration. On the facts before it, the Tribunal decides whether the correct – or, in a discretionary area, the preferable – decision has been made in accordance with the applicable law. It will affirm, vary or set aside the original decision.

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

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

Jurisdiction

The Tribunal can only review decisions in relation to which it has specifically been given jurisdiction, generally conferred by the legislation under which the original decision was made.

The Tribunal has jurisdiction to review decisions made under 395 separate Acts and statutory instruments covering areas such as Commonwealth employees' compensation, social security, taxation, veterans' entitlements, bankruptcy, civil aviation, corporations law, customs, freedom of information, immigration and citizenship, industry assistance and security assessments undertaken by the Australian Security Intelligence Organisation. Changes to the Tribunal's jurisdiction during the reporting year are set out in Appendix 5.

Organisation

The Tribunal consists of a President, presidential members (including Judges and Deputy Presidents), Senior Members and Members. The President is a judge of the Federal Court of Australia. Some presidential members are judges of the Federal Court or Family Court of Australia. All Deputy Presidents are lawyers. Senior Members may be lawyers or have special expertise in other areas.

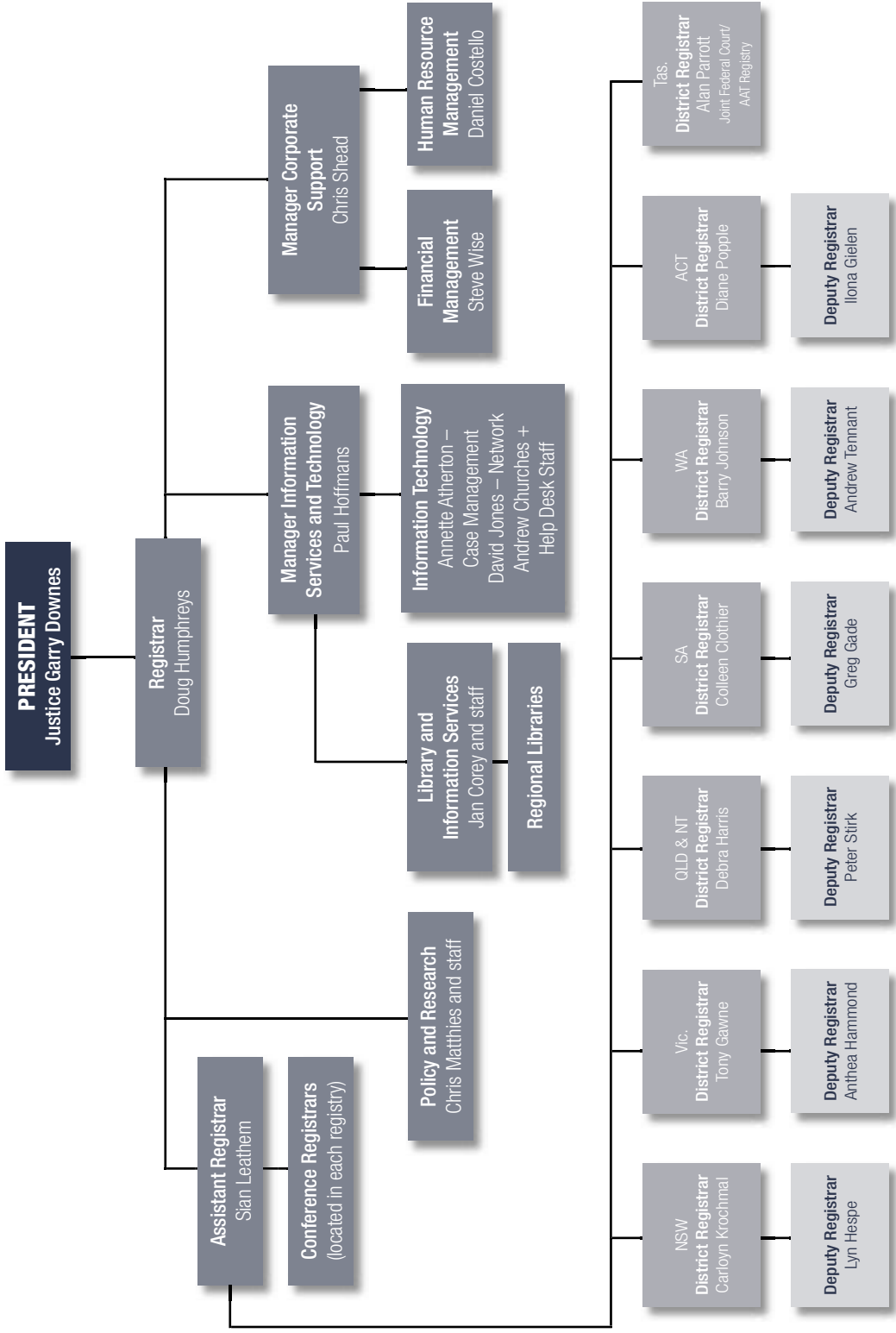
Members have expertise in areas such as accountancy, actuarial work, administration, aviation, engineering, environment, insurance, law, medicine, military affairs, social welfare, taxation and valuation.

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

The President, with the assistance of the Registrar, is responsible for the management of the Tribunal and its resources. The President has established committees comprising members and senior staff to provide advice and assistance in particular areas: the Constitution Committee, the Information Technology Steering Committee, the Library Committee, the Professional Development Committee and the Practice and Procedure Committee. District Registrars and Principal Registry managers 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, although the Northern Territory is currently managed from Brisbane. The President and Registrar are located in Sydney.

Figure 2.1 Administrative structure of the Tribunal



Membership

President

The Honourable Justice Garry Downes AM was appointed as a judge of the Federal Court of Australia on 2 April 2002. On that day, Justice Downes was also appointed President of the Tribunal. His current appointment expires on 12 April 2005.

Membership of the Tribunal

As at 30 June 2004 the Tribunal's membership totalled 71.

Appendix 1 contains a list of the Tribunal's membership by State and Territory and shows the divisions to which each non-presidential member was assigned as at 30 June 2004. This appendix also contains a profile of each of the Tribunal's members.

Registrar

The Tribunal's Registrar is Doug Humphreys. He commenced with the Tribunal on 25 August 2003. Jill Toohey was the Acting Registrar during the period before Mr Humphreys commenced with the Tribunal.

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, for the purposes of the *Public Service Act 1999*, the agency head, and is responsible for the employment of the Tribunal's staff on behalf of the Commonwealth. The Registrar is also the chief executive officer 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.

Table 2.1 Tribunal membership as at 30 June 2004

Class of member	Judges	Full-time	Part-time	Total (women)
President	1			1
Presidential members:				
Federal Court Judges	6			6
Family Court Judges	2			2
Deputy Presidents		5 ^a	5	10 (1)
Senior Members		7	4	11 (5)
Members		5	36	41 (10)
Total	9	17	45	71 (16)

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

The Assistant Registrar is Sian Leathem, who holds office as a senior executive in the Australian Public Service (APS). Ms Leathem commenced in the Tribunal in January 2004.



Ms Leathem replaced Janet Cooper, who served as the Tribunal's Assistant Registrar for seven years. Ms Cooper passed away during the reporting period.

Assistant Registrar, Sian Leathem

Staff

Tribunal staff are employed under the *Public Service Act 1999* as ongoing, non-ongoing or intermittent employees. As at 30 June 2004, a total of 143 staff were employed by the Tribunal.

Appendix 2 lists:

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

Registries

Principal Registry

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

Principal Registry staff advise and assist the President and Registrar in relation to legal and policy issues and case management, and provide human resource management, payroll, finance, property, and information and technology services to members and staff.

District Registries

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

Conference Registrars conduct the bulk of the pre-hearing processes in all District Registries with the exception of Tasmania, where the District Registrar performs that role. Tribunal members also conduct conferences in some matters.

District Registries are also responsible for:

- providing information to the public, agencies, and parties to proceedings and their representatives on the operation and procedures of the Tribunal, including outreach to self-represented parties
- processing of documents
- facilitating the listing and conduct of conferences, mediations and hearings
- providing administrative and other support services to members.

The dispute resolution process

The Tribunal has a case management system aimed at dealing with applications in a timely and flexible manner. The purpose of the case management system is to promote:

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

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

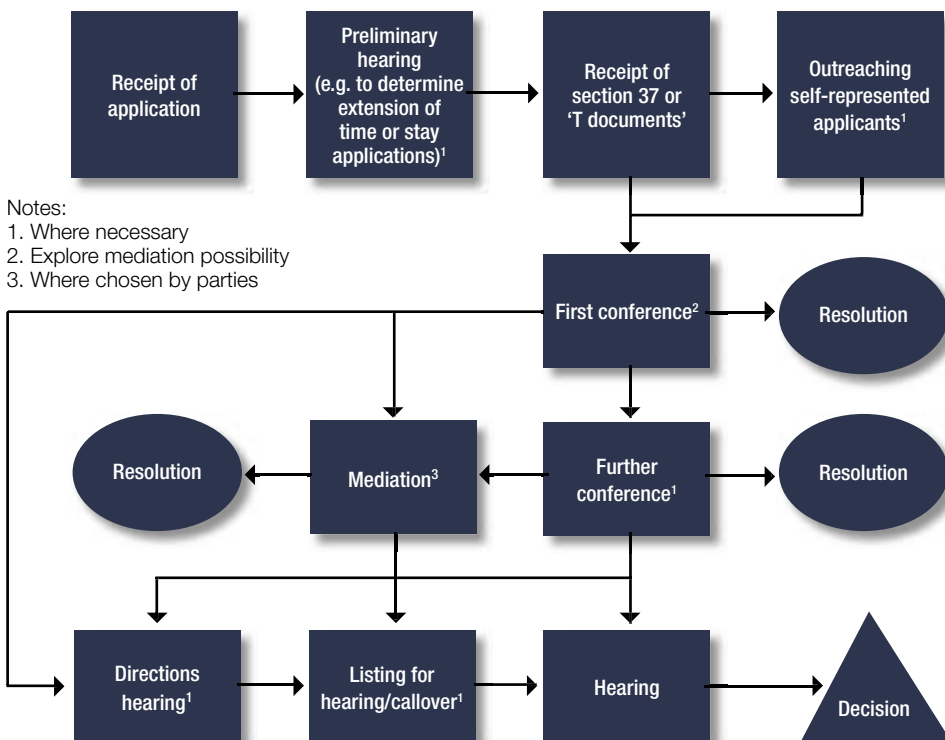
- the General Practice Direction which applies to the majority of applications lodged with the Tribunal where the applicant is represented
- the Small Taxation Claims Tribunal Practice Direction which applies to all applications to be dealt with by the Small Taxation Claims Tribunal.

These documents are complemented by further Practice Directions, including the Practice Direction on Procedures relating to section 37 of the AAT Act, the Direction on Conciliation Conferences which applies in the workers' compensation jurisdiction and the Freedom of Information Practice Direction.

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

A flow chart outlining the progress of an application through the Tribunal, from receipt of application to resolution, appears in Figure 2.2. In applications in the workers' compensation jurisdiction where the applicant is represented, the Tribunal will usually convene a conciliation conference prior to the hearing.

Figure 2.2 Dispute resolution process flow chart



Case management responsibilities

As part of its case management system, the Tribunal has Listing Coordinators in each registry. These members are responsible for ensuring that appropriate systems are in place and that matters progress as quickly as possible. Listing Coordinators control listings generally and give instructions to the registry. They are responsible for the management of the Tribunal's pre-hearing process, including the establishment of procedures to ensure adherence to the Tribunal's General Practice Direction and time standards. National standards for consistency of procedures have been adopted.

The following table sets out case management arrangements as at 30 June 2004. Northern Territory matters are the responsibility of the Queensland Listing Coordinator.

Table 2.2 Case management arrangements

Registry	Listing Coordinator
New South Wales	Deputy President Handley
Victoria	Deputy President Forgie Senior Member Handley
Queensland	Deputy President Muller
South Australia	Deputy President Jarvis
Western Australia	Deputy President Hotop
Australian Capital Territory	–
Tasmania	Deputy President Estcourt

Access to the Tribunal

Website, pamphlets, information sheets and video

Comprehensive information about the Tribunal and its procedures is available on the Tribunal's internet website (www.aat.gov.au). The website was upgraded in 2003–04 to make it faster, more user friendly and more accessible. Material included on the site includes information about when the Tribunal can be of assistance, how to make an application, the pre-hearing process, mediation, what happens at a hearing, and what to do once a Tribunal decision is made. This information is also available in pamphlet form in a range of languages and in large print. A video entitled 'Getting Decisions Right', which is available to applicants, provides information about the Tribunal's practices and procedures.

The Tribunal has developed information sheets for overseas applicants, outlining the general practice and procedures of the Tribunal. The Tribunal has also developed information sheets specific to the immigration jurisdiction, where applicants may be in prison or detention and for whom it is difficult to access other information sources. Where appropriate, the sheets have been translated into community languages.

Outreach Program

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

Interpreter services

Where a party requires an interpreter for a conference, mediation or hearing, the Tribunal will arrange for the interpreter and will meet the associated cost. The Tribunal's policy is to arrange interpreters who are accredited by the National Accreditation Authority for Translators and Interpreters (NAATI) at the 'professional' level (formerly Level 3). A 'paraprofessional' interpreter (formerly Level 2) 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. Information to assist interpreters, such as the Tribunal procedures for attendance, is available in an information sheet for interpreters, which can be accessed via registries or the Tribunal website.

Access by persons with disabilities

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

- making electronic and printed material available in appropriate formats
- providing hearing induction loops in Tribunal premises, including conference and hearing rooms, and at most registry counters
- providing a telephone typewriter machine with national Freecall access for those with hearing impairment
- making all premises wheelchair accessible
- 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 Disability Strategy is outlined in Chapter 5 of this report.

Duty lawyer pilot schemes

In January 2004, the Tribunal commenced pilots for a duty lawyer service to self-represented applicants in the New South Wales and Victoria Registries. A pilot commenced in the Queensland Registry in May 2004. Should the pilots be successful, approaches will be made to other State legal aid bodies to provide a similar service in other registries. Further details about the pilot are contained in Chapter 4.

Client Service Charter and complaints

The Tribunal's Client Service Charter provides information to users about the Tribunal's service standards, our commitments to clients, responsibilities of the parties, contact information and how to make complaints to the Tribunal. Information on the Tribunal's performance against the Client Service Charter and on complaints is set out in Chapter 3.

Additional functions relating to warrants, controlled operations certificates and examinations under the *Proceeds of Crime Act 2002*

In addition to their functions under the AAT Act, nominated members of the Tribunal also have power to issue telecommunications interception warrants under the *Telecommunications (Interception) Act 1979* and warrants for the use of listening devices under the *Australian Federal Police Act 1979* and the *Customs Act 1901*. Nominated members may also review certificates that authorise controlled operations under the *Crimes Act 1914*.

All Tribunal members have the power to issue certain warrants pursuant to the *Education Services for Overseas Students Act 2000* and the *Migration Act 1958*.

Functions are also conferred on certain Tribunal members by the *Proceeds of Crime Act 2002* to issue examination notices upon a request being made by the Director of Public Prosecutions and to carry out compulsory examinations in connection with confiscation proceedings. Regulations made under that Act provide that certain Tribunal members (presidential members and Senior Members whose names are on a register kept by the Minister for Justice and Customs) are approved examiners for the purposes of the Act.

The background features a complex, abstract composition of overlapping, semi-transparent shapes in various shades of grey and white. These shapes create a sense of depth and movement, with some appearing as sharp, angular forms and others as soft, flowing curves. The overall effect is a modern, minimalist aesthetic.

Chapter 3:

Workload and performance

Chapter 3: Workload and performance

Workload

This section of the annual report provides basic statistical information on the number of applications lodged and finalised in 2003–04 and the number of applications current at the end of the reporting period. In addition to information on the overall workload, this section contains information relating to the Tribunal's major jurisdictions: Commonwealth employees' compensation, social security, taxation and veterans' affairs. Information relating to the previous two reporting periods is provided for the purposes of comparison.

The total number of applications lodged with the Tribunal and finalised by the Tribunal in the 2003–04 year declined marginally when compared with the previous year. The number of applications lodged with the Tribunal decreased by 6 per cent. While the number of finalisations decreased by 5 per cent, the number continued to be high compared with that achieved in 2001–02.

The number of applications current at 30 June 2004 was significantly lower than the number of applications current at the end of the previous reporting period. The number of current applications decreased by over 2,600 applications or 26 per cent. This continued the trend established in the previous reporting year.

Applications lodged

Lodgements by major jurisdiction

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

As in previous years, applications relating to workers' compensation and social security entitlements continued to be the most common types of matters lodged with the Tribunal, comprising 27 per cent and 24 per cent of all applications lodged in the Tribunal, respectively. In 2003–04, lodgements in these jurisdictions declined in comparison to the previous year by 14 per cent and 5 per cent, respectively.

Chart 3.1 Applications lodged, finalised and current

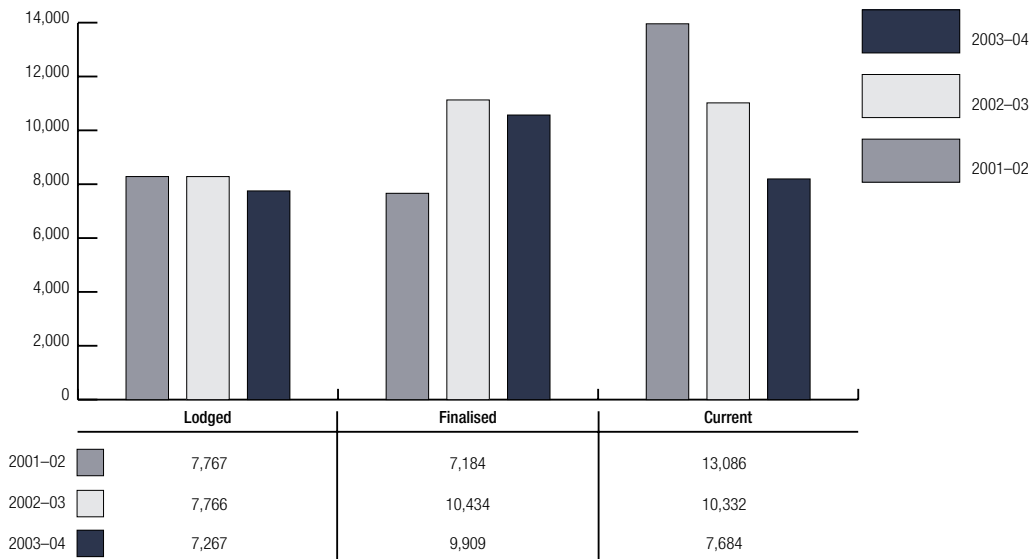
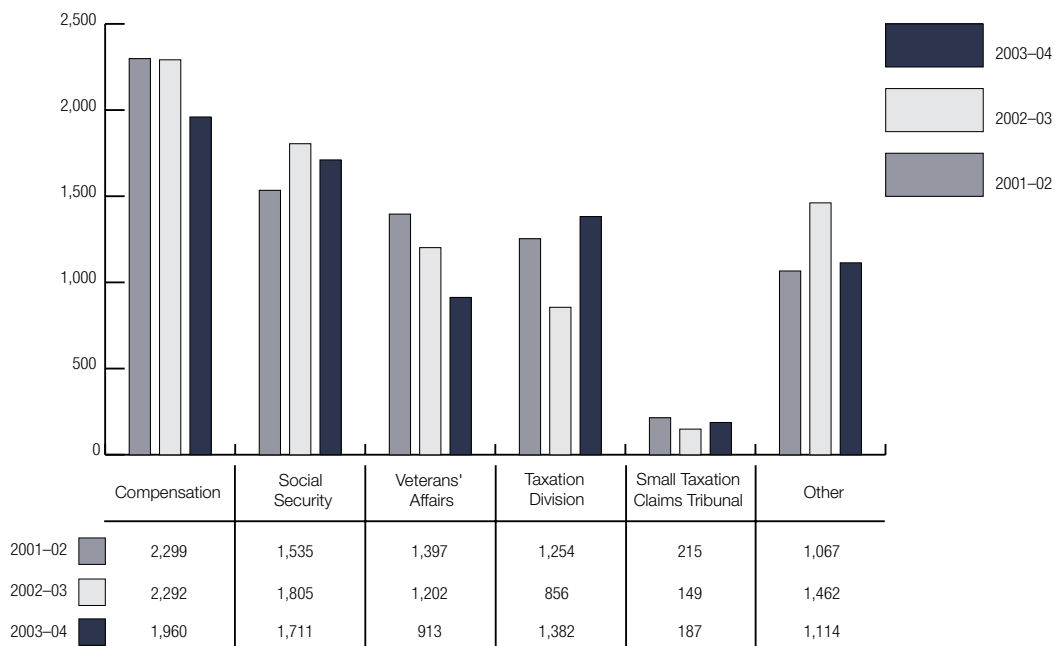


Chart 3.2 Applications lodged in major jurisdictions

The number of applications relating to veterans' affairs declined by 24 per cent of the previous year's total, continuing a downward trend in that jurisdiction.

The number of applications lodged in the Taxation Appeals Division (Taxation Division) and Small Taxation Claims Tribunal increased by 61 per cent and 26 per cent, respectively, in 2003-04. In the Taxation Division, 653 of the 1,382 lodgements (47 per cent) were applications for review of decisions relating to mass-marketed taxation schemes.

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

Applications finalised

Matters finalised by major jurisdiction

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

The number of applications finalised in the social security jurisdiction increased by 17 per cent during 2003-04.

The number of applications finalised in the other major jurisdictions declined in comparison to the previous year but remained relatively high in comparison to 2001-02. The finalisation of matters in the Taxation Division declined by 18 per cent, which can be attributed to a decrease in the number of applications finalised relating to mass-marketed taxation schemes. In the Small Taxation Claims Tribunal the number of finalised applications decreased by 15 per cent.

The number of finalised applications relating to veterans' affairs declined by 15 per cent, reflecting the declining number of applications lodged in that jurisdiction. The number of finalised applications in the compensation jurisdiction shows a marginal decline when compared with that in the previous year.

Table 3.1 in Appendix 3 provides more details on the applications finalised in the reporting year for all jurisdictions. Chart 3.3 in Appendix 3 provides

Chart 3.3 Applications finalised in major jurisdictions

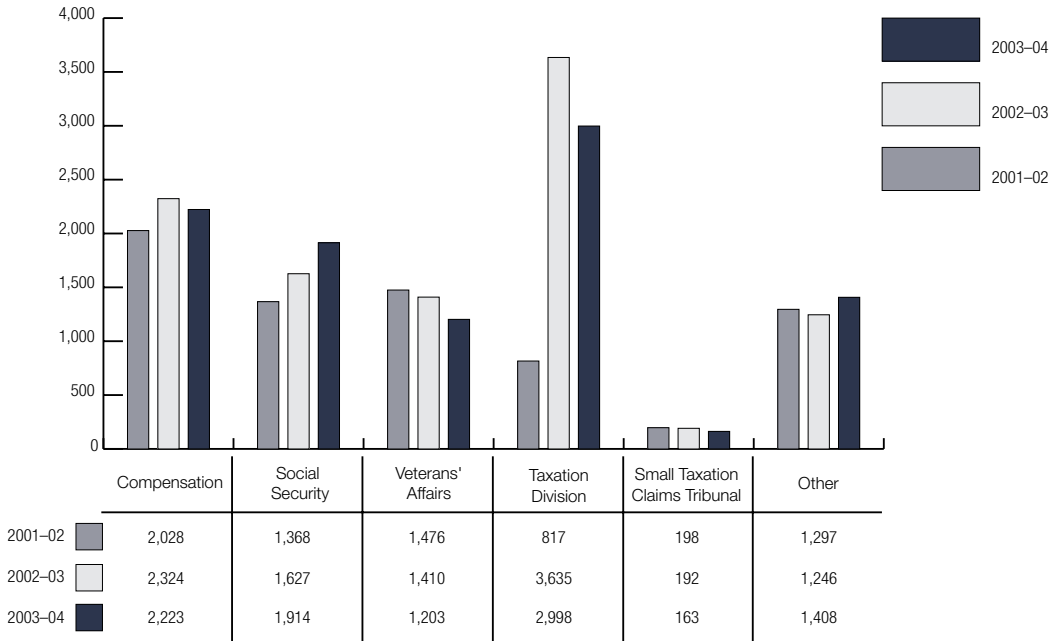
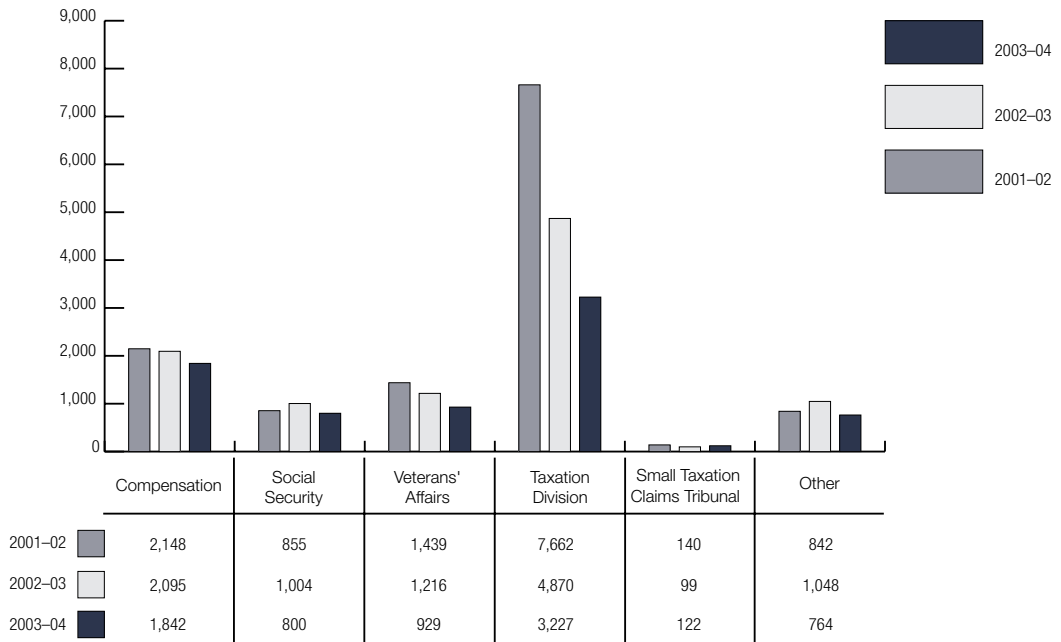


Chart 3.4 Applications current in major jurisdictions



information in relation to the number of applications finalised in each registry. Table 3.5 in Appendix 3 provides further statistical information about the outcomes of matters finalised in the reporting year.

Current applications

Current applications by major jurisdiction

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

The number of applications current at 30 June 2004 was lower than at the end of the previous reporting period in all of the major jurisdictions other than the Small Taxation Claims Tribunal. Most notably, the number of current applications in the Taxation Division declined by more than 1,640 applications or 38 per cent. This was primarily due to the resolution of a significant number of applications relating to taxation schemes.

Additional information about the number of taxation scheme matters that are current and their management is outlined in Chapter 4.

The number of current applications relating to veterans' affairs decreased by 24 per cent. The number of current applications at 30 June 2004 in the social security jurisdiction decreased by 20 per cent, and in the compensation jurisdiction by 12 per cent, of the number current at the end of the previous reporting period.

Table 3.6 and Chart 3.7 in Appendix 3 provide further information about current applications and their progress through the review process and the number of applications current in each registry.

Our performance

Outcome and outputs structure

As outlined in the Tribunal's 2003–04 Portfolio Agency Budget Statements, the Tribunal has one outcome:

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

In accordance with the Portfolio Agency Budget Statements, 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 resources for outcome

Table 3.1 shows how the 2003–04 budget appropriations for the Tribunal translate to total resourcing for the Tribunal's outcome, including administered expenses, revenue from government (appropriation), revenue from other sources, and the total price of the outputs.

Table 3.1 Total resources for Outcome 1 (\$'000)

	Budget 2003–04	Actual expenses 2003–04	Variation	Budget 2004–05
Departmental appropriations				
Output group 1.1 – Completed reviews of decisions				
Output 1.1.1 – Applications finalised without a hearing	11,673	12,138	465	11,727
Output 1.1.2 – Applications finalised with a hearing	15,554	15,089	(465)	15,627
Total revenue from government (appropriations) contributing to the price of departmental outputs	27,227	27,227	–	27,354
Revenue from other sources				
Output 1.1.1 – Applications finalised without a hearing	408	436	28	415
Output 1.1.2 – Applications finalised with a hearing	543	543	–	552
Revenue from other sources	951	979	28	967
Total price of departmental outputs (Total revenue from government and other sources)	28,178	28,206	28	28,321
Total estimated resourcing for Outcome 1 (Total price of outputs and administered expenses)	28,178	28,684	506	28,757

Table 3.2 Performance standards, 2003–04

Effectiveness – Overall achievement of the outcome	
<i>Effectiveness indicators</i>	<i>Measures</i>
Those affected by administrative decisions within the Tribunal's jurisdiction are advised of their rights of review.	All decision makers are provided with relevant material so they can advise people of their review rights.
Review processes are efficient and fair.	Parties to the review process are satisfied that the Tribunal's practices and procedures are efficient and fair, and complaints are dealt with efficiently and fairly.
Applications to the Tribunal are resolved in a timely manner.	Time standards are complied with.
Performance information for departmental outputs	
<i>Output description</i>	<i>Performance measure</i>
Output group 1.1 – Completed reviews of decisions	
Output 1.1.1 – Applications finalised without a hearing	<i>Price:</i> \$2,329 per completed application ^a
	<i>Quality:</i> 85% of matters have first conference within 13 weeks
	<i>Quantity:</i> 5,218 finalisations
Output 1.1.2 – Applications finalised with a hearing	<i>Price:</i> \$10,970 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 2003–04; see Table 3.3 for actual figures.

Table 3.3 Performance results, 2003–04

Output group 1.1 – Completed reviews of decisions		
Output description	Performance result	
Output 1.1.1 – Applications finalised without a hearing	Price:	\$1,592
	Quality:	87% of matters had first conference within 13 weeks ^a
	Quantity:	8,048 or 81%
Output 1.1.2 – Applications finalised with a hearing	Price:	\$8,528
	Quality:	54% of matters to hearing within 40 weeks ^a
	Quantity:	1,861 or 19%

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

Performance standards

Table 3.2 shows the performance standards that the Tribunal has established to assess the level of achievement of its planned outcome during 2003–04. The table sets out the indicators and measurements used to assess the efficiency of the outputs in contributing to the outcome. Information shown is both quantitative and qualitative. The Tribunal's performance results against these standards are shown in the next section.

Performance results

Notification of review rights

During the reporting period, the Tribunal provided information to a number of agencies in relation to the notification of rights to merits review of administrative decisions. The Tribunal advised agencies of an increase in the fees payable to lodge an application for review on and from 1 July 2004 to ensure that information provided to potential applicants would be current. The Tribunal also provided on request information relating to the form and content of notices of rights of review including the *Code of Practice for Notification of Reviewable Decisions and Rights of Review* determined under section 27B of the AAT Act.

Review processes are efficient and fair

The Tribunal is committed to providing a high-quality merits review process which is efficient and fair. This is reflected in the Organisational Plan 2003–04 and is embodied, in particular, in the goal relating to our users. The Tribunal's performance in relation to this goal is discussed in Chapter 4. Information on complaints made to the Tribunal and complaints handling by the Tribunal is provided later in this chapter.

Price, quality and quantity of applications finalised

Table 3.3 sets out the Tribunal's performance against the effectiveness indicators and measures related to applications finalised, including the cost per finalised application.

The number of applications finalised by the Tribunal during the year, both with and without a hearing, was above the projections for the 2003–04 Budget. As a result, the price per completed application was less than anticipated.

Table 3.4 Percentage of applications finalised within 12 months

Jurisdiction	Target %	2001–02 %	2002–03 %	2003–04 %
All matters	–	70	48	54
All matters (excluding Taxation Division)	–	71	71	72
Compensation	75	66	64	62
Social security	90	91	87	90
Taxation Division	75	64	7	13
Veterans' affairs	80	59	56	56

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

The higher number of applications finalised without a hearing was largely attributable to the finalisation of a higher than anticipated number of applications relating to taxation schemes. Further information relating to the percentage of applications finalised without a hearing in the major jurisdictions is set out Table 3.4 in Appendix 3.

The Tribunal exceeded the target of holding a first conference within 13 weeks of lodgement in 85 per cent of applications. The Tribunal continued to experience difficulties, however, in meeting the target of holding a hearing within 40 weeks of lodgement in 85 per cent of applications. Comparative information relating to the Tribunal's performance against these targets in previous years is provided below in Table 3.6.

Timeliness of review

As a means of monitoring its performance, the Tribunal has set time standards for the finalisation of applications generally and in relation to steps in the review process, from the receipt of an application to the delivery of a decision. The following is an outline of the Tribunal's performance against these time standards for the year ending 30 June 2004.

The Tribunal aims to finalise most applications within 12 months of lodgement. It has set percentage targets for the finalisation of applications within this timeframe for the major jurisdictions. Information on compliance with these targets in the reporting period and in previous years is set out in Table 3.4.

Overall, 54 per cent of applications finalised in the reporting period were finalised within 12 months of lodgement. This result was affected, however, by the large number of applications relating to taxation schemes that were finalised during the reporting year. More than 2,400 applications finalised or 82 per cent of finalisations in the Taxation Division related to taxation scheme matters. The majority of these applications had been lodged in 2000–01 and deferred pending the outcome of test cases in the Federal Court and the High Court. This explains the low percentage of applications in the Taxation Division that were finalised within 12 months of lodgement.

Excluding finalisations in the Taxation Division from the overall figures, there has been a small improvement in the percentage of applications finalised within 12 months of lodgement during this reporting period. In relation to the other major jurisdictions, the Tribunal met its target in the social security jurisdiction but not in the compensation or veterans' affairs jurisdictions. While the percentage of applications finalised within 12 months remained steady for veterans' affairs applications, there was a small decrease in the compensation jurisdiction.

The Tribunal aims to finalise applications dealt with in the Small Taxation Claims Tribunal within 12 weeks or 84 days of lodgement. Table 3.5 shows performance against this time standard.

Table 3.5 Percentage of Small Taxation Claims Tribunal applications finalised within 84 days

	2001–02 %	2002–03 %	2003–04 %
Small Taxation Claims Tribunal	49	37	49

The table shows that the percentage of Small Taxation Claims Tribunal applications finalised within 84 days has improved since the previous year. Only a small proportion of applications finalised in the Small Taxation Claims Tribunal were applications relating to taxation scheme matters, 10 of which were lodged in 2000–01.

As has been noted above, the Tribunal has set time standards for intermediate steps in the review process. These include time standards relating to the time between:

- the dispatch by the Tribunal of a notice under section 29 of the AAT Act to a decision maker that an application has been received, and the receipt of the statement of reasons and documents required under section 37 of the AAT Act
- the receipt of an application and the holding of a first conference
- the receipt of an application and the holding of a hearing
- the last day of hearing and the delivery of a decision by the Tribunal.

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

Table 3.6 shows performance against these intermediate time standards in relation to all applications other than applications dealt with in the Small Taxation Claims Tribunal, which are subject to different time standards.

Table 3.6 Intermediate timeliness statistics for applications other than Small Taxation Claims Tribunal applications

Step	Time standard (days)	2001–02 %	2002–03 %	2003–04 %
Dispatch of section 29 notice to receipt of section 37 documents	35	69	80	80
Receipt of application to first conference	91	79	87	87
Receipt of application to first day of hearing	280	49	51	54
Last day of hearing to delivery of decision ^a	60	65	62	57

^a These figures include applications in which further material or submissions were to be provided by one or more of the parties following the last day of a hearing.

While there has been a slight improvement in the timeliness of holding hearings, the proportion of applications decided in relation to which a decision was delivered within 60 days of the last day of hearing has declined.

The President and the Registrar monitor the Tribunal's performance against time standards on a regular basis. Detailed workload and performance statistics were distributed to all members and senior staff on a quarterly basis. A number of initiatives were undertaken during the reporting year aimed at improving the timeliness of review. These included the implementation of:

- a national system to address regular non-compliance
- trial of a duty lawyer service in New South Wales, Queensland and Victoria
- a case management strategy for taxation scheme matters.

Further information about these initiatives is contained in Chapter 4.

External scrutiny

The Tribunal's decisions are subject to external scrutiny by the Federal Court and the Federal Magistrates Court through the filing and determination of appeals lodged pursuant to section 44 of the AAT Act or the filing and determination of applications for review under the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act) or the *Judiciary Act 1903* (Judiciary Act). More generally, the Tribunal's operations are subject to external scrutiny by way of complaints to the Commonwealth Ombudsman, requests under the *Freedom of Information Act 1982*, inquiries undertaken by parliamentary committees and audits undertaken by the Australian National Audit Office. This section provides a summary of activity in relation to these forms of scrutiny during the reporting period.

Appeals to the Federal Court under section 44 of the AAT Act and applications under the ADJR Act and the Judiciary Act

A party may appeal to the Federal Court, on a question of law, from decisions of the Tribunal in relation to an application for review pursuant to section 44 of the AAT Act. Pursuant to section 44AA of the AAT Act, the Federal Court may transfer an appeal under section 44 to the Federal Magistrates Court. A party may also seek judicial review of certain Tribunal decisions under the ADJR Act, under the Constitution or under the Judiciary Act. Applications may be made to the Federal Court, the Federal Magistrates Court or the High Court.

During the reporting year, 155 appeals were lodged with the Federal Court under section 44 of the AAT Act. There were 14 applications made under the ADJR Act or Judiciary Act, three of which related to interlocutory decisions made by the Tribunal during the course of particular applications for review. Table 3.10 in Appendix 3 provides information as to the number of appeals or applications lodged in relation to decisions in each of the Tribunal's major jurisdictions.

During the reporting year, decisions were given in 174 appeals lodged under section 44 of the AAT Act and in 12 applications for judicial review of decisions under the ADJR Act or Judiciary Act. The Tribunal's decision was set aside in only 43 cases, which constitutes less than 1 per cent of the total number of applications finalised by the Tribunal during the reporting year. Tables 3.11 and 3.12 in Appendix 3 provide more detailed information relating to the outcomes of appeals.

During the reporting year there were no judicial decisions or decisions made by administrative review tribunals that had or may have a significant impact on the operations of the Tribunal.

Freedom of information

Two requests for access to documents under the *Freedom of Information Act 1982* were received during the reporting period. Both requests were finalised during the reporting period within 30 days of receipt, with one request granted in full and one request granted in part. No request to amend records was received and no requests were carried over from previous years.

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

Ombudsman

During the reporting year, 11 complaints against the Tribunal were received by the Ombudsman. This represents a 52.2 per cent decrease from the previous year. During the year, 10 of the 11 complaints were finalised by the Ombudsman. The 10 complaints covered 10 types of issues, with only one issue raised in a complaint being investigated by the Ombudsman. This issue related to a District Registrar declining to defer a matter listed for a preliminary conference. The Ombudsman found that there was no defective administration by the Tribunal in relation to the issue investigated.

In relation to the issues raised in the other complaints not investigated, the Ombudsman:

- found four of the issues were not within the Ombudsman jurisdiction
- found two issues not warranted
- referred the complainant back to the Tribunal in relation to two issues
- advised the complainant to pursue the concern with a court or a tribunal on one issue.

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

Reports by Auditor-General or parliamentary committees

There were no reports relating to the operations of the Tribunal prepared by the Auditor-General (other than the report on financial statements) or by a parliamentary committee during the reporting period.

Performance in relation to the Client Service Charter and complaints

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

Details on how to make a complaint, together with information on the Tribunal's complaint-handling procedures, are contained in the brochure, 'How to make a complaint'. This information can also be viewed on the Tribunal's website. Complaints may be made verbally or in writing.

The Tribunal's complaints-handling procedures require complaints to be dealt with in a timely manner and to properly address the issues involved. Complaints are handled by an appropriate person within the organisation, with responses coordinated and records maintained centrally, to allow for proper control and analysis. Privacy and confidentiality considerations are respected. Where appropriate, a complaint will result in an apology or a change to practice and procedure.

During 2003–04 the Tribunal received 29 written and verbal complaints. The issues raised in the complaints covered:

procedural issues	15
conduct of conferences	3
conduct of members of the Tribunal at hearings	6
complaints about Tribunal decisions	1
complaints about timeliness of Tribunal decisions	4

As outlined in the Tribunal's Client Service Charter, the Tribunal will normally respond to a written complaint within 20 working days. Complaints submitted in a language other than English will receive a response within 30 working days.

The Tribunal's response standard of 20 days was met in 93 per cent of complaints, or in respect of all the complaints except two. The average number of days from complaint to final response was 14 working days.

The Tribunal does not measure whether a complainant believes that their complaint was resolved, but if further letters are taken as an indicator of dissatisfaction, the dissatisfaction rate was 35 per cent.

Warrants, controlled operations and proceeds of crime workload

Warrants

During the reporting period, 24 members of the Tribunal were nominated members for the purposes of issuing warrants under the *Telecommunications (Interception) Act 1979*, the *Australian Federal Police Act 1979*, and the *Customs Act 1901*. The number of warrants issued by the Tribunal has shown a steady increase until 2002–03, with the number of warrants issued in 2003–04 being similar to that in 2002–03.

Table 3.7 Total numbers of warrants issued

Year	No. of warrants issued	% change as against previous year
2001–02	2,780	+12.2
2002–03	3,245	+16.7
2003–04	3,060	-5.7

In the 2003–04 financial year, warrants issued were distributed amongst the registries, as shown in Table 3.8.

Table 3.8 Numbers of warrants issued by each registry

ACT	NSW	Qld/ NT	SA	Tas	Vic	WA	Total
0	1,820	336	222	0	514	168	3,060

The Tribunal is flexible in relation to the performance of its warrants function, and a nominated member is available whenever required. In the four-month period from 1 March to 30 June 2004, 25 applications for a warrant were made out-of-hours. ‘Out-of-hours’ means on the weekend, on a public holiday, or during the week before 9 a.m. or after 5 p.m.

During the reporting period, the Tribunal did not receive any applications to issue warrants pursuant to the *Education Services for Overseas Students Act 2000* or the *Migration Act 1958*.

Controlled operations

During the reporting period, 26 members of the Tribunal were nominated members for the purposes of reviewing certificates that authorise controlled operations under the *Crimes Act 1914*. Consistent with previous years, only a small number of applications for the review of certificates relating to controlled operations were received during the financial year.

Proceeds of crime examinations

During the reporting year, 22 members of the Tribunal were available as approved examiners for the purposes of conducting compulsory examinations under the *Proceeds of Crime Act 2002*. In the 2003–04 financial year, the AAT conducted 105 proceeds of crime examinations. These were distributed amongst the registries as shown in Table 3.9.

Table 3.9 Numbers of proceeds of crime examinations in each registry

ACT	NSW	Qld/ NT	SA	Tas	Vic	WA	Total
12	54	29	0	0	5	5	105





Chapter 4:

Our users and our partners

Chapter 4: Our users and our partners

This chapter describes the Tribunal's performance in satisfying the goals identified in the Organisational Plan 2003–04 relating to the Tribunal's users and partners.

Users of the Tribunal

'Users' of the Tribunal include:

- parties in Tribunal proceedings, including individuals, corporations, government agencies and their representatives
- government agencies, organisations and members of the public seeking information about the Tribunal, including its role and functions.

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

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

This section of the report describes the strategies and key targets which the Tribunal has adopted in relation to this goal. This section of the report also provides information in relation to the activities of two of the Tribunal's committees, which are directed primarily to the achievement of this goal.

Practice and Procedure Committee

The Practice and Procedure Committee assists the President in exercising his responsibility to ensure the orderly and expeditious management of the business of the Tribunal. It considers and makes decisions on 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 members who are the Listing Coordinators for each Tribunal registry, the Registrar, Assistant Registrar,

the District Registrar from each Tribunal registry and a representative of the Tribunal's Conference Registrars. The Committee is supported by staff of the Tribunal's Policy and Research Section.

The Committee met in October 2003 and February 2004. Issues discussed by the Committee included the operation of the General Practice Direction, non-compliance by parties with legislative and Tribunal requirements, the Tribunal's procedures for taxing costs, the management of applications relating to mass-marketed taxation schemes and the conduct of hearings that involve persons in custody or where there are other security concerns. Significant developments that occurred during the reporting period relating to matters considered by the Committee are outlined separately in this chapter.

Review of Practice Directions

The Tribunal manages the majority of applications for review in accordance with the Tribunal's Practice Directions, which are referred to in Chapter 2. The General Practice Direction which is complemented by the Section 37 Practice Direction and the Conciliation Conferences Direction has not been reviewed for some time.

The Practice and Procedure Committee has decided to undertake a review of the way in which the Tribunal manages applications for review. The review will consider, in particular, how the Tribunal communicates to parties its expectations and requirements in relation to the review process, with the aim of making management of applications more consistent, orderly and timely. The first part of the review will involve an examination of practice and procedure in the workers' compensation jurisdiction. While some preliminary work has been undertaken during the reporting period, the review, including consultation with Tribunal users and other stakeholders, will be primarily conducted in 2004–05.

Regular user forums and meetings with users

The Tribunal continued hosting regular user group forums to provide an opportunity for information exchange with key respondents, legal practitioners and other people with an interest in particular areas of the Tribunal's jurisdiction. In Sydney, separate biannual meetings were held in relation to the Tribunal's compensation, social security, veterans' affairs, migration and taxation jurisdictions. A meeting was also held in Sydney with representatives from various law enforcement agencies and the Attorney-General's Department to discuss the procedures in place for the issuing of warrants by authorised Tribunal members.

Some registries held a single annual meeting or biannual meetings for all regular users, while others met on an ad hoc basis with representatives from particular user groups.

While the format of the user forums may vary from registry to registry, they all 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 those where we might be able to make improvements. The Tribunal remains committed to being a user-friendly organisation that takes account of the needs of the people and organisations that use its services.

During the reporting year, Principal Registry staff also met with senior staff from major users of the Tribunal, including Centrelink, Comcare and the Department of Veterans' Affairs, to discuss practice and procedure issues and other operational matters.

Addressing non-compliance

Delay by the parties in meeting statutory deadlines, submitting documents or proceeding with conferences or hearings contributes towards delay in the finalisation of reviews, increases costs to both the parties and the Tribunal, and frustrates the non-offending parties.

In order to provide an improved and more efficient service to users, during the reporting year the Tribunal increased its focus on addressing non-compliance with legislative timeframes and other Tribunal requirements. For example, since March 2004 each registry has been required to submit a quarterly report, outlining instances of repeated delay, inaction or non-appearances by parties. The Tribunal is now addressing identified instances of delay through a combination of local and national strategies, such as the holding of non-compliance directions hearings and the sending of notices to non-complying agencies and law firms.

Duty lawyer service

The Tribunal's Organisational Plan 2003–04 included a strategy that the Tribunal would pilot a duty lawyer service to self-represented applicants in two registries. Following discussions with the New South Wales and Victorian Legal Aid Commissions, pilot schemes commenced in both the New South Wales and Victorian Registries in January 2004. A similar scheme was commenced in Queensland in May 2004.

The Tribunal is seeking agreement to extend all of the pilots until the end of December 2004, when they will be the subject of an evaluation. The evaluation will identify whether the pilot schemes have achieved their aims, which are to:

- promote early settlement of matters by providing applicants with access to high-quality legal advice at an early point of time
- increase client satisfaction
- reduce the number of self-represented applicants in the Tribunal.

Following the evaluation, the Tribunal will consider making recommendations to the Attorney-General's Department about the current legal aid guidelines if it can be demonstrated that they are an impediment to the efficient conduct of matters in the Tribunal.

Should the pilots be successful, approaches will be made to other State legal aid bodies to provide a similar service in other registries.

Concurrent expert evidence study continued

In late 2002 the Tribunal's New South Wales Registry commenced a study of the use of concurrent evidence in hearings. The study has been continued throughout the reporting year. The concurrent evidence procedure, sometimes colloquially referred to as 'hot tubs', involves taking sworn evidence from more than one expert at the same time. It provides a forum in which, in addition to providing their own evidence, expert witnesses can listen to, question and critically evaluate other experts' evidence. The potential benefits of the use of concurrent evidence include:

- enabling the expert evidence to be better understood and tested, enhancing the Tribunal's capacity to make the correct or preferable decision
- assisting experts to fulfill their role as independent advisers assisting the Tribunal
- enhancing the efficient resolution of Tribunal proceedings by narrowing the issues in dispute and reducing hearing time.

Concurrent evidence procedures have been used in a number of cases before the Tribunal over recent years, as well as in some other courts and tribunals. However, to the best of the Tribunal's knowledge, no empirical studies have been conducted as to its effectiveness. The Tribunal therefore decided to set up a study to assess the criteria for selecting cases as suitable for concurrent evidence, to refine procedures for the taking of concurrent evidence, and to assess the

effectiveness of concurrent evidence procedures within the Tribunal.

The study, which will assess the use of concurrent evidence in at least 50 cases, is expected to conclude in late 2004. Information gathered from members involved in the hearings, as well as parties' representatives and the experts themselves, will form the basis of a report at the conclusion of the study.

As at 30 June 2004, some 41 cases involved in the study had used concurrent evidence procedures, involving experts from fields including psychiatry, neurology, orthopaedics, accounting and dietetics. Approximately 60 cases which were selected as being suitable to use concurrent evidence did not use the procedure as the matters were settled or otherwise finalised before reaching the hearing stage.

The study has generated considerable interest outside the Tribunal, and the President has presented various papers on the topic, including at the 2003 Judicial Orientation Program and the 2004 Australasian Conference of Planning and Environment Courts and Tribunals.

Management of taxation scheme matters

A taxpayer has the option of challenging an objection decision of the Australian Taxation Office in either the Tribunal or the Federal Court. From 1 June 2000 to 30 June 2004, more than 3,800 applications were made to the Tribunal regarding objection decisions relating to mass-marketed taxation schemes. Many of these were subject to orders postponing review of the applications pending the outcome of test cases in the Federal Court and High Court.

Most appeal test cases have now been finalised and, consequently, some applications have been withdrawn or settled.

In December 2003, the Tribunal devised a case management strategy to deal with all matters not awaiting the outcome of a Federal Court or High Court appeal. This strategy involved the appointment of a managing member to coordinate all applications relating to the same taxation scheme. Generally speaking, managing members have been appointed on the basis of their experience in the taxation jurisdiction and because they are attached to the registry where the majority of applications reside.

Managing members and affected registries have been directed by the President to expedite existing taxation scheme matters. It is not envisaged that the managing member will determine all applications in the schemes they are coordinating. Rather, they will run directions hearings, assess priorities and select appropriate matters for hearing.

In addition to allocating a managing member, the Tribunal wrote to all applicants or their representatives in December 2003 seeking confirmation of whether their matters had been settled or withdrawn, or whether they wished to proceed to hearing. This process has resulted in a significant number of applications being finalised without a need for hearing.

The number of taxation scheme matters current in the Tribunal per registry at 30 June 2004 is as follows:

Table 4.1 Numbers of current taxation scheme matters as at 30 June 2004

ACT	NSW	Qld/NT	SA	Tas	Vic	WA	Total
3	287	161	56	0	270	1,285	2,062

It should also be noted that 610 of the current taxation scheme matters are recent lodgements received after 1 July 2003.

Table 4.2 Current taxation scheme matters lodged after 1 July 2003

ACT	NSW	Qld/NT	SA	Tas	Vic	WA	Total
0	106	36	32	0	32	404	610

The number of taxation scheme applications pending in Western Australia continues to remain particularly high. The appointment of two managing members in Western Australia will assist in the expedition of these applications. Where possible, members from other registries will be temporarily deployed to Western Australia to assist with hearings.

Improved information about the Tribunal

During the reporting year, the Tribunal took steps to improve the accessibility and quality of information that is provided to parties and the general public about the Tribunal. Notably, the Tribunal:

- upgraded and redesigned its website (www.aat.gov.au)
- revised its Client Service Charter
- updated its information pamphlets.

The revised Client Service Charter and updated pamphlets will be made available in the next reporting period.

Constitution Committee

The President established the Constitution Committee to examine issues relating to the constitution of tribunals and, in particular, the appropriate and consistent constitution of multi-member tribunals. The Committee comprises the President, a diverse group of members from different Tribunal registries and the Registrar. The Committee is supported by staff of the Tribunal's Policy and Research Section.

The Committee met in October 2003 and February 2004. The major focus of discussion during the reporting year was the development of Tribunal guidelines on constitution. The Committee considered a range of issues relating to the scope and content of such guidelines and provided feedback which will inform the development of draft guidelines.

The Committee also recommended that information about the expertise and qualifications of Tribunal members should be more easily accessible to assist Listing Coordinators to constitute tribunals with appropriate expertise. This issue has been addressed during the reporting period and information on the expertise of the membership is now readily accessible to Listing Coordinators.

Tribunal partners

The Tribunal considers its 'partners' to be government agencies, tribunals, courts, the legal profession and other individuals and entities with whom it may develop a relationship that is not related to specific applications for review or other specific functions undertaken by the Tribunal. Partners may be other organisations involved in administrative review or interested in tribunal-related issues, or organisations with which the Tribunal develops cooperative arrangements for the sharing of resources.

The Tribunal's goal, as outlined in its Organisational Plan 2003–04, is to:

work cooperatively 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 satisfying this goal.

Developing and enhancing links with government, other tribunals and other relevant individuals and organisations

Liaison with the Attorney-General's Department

During the reporting year the Tribunal liaised with the Attorney-General's Department on a wide range of matters relevant to the Tribunal and its operations. In particular, the Tribunal made submissions and provided comments in relation to proposed amendments to the AAT Act designed to enable the Tribunal to manage its workload more flexibly and facilitate the more efficient conduct of applications for review. An exposure draft of the Administrative Appeals Tribunal Amendment Bill 2004 was released for public comment in June 2004.

The Tribunal provided comments to the department on the recommendation relating to the Tribunal in the report prepared by Mr Tom Sherman, AO on the review of named person warrants and other matters relating to the *Telecommunications (Interception) Act 1979*. The Tribunal also made submissions to the department in relation to issues of wider significance for the federal civil justice system, including the Federal Civil Justice Strategy Paper and the review of the Commonwealth Legal Services Directions.

Participation in the Tribunal Efficiencies Working Group

As the Tribunal noted in its 2002–03 annual report, the Tribunal Efficiencies Working Group was established to investigate and report on administrative efficiencies that may be achieved by cooperation between the Commonwealth merits review tribunals. The working group comprises the presiding officers of the AAT, Migration Review Tribunal, Refugee Review Tribunal, Social Security Appeals Tribunal and Veterans' Review Board, and officers of the Attorney-General's Department and Departments of Family and Community Services, Immigration and Multicultural and Indigenous Affairs, and Veterans' Affairs.

The Tribunal was an active participant in the working group during the reporting year. It worked cooperatively with the other members of the working group to gather and analyse information on the operations of the tribunals. The Tribunal participated in all meetings of the working group held during the reporting year and contributed to the preparation of a report of the working group's deliberations.

Australian Law Reform Commission's inquiry into protecting classified and sensitive security information

The Tribunal contributed to the inquiry conducted by the Australian Law Reform Commission into the protection of classified and security sensitive information in the course of investigations and court or tribunal proceedings. The Tribunal regularly handles information of this kind, most often in applications for review in the Security Appeals Division concerning adverse or qualified security assessments given by the Australian Security Intelligence Organisation.

The President, Justice Downes, was a member of the advisory committee convened by the Commission for the purposes of the inquiry. The Tribunal also made two submissions to the Commission during the course of the inquiry. The Tribunal's submission on the Commission's discussion paper focused on practical issues relating to the application and implementation of the Commission's proposals for dealing with classified and sensitive security information in tribunal proceedings.

Council of Australasian Tribunals

The Council of Australasian Tribunals (COAT) was established in 2002 as a peak body for Commonwealth, State, Territory and New Zealand tribunals. It aims to:

- facilitate liaison and discussion between tribunals, tribunal members and staff, and others interested in tribunals
- undertake projects and activities of relevance and assistance to tribunals.

COAT operates with a federal structure consisting of a National Council and Executive, together with State, Territory and New Zealand chapters.

On 5 June 2003 Justice Downes was elected Chair of COAT, a position that he held throughout the reporting year. He was elected for a second term as Chair at the annual general meeting of COAT held on 10 June 2004. The Tribunal's Registrar, Doug Humphreys, became the Secretary of COAT shortly after his appointment to the Tribunal in August 2003.

The Tribunal supported the work of COAT in a variety of ways during the reporting period. The Tribunal performed secretariat functions for COAT, including managing its finances, as well as arranging and providing administrative support for meetings of the National Council and the Executive. The Tribunal continued to host the COAT website and added a range of new material to the website, including, in particular, information relating to State and Territory chapters and their activities.

During the reporting year, COAT identified and endorsed as its first major project the development of a practice manual for tribunal members. The manual is intended to be a readily accessible, generic ‘how-to-do-it’ guide that will assist tribunal members to undertake their duties, including hearings, effectively. The Tribunal undertook the preliminary work relating to the project.

This included:

- preparing an issues paper on the development and maintenance of the practice manual
- managing and funding a consultancy undertaken by the Centre for Judicial Studies Pty Ltd relating to the audience, educational objectives, content, style and production of the practice manual.

Tribunal members and staff have also been active in COAT’s State and Territory chapters. Justice Downes gave the opening address at the inaugural conference of the NSW chapter of COAT on 28 May 2004. Deputy President Stephanie Forgie is a member of the committee of the Victorian chapter of COAT.

Participation in heads of tribunals meeting

In addition to meetings of the Tribunal Efficiencies Working Group, the President of the AAT and the presiding members of the other Commonwealth merits review tribunals met in June to discuss matters of common interest. The registrars of the tribunals have communicated on a regular basis to discuss areas of common interest and to explore potential efficiencies through cooperative action between tribunals.

Involvement in the Administrative Review Council

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

Information technology strategies with partners

The Tribunal is working with the Migration Review Tribunal and the Refugee Review Tribunal in their case management system project. The Tribunal’s Manager, Information Services and Technology, Paul Hoffmans, was invited to be a member of their tender evaluation panel in assessing and choosing a new case management system.

International partners

The Tribunal strengthened its links with international partners this year by participating in international conferences and providing information about administrative law and merits review in Australia to overseas visitors.

During April, the President of the Tribunal attended the congress of the International Association of Supreme Administrative Jurisdictions in Madrid, Spain, and presented a paper on the Australian administrative review system. He also met with judges of the Italian Council of State and a variety of individuals and organisations in the United Kingdom, including the Council on Tribunals and the Judicial Studies Board.

During the reporting year, the Tribunal hosted judicial officers from Sri Lanka, Thailand and Trinidad-Tobago, as well as academics and a delegation of tax accountants from Japan. These visits typically involved members and senior registry staff presenting sessions about the Tribunal's procedures and systems, and enabled information and experiences to be shared.

Cooperative arrangements with courts and other tribunals

The Tribunal has entered into a number of memorandums of understanding to provide facilities and services to other Australian government agencies. These include:

- *Migration Review Tribunal (MRT)* – the MRT had registries in Canberra, Melbourne and Sydney during 2003–04. In Adelaide, Brisbane and Perth, AAT staff receive applications and handle inquiries on behalf of the MRT. The Tribunal also provides accommodation and hearing room facilities for MRT members, including hearing room assistance and video-conferencing facilities. The MRT pays an agreed amount to the Tribunal to provide these services.

- *National Native Title Tribunal (NNTT)* – during the reporting year the AAT provided additional accommodation to the NNTT from within its Adelaide premises on a cost reimbursement basis.
- *Professional Services Review Tribunal (PSRT)* – by arrangement with the Department of Health and Ageing, the AAT provides an administrative and registry service to the PSRT, which reviews determinations of the Professional Services Review Committees regarding inappropriate practices in the provision of services under the *Health Insurance Act 1973*. The District Registrar of the AAT's ACT Registry is also Registrar of the PSRT. The PSRT expects to wind up these activities during the course of 2004.
- *Australian Institute of Criminology* – the Tribunal provides personnel and payroll services to the Australian Institute of Criminology on a fee-for-service basis.
- *Federal Court of Australia* – the Tribunal shares a joint registry with the Federal Court in Hobart. The Tribunal reimburses the court for the staff and management costs required to service the needs of the Tribunal in that registry.
- *Federal Magistrates Court* – The Tribunal shares its Brisbane premises with a small group of magistrates and staff from the Federal Magistrates Court. The court runs its operations independently of the Tribunal, from an area that has been formally transferred to the court from the Tribunal's tenancy.

Raising awareness of the Tribunal and its role in administrative law

Tribunal participation in education, training and other activities

Members and senior staff of the Tribunal were actively involved in organising and participating in a variety of conferences, seminars and workshops relating to the Tribunal and its work during the reporting year. These activities enhanced community awareness of the Tribunal, and increased knowledge of the Tribunal and its procedures amongst advocates and other persons appearing before the Tribunal.

Activities in which members and staff were involved included:

- a training program for Department of Veterans' Affairs advocates at the University of Canberra in September 2003
- a workshop, 'Representation and Procedure in Tribunals', hosted by the South Australian Law Society in February 2004
- a presentation, 'Rehabilitation, Compensation and the Administrative Appeals Tribunal', at the National Injury Management and Prevention Summit held in Canberra in March 2004
- a presentation, 'Issues in Administrative Law from an AAT Perspective', to the External/ Administrative Review Conference hosted by the Australian Public Service Commission in May 2004
- a presentation to the Insolvency and Trustee Service Australia 5th National Bankruptcy Congress held in Melbourne in May 2004
- a training program for social security advocates in Perth in March and May 2004
- community information sessions on merits review and the Commonwealth and State ombudsmen in Port Augusta and Whyalla in May 2004.

Members also contributed material on the Tribunal and its operations for a range of publications.

The profiles of the Tribunal's members included in Appendix 1 provide additional information about activities undertaken by members of this kind.

Sponsoring work experience placements

The Tribunal's registries provided at least eight work experience placements for school-age and university students during the year. The Tribunal recognises that it can provide these opportunities to students and does so to the extent that staff availability and accommodation will allow. Work experience placements comprised school children undertaking their first days in a working office, graduate and near-graduate law students gaining required credits to complete their degrees, and a person from a disability services unit of a State TAFE. Work placements generally range from two weeks for school-age students to three months for law graduates.

The background features a complex, abstract composition of overlapping, semi-transparent shapes in various shades of grey and white. These shapes create a sense of depth and movement, with some areas appearing darker due to the layering. The overall aesthetic is clean and modern.

Chapter 5:

Our people and our organisation

Chapter 5: Our people and our organisation

Our people

The Tribunal's goal in relation to this key result area, as outlined in its Organisational Plan 2003–04, is to:

have a professional culture, a positive and productive workplace that values diversity.

This section of the report describes the key strategies and targets which the Tribunal has adopted in seeking to achieve this goal. It also provides information in relation to the activities of the Professional Development Committee and more general information relating to human resource management in the Tribunal.

Training and development

There have been many initiatives undertaken during the reporting year aimed at maintaining and enhancing the skill and knowledge base of members and staff. These include:

- meetings of the Professional Development Committee
- the National Members' Conference in Launceston in October 2003
- establishment of, and recruitment to, the new position of Learning and Development Officer
- the Conference Registrars' Annual Conference in May 2004
- training on taxation of costs in the Tribunal
- ad hoc professional development seminars for members and staff on issues of interest
- biannual District Registrars' meetings

- attendance of members and staff at relevant external conferences, including the Australian Institute of Judicial Administration's Tribunals' Conference and the annual conference of the Australian Institute of Administrative Law
- participation of members and staff in relevant external training courses run by the Australian Public Service Commission, Lawyers Engaged in Alternative Dispute Resolution, and others
- sponsorship of one senior staff member to attend the Public Sector Management course.

Professional Development Committee

The President established the Professional Development Committee to consider and make decisions on 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 Committee was supported during the reporting year by staff of the Tribunal's Policy and Research Section.

The Committee met in October 2003 and February 2004. Issues considered by the Committee included:

- the appointment of a Learning and Development Officer
- professional development scheme and activities for Tribunal members
- the nature and content of the induction program for new members
- the development of a practice manual for Tribunal members.

Significant developments that occurred during the reporting period relating to matters considered by the Committee are outlined separately in this section of the report.

Learning and Development Officer appointment

In February 2004, the Professional Development Committee endorsed the recruitment of a Learning and Development Officer. Ms Athena Ingall was appointed as the Learning and Development Officer on 28 June 2004. Ms Ingall will be involved in the professional development of members and staff and she will report to the Manager, Human Resources. The position will coordinate and guide the formulation of an organisation-wide learning, development and mentoring strategy that aligns with the Tribunal's Organisational Plan. Different streams will cater for the diverse development needs of members and staff.

Induction program for new members planned

On 27 May 2004 the Attorney-General, announced a round of appointments and reappointments to the Tribunal that would take effect on and after 1 July 2004. With a number of new members among the appointees, the Tribunal commenced preparations for a group induction program for the new members to be held in Sydney in early July 2004. The program is designed to introduce new members to the Tribunal, its practices and procedures, major jurisdictions, staffing and resources, and the expectations and responsibilities of Tribunal members. The program will be delivered by experienced Tribunal members and senior staff.

Tribunal practice manual project

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

As was noted in Chapter 4 of this report, the Council of Australasian Tribunals (COAT) has identified the development of a practice manual for tribunal members as its first major project. It has been acknowledged that the content of the manuals for the Tribunal and COAT may overlap and that the scope for contiguous development of the manuals should therefore be explored.

The Tribunal engaged the Centre for Judicial Studies to undertake preliminary development and scoping work relating to the audience, educational objectives, content, style and production of the Tribunal and COAT practice manuals. In relation to the COAT practice manual, the consultant recommended the development of a manual that comprises three parts:

- generic principles of tribunal practice – to be produced by COAT
- principles relating to the operations and jurisdiction of each particular tribunal – to be prepared by each tribunal
- personal notes – to be prepared by each individual member.

The Tribunal practice manual would be developed to form the second part of an overall practice manual produced by COAT. Further work on the manual will be undertaken in the next reporting period.

Taxation of costs training

The Tribunal has the power to tax costs where it has made an order that costs be paid in accordance with section 67 of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act). The Tribunal may also make costs orders and tax costs under a limited number of other statutes, although this is much less common than in compensation cases.

As a result of an increase in the number of applications for taxation of costs, it became apparent that the Tribunal currently had limited expertise in this area, with only a small number of Conference Registrars and District Registrars having undertaken them in the past. Some registries had no staff qualified to undertake taxation, resulting in staff from other registries being called upon to assist.

Training in taxation of costs was undertaken in May 2004. This training was provided to the Registrar, the Assistant Registrar, all Conference Registrars and several District Registrars.

Tribunal conferences

National Members' Conference

A feature of the reporting year was the Tribunal's biennial National Members' Conference, which was held in Launceston from 19 to 22 October 2003. The conference was opened by the Attorney-General and was attended by 90 members and staff.

A major theme of the conference was effective decision writing. Justice Linda Dessau of the Family Court of Australia led a full-day session on this topic, assisted by Justice Bernard Warnick, also of the Family Court, and Judge Tom Wodak of the County Court of Victoria. Other topics included: work-life balance and grappling with decision making, presented by Professor Trevor Waring, a psychologist and Deputy Chancellor of the University of Newcastle; the concurrent

evidence study in the New South Wales Registry; and issues relating to the warrants and proceeds of crime functions. The Tribunal's committees met on the final day of the conference.

On the final night of the conference, a formal dinner was held with guest of honour Sir Gerard Brennan, former Chief Justice of the High Court and the first President of the Tribunal. Sir Gerard presented certificates of service to those present who had been with the Tribunal for more than 15 years.

Conference Registrars' Annual Conference

In May 2004, the Tribunal held its Conference Registrars' Annual Conference in Sydney. The purpose of the conference is to bring together Conference Registrars from around Australia to explore trends in the Tribunal's workload, discuss relevant cases and changes in legislation, raise areas of interest and undertake formal training. The overall objectives of the conference include improving internal communication, promoting consistency in national practice and procedure, and supporting the learning and development needs of Conference Registrars.

The 2003–04 conference covered issues such as:

- taxation of costs
- developing a code of practice for Conference Registrars
- achieving work-life balance.

The conference also provided an opportunity for liaison with major user groups, including Centrelink, Comcare, the Military Compensation and Rehabilitation Service and the Department of Veterans' Affairs.

District Registrars' biannual meetings

District Registrars' national meetings are held on a biannual basis to coincide with the Tribunal committee meetings. During the reporting year, District Registrars' meetings were held in Launceston in October 2003 and in Melbourne in February 2004. As with the Conference Registrars' Annual Conference, the purpose of the meetings is to improve internal communication, promote consistency in national practice and procedure, and support both the local and overall organisational needs of the Tribunal.

A positive and diverse workplace

Aboriginal and Torres Strait Islander traineeship

The Tribunal is developing an Aboriginal and Torres Strait Islander (ATSI) clerical traineeship in which a one-year employment opportunity will be offered to an Aboriginal and Torres Strait Islander person. It is proposed that the trainee will be employed to learn basic clerical job skills and to prepare for a career in the Australian Public Service or elsewhere. While the Tribunal will be unable to offer guaranteed follow-on employment at the end of the traineeship, it is hoped that the trainee will be in a position to compete for any appropriate vacancies that might arise in the Tribunal. It is expected that the strategy will be finalised and the traineeship will commence in the 2004–05 financial year.

Workplace Diversity

In November 2003, the Tribunal developed a new Workplace Diversity Plan for the next three years.

The Tribunal, through its Workplace Diversity Plan, recognises that all people have different qualities, skills, qualifications, experience and attitudes to work, and that valuing and making proper and effective use of these differences can improve the workplace for individuals, and enhance the overall performance of the Tribunal.

The plan can be viewed from the Tribunal's website at www.aat.gov.au/CorporatePublications/WorkplaceDiversityPlan.htm.

The Tribunal's Workplace Diversity Committee, which comprises both members and staff, met four times during the reporting year. Minutes from the meetings are made available to members and staff via the intranet. Appendix 2 lists the equal employment opportunity categories of staff, including the number of ATSI employees, where such information has been volunteered by staff.

Revised Disability Action Plan

During the reporting year, the Disability Action Plan 2003–06 replaced the Tribunal's 2001 Disability Action Plan, setting out the Tribunal's commitment to comply with the *Disability Discrimination Act 1992*. The revised plan builds on and endorses the Tribunal's commitment to the principles of workplace diversity and equality of access. It addresses issues such as ensuring that electronic and printed material is available in appropriate formats and that standards of client service set out in the Client Service Charter, including those relating to the complaints process, are relevant to people with disabilities. When needed, the Tribunal provides applicants with electronic assistance for the hearing-impaired, multi-media options for sight-impaired people, and aids for those with a physical disability. Reasonable adjustment provisions cater for special needs in employment, induction and training of members and staff. The plan can be viewed from the Tribunal's website at www.aat.gov.au/CorporatePublications/DisabilityActionPlan.htm.

Tables 5.1 and 5.2 illustrate the Tribunal's performance against the Commonwealth Disability Strategy.

Harassment policy issued

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, which was issued in March 2004. This policy sets out the Tribunal's expectations of managers, members and staff in preventing and dealing with workplace harassment, and encourages all managers and supervisors in particular to be familiar with, and to actively promote and support, the Tribunal's policy and strategies for dealing with harassment.

Tribunal benevolent fund established

A benevolent trust managed by elected trustees was established in late 2003. This trust, funded by voluntary contributions from staff and members, is available to assist in circumstances where a staff member or a member of their immediate family suffers misadventure or illness from any cause. The trust has already been able to assist one staff member who suffered a family tragedy.

Tribunal sporting achievements

The Tribunal encourages the health and wellbeing of staff by providing contributions towards the registration of Tribunal teams in various sporting competitions and activities. This year, the Victoria Registry walking team and women's running team had an excellent result, finishing in first and third place, respectively, in the Melbourne City Sports Autumn 2004 Corporate Cup. The New South Wales Registry's 'AATCATS' soccer team also performed well in their debut in the Lunchtime Legends competition.

Human resource management

Workplace planning, staff retention and turnover

Some of the significant developments during the reporting period relating to workplace planning included:

- an increased emphasis on timeliness of performance appraisals and monitoring
- implementation in the Queensland Registry of a registry work reorganisation (to adopt a single case officer system) as a productivity improvement under paragraph 4 of the Agency Agreement
- minor reviews of staffing allocations and classifications, undertaken as required.

The Tribunal's training and development and performance management programs continued to contribute towards fostering staff retention and professional development. The Tribunal's staffing complement was again quite stable, leading to increased familiarity with and enhanced performance of duties.

Individual and agency agreements

The AAT's new Agency Agreement commenced on 1 July 2003. The three-year agreement, which expires on 30 June 2006, offers 4 per cent annual salary increases. The agreement continues to promote a high standard of client service and the development of highly skilled staff. It seeks to improve productivity and efficiency while reducing cost through specific in-house programs and initiatives.

During the year, three staff members, including the Tribunal's only Senior Executive Service employee, were covered by individual Australian Workplace Agreements. Two of these agreements provided for the payment of a performance bonus linked to a performance agreement. In addition, the Registrar of the Tribunal is eligible for a performance bonus under the Principal Executive Officers Determination set by the Remuneration Tribunal. Because there is only one person at each level, the bonuses at each level are not published for privacy reasons. The total value of bonuses paid by the Tribunal was \$22,908.

Salary ranges for all staff 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 by the certified agreement.

Performance Management Program

In accordance with the Tribunal's Performance Management Program, all staff have performance agreements. Depending on their performance during the appraisal period, staff are able to advance through their salary pay scale, up to the maximum of the salary range. The program is linked to the Agency Agreement. Appraisals were completed by 30 June 2004 for all staff except those who were on leave at the appraisal time.

A total of 26 staff were eligible for performance-related salary advancement and these increments were paid in July, where possible.

Staff also have individual development plans, linked to their performance agreements, which identify training and development needs.

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 usual Australian Government practice.

Non-salary benefits

Under the certified agreement, staff were provided with the following non-salary benefits.

- Two days of paid leave is provided to most staff between Christmas and New Year. A skeleton staff operates to maintain basic registry functions.
- All ongoing staff are eligible to apply for study assistance. Approved students have access to assistance that can include limited time off work for attendance at lectures, tutorials and examinations and may include full or partial reimbursement of fees and costs. Nine staff were accredited as approved students under the Tribunal's study assistance scheme during 2003–04. Approved courses included accounting, commerce, law, information technology, public relations and dispute resolution. The cost of reimbursing study fees and charges was less than \$10,000 and the total hours of study leave approved were 440 hours.
- Two additional weeks of paid maternity/parenting leave are provided.
- Healthy lifestyle incentives, such as reimbursement for healthy lifestyle checks and influenza vaccinations, are provided.

Productivity gains

The Tribunal is undertaking several staged actions to further improve productivity across its staffing operations. The newly engaged Learning and Development Officer will begin work on a broad-based learning and development program, which will aim to address the identified learning needs of employees. Specific training to improve personal and office-wide skills will be targeted.

Work reorganisation in the registries continues.

In Queensland, a registry work reorganisation pilot in which a case officer looks after matters in their entirety from application to finalisation has been implemented. This continues the arrangements set up in New South Wales and Western Australia.

Members' Handbook issued

In March 2004, an updated Members' Handbook was issued to all full-time and part-time members. The handbook is a general guide to the terms and conditions of office of members of the Tribunal. Member terms and conditions are generally determined by the Remuneration Tribunal under the Judicial and Related Officers Determinations, although some auxiliary determinations also apply.

Training database

Tribunal staff have intranet access to a reference database of training and development opportunities available across Australia. A database recording staff attendance at training and development courses is maintained. Both these tools will aid the new Learning and Development Officer's role in the Tribunal.

Commonwealth Disability Strategy

In the context of the Commonwealth Disability Strategy, the Tribunal is assessed as performing the roles of an employer and a provider. Tables 5.1 and 5.2 summarise the Tribunal's performance in 2003–04.

Table 5.1 Commonwealth Disability Strategy – the Tribunal’s performance in employer role

Performance indicator	Performance measures	Performance for 2003–04
Employment policies, procedures and practices comply with the requirements of the <i>Disability Discrimination Act 1992</i> .	All employment policies, procedures and practices meet the requirements of the Act.	Policies were reviewed and were found to comply with the requirements of the Act.
Recruitment information for potential job applicants is available in accessible formats on request.	All recruitment information requested is provided in: <ul style="list-style-type: none"> • accessible electronic formats • accessible formats other than electronic. Average time taken to provide accessible information in: <ul style="list-style-type: none"> • electronic format • formats other than electronic. 	100% available via fax, email and mail or by downloading from the Tribunal’s website. As set out in the <i>World Wide Web Access: Disability Discrimination Act Advisory Notes</i> , Website Accessibility Priority 1 and 2 checkpoints have been met. Telephone typewriter service is also available for use by hearing-impaired job applicants. All requests, both electronic and otherwise, are dispatched within 48 hours of receipt of requests.
Agency recruiters and managers apply the principle of reasonable adjustment.	All supervisors and managers are provided with information on reasonable adjustment; reasonable adjustments to the workplace are made to accommodate the needs of staff with disabilities.	All staff and managers of the Tribunal have access to information about reasonable adjustment in the Staff Selection Manual, Disability Action Plan and Reasonable Adjustment Policy, available on the Tribunal’s intranet. Adjustments have been made to accommodate hearing-impaired staff.
Training and development programs consider needs of staff with disabilities.	All training and development programs consider needs of staff with disabilities.	All in-house training programs consider the needs of staff and members with disabilities. The Tribunal also ensures that all externally organised events have facilities for disabled members or staff.

Table 5.1 Commonwealth Disability Strategy – the Tribunal’s performance in employer role
(continued)

Performance indicator	Performance measures	Performance for 2003–04
Training and development programs include information on disability issues as they relate to the content of the program.	All training and development programs include information on disability issues as they relate to the program.	All Tribunal in-house training and development courses include 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 formal process for dispute resolution is contained in the AAT Agency Agreement 1 July 2003 – 30 June 2006. In addition, there is provision for internal and external review of actions in the <i>Public Service Regulations 1999</i> .

Table 5.2 Commonwealth Disability Strategy – the Tribunal’s performance in provider role

Performance indicator	Performance measures	Performance for 2003–04
Providers have established mechanisms for quality improvement and assurance.	Evidence of quality improvement and assurance systems in operation.	The following mechanisms ensure that quality of service to clients is maintained and improved: quarterly reporting and review of timeliness standards; performance management of staff; outreach service to self-represented applicants; and user liaison meetings at local, national and agency head level.
Providers have an established service charter that specifies the roles of the provider and consumer, and service standards that address accessibility for people with disabilities.	Established service charter that adequately reflects the needs of people with disabilities in operation.	The Tribunal has an established charter, which sets out its commitment to providing equitable access to all clients. The charter is available in pamphlet form (including in large print) and on the Tribunal’s website.
Complaints/grievance mechanism, including access to external mechanisms, in place to address issues and concerns raised about performance.	Established complaints/grievance mechanisms, including access to external mechanisms, in operation.	The Tribunal has a formal complaints mechanism which includes provision for external complaint to the Ombudsman.

Occupational health and safety

The Tribunal gives high priority to the health and work safety of its members and staff. To assist in monitoring occupational health and safety (OH&S), and in accordance with Comcare requirements, the Tribunal has a National Health and Safety Committee, with staff representatives from each registry. The Committee meets regularly by telephone, and agenda items include site reports, incident reporting and recent information releases from Comcare.

Workplace assessments are undertaken by the Commonwealth Rehabilitation Service for the benefit of staff where problems are identified, including posture issues, workstation set-up and equipment requirements. Remedial action is recommended and implemented. Case management of compensable matters is conducted in-house or outsourced, depending on the location and the complexity of the matter.

The new Comcare OH&S Incident Reporting Guidelines are in place along with Tribunal instructions. During the year there were no reportable incidents.

Ethical standards

Tribunal staff are required to act in accordance with the Australian Public Service (APS) Values and the APS Code of Conduct.

The APS Values and the APS Code of Conduct are available to staff on the intranet and are referred to in Tribunal publications. Recruitment guidelines include information on the APS Values and APS Code of Conduct.

Our organisation

The Tribunal's goal in this area, as outlined in its Organisational Plan 2003–04, is to:

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

This section of the report outlines achievements of the Corporate Support, Information Services and Technology, and Policy and Research sections in pursuit of the above goal. It also provides more general information on the Tribunal's administration and governance.

Organisational Plan

In 2003–04, the Tribunal developed the Organisational Plan, which set out the Tribunal's:

- vision, mission and values
- key result areas
- goals
- strategies
- key targets
- outcomes.

The plan was developed in consultation with all staff and members. The plan will be reviewed annually. A copy of the plan, including a statement of the Tribunal's achievements against the plan, is at the end of Chapter 1.

Corporate Support

The Corporate Support area of the Tribunal is divided into the Financial Management Section and the Human Resource Management Section.

Financial management

Audited financial statements appear as part of this annual report at pages 63 - 101.

The financial statements include reports on the outputs identified in the 2003–04 Budget. These outputs are:

- applications finalised without hearing
- applications finalised with hearing.

The 2003–04 financial year was a year of consolidation for the Tribunal, leading to the planning of a number of major acquisitions in 2004–05. Three significant purchases related to information technology were made during the reporting year: upgrading of the Tribunal's desktop systems to Windows XP, the purchase of new software licences for a further four years, and the replacement of all printers.

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, including the financial statements provided to the Auditor-General and fraud risk assessment, and commissioning internal audits on operational activities.

The Tribunal has in place approved risk assessment and fraud control plans and procedures that provide for fraud prevention, detection, investigation and reporting. A new Fraud Control Plan was prepared internally and was agreed to by the Committee. The Chief Executive Instructions are being completely reviewed and will be reissued during the 2004–05 financial year. The Tribunal's Chief Executive Instructions form the model for several other agencies' instructions.

During the reporting year, the Tribunal's internal auditor undertook audits of the Queensland, South Australia and Western Australia Registries and the Principal Registry in Queensland. Areas scrutinised included payments, receipting, bank accounts, payroll, attendance records and hospitality. No major risks were identified as a result of the audits.

Insurance

The Tribunal's property and assets are insured through the Commonwealth's Comcover arrangements. In general terms, the Tribunal has a low risk of insurance exposure and a limited likelihood of major disruption to its services, although cover is provided should that occur. As in the previous year, the insurance premium was subject to an increase but the Tribunal's cover has been maintained at its previous level.

Security

The Tribunal has fee-for-service agreements with both the Australian Protective Service and Chubb Security Pty Ltd to provide ad hoc security guarding for Tribunal hearings on an as-needed basis. Specific guarding services were sought only once nationally during the year and no incidents of a security nature occurred in any Tribunal hearing or in any registry. The Tribunal's premises are access-controlled and duress alarms are installed, with monitoring by Chubb Security Pty Ltd, to protect staff and members in the event of any incident during hearings or conferences.

The Tribunal has entered into an agreement with the Family Court of Australia to use its court rooms and security arrangements if the Tribunal becomes aware of a particular risk or threat to the conduct of a hearing.

The Australian Protective Service also undertakes security vetting of staff whose duties require security clearance in compliance with the *Commonwealth Protective Security Manual 2000*.

Property

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

Leases on all commercial sites, except Canberra, continue until mid- to late 2005–06. The Canberra lease expired on 30 June 2004. After a market search of premises in the Civic precinct the Tribunal accepted an offer from its current landlord to sign a new lease for a 10-year period at commercially acceptable terms. The new lease, commencing 1 July 2004, will be accompanied by a refurbishment of the premises to ensure that it remains a workable fit-out for another decade.

The Sydney and Melbourne leases expire in December 2005. A property consultant was engaged from a public tender exercise and has commenced property searches in both cities for the best market deal to enable the Tribunal to operate from affordable premises on leases for up to another 10 years.

Leases in Adelaide and Perth fall due in early to mid-2006. Work has commenced to engage a property consultant to undertake property searches to secure suitable premises for the Tribunal in those cities.

Purchasing

Although the Tribunal has a limited purchasing profile, the core principles of the Commonwealth Procurement Guidelines and Best Practice Guidelines are observed, and the Tribunal ensures that purchases are in accordance with the Chief Executive Instructions. The Chief Executive Instructions are being completely reviewed to ensure that they remain current, valid documents for ongoing use.

For major purchases or contracts, the Tribunal uses competitive practices to ensure value for money, as well as open and effective competition. All significant purchases are put to open or, if appropriate, selective tender and, as is required by the Tribunal's purchasing guidelines, at least three quotes are ordinarily obtained for services or goods required. In 2003–04, all purchases over \$2,000 were gazetted as required.

With regard to information technology purchases, the Tribunal generally uses the Endorsed Supplier Arrangement to source likely suppliers of goods and services. Our adherence to the principle of using only endorsed suppliers has resulted in some firms joining the Endorsed Supplier list in order to tender for our business.

Exempt contracts

There were no contracts in excess of \$2,000 (inclusive of goods and services tax) or standing offers that were exempt from being published in the Purchasing and Disposal Gazette on the basis that they would disclose exempt matters under the *Freedom of Information Act 1982*.

Consultants

The Tribunal employs consultants when the required skills are not available within the Tribunal.

Table 5.3 sets out the consultancies used by the Tribunal during the year.

Table 5.3 Consultancies used in 2003–04

Name of consultant	Contract price for consultancy \$	Payments made in 2003–04 \$	Selection process, including whether publicly advertised	Nature and purpose
E-Global	13,585	13,585	Limited tender	Website design
Interiors Australia	15,818	15,818	Limited tender	Office space planning
Data#3	196,450	100,000	Open tender	Windows/server upgrades
Citadel Securix	33,440	0	Limited tender	Information technology network risk assessment
e.Law	70,950	0	Limited tender	Case project workshops and tender specifications
Centre for Judicial Studies	16,628	16,628	Direct engagement	Advice relating to development of practice manual
GS Corporate Services Pty Ltd	49,874	49,874	Limited tender	Internal audit and accounting advice
United KFPW	100,000	0	Open tender	Property consultancy services
Corporate Real Estate Services	10,520	10,520	Limited tender	Property consultancy services

Contracting out

During the reporting year, the Tribunal did not contract out to another organisation the delivery of any government activities that it had previously performed.

Discretionary grants

The Tribunal has no discretionary grant programs.

Advertising and market research

The Tribunal has no item to declare under section 311A of the *Commonwealth Electoral Act 1918*. Non-campaign advertising expenditure for the year was \$13,700 paid to hma Blaze Pty Ltd for the newspaper advertising of tenders and for recruitment advertisements.

Environmental performance

Under section 516A of the *Environment Protection and Biodiversity Conservation Act 1999*, agencies are required to report on ecologically sustainable development and environmental matters. The Tribunal is a review body and, as such, does not administer policy that has any major detrimental effect on the environment. The Tribunal attempts to limit its impact on the environment in day-to-day administrative functions by ensuring that energy usage and wastage of resources are minimised. Results to date are encouraging in that energy usage is moderate compared with usage in similar organisations.

The Tribunal is a partner in the development of an environmental management system (EMS) for Commonwealth Law Courts buildings nationally. An EMS review of several Law Courts buildings has been conducted and a first-stage implementation plan is being prepared for consideration in 2004–05. A policy for national use will be developed subsequently.

Information services and technology

The Information Technology section was very busy during the reporting year, as shown by the following projects.

Upgraded information technology office environment

The Tribunal upgraded all its office systems to the latest software. Every registry's network is now running on Windows 2003 and uses Microsoft Office 2003 and Exchange 2003 for office automation processes. The upgrade involved 23 servers and over 200 personal computers. The Tribunal's fleet of 80 printers was also replaced with new models. This new environment ensures that the Tribunal can communicate effectively within its offices and with any external organisation.

Case management system

The Tribunal formally announced in February that it would commence a project to look into the feasibility of implementing a new case management system. The current system (called AATCAMS) has served the Tribunal very well for 17 years; however, the demands of new business methods (particularly e-business concepts) cannot be met by the existing system.

Workshops were held in June and will be held in July 2004 to provide members and staff with an opportunity to contribute knowledge about the current system and to determine desirable features for the new system. A consulting firm experienced in case management systems is assisting the Tribunal with the workshops and has brought added knowledge about the technical system goals the Tribunal should be seeking to achieve.

In the meantime, several enhancements were made to AATCAMS, particularly the reporting module, so that the Tribunal's performance can be more clearly analysed and interpreted.

Tribunal website

Information about Tribunal decisions, daily listings, assistance with procedures for using the Tribunal and other related Tribunal information is available on the Tribunal's website (www.aat.gov.au).

In 2003–04 the website received a major facelift to enable key information to be accessed faster. On the basis of the statistics gathered during the year, the website has proved to be popular with people seeking information.

E-business strategy

In recognition of the desire to align its information technology strategy with that of other tribunals and courts, the Tribunal is monitoring the Federal Court's work on its eCourt strategy.

As the Tribunal's new case management system is developed, the Tribunal will look to introduce e-business concepts to provide up-to-date and efficient processing of applications and exchange of documentation between the Tribunal and parties.

Business continuity plan

The Tribunal is currently developing a business continuity plan for its information technology systems to ensure that it can efficiently recover from any disaster. The plan will ensure that the mission-critical needs of each registry will be quickly restored regardless of the nature of any adverse event.

The first phase of the project involves a security review of current information technology operations to ensure that all government security guidelines are being followed.

Information Technology Steering Committee

In 2003–04 the Tribunal formed a new committee designed to oversee information technology strategies for major projects and to provide advice in relation to the information technology planning function. Membership of the steering group includes members and staff covering all registry functions.

Library and information services

During the reporting year, the Library continued to provide support to members and staff primarily through the seamless delivery of library materials and legal reference and research services.

At the request of the Library Committee, a library user survey was conducted to identify and target service delivery to user needs.

Other achievements during the reporting year included:

- completion of an upgrade to Horizon, the computerised library and information management system
- enhancement of the Tribunal's intranet, particularly through the inclusion of an increased range of members' information
- development and provision of online legal research training to Tribunal members and staff, particularly through the use of the intranet facility
- efficient management of the process of electronic delivery of Tribunal decisions to publishers, government agencies and other interested parties.

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 relevant legislative changes, case law developments and practice and procedure issues. The primary responsibilities of the section include:

- undertaking research and preparing advice, correspondence and papers relating to matters affecting the Tribunal
- monitoring and coordinating appeals from decisions of the Tribunal
- 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
- assisting with the delivery of training for Tribunal staff.

Key achievements for the reporting year included:

- improvements to internal reporting on the Tribunal's workload
- ongoing monitoring of, and support for, the concurrent evidence study being conducted in New South Wales, and the preparation of external presentations on the study
- contributions to the Tribunal's participation in COAT and the Tribunal Efficiencies Working Group, and the preparation of submissions to external bodies
- implementation of procedures and systems for collecting information on the representation of non-agency parties from 1 July 2004.

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

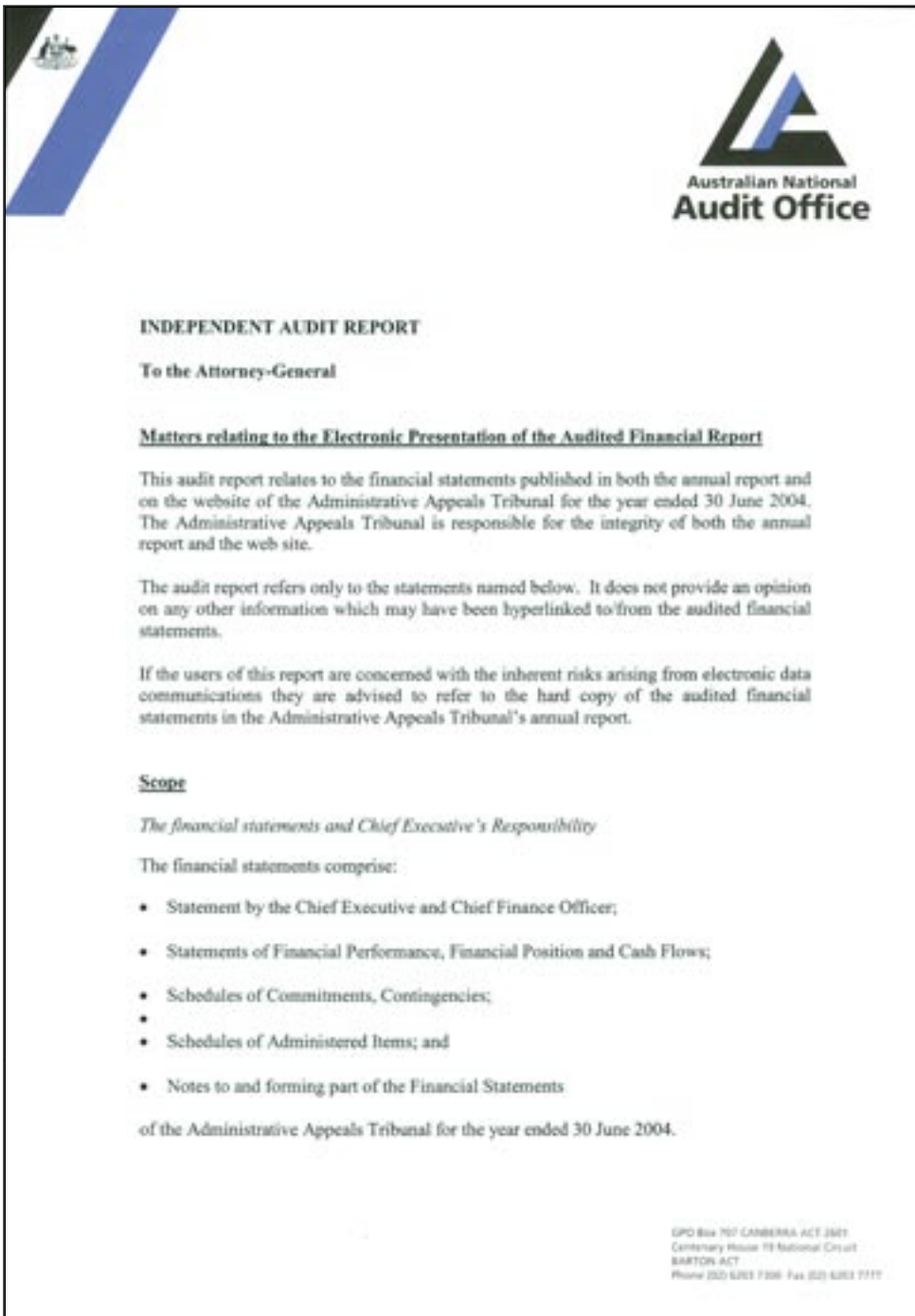


Financial statements

64 Independent audit report

67 Financial statements

- Statement by Chief Executive Officer
- Statement of Financial Performance
- Statement of Financial Position
- Statement of Cash Flows
- Schedule of Commitments
- Schedule of Contingencies
- Schedule of Administered Items
- Notes to and forming part
of the Financial Statements



The Administrative Appeals Tribunal's Chief Executive is responsible for the preparation and true and fair presentation of the financial statements in accordance with the Finance Minister's Orders. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial statements.

Audit approach

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

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

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

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

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

Independence

In conducting the audit, I have followed the independence requirements of the ANAO, which incorporate Australian professional ethical pronouncements.

Audit Opinion

In my opinion, the financial statements:

- (i) have been prepared in accordance with Finance Minister's Orders made under the *Financial Management and Accountability Act 1997* and applicable Accounting Standards; and
- (ii) give a true and fair view, of the matters required by applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and the Finance Minister's Orders, of the financial position of the Administrative Appeals Tribunal as at 30 June 2004, and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Mashelle Parrett
Executive Director

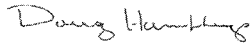
Delegate of the Auditor-General

Canberra
8 September 2004

ADMINISTRATIVE APPEALS TRIBUNAL

STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCE OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2004 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*.



DOUGLAS HUMPHREYS

Chief Executive



STEPHEN WISE

Chief Finance Officer

2 September 2004

2 September 2004

STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 30 June 2004

	Notes	2004 \$'000	2003 \$'000
Revenues from ordinary activities			
Revenues from government	4A	27,404	27,371
Goods and services	4B	802	684
Interest	4C	-	113
Revenue from sale of assets		-	-
Revenues from ordinary activities		28,206	28,168
Expenses from ordinary activities			
Employees	5A	15,484	14,194
Suppliers	5B	11,629	10,805
Depreciation and amortisation	5C	1,012	1,285
Write-down of assets	5D	29	-
Value of assets sold	5D	-	-
Expenses from ordinary activities		28,154	26,284
Net surplus/(deficit) from ordinary activities		52	1,884
Net credit to asset revaluation reserve	11	-	-
Increase/(decrease) in accumulated results on initial application of fair value under accounting standard AASRB 1041 <i>Revaluation of Non-Current Assets</i>	11	(352)	-
Total revenues, expenses and valuation adjustments recognised directly in equity		(352)	-
Total changes in equity other than those resulting from transactions with the Australian Government as owner	11	(300)	1,884

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

STATEMENT OF FINANCIAL POSITION

as at 30 June 2004

	Notes	2004 \$'000	2003 \$'000
ASSETS			
Financial assets			
Cash	6A	569	960
Receivables	6B	8,814	7,651
Total financial assets		9,383	8,611
Non-financial assets			
Land and buildings	7D	765	1,148
Infrastructure, plant and equipment	7B,D	1,700	2,238
Intangibles	7C,D	194	386
Other non-financial assets	7E	2,257	1,806
Total non-financial assets		4,916	5,578
TOTAL ASSETS		14,299	14,189
LIABILITIES			
Non-Interest bearing liabilities			
Other	8	217	323
Total non-interest bearing liabilities		217	323
Provisions			
Employees	9B	4,445	4,016
Total provisions		4,445	4,016
Payables			
Suppliers	10	587	500
Total payables		587	500
TOTAL LIABILITIES		5,249	4,839
NET ASSETS		9,050	9,350
EQUITY			
Contributed equity		2,133	2,133
Reserves			
Retained surpluses		6,917	7,217
TOTAL EQUITY	11	9,050	9,350
Current assets		11,640	10,417
Non-current assets		2,659	3,772
Current liabilities		2,222	1,783
Non-current liabilities		3,027	3,056

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

STATEMENT OF CASH FLOWS

for the year ended 30 June 2004

	Notes	2004 \$'000	2003 \$'000
OPERATING ACTIVITIES			
Cash received			
Goods and services		690	740
Appropriations		26,176	27,216
Interest		-	113
Net GST received from ATO		984	835
Total cash received		27,850	28,904
Cash used			
Employees		(14,912)	(13,804)
Suppliers		(13,049)	(11,429)
Cash transferred to the Official Public Account		-	(7,500)
Total cash used		(27,961)	(32,733)
Net cash from/(used by) operating activities	12	(111)	(3,829)
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment		(280)	(535)
Purchase of intangibles		-	(8)
Total cash used		(280)	(543)
Net cash from/(used by) investing activities		(280)	(543)
FINANCING ACTIVITIES			
Cash used			
Capital use charge paid	9	-	(926)
Return on Contributed Equity	11	-	(525)
Total cash used		-	(1,451)
Net cash from/(used by) financing activities		-	(1,451)
Net increase/(decrease) in cash held		(391)	(5,823)
Cash at beginning of the reporting period		960	6,783
Cash at the end of the reporting period	12	569	960

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

SCHEDULE OF COMMITMENTS

as at 30 June 2004

	Notes	2004 \$'000	2003 \$'000
BY TYPE			
Other commitments			
Operating leases ^{1,2}		15,972	21,317
Total other commitments		15,972	21,317
Commitments receivable		(1,452)	(1,697)
Net commitments		14,520	19,620
BY MATURITY			
Operating lease commitments			
One year or less		5,683	6,219
From one to five years		10,289	15,098
Over five years		-	-
Total operating lease commitments by maturity		15,972	21,317
Commitments receivable		(1,452)	(1,697)
Net commitments by maturity		14,520	19,620

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:

<i>Nature of lease</i>	<i>General description of leasing arrangement</i>
Leases for office accommodation	<ul style="list-style-type: none"> lease payments are subject to fixed or market review increases as listed in the lease agreements; and all office accommodation leases are current and most have extension options for the Tribunal following a review of rentals to current market.
Agreements for the provision of motor vehicles to senior executives	<ul style="list-style-type: none"> no contingent rentals exist; and there are no renewal or purchase options available to the Tribunal.

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

SCHEDULE OF CONTINGENCIES

as at 30 June 2004

	Notes	2004 \$'000	2003 \$'000
Contingent liabilities			
Restoration of lease costs		510	-
Total contingent liabilities		<u>510</u>	<u>-</u>

Details of the above contingent liabilities are disclosed at Note 13.

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

SCHEDULE OF ADMINISTERED ITEMS

	Notes	2004 \$'000	2003 \$'000
Revenues administered on behalf of government			
<i>For the year ended 30 June 2004</i>			
Non-taxation revenue			
Filing Fees		729	567
Total revenues administered on behalf of government		729	567
Expenses administered on behalf of government			
<i>For the year ended 30 June 2004</i>			
Refund of filing fees		784	984
Total expenses administered on behalf of government		784	984

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

SCHEDULE OF ADMINISTERED ITEMS (continued)

There were no administered assets or liabilities as at 30 June 2004.

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

SCHEDULE OF ADMINISTERED ITEMS (continued)

	2004 \$'000	2003 \$'000
Administered cash flows		
<i>For the year ended 30 June 2004</i>		
Operating activities		
Cash received		
Filing Fees	729	567
Total cash received	<u>729</u>	<u>567</u>
Cash used		
Refund of filing fees	784	984
Total cash used	<u>784</u>	<u>984</u>
Net cash from/(used in) operating activities	<u>(55)</u>	<u>(417)</u>
Net increase/(decrease) in cash held	(55)	(417)
Cash at the beginning of the reporting period	-	-
Cash from Public Account for Appropriations	784	984
Cash to Public Account for Appropriations	<u>(729)</u>	<u>(567)</u>
Cash at the end of the reporting period	<u>-</u>	<u>-</u>

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

SCHEDULE OF ADMINISTERED ITEMS (continued)

As at 30 June 2004

There were no administered commitments as at 30 June 2004.

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

SCHEDULE OF ADMINISTERED CONTINGENCIES

As at 30 June 2004

There were no administered contingencies as at 30 June 2004.

Statement of Activities Administered on behalf of the Government

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 the 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

for the year ended 30 June 2004

NOTE	DESCRIPTION	PAGE
1.	Summary of Significant Accounting Policies	79
2.	Adoption of AASB Equivalents to International Financial Reporting Standards from 2005-06	84
3.	Events Occurring After Balance Date	86
4.	Operating Revenues	87
5.	Operating Expenses	87
6.	Financial Assets	89
7.	Non-Financial Assets	90
8.	Other Non-interest Bearing Liabilities	92
9.	Provisions	93
10.	Payables	93
11.	Equity	94
12.	Cash Flow Reconciliation	95
13.	Contingent Liabilities and Assets	95
14.	Executive Remuneration	96
15.	Remuneration of Auditors	96
16.	Average Staffing Levels	96
17.	Act of Grace Payments and Waivers and Defective Administration Scheme	96
18.	Financial Instruments	97
19.	Appropriations	99
20.	Reporting of Outcomes	101
21.	Special Accounts	102

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 1 - Summary of Significant Accounting Policies

1.1 Objective of the Tribunal

The objective and sole outcome of the Tribunal is to provide independent merits review 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.

1.2 Basis of Accounting

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

The statements have been prepared in accordance with:

- Finance Minister's Orders (or FMOs, being the *Financial Management and Accountability (Financial Statements for reporting periods ending on or after 30 June 2004) Orders*);
- Australian Accounting Standards and Accounting Interpretations issued by the Australian Accounting Standards Board; and
- Consensus Views of the Urgent Issues Group.

The Statements of Financial Performance and Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Statement of Financial Position when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities

can be reliably measured. However, assets and liabilities arising under agreements equally proportionately unperformed are not recognised unless required by an Accounting Standard. Liabilities and assets which are unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies.

Revenues and expenses are recognised in the Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

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 for the Tribunal's administration and programs.

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

1.3 Changes in Accounting Policy

The accounting policies used in the preparation of these financial statements are consistent with those used in 2002-03, except that all Tribunal assets have been revalued at fair value as explained in Note 1.12. Revaluations up to now were done on a 'deprival' basis. The revaluation decrements in the transition to fair value that would otherwise be accounted for as revenue or expenses have been taken directly to accumulated results in accordance with transitional provisions of AASB 1041 Revaluation of Non-current Assets.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

1.4 Revenue

The revenues described in this Note are revenues relating to the core operating activities of the Tribunal.

(a) Revenues from Government

Amounts appropriated for Departmental outputs appropriations for the year (less any current year savings and reductions) are recognised as revenue.

(b) Resources received free of charge

Services received free of charge are recognised as revenue 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 at their fair value when the asset qualifies for recognition, unless received from another government agency as a consequence of a restructuring of administrative arrangements (refer Note 1.5).

(c) Other revenue

Revenue from the sale of goods is recognised upon the delivery of goods to customers.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

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

Tribunal revenue from the rendering of a service is recognised by reference to the stage of completion of contracts or other agreements to provide services to Australian Government bodies.

The stage of completion is determined according to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

1.5 Transactions by the Government as Owner

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any savings offered up in Portfolio additional Estimates Statements) 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. In 2002-03 the Tribunal was required to repay \$525,000, which had been identified as excess interest earned under the Agency Banking Incentive Scheme. This payment was made in June 2003 and debited to retained earnings.

1.6 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 wages and salaries (including non-monetary benefits), annual leave, sick leave are measured at their nominal amounts. Other employee benefits expected to be settled within 12 months of the reporting date are also measured at their nominal amounts.

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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

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

Leave

The liability for employee entitlements 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 the service rather than paid out on termination.

The liability for annual leave reflects the value of total annual leave entitlements of all employees at 30 June 2004 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.

The non-current portion of the liability for long service leave is recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 2004. In determining the present value of the liability, the Tribunal has taken into account attrition rates and pay increases through promotion and inflation.

Separation and redundancy

Provision is also made for separation and redundancy benefit payments in circumstances where the Tribunal has formally identified positions as excess to requirements and a reliable estimate of the amount of the payments can be determined.

Superannuation

Most members and staff of the Tribunal are members of the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme. The liability for their superannuation benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course.

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

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

1.7 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 benefits incidental to ownership of leased non-current assets. In operating leases, the lessor retains substantially all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is capitalised at the present value of minimum lease payments at the inception of the lease and a liability recognised for the same amount. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Operating lease payments are expensed on a basis which is representative of the pattern of benefits derived from the leased assets. The net present value of future net outlays in respect of surplus space under non-cancellable lease agreements is expensed in the period in which the space becomes surplus.

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

1.8 Borrowing Costs

All borrowing costs are expensed as incurred except to the extent that they are directly attributable to qualifying assets, in which case they are capitalised. The amount capitalised in a reporting period does not exceed the amounts of costs incurred in that period.

1.9 Cash

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

1.10 Other Financial Instruments

Trade Creditors

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

Contingent Liabilities and Contingent Assets

Contingent liabilities (assets) are not recognised in the Statement of Financial Position but are discussed in the related schedules and notes. They may arise from uncertainty as to the existence of a liability (asset), or represent an existing liability (asset) in respect of which settlement is not probable or the amount cannot be reliably measured. Remote contingencies are part of the disclosure. Where settlement becomes probable, a liability (asset) is recognised.

A liability (asset) is recognised when its existence is confirmed by a future event, settlement becomes probable or reliable measurement becomes possible.

1.11 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. The Tribunal does not own any land and buildings.

Assets acquired at no cost or for nominal consideration are initially recognised as assets and revenues at their fair value at the date of acquisition unless acquired as a consequence of restructuring administrative arrangements. In the latter case, the 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.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

<i>Asset class</i>	<i>Fair value measured at:</i>	<i>Deprival value measured at:</i>
Leasehold improvements	Depreciated replacement cost	Depreciated replacement cost
Plant and equipment	Market selling price	Depreciated replacement cost

1.12 Property, Plant and Equipment

Asset recognition threshold

Purchases of property, plant and equipment are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than \$2000, 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).

Revaluations

Basis

All assets are carried at valuation. Revaluations undertaken up to 30 June 2003 were done on a deprival basis over a three year cycle. All assets were revalued in 2003-04 on a fair value basis. This change in accounting policy is required by Australian Accounting Standard AASB 1041 Revaluation of Non-Current Assets. Valuations undertaken in any year are as at year's end.

Fair and deprival values for each class of asset are determined as shown above.

Under both deprival and fair value, assets which are surplus to requirements are measured at their net realisable value. The Tribunal has no assets of this nature.

The financial effect of this change in policy relates to those assets recognised at fair value for the first time in the current period where the measurement basis for fair value is different to that previously used for deprival value. The financial effect of the change is given by the difference between the fair

values obtained for these assets in the current period and the deprival-based values recognised at the end of the previous period. The financial effect by class is as follows:

Asset class	Increment / (decrement) to asset class	Contra Account
Leasehold	\$124,636	Accumulated Results
Plant and equipment	(\$476,324)	Accumulated Results

Total financial effect was to decrease the carrying amount of PP&E by \$351,688 and decrease accumulated results by \$351,688.

Frequency

The Tribunal's policy has been to revalue Plant and Equipment at deprival value progressively over a three-year cycle. Plant and equipment (P&E) assets are revalued by type of asset. With the move to recording assets at fair value, a full revaluation of all assets was undertaken in 2003-04 and these valuation figures will be reviewed yearly with a full revaluation every three years.

Conduct

The valuation of all significant item, including yearly reviews, will be completed by an independent qualified valuer.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Depreciation and amortisation

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

Depreciation/amortisation rates (useful lives) and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate. Residual values are re-estimated for a change in prices only when assets are revalued.

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

	2004	2003
Lease period improvements (fitout)	Lease period	Lease period
Plant and equipment	3-10 years	3-10 years
Library	20 years	20 years
Intangibles (software)	3-5 years	3-5 years

The aggregate amount of depreciation for each class of asset during the reporting period is disclosed in Note 7.

1.13 Impairment of Non-Current Assets

Non-current assets carried at up to date value at the reporting date are not subject to impairment. All assets excluding intangibles have been revalued using the fair value method.

1.14 Intangibles

Intangible assets are held at cost and amortised on a straight-line basis over their anticipated useful lives.

1.15 Inventories

Inventories held for resale are valued at the lower of cost and net realisable value.

Inventories not held for resale are valued at cost, unless they are no longer required, in which case they are valued at net realisable value.

1.16 Taxation

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

Revenues, expenses and assets are recognised net of GST:

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

1.17 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.

1.18 Insurance

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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

1.19 Reporting of Administered Activities

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

Administered items are accounted for on the same basis and using the same policies as for Tribunal items.

1.20 Comparative Figures

Comparative figures have been adjusted to conform with changes in presentation in these financial statements where required.

1.21 Rounding

Amounts have been rounded to the nearest \$1,000 except in relation to the following items:

- act of grace payments and waivers;
- remuneration of executives;
- remuneration of auditors; and
- appropriations note disclosures.

NOTE 2 – Adoption of AASB Equivalents to International Financial Reporting Standards from 2005-06

The Australian Accounting Standards Board has issued replacement Australian Accounting Standards to apply from 2005-06. The new standards are the AASB Equivalents to International Financial Reporting Standards (IFRSs) which are issued by the International Accounting Standards Board. The new standards cannot be adopted early. The standards being replaced are to be withdrawn with effect from 2005-06, but continue to apply in the meantime.

It is expected that the Finance Minister will continue to require compliance with the Accounting Standards issued by the AASB, including the AASB Equivalents to IFRSs, in his Orders for the Preparation of Agency financial statements for 2005-06 and beyond. The AASB Equivalents contain certain additional provisions which will apply to not-for-profit entities, including Australian Government agencies. Some of these provisions are in conflict with the IFRSs and therefore the Tribunal will only be able to assert compliance with the AASB Equivalents to the IFRSs.

Existing AASB standards that have no IFRS equivalent will continue to apply, including in particular AAS 29 Financial Reporting by Government Departments.

Accounting Standard AASB 104X Disclosing the impact of Adopting Australian Equivalents to IFRSs requires that the financial statements for 2003-04 disclose:

- an explanation of how the transition to the AASB Equivalents is being managed, and
- a narrative explanation of the key differences in accounting policies arising from the transition.

The purpose of this Note is to make these disclosures.

Management of the transition to AASB Equivalents to IFRSs

The Tribunal has taken the following steps for the preparation towards the implementation of AASB Equivalents:

- The Audit Committee is tasked with oversight of the transition to and implementation of the AASB Equivalents to IFRSs. The Chief Finance Officer is formally responsible for the project and reports regularly to the Audit Committee on progress.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

- The Tribunal will use the ANAO's publication "Comparison between Pre-2005 Australian Standards & Australian Equivalents to the International Financial reporting Standards" to identify all major accounting policy differences between current AASB standards and the AASB Equivalents to IFRSs progressively to 30 June 2004.
- The identification and implementation of systems changes necessary to be able to report under the AASB Equivalents, including those necessary to enable capture of data under both sets of rules for 2004-05.
- The preparation of a transitional balance sheet as at 1 July 2004, under AASB Equivalents prior to preparation of the 2004-05 statements.
- The preparation of an AASB Equivalent balance sheet at the same time as the 30 June 2005 statements are prepared.
- The Tribunal will meet the reporting deadlines set by Finance for 2005-06 balance sheet under AASB Equivalent Standards.

To date, most major accounting and disclosure differences and system changes have been identified and any changes required are expected to be implemented by 31 December 2004.

Major changes in accounting policy

Changes in accounting policies under AASB Equivalents are applied retrospectively i.e. as if the new policy had always applied. This rule means that a balance sheet prepared under the AASB Equivalents must be made as at 1 July 2004, except as permitted in particular circumstances by *AASB 1 First-time Adoption of Australian Equivalents to International Financial Reporting Standards*. This will enable the 2005-06 financial statements to report comparatives under the AASB Equivalents also.

Intangible Assets

The Tribunal has no internally developed software. All other software is valued at cost.

Key differences in accounting policies

The changes to accounting policies in 2005-06 would appear to be limited as the Tribunal is a small 'not for profit' agency. As the policies have not been finalised at this time the Tribunal will monitor advice issued by the Department of Finance and Administration as well as guidance supplied by the ANAO to ensure that all accounting policy changes are identified and implemented as required.

Managing the transition

The Chief Finance Officer in consultation with the Audit Committee will manage the transition to the new guidelines. The Tribunal is a small agency and transition should not have a large impact on the reporting requirements. The Tribunal has moved to value all assets at fair value as at 30 June 2004 in preparation for the transition. Other changes will be identified prior to December 2004 and reporting and systems put in place prior to 30 June 2005 to allow preparation of the 2005-06 on the correct basis.

NOTE 3 – Events Occurring After Balance Date

There were no significant events occurring after the balance date.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 4 – Operating Revenues

Note 4A – Revenues from Government

	2004 \$'000	2003 \$'000
Appropriations for outputs	27,227	27,216
Resources received free of charge	34	32
Liabilities assumed by other departments	143	123
Total revenues from government	27,404	27,371

Note 4B – Sales of Goods and Services

Services	802	684
Total sales of goods and services	802	684
Provision of services to:		
Related entities	542	430
External entities	260	254
Total tendering of services	802	684

Note 4C – Interest

Interest on deposits	-	113
----------------------	---	-----

NOTE 5 – Operating Expenses

Note 5A - Employee Expenses

	2004 \$'000	2003 \$'000
Wages and salary	12,232	11,864
Superannuation	2,149	1,191
Leave and other entitlements	598	582
Separation and redundancy	-	88
Other employee expenses	422	437
Total employee benefits expense	15,401	14,162
Workers compensation premiums	83	32
Total employee expenses	15,484	14,194

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Note 5B - Supplier Expenses

	2004 \$'000	2003 \$'000
Goods from related entities	-	-
Goods from external entities	311	299
Services from related entities	619	557
Services from external entities	5,334	4,766
Operating lease rentals ¹	5,365	5,183
Total supplier expenses	11,629	10,805

¹These comprise minimum lease payments only.

Note 5C - Depreciation and Amortisation

Depreciation of property, plant and equipment	713	976
Amortisation of leased assets	107	107
Amortisation of intangibles - software	192	202
Total depreciation and amortisation	1,012	1,285

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

Leasehold improvements	503	548
Plant and equipment	317	535
Intangibles	192	202
Total depreciation and amortisation	1,012	1,285

No depreciation was allocated to the carrying amounts of other assets.

Note 5D – Net loss from Sales of Assets

Infrastructure, plant and equipment		
Proceeds from disposal	-	-
Net book value of assets disposed	-	-
Write-offs	29	-
Total net loss on disposal of assets	29	-

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 6 - Financial Assets

Note 6A - Cash

	2004 \$'000	2003 \$'000
Cash on hand		
Departmental	569	960
Total cash	569	960

Note 6B - Receivables

Goods and services	132	43
GST receivable	131	108
Appropriations receivable		
- undrawn	8,551	7,500
Total receivables (net)	8,814	7,651

All receivables are current assets.

Appropriations receivable undrawn are appropriations controlled by the Tribunal but held in the Official Public Account under the Government's just-in-time drawdown arrangements.

Receivables (gross) are aged as follows:

Not overdue	8,806	7,649
Overdue by:		
Less than 30 days	7	1
30 to 60 days	-	-
60 to 90 days	1	1
More than 90 days	-	-
	8	2
Total receivables (gross)	8,814	7,651

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 7 - Non-Financial Assets

	2004 \$'000	2003 \$'000
Note 7A - Leasehold Improvements		
Leasehold improvements - at 2002 valuation	-	5,430
Accumulated amortisation	-	(4,282)
	-	1,148
Leasehold improvements - at 2004 valuation (fair value)	765	-
Total leasehold improvements	765	1,148
Note 7B - Infrastructure, Plant and Equipment		
Plant and equipment - at cost	-	535
Accumulated depreciation	-	(34)
	-	501
Plant and equipment - at 2001 valuation (deprival)	-	1,637
Accumulated depreciation	-	(276)
	-	1,361
Plant and equipment - at 2002 valuation (deprival)	-	2,155
Accumulated depreciation	-	(1,779)
	-	376
Plant and equipment - at 2004 valuation (fair value)	1,700	-
Total infrastructure plant and equipment	1,700	2,238
<p>The revaluations were in accordance with the revaluation policy stated in Note 1.12. The revaluation decrements in the transition to fair value that would otherwise be accounted for as revenue or expenses have been taken directly to accumulated results in accordance with transitional provisions of AASB 1041 Revaluation of Non-current Assets. The revaluation decrement for the current year was \$351,688 (No revaluation in 2003).</p>		
Note 7C - Intangibles		
Computer software (at cost)	942	960
Accumulated depreciation	(748)	(574)
	194	386

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Note 7D - Analysis of Property, Plant, Equipment and Intangibles

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

Item	Buildings - Leasehold Improvements \$'000	Property, Plant and Equipment \$'000	Computer Software - Total Intangibles \$'000	TOTAL \$'000
As at 1 July 2003				
Gross book value	5,430	4,330	960	10,720
Accumulated depreciation/amortisation	(4,282)	(2,092)	(574)	(6,948)
Net Book Value	1,148	2,238	386	3,772
Additions				
by purchase	-	280	-	280
from acquisition of operations	-	-	-	-
Net revaluation increment/ (decrement)	124	(476)	-	(352)
Depreciation/amortisation expense	(503)	(317)	(192)	(1,012)
Recoverable amount write-downs	-	-	-	-
Write-off				
Value of assets written off	(45)	(1,446)	(18)	(1,509)
Accumulated depreciation	41	1,421	18	1,480
As at 30 June 2004				
Gross book value	765	1,700	942	3,407
Accumulated depreciation/amortisation	-	-	748	748
Net book value	765	1,700	194	2,659

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

TABLE B Assets at valuation

Item	Buildings - Leasehold Improvements \$'000	Property, Plant and Equipment \$'000	Computer Software - Total Intangibles \$'000	TOTAL \$'000
As at 30 June 2003				
Gross value	5,430	3,792	-	9,222
Accumulated Depreciation/ Amortisation	(4,282)	(2,055)	-	(6,337)
Net book value	1,148	1,737	-	2,885
As at 30 June 2004				
Gross value	765	1,700	-	2,465
Accumulated Depreciation/ Amortisation	-	-	-	-
Net book value	765	1,700	-	2,465

Note 7E – Other Non-Financial Assets

	2004 \$'000	2003 \$'000
Prepayments	<u>2,257</u>	<u>1,806</u>

All other non-financial assets are current assets.

NOTE 8 - Other Non-Interest Bearing Liabilities

Lease incentives	217	323
Total lease incentives	<u>217</u>	<u>323</u>
Current	106	106
Non-current	111	217

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 9 - Provisions

	2004 \$'000	2003 \$'000
NOTE 9A – Capital Use Charge Provision		
Capital use charge	-	-
Balance owing 1 July	-	74
Capital Use Charge provided for during the period	-	852
Capital Use Charge paid	-	(926)
Balance owing 30 June	-	-
NOTE 9B - Employee Provisions		
Salaries and wages	560	468
Leave	3,286	2,951
Superannuation	577	575
Aggregate employee benefit liability	4,423	3,994
Worker's compensation	22	22
Aggregate employee benefit liability and related on-costs	4,445	4,016
Current	1,529	1,229
Non-current	2,916	2,787
NOTE 10 - Payables		
Supplier payables		
Trade creditors	587	500
	587	500
Supplier payables are represented by:		
Current	587	500

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 11 - Equity

	Accumulated Results		Asset Revaluation Reserve		Contributed Equity		TOTAL EQUITY	
	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
Opening balance as at 1 July	7,217	6,710	-	-	2,133	2,133	9,350	8,843
Net surplus	52	1,884	-	-	-	-	52	1,884
Net revaluation increment/ (decrement)	-	-	-	-	-	-	-	-
Decrease in retained surpluses on application of transition provisions in accounting standard AASB 1041 <i>Revaluation of Non-Current Assets</i>	(352)	-	-	-	-	-	(352)	-
Transactions with owner:								
Distribution to owner:								
Returns on Capital								
Dividends	-	(525)	-	-	-	-	-	(525)
Capital use charge	-	(852)	-	-	-	-	-	(852)
Closing balance as at 30 June	6,917	7,217	-	-	2,133	2,133	9,050	9,350

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 12 - Cash Flow Reconciliation

	2004 \$'000	2003 \$'000
Reconciliation of cash per Statement of Financial Position to Statement of Cash Flows		
Cash at year end per Statement of Cash Flows	569	960
Statement of Financial Position items comprising above cash: 'Financial Assets-Cash'	569	960
Reconciliation of operating surplus to net cash from operating activities:		
Net surplus	52	1,884
Depreciation/amortisation	1,012	1,285
Loss on sale of assets	29	-
Net write-down of non-financial assets	0	-
Decrease/(Increase) in receivables	(1,163)	(7,444)
Decrease/(Increase) in prepayments	(451)	132
Increase/(Decrease) in employee provisions	429	267
Increase/(Decrease) in supplier payables	87	154
Increase/(Decrease) in other liabilities	(106)	(107)
Net cash from/(used by) operating activities	(111)	(3,829)

NOTE 13 - Contingent Liabilities and Assets

Quantifiable Contingencies

The Schedule of Contingencies reports a contingent liability as at 30 June 2004 in respect of lease restoration costs as valued by the Australian Valuation Office relating to our premises in Sydney (\$350,000) and Perth (\$160,000).

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 14 - Executive Remuneration

The number of executives who received or were due to receive total remuneration of \$100,000 or more are shown in the following bands:

	2004	2003
\$120,001 to \$130,000	1	2
\$380,001 to \$390,000	-	1
\$430,001 to \$440,000	1	-
The aggregate amount of total remuneration of executives shown above	\$556,327	\$633,527

Total remuneration includes salary, accrued leave, performance pay, accrued superannuation, the cost of motor vehicles, other allowances and fringe benefits tax.

NOTE 15 - Remuneration of Auditors

	2004	2003
	\$	\$
Financial statement audit services are provided free of charge to the Tribunal.	<u> </u>	<u> </u>
The fair value of the audit services provided was:	<u>34,000</u>	<u>32,000</u>
No other services were provided by the Auditor-General.		

NOTE 16 - Average Staffing Levels

	2004	2003
	\$	\$
The average full time equivalent staffing levels for the Tribunal during the year were:	<u> </u>	<u> </u>
	<u>159.6</u>	<u>154.5</u>

NOTE 17 - Act of Grace Payments and Waivers and Defective Administration Scheme

	2004	2003
	\$	\$
Act of grace payments	-	-
Defective administration	-	-
TOTAL	<u> </u>	<u> </u>

No waivers of amounts owing to the Australian Government were made pursuant to section 34(1) of the *Financial Management and Accountability Act 1997*.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 18 - Financial Instruments

Note 18A - Interest Rate Risk

Financial Instrument	Note	Floating Interest Rate		Non Interest-bearing		Total		Weighted Average Effective Interest Rate	
		2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 %	2003 %
Financial Assets									
Cash at bank	6A	-	960	569	-	569	960	n/a	1.15
Receivables for goods and services	6B	-	-	263	151	263	151	n/a	n/a
Appropriation receivable		-	-	8,551	7,500	8,551	7,500	n/a	n/a
Total		-	960	9,383	7,651	9,383	8,611		

Total Assets

14,299 14,189

Financial Liabilities									
Trade creditors	10	-	-	587	500	587	500	n/a	n/a
Lease incentives	8	-	-	217	323	217	323	n/a	n/a
Total		-	-	804	823	804	823		

Total Liabilities

5,249 4,839

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Note 18B - Net Fair Values of Financial Assets and Liabilities

		2004		2003		
		Total Carrying Amount	Aggregate Net Fair Value	Total Carrying Amount	Aggregate Net Fair Value	
Notes		\$'000	\$'000	\$'000	\$'000	
Departmental						
Financial Assets						
	Cash at bank	6A	569	569	960	960
	Receivables for goods and services (net)	6B	263	263	151	151
	Appropriations receivable	6B	8,551	8,551	7,500	7,500
	Total Financial Assets		9,383	9,383	8,611	8,611
Financial Liabilities (Recognised)						
	Lease incentives	8	217	217	323	323
	Trade creditors	10	587	587	500	500
	Total Financial Liabilities (Recognised)		804	804	823	823

Financial assets

The net fair value of cash and non interest-bearing monetary financial assets approximate their carrying amounts.

Financial liabilities

The net fair value of lease incentive liabilities are based on discounted cash flows using current interest rates for liabilities with similar risk profiles.

The net fair values for trade creditors are approximated by their carrying amounts.

Note 18C - 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 Statement of Financial Position.

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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

NOTE 19 - Appropriations

Note 19A – Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund (Appropriations) from Acts 1 and 3

Particulars	Administered Expenses Outcome 1	Departmental Outputs	Total
Year ended 30 June 2004	\$	\$	\$
Balance carried from previous year	-	8,459,408	8,459,408
Appropriation Act (No.1) 2003 -2004 – basic appropriation	-	27,227,000	27,227,000
Appropriation Act (No.3) 2003 -2004 – basic appropriation	-	-	-
Adjustments determined by the Finance Minister	-	-	-
Amounts from Advance to the Finance Minister	-	-	-
Amounts from Comcover receipts	-	-	-
Refunds credited (FMA s 30)	-	-	-
GST credits (FMA s 30A)	-	983,883	983,883
Annotations to 'net appropriations' (FMA s 31)	-	690,322	690,322
Transfer to/from other agencies (FMA s 32)	-	-	-
Administered appropriations lapsed	-	-	-
Available for payments	-	37,360,613	37,360,613
Payments made (GST inclusive)	-	28,240,999	28,240,999
Balance carried to next year	-	9,119,614	9,119,614
<i>Represented by:</i>	-	-	-
Cash at bank and on hand	-	568,614	568,614
Add: Appropriations not drawn from the OPA	-	8,551,000	8,551,000
Add: Receivables – Goods and Services – GST receivable from customers	-	11,956	11,956
Add: Return of contributed equity	-	-	-
Add: Receivables - Net GST receivable from the ATO	-	130,791	130,791
Less: Payable – Suppliers – GST portion	-	(142,747)	(142,747)
Total	-	9,119,614	9,119,614
<i>Reconciliation for Appropriation Acts (Nos.1 and 3)</i>			
Paid to the entity from the OPA	-	26,176,000	26,176,000
Add: Finance Minister reduction of Appropriations in current year	-	-	-
Add: Administered Appropriation lapsed in current year	-	-	-
Not drawn from the OPA	-	1,051,000	1,051,000
Total Appropriation Acts	-	27,227,000	27,227,000

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Particulars	Administered Expenses	Departmental Outputs	Total
	Outcome 1		
Year ended 30 June 2003	\$	\$	\$
Balance carried from previous year	-	6,782,785	6,782,785
Total annual appropriation – basic appropriation	-	27,216,000	27,216,000
Adjustments and annotations to appropriations	-	1,688,835	1,688,835
Transfer to/from other agencies (FMAA s 32)	-	-	-
Administered appropriations to be lapsed	-	-	-
Available for payments	-	35,687,620	35,687,620
Payments made during the year	-	27,228,212	27,228,212
Balance carried to next year	-	8,459,408	8,459,408
<i>Represented by:</i>			
Cash	-	959,408	959,408
Add: Appropriations not drawn from the OPA		7,500,000	7,500,000
Add: Receivables – Goods and Services – GST receivable from customers		5,250	5,250
Add: Return of contributed equity	-	-	-
Add: Receivables - Net GST receivable from the ATO	-	107,618	107,618
Less: Payable – Suppliers – GST portion	-	(112,868)	(112,868)
Total	-	8,459,408	8,459,408
<i>Reconciliation for Appropriation Acts (Nos. 1 and 3)</i>			
Paid to the entity from the OPA	-	19,716,000	19,716,000
Add: Finance Minister reduction of Appropriations in current year	-	-	-
Add: Administered Appropriation lapsed in current year	-	-	-
Not drawn from the OPA	-	7,500,000	7,500,000
Total Appropriation Acts	-	27,216,000	27,216,000

Note 19B - Appropriation Acts (No. 2/4) 2003-04

There were no Appropriations pursuant to Appropriation Acts (No.2/4) in the 2003-04 year.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Note 20 – Reporting of Outcomes

The Tribunal has only one outcome.

Note 20A – Net Cost of Outcome Delivery

	Total	
	2004 \$'000	2003 \$'000
Administered expenses	-	-
Departmental expenses	28,154	26,284
Total expenses	28,154	26,284
<i>Costs recovered from provision of goods and services to the non-government sector</i>		
Administered	-	-
Departmental	260	254
Total costs recovered	260	254
<i>Other external revenues</i>		
Administered		
Filing fees	(55)	(417)
Total Administered	(55)	(417)
Departmental		
Interest on cash deposits	-	113
Goods and Services Revenue from Related Entities	542	430
Total Departmental	542	543
Total other external revenues	487	126
Net Cost (contribution) of outcome	28,206	25,904

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

The Tribunal has only one output group.

	Total	
	2004 \$'000	2003 \$'000
Departmental expenses		
Employees	15,484	14,194
Suppliers	11,629	10,805
Depreciation and amortisation	1,012	1,285
Other	29	-
Total departmental expenses	28,154	26,284
Funded by:		
Revenues from government	27,404	27,371
Sale of goods and services	802	684
Other non-taxation revenue	-	113
Total departmental revenues	28,206	28,168

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2004

Note 20C - Major Classes of Administered Revenues and Expenses by Output Group.

The Tribunal has only one output group.

	Total Outcome 1	
	2004 \$'000	2003 \$'000
Administered revenues		
Fees & fines	-	-
Total Administered revenues	-	-
Administered expenses		
Refund of fees and fines	55	417
Total Administered expenses	55	417

Note 21 – Special Accounts

The Tribunal has two Special Accounts neither of which has been used in 2003/04. The details of these accounts are listed below:

Title	Purpose	Classification	Opening Balance	Closing Balance
Other Trust Moneys	S20 FMA Act	Departmental	-	-
Services for other Governments and Non-Agency Bodies	S20 FMA Act	Departmental	-	-



Appendices

104 Appendix 1: Members of the Tribunal

123 Appendix 2: Staff of the Tribunal

**124 Appendix 3: Statistics for the year
ending 30 June 2004**

137 Appendix 4: Tribunal application fees

139 Appendix 5: Changes to the Tribunal's jurisdiction

142 Appendix 6: Decisions of interest

151 Appendix 7: Freedom of information

Appendices

Appendix 1: Members of the Tribunal

Tribunal members as at 30 June 2004

President The Honourable Justice Garry Downes, AM

New South Wales

Presidential members

Federal Court The Honourable Justice Beaumont
The Honourable Justice Hill

Family Court The Honourable Justice Rowlands, AO, RFD

Deputy Presidents Deputy President RNJ Purvis, QC
Deputy President J Block
Deputy President RP Handley

Non-presidential members

Senior Members Senior Member MD Allen (G,V,T,S)
Senior Member G Ettinger (G,V,T)
Senior Member SM Bullock (G,V)
Senior Member PJ Lindsay (G,V,T)

Members Ms NP Bell (G,V)
Dr JD Campbell (G,V)
Mr MA Griffin (G,V)
Rear Admiral AR Horton, AO, RAN (Rtd) (G,V)
Ms N Isenberg (G)
Professor GAR Johnston AM (G,V)
Mr A Limbury (G,V)
Dr PD Lynch (G,V)
Ms JA Shead (G,T)
Professor TM Sourdin (G,V)
Dr MEC Thorpe (G,V)
Mr S Webb (G,V)

Victoria

Presidential members

Federal Court	The Honourable Justice Gray
Deputy Presidents	Deputy President SA Forgie Deputy President GL McDonald

Non-presidential members

Senior Members	Senior Member JR Dwyer (G,V,T,S) Senior Member JR Handley (G,V,T) Senior Member BH Pascoe (G,V,T)
Members	Brigadier C Ermert (G,V) Mr E Fice (G,V) Dr PD Fricker (G,V) Mr GD Friedman (G,V,S) Associate Professor JH Maynard (G,V) Mr WG McLean (G,V,T) Miss EA Shanahan (G,V)

Queensland

Presidential members

Federal Court	The Honourable Justice Spender
Family Court	The Honourable Justice Barry
Deputy President	Deputy President DW Muller

Non-presidential members

Senior Members	Senior Member KL Beddoe (G,V,T,S) Senior Member BJ McCabe (G,V,T)
Members	Ms MJ Carstairs (G,V) Dr EK Christie (G,V,T) Ms J Cowdroy (G) Dr KP Kennedy OBE (G,V) Mr RG Kenny (G,V) Associate Professor JB Morley, RFD (G,V) Mr O Rinaudo (G,V) Major General JN Stein, AO (Rtd) (G,V) Mr IR Way (G,V,T)

South Australia**Presidential members**

Deputy President Deputy President DG Jarvis

Non-presidential members

Senior Members Senior Member WJF Purcell (G,V,T)

Members Dr ET Eriksen (G,V)

Mr DJ Trowse (G,V,T)

Western Australia**Presidential members**

Federal Court The Honourable Justice French

The Honourable Justice Nicholson

Deputy President Deputy President SD Hotop

Non-presidential members

Members Mr MJ Allen (G,V,T)

Associate Professor GA Barton (G,T)

Brigadier RDF Lloyd, OBE, MC, RL (G,V)

Ms L Savage Davis (G)

Dr PA Staer (G,V)

Dr HAD Weerasooriya (G,V)

Tasmania**Presidential members**

Deputy Presidents Deputy President SP Estcourt, QC

Deputy President CR Wright, QC

Non-presidential members

Senior Member Miss MA Imlach (G,V,T)

Members Ms AF Cunningham (G,V,T)

Associate Professor BW Davis, AM (G,V)

Australian Capital Territory**Non-presidential members**

Members Air Marshal IB Gration, AO, AFC, RAAF (Rtd) (G,V)

Dr MD Miller, AO (G,V)

Mr GA Mowbray (G,V,T,S)

Additional Information

1. Presidential members and Senior Members are listed according to their date of appointment, whilst Members are listed alphabetically.
2. Presidential members may exercise powers of the Tribunal in all of the Tribunal's divisions, while Senior Members and Members may exercise powers of the Tribunal only in the divisions to which they have been assigned. The divisions to which Senior Members and Members have been assigned are indicated as follows:
 - G General Administrative Division
 - V Veterans' Appeals Division
 - T Taxation Appeals Division
 - S Security Appeals Division.
3. Deputy President G McDonald is currently on leave of absence from the Tribunal.
4. New appointments during the year to 30 June 2004 were:
 - Deputy President DG Jarvis
(appointed Deputy President on 1 July 2003)
 - Ms MA Imlach
(appointed Senior Member on 30 July 2003)
 - Mr BJ McCabe (appointed Senior Member on 6 November 2003, previously Member).

5. Retirements during the year to 30 June 2004 were:
 - The Honourable Justice von Doussa (retired from the Federal Court of Australia)
 - Mr MJ Sassella, Senior Member (June 2004)
 - Mr JD Horrigan, Member (September 2003).
6. Ms Catherine Prime, Member, died in February 2004.
7. The following members ceased to be members of the Tribunal after 30 June 2004:
 - Mr SP Estcourt, QC, Deputy President
 - Ms SM Bullock, Senior Member
 - Ms J Cowdroy, Member
 - Mr A Limbury, Member
 - Mr WG McLean, Member
 - Mr O Rinaudo, Member
 - Ms JA Shead, Member.

Member profiles

The Honourable Justice Garry Downes, AM, BA, LLB, FCIArb

President

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

MD Allen, RFD, Barrister-at-law

Full-time Senior Member, NSW

After admission in 1968, Mr 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.

Murray Allen, LLB, MBA

Part-time Member, WA

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

Associate Professor Glenton Barton, BA, LLB, LLM (SA), LLM (Harvard)

Part-time Member, WA

Glen Barton is an Associate Professor in the Law School of the University of Western Australia, where he lectures in the areas of revenue and corporations law at undergraduate and postgraduate levels. He is Deputy Convenor of the Taxation Committee and a past member of the Education Committee of the Law Society of Western Australia. He is a former Director and Chairman of the National Education Committee of the Taxation Institute of Australia and is presently a Fellow and State Councillor in the WA Division of the Institute. Prior to his appointment to the AAT he was a tax consultant to the Perth legal firm, Jackson McDonald.

Keith Beddoe, LLB, ACIS, CPA

Part-time Senior Member, Qld

Keith Beddoe has been a Senior Member of the AAT since 1986. He was also a part-time Senior Member of the ACT AAT from 1991 until 1995. From 1985 to 1986 he was Chairman of the Taxation Board of Review No. 3. Previously he held positions as First Assistant Commissioner of Taxation and Senior Assistant Commissioner of Taxation from 1980 to 1985.

Narelle Bell, BA, LLB

Full-time Member, NSW

Narelle Bell was appointed to the AAT as a full-time Member in 2001. She is a former legal member of the Social Security Appeals Tribunal (1994–2001), judicial member/mediator with the Administrative Decisions Tribunal of NSW (1994–2001), consultant reviewer with the Office of the NSW Commissioner for Legal Services (1995–2001), member of the Professional Standards Council of NSW and WA and legal policy consultant. She also worked as a corporate counsel and legal adviser (part-time) for the 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 NSW Attorney-General's Department and, prior to this, as a solicitor at the Anti-Discrimination Board (1986–88) and the Redfern Legal Centre (1983–86) and for a private law firm (1982–83).

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 was a part-time Judicial Member of the NSW Administrative Decisions Tribunal and consultant to Investec Bank. He was also part-time consultant to Morgan Lexis Alter solicitors. 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.

Suellen Bullock, BSocStud

Full-time Senior Member, NSW

Suellen Bullock has been a Member of the AAT since 1995, initially as a part-time Member and then as a full-time Senior Member since September 2000. She has also been a part-time Senior Member of the Veterans' Review Board and part-time Member of the New South Wales Administrative Decisions Tribunal in the Equal Opportunity Division. Ms Bullock was the Executive Officer of the New South Wales Ombudsman's Office and, prior to that, an investigation officer with the Ombudsman's Office. Ms Bullock was a senior social worker at the Queensland Legal Aid Office and the first social worker at the New South Wales Legal Aid Commission. She has been a statutory appointee of the Legal Aid Review Committee of the New South Wales Legal Aid Commission and a member of the Ethics Committee of the Australian Association of Social Workers.

Dr John Campbell, MBBS, DTM&H, MHA, LLB, LLM, FRACMA, FAICD, FAIM

Part-time Member, NSW

John Campbell has been a part-time Member of the AAT since 1991. John Campbell served in the 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.

Margaret Carstairs, BA (Hons), LLB

Full-time Member, Qld

Margaret Carstairs has been a Member of the AAT since 2001. Prior to her appointment to the Tribunal, she headed the Social Security Appeals Tribunal (SSAT) in 2000–01. She was Senior Member of the SSAT in Brisbane for four years from 1996. She has extensive experience in administrative law within Australian government departments. She was Coordinator of the Welfare Rights Centre in Brisbane from 1994–95. She has lectured in public administration at the University of New England and has published in this area. During 2003, with Deputy President Stephanie Forgie, she updated the chapter 'Appearing before the Administrative Appeals Tribunal' in the *Lawyers Practice Manual* (Queensland).

Associate Professor 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 and, 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 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 Master's level students. He was awarded a Centenary Medal in 2003 for long and distinguished services to the law and education.

Julie Cowdroy, LLB, GDLP

Part-time Member, Qld

Since 2001, Julie Cowdroy has worked as a part-time Member of the AAT. From 1993 to 1996, she was Deputy President of the Guardianship Board and she is currently a Member of the Guardianship and Administration Tribunal. Since 1998, she has been a Senior Member of the Veterans' Review Board. Between 2000 and 2002, she was an official visitor to Woodford. From 1993 to 1994, she was a Member of the Residential Tenancies Tribunal. From 1991 until 1996, she worked as a Legal Member of the Social Security Appeals Tribunal in Adelaide. From 1991 until 2002, she lectured part-time in law, including criminal law, evidence, advocacy and business law.

Ann Cunningham, LLB (Hons)

Part-time Member, Tas

Ann Cunningham was appointed a part-time Member of the AAT in 1995. She also currently works part-time as a legal practitioner, and is a Presiding Member of the Resource Management Planning Appeals Tribunal and Deputy President of the Mental Health Tribunal. She is Chairman of the Board of the Public Trustee and a complaints commissioner with the University of Tasmania. Ann is an accredited mediator and arbitrator and has worked as a mediator for the Supreme Court of Tasmania and the Magistrates Court. Between 1984 and 1999, she was a Deputy Registrar of the Family Court of Australia.

**Associate Professor Bruce Davis, AM,
DipStrEng, DipPubAdmin, BEc (Hons), PhD**

Part-time Member, Tas

Bruce Davis has been a part-time Member of the AAT since 1992. He has served in a range of roles at the University of Tasmania, including as Dean of the Faculty of Arts, as a member of the University Council and member of the University Finance Committee, and as Executive Member, Board of Environmental Studies. He was Chair of the National Parks and Wildlife Advisory Council, a Commissioner of the Resource, Planning and Development Commission and a Member of the Board of Environmental Management and Pollution Control in Tasmania. He has recently retired from the post of Deputy Director of the Institute of Antarctic and Southern Ocean Studies. He is a former civil engineer and Head of the Department of Political Science, University of Tasmania.

Joan Dwyer, BA, LLB

Full-time Senior Member, Vic

Joan Dwyer has been a Senior Member of the AAT since 1984. Prior to appointment to the Tribunal, she practised as a solicitor in Melbourne and in London, and as a barrister at the Victorian Bar. She had also been a member of the Social Security Appeals Tribunal, and from 1981 to 1984 was Chairman of the Equal Opportunity Board of Victoria. She has published a number of papers advocating the Tribunal's use of inquisitorial or investigative procedures. She has published papers on the issue of access to justice for people with disabilities. She has completed Bond University and Harvard Law School mediation workshops in Australia. She was accredited as a mediator in 1993.

Dr Erik Eriksen, MBBS, FRCS, FRACS

Part-time Member, SA

Dr Erik Eriksen was appointed as a part-time member of the AAT in October 2002. From 1977 until 1998, he was a medical consultant and consultant surgeon at the Ashford Hospital. In 1976, he was a visiting specialist in Accident and Emergency at the Royal Adelaide Hospital. He spent 1973 in Tanzania as a consultant and orthopaedic surgeon at Williamson Diamond Mine. He had prior experience in the speciality of neurosurgery in the United Kingdom and the United States of America between 1967 and 1971. He is currently involved in rehabilitative orthopaedic medicine as a rehabilitation consultant.

Conrad Ermert, MSc, FIEAust, CPEng

Part-time Member, Vic

Conrad Ermert has been a part-time Member of the Tribunal 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 and a past Chairman of the Victoria Division, Institution of Engineers, Australia.

Stephen Estcourt, QC, LLB (Hons)

Part-time Deputy President, Tas

Stephen Estcourt has been a part-time Deputy President of the AAT in Tasmania since February 2001. He was admitted as a legal practitioner in 1976 and has practised at the Tasmanian Independent Bar since 1995. He was appointed a Queen's Counsel in 1998. From 1990 until 1994, he served as a magistrate based in Hobart, and prior to that he was in private legal practice.

Geri Ettinger, BA (Economics), LLB

Part-time Senior Member, NSW

Geri Ettinger was first appointed to the Tribunal in June 1991. She has worked 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, for many years until mid-2002, she was a Board Member of St George Bank. She holds appointments as a part-time Member of the Consumer Trader and Tenancy Tribunal and a Member of the Medical Tribunal, chairs Professional Standards Committees of the New South Wales Medical Board and is an Arbitrator of the New South Wales Workers' Compensation Commission. She first trained as a mediator 16 years ago and has been mediating and conciliating in commercial matters, equity, personal injury, workplace disputes, medical negligence and other areas since then. She is a member of various committees and advisory bodies.

Egon Fice, BB, LLB (Hons), LLM

Part-time Member, Vic

Egon Fice was appointed to the AAT in 2003. He is a partner in Charles Fice, Solicitors. From 1995 to 1998, he was a partner, specialising in litigation, in Phillips Fox. From 1990 to 1995, he worked in insolvency and commercial litigation law. From 1967 to 1980, he was a pilot in the Royal Australian Air Force. Subsequently he was a pilot for eight years with Associated Airlines (BHP and CRA Corporate Airline).

Stephanie Forgie, LLB (Hons)

Full-time Deputy President, Vic

Stephanie Forgie has been a Deputy President with the Tribunal since 1988. Prior to her appointment, she had been 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 had also worked in various positions in the Attorney-

General's Department in Canberra on matters such as the policy development and implementation of various legislation including the *Freedom of Information Act 1982* and the *Insurance Contracts Act 1984*, and policy issues relating to international trade law and private international law. In those positions, she 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 Tribunal, she 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.

In December 2003, Deputy President Forgie was a member of a group of Australian judges and barristers who presented an Intensive Trial Advocacy Course in Bangladesh. The course was presented in conjunction with the Bangladesh Bar Council and under the auspices of the Australian Bar Association. In May 2004, she presented a paper entitled 'A Practical Guide to Navigating the Pitfalls' to the 5th National Bankruptcy Congress organised by the Insolvency and Trustee Service Australia.

Dr Patricia Fricker, MBBS

Part-time Member, Vic

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

Graham Friedman, BEc, LLB, GradDipAdmin

Full-time Member, Vic

Graham Friedman has been a member of the AAT since July 2001. 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, he practised at the Victorian Bar (1988 to 1993). He represented the Department of Human Services (Victoria) as Prosecutor, Child Protection, from 1993 to 1999. He was Chairman, Grievance Review Tribunal, Victorian Department of Conservation and Natural Resources from 1994 to 1996. He has previous experience in Administrative Law with the Australian Government Attorney-General's Department.

Air Marshal IB Gration, AO, AFC, BCom, GAICD, RAAF (Rtd)

Part-time Member, ACT

Air Marshal Gration served as a pilot in the RAAF for almost 42 years, rising to be Chief of Air Staff 1992–94. Apart from flying, his specialty appointments were in command, operations, representation and personnel. He joined the Tribunal in 1996 and has developed expertise mainly in compensation and, to a lesser degree, aviation. His strengths are familiarity with human relations and the Australian Public Service, together with an enthusiasm for the discipline of legal argument. He currently acts mostly in the conciliation role.

Michael Griffin, LLB, LLM

Part-time Member, NSW

Michael Griffin has been a member of the AAT since July 2001. He is a solicitor in private practice. He was previously a Senior Member of the Migration Review Tribunal and a member of the Refugee Review Tribunal. He is currently a member of the International Association of Refugee Law Judges and a member of the Law Society of NSW Administrative and Immigration Law Committee. Michael is a Judge Advocate/Defence Force Magistrate and a Colonel in the Army Reserve.

John Handley

Full-time Senior Member, Vic

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



Robin Handley, LLB, LLM

Full-time Deputy President, NSW

Robin Handley is admitted as a solicitor in the United Kingdom and as a legal practitioner in the ACT and NSW. He has been a member of the AAT for six and a half years, including two years as a part-time member, and formerly served for nine years as a part-time Legal Member of the Social Security Appeals Tribunal. He has 25 years experience as an academic lawyer with a particular interest in administrative law and human rights. He taught for many years at the University of Wollongong, serving as Dean there for two years from October 1999. In May 2004, Deputy President Handley presented a paper entitled 'Issues in Administrative Law from an AAT Perspective' to the External/Administrative Review Conference hosted by the Australian Public Service Commission.

John Horrigan, FAPI, FREI

Part-time Member, Qld

John Horrigan was a part-time Member of the Tribunal from 1981 to September 2003 and served in the General, Taxation and Veterans' Affairs Divisions. He is a Registered Valuer whose skills in this area were particularly relevant to the Tribunal in matters involving the valuation of real and other property. His general commercial experience was also relevant to a wide range of matters which come to the Tribunal. He is currently Chairman of Directors of John Horrigan and Associates and has been Chairman of the Queensland Valuers' Registration Board since 1992.

**Rear Admiral Anthony Horton,
AO, BA, RAN (Rtd)**

Part-time Member, NSW

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

Stanley Hotop, BA, LLB, LLM

Part-time Deputy President, WA

Stan Hotop has been a part-time member of the AAT since 1991 and a part-time Deputy President since 27 March 2002 (although he previously acted in the latter capacity in 2000 and 2001). He has also been an Associate Professor of Law at the University of Western Australia since 1989. 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 has been teaching administrative law in university law schools since 1971, first at the University of Sydney (1971–88), and, since 1989, at the University of Western Australia, and he is the author of textbooks in the area of administrative law.

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 Ms Imlach became a consultant to the new firm, Ogilvie Jennings. Prior to 1984, Ms Imlach worked for the firm of 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 member of the Winston Churchill Trust, Tasmania, and the Hobart Benevolent Society, and as Chairperson of the Calvary Hospital Ethics Committee.

Naida Isenberg, LLB

Part-time Member, NSW

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

Deane Jarvis, LLB (Hons), FAICD

Full-time Deputy President, SA

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

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.

Dr Kevin Kennedy, OBE, MBBS, FRACP

Part-time Member, Qld

Kevin has been a member of the AAT since 1991. He is a specialist thoracic physician. Prior to 1991, Kevin had been Medical Superintendent of the Prince Charles Hospital in Brisbane for a period of 18 years, and during that time served on a number of hospital and health department committees. Subsequent to his retirement from the position of medical superintendent, Kevin has continued to work as a part-time thoracic physician at the Prince Charles Hospital.

Robert Kenny, BA, LLB (Hons), LLM

Part-time Member, Qld

Mr Kenny has been a part-time legal 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. He also continued to practise as a barrister from 1978 until 1989. He was a teacher with the Queensland Education Department from 1964 until 1974.

Alan Limbury, BA, MA

Part-time Member, NSW

Alan Limbury was appointed to the AAT in July 2001. He had previously been a sole practitioner since 1997. In this capacity, he specialised in trade practices and intellectual property matters. He was also the Managing Director of Strategic Resolution, which is an alternative dispute resolution provider. Mr Limbury has worked essentially full-time as a mediator since 1996 in Australia, New Zealand and the United Kingdom. He is the current Chairperson of the Complaints Resolution Panel established under the Therapeutic Goods Regulations and Deputy Chairperson of the National Electricity Tribunal. Mr Limbury was a member of the Attorney-General's consultative group on Australia–New Zealand business law harmonisation and its subcommittee on anti-dumping and trans-Tasman competition law from 1989 to 1991.

Philip Lindsay, MCom, LLB, BA

Full-time Senior Member, NSW

Philip Lindsay has broad experience in legal, commercial and taxation issues as a solicitor and taxation consultant in private practice, as well as in the public sector. Mr Lindsay was a senior policy adviser in government during the recent reforms to the business taxation system and the introduction of the goods and services tax. He was the national tax technical director at KPMG, chartered accountants, for many years and has been a member of committees of the New South Wales branch of the Taxation Institute of Australia and of the Law Society of New South Wales.

Russell Lloyd, OBE, MC, RL, jssc, psc

Part-time Member, WA

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

**Dr Patrick Lynch, MBBS, FFARACS,
FANZCA, RFD, LTCOL RAAMC**

Part-time Member, NSW

Patrick Lynch has been a part-time member of the AAT since 1995. Dr Lynch has over 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). Whilst Honourable Federal Secretary of the Repatriation Medical Officers Association (1970–76) he gained experience in preparation and advocacy before the Public Service Arbitrator and the Full Bench of the Arbitration Commission.

**Associate Professor Bernard McCabe,
BA, LLB, GradDipLegPrac, LLM
(Corp & Comm) (Dist)**

Full-time Senior Member, Qld

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

William McLean

Part-time Member, Vic

William McLean has been a part-time member of the AAT since 1991. Mr McLean is a qualified accountant and an accredited mediator. From 1986 to 1990, he was Company Secretary and Group Finance Manager of Charles Davis Limited. Prior to that appointment, he was a private consultant for the insurance and banking industries. From 1966 to 1981, Mr McLean worked for the Chrysler Corporation, including for several years in the United States. From 1959 to 1966, he worked for Commercial and General Acceptance Limited. His career in accountancy began in 1952 with Barraclough Fitts and Co.

Dr John Maynard, MBBS, FRCPA, AFAIM

Part-time Member, Vic

Associate Professor John Maynard was appointed to the AAT as a specialist medical member in 1999. He has been a pathologist with the Victorian Institute of Forensic Medicine at the Coroner's Court and sessional pathologist at Geelong Hospital since 1997, and lecturer in pathology and clinical associate professor in the Department of Pathology and Immunology at Monash University since 1994. He had extensive prior experience as a practising pathologist at various hospitals in Melbourne and in regional Victoria. He has published and lectured widely in the fields of pathology, safety, quality systems and accreditation, and authored three books. He is an active member of a number of professional and community organisations. He also served in Vietnam as a pathologist with the Australian Army in 1970.

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

Part-time Member, ACT

Dr Michael Miller was appointed to the AAT on 9 August 1995. He had a specialist medical practice in Brisbane from 1964 to 1968. He became an RAAF officer in 1968. His appointments included Senior Medical Officer Vietnam 1970–71, Commanding Officer 4 RAAF Hospital Butterworth Malaysia 1974–75 and exchange duty with United States Air Force 1977–79. His various staff appointments included Director of Medical Plans and Deputy Director General Air Force Health Services. He was appointed Director General Air Force Health Services in 1987 with rank of Air Vice Marshal and Surgeon General Australian Defence Force in 1990. He retired in September 1992. He is a consultant to the Surgeon General; Chair, Board of Directors, St John Ambulance (ACT); and Chair, National Advisory Committee on Veterans' Health, Returned and Services League, National Headquarters, Canberra.

Associate Professor Barrie Morley, RFD, MBBS, FRACP, FRCP

Part-time Member, Qld

Barrie Morley, a consultant neurologist since 1965, has been a part-time member of the AAT since November 1985. He was consultant neurologist to the RAAF Specialist Medical Reserve, 1969–89. Initially appointed in 1972 as a medical member of the War Pensions Assessment Appeals Tribunal, he served on the (then) 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 came to Queensland in 1992, and is now Associate Professor of Medicine to the South West Division (in Toowoomba) of the Rural Clinical School of the University of Queensland.

Graham (Bert) Mowbray, BRurSc, DipAgEc, LLB

Full-time Member, ACT

Bert Mowbray was a full-time member of the AAT in Canberra from 2001 until his recent appointment as a federal magistrate. Prior to being appointed to the Tribunal, Mr Mowbray was General Counsel (Immigration) with the Australian Government Solicitor. From 1989 to 1992, he was Director of Research for the Administrative Review Council. He is currently National President of the Australian Institute of Administrative Law and has been a member of the National Executive of that organisation since 1992. On 3 March 2004, with Senior Member Sassella, he made a presentation to two senior academics from the Japanese Cabinet Office on the Tribunal, freedom of information and administrative law in Australia. On 27 March 2004, Mr Mowbray gave a paper, 'Rehabilitation, Compensation and the Administrative Appeals Tribunal', to the National Injury Management and Prevention Summit.

Donald Muller, LLB

Full-time Deputy President, Qld

Donald Muller has been a full-time member of the AAT since he was appointed Senior Member on 31 March 1988. He was appointed Deputy President on 9 August 2002. He was in private practice as a barrister for 17 years from February 1971 to March 1988. He was a part-time lecturer in company law and commercial law at Queensland Institute of Technology for three years from 1971 to 1974. During the financial year, he presented papers relating to the presentation of cases at the Tribunal at a Legalwise Seminar, a workers' compensation conference for panel firms, and the Southern Cross University Law School, Lismore.

Bruce Pascoe, FCA, FTIA, MIAMA

Part-time Senior Member, Vic

Bruce Pascoe has been a member of the AAT since December 1991 and 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 (Victoria) until 1997. He is a director of several companies.

Catherine Prime, BSc, DipLaw

Part-time Member, NSW

Catherine Prime was a member of the AAT from 1995 until her death in February 2004. Since 1987, she had been a Principal of P & K Actuaries, having previously worked as an actuary for the MLC Assurance Company and as a Principal of Towers Perrin Actuaries & Consultants. Ms Prime held positions on the boards of a number of public and private sector bodies. She was a Commissioner of the Safety, Rehabilitation and Compensation Commission from 1992 to 1998, a Director of Legal & General Australia Limited from 1994 to 1997, and a Director of the Australia and New Zealand Banking Group Staff Superannuation (Australia) Proprietary Limited since 1994. She was President of the Australian Institute of Actuaries in 1991 and served as President of the International Actuarial Association in 1999.

Wendy Purcell, BA, LLB

Full-time Senior Member, SA

Wendy Purcell has been a Senior Member of the AAT since 17 October 1988. In August 1974, she was appointed the first Deputy Director of the Australian Legal Aid Office in South Australia. The Adelaide office was the first Australian Legal Aid Office to open in a capital city. She became Registrar of the Family Court of Australia in September 1978, and subsequently Master of the Family Court. She was a member of the Child Support Consultative Group, which reported to the Minister of Social Security in relation to the development of a formula for assessment of child maintenance by the Child Support Agency.

The Honourable Rodney Purvis, QC

Part-time Deputy President, NSW

Deputy President 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 corporation law, family law, mediation and arbitration, and private and public international law. In 1998, after 13 years on the bench, he retired as a judge of the Family Court. He was Chair of the Trade Practices Committee of the Law Council of Australia for 12 years from 1978 and has served in a formidable variety of other capacities as a member, chairman or president of various committees and organisations.

Orazio (Ray) Rinaudo, LLM

Part-time Member, Qld

Ray Rinaudo has been a part-time member of the AAT since July 2001. He practised as principal of a firm of solicitors at New Farm in Brisbane from 1987. He is an experienced mediator and arbitrator. He was a part-time member of the Social Security Appeals Tribunal from 1996 to 2001. He has been Chair of Arbitrations for the Real Estate Institute of Queensland – Professional Standards Tribunal since 1995, Commissioner of the Criminal Justice Commission of Queensland from 1999 to 2002, and Commissioner of the Crime and Misconduct Commission since 2002. He was a Legal Aid Commissioner for Queensland from October 1986 until December 1993.

Michael Sassella, LLB

Full-time Senior Member, ACT/NSW

Mr Sassella was admitted to practise as a barrister and solicitor in 1972 in Victoria, and was a Senior Member of the AAT in Sydney and Canberra from February 2000 to 24 June 2004. Prior to joining the Tribunal, Mr Sassella was the principal lawyer for 10 years in the Department of Social Security. Before joining the Australian Public Service, Mr Sassella was a legal academic at the University of Melbourne, University of Birmingham in England and Macquarie University in Sydney. He taught in such areas as property, equity, social welfare law, criminal law and tort law. This year he presented a paper at the annual conference of the Australian Institute of Administrative Law. Co-authored with Ms Sofia Frew of the Tribunal's Policy and Research Section, it was titled 'Concurrent Expert Evidence in the Administrative Appeals Tribunal: The NSW Experience'.

Linda Savage Davis, BA (Hons), LLB, MA

Part-time Member, WA

Linda Savage Davis was a member of the Social Security Appeals Tribunal in Western Australia from 1994 and its Director from 1999 until 2002. She has served on a number of advisory committees and boards and in 1997 was awarded the Lawyers Community Service Award by the Law Society of WA for outstanding service in the community.

Elizabeth Anne Shanahan, BSc, MBBS, FRACS, LLB

Part-time Member, Vic

Anne Shanahan is a cardiothoracic surgeon who has worked in both public and private hospitals in Victoria for 37 years. She is also a barrister and has been a part-time member of the AAT since 1990. From 1973 until 1985, Miss Shanahan was a senior lecturer in the Department of Surgery at Monash University. She has served on numerous hospital committees and a hospital Board of Management, in addition to the Health Service Commissioners Review Council, an HIC Committee and the Red Cross International Humanitarian Law Committee. In January 2004, the journal *Heart, Lung and Circulation* published her editorial article on the Medical Indemnity Insurance Dilemma.

Julie Shead, DipLaw (SAB), MA

Part-time Member, NSW

Julie Shead has practised as a solicitor since 1981. From 1992 to 1996, she was a Director and Treasurer of People with Disabilities (NSW) Inc., and from 1986 to 1988 a Director of the Liverpool Hospital, South West Area Health Service. She is a past director of the Women's Legal Resources Centre and Domestic Violence Advocacy Centre, Granville (1986 to 1994). She has been a part-time member of the AAT (General and Taxation Divisions) since 1995 and a part-time Senior Member of the Veterans' Review Board since 1997.

Professor Tania Sourdin, BA, LLB, LLM, PhD

Part-time Member, NSW

Professor Tania Sourdin has been a part-time member of the AAT since 2001. She is currently the Professor of Law and Dispute Resolution at La Trobe University and has worked as a lawyer, court registrar, academic, mediator and tribunal member since being admitted to practise as a lawyer in 1985. She was a legal specialist with the Australian Law Reform Commission and has published many papers and books in the area of alternative dispute resolution, litigation and research into dispute resolution processes. She is a member of the National Alternative Dispute Resolution Advisory Committee, and attended a number of conferences as a keynote and specialist speaker during the past year.

**Peter Staer, MBBS, DObst (RCOG),
FRCS (Eng), FRACS**

Part-time Member, WA

Peter Staer has been in medicine for 45 years, primarily as a surgeon/gynaecologist, and has been a member of the AAT since 1985. Previously, he was a Member of the Repatriation Review Tribunal and Veterans' Review Board. 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.

John Stein, AO, BA, FRMTC (Civil Eng)

Part-time Member, Qld

John Stein served in the Australian Regular Army from 1954 to 1991, retiring as a Major General. His service included Borneo, Vietnam, and the Territory of Papua and New Guinea. He was the Chief Executive Officer of the Queensland Spastic Welfare League from 1991 to 2000. He has been a member of the AAT since 1995.

Dr Maxwell Thorpe, MBBS, MD, FRACP

Part-time Member, NSW

Max Thorpe has been a member of the AAT since November 1985, previously being a Member of the Repatriation Review Tribunal. He is a consultant physician in private practice and honorary consultant medical officer, Prince of Wales Hospital, where he has been Warden of the Clinical School, University of New South Wales, for 28 years. He is currently Chair of the Appeals Committee, Overseas Doctors, Australian Medical Council. He is a Guest Professor, Harbin Medical University, China, and Director of an exchange of medical specialists from China with teaching hospitals of the University of New South Wales. He has extensive involvement in insurance medicine.

Dean Trowse, Chartered Accountant

Part-time Member, SA

Dean Trowse has been a member of the AAT since 1986. He was previously a partner in a firm of chartered accountants for 27 years, followed by membership of the Taxation Board of Review No. 2. He also lectured in income tax law and accountancy at the South Australian Institute of Technology for 15 years.

Ian Way, BEng, MBA

Part-time Member, Qld

Ian Way was first appointed to the AAT in 1992. He has had extensive Army service in the Corps of Royal Australian Engineers, including operational service in Korea, Japan, Singapore and Vietnam (retired Brigadier). He has also held various senior administrative positions in the University of NSW until his retirement in 1992 as University Registrar and Deputy Principal (Administration). He was an Honorary Aide-de-Camp to the Governor-General in 1981–84 and a Director of the National Institute of Dramatic Arts in 1988–90.

Simon Webb

Full-time Member, NSW

Simon Webb was appointed to the AAT in July 2001. He was previously Deputy Director of the Commonwealth Classification Board and Secretary of the Commonwealth, State and Territory Censorship Ministers' Council. For seven years, Simon worked closely with Commonwealth, State and Territory ministers and officials to implement revised censorship laws in a cooperative national legislative classification scheme, establishing the Classification Board and the Classification Review Board in 1996. In 1997 and 1998, he worked closely with Australian Customs reviewing prohibited import and export regulations and related administrative procedures. Previously, Simon conducted a management consultancy and was General Manager of the Arts Council of Australia. He has over 25 years management and public administration experience. He is an accredited mediator and is an associate member of the Institute of Mediators and Arbitrators of Australia.

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. Previously, he was a medical member of the Social Security Appeals Tribunal from 1994 to 1996. He was practising as a specialist physician, paediatrician and vocationally registered general practitioner in Kalgoorlie from 1972 to 1976, and in Perth thereafter. He was a visiting specialist physician to Wanneroo Hospital from 1989 until 1996. He was a senior lecturer in paediatrics at the University of Ceylon, Colombo. Dr Weerasooriya did 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.

The Honourable Christopher Wright, QC, BBL

Part-time Deputy President, Tas

Deputy President 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

Table 2.1 Ongoing full-time, ongoing part-time and non-ongoing staff as at 30 June 2004

Class	Salary range	NSW	Vic	Qld	SA	WA	ACT	Tas	Principal Registry ^a	Total
APS 1	\$29,985–33,139	–	–	–	–	–	–	–	–	–
APS 2/3	\$33,935–41,717	14	9	11	4	8	2	–	2	50
APS 4	\$43,077–46,773	14	10	6	4	1	2	1	5	43
APS 5	\$48,047–50,950	1	1	1	1	2	–	–	6	12
APS 6	\$51,893–59,611	2	1	1	–	–	–	–	10	14
Exec 1	\$64,795–77,596	–	–	–	1	1	1	–	5	8
Exec 2	\$78,939–89,743	4	3	2	1	1	1	–	3	15
SES 1	\$84,898–101,540	–	–	–	–	–	–	–	1	1
Total^{bc}		35	24	21	11	13	6	1	32	143

a Principal Registry staff are based in Brisbane (14), Sydney (13), Melbourne (2), Canberra (1), Adelaide (1) and Perth (1), and include Library and Information Technology staff outposted to the District Registries.

b The figures in this table also include 14 non-ongoing staff employed at various locations for duties that are irregular or intermittent.

c Staff on long-term unpaid leave of absence or long-term temporary transfer to another agency are not included in these figures. If these staff have been replaced, the replacement staff are included.

Table 2.2 Equal employment opportunity statistics – ongoing full-time, ongoing part-time and non-ongoing/irregular staff of the Tribunal as at 30 June 2004

Classifications	Salary range	Total staff	Women	NESB	PWD	ATSI
APS 1	\$28,831–31,864	–	–	–	–	–
APS 2/3	\$32,629–40,112	50	34	12	3	1
APS 4	\$41,420–44,974	43	31	7	–	–
APS 5	\$46,199–48,990	12	7	2	1	–
APS 6	\$49,897–57,318	14	10	3	–	–
Exec 1	\$62,302–74,611	8	5	1	–	–
Exec 2	\$75,902–86,291	15	10	3	–	–
SES1	\$81,633–97,635	1	1	–	–	–
Total		143	98	28	4	1

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

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

Appendix 3: Statistics for the year ending 30 June 2004

This appendix contains statistical information on different aspects of the Tribunal's workload during 2003–04. 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
Annual Report 2003–04	3.1	Lodgements and finalisations for all jurisdictions
	3.2	Lodgements in each registry
	3.3	Finalisations in each registry
	3.4	Finalisations without a hearing
	3.5	Outcomes of matters finalised
	3.6	Status of current applications
	3.7	Current applications in each registry
	3.8	Constitution of tribunals for hearings
	3.9	Conferences, mediations, hearings and interlocutory applications
	3.10, 3.11 and 3.12	Appeals to the Federal Court and Federal Magistrates Court from decisions of the Tribunal (lodgements, appeals determined and outcomes of appeals)

124

Administrative Appeals Tribunal

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Bankruptcy	41	<1	31	<1
Compensation				
Australian Postal Corporation	418		540	
Comcare	705		768	
Defence Compensation	405		394	
Telstra	334		434	
Seafarers' compensation	66		52	
Other compensation decision makers	32		35	
<i>Subtotal</i>	1,960	27	2,223	22
Corporations	28	<1	14	<1
Customs and Excise				
Commerce (Trade Descriptions) Act	1		1	
Customs Duty	103		51	
Customs Tariff matters	39		51	
Diesel Fuel Rebate	9		23	
Excise	3		1	
Import and Export of Censored Goods	1		3	
<i>Subtotal</i>	156	2	130	1
Environment				
Environment Protection and Biodiversity	2		0	
Great Barrier Reef Marine Park Authority	0		5	
Hazardous Waste (Regulation of Exports and Imports) Act	2		3	
Renewable Energy (Electricity) Act	1		0	
<i>Subtotal</i>	5	<1	8	<1
Family Assistance, Social Security and related decisions				
Age Pension	112		147	
Austudy Payment	7		16	
Bereavement Payments	3		3	
Carer Payments	69		61	
Child Care Benefit	2		3	
Compensation Preclusion Period	67		79	
Crisis Payment	3		0	
Disability Support Pension	393		424	
Family Tax Benefit	91		103	
Farm Household Support	1		5	
Health Care Cards	2		4	
Maternity Allowance	10		6	
Mature Age Allowance	10		9	
Mobility Allowance	9		6	
Newstart Allowance	68		86	

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04 (continued)

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Overpayment and Debt Recovery	711		780	
Parenting Payment	48		49	
Partner Allowance	11		10	
Pension Bonus Scheme	12		15	
Pensioner Education Supplement	4		6	
Rent Assistance	12		13	
Senior Health Card	1		1	
Sickness Allowance	3		3	
Sole Parent Pension	0		0	
Special Benefit	9		16	
Special Category Visa Holder Determination	5		3	
Widow Allowance/Pension	2		1	
Wife Pension	8		13	
Youth Allowance	38		52	
<i>Subtotal</i>	1,711	24	1,914	19
Health and Aged Care				
Aged Care Providers	9		7	
Aged Care Recipients	3		3	
Health – General	16		18	
Medicare Participation Review Committee	0		2	
Pharmacists	10		9	
Therapeutic Goods Administration	3		3	
<i>Subtotal</i>	41	<1	42	<1
Immigration, Citizenship and Passports				
Australian Citizenship	101		102	
Business Visa Cancellation	129		280	
Criminal Deportation	1		4	
Expedited Review of Visa Cancellation/Refusal under s. 501 of the Migration Act	32		24	
Passports	3		2	
Protection Visa Cancellation/Refusal	15		12	
Visa Cancellation/Refusal under s. 501 of the Migration Act	104		133	
<i>Subtotal</i>	385	5	557	6
Industry				
Automotive Competitiveness and Investment Scheme	1		1	
Export Market Development Grants	5		6	
Industry Research and Development	3		5	
Patents, Designs and Trade Marks	4		4	
Textile Clothing and Footwear	7		8	
<i>Subtotal</i>	20	<1	24	<1

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04 (continued)

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Information				
Archives Act	0		2	
Freedom of Information Act	157		134	
<i>Subtotal</i>	157	2	136	1
Primary Industries				
Agricultural and Veterinary Chemicals	7		3	
Australian Fisheries Management Authority	3		18	
<i>Dairy Produce Act 1986</i>	3		174	
Export Control Orders	1		2	
Imported Food Control	0		1	
Levies and Charges Collection	1		1	
<i>Subtotal</i>	15	<1	199	2
Professional Qualifications				
Customs Agents	0		1	
Marriage Celebrants	9		4	
Migration Agents	43		25	
Mutual Recognition of Occupations in Australia	2		1	
Patent and Trade Marks Attorneys	4		3	
Tax Agents	25		20	
Trans-Tasman Mutual Recognition of Occupations	1		0	
<i>Subtotal</i>	84	1	54	<1
Security Appeals				
Archives	0		1	
ASIO Assessments	3		6	
<i>Subtotal</i>	3	<1	7	<1
Small Taxation Claims Tribunal				
Extension of Time Refusals	17		19	
Income Tax (other than taxation scheme applications)	81		93	
Sales Tax	0		0	
Superannuation Contributions Tax	5		1	
Taxation Release	26		3	
Taxation Schemes	3		14	
Other matters	55		33	
<i>Subtotal</i>	187	3	163	2

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04 (continued)

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Taxation (excluding Small Taxation Claims Tribunal applications)^a				
Australian Business Number	7		6	
Fringe Benefits Tax	8		30	
Goods and Services Tax	103		41	
Income Tax (other than taxation scheme applications)	558		417	
Luxury Car Tax	2		0	
Sales Tax	5		27	
Superannuation Guarantee Charge	30		21	
Taxation Administration	14		22	
Taxation File Number	1		1	
Taxation Schemes	625		2,415	
Wine Equalisation Tax	1		0	
<i>Subtotal</i>	1,354	19	2,980	30
Transport				
Air Navigation	1		4	
Airports Act and Regulations	0		1	
Australian Maritime Safety Authority	0		2	
Civil Aviation Safety Authority	20		19	
Motor Vehicle Standards	19		16	
<i>Subtotal</i>	40	<1	42	<1
Veterans' Affairs				
Attendant Allowance	2		1	
Disability Pension – Assessment	262		348	
Disability Pension – Entitlement	436		551	
Gold Card	6		14	
Income Support Supplement	1		1	
Japanese Internment Compensation	0		1	
Pension Bonus Scheme	1		3	
Repatriation Pharmaceutical Benefit	1		3	
Service Pension	49		61	
Veterans' Allowances	6		8	
VRB – Procedural Decisions	5		8	
Widows' Pension	143		202	
Widows' Pension Reinstatement	1		2	
<i>Subtotal</i>	913	13	1,203	12

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04 (continued)

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Other				
Anti-Discrimination Legislation	1		2	
Australian Broadcasting Authority	1		2	
Australian Communications Authority	2		0	
Child Support	35		37	
Commonwealth Electoral Act	2		1	
Defence Enactments	2		1	
Defence Force Retirement Death Benefits	26		34	
Disability Services Act	1		1	
Financial Sector Regulation	4		10	
Education for Overseas Students	2		2	
Higher Education Funding	10		11	
Privacy Act	1		1	
Superannuation Benefit Acts	0		2	
Waiver of Fees in Courts and Tribunals	1		1	
<i>Subtotal</i>	88	1	105	1
Case Management				
No Jurisdiction/Pending Jurisdiction	70		69	
Miscellaneous	9		8	
<i>Subtotal</i>	79	1	77	<1
Total for all jurisdictions^b	7,267	100	9,909	100

a These figures do not include all matters that are dealt with in the Taxation Appeals Division.

b Percentages do not total 100% due to rounding.

Chart 3.2 Applications lodged in each registry

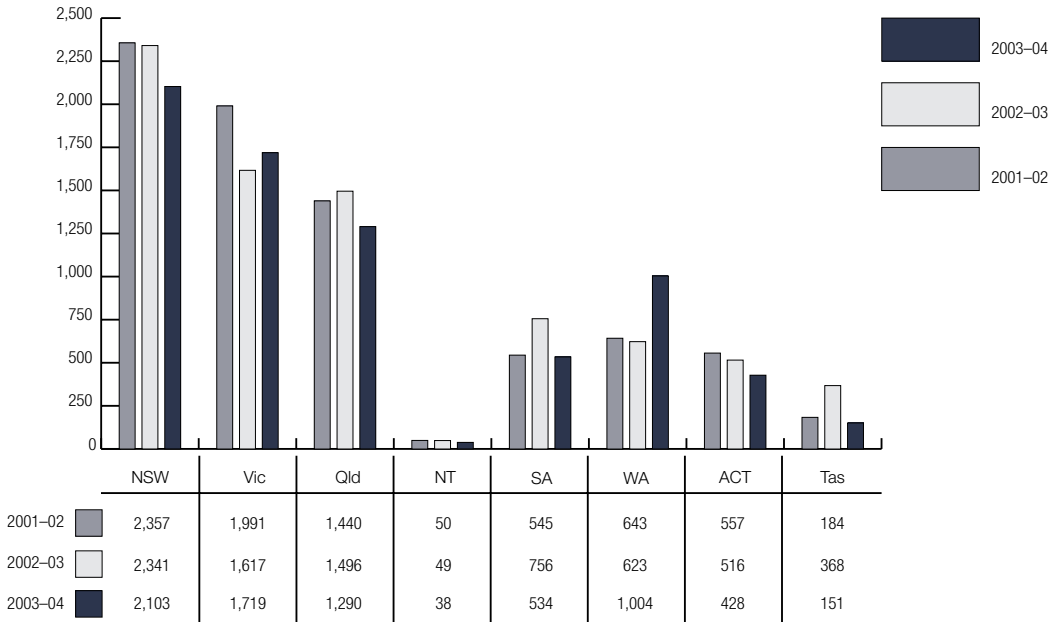


Chart 3.3 Applications finalised in each registry

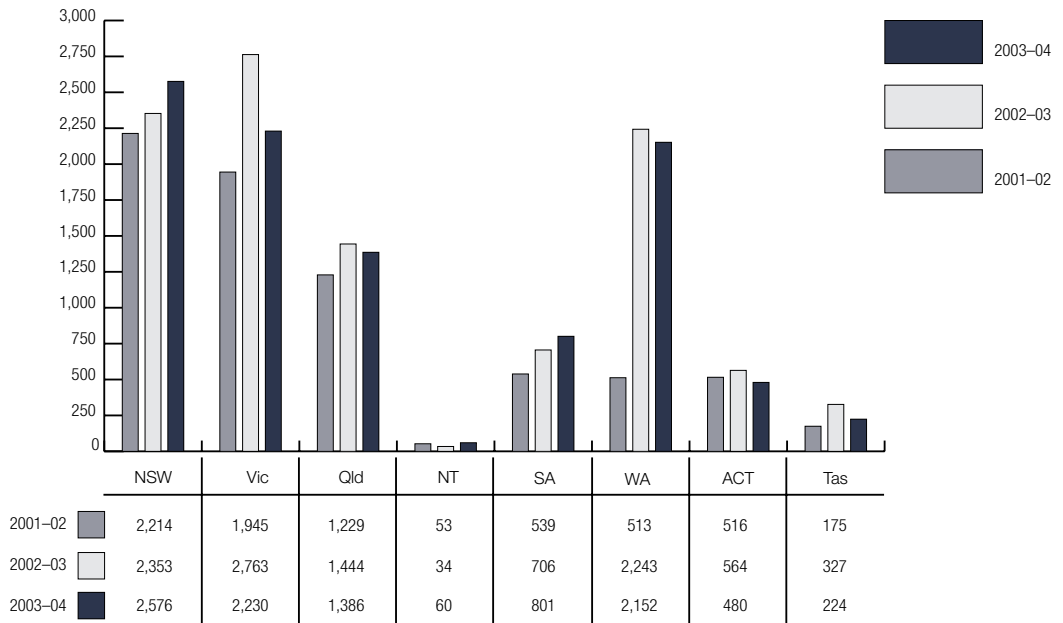


Table 3.4 Percentage of applications finalised without a hearing

Jurisdiction	2001–02 %	2002–03 %	2003–04 %
All applications	74 ^a	74 ^a	81
Compensation	89	89	86
Social Security	63	67	69
Veterans' Affairs	76	72	71
Taxation Division	81	96	97
Small Taxation Claims Tribunal	78	73	85

a In previous reports, figures were provided in relation to the proportion of applications finalised without a hearing in the General Administrative and Veterans' Appeals Divisions rather than in relation to all applications. These figures relate only to the General Administrative and Veterans' Appeals Divisions.

Note: Applications finalised without a hearing include all applications that were finalised otherwise than by a Tribunal decision following a hearing on the merits. For example, applications finalised by consent pursuant to section 42C of the AAT Act or withdrawn by the applicant under section 42A(1A) of the AAT Act are included in this category.

Table 3.5 Applications finalised in 2003–04, by outcome

Outcome	All applications		Compensation		Social Security		Veterans' Affairs		Taxation Division		Small Taxation Claims Tribunal	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
By consent												
Affirmed	476	5	416	19	6	<1	7	<1	37	1	0	0
Set aside	3,288	33	819	37	261	14	316	26	1,705	57	43	26
Varied	1,225	12	172	8	16	<1	143	12	848	28	32	20
Remitted	17	<1	1	<1	1	<1	4	<1	0	0	1	<1
Dismissed / Withdrawn ^a	2,398	24	440	20	946	49	365	30	197	7	56	34
By decision												
Affirmed	1,175	12	184	8	454	24	216	18	40	1	23	14
Set aside	582	6	113	5	116	6	123	10	25	<1	0	<1
Varied	81	<1	16	<1	20	1	10	<1	10	<1	1	<1
Remitted	23	<1	4	<1	2	<1	5	<1	0	0	1	<1
No jurisdiction	79	<1	3	<1	4	<1	2	<1	34	1	3	<1
Dismissed ^b	222	2	34	2	52	3	10	<1	62	2	2	<1
Extension of time refused	45	<1	9	<1	28	1	0	<1	0	<1	0	<1
Other												
No fee paid	81	<1	0	<1	0	<1	0	<1	19	<1	1	<1
Other ^c	217	2	12	<1	8	<1	2	<1	21	<1	0	<1
Total^d	9,909	100	2,223	100	1,914	100	1,203	100	2,998	100	163	100

a Includes matters dismissed under subsections 42A(1) and (1B) and otherwise by operation of law.

b Includes matters dismissed under subsections 42A(2) (non-appearance), 42A(4) (failure to show reviewable decision), 42A(5) (failure to comply with a direction of the Tribunal) and 42B(1) (frivolous or vexatious) of the AAT Act.

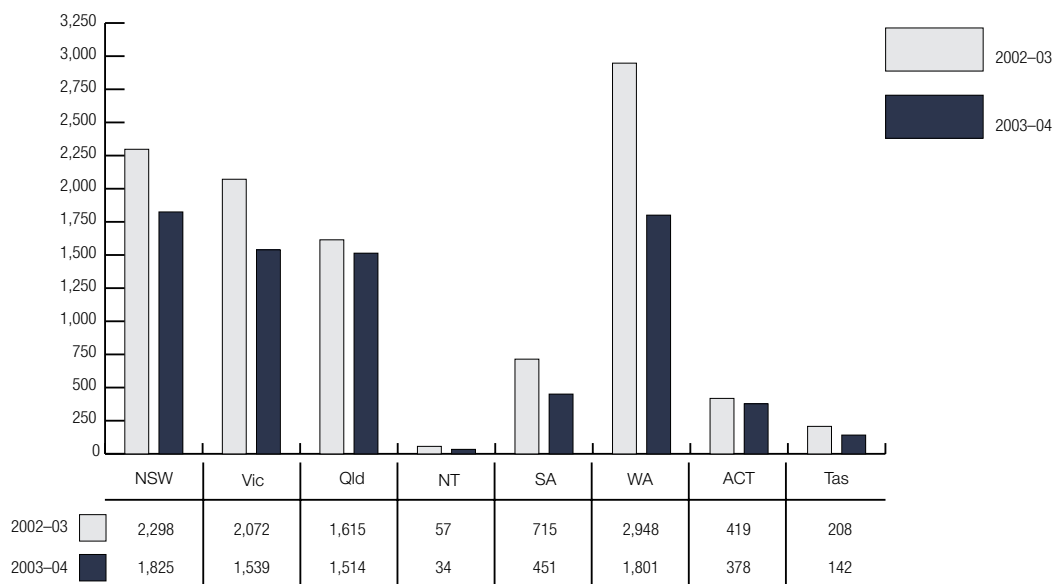
c Includes matters remitted to decision maker under section 42D of the AAT Act.

d Percentages do not total 100% due to rounding.

Table 3.6 Status of applications current as at 30 June 2004

Jurisdiction	No.	%
Compensation		
In preparation (mainly awaiting section 37 documents)	269	15
Set down for hearing, conference or mediation	1,459	79
Part heard	82	4
Heard and awaiting decision	32	2
<i>Total</i>	1,842	100
Social Security		
In preparation (mainly awaiting section 37 documents)	241	30
Set down for hearing, conference or mediation	517	65
Part heard	24	3
Heard and awaiting decision	18	2
<i>Total</i>	800	100
Veterans' Affairs		
In preparation (mainly awaiting section 37 documents)	90	10
Set down for hearing, conference or mediation	765	82
Part heard	35	4
Heard and awaiting decision	39	4
<i>Total</i>	929	100
Taxation Division		
In preparation (mainly awaiting section 37 documents)	2,028	63
Set down for hearing, conference or mediation	1,120	35
Part heard	19	<1
Heard and awaiting decision	60	2
<i>Total</i>	3,227	100
Small Taxation Claims Tribunal	122	100
Other matters	764	100
Total^a	7,684	100

a Percentages do not total 100% due to rounding.

Chart 3.7 Applications current in each registry**Table 3.8 Constitution of tribunals for hearings**

Jurisdiction	2001-02		2002-03		2003-04	
	No.	%	No.	%	No.	%
All matters						
Judge alone	4	<1	1	<1	10	<1
Judge plus 1	2	<1	3	<1	3	<1
Judge plus 2	2	<1	138	7	3	<1
Deputy President alone	245	15	282	15	300	16
Deputy President plus 1	14	<1	22	1	37	2
Deputy President plus 2	13	<1	14	<1	22	1
Senior Member alone	509	31	398	21	382	21
Senior Member plus 1	238	14	183	9	172	9
Senior Member plus 2	83	5	58	3	27	1
Member alone	554	33	828	43	882	48
Total^a	1,664	100	1,927	100	1,838	100
Total multiple member tribunals	356	21	418	22	264	14

a Percentages do not total 100% due to rounding.

Note: This table does not include hearings on the papers.

Table 3.9 Number of conferences, mediations, hearings and interlocutory hearings

Type	2001–02	2002–03	2003–04
Conferences	10,842	10,450	9,422
Conciliation conferences (compensation matters)	865	1,044	779
Mediations	86	53	84
Hearings (including hearings on the papers)	1,742	2,007	1,961
Interlocutory hearings ^a	412	409	444

a Includes jurisdiction hearings and hearings on applications for section 35 confidentiality orders, stay orders, joinder orders, extensions of time, dismissal orders and reinstatement.

Table 3.10 shows the total number of appeals from decisions of the Tribunal lodged in the reporting year. The number of appeals under the *Administrative Decisions (Judicial Review) Act 1977* (the ADJR Act) or the *Judiciary Act 1903* (the Judiciary Act) are indicated in parentheses. The remainder are appeals lodged in the Federal Court under section 44 of the AAT Act.

The total number of appeals from Tribunal decisions determined in 2003–04 and in the two previous years are shown in Table 3.11. The numbers of appeals under the ADJR Act or the Judiciary Act that were finalised is indicated in parentheses.

Table 3.12 shows the outcomes of appeals from decisions of the Tribunal that were determined in 2003–04. The numbers of appeals under the ADJR Act or the Judiciary Act are indicated in parentheses. The remainder are appeals determined under section 44 of the AAT Act in the reporting year.

Thirteen appeals under section 44 of the AAT Act were determined in the Federal Magistrates Court following transfer of the appeal from the Federal Court pursuant to section 44AA of the AAT Act.

Table 3.10 Appeals from decisions of the Tribunal, by jurisdiction

Division/jurisdiction	2001–02	2002–03	2003–04
Compensation	18	22	33 (1)
Social Security	32	27	32
Veterans' Affairs	42	50	49 (1)
Taxation	11	10	10 (1)
Small Taxation Claims Tribunal	1	3	1
Other	53	44	44 (11)
Total appeals lodged	171 (14 ^a)	167 (11 ^a)	169 (14)

a For the 2001–02 and 2002–03 financial years, the appeals lodged under the ADJR Act or the Judiciary Act are included as totals only. The appeals have not been divided by individual jurisdiction in previous years.

Table 3.11 Appeals from decisions of the Tribunal - appeals determined

	2001–02	2002–03	2003–04
Total appeals determined	230 (6)	152 (14)	186 (12)

Note: Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court is appealed and the appeal is determined in the same reporting year, only the ultimate result is counted for the purpose of these statistics.

Table 3.12 Appeals from decisions of the Tribunal – outcomes of appeals determined in 2003–04

Outcome	2003–04
Compensation	
Allowed/Remitted	6
Dismissed	22 (2)
Discontinued	11 (3)
Other	4
<i>Subtotal</i>	43 (5)
Social Security	
Allowed/Remitted	6
Dismissed	24 (1)
Discontinued	6 (1)
Other	–
<i>Subtotal</i>	36 (2)
Veterans' Affairs	
Allowed/Remitted	15
Dismissed	28
Discontinued	5
Other	–
<i>Subtotal</i>	48
Taxation	
Allowed/Remitted	4
Dismissed	4
Discontinued	4
Other	–
<i>Subtotal</i>	12
Small Taxation Claims Tribunal	
Allowed/Remitted	1
Dismissed	2
Discontinued	–
Other	–
<i>Subtotal</i>	3
Other	
Allowed/Remitted	11 (2)
Dismissed	27 (2)
Discontinued	6 (1)
Other	–
<i>Subtotal</i>	44 (5)
Total appeals finalised	186 (12)

Note: Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court is appealed and the appeal is determined in the same reporting year, only the ultimate result is counted for the purpose of these statistics.

Appendix 4: Tribunal application fees

Section 29A of the AAT Act provides that an application to the Tribunal is not taken to be made unless the prescribed fee is paid. Under regulations 19 and 19AA of the *Administrative Appeals Tribunal Regulations 1976*, an application fee is payable when lodging certain applications for review. During the reporting year, the standard application fee was \$574 and the lower application fee for lodgements in the Small Taxation Claims Tribunal was \$58. From 1 July 2004, the standard application fee will increase to \$606 and the lower application fee will increase to \$61. These are biennial fee increases in accordance with movements in the consumer price index pursuant to regulation 19A of the AAT Regulations.

The standard application fee is not payable if the decision to be reviewed is one set out in Schedule 3 to the AAT Regulations. Schedule 3 includes decisions relating to 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 [regulations 19(5) and 19AA(5)].

Further, a standard or lower 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 [regulations 19(6)(a) and 19AA(6)(a)]
- the person liable to pay the fee is:
 - the holder of a health care card, a health benefit card, a pensioner concession card, a seniors health card or 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 or an Austudy payment, or in receipt of benefits under the ABSTUDY scheme [regulations 19(6)(b) and 19AA(6)(b)]
- the Registrar or a Deputy Registrar, having regard to the income, day-to-day living expenses, liabilities and assets of the person liable to pay the fee, waives the fee on the ground that payment of the fee would cause financial hardship [regulations 19(6)(c) and 19AA(6)(c)].

The number of applications in 2003–04 for which no fee was payable under each of these provisions is set out in Table 4.1.

Table 4.1 Applications where no fee payable

AAT Regulations	Number of applications
19(5) & 19AA(5)	667
19(6)(a) & 19AA(6)(a)	4
19(6)(b) & 19AA(6)(b)	231
19(6)(c) & 19AA(6)(c)	110
Total	1,012

In the case of applications for waiver on financial hardship grounds under regulation 19(6)(c), seven such applications were refused during the reporting year. No applications were refused under regulation 19AA(6)(c).

In 2003–04, application fees paid totalled \$729,180.

In relation to fees that were not payable under regulations 19(5), 19(6), 19AA(5) and 19AA(6), the total revenue foregone was \$520,110.

A standard application fee paid under regulation 19(1) is refunded when proceedings end favourably for the applicant. In 2003–04, refunds of application fees amounted to \$783,878. The lower application fee is not refundable in any circumstance.

Regulation 20 provides that an applicant can apply to the Tribunal for review of a decision not to waive payment of a fee. There was one application for review lodged in the reporting year.

Appendix 5: Changes to the Tribunal's jurisdiction

This appendix lists the laws – the Acts, Regulations and other statutory instruments (collectively referred to as 'enactments') – that altered the Tribunal's jurisdiction in the period 1 July 2003 to 30 June 2004.

The list includes enactments or parts of enactments that were assented to or made prior to 1 July 2003 but which commenced during the reporting period. The list does not include those enactments or parts of enactments that were assented to or made in the reporting period but had not commenced as at 30 June 2004.

The list is divided into three sections: new jurisdiction conferred, existing jurisdiction that has been altered and jurisdiction removed.

New jurisdiction conferred

The enactments listed in the left column conferred new jurisdiction on the Tribunal or introduced new jurisdiction that is conferred by another enactment. Where new jurisdiction is introduced under an existing enactment, the title of the existing enactment is noted in the right column.

Conferring enactment	Affected enactment
ACIS Stage 2 Motor Vehicle Producer Research and Development Scheme 2004	
<i>Dairy Produce Amendment Regulations 2003 (No. 2)</i>	<i>Dairy Produce Regulations 1986</i>
<i>Designs Act 2003</i>	
<i>Designs Regulations 2004</i>	
<i>Financial Sector Legislation Amendment Act No. 1) 2003</i>	<i>Banking Act 1959</i>
Marine Orders Part 35 (Order No. 2 of 2004)	
Marine Orders Part 96 (Order No. 3 of 2004)	
<i>Maritime Transport Security Act 2003</i>	
<i>Medical Indemnity (Prudential Supervision and Product Standards) Act 2003</i>	
Telecommunications (Service Provider – Identity Checks for Pre-paid Public Mobile Telecommunications Services) Amendment Determination 2004 (No. 1)	Telecommunications (Service Provider – Identity Checks for Pre-paid Public Mobile Telecommunications Services) Determination 2000
<i>Veterans' Entitlements (Clarke Review) Act 2004</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>Agricultural and Veterinary Chemicals Legislation Amendment Act 2003</i>	<i>Agricultural and Veterinary Chemicals Code Act 1994</i>
<i>Communications Legislation Amendment Act (No. 1) 2004</i>	<i>Telecommunications Act 1997</i>
<i>Civil Aviation Amendment Regulations 2003 (No. 4)</i>	<i>Civil Aviation Safety Regulations 1998</i>
<i>Customs (Prohibited Exports) Amendment Regulations 2004 (No. 3)</i>	<i>Customs (Prohibited Exports) Regulations 1958</i>
<i>Customs (Prohibited Imports) Amendment Regulations 2004 (No. 3)</i>	<i>Customs (Prohibited Imports) Regulations 1956</i>
<i>Customs (Prohibited Imports) Amendment Regulations 2004 (No. 4)</i>	<i>Customs (Prohibited Imports) Regulations 1956</i>
Defence Determination 2002 (Employer Support Payments) Amendment Determination 2003 (No. 1)	Defence Determination 2002 (Employer Support Payments)
<i>Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Act 2004</i>	<i>Excise Act 1901</i>
<i>Health Legislation Amendment (Private Health Insurance Reform) Act 2004</i>	<i>National Health Act 1953</i>
<i>Industrial Chemicals (Notification and Assessment) Amendment Act 2003</i>	<i>Industrial Chemicals (Notification and Assessment) Act 1989</i>
Marine Orders Part 18 (Order No. 1 of 2004)	Marine Orders Part 18
Marine Orders Part 30 (Order No. 3 of 2003)	Marine Orders Part 30
Marine Orders Part 34 (Order No. 7 of 2003)	Marine Orders Part 34
Marine Orders Part 42 (Order No. 8 of 2003)	Marine Orders Part 42
Marine Orders Part 43 (Order No. 4 of 2004)	Marine Orders Part 43
<i>Marriage Amendment Act 2002</i>	<i>Marriage Act 1961</i>
<i>Medical Indemnity Amendment Act 2003</i>	<i>Medical Indemnity Act 2002</i>
<i>Medical Indemnity Amendment Act 2004</i>	<i>Medical Indemnity Act 2002</i>
<i>Petroleum (Submerged Lands) Amendment Act 2003</i>	<i>Petroleum (Submerged Lands) Act 1967</i>

Amending enactment	Affected enactment
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 5)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 8)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 10)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Taxation Laws Amendment Act (No. 6) 2003</i>	<i>Taxation Administration Act 1953</i>
<i>Telecommunications Numbering Plan Variation 2004 (No. 1)</i>	<i>Telecommunications Numbering Plan 1997</i>
<i>Therapeutic Goods Amendment Act (No. 1) 2003</i>	<i>Therapeutic Goods Act 1989</i>
<i>Trade Practices Legislation Amendment Act 2003</i>	<i>Trade Practices Act 1974</i>

Jurisdiction removed

The enactments listed in the left column have repealed an enactment which 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>Designs Act 2003</i>	<i>Designs Act 1906</i>
<i>Designs Regulations 2004</i>	<i>Designs Regulations 1982</i>

Appendix 6: Decisions of interest

The following summaries of Tribunal decisions provide a sample of issues raised in the Tribunal's major jurisdictions and highlight some of the more important or interesting decisions delivered during the reporting year.

Compensation

Re Liu and Comcare

[2004] AATA 617, 18 June 2004 – President Justice G Downes, Deputy President RP Handley, Mr MD Allen, Senior Member

This case concerned future liability for compensation for injured Commonwealth government employees under the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act). In particular, the Tribunal considered whether liability for compensation for an accepted injury can come to an end.

One desirable outcome of compensation claims before the Tribunal is that the parties reach an agreement on the result. In these cases, consent orders are drafted by the parties and provided to the Tribunal. If a decision in or consistent with the terms of agreement is within the powers of the Tribunal and it appears appropriate for the Tribunal to make such a decision, the Tribunal then formalises the parties' agreement by publishing a decision in accordance with the agreement.

Some draft consent orders in compensation matters have included provisions which purported to limit the future liability for compensation for the injured employee. The Tribunal was concerned that these provisions did not accurately reflect the law and it therefore decided to address this issue and offer guidance to parties as to appropriate terms to be included in consent orders.

As set out by the Tribunal in its decision, section 14 of the SRC Act creates a general liability for the payment of compensation to injured workers covered by the Act. That section does not address

the nature or the amount of the compensation, which is left to other sections of the SRC Act. A determination of entitlement to compensation therefore normally incorporates a finding in favour of the injured employee under both section 14 and one of the other sections of the Act, such as section 16 (which provides for compensation for medical expenses), section 19 (which provides for compensation for injuries resulting in incapacity) or section 24 (which provides for compensation for injuries resulting in permanent impairment).

A compensable injury may not always result in the payment of compensation. The employee may be entitled to intermittent compensation and there may be periods when there is no entitlement to compensation. However, during such periods an injury that has been accepted as compensable under section 14 will not cease to be a compensable injury. Instead it is correct to say during some periods that at the present time the compensable injury does not give rise to an entitlement to compensation. It is possible that the compensable injury may never give rise to future entitlement to compensation, but this cannot be known or determined in advance. As was set out in the Federal Court decision of *Plumb v Comcare* (1992) 39 FCR 236, no determination (even if made with the consent of the parties) can preclude an employee from making a future claim for compensation in relation to a compensable injury that has been determined to exist under section 14.

Referring to the case of *Australian Postal Corporation v Oudyn* (2003) 73 ALD 659, the Tribunal distinguished between the discharge of the liability to pay compensation under sections other than section 14, which can be discharged from time to time when all entitlements for payment of past compensation have been satisfied and there is no continuing liability, and liability under section 14 itself. Liability under section 14 is the primary determination of the existence of a compensable injury which is necessary,

but not sufficient, for the payment of compensation. Before compensation is payable, an additional finding of liability to pay compensation must be made and it is that liability to pay compensation alone which can, at a point in time, but not prospectively, be discharged and terminated. It was for this reason that the Federal Court in *Rosillo v Telstra Corporation Limited* [2003] FCA 1628 set aside a decision of the Tribunal that affirmed a determination:

That on the basis that your condition has now resolved, [the respondent] is not liable to pay compensation in respect of your injury to "strain lower lumbar region" on and from 28 August 2001.

That determination purported to speak in the future. This was also the case with some determinations in the original draft consent orders that were the subject of this case. Prior to the hearing, however, Comcare provided the Tribunal with proposed amended terms of agreement. The Tribunal considered the amended terms in the light of three criteria which the Tribunal found should be satisfied in order for the Tribunal to approve terms of agreement. These criteria are that determinations:

- (a) should not suggest that liability has ceased
- (b) should not suggest that no future liability can exist
- (c) should speak only as to present liability.

The Tribunal found that the amended terms satisfied each of the criteria. The statements as to cessation of liability and those suggesting that there was no future liability had been deleted and the terms made it clear that they spoke only to the present date. The Tribunal therefore found that decisions in accordance with the amended terms of agreement were both within the powers of the Tribunal and were appropriate to be made.

Practice and procedure

Re Rich and Australian Securities and Investments Commission

[2003] AATA 1009, 24 September 2003; [2003] AATA 1044, 13 October 2003; [2003] AATA 1339, 23 December 2003 – President Justice G Downes

In a series of decisions relating to a single matter, the Tribunal explored various issues, including the means by which a prospective applicant for review of a decision can obtain material relating to that decision, the Tribunal's jurisdiction to review decisions and the Tribunal's power to issue summonses.

The applicant, Mr Rich, made a complaint pursuant to section 536 of the *Corporations Act 2001* (the Corporations Act) to the Australian Securities and Investments Commission (ASIC) about the conduct of the liquidator of One. Tel Limited. This section allows ASIC to make inquiries into the conduct of a liquidator in certain circumstances, including if a complaint is made, but any action as a result is taken by the Federal Court, not ASIC.

After some initial consideration and correspondence, ASIC declined to proceed further. The applicant then sought a statement of reasons for the decision not to investigate further. ASIC refused to provide this, asserting that the power to make that decision came from its general powers under the *Australian Securities and Investments Commission Act 2001* (the ASIC Act) rather than the Corporations Act, and was therefore not reviewable by the AAT. Therefore, reasons were not required to be provided under the AAT Act.

The application to the Tribunal was for a decision under section 28(1AC) of the AAT Act as to whether the applicant was entitled to a statement of reasons. There was no application for review of the alleged substantive decision.

The applicant sought issue of a summons requiring ASIC to produce documents associated with its conduct in connection with the initial complaint. In its first decision, the Tribunal granted leave for the issue of the summons. It held that the applicant was entitled to at least seek to prove that ASIC's conduct included making a reviewable decision under section 536. The documents that came into existence within ASIC in connection with its inquiries would at least in part determine whether a decision had been made.

ASIC answered the summons but objected to their production to the applicant, on the grounds that the application for a statement of reasons would inevitably fail and the documents would effectively grant the applicant reasons he was not entitled to obtain. ASIC argued that section 536 only set out one of its functions, and that power to perform those functions was conferred by the ASIC Act. Therefore, there would never be any decision under section 536 capable of review.

After considering relevant authorities and the terms of the section, the Tribunal rejected this argument. Section 536 did not merely identify ASIC's inquiry function, it also conferred the power to make those inquiries. The documents produced under summons were therefore capable of revealing that a reviewable decision had been made, and the applicant's case was therefore not hopeless.

In its third decision the Tribunal examined the correspondence between the applicant and ASIC, and other documents that showed ASIC had earlier investigated its own separate concerns about the liquidation of One.Tel and received assurances from the liquidators. The Tribunal held that on receipt of the applicant's complaint ASIC had in effect re-examined its own inquiries and had concluded that it remained satisfied with the results of those inquiries. This constituted a new decision under section 536 to not inquire further. The applicant was therefore entitled to a statement of reasons for this decision.

Social Security

Re Peura and Secretary, Department of Family and Community Services

[2003] AATA 1123, 7 November 2003 – Deputy President DG Jarvis

In this case, the Tribunal set aside the decision under review and substituted a decision that arrears of age pension and wife pension be paid to the applicants for a particular period. The central issue in this case was whether the applicants were provided with notice of a decision to attribute income and assets of a family trust to them.

The applicants, Mr and Mrs Peura, were recipients of an age pension and a wife pension. One of the applicants was advised by a letter in November 2001 that, with the introduction of new private trust and private company attribution rules, Centrelink would attribute the income and assets of a family trust to the applicants from 1 January 2002. This letter also stated that:

You and/or your partner will be advised of this decision in December 2001 and its effect on entitlements.

The same applicant had also received a letter in February 2001 advising her of the proposed new rules and asking her to supply information about the family trust.

Both applicants received a letter dated 10 December 2001 that purported to advise them of a decision. While the letters contained details of the amounts of payment that would be made, they made no reference to the previous correspondence and did not indicate that the change in payment was due to the application of the new rules. One of the applicants gave evidence that she regularly received letters making small adjustments in the rate of pension without explanation, which were virtually indistinguishable from the letters of 10 December 2001.

The applicants advised Centrelink in May 2002 that the trust had been inactive since June 2001. As a result, Centrelink decided to cease attributing the income and asset of the trust to the applicants. However, it refused to pay arrears of the pensions for the period January–May 2002 on the grounds that the applicants had failed to seek review of the December 2001 decision within the statutory period of 13 weeks after notice had been given as provided in section 109 of the *Social Security Administration Act 1999*.

After reviewing a number of authorities, the Tribunal decided that the correct approach in deciding whether the letters constituted notice of the relevant decision could be summarised as follows:

- The Tribunal should identify the decision of which notice was to be given.
- The subject letters should be construed objectively.
- The letters should be intelligible; that is, they should inform the recipient of the making of the decision and the content of it.
- Where the rate of pension changed as a result of changed circumstances or the manner in which those circumstances were assessed, merely advising the recipient of the rate of his or her pension only constituted advice of the effect of the decision.
- The letters need not advise the reasons for the decision.

The Tribunal concluded that the letters of 10 December 2001 only constituted advice of the effect of the decision upon the applicants' rates of pension. They failed to advise what the relevant decision was (that is, that the rates of payment had been varied as a result of the application of the new income attribution rules) and so were not intelligible in that they did not constitute notice of the relevant decisions within the meaning of the section imposing the statutory period of

13 weeks. This was despite previous correspondence making clear that advice of both the decision and its impact could be expected. The letters of 10 December 2001 should not be interpreted by reference to the earlier correspondence as they made no reference to that earlier correspondence.

The Tribunal held that, as no notice had been given, arrears should be paid to the applicants for the period in contention.

Re Torv, Bond University Limited and Secretary, Department of Family and Community Services

[2004] AATA 182, 24 February 2004 –

Mr O Rinaudo, Member

This case considered whether the 'reduced fees' scholarship received by the applicant, Mr Torv, was to be treated as income within the meaning of section 8 of the *Social Security Act 1991* with the consequence that he was not entitled to receive Youth Allowance.

Mr Torv was offered a half scholarship to Bond University to undertake studies in law. The scholarship was structured so as to reduce the fees payable by Mr Torv. He did not receive any of the scholarship money in his hand.

Centrelink assessed the scholarship as income pursuant to section 8 of the *Social Security Act*. This meant that Mr Torv was not entitled to receive Youth Allowance as his income exceeded the threshold for eligibility. Centrelink argued before the Tribunal that the scholarship came within the Act's definition of income because it was valuable consideration; Mr Torv had the benefit of paying only half the normal tuition fee.

The Tribunal rejected this approach. Neither Bond University nor the student received any money as a result of the scholarship. The fees were simply not payable. What other students might pay for the same degree was not relevant to the question of whether Mr Torv was receiving income.

In the Tribunal's view, there was a significant difference between a scholarship drawing monies out of a trust fund to pay tuition fees and a scholarship where the fees were never payable. A scholarship in the latter category, as in the present case, would not constitute income.

Immigration

Re Stafford and Minister for Immigration and Multicultural and Indigenous Affairs

[2003] AATA 1165, 19 November 2003 – Deputy President D Muller

This case concerned an application by Mr Stafford to review a decision of a delegate of the Minister for Immigration and Multicultural and Indigenous Affairs to reject an application for a tourist visa made by his son on the basis that his son had a substantial criminal record and did not pass the character test pursuant to section 501(6) of the *Migration Act 1958*.

Mr Stafford's son, Stuart Stafford, applied for a tourist visa in October 2002 for the purpose of travelling with his wife and son to Australia for approximately three weeks to visit Mr Stafford. Stuart Stafford gave evidence that he had not seen his father since he was seven years old, having lost contact with him after his father moved to Australia in 1970. Stuart stated that he had recently traced his father and re-established contact with him and that he wished to visit Australia to meet his father and to introduce him to his wife and son. However, in January 2003 Stuart Stafford's application for a tourist visa was refused on the ground that he did not pass the character test. Mr Stafford sought review of that decision.

The issue before the Tribunal was whether Stuart Stafford passed the character test in section 501(6) of the Migration Act and, if he did not pass the test, whether the discretion available in section 501(1) of the Act not to refuse the visa should be exercised in his favour.

The Minister argued before the Tribunal that Stuart Stafford had a criminal history that extended from 1974, when he was 12 years old, until 1997, when he was 35. The Minister submitted that Stuart Stafford posed a threat to the Australian community and that he may re-offend while visiting Australia.

The Tribunal found that Stuart Stafford did not pass the character test in section 501 of the Act. However, the Tribunal held that there were significant compassionate grounds for the discretion to be exercised favourably to allow a father and son to reunite after 32 years.

Additionally, the Tribunal found that there were a number of other significant reasons to exercise the discretion not to refuse the tourist visa. The Tribunal found that the visa that Stuart Stafford sought was for a short holiday and that as he has a business, a home and the rest of his family in the United Kingdom he was unlikely to overstay his visa. The Tribunal noted that Stuart Stafford seemed to have rehabilitated himself, which was evidenced by his having purchased a house with his wife, established a successful construction business, ceased associating with people with criminal backgrounds and taken up the sport of scuba diving. Similarly, Stuart Stafford had not been convicted of any criminal offence for the previous six years. The Tribunal also noted that in the previous three years Stuart Stafford had travelled widely to other countries, including the United States, Egypt, France, Spain, Germany and Cyprus, with no apparent problems. Finally, the Tribunal noted that although Stuart Stafford's criminal history was extensive, it did not contain any convictions for violence or drug-related offences.

The Tribunal concluded that it was unlikely that Stuart Stafford posed any threat to the Australian community and it was unlikely that he would re-offend during a short holiday in Australia. The Tribunal therefore set aside the decision of the Minister and remitted the matter with the direction that the application by Stuart Stafford for a tourist visa should not be refused pursuant to section 501(1) of the Act.

Taxation

Re QT2001/442–444 and Commissioner of Taxation

[2004] AATA 349, 5 April 2004 – Senior Member KL Beddoe

This case concerned an application for review of objection decisions by the Commissioner of Taxation (the Commissioner) in relation to the years of income ended 30 June 1996, 30 June 1997 and 30 June 1998. The issue before the Tribunal was whether pilotage and other fees derived from third parties were assessable income of the applicant or of a company of which the applicant was the controlling mind.

In particular, the Tribunal was required to consider whether the arrangements entered into by the applicant were a sham, whether the applicant and the company entered into or carried out a scheme to obtain a tax benefit as referred to in section 177D of the *Income Tax Assessment Act 1936* (the 1936 Act), whether the Commissioner's determination in terms of section 177F of the 1936 Act was effective to include the tax benefit in the applicant's assessable income or whether income arising from the personal exertion of the applicant as a marine pilot and ship's master was assessable income of the applicant and not the company and, finally, whether the assessed penalty by way of additional tax should be remitted in full or in part.

The applicant was an experienced ship's master. In 1993 he was approached by the Queensland Coast and Torres Strait Pilots' Association (which provided marine pilots for safe navigation of ships in the waters of the Queensland coast, Torres Strait and New Guinea) to join the Association. In June of that year the applicant obtained a Queensland Coastal Pilot licence to act as a Queensland Coastal Pilot for ships on the Queensland coast and Torres Strait.

The applicant was concerned about the limitation of protection of a pilot's legal liability in the event of accidents, particularly when outside Queensland coastal waters. The Association advised him that his interest in the Association should be owned by a company to limit any liability to claims for damages. Relying on this informal advice, as well as the advice of other pilots, in June 1993 the applicant arranged for his company to be incorporated in order to limit his liability for damages and to provide superannuation benefits. The company also purchased a share in the Association and entered into an arrangement with the Association to provide the applicant's services as a pilot to perform such pilotage contracts as may be allocated to the applicant by the Association acting as the agent of the applicant. Initially there was an informal arrangement between the applicant and the Association whereby the company was assigned pilotage work to be performed by the applicant, but from late 1995 the arrangement was formalised in the form of a written contract between the company and Queensland Coastal Pilot Service Pty Ltd. The written contract, however, included various provisions which were based on the defined, but incorrect, supposition that the company was a licensed marine pilot.

The applicant commenced work as a pilot in August 1993 after the company had commenced to carry on business. The applicant and his then wife were the sole shareholders, directors and employees of the company. The applicant performed the pilot duties for which the company had entered into agreement with the Association. From time to time, the applicant also undertook work as a ship's master and other work on behalf of the company, which treated the fees derived as part of its assessable income. The company conducted its own bank account and payments received in respect of work actually performed for the company by the applicant were deposited into the company's bank account. The company paid annual 'salaries' to the applicant and his wife on a distribution basis.

The Tribunal accepted that the applicant established the company for the purpose of carrying on the business of marine pilot because, on the basis of informal advice, he believed that he needed to protect his personal liability. The Tribunal observed that the situation may have been different if the applicant and the company had had professional advice, but it did not accept that the documents in relation to the company were not intended to have legal effect. The Tribunal found that the arrangements in relation to the company were not based on sham documents. Despite their limitations, the documents were intended to have effect and, in particular, it was intended that the company carry on a business of supplying the services of a licensed marine pilot as arranged by the Association. The Tribunal was also satisfied that there was no intention to represent the company as a licensed marine pilot and the relevant parties understood the company to not be so licensed and that it was the applicant who performed the work as marine pilot and ship's master, for which he was appropriately licensed.

The Tribunal found that, during the relevant years of income, the applicant and the company conducted their affairs on the basis that it was the company that had contracted to supply marine pilot services and that that was also the understanding of the Association. The assessable income was therefore derived by the company because it had contracted to supply the service and the income was derived when that service was provided. The Tribunal did find, however, that the interposition of the company between the applicant and the Association was an arrangement within the definition of 'scheme' and that in each relevant year of income the applicant obtained a tax benefit due to that scheme. This was because the fees included in the company's assessable income would have been included in the applicant's assessable income if he had not entered into the arrangement to interpose the company. The Tribunal decided that there was no basis for interfering with the Commissioner's compensating adjustments and it was not satisfied that the relevant assessments were excessive. The Tribunal therefore affirmed the objection decisions as to assessment of taxable income.

Finally, the Commissioner argued that section 226H of the 1936 Act applied to the applicant. That section provides for penalty tax to apply where a taxpayer's tax shortfall is due to his or her recklessness. Based on the interpretation of 'recklessness' by the Federal Court in *BRK (Bris) Pty Ltd v Federal Commissioner of Taxation* [2001] ATC 4111, the Tribunal found that the applicant had not been reckless. This was because the applicant had entered into the arrangement based on the belief that it was the normal practice for pilots to interpose a company between themselves as individuals and their customers. The Tribunal therefore remitted the penalty assessed by the Commissioner.

Veterans' Affairs

Re Butler and Repatriation Commission

[2003] AATA 789, 12 August 2003 – Mr J Handley, Senior Member

This case concerned the Special Rate pension that is payable to war veterans pursuant to section 24 of the *Veterans' Entitlements Act 1986* (the VE Act). The matter is unusual because it illustrates that, in certain circumstances, a veteran may qualify for the Special Rate even though factors exist that can often prevent a veteran from qualifying.

Mr Butler, a Vietnam veteran with the accepted war-caused disabilities of tinnitus and post-traumatic stress disorder (PTSD), applied to the Repatriation Commission (the Commission) for pension at the Special Rate. The Commission instead increased Mr Butler's pension to 80 per cent of the general rate and the Veterans' Review Board subsequently affirmed that decision. Mr Butler applied to the Tribunal for review of the decision.

The main issue before the Tribunal was whether Mr Butler satisfied the provisions of paragraphs 24(1)(c) and 24(2)(a) of the VE Act. These provisions require that, to be eligible for pension at the Special Rate, a veteran must be prevented by his or her war-caused injury or war-caused disease alone from continuing to undertake remunerative work that he or she was undertaking, and consequently suffer a loss of salary or wages.

After leaving school, Mr Butler worked as a butcher and slaughterman until he enlisted. During service, he was trained as a transport driver and after discharge he resumed working at the abattoir and then later worked as a transport driver and a builder's labourer. In 1980, he commenced work with Alcoa as a forklift driver/machine operator, but in about 1982 or 1983 he injured his back at work. He received weekly compensation until 1985 when he took a voluntary redundancy package and he

received a lump sum payment in respect of his injury. Some time after leaving Alcoa, Mr Butler moved from Geelong to Nathalia, a remote country area in northern Victoria, largely because of the climate which gave him relief from the symptoms of prickly heat rash which he has suffered since Vietnam.

Mr Butler had not been employed since he left Alcoa, nearly 20 years previously. After ceasing work with Alcoa, Mr Butler was entitled to a disability support pension, and from 1995 service pension was paid from the Department of Veterans' Affairs by reason of permanent unemployability. However, by the late 1980s Mr Butler's back symptoms had improved and he began to seek employment. He applied for employment as a transport driver but was not successful.

From the late 1980s, Mr Butler's PTSD symptoms gradually worsened, and in 1992 or 1993 he was diagnosed with the condition. In about 1994, Mr Butler suffered acute symptoms of PTSD after using sandbags to save his home from local floods. Working with the sandbags, combined with the presence of an overhead helicopter performing rescue operations, reminded Mr Butler of his experiences in Vietnam. From that time, Mr Butler was treated by a psychologist and later by a psychiatrist.

In 2000 or 2001 Mr Butler applied for employment with a local supermarket and local trucking companies. In each case Mr Butler was not offered employment because of his PTSD. This was confirmed by the proprietor of the supermarket, who gave evidence that he would have employed Mr Butler if he had not had PTSD and that, although he would be wary of employing a person with a prior back injury, he would consider employing such a person if they had recovered from that injury.

The Commission argued that Mr Butler did not satisfy the 'alone' test under section 24 because he left the workforce because of a back injury, and the combined effects of his age, period of time out of the workforce, intention to retire on a disability pension and lack of recent work experience made him unemployable. That is, Mr Butler's war-caused PTSD alone was not responsible for his incapacity to work.

The Tribunal observed that Mr Butler's application was unusual because he conceded that his incapacity commenced initially by an injury which arose out of employment. However, Mr Butler gave evidence that he later recovered from that injury and his capacity for employment was regained, but shortly after that time his war-caused PTSD became apparent. It was this war-caused PTSD alone that Mr Butler stated affected his capacity for work and this meant that he was therefore able to satisfy the provisions of section 24.

The Tribunal accepted Mr Butler's evidence. It found that Mr Butler initially left the workforce because of his back injury (which was not war-caused) and that there was a long period of incapacity after that injury during which time he was away from the workforce. However, by 1990 the effects of the work-related back injury had ceased and at that time there was no prohibition on Mr Butler seeking employment. Indeed, at that time there were work opportunities in the Nathalia area for which Mr Butler applied. The Tribunal found that the fact that Mr Butler applied for these positions before he claimed a service pension and he later applied for employment in 2000 or 2001 was inconsistent with someone who regarded himself as being retired or unable to work. Similarly, the Tribunal rejected the argument that Mr Butler could not obtain work due to a lack of recent work experience as there was no evidence that time out of the workforce had any bearing on his unsuccessful job applications.

The Tribunal therefore found that Mr Butler would have been capable of undertaking employment if it were not for his incapacity from war-caused injury and by reason of that incapacity he was prevented from continuing to undertake the remunerative work that he was undertaking and that he suffered a loss of salary or wages. The Tribunal set aside the decision of the Commission and in substitution decided that Mr Butler was entitled to the Special Rate pension.

Appendix 7: Freedom of information

Freedom of information statement

This statement is made in accordance with section 8 of the *Freedom of Information Act 1982* (the FOI Act) and is correct as at 30 June 2004.

Subsections 8(1) and 8(3) of the FOI Act require Commonwealth agencies to publish the following information:

- the organisation and functions of the agency
- arrangements that exist for outside participation in agency decision making
- the categories of documents the agency possesses
- how people can gain access to information held by the agency.

Organisation and functions

This statement should be read in conjunction with the more detailed information contained in Chapter 2 of this report relating to the establishment, organisation, functions and powers of the Tribunal.

Arrangements for participation by persons outside the Commonwealth administration

The Tribunal holds regular liaison meetings with users of the Tribunal, including Commonwealth agencies whose decisions are commonly reviewed by the Tribunal, legal practitioners and other professionals who often appear before it, law societies, bar associations, legal aid offices, veterans' representative groups, welfare rights organisations and other representative bodies. In addition, relevant external bodies are consulted in the development of any significant changes in the Tribunal's case management processes.

Categories of documents

The Tribunal maintains the following categories of documents:

- case files on applications to the Tribunal or applications for examinations by designated persons, including all papers lodged or produced
- a computerised register of cases
- internal working documents and correspondence
- hearings lists and associated papers
- statistical information
- administrative and personnel files
- Tribunal decisions and reasons for decisions
- Personnel Directions to Staff
- Chief Executive Instructions under the *Financial Management and Accountability Act 1997*
- Registry Procedures Manual and other reference materials
- Practice Directions
- 'Getting Decisions Right' video (subtitled in eight languages, as well as in English)
- AATCAMS user manual
- 'AAT General Information' sound recording cassette for the visually impaired
- information pamphlets
- Client Service Charter.

The following categories of documents are available (otherwise than under the FOI Act) free of charge on request:

- Client Service Charter
- information pamphlets on the Tribunal's practice and procedures
- Practice Directions.

The following categories of documents are available (otherwise than under the FOI Act) for inspection upon request:

- public register of applications to the Tribunal
- list of enactments under which the Tribunal has jurisdiction
- Tribunal decisions and reasons for decisions
- Personnel Directions to Staff
- Chief Executive Instructions
- Registry Procedures Manual
- administrative arrangements between the President of the Tribunal and the Commonwealth Ombudsman to facilitate mutual referral of matters where each body may have jurisdiction
- AATCAMS user manual
- 'Getting Decisions Right' video.

The following documents are available for purchase by the public in accordance with arrangements with the Tribunal:

- copies of decisions and reasons for decisions
- Registry Procedures Manual.

In addition, AAT decisions can be accessed free of charge through the AustLII website (www.austlii.edu.au).

Facilities for access

Facilities for examining documents and obtaining copies are available at each District Registry. Documents available free of charge upon request otherwise than under the FOI Act are available from the Tribunal at each registry. The public registers are maintained in each registry.

Freedom of information procedures and initial contact points

Freedom of information contact officers will assist applicants to identify the documents they seek. The only officers authorised to deny access to documents are the Registrar and Assistant Registrar in the Tribunal's Principal Registry.

Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the Registrar or the District Registrar in each Tribunal registry. Northern Territory residents should direct any inquiries to the Queensland Registry. Contact officers, addresses and telephone numbers are provided at the end of this annual report.

The background features a complex, abstract graphic design. It consists of several overlapping, semi-transparent shapes in various shades of grey and white. These shapes are fluid and organic, resembling stylized waves or flowing forms. The overall effect is a modern, minimalist aesthetic. The text is positioned in the lower right quadrant, set against a white circular area that is part of the graphic design.

Endmatter

154 Glossary

157 Contacting the Tribunal

Glossary

AASB	Australian Accounting Standards Board
AAT	Administrative Appeals Tribunal
AAT Act	<i>Administrative Appeals Tribunal Act 1975</i>
AAT Regulations	<i>Administrative Appeals Tribunal Regulations 1976</i>
AATCAMS	The Tribunal's computerised case management system
ACT	Australian Capital Territory
ADJR Act	<i>Administrative Decisions (Judicial Review) Act 1977</i>
Affirm	The Tribunal may affirm a decision under review. This means that the original decision still stands.
ALD	Administrative Law Decisions
ANAO	Australian National Audit Office
Applicant	Person who has lodged an application for review with the Tribunal.
Application for extension of time	Applications must be made to the Tribunal within a certain time limit. However, an application may be made to the Tribunal to ask for an extension of time in which to lodge an application.
APS	Australian Public Service
ARC	Administrative Review Council
ASIC	Australian Securities and Investments Commission
ASIO	Australian Security Intelligence Organisation
ATSI	Aboriginal and Torres Strait Islander
AWA	Australian Workplace Agreement
COAT	Council of Australasian Tribunals
Conference	Also called a preliminary conference. A conference is conducted by a Tribunal Member or Conference Registrar with both parties present. The purpose of the conference is to identify issues in dispute, to negotiate a settlement of the case or, if settlement is not possible, to prepare a matter for a hearing.
Confidentiality order	The Tribunal may make an order directing that a hearing or part of a hearing be held in private and/or prohibiting or restricting the publication of the names of a party or witnesses. The Tribunal may also give directions prohibiting or restricting the publication of evidence or documents lodged with the Tribunal.
Directions hearings	Directions hearings may be held to deal with procedural matters such as the exchange of statements or documents, or, to clarify issues for a hearing. They may also be held to give directions to ensure progress in a matter in which there has been delay by a party.
Dismissal of application	In certain circumstances, an application may be dismissed by the Tribunal without proceeding to review the decision. An application may be dismissed, for example, by consent, or if the applicant fails to appear, or if the Tribunal is satisfied that the application is frivolous or vexatious.
EL	Executive Level officer of the Australian Public Service

EMS	Environmental Management System
FCA	Federal Court of Australia
FMO	Finance Minister's Orders
FOI	Freedom of information
Hearing	Appearance of parties and witnesses before the Tribunal to determine a matter. A hearing will proceed before a one-member, two-member or three-member Tribunal.
IFRS	International Financial Reporting Standards
Interlocutory application	An application to resolve procedural matters before a hearing, such as an application for a confidentiality order or an application for an extension of time to lodge an application.
Mediation	With the consent of the parties, mediation can be conducted to resolve an application.
MP	Member of Parliament
MRT	Migration Review Tribunal
NAATI	National Accreditation Authority for Translators and Interpreters
NESB	Non-English-speaking background
NNTT	National Native Title Tribunal
NSW	New South Wales
NT	Northern Territory
OH&S	Occupational health and safety
Outcome	The result, impact or consequence of actions by the Australian Government on the Australian community.
Output groups	The aggregation based on homogeneity, type of product or beneficiary target group, of outputs.
Outputs	The goods or services produced by agencies on behalf of government for external organisations or individuals.
Outreach	A Tribunal program to help and inform self-represented applicants about Tribunal practices and procedures.
Party	A party is the applicant or the respondent.
Party joined	Where a person has applied to the Tribunal for review of a decision, any other person whose interests are affected by the decision may apply to be made a party to the proceeding, and the Tribunal may grant that application. This person is a party joined.
PBS	Portfolio Budget Statements
Portfolio Agency Budget Statements	Statements prepared by portfolio agencies to explain the budget appropriations in terms of outcomes and outputs.
PSRT	Professional Services Review Tribunal
PWD	People with disabilities

Qld	Queensland
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	The party who responds to or answers an application. This is usually the Minister, official or agency which made the original decision.
RRT	Refugee Review Tribunal
SA	South Australia
Section 29 notice	A notice by the Tribunal to the agency that made the decision against which an application for review has been made, advising the agency of the application.
Section 37 documents	The statement and documents produced by an agency under section 37 of AAT Act, known generally as 'T documents'. They include the reasons for the decision against which an appeal is being made to the Tribunal, and other relevant documents.
SES	Senior Executive Service
Set aside	The Tribunal may set aside a decision under review. The effect is that the Tribunal disagrees with the original decision and makes a new decision.
SSAT	Social Security Appeals Tribunal
Stay order	An order of the Tribunal to suspend the implementation of the decision under review until the matter is determined or resolved.
Summons	A notice issued by the Tribunal calling a person to appear before it or to produce documents to it.
Tas	Tasmania
Taxation Division	Taxation Appeals Division
T documents	See 'Section 37 documents'.
Tribunal	Administrative Appeals Tribunal
Vary	The Tribunal may vary a decision under review. This means that the Tribunal changes or alters the original decision.
Vic	Victoria
VRB	Veterans' Review Board
WA	Western Australia

Contacting the Tribunal

The Tribunal can be contacted in person, by telephone or in writing (by letter or fax). Office hours are 8.30 a.m. to 5.00 p.m., 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
District Registrar
Level 7
City Centre Tower
55 Market Street
SYDNEY NSW 2000
Telephone: (02) 9391 2400
Facsimile: (02) 9283 4881

Victoria
District Registrar
Level 16
Southgate, HWT Tower
40 City Road
SOUTHBANK VIC 3006
Telephone: (03) 9282 8444
Facsimile: (03) 9282 8480

Queensland
District Registrar
Level 4
Commonwealth Law Courts
Cnr North Quay and Tank Street
BRISBANE QLD 4000
Telephone: (07) 3361 3000
Facsimile: (07) 3361 3001

Northern Territory residents should direct any enquiries to the Queensland Registry.

South Australia
District Registrar
11th Floor
Chesser House
91 Grenfell Street
ADELAIDE SA 5000
Telephone: (08) 8201 0600
Facsimile: (08) 8201 0610

Western Australia
District Registrar
Level 8
Quadrant Building
1 William Street
PERTH WA 6000
Telephone: (08) 9327 7200
Facsimile: (08) 9327 7299

Tasmania
District Registrar
Ground Floor
Commonwealth Law Courts
39–41 Davey Street
HOBART TAS 7000
Telephone: (03) 6232 1712
Facsimile: (03) 6232 1701

Australian Capital Territory
District Registrar
4th Floor
Canberra House
40 Marcus Clarke Street
CANBERRA ACT 2601
Telephone: (02) 6243 4611
Facsimile: (02) 6247 0962

National telephone number

The Tribunal provides a national telephone number, 1 300 366 700. 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 Rivers area of NSW 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.



The background features a complex, abstract composition of overlapping, semi-transparent shapes in various shades of grey and white. These shapes create a sense of depth and movement, with some areas appearing darker due to the layering. The overall aesthetic is clean and modern.

Indexes

160 Compliance index

163 Alphabetical index

Compliance index

Requirement	Page
Letter of transmittal	iii
Table of contents	iv
Index	163
Glossary	154
Contact officer	vi
Internet home page address and Internet address for report	vi
Review by the President	2
Overview	
Overview description of Tribunal	12–20
Role and functions	12
Organisational structure	13–16
Outcome and output structure	25
Variation to output structure	Not applicable
Report on performance	
Review of performance during the year in relation to outputs and contribution to outcome	25–30
Actual performance in relation to performance targets set out in PBS/PAES	26–27
Performance of purchaser/provider arrangements	Not applicable
Variation to performance targets	Not applicable
Narrative discussion and analysis of performance	27–30
Factors, events and trends influencing departmental performance	22–23, 27–30
Significant changes in nature of principal functions/services	Not applicable
Performance against service charter customer service standards, complaints data, and the department's response to complaints	32
Social justice and equity impacts	18–19
Discussion and analysis of the department's financial performance	56
Summary resource table by outcome	26
Post 30 June developments	None to report

Requirement	Page
Management and accountability	
Corporate governance	
Names of the senior executive and their responsibilities	14–16
Senior management committees and their roles	13, 36, 40, 46, 60
Corporate and operational planning and associated performance reporting and review	6–9, 55, 60
Approach adopted to identifying areas of significant financial or operational risk and arrangements in place to manage risk	56
Certification of fraud measures in place	56
Policy and practices on the establishment and maintenance of appropriate ethical standards	55
How nature and amount of remuneration for senior executive service employees is determined	51
External scrutiny	
Significant developments in external scrutiny	30
Judicial decisions and decisions of administrative tribunals	30
Reports by the Auditor-General, a parliamentary committee or the Commonwealth Ombudsman	31
Management of human resources	
Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	50
Workforce planning, staff turnover and retention	50
Training and development undertaken and its impact	46–49
Statistics on staffing	123
Certified agreements and AWAs	50–51
Performance pay	51
Purchasing	
Assessment of purchasing against core policies and principles	57

Requirement	Page
Assets management	
Assessment of effectiveness of assets management	Not applicable
Consultants and competitive tendering and contracting	
Number of consultancy services contracts let and total expenditure on consultancy services	57–58
Competitive tendering and contracting contracts let and outcomes	59
Contractual provisions not allowing access by the Auditor-General	None to report
Contracts exempt from Purchasing and Disposal Gazette	57
Providing access to people with disabilities	
Report on performance in implementing the Commonwealth Disability Strategy	19, 49, 53–54
Financial statements	64–102
Other information	
Occupational health and safety	55
Freedom of information	31, 151–152
Advertising and market research	59
Ecologically sustainable development and environmental performance	59
Discretionary grants	59
Correction of material errors in previous annual report	None to report

Alphabetical index

A

- AAT Agency Agreement, 50, 51
 - AATCAMS (computerised case management system), 3, 60
 - Aboriginal and Torres Strait Islander traineeship, 4, 8, 49
 - accessibility to users, 4, 18–19
 - accommodation, 3, 9, 57
 - accounting policies *see* summary of significant accounting policies
 - Administrative Appeals Tribunal (AAT)
 - establishment, 12
 - financial statements, 64–102
 - functions and powers, 12
 - jurisdiction, 12
 - changes to, 139–141
 - membership, 13, 15, 104–122
 - organisation, 13–14, 55–61
 - organisational plan and statement of
 - achievements, 6–9
 - outcome, *v*, 25–26
 - people, 46–55
 - workload and performance, 22–33
 - Administrative Appeals Tribunal Act 1975* (AAT Act), 12
 - proposed amendments to, 2, 7, 40
 - Administrative Appeals Tribunal Regulations 1976* (AAT Regulations), 12
 - Administrative Decisions (Judicial Review) Act 1977* (ADJR Act), 30
 - Administrative Review Council (ARC), 42
 - advertising and market research, 59
 - appeals from decisions of the Tribunal
 - appeals determined, 135
 - appeals lodged by jurisdiction, 135
 - outcomes of appeals determined, 135, 136
 - application fees, 137–138
 - applications current, 4, 6, 22, 24, 25
 - by District Registry, 134
 - status of, 133
 - applications finalised, 4, 22, 23–25, 125–130
 - by District Registry, 130
 - by outcome, 132
 - price, quality and quantity of, 27–28
 - without a hearing, 131; *see also* outcomes and outputs
 - applications lodged, 22–23, 125–130
 - by District Registry, 130
 - appointments and reappointments, 3, 47, 107
 - appropriations, 99–100
 - Assistant Registrar, 2, 5, 14, 15–16, 51
 - Attorney-General's Department
 - liaison with, 40
 - audit and fraud control, 56
 - Audit Committee, 56
 - Auditor-General
 - and external scrutiny of the Tribunal, 31
 - Australian Federal Police Act 1979*
 - warrants under, 20, 32
 - Australian Institute of Criminology
 - cooperation with, 43
 - Australian National Audit Office
 - and external scrutiny of the Tribunal, 30
 - Australian Security Intelligence Organisation
 - applications for review of security assessments of, 12, 41
 - Australian Taxation Office
 - challenges to objection decisions of, 38
 - Australian Workplace Agreements, 51
- ## B
- bankruptcy
 - applications lodged and finalised, 125
 - benevolent fund *see* staff benevolent fund
 - bonuses, 51
 - business continuity plan for information technology systems, 60

C

case management system, 16, 18
 new, 3, 9, 60
 see also AATCAMS (computerised case management system)

Certified Agreement see AAT Agency Agreement

citizenship
 applications lodged and finalised, 126

Client Service Charter, 19, 49
 performance in relation to, 32
 revision of, 4, 6, 39

Code of Practice for Notification of Reviewable Decisions and Rights of Review, 27

Commonwealth Disability Strategy, 19, 52
 performance against, 53–54

Commonwealth Ombudsman
 and external scrutiny of the Tribunal, 30, 31

compensation
 appeals from decisions of the Tribunal, 135
 outcomes of, 136
 applications current, 24, 25
 status of, 133
 applications finalised, 23, 24, 125
 by outcome, 132
 without a hearing, 131
 applications lodged, 23, 125
 decisions of interest, 142–143
 and timeliness of review, 28
 user forums, 37

complaints, 19, 27
 performance in relation to, 32

concurrent expert evidence study, 6, 38, 61

Conference Registrars, 14, 16

conferences, mediations, hearings and interlocutory hearings
 number of, 135

conferences held by the Tribunal, 48–49

Constitution Committee, 13, 40

constitution of tribunals for hearings, 134

consultants, 57–58

contracting-out, 59

controlled operations certificates
 functions of the Tribunal relating to, 20
 workload, 33

Corporate Support, 55–59

corporations
 applications lodged and finalised, 125

Council of Australasian Tribunals (COAT), 3, 5, 7, 41–42, 47, 61

Crimes Act 1914
 controlled operations certificates under, 20, 33

current matters see applications current

Customs Act 1901
 warrants under, 20

D

decisions of the Tribunal
 appeals from see appeals from decisions of the Tribunal
 decisions of interest, 142–150

Disability Action Plan, 19
 revision of, 8, 49

Disability Discrimination Act 1992, 49

disaster recovery plan, 9

discretionary grants, 59

dispute resolution process, 16–18

District Registrars, 8, 13, 14, 49

District Registries, 16
 applications current, 134
 applications lodged and finalised, 130
 current taxation scheme matters, 39
 locations and contact numbers, 157
 proceeds of crime examinations, 33
 warrants issued, 33

duty lawyer scheme, 6, 37–38

E

Education Services for Overseas Students Act 2000
 warrants under, 20, 33

environment
 applications lodged and finalised, 125

environmental performance, 59

equal employment opportunity
 statistics, 123
see also workplace diversity

equity, 94

executive remuneration, 96

exempt contracts, 57

external scrutiny, 30–31

F

family assistance
 applications lodged and finalised, 125

Federal Court of Australia
 cooperation with, 43
 and external scrutiny of the Tribunal, 30

Federal Magistrates Court
 cooperation with, 43
 and external scrutiny of the Tribunal, 30

Financial Management Section, 14, 56

financial performance
 statement of, 68

financial position
 statement of, 69

financial statements, 63–102

Fraud Control Plan, 9, 56

Freedom of Information, 151–152

Freedom of Information Act 1982
 and external scrutiny of the Tribunal, 30, 31
 applications lodged and finalised, 127

functions and powers of the Tribunal, 12

G

General Practice Direction, 17, 36
 and case management responsibilities, 18
 review of, 6
see also Practice Directions

glossary, 154–156

H

harassment policy, 8, 50

heads of tribunals meeting, 42

health and aged care
 applications lodged and finalised, 126

hearings *see* conferences, mediations, hearings
 and interlocutory hearings; constitution of
 tribunals for hearings

human resource management, 50–55

I

immigration
 applications lodged and finalised, 126
 decisions of interest, 146–147

independent audit report, 64–66

induction program for new members, 8, 47

industry
 applications lodged and finalised, 126

Information Services and Technology, 59–60

information technology
 business continuity plan for, 60
 strategies with partners, 42
 upgrade of, 59

Information Technology Steering Committee, 9,
 13, 60

insurance, 56

interlocutory hearings *see* conferences,
 mediations, hearings and interlocutory hearings

intermediate timeliness statistics for applications,
 29

international partners, 43

J

Judiciary Act 1903, 30

jurisdiction, 12
 changes to, 139–141

L

Learning and Development Officer, 4, 8, 47, 52
 Library and Information Services, 14, 60–61
 Library Committee, 13, 60
 Listing Coordinators, 18, 40

M

market research *see* advertising and market research
 mediations *see* conferences, mediations, hearings and interlocutory hearings
 meetings with users, 37
 see also user forums
 Members' Conference, 4, 8, 48
 Members' Handbook, 8, 52
 members of the Tribunal, 13, 15, 104–122
 conference, 8
 salaries/terms and conditions, 8, 52

Migration Act 1958

warrants under, 20, 33

Migration Review Tribunal (MRT)

cooperation with, 2, 42, 43

N

National Native Title Tribunal (NNTT)

cooperation with, 43

non-compliance

addressing, 4, 6, 37

non-salary benefits, 51

notes to financial statements, 78–102

notification of review rights, 27

O

occupational health and safety (OH&S), 55

Organisational Plan, v, 4, 27, 36, 37, 40, 46, 47, 55

organisational plan and statement of

achievements, 6–9

outcome, v, 25

reporting of, 101–102

total resources for, 25–26

outcomes and outputs, 25, 26, 27

output structure, 25

Outreach Program, 19

overview of the Tribunal, 12–20

P

pamphlets, 18, 39

parliamentary committees

and external scrutiny of the Tribunal, 30, 31

partners of the Tribunal, 40–44

organisational plan and statement of achievements in relation to, 7

passports

applications lodged and finalised, 126

people, 46–55

organisational plan and statement of achievements in relation to, 8

see also staff

performance, 25–30

in relation to Client Service Charter and complaints, 32

performance agreements, 8

Performance Management Program, 51

performance monitoring, 8

performance results, 26

performance standards, 26, 27

pilot duty lawyer schemes, 2, 6, 19, 37–38

Policy and Research Section, 14, 36, 40, 46, 55, 61

Portfolio Agency Budget Statements, v, 25

powers and functions of the Tribunal, 12

Practice and Procedure Committee, 13, 36

Practice Directions, 17, 36

Direction on Conciliation Conferences, 17

Freedom of Information Act Practice Direction, 17

Practice Direction on Procedures relating to Section 37 of the Administrative Appeals Tribunal Act, 17

review of, 6, 36

Small Taxation Claims Tribunal Practice
 Direction, 17
see also General Practice Direction

President, 3, 13, 14, 104

President's overview, 2–3

primary industries
 applications lodged and finalised, 127

Principal Registry, 13, 16

Proceeds of Crime Act 2002
 examinations under, 20, 33
 functions of the Tribunal relating to, 20

Professional Development Committee, 13, 46–47

professional development seminars, 46

professional qualifications
 applications lodged and finalised, 127

Professional Services Review Tribunal (PSRT)
 cooperation with, 43

property, 57

publications, 4, 18, 39

purchasing, 57–59

R

reader's guide, v–vi

Refugee Review Tribunal
 cooperation with, 42

Registrar, 2, 13, 14, 15, 51

Registrar's report, 4–5

remuneration
 of auditors, 96
 executive, 96
 Senior Executive Service officer, 51

review processes
 efficiency and fairness of, 27
 timeliness of *see* timeliness of review

risk management, 9, 56

S

Safety, Rehabilitation and Compensation Act 1988
 (SRC Act), 48

salaries, 123
see also remuneration

security appeals
 applications lodged and finalised, 127

Security Appeals Division, 41

self-represented parties
 assistance to, 2, 16, 17, 19

Small Taxation Claims Tribunal, 17, 28
 appeals from decisions of the Tribunal, 135
 outcomes of, 136
 applications current, 24, 25
 status of, 133
 applications finalised, 23, 24, 127
 by outcome, 132
 without a hearing, 131
 applications lodged, 23, 127

Small Taxation Claims Tribunal Practice
 Direction, 17
 and timeliness of review, 29

social security
 appeals from decisions of the Tribunal, 135
 outcomes of, 136
 applications current, 24, 25
 status of, 133
 applications finalised, 23, 24, 125–126
 by outcome, 132
 without a hearing, 131
 applications lodged, 23, 125–126
 decisions of interest, 144–146
 and timeliness of review, 28
 user forums, 37

Social Security Appeals Tribunal, 12

staff, 16, 46–55, 123
 non-salary benefits, 51
 salaries and remuneration *see* remuneration;
 salaries
 working conditions *see* AAT Agency
 Agreement; Australian Workplace Agreements
see also people

staff benevolent fund, 8, 50

staffing levels
 average, 96

statement by chief executive officer and chief finance officer, 67
 statistics, 124–136
 summary of significant accounting policies, 79–85

T

Taxation Appeals Division

appeals from decisions of the Tribunal, 135
 outcomes of, 136
 applications current, 24, 25
 status of, 133
 applications finalised, 23, 24, 128
 by outcome, 132
 without a hearing, 131
 applications lodged, 23, 128
 decisions of interest, 147–148
 and timeliness of review, 28
 user forums, 37

taxation scheme matters, 4, 6, 23
 management of, 38–39

Telecommunications (Interception) Act 1979

warrants under, 20, 32, 40
 telephone typewriter service, 158
 timeliness of review, 28–30
 training and development, 4, 46–49
 transport

 applications lodged and finalised, 128

Tribunal Efficiencies Working Group, 2, 7, 41, 61

U

user forums, 7, 37

see also meetings with users

users of the Tribunal

 36–40, 6

 organisational plan and statement of achievements in relation to, 6

V

veterans' affairs

 appeals from decisions of the Tribunal, 135
 outcomes of, 136

 applications current, 24, 25

 status of, 133

 applications finalised, 23, 24, 128

 by outcome, 132

 without a hearing, 131

 applications lodged, 23, 128

 decisions of interest, 149–150

 and timeliness of review, 28

 user forums, 37

W

warrants

 functions of the Tribunal relating to, 20

 workload, 32–33

work experience placements, 7, 44

workload, 22–25

see also statistics

workload and performance of the Tribunal, 22–33

workplace diversity, 8, 49

see also equal employment opportunity

workplace planning, staff retention and turnover, 50

