

**THE SOCIAL SECURITY  
APPEALS TRIBUNAL**

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**ANNUAL REPORT  
2006-07**

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28 September 2007

The Hon. Mal Brough, MP  
Minister for Families, Community Services and Indigenous Affairs  
Parliament House  
Canberra ACT 2601

Dear Minister

I am pleased to present this Annual Report of the Social Security Appeals Tribunal for the year ending 30 June 2007, as required under clause 25 of Schedule 3 to the *Social Security (Administration) Act 1999*.

I respectfully draw your attention to your obligation under subclause 25(2) of that Schedule to cause it to be laid before each House of the Parliament within 15 sitting days after you receive the report.

In addition to the reporting obligations under the *Social Security (Administration) Act 1999*, this report meets obligations under section 8 of the *Freedom of Information Act 1982*.

This report has been prepared in accordance with *The Requirements for Departmental Annual Reports* issued by the Department of Prime Minister and Cabinet, to the extent that they are relevant to the Tribunal's operations.

Yours sincerely



L M Blacklow  
Executive Director

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# Part 1: Executive Director's Overview



*Mr Les Blacklow,  
Executive Director, SSAT*

## Expanded jurisdiction

The major event for the Social Security Appeals Tribunal (SSAT) in 2006-07 was an expansion in the SSAT's jurisdiction. From 1 January 2007, the SSAT's review powers included the power to review most decisions of the Child Support Agency (CSA). In the first six months of the new jurisdiction, the Tribunal received 704 child support applications.

In the latter half of 2006 and continuing into 2007, the SSAT's Child Support Steering Committee oversaw the completion of six national projects to prepare the Tribunal for the expanded jurisdiction. As part of these projects, the SSAT negotiated new accommodation leases for three offices – the Queensland, Victorian and National Office – and arranged the refurbishment of the remaining offices to ensure that it has appropriate and sufficient accommodation to review both social security and child support appeals.

In preparation for the expanded jurisdiction, the SSAT also conducted member recruitment exercises which resulted in a 25% increase in member numbers from 2005-06. The SSAT also reviewed its APS staffing structure and requirements, determining that a number of additional staff would be required to manage the child support jurisdiction.

Tribunal merits review of CSA decisions was not available in Australia before 1 January 2007 and it was very difficult for the SSAT to anticipate the effect the new jurisdiction would have on its operations. After six months experience it is still too early to say how the Tribunal will perform in the longer term in dealing with child support cases, especially in light of major changes to the child support system on 1 July 2008. Our early experience indicates that many of these cases are difficult because of the often underlying tension(s) between the parties and the sensitivities in relation to the sharing of responsibility and costs for raising children. The Tribunal's early experience is that these appeal cases also take substantially longer than social security cases to hear; the set up of the hearing room needs to be modified; and the attendance of two, and possibly more, parties requires significantly more management by both SSAT staff and members. More details of the new child support jurisdiction are contained in Part 2 of this Report.

## Meeting statutory objectives

During 2006-07, the SSAT continued to focus on meeting its statutory objectives - providing a review mechanism that is fair, just, economical, informal and quick - in the context of a workload increasing in breadth and depth. In addition to the 704 applications for review of CSA decisions received in the reporting period, the SSAT received 8,589 applications for review of Centrelink decisions, a 5% increase on the 2005-06 lodgements. Despite this increase, the SSAT finalised more applications for review of Centrelink decisions than in the previous year and performance in relation to timeliness was maintained.

In 2006-07, the average time between lodging and finalising an application for review of a Centrelink decision was 8.35 weeks, while the average time to finalise an application for review of a CSA decision was 11.5 weeks (excludes 'no jurisdiction' cases – see Part 4). Both of these results are within the national standards of 10 weeks for Centrelink appeals and 13 weeks for child support appeals.

In an effort to measure the SSAT's success in achieving its statutory objectives, the Tribunal continued to use its key performance indicators (KPIs) which were refined in 2005-06. These indicators monitor factors that are measurable, independently verifiable and important to the Tribunal's success. Our performance against many KPIs relating to such things as timeliness and customer service is, as usual, reported in this Annual Report (see Parts 4 and 7).

In the coming year the SSAT is considering moving towards a more wholistic view of performance measurements. Using this approach, the SSAT could develop a revised set of KPIs focusing on performance from a financial, customer and staff/member perspective.

## New Director appointments

In late 2006, the SSAT welcomed two new State Office Directors – Suellen Bullock commenced as the Director of the NSW and ACT Offices and Sue Raymond commenced as the Director of the South Australian and Tasmanian Offices. Both Directors were appointed for a period of three years.

## Quality decisions

The Tribunal strives to deliver the best quality decisions that it can. This is not easy. The social security law and child support legislation is very complex and the fact situations with which the Tribunal is presented are often complicated. There are many fine judgements to be made on evidence, facts and law. The Tribunal recognises it can improve its quality and consistency. To this end, the SSAT has established a Quality Analysis Unit to support and assist members in making consistently sound and legally correct decisions. The unit is located in the SSAT's National Office but its staff regularly visit the Tribunal's State and Territory Offices to provide training and assistance on legal and procedural issues.



During the year, the SSAT renewed its focus on training and development for both staff and members. In the lead up to 1 January 2007, all full-time members received training in the conduct of child support appeals, as did staff in all State and Territory Offices. By the end of February 2007, all part-time members had also received specific child support training. The training was presented by a combination of SSAT training officers and staff from local CSA offices. The co-operation of the CSA in delivery of this training was greatly appreciated. In addition to this training, the SSAT completed a substantial revision of the Members' Handbook to incorporate advice and information regarding child support appeals. The revised Handbook, together with the newly developed Members' Induction pack, will be provided to all new members.

## Interagency liaison

Liaison with other government organisations remained a key focus for the SSAT in 2006-07. As in previous years, the Tribunal liaised with Centrelink on a national and local level to discuss common issues and to monitor performance against the standards articulated in the Administrative Arrangements Agreement between the SSAT and Centrelink. This year, the SSAT also worked at establishing a professional relationship with the CSA. As part of this process, the SSAT and the CSA developed and signed a Memorandum of Understanding (MOU). This MOU defines the SSAT's professional relationship with the CSA and provides for information sharing and a range of other matters essential to the efficient conduct of child support appeals.

Parties to child support appeals have a right of appeal to the Federal Magistrates Court on a question of law. The SSAT therefore established formal communication channels with the Federal Magistrates Court in the reporting period. Further information about the SSAT's relationship with the Court and other organisations is available in Part 2 of this report.

In addition to interagency liaison activities, the SSAT maintained its involvement in the Council of Australasian Tribunals (COAT) and the Commonwealth Heads of Tribunals group. Once again, the SSAT benefited from co-operation with other review tribunals, particularly in the area of learning and development. SSAT staff and members participated in training organised by other tribunals and staff from other tribunals attended training run by the SSAT.

## Other major achievements

In the IT area, the SSAT successfully completed a major upgrade of its network operating system and significantly enhanced AMSWIN (the Tribunal's case management system) to make it compatible with the management of child support appeals. In the area of corporate governance, the Tribunal negotiated and finalised a new agency agreement for APS staff for another three year period. The SSAT reviewed its performance development arrangements and selected and commenced implementation of an Electronic Document and Records Management System (EDRMS). These two initiatives, among others, are designed to increase the SSAT's productivity over the coming years.

## The year ahead

The year ahead is likely to see a steady rise in the number of child support appeals received by the SSAT and continuing exposure to new and difficult questions of law and fact in that regard. The Tribunal expects to appoint more members at the end of the 2007 calendar year to ensure it has sufficient members to handle the work load. I earlier mentioned the major changes to the CSA formula on 1 July 2008; those changes are likely to have a major impact on the number of child support appeals in the future.

## Thank-you

In conclusion, the past year has been a busy one, characterised by considerable changes for the Tribunal, many driven by the assumption of the child support jurisdiction. In this context, I would like to express, as I do each year, my most sincere thanks to all SSAT staff, members and Directors for their continued efforts to ensure that the Tribunal provides a quality and timely appeal service for all applicants.



L M Blacklow  
Executive Director

## Part 2: SSAT Overview

### Role

The Social Security Appeals Tribunal (SSAT) is a statutory body established under the *Social Security (Administration) Act 1999* to conduct merits review of administrative decisions made under the social security law, the family assistance law and various other pieces of legislation. Most of these decisions are made by Centrelink.

On 1 January 2007, the SSAT also assumed responsibility for reviewing most decisions made by the Child Support Agency (CSA).

The *Social Security (Administration) Act 1999*, the *A New Tax System (Family Assistance) (Administration) Act 1999* and the *Child Support (Registration and Collection) Act 1988* set out the powers and functions of the SSAT.

### Relationships

#### *Families, Community Services and Indigenous Affairs*

The SSAT is within the portfolio of the Minister for Families, Community Services and Indigenous Affairs.

Administrative arrangements of long standing exist between the Department of Families, Community Services and Indigenous Affairs (FaCSIA) and the Tribunal that allow the Tribunal to benefit from the Department's administrative infrastructure.

In accordance with Section 10 of the *Social Security (Administration) Act 1999*, and supported by a Memorandum of Understanding between FaCSIA and the SSAT, the SSAT purchases the use of financial and personnel management information systems to perform its purchasing, accounts payment, budgeting and staff management functions (including maintenance of personnel records, processing of leave records and payment of salaries and fees to staff and members). However, the SSAT retains responsibility for, and control of, decision-making in relation to the deployment of its human resources, information technology and financial resources. The SSAT also has its own national case management system (AMSWIN) to manage and administer appeals.

Funding for the Tribunal's running costs (salary, administration, property and information technology) is provided in the FaCSIA portfolio budget. The Tribunal prepares and submits budget bids to FaCSIA in aggregate, to be incorporated into total portfolio requirements.

The Executive Director determines the distribution of funds within the SSAT, with a mid-year funding review carried out in close co-operation with SSAT State Office Directors.

The SSAT is responsible for managing its own financial resources. In 2006-07, the Tribunal operated within its budget. Further information regarding the Tribunal's financial management is available in Part 6 and in the Financial Statements.

## *Centrelink*

The SSAT is completely independent of Centrelink in the review of Centrelink decisions.

The SSAT receives between 8,000 and 9,000 appeals annually regarding Centrelink decisions and relies on extensive communications with Centrelink to hear these appeals efficiently and effectively.

An Administrative Arrangements Agreement (AAA), originally signed by the SSAT Executive Director and the CEO of Centrelink in June 2003 and updated in May 2005, strengthens the professional relationship between the SSAT and Centrelink. The key focus of this agreement is to enhance service delivery outcomes for applicants and to improve liaison across a broad range of administrative matters. Both parties monitor compliance with this Agreement and report to each other on the level of performance against the agreed standards twice a year.

The Executive Director of the SSAT meets regularly with senior representatives of Centrelink's Legal Services Branch, while maintaining communication with the Centrelink CEO and other key managers.

On a state/territory level, Directors engage in the regular exchange of information with Centrelink area managers. The information exchange between SSAT and Centrelink staff has three aims:

1. to ensure relevant appeal and liaison issues are dealt with;
2. to enhance the understanding of the Tribunal by Centrelink officers and vice versa; and
3. to contribute to improving customer service.

## *Child Support Agency*

As with the review of Centrelink decisions, the SSAT is completely independent of CSA in the review of CSA decisions. However, the SSAT relies on good communications with CSA in order to meet its statutory objectives in hearing child support appeals.

During 2006, the SSAT regularly liaised with the CSA regarding preparations to conduct merits review of CSA decisions. As part of these preparations, the SSAT and the CSA developed a Memorandum of Understanding (MOU) setting out the roles and responsibilities of each agency in the review process. The MOU was signed by the SSAT Executive Director and the CSA General Manager in December 2006.

Like the AAA between the SSAT and Centrelink, the MOU's main purpose is to provide a framework for communication between the SSAT and the CSA and to improve service

delivery outcomes for parties to child support appeals. The MOU is monitored to ensure it is effective in achieving its objectives; given the newness of the jurisdiction, it is expected that the MOU will be amended in the light of experience and will be reviewed annually.

At the state/territory level, SSAT Directors have formed relationships with their counterparts in CSA offices and liaise regularly to share information and to discuss appeal issues that arise.



*CSA General Manager, Matt Miller (left) and SSAT Executive Director, Les Blacklow, sign the MOU.*

## **Other Tribunals**

The SSAT maintains relationships with other tribunals through the following forums:

- Council of Australasian Tribunals (COAT);
- Commonwealth Heads of Tribunals (CHOTS), involving the Administrative Appeals Tribunal, the Veterans' Review Board, the Migration Review Tribunal, the Refugee Review Tribunal and the National Native Title Tribunal;
- Meetings involving the senior managers/registrars from the above federal review tribunals; and
- General liaison between staff of specific corporate functions (including human resources, finance, training and information technology).

## **Federal Magistrates Court of Australia**

Parties to child support appeals who disagree with the SSAT's decision can appeal to a court on a question of law. In effect this will usually mean the Federal Magistrates Court which has joint registries with the Federal Court of Australia in many locations. A party seeking to appeal a decision of the SSAT must service notice on the SSAT within 7 days of filing the appeal.

The SSAT has liaised regularly with the Federal Magistrates Court since assuming responsibility for reviewing CSA decisions. Several SSAT Directors have met with the Magistrates in their state and the Tribunal has a nominated liaison person in the National Office for Federal Magistrates Court matters.

For other liaison and outreach activities, please see Part 5.

## **Jurisdiction**

The SSAT's jurisdiction is derived from the *Social Security (Administration) Act 1999*, the *A New Tax System (Family Assistance) (Administration) Act 1999*, the *Child Support (Registration and Collection) Act 1988*, and the *Student Assistance Act 1973*. These Acts provide for appeal to the SSAT by any person who is dissatisfied with a decision that has

been reviewed and affirmed, varied or set aside by the Secretary to the relevant Department, the Centrelink Chief Executive Officer, the Child Support Registrar (CSA General Manager), a Centrelink authorised review officer or a CSA objections officer.

## *Reviews by the Tribunal*

The SSAT generally has the power to affirm, vary or set aside a decision under review. Where it sets aside a decision, the Tribunal may either substitute a new decision or send the matter back to Centrelink or CSA with directions or recommendations for further action.

Reviews by the SSAT typically relate to the following types of decisions:

### *Social Security Law*

- Not to grant a pension, benefit or allowance (e.g. Disability Support Pension or Newstart Allowance).
- The rate at which an entitlement is to be paid.
- The suspension or cancellation of an entitlement.
- The raising of debts relating to overpayments and the rate at which they are to be recovered.

### *Family Assistance Law*

- Entitlement to family assistance (e.g. Family Tax Benefit).
- The rate at which family assistance is paid.
- The raising of debts relating to family assistance overpayments and the rate at which they are to be recovered.

### *Child Support (Registration and Collection) Act*

- Acceptance or refusal of change of assessment determinations.
- Acceptance, refusal and particulars of administrative assessments.
- Acceptance, refusal and changes to cases registered for CSA collection.
- Acceptance or refusal of child support agreements.
- Acceptance or refusal of income estimates.
- Acceptance or refusal of non-agency payment credits.
- Refusal to grant an extension of time to lodge an objection.

### *Health Insurance Act*

- The declaration of disadvantaged persons for entitlement to health care cards.

### *Child Support (Assessment) Act*

- Whether reasonable action has been taken to obtain maintenance.

### *Farm Household Support Act*

- Assistance to farmers experiencing financial hardship.

### Student Assistance Act

- Entitlement to various forms of student assistance.
- Recovery of student assistance debts.

### Veterans' Entitlements Act

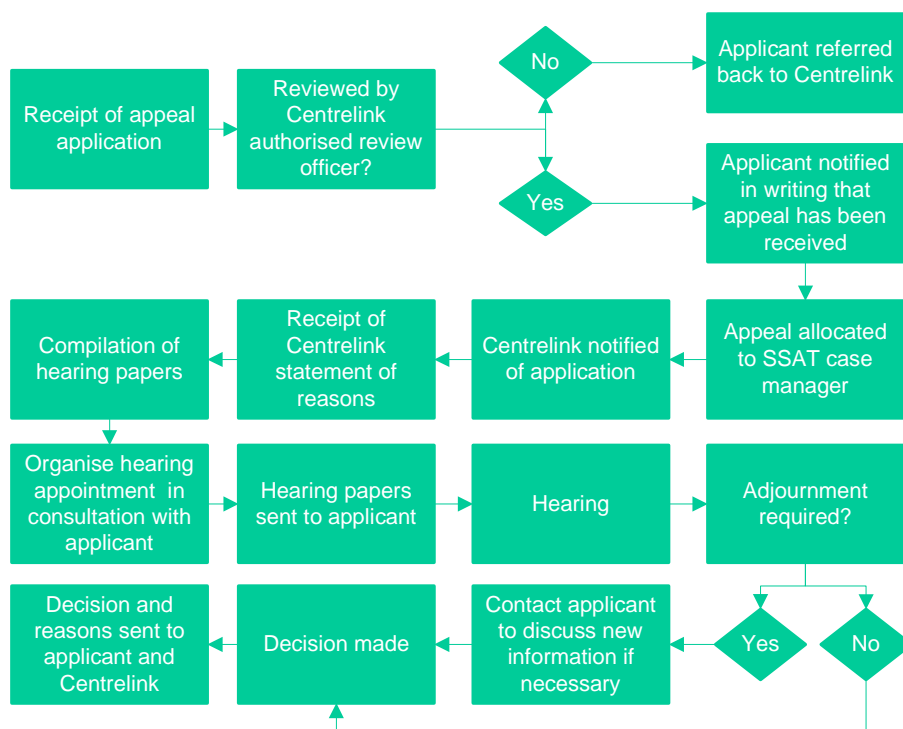
- Calculation of arrears of service pension where the veteran's partner was receiving a social security pension or benefit.

The SSAT may exercise the powers and discretions of the Secretaries to the Department of Families, Community Services and Indigenous Affairs, the Department of Employment and Workplace Relations and the Department of Employment, Science and Training as well as the Child Support Registrar. A number of limited exceptions exist, as detailed in Appendix 1.

## Appeal Management Process

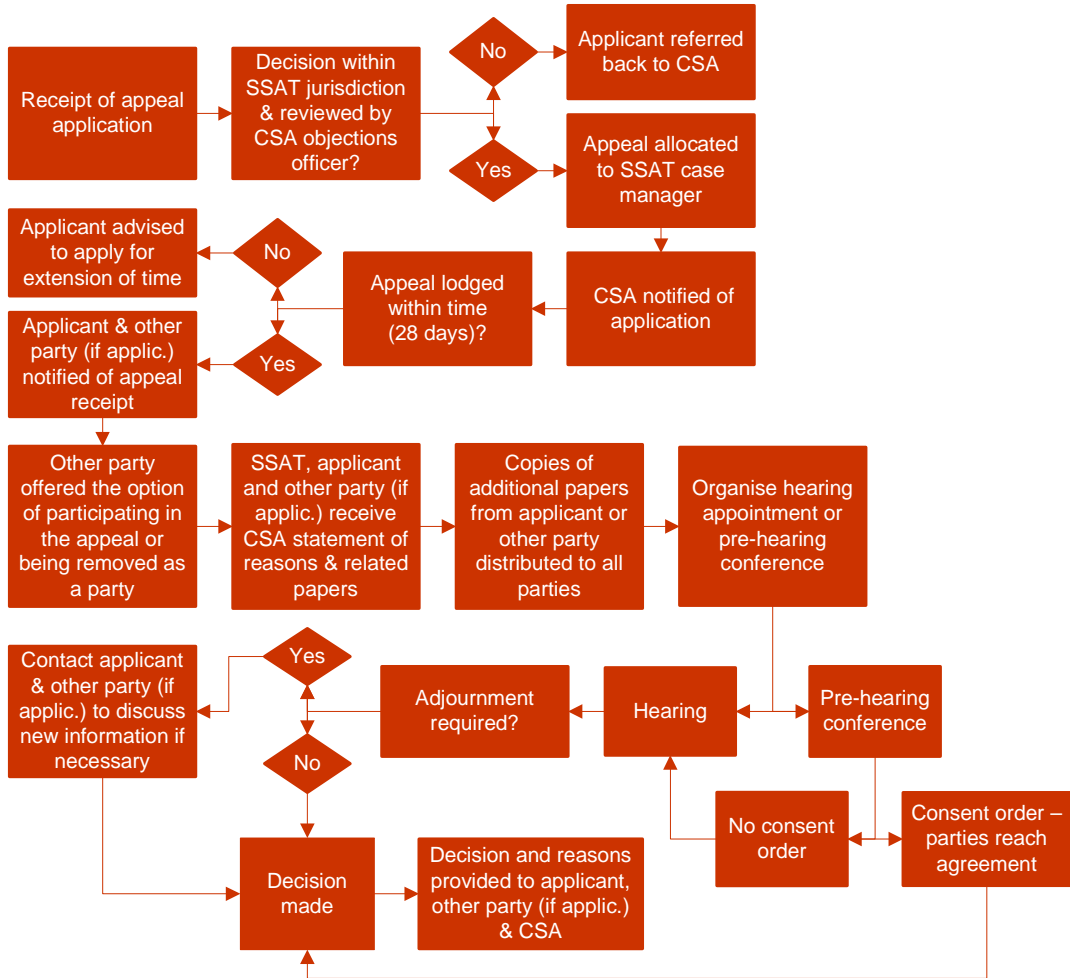
Figures 1 and 2 outline the typical SSAT process for managing social security and child support appeals respectively.

Figure 1: Social security appeal management process



Please note that the social security law requires a decision to be reviewed by a Centrelink authorised review officer before an appeal can be lodged with the SSAT. Similarly, child support legislation requires a decision to be reviewed by a CSA objections officer before an appeal can be lodged with the SSAT (except if the applicant is appealing a CSA decision not to grant an extension of time to lodge an objection). In cases where a person incorrectly appeals directly to the SSAT, the Tribunal has procedures in place to have the matter referred back to the relevant agency (Centrelink or CSA).

**Figure 2: Child support appeal management process**





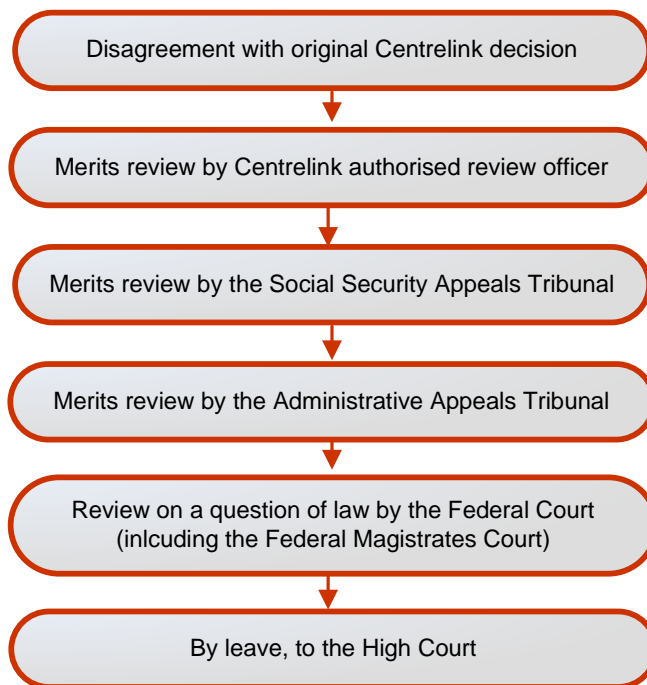
## Social Security Appeal Structure / Further Appeal Rights

As can be seen from Figure 3, the SSAT operates as the first tier of external merits review in the social security appeals system. Further rights of appeal for all parties to a social security appeal include:

- A full merits review by the Administrative Appeals Tribunal (AAT);
- A review on questions of law by the Federal Court; and
- By leave to the High Court.

Numbers of appeals that progress to the AAT from the SSAT, as well as Federal Court numbers, are given in Chapter 4.

Figure 3: Social security appeal structure

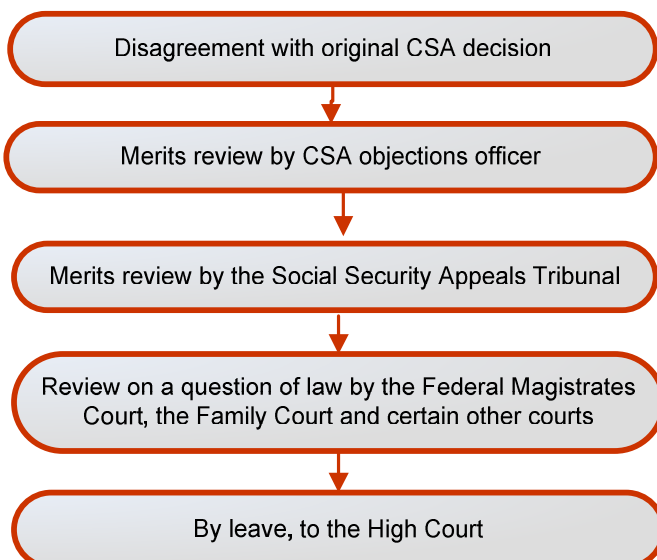


## Child Support Appeal Structure / Further Appeal Rights

Figure 4 shows that the SSAT operates as the only tier of external merits review in the child support appeal system. The SSAT's decision in child support appeal cases is final; however, any party to the appeal can ask a court to review the decision on a question of law.

There is one exception to the child support appeal structure shown in figure 4: if the SSAT refuses to grant an extension of time to appeal a CSA decision, the applicant can apply to the Administrative Appeals Tribunal for a merits review of the SSAT's decision.

Figure 4: Child support appeal structure



# Part 3: SSAT Organisational Structure

## Structure

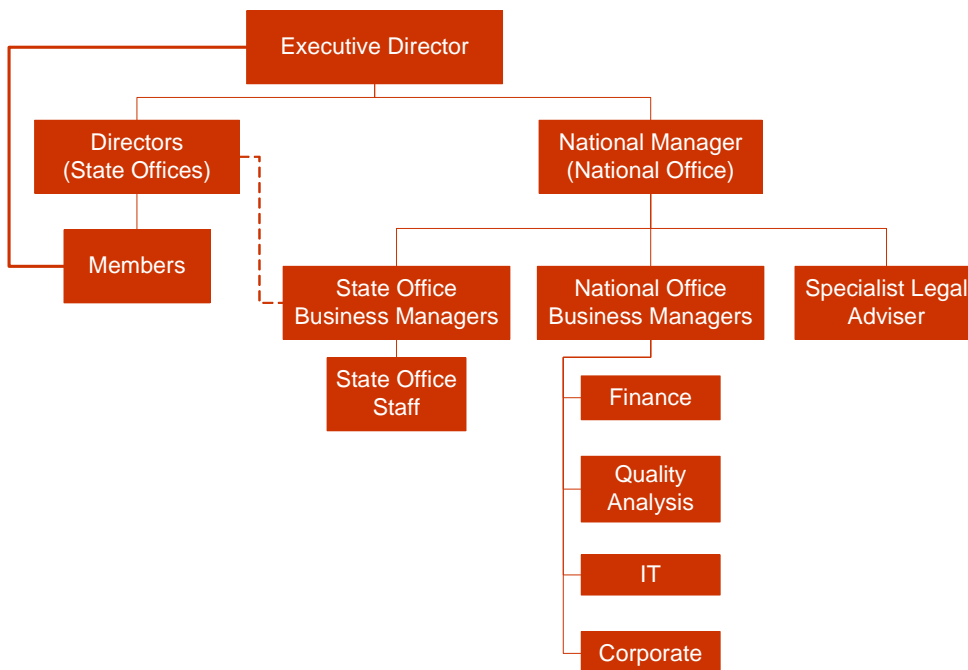
The membership of the SSAT comprises the Executive Director, Directors and full-time and part-time members. All members are appointed by the Governor-General.

The Executive Director of the SSAT is supported by staff and members located in offices around Australia and in the National Office.

There is an SSAT office in the capital city of each State and Territory, except in the Northern Territory. Appeals received from applicants in the Northern Territory are managed by the SSAT Queensland Office although the Tribunal maintains members in Darwin and appeal hearings are still conducted in the Territory. Each SSAT office is managed by a Director who is responsible for the day-to-day conduct of the business within a defined geographical area. The National Office of the SSAT is located in Melbourne.

The basic structure of the SSAT is outlined below.

Figure 5: Structure of the SSAT



## *The Executive Director*

The Executive Director is responsible to the Minister for Families, Community Services and Indigenous Affairs for the operation and administration of the SSAT. In particular, the Executive Director is required by sub clause 2(2) of Schedule 3 to the *Social Security (Administration) Act 1999* to monitor the operations of the SSAT, take reasonable steps to ensure that SSAT decisions are consistent and that it efficiently and effectively performs its functions.

The Executive Director's powers in relation to finance and staffing are delegated by the Secretary to the Department of Families, Community Services and Indigenous Affairs. As appropriate, the Executive Director's powers have been delegated to the Directors, members, the National Manager and other relevant managers within the Tribunal.

The current Executive Director is Mr Les Blacklow who was reappointed for a second three-year term in April 2005.

## *Directors*

The Directors of each SSAT office are accountable to the Executive Director for the performance of members and the day-to-day conduct of the business of the Tribunal in their geographical areas.

In addition to managing the operational requirements of each office, Directors report to the Executive Director on issues including legislative anomalies, jurisdictional problems, trends emerging from matters before the Tribunal and the quality and consistency of decision-making.

The Director of each SSAT office as at 30 June 2007 is listed below:

|  |                                      |
|--|--------------------------------------|
| Australian Capital Territory / New South Wales | Ms Suellen Bullock (based in Sydney) |
| Queensland / Northern Territory                | Mr Jim Walsh (based in Brisbane)     |
| South Australia / Tasmania                     | Ms Sue Raymond (based in Adelaide)   |
| Victoria                                       | Ms Miriam Holmes                     |
| Western Australia                              | Ms Pamela Duckworth                  |

## *Full-Time and Part-Time Members*

Hearings of the SSAT are conducted by both full-time and part-time members. Members are appointed by the Governor-General, usually for a period of three years, on the basis of their specialist knowledge, communication skills, knowledge of the social security system or child support scheme and their understanding of, and commitment to, the principles of administrative review.

On 30 June 2007, the Tribunal had 185 members (29 full-time and 156 part-time). This is a 25% increase in member numbers from last year. This increase is primarily due to recruitment activities conducted in late 2006 to ensure that the SSAT had sufficient

member numbers to conduct the additional appeals anticipated from 1 January 2007 when the SSAT assumed responsibility for reviewing CSA decisions.

The SSAT membership is drawn from people with a wide range of expertise and experience. The membership comprises 122 women and 63 men.

Further details on the terms and conditions of membership are available in Part 6, with a full list of members as at 30 June 2007 given in Appendix 4.

## **Staff**

The SSAT employs staff in each of its offices, including its National Office. All SSAT staff are public servants employed under the *Public Service Act 1999*. A Workplace Agreement sets out conditions of employment, including rates of pay and productivity based initiatives for these staff. On 30 June 2007, the SSAT had 75 staff.

In each state/territory office, a Business Manager supports the Director in the management of the office. Tasks undertaken by the State Office Business Managers include the day-to-day running of the State Office, setting hearing schedules as directed by or in consultation with their Directors, supervision of staff and participation in national projects.

Further staffing details are available in Part 6. A detailed breakdown of staff by classification and office location is given in Appendix 5.

## **Operations**

### **National Operations**

#### **National Manager**

The National Manager is responsible to the Executive Director for the management of the National Office, including the provision of support services to SSAT offices and all staff. All business managers, including those located in the state/territory offices, report to the National Manager.

The National Manager, with the Executive Director and other Directors, is part of the SSAT Executive Group.

The current National Manager is Mr John Collins.

#### **National Office**

National Office staff assist the Executive Director in meeting his statutory responsibilities to monitor the operations of the SSAT, take reasonable steps to ensure its decisions are consistent and ensure that it efficiently and effectively performs its functions.

Under the direction of the National Manager, the National Office supports local SSAT offices and undertakes appropriate research and management/monitoring activities. The National Office is not involved in processing, hearing or deciding appeal cases.

As shown in Figure 5, the four major business units of the National Office are categorised as 'Finance', 'Information Technology', 'Quality Analysis' and 'Corporate'. These units are responsible for the overall functioning of the operations of the National Office.

The Quality Analysis unit was established in late 2006 to provide quality assurance, performance monitoring and advice services to the Executive, members and staff. The SSAT's legal policy function is now performed by a Specialist Legal Adviser located in the National Office.

In addition to the core business activities of the National Office, assisting local state/territory offices in preparing for child support appeals was a key focus in 2006-07. National Office staff, along with Directors and staff in state/territory offices, worked on six major projects to prepare for merits review of CSA decisions: communications (consisting of a number of sub-projects), APS staffing requirements, membership requirements, accommodation needs, member remuneration and legislation. All of these projects are now complete except for the accommodation project which is expected to be finalised by the end of 2007. The SSAT will also continue to monitor the number of members required in light of appeal lodgement numbers.

Aside from the projects to prepare for child support appeals, the SSAT finalised a new Workplace Agreement for 2006-2009. Following lengthy consultation with SSAT staff, the Union and the Department of Employment and Workplace Relations, the Workplace Agreement was lodged with the Office of the Employment Advocate on 10 October 2006. The Agreement included a number of productivity initiatives that the SSAT has focused on over the past year. These initiatives included reviews of the SSAT's performance management arrangements and Work Level Standards, introduction of a new employment level classification system, implementation of an Electronic Document and Records Management System (EDRMS), a major upgrade of the Tribunal's network operating system and implementation of recommendations from the Case Management Model review.

In 2006-07, the SSAT selected an EDRMS product following a tender process. The Tribunal then commenced configuring the selected product to suit its operating environment. This involved mapping the SSAT's existing document creation and management processes, developing a structure for the storage of SSAT corporate information in the EDRMS, applying disposal schedules to corporate records and assigning privileges to users within the system. Once the configuration process was complete, the EDRMS was successfully implemented in the SSAT's Western Australia Office in June 2007. The system will be implemented in the SSAT's other offices between July and September 2007.

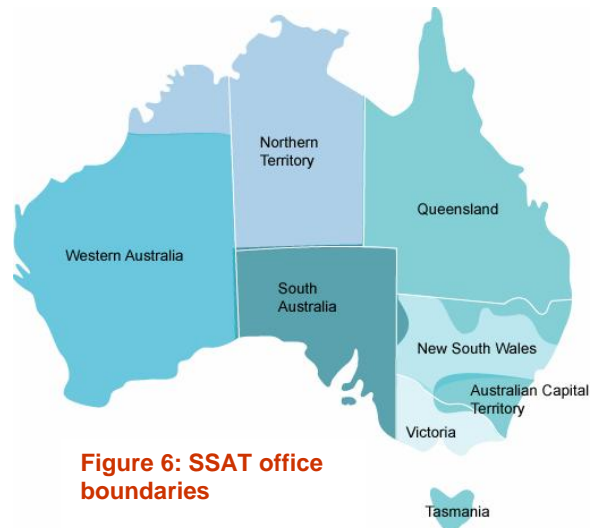
As a result of reviews of the SSAT's performance management arrangements and Work Level Standards, the Tribunal put in place a new Performance Management System that links the performance of individuals to the SSAT's strategic and national business plans; establishes appropriate performance standards for each APS position; and ensures consistency of duties undertaken by staff at each APS level.

In terms of IT projects, the SSAT completed the major network operating system upgrade and then began work on the development of a portal. The portal will assist SSAT members and staff to perform their duties by providing access to a range of resources and information in a unified and customised manner.

Specific projects underway at or completed by 30 June 2007 are listed in Appendix 11.

## **State Office Operations**

SSAT State Offices are responsible for managing, co-ordinating and supporting members in conducting the SSAT's day-to-day business of processing, hearing and deciding appeals. The SSAT has an office in every capital city, except Darwin. For reasons of efficient administration and cost effectiveness, the geographical area covered by each does not necessarily follow state/territory borders.



**Figure 6: SSAT office boundaries**

The office boundaries shown in Figure 6 did not change during 2006-07 and apply equally to the management of social security and child support appeals.

There were no SSAT office closures or moves during 2006-07. Members and staff in the Victorian, Queensland and National Offices are, however, due to relocate in the second half of 2007. The first two relocations are necessary because the existing offices cannot accommodate the additional hearing facilities, members and staff required to adequately manage the workload associated with child support appeals.

## **Hearings**

For each hearing, the relevant Director convenes a panel of SSAT members, one of whom is appointed as the presiding member. Most hearing panels consist of two members (the size and composition of the panel is usually determined by the nature and complexity of the application). The Tribunal also convenes three member panels to, for example, facilitate learning for new members and when the Tribunal travels to non-metropolitan areas.

The presiding member is responsible for the proper conduct of the hearing and the effective determination of appeal cases. This includes ensuring that the hearing is fair and thorough, runs smoothly, that pre-hearing discussions and the decision-making process are effective and that the decision is written and sent to the parties within 14 days of the decision being made.

As a merits review Tribunal, the SSAT is "inquisitorial" in its approach. Each Tribunal panel takes a fresh look at the matter, including the consideration of events which might have occurred since the decision appealed was made. The Tribunal's findings are usually based on information contained in the Centrelink or CSA file and the evidence presented at the hearing by the applicant, other parties, witnesses or representatives. In addition to considering all evidence presented, the Tribunal can initiate its own inquiries. In social security and family assistance appeal cases, Centrelink is not permitted by legislation to

make oral submissions at hearings. In some child support appeal cases, the CSA is represented at the hearing if this could assist the SSAT to make a decision.

In making decisions, the Tribunal applies the relevant legislative provisions to its findings of fact. In interpreting those provisions, the Tribunal is bound to follow relevant authority as determined by decisions of the courts. It is also guided by its own relevant previous decisions and decisions of the Administrative Appeals Tribunal (with regards to social security and family assistance cases), although it is not strictly bound by them. Similarly, the Tribunal has regard to the policies of the Department of Families, Community Services and Indigenous Affairs, the Department of Employment and Workplace Relations, the Department of Education, Science and Training and the Child Support Agency. However, the Tribunal may depart from these policies in the particular circumstances of a case, for example where it is considered the policy is not consistent with the law.

Tribunal panels reach their decisions independently. They are not subject to direction from either the Executive Director or the Directors to come to a decision in any particular case. The Executive Director, after consultations with the Directors, occasionally issues guidance to members on approaches to interpreting the legislation to assist in achieving quality and consistency in decisions, but, that guidance cannot be determinative of particular appeal cases.

## **Case Managers**

The implementation of the Case Management Model is considered an integral element of the national appeals management process, ensuring national consistency in the handling of appeals across the country. Each case manager has an allocated caseload and is responsible for managing all administrative aspects of each appeal within their caseload, from registration to finalisation.

A case manager's tasks include:

- Liaising with Centrelink and CSA to obtain the statement of reasons and documents relevant to the decision under review;
- Checking these documents to ensure all the necessary information is available;
- Preparing papers (or part files) to send to the members and applicant for the purpose of the hearing in Centrelink appeal cases (in child support appeal cases, CSA prepare and send out the papers);
- Scheduling appeals; and
- Ultimately dispatching the decision and finalising the appeal.

During 2006-07 the SSAT implemented recommendations that came out of a 2005 evaluation of the Case Management Model. The recommendations implemented included: streamlining time-consuming processes such as file vetting; further training for case managers in how to prepare for particular case types; and formal arrangements for feedback and quality analysis of case management services.

## **Observers**

Although the Tribunal's hearings are not open to the general public, it is appropriate that persons with a legitimate interest in its operations should be able to attend hearings as observers in order to enhance their understanding of the process of appeal. People who request to observe hearings include SSAT staff, Centrelink and CSA staff, social researchers, welfare workers and students.

Observers attend usually with the consent of all parties to the appeal and are made aware of their responsibilities regarding privacy and confidentiality. Observers are not present for discussion of the case and decision making by the members.



# Part 4: Performance

## SSAT Outcomes and Outputs Structure

The SSAT is an independent statutory body within the portfolio of Families, Community Services and Indigenous Affairs. Funding for the operations of the SSAT is received from the overall FaCSIA appropriation. In 2006-07, the SSAT incurred expenses of \$20.23 million.

The statutory objective of the SSAT is to 'provide a mechanism of review that is fair, just, economical, informal and quick'. The SSAT measures its performance against this objective. As the SSAT's planned outcome, meeting this objective contributes to the achievement of FaCSIA's four broad outcomes:

1. Greater self-reliance and economic, social and community engagement for Indigenous Australians;
2. Seniors, people with disabilities, youth and women are supported, recognised and encouraged to participate in the community;
3. Families and children have choices and opportunities; and
4. Strong and resilient communities.

The SSAT's main output is the finalisation of applications for review of decisions (ie appeals).

## Performance Results

### *Performance Overview: Workload*

#### **Lodgement of applications for review of Centrelink decisions**

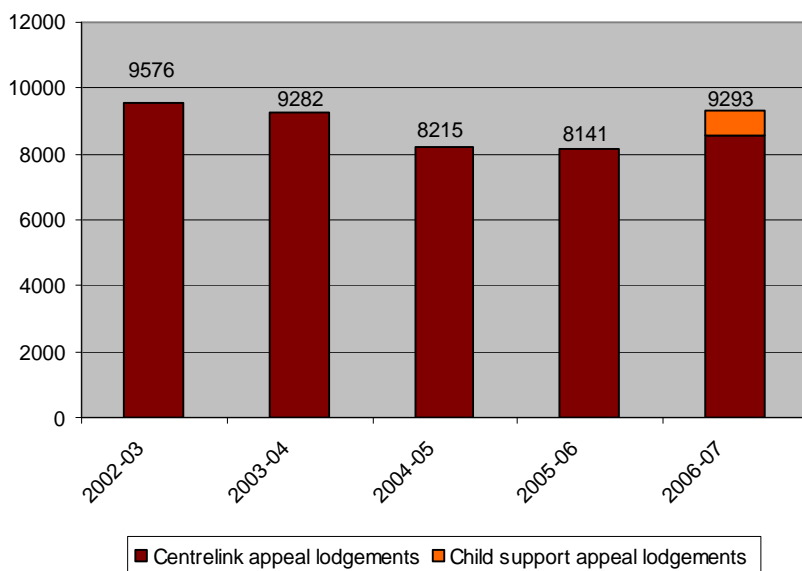
In 2006-07, 8,589 applications for review of Centrelink decisions were lodged with the SSAT, a 5% increase on the number of applications lodged in 2005-06. At 30 June 2007, there were 1,269 applications for review of Centrelink decisions on hand.

#### **Lodgement of applications for review of CSA decisions**

Between 1 January 2007, when the SSAT assumed responsibility for reviewing CSA decisions, and 30 June 2007, 704 applications for review of CSA decisions were lodged with the SSAT. At 30 June 2007, there were 378 applications for review of CSA decisions on hand.

As the SSAT has only recently commenced reviewing CSA decisions, it is not possible to report on lodgement or appeal outcome trends at this time.

**Figure 7: Application lodgements**



| <b>Table 1: Overall application statistics</b>         |                     |                |                |
|--|---------------------|----------------|----------------|
| <b>Applications for review of Centrelink decisions</b> | <b>2006-07</b>      | <b>2005-06</b> | <b>2004-05</b> |
| Lodged   | 8589                | 8141           | 8215           |
| On hand at 30 June 2007                                | 1269                | 1363           | 1144           |
| Finalised  | 8682                | 7910           | 8414           |
| Decisions reviewed                                     | 9884                | 8883           | 9353           |
| Decisions changed *                                    | 25.3%               | 27.1%          | 27.5%          |
| Decisions affirmed                                     | 55.0%               | 54.1%          | 54%            |
| No jurisdiction / withdrawn / dismissed                | 19.7%               | 18.8%          | 18.5%          |
| <b>Applications for review of CSA decisions</b>        | <b>Jan-Jun 2007</b> |                |                |
| Lodged   | 704                 |                |                |
| On hand at 30 June 2007                                | 378                 |                |                |
| Finalised  | 326                 |                |                |
| Decisions reviewed                                     | 326                 |                |                |
| Decisions changed *                                    | 18.7%               |                |                |
| Decisions affirmed                                     | 20.3%               |                |                |
| No jurisdiction / dismissed^                           | 61.0%               |                |                |

\* Set aside and varied as a percentage of all decisions finalised within the relevant jurisdiction.

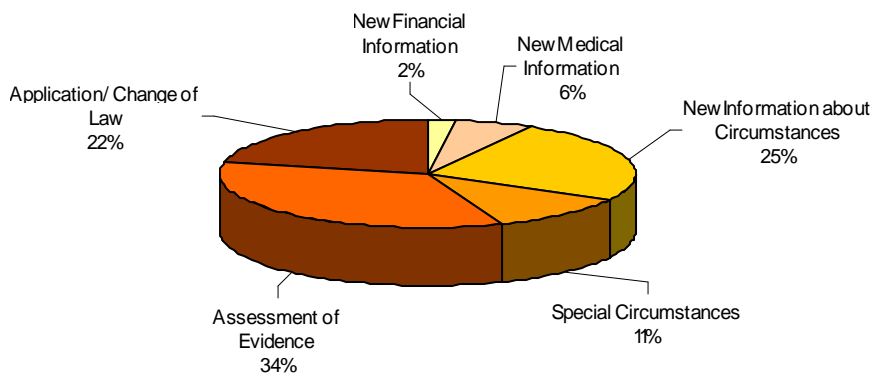
^ This figure is high because of the large number of appeals lodged against CSA decisions made before 1 January 2007 and against decisions that had not been reviewed internally by the CSA; it is not within the SSAT's jurisdiction to review such decisions. It is anticipated that this figure will decrease over time.

## Finalised applications for review of Centrelink decisions

A total of 8,682 applications, involving review of 9,884 separate Centrelink decisions, were finalised in 2006-07, an increase of approximately 10% compared to the previous year.

The SSAT changed (set aside or varied) the Centrelink decision under review in 25.3% of all decisions finalised. The following chart gives a breakdown of the reasons decisions were changed. As in previous years, most decisions were changed because of new information about circumstances, a re-assessment of evidence or a different application of law/change of law.

**Figure 8: Reasons for changing Centrelink decisions**



The SSAT affirmed the Centrelink decision under review in 55% of cases which is slightly higher than the percentage of Centrelink decisions affirmed last year.

Of the remaining 19.7% of Centrelink review cases, 9.1% were matters in which the SSAT had no jurisdiction to review the decision and 10.6% were matters that were withdrawn or dismissed. A finding of 'no jurisdiction' requires a decision to this effect. The great majority of these cases continued to be applications for review lodged with the SSAT before the decision had first been reviewed by a Centrelink authorised review officer (this is a statutory requirement before review by the SSAT). These matters are referred back to Centrelink and may be resubmitted to the SSAT once they have been reviewed by an authorised review officer.

Withdrawn matters are those cases where the applicant decides not to continue with the application or where Centrelink changes the decision prior to the SSAT hearing.

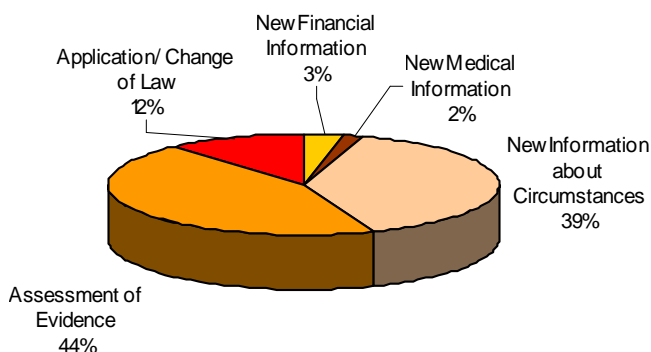
Matters that are dismissed are usually those cases where the applicant fails to respond to correspondence from the Tribunal, or fails to attend a scheduled hearing on at least two occasions. The number of applications that were withdrawn or dismissed in 2006-07 is in line with the number withdrawn or dismissed last year.

## Finalised applications for review of CSA decisions

A total of 326 applications, involving review of 326 CSA decisions, were finalised in the first six months of the SSAT reviewing CSA decisions (January to June 2007).

The SSAT changed (set aside or varied) the CSA decision under review in 18.7% of all decisions finalised. The following chart gives a breakdown of the reasons decisions were changed. It is important to note that in Change of Assessment cases (the most frequent type of child support appeal), the Tribunal will often affirm the existence of the obligation to pay child support but will vary the quantum of that liability.

**Figure 9: Reasons for changing CSA decisions**



The SSAT affirmed the CSA decision under review in 20.3% of cases. Of the remaining 61% of CSA review cases, 78.4% were matters in which the SSAT had no jurisdiction to review the decision and 21.6% were matters that were dismissed. A finding of 'no jurisdiction' requires a decision to this effect. The majority of these cases are applications for review lodged with the SSAT before the decision had first been reviewed by a CSA objections officer (this is a statutory requirement before review by the SSAT) and applications for review of CSA objection decisions made before 1 January 2007. In cases where the decision had not yet been reviewed by a CSA objections officer, the matter is referred back to CSA and may be resubmitted to the SSAT once it has been reviewed by an objections officer.

Applications for review of CSA decisions can be dismissed by the SSAT for a number of reasons including failure of the applicant and other party to respond to correspondence from the Tribunal or failure to attend a scheduled hearing. Applications for review of CSA decisions can also be dismissed with the consent of the applicant and other party. The majority of dismissed cases were dismissed with the consent of both parties.

Further details on applications processed, on hand and finalised are given in Appendix 7.

## ***Performance Overview: Service***

The average time between lodging and finalising an application for review of a Centrelink decision was 8.35 weeks. This is a small increase on last year's figure of 8.06 weeks but is still well within the national standard of 10 weeks.

The statistical average time between lodging and finalising an application for review of all CSA decisions was 5.8 weeks which is well within the current national standard of 13 weeks. This standard is likely to change to 15 weeks for 2007-08. It should be noted that the 5.8 weeks average includes finalised child support appeal cases with a finding of 'no jurisdiction', of which there were a large proportion. The main reasons for 'no jurisdiction' were that there was no CSA Objection decision (which is required before an appeal can be lodged with the SSAT) or that the Objection decision was made before 1 January 2007 (i.e. before the SSAT was given jurisdiction). The latter 'no jurisdiction' cases were a 'one off' transitional occurrence. 'No jurisdiction' cases do not require a hearing and are therefore often completed quickly. For cases which required a hearing the average time taken was 11.5 weeks.

The SSAT has set a national standard of 13 weeks (lodgement to finalisation) for processing of applications for review of CSA decisions. This standard differs from the standard with applications for review of Centrelink decisions because review of CSA decisions usually involves more than one party and organising hearing dates that are suitable for all parties can take some time.

The statutory requirement to notify applicants and other parties of the appeal outcome within 14 days was achieved in 99% of Centrelink review cases and in 100% of CSA review cases. Overall, the SSAT met this requirement in 99.5% of cases. More details on the SSAT's timeliness performance are available in Appendix 8.

The SSAT also monitors the number of applications received by appeal type and the outcomes of these applications. Appendix 9 details the outcomes of applications for review of Centrelink decisions by payment type and Appendix 10 details the outcomes of applications for review of CSA decisions by decision type. Over the reporting period, the largest Centrelink appeal numbers related to Disability Support Pension (25.1% of applications for review of Centrelink decisions), Newstart Allowance (14.9%), Age Pension (11.4%) and Family Tax Benefit (11.1%).

In the first six months (January to June 2007) of accepting applications for review of CSA decisions, the largest child support appeal numbers related to change of assessment (47.4% of applications for review of CSA decisions), particulars of the assessment (23.2%) and non-agency payments (8.1%).

## ***Performance Overview: Cost***

Total expenses incurred to produce the 'finalised applications' output was \$20.23 million. This corresponds to an overall average finalised decision cost of \$1,981 (which includes all overheads and accruals), an increase of \$397 compared to the previous year. This increase is mainly due to the introduction of child support appeals, the continued movement of responsibility and associated costs for a range of corporate governance

functions from FaCSIA to the SSAT and increases in accommodation and leasing expenses.

There were also increases in APS salaries and in fees paid to both full and part-time members (the latter as determined by the Remuneration Tribunal) and an increase in a range of corporate governance costs, many related to the SSAT's new child support jurisdiction.

## **Effectiveness Indicators: Fair, Just, Economical, Informal and Quick**

The SSAT's performance outcome is measured by the effectiveness indicators of 'fair', 'just', 'economical', 'informal' and 'quick'.

The measure of the SSAT's overall effectiveness is best judged by the balance achieved between the different elements, rather than in any single measure. For example, ensuring that the review process is 'fair' is achieved in ways that have cost implications and, therefore, impinge to some extent on the requirement to be 'economical'.

Performance reporting against the indicator of 'quick' is reflected in the timeliness information in this chapter.

### ***Fair***

Fundamental to the system of administrative review, fairness is a core element of the SSAT's objective. While difficult to measure objectively, the SSAT looks to a range of indicators that contribute to a system that can be described as 'fair'. These indicators include procedural fairness and indicators of accessibility (cost, handling of priority cases, time set aside for hearings to ensure an adequate opportunity to hear the concerns of applicants and other parties, etc).

#### **Procedural Fairness**

Well established in Australian administrative law, the principles of procedural fairness require, among other things, that applicants and other parties to appeals have reasonable access before the hearing to the evidence to which the SSAT will have regard in making its decision. This allows applicants and other parties to properly prepare for their hearing and provides an opportunity for them to respond to any evidence that is adverse to their case.

To this end, the SSAT ensures that applicants and other parties are provided with copies of all relevant material, including the 'statement' by Centrelink or CSA. This statement is usually in the form of a report/decision by a Centrelink Authorised Review Officer or a CSA Objections Officer, plus copies of other relevant documents which are attached. The Tribunal's final decision, together with reasons for the decision, is provided to applicants, other parties and to Centrelink or CSA. The SSAT also advises applicants, other parties and Centrelink/CSA of their further rights of appeal.

## Costs

Applicants are not required to pay a lodgement fee for applications to the SSAT. In line with its Service Charter, the SSAT meets the cost of reasonable travel expenses for applicants and other parties to attend hearings, as well as the cost of interpreters required at hearings. These measures ensure that economic or social circumstances do not unduly affect access to the SSAT.

Indicator: The cost of applicant and other party travel and accommodation expenses in 2006-07 was \$26,782 compared to \$30,217 last financial year. This decrease reflects an increase in the use of teleconferencing to conduct hearings.

## Hearings

The majority of SSAT hearings are conducted face-to-face with the applicant and, in child support appeal cases, with the other party. This reflects the view that such an approach is usually in the best interests of a proper review of the case - the particular circumstances of a case are best considered when Tribunal members, applicants and other parties have the opportunity to speak directly in an environment that is more informal than a court. Face-to-face hearings facilitate a full and proper discussion of the issues and assist particularly in cases requiring an assessment of credibility.

Telephone conferencing provides an alternative hearing method in both Centrelink and child support appeal cases. This alternative is particularly appropriate in child support appeal cases when one of the parties is not able to, or prefers not to, attend the scheduled hearing in person.

In Centrelink appeal cases, video-conferencing continues to offer greater flexibility for hearings, particularly for those applicants in remote areas. The value of this service to applicants and the preference of members to deal with applicants 'in person' is evident from the number of hearings in which video-conferencing is used. This year, nearly 290 Centrelink appeal cases were conducted via video-conference compared to 304 cases last year. The SSAT did not conduct any child support appeals via video-conference between 1 January and 30 June 2007, however, the Tribunal is currently installing more sophisticated video-conferencing equipment to enable the conduct of three-way conferencing (which may be required in child support appeal cases).

| <b>Table 2: Hearing method as an indicator of 'fairness'</b> |                              |                              |
|--|------------------------------|------------------------------|
| <b>Centrelink appeal hearings*</b>                           | <b>2006-07</b>               | <b>2005-06</b>               |
| Face-to-face interview                                       | 68.6%                        | 71.7%                        |
| Teleconference   | 25.4%                        | 21.8%                        |
| Video-conference   | 4.1%                         | 4.7%                         |
| On the papers  | 1.9%                         | 1.8%                         |
|  | <b>2006-07</b>               |                              |
| <b>Child support appeal hearings*</b>                        | <b>Applicant<sup>^</sup></b> | <b>2nd party<sup>^</sup></b> |
| Face-to-face interview                                       | 49.5%                        | 36.2%                        |
| Teleconference   | 50.0%                        | 60.9%                        |
| Video-conference   | Nil                          | Nil                          |
| On the papers  | 0.5%                         | 2.9%                         |

\* Hearing methods displayed as a percentage of cases involving a hearing.

<sup>^</sup> Includes hearing method of pre-hearing conferences.

Note: Not all child support appeal hearings involve a second party. Second party hearing method details are only shown for hearings that involved a second party.

To ensure the accessibility of its services to those living outside metropolitan areas, the SSAT also conducts hearings in regional centres throughout the country. During 2006-07, the Tribunal conducted Centrelink appeal cases in centres such as Newcastle, Wollongong and Albury (NSW), Rockhampton (QLD) and Launceston (Tas). The SSAT has not yet conducted child support appeal hearings in regional centres, however, with the expected rise in child support appeal numbers, it is likely that this will occur in the coming year.

Table 2 (above) provides a breakdown of Centrelink and child support appeal cases by hearing method.

Indicator: In 2006-07, over 98% of all hearings (for Centrelink and child support appeals) were conducted face-to-face, by telephone or by video-conference. The remaining 1.9% were conducted 'on the papers' which means that the SSAT decides the appeal without talking to the applicant or other parties.

Indicator: In 2006-07, 5.4% of finalised Centrelink appeals involved hearings conducted in locations other than SSAT offices, compared to 7% last year. This continuing decrease in out-of-office hearings indicates that applicants and other parties prefer to use telephones and video-conferencing facilities in many cases.

## **Interpreters**

Where required, interpreters attend hearings to facilitate a fair and accurate hearing. There is no cost to applicants and other parties for this service. By facilitating the hearing itself, the service is a cost-effective means of enhancing accessibility. The SSAT also meets the cost of translating documents required to determine applications. On no occasion does the



Tribunal permit a friend or family member of a party to be an interpreter. Interpreters are required to be appropriately qualified – usually NAATI Level 3.

Indicator: The occasions on which interpreters were used by the SSAT decreased to 680 from 712 last year. All of the 680 interpreters were employed for Centrelink appeal cases – no interpreters were used for child support appeal cases in the reporting period. The total cost to the SSAT for interpreters in 2006-07 was \$85,281.

## **Overseas Applicants**

Most people living overseas who are entitled to Centrelink payments or who are receiving or paying child support through the CSA have the right to appeal to the SSAT. These cases present their own challenges, as the Tribunal looks to deal with them in a fair, quick and economical manner.

The SSAT's Tasmanian office hears most overseas applications for review of Centrelink decisions, as Centrelink International Services (that part of Centrelink which is responsible for the payment of Australian social security payments to persons overseas long term) is based in Hobart. Applications for review of CSA decisions lodged by overseas applicants can be heard by any of the SSAT's offices.

Overseas applicants and, in child support appeal cases, other parties living overseas usually present their case by correspondence, with the case being heard on the papers or by telephone (the SSAT covers the cost of the overseas telephone call). However, where overseas applicants or other parties nominate a friend, relative or other person as a representative, a face-to-face hearing may take place at an agreed location.

In 2006-07, 106 appeal applications were lodged by persons residing overseas. This included 99 applications for review of Centrelink decisions and 7 applications for review of CSA decisions. In addition to this, there were 5 applications for review of CSA decisions where the other party resided overseas.

The SSAT finalised 107 appeals lodged by, or involving, a person residing overseas. Of the finalised appeals, 46 were heard by telephone, 45 on the papers and 14 by interview (2 appeals were dismissed before reaching the hearing phase).

## **Priority Cases – Centrelink Appeals**

Where cases of hardship have been identified, the social security law allows the SSAT to request Centrelink to provide its statement of reasons earlier than the standard 28 days. In these cases, information is requested within seven days, while the SSAT also expedites its own hearing and decision-writing process.

Indicator: This provision was used in approximately 1.5% (128) of cases finalised in 2006-07, compared to 1.2% the previous year. On average, Centrelink took 6 days to meet requests for expeditious provision of statements, a significant improvement on the 7.3 day average of 2005-06. Centrelink's willingness to provide such an excellent service to the Tribunal in these cases is to be commended.

Child support legislation does not specifically provide for priority cases, however, if an applicant or the CSA indicates to the SSAT a sufficient reason for an expedited hearing, the Tribunal does all it can to accommodate any such request.

## Just

The SSAT's achievement of 'just' outcomes is measured with reference to the proper application of the law: whether the Tribunal has met its responsibility to ensure that its decisions are consistent and legally correct.

Justice requires that members apply relevant legislation and court precedents, that they exercise discretions appropriately and that each application is judged on its merits, on the evidence, in accordance with the law and, where necessary, having regard to relevant policy. Natural justice/procedural fairness is a related principle, included under the indicator of 'fair', above.

Internal scrutiny of decisions (further discussed in Part 5) and, in part, reference to the results of appeals to the Administrative Appeals Tribunal and to the courts, enable some measurement in relation to indicating that the SSAT's decision-making is 'just'.

The SSAT's decision in Centrelink appeal cases is appealable to the Administrative Appeals Tribunal (AAT). Table 3 sets out the broad outcomes for Centrelink matters appealed to the Administrative Appeals Tribunal (AAT).

| <b>AAT Applications</b>                               | <b>2006-07</b> | <b>2005-06</b> | <b>2004-05</b> |
|---|----------------|----------------|----------------|
| SSAT social security decisions appealable to the AAT* | 9125           | 8189           | 8777           |
| SSAT social security decisions appealed to the AAT    | 2146           | 1774           | 1640           |
| % of appealable decisions actually appealed           | 23.5           | 21.7           | 18.7           |
| Applications finalised by the AAT                     | 1865           | 1459           | 1733           |
| SSAT social security decisions changed on appeal      | 382            | 298            | 330            |
| % changed   | 20.5           | 20.4           | 19.0           |

\* 'Appealable to the AAT' is calculated by subtracting the number of withdrawals from the total number of Centrelink decisions reviewed by the SSAT. Please note: in a small number of child support appeal cases, the SSAT's decision is appealable to the AAT, however, such appeals are not included in this table.

Sources: 'Appealable to the AAT': SSAT records; all others: Centrelink records

Of the 1867 finalised applications to the AAT for review of the SSAT's social security decisions, 391 decisions were affirmed by the AAT, 330 set aside, 52 varied, 11 conceded and 1081 withdrawn or dismissed. Although the percentage of SSAT social security decisions appealed to the AAT rose slightly from 21.7% in 2005-06 to 23.5% in 2006-07, the percentage of SSAT decisions changed on appeal remained steady at 20.5%.

The majority of finalised applications resulted from appeals by applicants (80%), with 20% of appeals by a Secretary. The latter percentage is an increase on the number of Secretary initiated appeals in the previous year (13%). The majority of these appeals (over 80%) were initiated by the Secretary to the Department of Employment and Workplace Relations and related to SSAT decisions in Disability Support Pension cases.

During 2006-07, 28 social security decisions were finalised by the courts. This included 25 matters in the Federal Court of Australia and 3 in the Federal Magistrates Court. Of the 28 matters finalised by the courts, 7 were brought by the relevant Secretary and 21 by the applicant.

In terms of outcomes, the courts found in favour of the relevant Secretary in 23 matters, and in favour of the applicant in 5 matters.

For a brief summary of some of these social security court cases, please refer to 'Appeal Issues – AAT and Court cases' later in this part of the report.

In most child support appeal cases, the SSAT's decision is final and is only appealable to the courts on a question of law. In the period 1 January to 30 June 2007, only one of the SSAT's child support decisions was appealed to a court (the Federal Magistrates Court). This matter had not been finalised as at 30 June 2007.

If the SSAT refuses to grant an extension of time to appeal a CSA decision, the applicant has the right to lodge an appeal against this decision with the Administrative Appeal Tribunal. In the first six months of reviewing CSA decisions, one such matter was appealed to the AAT. This appeal had not been finalised as at 30 June 2007.

### ***Economical***

The SSAT aims to perform its statutory functions as economically as possible, taking into account its obligations of being fair and just.

Total expenditure in 2006-07 was \$20.23 million, compared to \$14.07 million in the previous financial year. This increase in expenditure largely reflects costs associated with the assumption of the child support jurisdiction.

Indicator: The overall average cost of reviewing a decision in 2006-07 was \$1,981. This figure is obtained by dividing the total operating expenses (including all overheads and accruals) by the total number of decisions finalised in Centrelink and child support appeal cases (9,293).

It is recognised that this figure is only a general indicator in relation to the requirement to be 'economical'.

### ***Informal***

The SSAT's legislative objective to operate informally is underwritten by Section 167 of the *Social Security (Administration) Act 1999* and by Section 103N of the *Child Support (Registration and Collection) Act 1988*. These sections state that the SSAT is not bound by technicalities, legal forms or rules of evidence: it is not a court of law and aims to reflect this in its practices and procedures.

The Tribunal's performance in this area is measured with reference to a range of indicators, including:

- The avoidance of unnecessary use of legal expressions in its letters to applicants and other parties, at its hearings and in its written reasons for decisions.
- Maintenance of a relatively informal hearing environment, without compromising professionalism, so as not to discourage or intimidate people who are not familiar or comfortable with a Tribunal setting. It should be noted that hearings to decide child support appeals are generally required to be more formal than hearings to decide Centrelink appeals because the former usually have two parties.
- Centrelink is not represented at SSAT hearings to decide social security and family assistance matters, other than by its statement and the provision of relevant material from the applicant's file to the Tribunal.
- CSA representatives can attend SSAT hearings in certain circumstances, however, in most child support appeal cases, the CSA is represented by its statement and the provision of relevant material from the case file to the Tribunal.
- Although applicants and other parties to appeals have a right to legal representation, it is made clear that this is by no means required. They may also bring family or friends for support on the day of the hearing. Overall, while some 1892 applicants and other parties nominated a representative over the reporting period, only a relatively small percentage (18.8%) of these were legal specialists. Most assistance was provided by family members and friends (53.5%). It should, however, be noted that in the child support jurisdiction, 50.6% of those who nominated a representative, nominated a legal specialist.
- Appeal applications can be lodged easily and without undue formality. They can be lodged by telephone, in writing or by teletype machine (for hearing impaired applicants). In addition to this, applications for review of child support decisions can be lodged at a range of government department offices.
- Performance against the requirement to be informal is monitored by Directors and members (in particular by the presiding member, who is responsible for the conduct of the hearing).

### **Quick**

Timeliness is measured by reference to both legislative requirements and the SSAT's own standards, which are usually established through Executive Group considerations.

The SSAT recognises that the value of its service is substantially increased by ensuring applications are dealt with as expeditiously as possible, consistent with the need to adequately consider all relevant issues in each individual case.

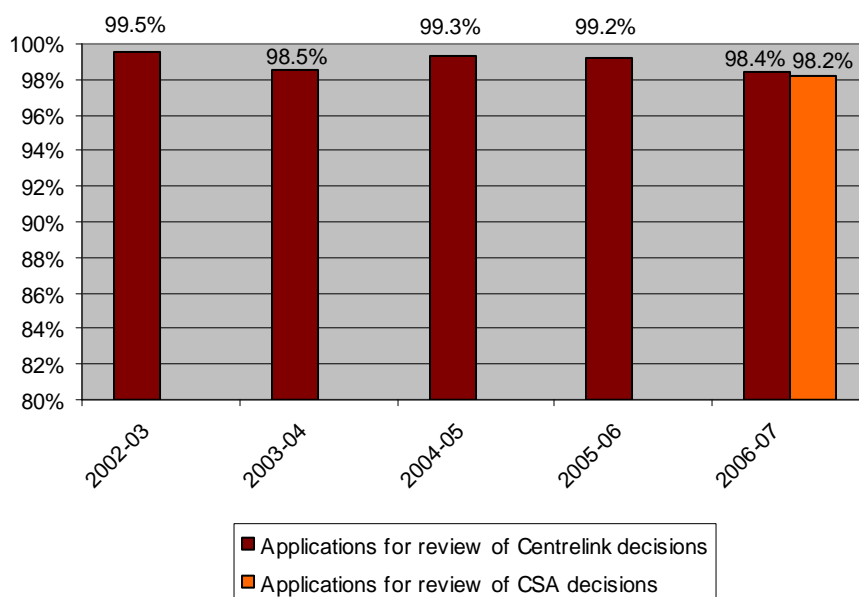
It should be noted that some of the legislative requirements and the SSAT's internal timeliness standards differ depending upon whether the appeal is against a Centrelink or CSA decision.

## Registration of Applications

**Standard:** The SSAT aims to register 100% of applications for review of both Centrelink and CSA decisions within one day of receipt. This is an internal standard.

**Performance:** This year, the SSAT met this goal in 98.3% of all cases (compared to last year's result of 99.2%). The SSAT registered 98.4% of applications for review of Centrelink decisions and 98.2% of applications for review of CSA decisions within one day.

**Figure 10: Applications for review of Centrelink and CSA decisions registered within one day of receipt**



## Centrelink and CSA Statements

**Standard:** That Centrelink provide a statement setting out the reasons for its decision to the SSAT within 28 days, or earlier where specifically requested. This is a statutory requirement under the *Social Security (Administration) Act 1999*.

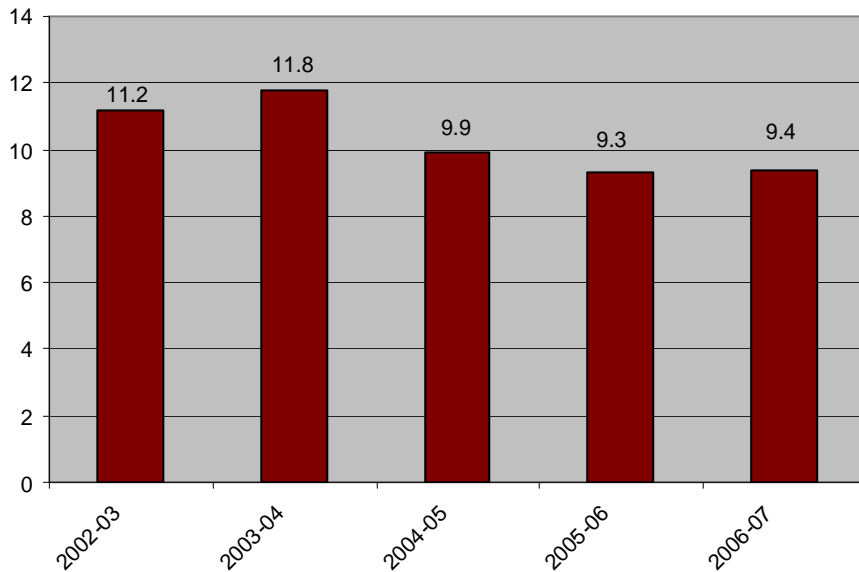
That CSA provide a statement setting out the reasons for its decision to the SSAT, to the applicant and to any other parties within 28 days of the SSAT's request. This is a statutory requirement under the *Child Support (Registration and Collection) Act 1988*.

**Performance:** This year, non-priority Centrelink statements were received, on average, within 9.5 days of the SSAT's request. This is clearly within the statutory 28-day period and reflects continuing good performance by Centrelink in this regard. Priority Centrelink statements were received in an average of 6

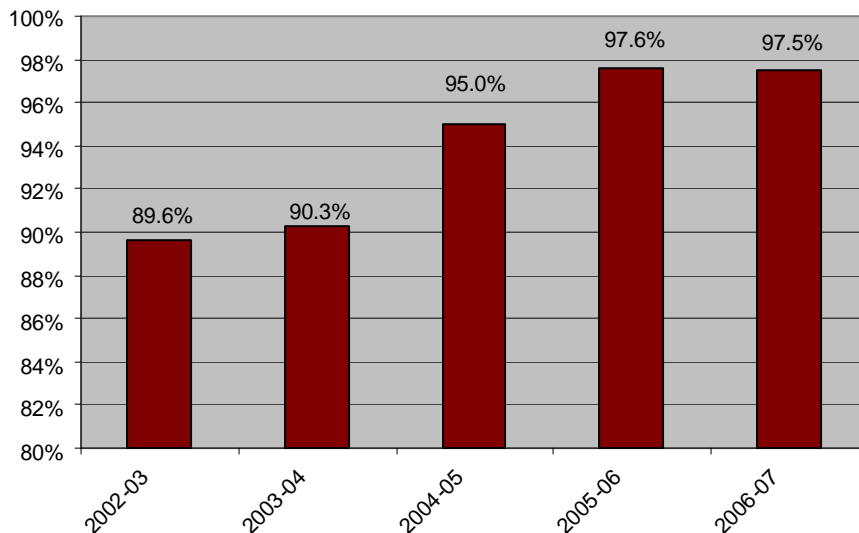
days. Of all Centrelink statements received, 97.5% were received by the due date, on a par with last year's result of 97.6%.

Between 1 January and 30 June 2007, CSA statements were received, on average, within 27 days of the SSAT's request. This is within the statutory 28-day period and reflects the CSA's commitment to achieving this statutory requirement. Of all CSA statements received, 85.7% were received by the due date.

**Figure 11: Average time in days for Centrelink to provide statements (priority and non-priority cases)**



**Figure 12: Centrelink statements received within 28 days**



## Time Taken to Arrange Appointments

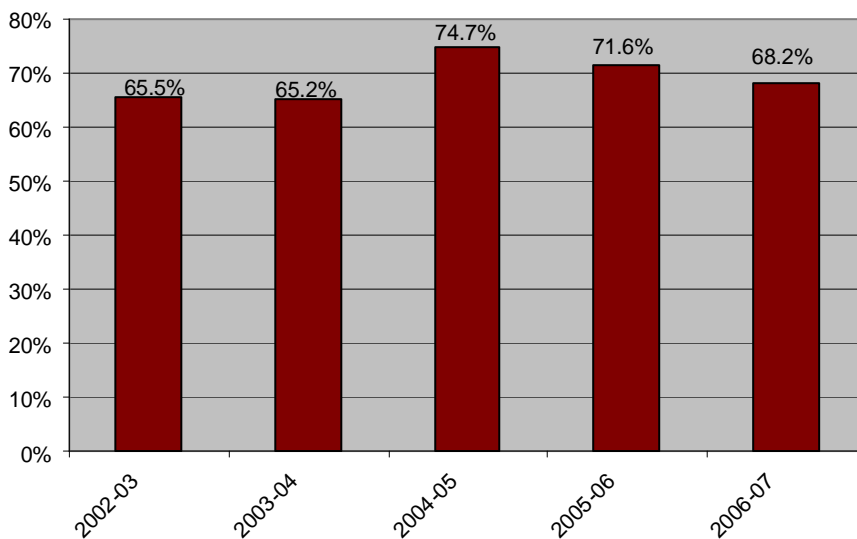
**Standard:** To arrange 75% of hearing appointments for a date within 42 days of receiving the Centrelink statement and within 56 days of receiving the CSA statement. This is an internal standard, but is subject to the availability/readiness of applicants and other parties (see below).

**Performance:** This year the standard in Centrelink appeal cases was met in 68.2% of cases, with hearing appointments being on average 39.6 days from the date of statement receipt. The previous year's figure was 71.6%, with the average time to appointments being 38.6 days.

Between 1 January and 30 June 2007, the standard in child support appeal cases was met in 85.6% of cases, with hearing appointments on average being 36 days from the date of statement receipt.

It should be noted that one of the main reasons cases are not listed for hearing within the 42 and 56 day standards is because the applicant and/or other parties are not ready to proceed. The Tribunal can offer applicants and other parties a range of dates and aims to accommodate their preferences if it can.

**Figure 13: Hearings scheduled for a date within 42 days of receipt of Centrelink statement**

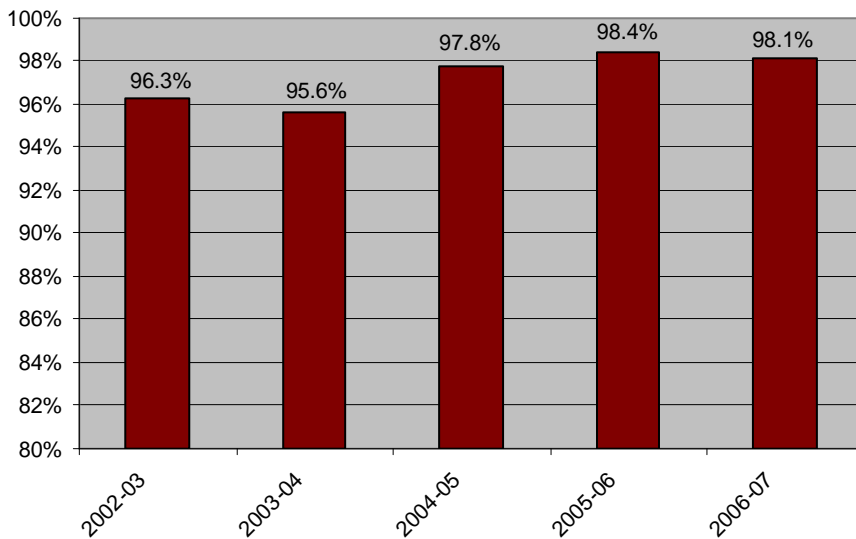


## Hearing Papers – Centrelink appeals

**Standard:** To provide applicants with a copy of the papers relevant to the Centrelink decision under review at least seven days prior to their hearing and to achieve this in 95% of cases. Note: there is no such standard in child support appeal cases because the CSA sends the papers directly to the applicant and other parties.

Performance: This standard was achieved in 98.1% of cases in 2006-07. While the SSAT's performance in this area is within the national standard, it should be noted that if an applicant requests a priority hearing, it may not be possible for the Tribunal to provide the papers seven days prior to the early hearing date (as set by the Tribunal to accommodate the applicant's request).

**Figure 14: Centrelink papers sent to applicants at least seven days prior to the hearing**



## Adjournments

Standard: To decide 90% of cases in which there is a hearing without adjournment. This is an internal standard. In some cases, it is appropriate for the Tribunal to adjourn a hearing to obtain further information or to research the law.

Performance: This was achieved in 90.4% of all SSAT cases. This standard was achieved in 91.8% of SSAT cases involving review of a Centrelink decision and in 89.0% of cases involving review of a CSA decision.

As reported last financial year, the difficulty in meeting this standard in Centrelink appeal cases is impacted by the increasing complexity of cases in areas such as means testing, which necessitate the assessment of both income and assets. This may, for example, require an assessment of the asset value and income attributable to private trusts and private companies, which might necessitate close perusal of trust and company statements of accounts and/or contact with an applicant's financial advisers or accountants. Assessment of income and assets, especially for the self-employed or in trust/company situations, arise in both Centrelink and child support appeals.



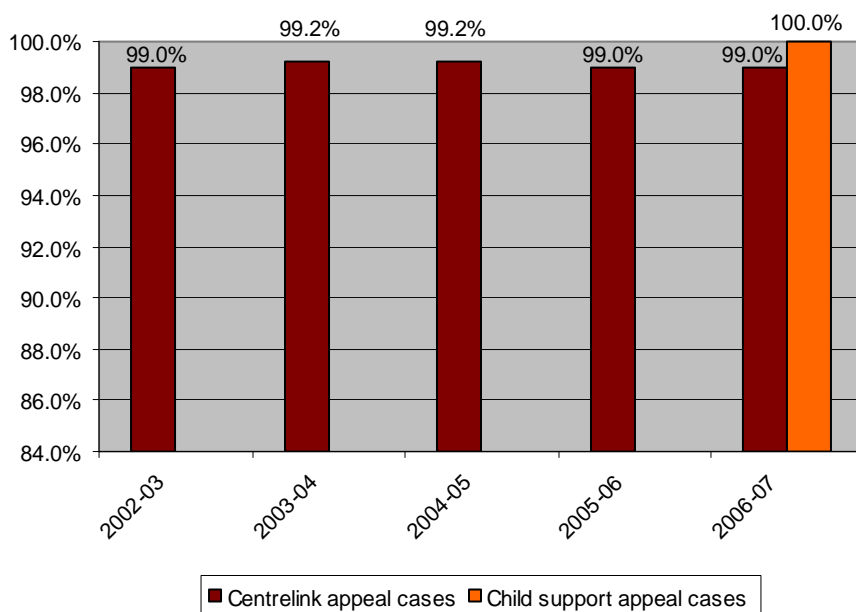
## Notification of Decisions

**Standard:** The SSAT must provide its decision in writing to the parties within 14 days of the decision being made. This is a statutory requirement in both Centrelink and child support appeal cases.

**Performance:** This year the standard was met in 99% of Centrelink appeal cases and in 100% of child support appeal cases. In Centrelink appeal cases, the SSAT provided its decision in an average of 8.73 days while in child support appeal cases, the decision was provided in an average of 8.8 days.

The Tribunal strives to achieve a 100% result in this measure, as it is well aware of its statutory obligation and the value placed by applicants and other parties on a speedy decision, even if the decision is not in their favour.

**Figure 15: Decisions notified within 14 days (Centrelink and child support appeal cases)**



## Time Taken – Lodgement to Dispatch

**Standard:** To finalise applications for review of Centrelink decisions within 10 weeks of lodgement and to finalise applications for review of CSA decisions with 13 weeks of lodgement. These are internal standards.

**Performance:** The average processing time from lodgement to dispatch of decisions in Centrelink appeal cases remained well within the 10 week standard at 8.35 weeks. The average processing time from lodgement to dispatch of decisions in child support appeal cases was 5.8 weeks for the period 1 January to 30 June 2007. This average is well within the 13 week standard for child support appeals although it should be noted that the average

includes finalised child support appeal cases with a finding of 'no jurisdiction', of which there were a large proportion. Such cases do not require a hearing and are therefore often completed quickly. Please also see under "Performance Overview: Service" in this Part, for timeliness standards. Achieving and maintaining these 'turn-around' times remains a key goal for the Tribunal. Given the newness of the child support jurisdiction, the timeliness standard will be continuously monitored to check its appropriateness.

## **Summary of Performance**

Overall, the SSAT was satisfied with its performance in relation to timeliness in 2006-07. Performance in Centrelink appeal cases against most internal standards and statutory requirements remained steady in comparison with last year's performance. Although there was a slight decline in some of the Centrelink appeal performance statistics, it should be noted that the SSAT received and finalised a larger number of Centrelink appeal applications than it had in each of the previous two years in addition to assuming responsibility for reviewing CSA decisions mid-way through the 2006-07 year.

The SSAT was also satisfied with its preliminary timeliness performance in child support appeals. Performance statistics for child support appeals show that the SSAT met or came very close to meeting most internal standards and statutory requirements. The SSAT exceeded several such standards, providing 100% of its decisions within the statutory requirement of 14 days and finalising child support appeals within 5.8 weeks (the internal standard is with 13 weeks).

## **Appeal Issues**

### ***SSAT Case Studies***

The Tribunal dealt with a wide variety of appeal issues during the year. The following case notes are included to demonstrate the range of issues the SSAT is required to consider; the actual outcomes of the appeals are, in that sense, not so relevant.

#### **Whether funds received under a sale leaseback agreement should be treated as income for the purposes of determining eligibility for the age pension**

The applicants were homeowners in receipt of the age pension at the partnered rate. They sold their principal home, receiving approximately 10% of the sale price on the date of sale with a final payment to be made at settlement 12 months later.

The applicants advised Centrelink that they had signed a contract for the sale of their home but would remain living in it until settlement in 12 months time and that they were not considering purchasing another home. Centrelink thus decided to immediately cancel their age pensions on the basis that: they were no longer homeowners from the date of sale; the total amount to be received by them for their home was assessable as a cash asset from the date of sale; and the value of their assets was sufficient so that age pension was not payable from the date of sale.

The Tribunal considered the contract relating to the sale of the applicants' home and decided that the applicants were 'sale leaseback residents' as defined in subsection 12B(11) of the *Social Security Act 1991*: that their home was a 'special residence' as defined in subsection 12C(2) and that the applicants were to be defined as 'special residents' as determined by subsection 12C(3) of the Act.

The Tribunal then referred to subsections 1151(2) and 1118(1) of the *Social Security Act*. Subsection 1151(2) provides that special residents who have paid the required entry contribution (in this case the deferred payment amount) are considered to be homeowners. Subsection 1118(1)(gb) provides that the value of the interest in the sale leaseback home (in this case the amount remaining to be paid under the contract) is to be disregarded in the calculation of the value of assets.

Furthermore, the Tribunal determined that the initial lump sum payment received by the applicants was not income for social security purposes as an amount paid by a buyer under a sale leaseback agreement was excluded income under subsection 8(8)(zk). The Tribunal therefore set aside the decision under review, remitting the matter to Centrelink with the direction that the applicants' age pension rates were to be recalculated disregarding the initial lump sum payment as income, treating the applicants as homeowners and treating the deferred payment amount as an exempt asset.

### **Assessing the eligibility of a mental health patient for maternity payment**

The applicant appealed a decision by Centrelink to reject her claim for maternity payment. The applicant had given birth to a child whilst in hospital as an involuntary mental health patient. Although the applicant was allowed supervised access for several days after the birth, the child was then placed in the care of the state and eventually a foster parent. The applicant asserted that she was legally responsible for her child in the days following the birth and that she provided care on a daily basis. The fact that she was briefly paid family tax benefit – even though this money was subsequently recovered as a debt – was also taken into account by the SSAT.

The Tribunal accepted that, until a court order was made placing the child under the care of the state, the applicant was legally responsible for her child as the natural parent. The Tribunal did not accept, however, that the child was in the applicant's actual care during this time. Although the applicant had access to her child, this access was strictly supervised and the applicant was escorted back to a secure ward and the child remained in the hospital's special care nursery. The applicant was not allowed access to her child on her own, nor allowed to remove her child from the hospital. The applicant also did not have control over the child's day-to-day care, nor input into decision-making about the child. In these circumstances, the Tribunal affirmed the decision to reject the applicant's claim for maternity payment.

### **Whether foreign pensions received in Australian dollars should be treated as foreign currency for the purposes of calculating the age pension payment rate**

The applicant was in receipt of the age pension and also received income from two foreign pensions. Section 1100 of the *Social Security Act 1991* makes specific provision for calculating the value of income received in a foreign currency and Centrelink applied that provision to the foreign pensions when calculating the applicant's rate of age pension.

The applicant submitted that the income from the foreign pensions was received in Australian currency and that section 1100 had no application. Centrelink rejected this

submission, noting that the foreign pension amounts were deposited directly into an Australian bank account.

On appeal, the Tribunal contacted the applicant's bank which made enquiries and advised that the foreign pension funds had their own bank accounts in Australia. The foreign pensions were being paid into the pension funds' Australian bank accounts in Australian currency and then transferred into the applicant's bank account. The Tribunal thus found that section 1100 did not apply to the applicant's foreign pension payments and the appeal was allowed.

### **Whether proceeds from the sale of a primary producing property are an 'exempt asset' when determining eligibility for exceptional circumstances relief payment**

An application for exceptional circumstances relief payment (ECRP) was rejected on the grounds that the applicant's assets were above the allowable limit. Centrelink considered that a sum owing to the applicant's partner, in accordance with the sale of a primary producing property on vendors terms, was to be regarded as a non-primary production asset. As the property that was sold was no longer used by the applicant for farming purposes, the vendor loan was assessed as a non-primary production asset and therefore not an 'exempt asset' as defined in section 3 of the *Farm Household Support Act 1992*. The issue in this case was whether the amount owing to the partner was an asset that was "essential for the effective running of the farm enterprise" in which case it would be an 'exempt asset'.

The applicant's case was that approval for a bank loan to purchase another primary producing property, purchased prior to the sale of the subject property, had been given on the condition that the subject property be sold and the proceeds paid into the mortgage of the new property. The applicant thus reasoned that the proceeds of the sale of the subject property were an 'exempt asset'.

On appeal, the Tribunal considered that to find that the amount owing to the applicant's partner was an 'exempt asset', would be placing an extremely broad meaning on the phrase such that almost any asset or right or chose in action could be considered to be "essential" to the running of the farm. While there was a connection between the previous ownership of the subject property and the ability of the applicant and their partner to repay the mortgage on the new property, there would also be such a link or connection with substantial bank deposits, if the interest from those bank deposits was used to repay the mortgage on the new property.

The Tribunal considered that subsection 3(b) of the definition of 'exempt asset' in the *Farm Household Support Act*, which makes reference to "farm plant and machinery, farm livestock or other asset", was a reference to a farming type asset rather than a financial asset. Although the applicant and their partner previously used the sold property to run a farm enterprise, they did not do so at the time of their claim and their interest in that property had effectively converted to a right to enforce the contract of sale and the proceeds arising from the contract of sale. The Tribunal found that the amount owing to the applicant's partner was essentially a financial asset rather than a farming asset. Consequently it was not an 'exempt asset'.

### **Treatment of income from variable earnings**

A recipient of newstart allowance was working casually with variable shifts each fortnight and reporting casual earnings to Centrelink using the recording and reporting sheets

provided. These required the applicant to work out what had been earned on each day in the “Centrelink fortnight” and report the total of those to Centrelink. The work fortnight did not coincide with the Centrelink fortnight, and therefore the applicant could not simply report the amount of the wage paid on the work payday.

Centrelink reviewed these earnings and followed its standard practice of obtaining from her employer a list of the wage payments made and the dates on which they were made. Centrelink then calculated what income from employment had been in each Centrelink fortnight by pro-rating the wage payments across all of the ten working days in the fortnight. This approach produced different amounts than those declared by the applicant.

The Tribunal noted that while in many cases, there would be little or no difference in the result produced by the different methods, there would be likely to be significant difference in this case because the applicant’s income at times approached or exceeded the point at which newstart allowance was precluded. The Tribunal returned the matter to Centrelink for it to reconsider the decision after obtaining daily wage information from the employer.

### ***AAT and Court Cases***

There were a number of AAT and court cases which considered social security and family assistance law during 2006-07. AAT cases of particular note include:

- SDEWR v Anastasiadis [2007] AATA 1065 which considered an application to stay the implementation of an SSAT decision and found that the stay should not be granted on the basis that Mr Anastasiadis would suffer significant financial hardship were the stay to be granted. The AAT further noted that Mr Anastasiadis had already suffered financial hardship as a consequence of the department’s delay in implementing the SSAT’s decision in this case.
- Walden v SDFaCSIA [2007] AATA 1064 which dealt with the criteria for determining whether or not notice of a Centrelink decision was provided. The AAT found that as Centrelink had sent prepaid letters to the applicant’s last known postal address and as there was no evidence to show that the letters were not delivered, sufficient notice to suspend and then cancel the applicant’s age pension had been given.

Court cases of particular interest include:

: *Secretary, Department of Employment & Workplace Relations v Real* [2007] FCA 988 where the Federal Court considered whether an administrative breach reduction period should be imposed [under which a lesser rate of payment might apply].

: *Secretary, Department of Employment and Workplace Relations v Vanderpluym* [2007] FCA 876 in which the Federal Court considered the disregarding of the value of an equitable charge and the existence of an asset by way of an unpaid loan.

## Policies and Procedures – Feedback to Departments

Due to its ongoing role as a national organisation responsible for reviewing large numbers of social security decisions and its new role as a national organisation responsible for reviewing CSA decisions, the Tribunal is exposed to many difficult issues involving application of the law, procedural fairness and policy questions. Tribunal members are encouraged to draw the attention of their Director to perceived legislative anomalies or unintended consequences that they discover, or instances where the legislation is believed to operate in an unjust or unfair manner to any group or individual. Such matters can be referred to the Executive Director, who can in turn raise them with Centrelink, CSA or the relevant policy department.

Similarly, where departmental procedures operate harshly or where expressed policy is not considered to be consistent with or supported by the legislation, this may be identified in the process of review and can be raised at the national level by the Tribunal with the appropriate agency or agencies.

In this context, the Tribunal dealt with a case which involved consideration of eligibility under the Retirement Assistance for Sugarcane Farmers (RASf) Scheme and possible eligibility for an age pension. The Tribunal concluded that it did not have jurisdiction to consider/review the correctness of Centrelink's advice to the applicant that he did not qualify for the assistance under the RASf Scheme, nor did it have jurisdiction to consider the applicant's eligibility for age pension (as no claim for age pension has in fact been lodged). The case also concerned the possible exposure of the applicant to a breach of the 'deprivation' provisions had he transferred his assets to a family member. The SSAT referred the case to FaCSIA to consider the apparent limitations on effective appeal rights in these cases.

In addition, the SSAT dealt with a social security case where the applicant appealed to the SSAT essentially to learn basic information which the Tribunal determined should have been disclosed by the Centrelink ARO. This case involved review of a Youth Allowance decision in which Centrelink had, correctly, based the decision on the parents' overall financial position, but refused to disclose the details of this position to the applicant. The SSAT drew this issue to Centrelink's attention and as a consequence, AROs were to be advised that providing aggregate income details in such cases is not against privacy laws nor against Centrelink policy.

In last year's Annual Report, the SSAT raised the issue of the treatment of 'salary sacrifice' under the social security income test. The SSAT has not been informed officially whether the policy, which the Tribunal considers is both internally inconsistent between payment types as well as not supported by the legislation, has been reviewed or otherwise. The Tribunal therefore remains in the position of not allowing salary sacrifice amounts to be exempt from income for social security purposes, whereas the policy does allow such exemptions in certain circumstances.

The Administrative Arrangements Agreement (AAA) between the SSAT and Centrelink includes a range of 'task cards' which identify the forms and electronic documents likely to be relevant to a range of particular case types. Consistent with the AAA, the SSAT monitors compliance with these task cards over a two to four-week period every six months. In 2006-07, compliance with the tasks cards was monitored in October 2006 and

then again in April-May 2007. As in previous years, the SSAT invited Centrelink to nominate representatives to participate in a joint compliance exercise during the year.

Adherence to the AAA is important for both the Tribunal and Centrelink: for the former it guarantees provision of all documents relevant to the making of the decision(s) and for the latter ensures that both original decision makers and authorised review officers have identified, for their purposes, all relevant documents in making their decisions at first instance and on internal review.

During 2006-07, the SSAT and the Child Support Agency developed and signed an MOU setting out the roles and responsibilities of each agency in the child support appeal process. Both agencies have been monitoring their performance in accordance with the requirements of the MOU and have discussed issues as required. As further experience is gained in the child support jurisdiction, the Tribunal and the CSA will review/update the MOU as required and agreed.

# Part 5: Management and Accountability

## Corporate Governance

### *Executive Group*

Under the Tribunal's corporate governance arrangements, the Executive Group advises and assists the Executive Director in the overall operation and administration of the core business of the SSAT. Chaired by the Executive Director, with the Directors and the National Manager as members, this group focuses principally on the strategic direction and performance of the Tribunal.

Over the past year, the Executive Group meet on four occasions and oversaw a range of initiatives to prepare the SSAT for reviewing CSA decisions including membership recruitment exercises, member and staff training programs, office relocations and refurbishments and the development of suitable appeals management processes. In addition to these initiatives, the Executive Group oversaw a review of the Strategic Plan 2005-08 (necessary because of the new child support jurisdiction) and a review of the SSAT's key performance indicators (KPIs).

By their very nature, social security and child support review applications often require the exercise of judgment and/or discretion by presiding members. The Executive Group meets regularly and oversees legal research and the issue of guidance to members on leading cases and preferred approaches to statutory interpretation. As a measure of internal scrutiny, the Director in each office also closely monitors the quality and consistency of decisions in their respective States/Territories.

### *National Business Managers' Group*

Known as the Office Managers' Group prior to 2006, this group comprises the 5 State Office Business Managers, 4 National Office Business Managers, the Specialist Legal Adviser and the National Manager (convenor). Its main functions are to advise and assist the National Manager in establishing, implementing and maintaining national policies and best practice. The group is also involved in matters of corporate business which in the 2006-07 year included involvement in projects to prepare the SSAT



*Business Managers' Meeting, June 2007*



for reviewing CSA decisions and in the development of a national business plan for 2007-08.

### ***Other Internal Committees***

The new Quality Analysis Unit in the National Office now performs the functions of the previous Legal Advisory Group of the SSAT. This Unit identifies emerging issues and filters issues concerning legal, policy and procedural matters, for consideration by the full Executive Group.

During the 2005-06 year, the SSAT established a Child Support Steering Committee to oversee projects to prepare for the introduction of merits review of Child Support Agency decisions from 1 January 2007. The Committee had the same membership as the Executive Group with the addition of a CSA expert. The Committee was very active during the 2006-07 year being concerned with the 6 major projects to prepare for the new child support jurisdiction. However, with the implementation of child support appeals at the beginning of 2007, the Committee was disbanded. Child support appeal issues will continue to be identified by Directors and the Quality Analysis Unit and be considered at Executive Group meetings as required.

The SSAT also established an EDRMS Steering Committee in 2006-07, comprised of the National Manager and the Director of the Tribunal's Western Australian office. The Committee met regularly to oversee the selection and implementation of the SSAT's new records management system.

In previous years the SSAT has conducted quality assurance projects focusing on decision-making in a particular review area (e.g. social security debt cases and Disability Support Pension cases). Although the Executive Group did not initiate such a project during 2006-07, the Tribunal established a Quality Analysis Unit, one of whose responsibilities is to monitor the quality of decision-making and to support members in making good decisions.

During the year, the SSAT reviewed its Diversity Plan to ensure that it was meeting the requirements of the Commonwealth's Charter of Public Service in a Culturally Diverse Society. As a result of this review, the Tribunal set up a Diversity Committee to progress the SSAT's diversity initiatives. The Committee, which met on three occasions during the reporting period, is made up of APS staff representing most SSAT offices.

## **Corporate Planning**

### ***Strategic Plan***

The SSAT's Strategic Plan for 2005-08 (see Appendix 3) sets out the Tribunal's core values and service standards, within the framework of its primary objectives. It contains approaches or strategies for critical issues that the Tribunal aims to address in this three-year period.

The business units of the National Office submit annual business plans against the objectives, goals and strategies laid out in the Strategic Plan. The four key goals of the current Strategic Plan are for the SSAT to:

1. Strengthen decision-making
2. Strengthen case management services
3. Strengthen internal relationships
4. Strengthen external relationships

The Strategic Plan 2005-08 was revised in July 2006 in anticipation of the SSAT's additional responsibility for reviewing CSA decisions.

### ***Outreach Activities***

The SSAT's outreach activities aim to make potential applicants and those who assist applicants aware of the Tribunal's existence, role and functions, while inspiring confidence in it as a fair and independent mechanism of review. To this end, the national outreach strategy is directed at improving knowledge and understanding of the SSAT in the Australian community.

#### **Local and National Initiatives**

During 2006-07, SSAT state and territory offices continued to organise and participate in meetings with staff from their local Centrelink offices, welfare rights groups and legal aid offices. SSAT state and territory offices also expanded their outreach activities to include meetings with staff from local CSA offices and from legal groups specialising in child support matters. Other local outreach initiatives undertaken in the reporting period include:

- Meetings and shared training days with staff and/or members from the AAT;
- Presentations and attendance at CSA stakeholder meetings;
- Participation in discussions about the new child support jurisdiction with the Federal Magistrates Court;
- Hosting educational visits to SSAT offices (e.g. for trainee social workers);
- Participation in the inaugural meeting of the South Australian Court/Tribunal Managers Network;
- Director attendance at state and territory chapter meetings of the Council of Australasian Tribunals.

In addition to outreach activities at a local level, the SSAT continued to build upon its outreach at a national level. Over 2006-07, national outreach initiatives included:

- Distribution of a new poster promoting the SSAT's child support jurisdiction to a wide range of stakeholders;
- Meetings with Centrelink and CSA national office staff about pertinent appeal issues;
- Meetings with national office staff from other Commonwealth Government departments regarding policy or process issues (e.g. FaCSIA and DEWR).

## **Applicant Feedback Survey**

In order to measure several of the SSAT's key performance indicators (KPIs) and to ascertain how the Tribunal is performing from a client perspective, the SSAT developed a survey to obtain applicant feedback in early 2006. During the 2006-07 year, all applicants involved in Centrelink appeals were asked to complete, on a voluntary basis, a feedback survey. The survey results for this year are reported in Part 7. These results will be used to guide the SSAT in how and where it can improve its services. It is anticipated that in the future, the feedback survey will be expanded to include responses from applicants and other parties involved in child support appeals.

## **Social and Environmental Accountability**

### ***Diversity***

Through its commitment to promoting and supporting diversity in the workplace, the Tribunal aims to achieve a workforce that is reflective of Australian society. The SSAT is subject to the *Charter for Public Service in a Culturally Diverse Society* and reports on its performance against the Charter's principles annually in the Department of Immigration and Citizenship's whole-of government access and equity report.

The SSAT's own Cultural Diversity Plan commits the Tribunal to creating and maintaining an environment that is free of all forms of harassment, intimidation and discrimination. It also includes the principle of equal employment opportunity. During 2006-07, the SSAT conducted a review of its Diversity Plan. The review assessed the SSAT's progress towards achieving its diversity objectives thus far; identified emerging diversity issues; and considered innovative diversity practices employed by other government organisations.

As a result of the review, the SSAT established an internal Diversity Committee to lead the Tribunal's diversity initiatives (including disability initiatives). The Committee is currently developing a new Diversity Plan which will focus on:

- Tailoring the SSAT's services to meet the needs of a diverse client base; and
- Ensuring that the SSAT recruits, trains and supports a workforce that reflects the diversity of Australian society.

In 2006-07 the SSAT continued to review its corporate publications (including the internet site) to ensure they met the needs of a diverse client base. Consideration was given to the format and delivery of publications: the SSAT's appeal application forms include information in languages other than English and most publications are available in a variety of formats such as large-type print and audio CD. The SSAT also developed a new range of information brochures for applicants and other parties to child support appeals in the reporting period. Feedback from stakeholders in the child support jurisdiction was used to inform the SSAT on how best to deliver its messages about child support appeals.

## ***Commonwealth Disability Strategy***

In line with the Commonwealth Disability Strategy, the SSAT seeks to eliminate disability discrimination through the preservation and enhancement of the fundamental rights of persons with disabilities.

The Commonwealth Disability Strategy requires agencies to report against a prescribed set of performance indicators in their annual reports. The indicators most relevant to the SSAT are those relating to the roles of 'employer', 'purchaser' and 'provider'. Appendix 14 sets out the performance measures and outcomes achieved by the SSAT against these indicators.

As a provider, the SSAT is committed to ensuring equitable access to its services. The SSAT therefore offers assistance for clients with disability-related needs including: information products in formats accessible by visually impaired applicants, sign interpreters at appeal hearings and flexible hearing options (e.g. hearings by phone or video-conference).

As both a provider and employer, the SSAT is concerned with providing physical access to its offices for all clients, members and staff. During 2006-07, the SSAT once again conducted access and equity onsite inspections of its offices to determine whether they met with the minimum standard for accessibility as contained in the Commonwealth Disability Strategy. The inspections found that overall SSAT Offices complied with the minimum accessibility standards and in areas identified as requiring attention, all SSAT Offices acted within their powers to improve accessibility.

## ***Ethical Standards***

The SSAT is committed to maintaining the highest ethical standards. Its core values are embedded in its Strategic Plan and underpin its operations.

### **Australian Public Service Values and Code of Conduct**

All SSAT staff are bound by the Australian Public Service Values and Code of Conduct. Each new staff member receives a copy of these documents. All staff are encouraged to incorporate these values into their own workplace ethic.

References to the Australian Public Service Values and Code of Conduct are also incorporated into core staff training, to bring them to the attention of staff in a way that demonstrates their meaning and value in a 'real' organisational context. Core training was delivered to State Office staff in the past year, with AAT staff attending this training in some states.

### **Professional Standards for Tribunal Members**

In addition to comprehensive guidance given to members in the SSAT's Members Handbook, members are guided by the Administrative Review Council's publication, *A Guide to Standards of Conduct for Tribunal Members*. This document establishes principles of conduct relating to fairness, integrity, accountability and transparency, among

others. The Guide is brought to the attention of all Tribunal members during induction activities and the principles referred to in ongoing member training.

To ensure that ethical standards are upheld, members, as statutory office holders, are required to complete a private interests declaration form and are subject to police and bankruptcy checks prior to commencing their Tribunal duties.

## ***Environmental Management***

The SSAT developed an Environment Management System (EMS) during the 2006-07 year. Developing the system involved an assessment of the SSAT's environmental impacts, setting targets to reduce these impacts and planning how to achieve the targets. The SSAT's EMS is consistent with ISO 14001, the international standard for environmental management systems.

The EMS will be used as a tool to manage the impact of SSAT activities on the environment. The EMS provides a structured approach to planning, implementing and monitoring the SSAT's environmental protection measures. As recommended by the Department of Environment and Water Resources, the SSAT's EMS is designed to integrate environmental management into the Tribunal's daily operations, long term planning and other quality management systems.

The SSAT has developed several Environmental Management Plans to meet the objectives and targets outlined in the EMS. The Plans detail the specific actions and/or methods that the SSAT will employ to meet its environmental objectives and targets. The Plans focus on a range of environmental issues including consumption of energy, generation of waste and environmental awareness in the workplace.

During 2006-07, negotiations regarding the re-location of several SSAT offices took place. Wherever possible, the SSAT has taken OH&S, access and equity, security and environmental factors into consideration when selecting new office locations. On the basis of such considerations, the SSAT selected a new location for its National Office in a building which is at the forefront of environmentally progressive building standards in Australia. The building currently has a "4.5 star" Australian Building Greenhouse rating and a "5 star" Green Building Council of Australia rating.

## **Risk Management**

The Risk Management Framework ensures that all identified risks relevant to the SSAT are considered and that a systematic approach to risk mitigation is followed. The approach adopted by the SSAT is consistent with the Australian Risk Management Standard (AS/NZS 4360) and considers the following risk areas:

- maintaining a safe work environment for staff, members, clients and visitors;
- safeguarding and maintaining assets;
- managing human resources;
- managing technology and information resources;

- ensuring compliance with environmental obligations;
- achieving established objectives and goals;
- ensuring the reliability and integrity of financial and operational information;
- complying with internal policies and procedures;
- complying with laws and regulations;
- managing change in the SSAT's internal and external environments; and
- managing 'significant interruption' to critical business processes.

For each of these areas, the likelihood and consequences of identified risks have been determined and inform the SSAT's approach to risk mitigation.

### ***Internal Audit Framework***

The SSAT's Internal Audit Framework extends beyond the 'financial role' of most audit frameworks to include operational and strategic matters pertinent to the broader functionality of the SSAT. The Framework comprises structures and processes relevant to internal auditing. It has been formulated as a set of audit packages that cover aspects of a financial, corporate governance and information technology nature. The audit packages have been developed specifically to assist in conducting quality assurance testing of key SSAT business processes in order to ascertain the adequacy of risk management strategies.

The SSAT's Audit and Risk Compliance Committee oversees the implementation of internal audits using the audit packages at least annually. In 2006-07, financial, OH&S and asset audit packages were used to conduct audits in all SSAT offices.

### ***Business Continuity Plan***

Business continuity management is an essential component of the SSAT's risk management framework as it includes response strategies designed to mitigate the impact of a significant disruption to the SSAT's business processes. These response strategies are contained in the SSAT's Business Continuity Plan which, since its development in 2005, has been continuously reviewed and updated. The Plan is pre-emptive and its response strategies are regularly tested either wholly or by components.

During 2006-07, the SSAT reviewed and revised its Business Continuity Plan to comply with guidelines provided by the Department of Families, Community Services and Indigenous Affairs. The SSAT's Plan is no longer a discrete document – it now bears the status of a sub-plan within the Business Continuity Plan of FaCSIA and its portfolio agencies.

One of the most important inclusions in the SSAT's redrafted Business Continuity Plan is the development of an Influenza Pandemic Preparation and Response Plan. This Plan has been designed to efficiently and effectively manage significant staff reductions in the event of an influenza pandemic or a similar threat to the SSAT's business continuity.

## **Occupational Health and Safety (OH&S)**

The following information is provided in accordance with subsection 74(1) of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

The SSAT continues its commitment to health and safety through the efforts of its Occupational Health and Safety Committee. The Committee consists of duly elected Health and Safety Representatives, Harassment Contact Officers, the Human Resources Officer in the National Office as well as management representatives and the Community and Public Sector Union. It is supported by a network of First Aid Officers and Fire Wardens. The OH&S Committee is chaired by the Finance Manager.

The Finance Unit conducted onsite health and safety inspections of all State Offices during July and August 2006. These inspections are conducted to ensure that SSAT offices do not pose a risk to the health, security and safety of staff, members and the public. The inspections were carried out in accordance with generally accepted occupational health and safety and protective security standards and guidelines.

During 2006-07, the SSAT once again arranged for national compliance testing of all fire fighting equipment housed in Tribunal offices. Compliance tests were conducted in May/June and then again in October/November. All expired fire extinguishers were replaced and fire blankets were installed in all SSAT kitchen areas.

Individual workplace assessments were conducted in most State offices during the reporting period. In these assessments, employees are assessed and advised on matters relating to posture, workstation setup and equipment requirements. Planned assessments in some offices were interrupted due to refurbishment activities but all such assessments have been rescheduled.

Three workplace incidents were reported in 2006-07: one occurred off-site, one in a hearing room and one in an office setting. None of the people involved in the incidents required follow-up medical treatment and no time off work was required as a result of the incidents.

There were no directions given under section 45 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* during the year. No notices were issued under sections 29, 46 or 47 of the Act and there were no accidents or dangerous occurrences requiring notice under section 68. No investigations into OH&S accidents were required during the year.

## **Security – General**

Protective security is the protection of people, assets and information from potential threats and dangers, abuse or unauthorised disclosure of information inherent in the operation of the business of the Tribunal. In line with this commitment, the SSAT follows appropriate strategies for anticipating and controlling crisis situations as set out in the Business Continuity Plan.

In November 2006, the SSAT engaged the services of the Australian Federal Police (AFP) to provide a protective security risk review of all SSAT State offices. Normally the SSAT

requests the services of the AFP every second year, conducting its own internal security risk assessments in the alternate years. However, with the expansion of the SSAT's jurisdiction to include review of CSA decisions, the Tribunal decided to request an AFP onsite risk review to determine whether office security standards were sufficient for the new jurisdiction. As a result of recommendations made by the AFP, the SSAT reconfigured some hearing rooms, made alterations to waiting areas and provided security training to staff and members.

In addition to the security risk reviews, the SSAT engaged the AFP to conduct pre-occupation and fit-out security assessments of proposed office accommodation for the National, Victorian and Queensland Offices of the Tribunal. AFP recommendations were incorporated into the refurbishment/fit-out of new accommodation.

As a result of the SSAT's close working relationship with the AFP over the course of the last few years, security at the SSAT has improved and security awareness now has a higher profile than previously.

During the reporting period, the SSAT's Security Manual underwent a comprehensive review and was updated to reflect the changes in policy and procedure as a result of conducting child support appeals. Information technology security has been removed as a part of the Manual and will be incorporated into an Information Security Manual to be compiled by the IT Unit.

As in previous years, the SSAT also completed the annual Australian Government Protective Security Survey distributed by the Attorney-General's Department.

The SSAT recorded five general security incidents in 2006-07. Most of the five incidents involved verbal abuse and/or threats to staff and members. Police were notified in each case.

### ***Security – Information Privacy***

There were forty-two privacy breaches (twenty-nine were the result of one action) and six privacy incidents at the SSAT in 2006–07. A privacy incident occurs when a person raises concerns regarding privacy with the SSAT but, upon investigation, the SSAT is satisfied that it has not breached its obligations under the Privacy Act.

In most instances the breaches occurred because documents belonging to one applicant were inadvertently included with documents belonging to another applicant. In some instances, documents were posted to the wrong address. Twenty-nine of the privacy breaches were occasioned by the one action whereby a group email was despatched which inadvertently disclosed the names of all persons to the other recipients. The SSAT has implemented procedures to ensure that a similar disclosure does not occur in the future.

A privacy complaint lodged against the SSAT with the Office of the Federal Privacy Commissioner (OFPC) in 2005 was still under investigation at the time this report was prepared.



The Tribunal continues to strive for nil privacy breaches. Towards this end, the SSAT is in the process of providing privacy and confidentiality refresher training to staff and members in all State and Territory offices. The refresher training incorporates the changes consequential upon the SSAT's new child support jurisdiction.

### ***Fraud Control***

The SSAT remains committed to developing and maintaining best practice strategies for the prevention and detection of fraud. The Finance Unit bears responsibility for fraud control and prevention and detection activities within the SSAT.

There were no incidents of fraud detected or reported for the SSAT during the financial year.

As in previous years, the Finance Unit conducted internal financial and asset audits in all SSAT State Offices. This audit found that in all State Offices the statements of expenses were properly calculated and paid in all material respects in accordance with the *Financial Management and Accountability Act 1997*. In addition, all material assets (equipment) were accounted for.

The SSAT complied with its quarterly fraud reporting obligations to the FaCSIA Risk Assessment and Audit Committee. Upon request and in accordance with the requirements of Guideline 3.4 of the Commonwealth Fraud Control Guidelines 2002, the SSAT also provided the Australian Federal Police with a list of its major identified fraud risks

### ***Certification of SSAT Fraud Control Arrangements***

I, Les Blacklow, certify that I am satisfied that for the financial year 2006-07 the SSAT:

- Has had appropriate fraud risk assessments and fraud control plans in place that comply with the Commonwealth Fraud Control Guidelines;
- Has had appropriate fraud prevention, detection, investigation and reporting procedures and processes in place; and
- Has collected and reported on annual fraud data in a manner that complies with the Commonwealth Fraud Control Guidelines.



L M Blacklow  
Executive Director  
31 August 2007

# Part 6: Resourcing

## Human Resources

The human resources of the SSAT are its members and staff.

At 30 June 2007, the SSAT had 185 members and 75 staff.

As set out in the SSAT's Strategic Plan 2005-2008, the Tribunal recognises and respects the contribution of its members and staff and is committed to developing highly co-operative and productive internal relationships.

### *Members*

#### **Employment Terms and Conditions**

The terms and conditions of employment for members are largely established in Schedule 3 of the *Social Security (Administration) Act 1999*. The Act empowers the Governor-General, the Minister and the Executive Director of the SSAT to prescribe particular terms and conditions for SSAT members. The Remuneration Tribunal is responsible for determining members' remuneration packages and annual leave entitlements. The Remuneration Tribunal issues a new determination for SSAT members effective from 1 January 2007 largely in recognition of the Tribunal's assumption of the child support jurisdiction.

The role of members in the structure of the SSAT is discussed in Part 3. A full list of members as at 30 June 2007 is given in Appendix 4.

#### **Workforce Movement**

As foreshadowed in last year's Annual Report, the SSAT's total membership numbers rose substantially (by 25%) during 2006-07. At 30 June 2007, the SSAT had 185 members in comparison with 148 members at 30 June 2006. This increase was the result of recruitment exercises designed to ensure that the SSAT had sufficient members to review CSA decisions on and from 1 January 2007.

## **Staff**

### **Employment Terms and Conditions**

The SSAT is committed to providing a fair, flexible, safe and rewarding workplace for its staff. All staff are required to behave honestly and with integrity in the course of APS employment. The SSAT's employment policies are in line with the APS Values and Code of Conduct.

Staff employment terms and conditions are primarily determined by the *Public Service Act 1999* and the SSAT Workplace Agreement 2006-2009. The SSAT's previous agreement expired on 30 June 2006 and extensive negotiations for a new agreement were undertaken during 2005 and 2006. The new Workplace Agreement took effect from 10 October 2006 and provides for all SSAT public service employee entitlements not covered by specific legislation.

The new agreement links improvements in pay and conditions to improvements in organisational productivity as required by DEWR policy parameters for agreement-making in the APS. The agreement offers SSAT staff 4% annual salary increases conditional on completion of certain productivity initiatives.

The SSAT's Workplace Agreement does not provide for performance pay or bonuses. The agreement does provide for a Performance Development System based on salary pay point advancement. Further information about this system is provided below.

### **Workforce Movement**

Like total member numbers, total staffing numbers also increased during 2006-07. At 30 June 2007, the SSAT employed 75 staff, a 33% increase on the number employed at 30 June 2006 (56). This increase was primarily due to the SSAT's recruitment efforts to ensure that the Tribunal had sufficient staffing numbers to manage the additional responsibilities of the new child support jurisdiction.

A detailed breakdown of staff by gender, classification and office is given in Appendix 5.

### **Workforce Planning**

In 2006, the SSAT undertook a major review of the staffing structure and requirements as a result of the new child support jurisdiction. An assessment was made of the current levels of capacity in each of the Tribunal's offices/work units based on appeal numbers. At the same time, the review considered the structural changes that would best position the SSAT to manage the new jurisdiction. Based on these assessments and supported by estimations of future appeal numbers, changes to the SSAT staffing structure along with increases to SSAT member and staffing numbers were made.

### **Performance Development System**

One of the productivity initiatives in the SSAT's Workplace Agreement 2006-2009 was a review of the Tribunal's performance management arrangements. The SSAT completed this review in mid 2007 and as a result of the review, the SSAT now has in place a new

performance development system that aligns employee, team and organisational performance and that has a more strategic approach to learning and development. Training in the operation of the new system will be provided to all APS staff in the latter half of 2007.

The new performance development system requires all staff to develop performance agreements in collaboration with their supervisor. Performance against these agreements will be monitored throughout the 12 month cycle and at the end of the cycle, staff whose performance is assessed as meeting expectations are eligible for a pay point advancement.

## ***Learning and Development***

The SSAT invests considerable resources in learning and development activities for its members and staff as a means of assisting the Tribunal to achieve its strategic aim of high quality and consistent decision-making.

The SSAT spent approximately \$1,000,000 in 2006-2007 on training for members and staff in preparation for the Tribunal taking on the child support jurisdiction. This figure is a full cost and includes time spent (in dollar terms) by members and staff at training sessions.

With the SSAT assuming responsibility for reviewing CSA decisions from 1 January 2007, training in matters relating to this new jurisdiction, for both APS staff and members, has been a key focus in 2006-07. Training of this nature has concentrated on decision-making within the Child Support Agency, child support legislation and the SSAT's processes to manage child support appeals.

As a result of a recommendation from the SSAT's Child Support Steering Committee, the Tribunal engaged a consultant to develop a training course in managing challenging customers. This course has been delivered to APS staff in all SSAT Offices. A modified version of the training will be delivered to staff in the SSAT's National Office in the latter half of 2007 (based on experience at that time) and the Tribunal is also planning to deliver similar training to members.

In addition to training in child support matters, the SSAT continued to run training for both APS staff and members on issues such as privacy, Freedom of Information and the APS Values and Code of Conduct. The SSAT's National Training Officer delivered the Australian Public Service Commission's training package, *Being Professional in the APS*, and continued to present National Case Manager Training Modules as required.

During the reporting period, the National Training Officer developed a Trusts and Companies Reference Guide for case managers. The social security legislation has detailed and complex provisions in relation to the treatment of income, the value of assets and the 'attribution' of income and assets to persons involved in private trusts and companies who might also be claiming or receiving Centrelink payments. The Guide provides information about trust and company matters that can arise in these appeals and includes examples of relevant trust and company documents as well as Centrelink Mainframe screens and forms.

The SSAT encourages members and staff to take advantage of external personal and professional development opportunities. In 2006-07, several case managers attended

training to develop their written skills; IT staff attended training on Novell, Zenworks and SuSe; and a Business Manager participated in a training course focusing on leading and managing teams through change.

Other externally provided training and development attended by SSAT staff and members included:

- *Supporting Staff with Psychological Health Issues* (APSC);
- Quality of Administrative Justice seminar;
- Australian Institute of Judicial Administration's Tribunals conference;
- Australian Institute of Administrative Law National Forum; and
- Microsoft Publisher.

As in previous years, the SSAT's National Training Officer participated in the Tribunal Training Group (TTG), a learning and development forum consisting of representatives from tribunals who are members of COAT. Where possible, TTG members share training resources. In 2006-07, staff from the AAT and the Federal Court attended the managing challenging customers training provided by a consultant engaged by the SSAT and SSAT staff attended managing self-represented parties training run by the AAT.

The SSAT is currently implementing a new Electronic Document Records Management System and as part of the implementation, the SSAT's Information Management Officer and other staff from the National Office are providing training and support to members and staff in all offices.

The SSAT offers study assistance to both full-time members and APS staff. This assistance is designed to encourage staff and members to further their education and gain qualifications that will benefit the Tribunal. Five APS staff and two members took advantage of the SSAT's study assistance scheme during 2006-2007.

The SSAT held two conferences for full-time members in the 2006-07 year. The first conference, held in November 2006, concentrated on issues in the child support jurisdiction while the second conference, held in May 2007, covered relevant child support and Centrelink appeal issues.

## ***The SSAT as an Employer***

### **Workplace Diversity**

The SSAT clearly articulates to all APS staff, on induction and throughout their employment, the expectation that they are required to uphold the APS Values and Code of Conduct, in particular the requirement to treat everyone with respect, courtesy and without harassment. The SSAT provides annual training to all APS staff on the APS Values and Code of Conduct and uses practical examples, relevant to the SSAT environment, to demonstrate their application.

The SSAT participates in the APSC's Workplace Diversity Network and contributes to the Department of Immigration and Citizenship's annual access and equity report. The SSAT

has also recently formed an internal Diversity Committee. This Committee is tasked with developing recommendations aimed at ensuring that the Tribunal's workforce reflects the diversity of Australian society and that this workforce is supported appropriately. For further information about the Diversity Committee, refer to the 'Diversity' section in Chapter 5.

The SSAT's new Workplace Agreement emphasises flexibility and choice of working arrangements to employees and managers. It demonstrates the Tribunal's commitment to support all staff in balancing work and life responsibilities. To this end, the SSAT offers flexible work options including part-time and job sharing opportunities, purchased leave and home-based work, subject to Tribunal operational requirements. Additional support is provided to staff with caring responsibilities in terms of personal leave options, increased entitlements to paid maternity and parental leave, child care information and a school holiday program reimbursement for child care.

### **Employee Assistance Program**

The SSAT has a contractual arrangement with Davidson Trahaire for the provision of a national Employee Assistance Program (EAP). This program offers confidential, 'off-site' counselling on work-related and personal issues as well as 24-hour emergency counselling and a critical incident response service.

In 2006-07, 21.5 EAP hours were used by SSAT staff and/or members.

## **Financial Resources**

A detailed breakdown of the financial resources and expenditure of the SSAT in 2006-07 is contained in its Financial Statements in this Annual Report following Part 7.

### ***Purchasing***

The SSAT adheres to the *Commonwealth Procurement Guidelines* (which incorporate the Free Trade Agreement) in its purchasing practices. The SSAT is also guided in its purchasing activities by FaCSIA's Chief Executive Instructions. In accordance with the Guidelines and Instructions, the SSAT strives to achieve value for money by weighing up all relevant costs and benefits before making procurement decisions.

With value for money in mind, the SSAT also encourages open and effective competition; maintains openness and transparent administration of its procurement system and record keeping; and conducts its business in a fair and reasonable manner.

The SSAT paid 81% of its accounts by electronic funds transfer, with the remaining 19% paid by cheque. These percentages represent approximately 94.5% and 5.5% of payment value respectively.

### ***Consultants***

The SSAT employs consultants to undertake a variety of work that it is not equipped to undertake. During 2006-07, the SSAT engaged 18 consultants at a total cost of \$1,367,182. Seven of these consultancies were let for project management services for refurbishment of SSAT offices. These refurbishments are necessary to ensure that SSAT

offices are suitable for the conduct of child support appeals. Details of these consultancies are provided in Appendix 6.

### ***Advertising, Publications and Outreach***

The SSAT spent \$211,056 on print advertising of vacancies for staff and member positions. This is a significant increase on the previous year's expenditure and is due largely to more advertisements for member positions to ensure the Tribunal has sufficient members numbers to conduct child support appeals.

The SSAT spent \$103,698 on publishing and printing (excluding forms). The Tribunal also spent approximately \$160,341 on community outreach and education activities. For further information regarding the sorts of outreach and education activities in which the SSAT is involved, please see Part 5.

# Part 7: External Scrutiny

## External Scrutiny

The performance of the SSAT is open to external scrutiny in a number of ways including through further appeals, complaints to the Commonwealth Ombudsman, audits undertaken by the Australian National Audit Office and feedback from clients. This chapter provides a summary of the forms of scrutiny to which the SSAT has been subject in 2006-07.

### *Appeals from SSAT decisions*

In the event of disagreement with an SSAT decision in Centrelink appeal cases, both the applicant and the relevant policy department may apply for a further review on the merits to the Administrative Appeals Tribunal (AAT), for judicial review to the Federal Court on a point of law and, by special leave, to the High Court.

In the event of disagreement with an SSAT decision in a child support appeal case, both the parties to the appeal and the CSA may apply to a court for a judicial review on a question of law. In cases where the SSAT refuses to grant an extension of time to appeal a CSA decision, the applicant can apply for a further review on the merits to the AAT.

Appeals arising from SSAT decisions are monitored by the National Office of the SSAT, with leading AAT and court decisions considered by the Specialist Legal Adviser and the Quality Analysis Unit and, where appropriate, reported to the Tribunal's membership.

Table 3 and the related text in Part 4 provides information on the number of further appeals lodged against decisions in the SSAT's two jurisdictions.

### *Reports / Enquiries*

The SSAT was not the subject of any Auditor-General reports or Parliamentary Committee enquiries or during 2006-07. The Australian National Audit Office conducted a financial audit of the SSAT and reported some weaknesses regarding general ledger and asset management, however, these weaknesses were considered of a minor nature and corrective action was taken.

The Commonwealth Ombudsman received 9 complaints regarding SSAT appeals. Most of these cases were finalised during the reporting period and no adverse findings were made in regards to the SSAT.



During the reporting period, an office of the Commonwealth Ombudsman requested that the SSAT provide copies of two of its decisions as part of investigations into complaints regarding the Tribunal. The Tribunal considered that it was more appropriate for the Ombudsman to seek copies of the decisions from Centrelink or the applicant and thus discussed the matter with the Ombudsman's Office. As a result of these discussions, it was agreed that the Ombudsman's Office would not normally request decisions direct from the SSAT.

The SSAT provides a routine report to the Department of Immigration and Citizenship about its progress in implementing the Charter of Public Service in a Culturally Diverse Society. Please refer also to Chapter 5.

## **Feedback**

The SSAT values feedback as a means of measuring its performance in key areas including customer service, conduct of hearings and quality of decisions. A customised database records feedback for the purpose of staff and member development, improvement to service standards and reporting.

The SSAT also has a national feedback questionnaire. During 2006-07, the questionnaire was provided to all applicants in Centrelink appeal cases. Completion of the questionnaire is voluntary and over 500 questionnaires were completed in the reporting period. The results of the survey are shown in Table 4.

| <b>Table 4: Results of applicant feedback questionnaire</b>   |               |                       |                       |
|---|---------------|-----------------------|-----------------------|
| <b>Measure</b>  | <b>Target</b> | <b>Result 2006-07</b> | <b>Result 2005-06</b> |
| % of applicants satisfied that the SSAT process was independent   | 70%           | 87.2%                 | 90%                   |
| % of applicants satisfied with the SSAT's accessibility   | 80%           | 91.0%                 | 90%                   |
| % of applicants satisfied with the SSAT's service   | 80%           | 90.3%                 | 85%                   |
| % of applicants satisfied that they were given the opportunity to be heard and understood during the SSAT hearing process | 80%           | 89.5%                 | 91%                   |

The results of this year's survey indicate that the Tribunal has continued to meet its targets and has improved its performance in some areas. It should be noted that a much smaller number of applicants were surveyed in 2005-06 as the questionnaire was under trial at that time. These results will be used to determine where and how the Tribunal can improve its service.

The SSAT intends to expand the survey to include feedback from applicants and parties involved in child support appeals.

During the year, the SSAT was asked to assist researchers from the University of Melbourne with a survey they are planning to run later in 2007 concerning applicants' experiences within the social security appeal system. It is understood that the survey will

be voluntary and will cover both applicants who appeal Centrelink decisions and SSAT members.

### **Complaints and Compliments**

The SSAT's Service Charter expresses its commitment to providing high quality, timely and courteous services to its applicants and other stakeholders. It outlines the standards by which the Tribunal will operate and provides details of the course of action open to those with concerns or complaints about the service.

The Service Charter is set out in full in Appendix 2.

In line with the SSAT's complaint handling protocol, complaints (whether referred to the Minister, Ombudsman or directly to the SSAT) are initially managed at the State/Territory level. This ensures that they are dealt with promptly by those in the best position to address the issues. This approach also ensures that local SSAT offices are immediately aware of problems or concerns with their own operations.

The complaint handling protocol also provides for appropriate cases to be referred to the National Office for investigation and resolution. Details of individual complaints and any corrective action taken are forwarded to the National Office for monitoring purposes through the feedback database.

During 2006-07, the SSAT commenced development of a more comprehensive set of procedures in how to handle complaints. It is expected that a draft of the procedures will be considered by the Business Managers Group in October 2007.

Once again, the SSAT received very few complaints in the reporting period, especially when considering that the Tribunal reviewed 10,210 decisions. The SSAT received 20 complaints and 10 compliments in 2006-07. Where appropriate, the Tribunal provides a formal response to complaints and changes its procedures.

# Financial Statements

## SSAT Operating Statement for the period ended 30 June 2007

|  | Notes | 2006/07<br>\$     |
|--|-------|-------------------|
| <b>Operating Revenue</b>   |       |                   |
| Revenues from government   | 1     | 20,588,000        |
| Sale of goods and services   |       | 4,566             |
| Net gains from sale of assets  |       | 18,518            |
| Interest   |       | 0                 |
| Other  |       | 213               |
| <b>Total operating revenues (before abnormal items)</b>              |       | <b>20,611,297</b> |
| <b>Operating expenses</b>  |       |                   |
| Employees  | 2     | 9,424,210         |
| Suppliers  | 3     | 10,179,972        |
| Depreciation and amortisation  |       | 549,816           |
| Write-down of assets   |       | 66,618            |
| Interest   |       | 0                 |
| Net losses from sale of assets                                       |       | 0                 |
| Other costs of providing goods and services                          |       | 6,178             |
| <b>Total operating expenses</b>                                      |       | <b>20,226,794</b> |
| <b>Operating surplus (deficit) before extraordinary items</b>        |       | <b>384,503</b>    |
| Gain on extraordinary items  |       | 0                 |
| <b>Net surplus or deficit after extraordinary items</b>              |       | <b>384,503</b>    |
| <b>Net deficit attributable to the Commonwealth</b>                  |       |                   |
| Accumulated surpluses or (deficits) at beginning of reporting period |       | 384,503           |
| <b>Total available for appropriation</b>                             |       | <b>384,503</b>    |
| Capital use provided for or paid                                     |       | 0                 |
| Adjustment to Opening Retained Earnings                              |       | 0                 |
| Capital Injection  |       | 0                 |
| Transfer of Asset Revaluation Reserve                                |       | 0                 |
| <b>Accumulated surpluses at end of reporting period</b>              |       | <b>384,503</b>    |

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

## SSAT Balance Sheet

for the period ended 30 June 2007

|                                      | Notes | 2006/07<br>\$      |
|--------------------------------------|-------|--------------------|
| <b>ASSETS</b>                        |       |                    |
| <b>Financial Assets</b>              |       |                    |
| Cash                                 |       | 593,068            |
| Receivables                          |       | 9,760,996          |
| Investments                          |       | 0                  |
| <b>Total financial assets</b>        |       | <b>10,354,064</b>  |
| <b>Non - Financial Assets</b>        |       |                    |
| Land and buildings                   | 4     | 2,868,568          |
| Infrastructure, plant and equipment  | 5     | 391,042            |
| Inventories                          |       | 0                  |
| Intangibles                          |       | 647,107            |
| Other                                |       | 0                  |
| <b>Total non-financial assets</b>    |       | <b>3,906,717</b>   |
| <b>Total assets</b>                  |       | <b>14,260,781</b>  |
| <b>LIABILITIES</b>                   |       |                    |
| <b>Debt</b>                          |       |                    |
| Loans                                |       | 0                  |
| Leases                               |       | 0                  |
| Other                                |       | 0                  |
| <b>Total debt</b>                    |       | <b>0</b>           |
| <b>Provisions and Payables</b>       |       |                    |
| Capital Use                          |       | 0                  |
| Employees                            | 6     | 2,462,058          |
| Suppliers                            | 7     | 2,155,289          |
| Other                                |       | 626,700            |
| <b>Total provisions and payables</b> |       | <b>5,244,047</b>   |
| <b>Total Liabilities</b>             |       | <b>5,244,047</b>   |
| <b>EQUITY</b>                        |       |                    |
| Capital                              |       | 6,175,370          |
| Reserves                             |       | 2,456,861          |
| Accumulated surpluses                |       | 384,503            |
| <b>Total equity</b>                  |       | <b>9,016,734</b>   |
| <b>Total liabilities and equity</b>  |       | <b>14,260,781</b>  |
| <b>Current liabilities</b>           |       | <b>(5,097,950)</b> |
| <b>Non-current liabilities</b>       |       | <b>(146,097)</b>   |
| <b>Current assets</b>                |       | <b>10,354,063</b>  |
| <b>Non-current assets</b>            |       | <b>3,906,718</b>   |

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

## Notes to Financial Statements

*for the period ended 30 June 2007*

|  |  |                    |
|--|--|--------------------|
| <b>1. Revenues from government include:</b>            | Appropriations for outputs   | \$20,588,000       |
|  | Resources received free of charge  | \$0                |
| <b>2. Employees' expenses include:</b>                 | Salaries and wages   | \$9,051,521        |
|  | Separation and redundancy  | \$59,576           |
|  | Other employee expenses  | \$313,113          |
| <b>3. Suppliers' expenses include:</b>                 | Property operating expenses  | \$3,828,286        |
|  | Part-time members' fees<br>(payments to full-time members<br>are included in Salaries) | \$3,168,501        |
|  | Administration   | \$1,716,910        |
|  | Information Technology (includes<br>Comms)   | \$1,466,275        |
|  |  |                    |
| <b>4. Land and buildings include:</b>                  | Leasehold improvements at cost   | \$3,463,108        |
|  | Less accumulated depreciation  | \$594,540          |
|  |  | <u>\$2,868,568</u> |
| <b>5. Infrastructure, plant and equipment include:</b> | Plant and equipment at cost  | \$488,795          |
|  | Less accumulated depreciation  | \$97,753           |
|  |  | <u>\$391,042</u>   |
| <b>6. Employees' payable include:</b>                  | Salaries and wages   | \$202,207          |
|  | Leave (includes LSL)   | \$1,945,648        |
|  | Superannuation   | \$314,203          |
|  | Separation and redundancy  | \$0                |
| <b>7. Suppliers' payable include:</b>                  | Trade creditors  | \$2,155,289        |

# Appendix 1

## Jurisdiction of the Social Security Appeals Tribunal

The jurisdiction of the Social Security Appeals Tribunal is discussed in Chapter 2. An outline is given below of the restrictions placed on the SSAT by the *Social Security (Administration) Act 1999*, *Student Assistance Act 1973*, *A New Tax System (Family Assistance) (Administration) Act 1999* and the *Child Support (Registration and Collection) Act 1988*. The other Acts under which the SSAT reviews decisions either do not confer any powers on the SSAT (relevant powers being conferred by the *Social Security (Administration) Act 1999* or the *Child Support (Registration and Collection) Act 1988*) or do not restrict the powers of the SSAT.

### ***Decisions that are not reviewable by the SSAT:***

*Social Security (Administration) Act 1999 (Section 144)*

- Of the Minister for Agriculture, Fisheries and Forestry or the Secretary to the Department of Agriculture, Fisheries and Forestry under the *Farm Household Support Act 1992*;
- Under section 36 of the *Social Security Act 1991* (major disaster declaration);
- Under section 1061ZZGC of the *Social Security Act 1991*;
- Under a provision dealing with the approval by the Employment Secretary of a course, labour market program, program of work for unemployment payment or rehabilitation program;
- Under section 16 of the *Social Security (Administration) Act 1999*;
- Under section 58 or 59 of the *Social Security (Administration) Act 1999* to pay an amount to a person;
- To make a payment under section 75 of the *Social Security (Administration) Act 1999*;
- Under subsection 59(3) of the *Social Security (Administration) Act 1999*, to grant a claim for a pension bonus after the claimant has died;
- Under subsection 7A(2) or paragraph 15(b) of the *Farm Household Support Act 1992*;
- To give a notice under Subdivision B of Division 6 of Part 3 of the *Social Security (Administration) Act 1999*;
- Under subparagraph 129(2)(b)(i) regarding the information that is to be given to a person under that paragraph;
- Under section 131 or 145 of the *Social Security (Administration) Act 1999*;
- Under section 192, 193, 194 or 195 of the *Social Security (Administration) Act 1999*;
- Under section 238 of the *Social Security (Administration) Act 1999*;

- Of the Secretary:
  - (i) determining, under subsection 1100(2) of the *Social Security Act 1991*, that it is not appropriate for that subsection to apply in respect of a payment or a class or kind of payments; or
  - (ii) determining, in accordance with section 1100 of the *Social Security Act 1991* that a rate of exchange is appropriate for the calculation of the value in Australian currency of an amount (the foreign amount) received by a person in a foreign currency if that rate does not differ by more than 5% from the rate of exchange that was applied when the person received Australian currency for the foreign amount;
- Relating to the Secretary's power under section 182 of the *Social Security (Administration) Act 1999* to settle proceedings before the Administrative Appeals Tribunal.

*Student Assistance Act 1973 (Section 313)*

- Under section 343 or 345 (notice requiring information from any person); or
- Under section 305 or 314 (continuation of payment pending review of adverse decision).

*A New Tax System (Family Assistance) (Administration) Act 1999 (subsection 111(2))*

- A decision about the form and manner of a claim under subsection 7(2), 38(2) or 49C(1), or paragraph 50L(7)(b), or subparagraph 50T(2)(a)(ii), or paragraph 50T(3)(b), or section 64F or paragraph 219N(2)(b) of the *A New Tax System (Family Assistance) (Administration) Act 1999*, or subsection 57(6) or 81(5) of the *A New Tax System (Family Assistance) Act 1999*;
- A decision about the continuation of payment, pending review of adverse decision under section 108 or 112 of the *A New Tax System (Family Assistance) (Administration) Act 1999*;
- Under section 154, 155, 156 or 157 of the *A New Tax System (Family Assistance) (Administration) Act 1999* (Secretary requiring information from a person);
- Under section 146 of the *A New Tax System (Family Assistance) (Administration) Act 1999* relating to the Secretary's power to settle proceedings before the Administrative Appeals Tribunal;
- Under part 8 (approval of child care services and approval of registered carers); and
- Under section 219NA (Secretary requiring service to provide information about number of child care places).

**Decisions that are only reviewable by the SSAT if review of those decisions is expressly applied for and the sections, where relevant, are:**

*Social Security (Administration) Act 1999 (Section 143)*

- Section 501A of the *Social Security Act 1991* (to the extent to which it relates to the terms of a Parenting Payment Activity Agreement that is in force);
- Section 544B of the *Social Security Act 1991* (to the extent to which it relates to the terms of a Youth Allowance Activity Agreement that is in force);
- Section 606 of the *Social Security Act 1991* (to the extent to which it relates to the terms of a Newstart Activity Agreement that is in force); and
- Section 731M of the *Social Security Act 1991* (to the extent to which it relates to the terms of a Special Benefit Activity Agreement that is in force).

Section 150 of the *Social Security (Administration) Act 1999* provides that, in reviewing Activity Agreement decisions under sections 501A, 525B, 544B, 606 and 731M of the *Social Security Act 1991*, the SSAT may only affirm the decision or set it aside and send the matter back to the Department for reconsideration in accordance with any recommendations. The SSAT may not vary such a decision, substitute its own decision, or make directions.

**The powers and discretions of the Secretary that the SSAT may not exercise are those conferred by:**

*Social Security (Administration) Act 1999 (subsection 151(2))*

- A provision dealing with the form and place of lodgement of a claim;
- A provision dealing with the manner of payment of a social security payment;
- Section 1061ZZGC of the *Social Security Act 1991*;
- Section 1233 of the *Social Security Act 1991* (giving garnishee notices);
- A provision dealing with the giving of a notice requiring information;
- Section 1100 of the *Social Security Act 1991* (valuation of foreign currencies);
- Section 131 or 145 of the *Social Security (Administration) Act 1999* (continuation of payments pending outcome of review);
- A provision dealing with the imposition of requirements before the grant of a social security payment; or
- A provision dealing with the deduction of amounts from payments of a social security payment for tax purposes.

*Student Assistance Act 1973 (subsection 316(5))*

- A provision dealing with the form and place of lodgement of a claim;
- A provision dealing with the manner of payment of Financial Supplement;



- Subsection 42(3) (notice requiring payment to the Commonwealth);
- Sections 343 to 346 (notice requiring information from any person); or
- Section 305 or 314 (continuation of payment pending review of adverse decision).

*Child Support (Registration and Collection) Act 1988 (section 89(2))*

- The objection was a refusal by the Registrar, under section 98E or 98R of the *Child Support (Assessment) Act 1989*, to make a determination under Part 6A of that Act in respect of a child support assessment and the Registrar disallowed the objection; or
- The objection was to a decision by the Registrar made in respect of a child support assessment and in making a decision on the objection, the Registrar, under section 98E or 98R of the Assessment Act, refused to make a determination under Part 6A of that Act in respect of the assessment.

Note: In that case, the person may apply to a court for an order under Division 4 of Part 7 (departure orders) of the Assessment Act.

# Appendix 2

## SSAT Service Charter

The Social Security Appeals Tribunal (SSAT) is an independent statutory tribunal which provides reviews of Centrelink and/or Child Support Agency decisions.

This Service Charter expresses the tribunal's commitment to providing high quality, timely and courteous service to our applicants and other parties.

It tells you what you can expect from the tribunal in terms of services and service standards, and outlines your rights and responsibilities.

The SSAT is an appeal tribunal established by the *Social Security (Administration) Act 1999* with offices in all capital cities except Darwin.

### Our role

The SSAT reviews decisions made by Centrelink and/or the Child Support Agency (CSA). The tribunal is completely independent of Centrelink and the CSA and considers individual cases in a fair and just manner. The SSAT can set aside, vary or affirm Centrelink and CSA decisions. The tribunal's objective is to provide an appeal service that is fair, just, economical, informal and quick.

### Applicants

Anyone who thinks that Centrelink or the CSA have made a wrong decision about their social security payments or their child support can appeal to the SSAT. The SSAT can review most decisions made by Centrelink and the CSA including those relating to pensions, benefits, allowances and child support assessments.

Appeals about Centrelink decisions can be lodged with the SSAT any time after a review of the original decision by a Centrelink Authorised Review Officer. If the appeal is about payment of a Centrelink benefit, it is best to lodge the appeal without delay (certainly within 13 weeks). Payment of arrears may not be possible if a successful appeal is lodged more than 13 weeks after the Centrelink review.

Appeals about CSA decisions should be lodged with the SSAT within 28 days after a review of the original decision by a CSA Objections Officer. If you are out of time you can apply to the SSAT for an extension of time to lodge your appeal.

### SSAT services and service standards

The SSAT offers:

- An independent appeal system for review of Centrelink and/or CSA decisions.
- Information and assistance from a case manager at each step of the process.
- Information on organisations and services that could help you with your appeal.

- A Freecall™ number for you to call if you have any questions or want to lodge your application over the phone (1800 011 140).
- Assistance with disability-related needs, like teletypewriter service, hearing loop and flexible hearing options.
- Interpreter services for your hearing, as needed.
- Waiting rooms that are comfortable and wheelchair accessible.
- Hearings in capital cities and a range of regional locations (including Darwin).
- Hearings in person, by phone or video-conference.
- In some circumstances, a refund of your costs for attending the hearing, limited to public transport costs.
- A written or oral explanation of the decision, with details on further appeal rights.

The SSAT members and staff will:

- Be helpful, prompt and respectful when they deal with you.
- Use language that is clear and easily understood.
- Accept your appeal in the easiest way for you: in writing on an appeal form, by phone or in person at one of our offices.
- Confirm that your application has been received within five days of getting it.
- Arrange a hearing date as soon as possible, usually within six to ten weeks of receiving the hearing papers.
- Ensure that copies of the documents relevant to your appeal are sent to you at least seven days before your hearing (note: in child support appeals the documents are usually provided by the Child Support Agency).
- Give you the chance to fully explain your case and listen carefully to what you say.
- Conduct hearings in person (in a capital city office or a regional centre), by phone or video-conference depending on the circumstances of your appeal.
- Write to you with the result of an appeal within 14 days of making the decision.
- Aim to complete the appeal process within three months of lodgement of the appeal.

## **Your rights**

You have a right to:

- Receive personal and efficient service and help with your special needs.
- Have your privacy respected and your information kept confidential by the SSAT.
- A fair hearing, with an opportunity to have your say.
- Be kept informed about the progress of your appeal.
- Bring a friend or family member on the day of your hearing for support.
- Be assisted at your hearing by a representative or advocate (at your own expense).

- See the documents relevant to your appeal (subject to Freedom of Information and privacy provisions) before your hearing.
- Be told about your further appeal rights.
- Give feedback on the SSAT's service.

### **Your responsibilities**

The SSAT can provide a better service if you:

- Tell staff if your phone number or address changes.
- Treat staff and members fairly.
- Come to your hearing on time or be ready for your phone or video-conference.
- Provide information about your reasons for appealing.
- Let the SSAT know in advance if you need any help with language and/or access to our offices.

### **Comments & enquiries**

Comments and enquiries about SSAT services are welcome. Please call or visit your nearest office, write to us or send an email through the SSAT's website ([www.ssat.gov.au](http://www.ssat.gov.au)).

### **Complaint handling**

The SSAT treats complaints seriously and will respond quickly. Information you provide about the service of staff and members can assist the SSAT to improve these services. To make a complaint, please contact us either in person, by mail, phone, fax or email.

If you are unhappy with the handling of your complaint, or you feel that your complaint was not dealt with satisfactorily, you can contact the Commonwealth Ombudsman by calling 1300 362 072 (local call cost). They have an office in every State and Territory.

### **For more information, please contact your nearest SSAT office:**

|                     |                       |                     |
|---------------------|-----------------------|---------------------|
| Freecall™           | 1800 011 140          |                     |
| ACT                 | Phone: (02) 6200 3700 | Fax: (02) 6200 3709 |
| Northern Territory* | Phone: (07) 3005 6200 | Fax: (07) 3005 6215 |
| NSW                 | Phone: (02) 9202 3400 | Fax: (02) 9202 3499 |
| Queensland          | Phone: (07) 3005 6200 | Fax: (07) 3005 6215 |
| South Australia     | Phone: (08) 8400 4900 | Fax: (08) 8400 4999 |
| Tasmania            | Phone: (03) 6211 2800 | Fax: (03) 6211 2899 |
| Victoria            | Phone: (03) 9954 0700 | Fax: (03) 9954 0749 |
| Western Australia   | Phone: (08) 9229 1300 | Fax: (08) 9229 1315 |
| National Office     | Phone: (03) 8626 4923 | Fax: (03) 8626 4949 |

\*Note: Northern Territory appeals are heard in the Northern Territory but are managed by the Queensland Office.

Or access the SSAT's website at [www.ssat.gov.au](http://www.ssat.gov.au).

### **Services provided for applicants and other parties**

#### ***Translating and Interpreting Service***

For information in another language, call 131 450 from anywhere in Australia. The Translating and Interpreting Service can call the SSAT on your behalf.

#### ***Disability-Related Needs***

Contact your nearest office to discuss how the SSAT can best meet your individual needs. Assistance may include sign interpreters, hearing loop, help getting to and from the hearing and flexible hearing options (like hearings by phone or video-conference).

#### ***Teletypewriter Service (TTY)***

Call Freecall™ 1800 060 116 for teletypewriter service.

#### ***Large Print***

Contact your nearest office if you need large print formats of SSAT general information documents.

#### ***Audio CD***

Contact your nearest office if you would like an audio CD of SSAT general information documents.

# Appendix 3

## Strategic Plan 2005-08

### *Vision*

To be an accessible, user-friendly agency providing high quality efficient and effective merits review.

### *Role*

The Social Security Appeals Tribunal is a statutory body under the *Social Security (Administration) Act 1999*.

The statutory objective of the Tribunal is to provide a mechanism of review that is fair, just, economical, informal and quick.

The Tribunal's purpose is to provide external merits review of Centrelink and Child Support Agency (CSA) decisions.

The Tribunal is completely independent of both Centrelink and the CSA and decides each case on its merits.

### *Environment*

The Tribunal's operations are within the portfolio of the Minister for Families, Community Services and Indigenous Affairs, to whom the Executive Director reports regarding performance.

The Tribunal reviews decisions of Centrelink and CSA, which are within the portfolio of the Minister for Human Services.

Centrelink delivers services for the Department of Employment and Workplace Relations, the Department of Families, Community Services and Indigenous Affairs and the Department of Education, Science and Training.

The CSA was formed to assist separated parents to take responsibility for the financial support of their children. CSA administers the child support scheme which was introduced in 1988.

Centrelink delivers its services to over 5 million people in Australia, while the CSA deals with approximately 1.4 million people. The Tribunal receives appeals from a wide cross-section of the Australian community.

The Tribunal works with other Commonwealth review tribunals to develop cooperative measures for improving efficiency.

## *Values*

The Tribunal values:

- Contributing to open and accountable government services by providing an accessible merits review Tribunal.
- Performing functions in a strictly impartial and professional manner.
- Treating all users of the Tribunal's services fairly, courteously and respectfully.
- Conducting with integrity the roles of service provider, employer and purchaser of services.
- Recognising and respecting the contribution of members and staff.
- Building internal and external working relationships based on communication, consultation and cooperation consistent with being an independent review body.
- Achieving results by a quick and fair appeal system and improving services.

The Tribunal upholds the APS Values and Code of Conduct and embraces workplace diversity.

## *Strategic Directions*

### **1: Strengthen decision-making**

Key result: High quality and consistent decision-making

- Develop and implement a quality assurance mechanism to assess the Tribunal's decisions in major review types
- Implement a national plan for training and developing members
- Implement a plan for better sharing administrative review and social security knowledge
- Improve the accessibility and effectiveness of research resources for members

### **2: Strengthen case management services**

Key result: High quality and consistent case management services

- Manage efficiently all aspects of appeals lodged with the Tribunal
- Expand the national case manager training program
- Continue to implement the information and communication strategy
- Respond to feedback from users of case management services including people who appeal to the Tribunal

### **3: Strengthen internal relationships**

Key result: Highly co-operative and productive relationships

- Strengthen commitment to performance assessment and development
- Strengthen national office expert guidance and support for effective resource management
- Implement the information management program
- Strengthen commitment to sharing resources and services nationally

### **4: Strengthen external relationships**

Key result: Raise the Tribunal's profile and build stronger working relationships

- Develop and strengthen appropriate relationships with key departments and agencies
- Liaise with advocacy and advice centres to exchange information
- Participate in opportunities for communication, consultation and co-operation with other Tribunals
- Develop and implement applicant feedback



# Appendix 4

## Members of the SSAT (as at 30 June 2007)

### Executive Director\*

|               |                 |                  |           |
|---------------|-----------------|------------------|-----------|
| Blacklow, Les | National Office | Capon, Anthony G | Part Time |
|               |                 | Carney, Terry    | Part Time |
|               |                 | Cipolla, John    | Part Time |

### Directors\*

|                   |          |                   |           |
|-------------------|----------|-------------------|-----------|
| Bullock, Suellen  | ACT/NSW  | Connolly, Bronwyn | Part Time |
| Duckworth, Pamela | WA       | Connolly, Denise  | Part Time |
| Holmes, Miriam    | Vic      | Cornwell, Erika   | Part Time |
| Raymond, Sue      | SA/Tas   | D'Arcy, Jenny     | Part Time |
| Walsh, Jim        | Qld / NT | Dordevic, Krana   | Part Time |

\* Note: All Directors are full-time members.

### Australian Capital Territory

|               |           |                     |           |
|---------------|-----------|---------------------|-----------|
| Hewson, Fiona | Full Time | Durvasula, Suseela  | Part Time |
|               |           | Edmonds, Kathryn    | Part Time |
|               |           | Gamble, Helen       | Part Time |
|               |           | Gawdan, Alexandra   | Part Time |
|               |           | Glasson, Martin     | Part Time |
|               |           | Grinston, Elizabeth | Part Time |
|               |           | Horsburgh, Michael  | Part Time |
|               |           | Kavallaris, Joan    | Part Time |
|               |           | Lacey, Maxine       | Part Time |
|               |           | Laurence, Kerrie E  | Part Time |
|               |           | Leonard, Julie      | Part Time |
|               |           | Mant, Andrea        | Part Time |
|               |           | Mayne, Sally        | Part Time |
|               |           | McCaskie, Carol     | Part Time |
|               |           | Mericourt, Belinda  | Part Time |
|               |           | Moir, Jillian       | Part Time |
|               |           | Moulds, John        | Part Time |
|               |           | Nolan, Dennis       | Part Time |
|               |           | Norman, Steve       | Part Time |
|               |           | Pearson, Gregory    | Part Time |
|               |           | Quinlivan, Julie    | Part Time |
|               |           | Reid, Margaret      | Part Time |
|               |           | Robards, Grahame    | Part Time |
|               |           | Sheedy, Tracey      | Part Time |
|               |           | Taylor, Susan       | Part Time |
|               |           | Turton, Ian         | Part Time |
|               |           | Tzannes, Ross       | Part Time |
|               |           | Viney, Diana        | Part Time |
|               |           | Wilson, Robert      | Part Time |

### New South Wales

|                   |           |  |  |
|-------------------|-----------|--|--|
| Benk, Diana       | Full Time |  |  |
| Bennett, Robert   | Full Time |  |  |
| Duri, Alan        | Full Time |  |  |
| Hasan, Ismail     | Full Time |  |  |
| Slattery, Bernard | Full Time |  |  |
| Smith, Angela     | Full Time |  |  |
|                   |           |  |  |
| Abela, Carol Lee  | Part Time |  |  |
| Barker, David     | Part Time |  |  |
| Barnetson, Diane  | Part Time |  |  |
| Bartley, Glynis   | Part Time |  |  |
| Beckett, Angela   | Part Time |  |  |
| Berg, Lilina      | Part Time |  |  |
| Boylan, Matthew   | Part Time |  |  |
| Bubutievski, Tina | Part Time |  |  |

### Northern Territory

|                |           |
|----------------|-----------|
| Brown, Kenneth | Part Time |
| Dibden, Diana  | Part Time |
| King, Heather  | Part Time |
| Ross, Ken      | Part Time |

## Queensland

Bishop, Jane Full Time  
Byers, Alex Full Time  
Foster, Neil Full Time  
Jensen, Peter Full Time  
Kanowski, Paul Full Time

Bordujenko, Alexandra Part Time  
Bothmann, Susan Part Time  
Cavanagh, Jennifer Part Time  
Cranwell, Glen Part Time  
Devereux, John Part Time  
Endicott, Clare Part Time  
Gillespie, David Part Time  
Guthrie, Tina Part Time  
Hall, Patricia Part Time  
Jackson, Patricia Part Time  
King, Robert Part Time  
Liddell, David Part Time  
McCartney, Wilhelmina Part Time  
McKelvey, David Part Time  
Monsour, Diane Part Time  
Peltola, Carol Part Time  
Pickard, Bryan Part Time  
Pozzi, Stephen Part Time  
Prado, Luis Part Time  
Ryan, Virginia Part Time  
Smyth, Donald Part Time  
Stafford, Rosemary Part Time  
Trotter, Susan Part Time  
White, Patrick Part Time  
Winters, Sylvia Part Time

## South Australia

Garnham, Ian Full Time  
Harvey, Bruce Full Time  
Robson, Elizabeth Full Time

Alvino, Marie Part Time  
Anagnostou, Penny Part Time  
Barr, Stuart Part Time  
Bonesmo, Margaret Part Time  
Cotton, Gaybrielle Part Time  
Cullimore, Steven Part Time  
Earl, Bronte Part Time  
Faulkner, Angela Part Time  
Forgan, Julie Part Time  
Fuller, Mark E Part Time  
Georgiadia, Stavros Part Time

Lambden-Rowe, Donna Part Time  
McGrath, Jane Part Time  
O'Keefe, Karen Part Time  
Strathearn, Jennifer Part Time  
Webb, Yvonne Part Time  
Wickes, Wendy Part Time  
Williamson, Paul Part Time  
Wright, Penelope Part Time

## Tasmania

Breheny, Christhilde Full Time  
Hutchinson, Diana Full Time

Agh, Katalin Part Time  
Barker, Kim Part Time  
Baulch, Michelle Part Time  
Clarke, Ketrina Part Time  
Fitzgerald, David Part Time  
Irvine, Sarah Part Time  
Lawrie, Andrea Part Time  
Rodda, Kay Part Time  
Webster, Samantha Part Time  
Whyte, Philippa Part Time

## Victoria

Bartlett, Jillian Full Time  
Francis, Patrick Full Time  
Mercer, Alison Full Time  
Sheck, Inge Full Time

Anderton, Anne Part Time  
Appleton, William Part Time  
Bigby, Christine Part Time  
Boddison, Wendy Part Time  
Clarke, Catherine Part Time  
Coulson Barr, Lynne Part Time  
Fowler, Margaret Part Time  
Frazer, David Part Time  
Geraghty, Elaine Part Time  
Grant, Anne Part Time  
Haag, Christine Part Time  
Hann, Deborah Part Time  
Harper, Patricia Part Time  
Harris, Peter Part Time  
Hart, William Part Time  
Kanaris, Anne Part Time  
Kirnos, Kay Part Time  
Lewinsky, Stephen Part Time  
Main, Christopher Part Time

|                      |           |
|----------------------|-----------|
| Markov, Geoffrey     | Part Time |
| Murphy, Alison       | Part Time |
| Nalpantidis, Jack    | Part Time |
| Panagiotidis, Sophia | Part Time |
| Reddy, Aruna         | Part Time |
| Secombe, Wendy       | Part Time |
| Smith, Alison        | Part Time |
| Speiler, Louise      | Part Time |
| Topp, Vivienne       | Part Time |
| Treble, Andrea       | Part Time |
| Tsiakas, Irene       | Part Time |
| Woodward, Catherine  | Part Time |
| Young, David         | Part Time |

### **Western Australia**

|                        |           |
|------------------------|-----------|
| Bradley, Rhonda        | Full Time |
| Brakespeare, Stephanie | Full Time |

|                        |           |
|------------------------|-----------|
| Barrett-Lennard, Karen | Part Time |
| Brown, Annette         | Part Time |
| Budiselik, William     | Part Time |
| Donnelly, Anne         | Part Time |
| Fitzgerald, Robert     | Part Time |
| Haslam, Yvonne         | Part Time |
| Horgan, Sharon         | Part Time |
| Kannis, Christine      | Part Time |
| Meddin, Barbara        | Part Time |
| Merriam, Charles       | Part Time |
| Petrucci, Rosetta      | Part Time |
| Stribling, Jennifer    | Part Time |
| Watt, Nicola           | Part Time |

# Appendix 5

## Staff of the SSAT (as at 30 June 2007)

| Gender       | Total      | Non-Ongoing Full-Time | Non-Ongoing Part-Time | Ongoing Full-Time | Ongoing Part-Time |
|--------------|------------|-----------------------|-----------------------|-------------------|-------------------|
| Female       | 50         | 3                     | 2                     | 40                | 5                 |
| Male         | 25         | 1                     | 0                     | 24                | 0                 |
| <b>Total</b> | <b>75*</b> | <b>4</b>              | <b>2</b>              | <b>64</b>         | <b>5</b>          |

\* This figure includes 5 staff members who are on long-term leave or long-term assignment with other government agencies.

| Level        | Total     | Female    | Male      | NO*       | ACT      | NSW       | NT       | QLD      | SA       | TAS      | VIC       | WA       |
|--------------|-----------|-----------|-----------|-----------|----------|-----------|----------|----------|----------|----------|-----------|----------|
| APS 1        | 4         | 4         | 0         | 0         | 0        | 0         | 0        | 0        | 1        | 0        | 1         | 2        |
| APS 2        | 6         | 5         | 1         | 1         | 0        | 2         | 0        | 1        | 0        | 0        | 2         | 0        |
| APS 3        | 6         | 4         | 2         | 2         | 0        | 2         | 0        | 0        | 1        | 0        | 1         | 0        |
| APS 4        | 28        | 19        | 9         | 0         | 1        | 6         | 0        | 6        | 3        | 2        | 7         | 3        |
| APS 5        | 2         | 1         | 1         | 1         | 0        | 1         | 0        | 0        | 0        | 0        | 0         | 0        |
| APS 6        | 16        | 10        | 6         | 11        | 0        | 0         | 0        | 1        | 1        | 0        | 1         | 2        |
| EL 1         | 8         | 4         | 4         | 4         | 0        | 1         | 0        | 1        | 1        | 0        | 1         | 0        |
| EL 2         | 5         | 3         | 2         | 5         | 0        | 0         | 0        | 0        | 0        | 0        | 0         | 0        |
| <b>Total</b> | <b>75</b> | <b>50</b> | <b>25</b> | <b>24</b> | <b>1</b> | <b>12</b> | <b>0</b> | <b>9</b> | <b>7</b> | <b>2</b> | <b>13</b> | <b>7</b> |

\* National Office

***Salary ranges by classification: 2006-07***

| <b>Range</b> | <b>Pay Point – Lower (\$)</b> | <b>Pay Point – Higher (\$)</b> |
|--------------|-------------------------------|--------------------------------|
| APS 1        | \$34,095                      | \$37,572                       |
| APS 2        | \$39,311                      | \$42,789                       |
| APS 3        | \$45,396                      | \$48,933                       |
| APS 4        | \$50,700                      | \$54,237                       |
| APS 5        | \$56,645                      | \$59,068                       |
| APS 6        | \$61,247                      | \$67,784                       |
| EL 1         | \$71,054                      | \$81,687                       |
| EL 2         | \$88,419                      | \$102,224                      |

***SSAT staff under Australian Workplace Agreements***

|      |   |
|------|---|
| EL 1 | 4 |
| EL 2 | 3 |

# Appendix 6

## Consultants 2006-07

| Consultant Name          | Project description  | Justification | Selection process                         | Contract price | Amount paid 06-07 |
|--------------------------|--|---------------|---|----------------|-------------------|
| 3 Dimensional Consulting | Development and technical support of AMSWIN                      | A, D          | Restricted tender – previous good dealing | \$40,000       | \$37,529          |
| 3 Dimensional Consulting | AMSWIN enhancements for child support appeals                    | A, D          | Restricted tender – previous good dealing | \$80,000       | \$79,700          |
| 3 Dimensional Consulting | Additional AMSWIN enhancements                                   | A, D          | Restricted tender – previous good dealing | \$15,000       | \$11,545          |
| Comunet                  | Cisco VPN client installation                                    | A, D          | Restricted tender – previous good dealing | \$10,000       | \$9,099           |
| Novell                   | Upgrade of network operating system                              | A, D          | Restricted tender – previous good dealing | \$200,000      | \$183,575         |
| Preemptive Consulting    | Network infrastructure projects                                  | A, D          | Restricted tender – previous good dealing | \$20,000       | \$17,920          |
| Garside Consulting       | HR investigative services  | A, D          | Restricted tender – other                 | \$5,000        | \$4,703           |
| Phil Brotchie            | HR investigative services  | A, D          | Restricted tender – other                 | \$6,500        | \$6,281           |
| Objective Corporation    | Provision of EDRMS services                                      | A, D          | Open tender                               | \$600,000      | \$421,733         |
| Lanier Voice             | Provision of voice recording system for child support appeals    | A, D          | Open tender                               | \$300,000      | \$285,189         |
| Concise IT Knowledge     | Time management system for activity-based costing module         | A, D          | Restricted tender – other                 | \$15,000       | \$7,500           |
| Nash Management Group    | Project management services for refurbishment of SSAT Tas Office | A, D          | Restricted tender – urgency               | \$45,000       | \$41,250          |
| Nash Management Group    | Project management services for refurbishment of SSAT SA Office  | A, D          | Restricted tender – urgency               | \$40,000       | \$39,946          |

| Consultant Name           | Project description  | Justification | Selection process           | Contract price | Amount paid 06-07 |
|---------------------------|--|---------------|-----------------------------|----------------|-------------------|
| Howie Herring and Forsyth | Project management services for refurbishment of SSAT NSW Office                     | A, D          | Restricted tender – urgency | \$45,000       | \$13,523          |
| Howie Herring and Forsyth | Project management services for refurbishment of SSAT ACT Office                     | A, D          | Restricted tender – urgency | \$45,000       | \$5,534           |
| Howie Herring and Forsyth | Project management services for relocation and refurbishment of SSAT QLD Office      | A, D          | Restricted tender – urgency | \$50,000       | \$29,558          |
| Reid Campbell             | Project management services for relocation and refurbishment of SSAT Vic Office      | A, D          | Restricted tender – urgency | \$100,000      | \$88,869          |
| Reid Campbell             | Project management services for relocation and refurbishment of SSAT National Office | A, D          | Restricted tender – urgency | \$85,000       | \$83,728          |

Justification for decision to use consultants:

- A skills currently unavailable within the SSAT
- B requirements for collection of quantitative/qualitative statistical information
- C requirement for independent or impartial research/assessment by an independent organisation
- D requirement for specialist/professional expertise
- E consultant is recognised as an expert in the field and uniquely able to provide the required services

# Appendix 7

## Application Processing Statistics

### Applications for review of Centrelink decisions: 2006-07

|                        | SA  | QLD  | ACT | NT | TAS | VIC  | WA  | NSW  | TOTAL |
|------------------------|-----|------|-----|----|-----|------|-----|------|-------|
| On hand at 1 July 2006 | 83  | 260  | 52  | 4  | 69  | 396  | 129 | 370  | 1363  |
| Net transfers          | -7  | 7    | 7   | 2  | 2   | -1   | 0   | -10  | 88    |
| Lodged to 30 June 2007 | 786 | 1754 | 265 | 40 | 334 | 2219 | 688 | 2503 | 8589  |
| Finalised              | 784 | 1771 | 268 | 35 | 357 | 2249 | 741 | 2477 | 8682  |

### Applications for review of Centrelink decisions on hand: 30 June 2007

|                          | SA | QLD | ACT | NT | TAS | VIC | WA | NSW | TOTAL |
|--------------------------|----|-----|-----|----|-----|-----|----|-----|-------|
| Total on hand, of which: | 85 | 243 | 49  | 9  | 46  | 365 | 76 | 396 | 1269  |
| Awaiting statement       | 16 | 45  | 12  | 4  | 8   | 45  | 10 | 58  | 198   |
| Awaiting appointment     | 24 | 81  | 20  | 6  | 13  | 113 | 22 | 176 | 455   |
| Awaiting hearing         | 26 | 93  | 12  | -3 | 11  | 117 | 31 | 105 | 392   |
| Awaiting decision        | 6  | 3   | 1   | 1  | 2   | 39  | 2  | 11  | 65    |
| Awaiting notification    | 13 | 21  | 4   | 1  | 12  | 51  | 11 | 46  | 159   |

### Applications for review of CSA decisions: 1 January – 30 June 2007

|                         | SA | QLD | ACT | NT | TAS | VIC | WA | NSW | TOTAL |
|-------------------------|----|-----|-----|----|-----|-----|----|-----|-------|
| Lodged to 30 June 2007  | 41 | 186 | 25  | 3  | 16  | 124 | 48 | 261 | 704   |
| Finalised               | 18 | 70  | 14  | 1  | 7   | 48  | 35 | 133 | 326   |
| On hand at 30 June 2007 | 24 | 116 | 11  | 2  | 8   | 76  | 13 | 128 | 378   |



### Applications for review of Centrelink decisions finalised\*

|   | SA         | QLD         | ACT        | NT        | TAS        | VIC         | WA         | NSW         | TOTAL       |
|---|------------|-------------|------------|-----------|------------|-------------|------------|-------------|-------------|
| <b>Total Centrelink decisions reviewed</b>      | <b>908</b> | <b>2066</b> | <b>309</b> | <b>49</b> | <b>397</b> | <b>2649</b> | <b>830</b> | <b>2676</b> | <b>9884</b> |
| Set aside                                       | 263        | 354         | 106        | 8         | 98         | 522         | 237        | 658         | 2246        |
| Varied  | 21         | 103         | 5          | 3         | 21         | 28          | 50         | 23          | 254         |
| Affirmed  | 481        | 1151        | 137        | 28        | 236        | 1570        | 421        | 1417        | 5441        |
| <b>Total decisions reviewed at hearing</b>      | <b>765</b> | <b>1608</b> | <b>248</b> | <b>39</b> | <b>355</b> | <b>2120</b> | <b>708</b> | <b>2098</b> | <b>7941</b> |
| No jurisdiction                                 | 68         | 145         | 22         | 1         | 17         | 292         | 47         | 301         | 893         |
| Withdrawn (conceded)                            | 8          | 17          | 1          | 0         | 2          | 21          | 5          | 26          | 80          |
| Withdrawn (other)                               | 56         | 171         | 23         | 7         | 20         | 159         | 57         | 186         | 679         |
| Dismissed                                       | 11         | 125         | 15         | 2         | 4          | 57          | 13         | 64          | 291         |
| <b>Total decisions reviewed without hearing</b> | <b>143</b> | <b>458</b>  | <b>61</b>  | <b>10</b> | <b>43</b>  | <b>529</b>  | <b>122</b> | <b>577</b>  | <b>1943</b> |

\* Some appeals to the SSAT involve reviewing more than one Centrelink decisions.

### Set aside rate for Centrelink appeals

|                        | SA   | QLD  | ACT  | NT   | TAS  | VIC  | WA   | NSW  | TOTAL | 2005-06 | 2004-05 |
|------------------------|------|------|------|------|------|------|------|------|-------|---------|---------|
| Set aside rate 1 * (%) | 31.3 | 22.1 | 35.9 | 22.4 | 30.0 | 20.8 | 34.6 | 25.4 | 25.3  | 27.1    | 27.5    |
| Set aside rate 2 * (%) | 37.1 | 28.3 | 44.6 | 27.5 | 33.5 | 25.8 | 40.4 | 32.4 | 31.4  | 33.4    | 33.6    |

\* Set aside rate 1 = set aside and varied as percentage of all decisions finalised  
Set aside rate 2 = set aside and varied as percentage of set aside, varied and affirmed

### Applications for review of CSA decisions finalised

|   | SA        | QLD       | ACT       | NT       | TAS      | VIC       | WA        | NSW        | TOTAL      |
|---|-----------|-----------|-----------|----------|----------|-----------|-----------|------------|------------|
| <b>Total CSA decisions reviewed</b>             | <b>18</b> | <b>70</b> | <b>14</b> | <b>1</b> | <b>7</b> | <b>48</b> | <b>35</b> | <b>133</b> | <b>326</b> |
| Set aside                                       | 3         | 18        | 1         | 0        | 0        | 4         | 3         | 21         | 50         |
| Varied  | 1         | 5         | 3         | 0        | 0        | 1         | 1         | 0          | 11         |
| Affirmed  | 3         | 9         | 3         | 0        | 0        | 0         | 9         | 42         | 66         |
| <b>Total decisions reviewed at hearing</b>      | <b>7</b>  | <b>32</b> | <b>7</b>  | <b>0</b> | <b>0</b> | <b>5</b>  | <b>13</b> | <b>63</b>  | <b>127</b> |
| No jurisdiction                                 | 5         | 32        | 5         | 0        | 7        | 38        | 19        | 50         | 156*       |
| Dismissed                                       | 6         | 6         | 2         | 1        | 0        | 5         | 3         | 20         | 43         |
| <b>Total decisions reviewed without hearing</b> | <b>11</b> | <b>38</b> | <b>7</b>  | <b>1</b> | <b>7</b> | <b>43</b> | <b>22</b> | <b>70</b>  | <b>199</b> |

\* The number of 'no jurisdiction' cases was high because of the large number of appeals lodged against CSA decisions made before 1 January 2007 and against decisions that had not been reviewed internally by the CSA; it is not within the SSAT's jurisdiction to review such decisions.

### Set aside rate for child support appeals

|                      | SA   | QLD  | ACT  | NT  | TAS | VIC  | WA   | NSW  | TOTAL |
|----------------------|------|------|------|-----|-----|------|------|------|-------|
| Set aside rate * (%) | 22.2 | 32.9 | 28.6 | N/A | N/A | 10.4 | 11.4 | 15.8 | 18.7  |

\* Set aside rate = set aside and varied as a percentage of all decisions finalised in the relevant state or territory. Note that these set aside rates are substantially affected by the high number of 'no jurisdiction' appeals.

# Appendix 8

## Timeliness Statistics

### Time for Centrelink to refer applications for review of its decisions to the SSAT

(Limit: 7 days)

|                             |         | SA   | QLD  | ACT  | NT   | TAS   | VIC  | WA  | NSW  | TOTAL |
|-----------------------------|---------|------|------|------|------|-------|------|-----|------|-------|
| Applications received       | 2006-07 | 4    | 12   | 0    | 0    | 1     | 51   | 0   | 22   | 90    |
|                             | 2005-06 | 3    | 20   | 4    | 7    | 5     | 51   | 0   | 27   | 117   |
| Average days taken          | 2006-07 | 5.3  | 5.7  | N/A  | N/A  | 1.0   | 6.6  | N/A | 6.0  | 6.2   |
|                             | 2005-06 | 1.3  | 6.6  | 4.5  | 3.4  | 6.8   | 13.8 | N/A | 8.9  | 9.9   |
| % in 7-day limit            | 2006-07 | 50.0 | 66.7 | N/A  | N/A  | 100.0 | 70.6 | N/A | 81.8 | 72.2  |
|                             | 2005-06 | 100  | 75.0 | 75.0 | 85.7 | 60.0  | 62.7 | N/A | 66.7 | 68.4  |
| Average time if over 7 days | 2006-07 | 10.5 | 13.8 | N/A  | N/A  | N/A   | 15.7 | N/A | 25.8 | 16.6  |
|                             | 2005-06 | N/A  | 20.2 | 13.0 | 13.0 | 16.0  | 31.6 | N/A | 24.0 | 26.4  |

### Time for agencies to refer applications for review of CSA decisions to the SSAT

(Limit: 7 days)

In the period 1 January to 30 June 2007, only a small number (7) of applications for review of CSA decisions were lodged with agencies other than the SSAT and all of these applications were received by the SSAT within 7 days.

### Time taken to register applications for review of Centrelink decisions

(Standard: 100% within 1 working day)

|   |         | SA   | QLD  | ACT  | NT   | TAS  | VIC  | WA   | NSW  | TOTAL |
|---|---------|------|------|------|------|------|------|------|------|-------|
| Number registered                                 | 2006-07 | 793  | 1747 | 258  | 38   | 332  | 2220 | 688  | 2513 | 8589  |
|   | 2005-06 | 721  | 1817 | 236  | 38   | 361  | 1995 | 646  | 2327 | 8141  |
| Number registered within 1 working day of receipt | 2006-07 | 775  | 1716 | 255  | 36   | 318  | 2171 | 686  | 2493 | 8450  |
|   | 2005-06 | 717  | 1808 | 232  | 37   | 346  | 1977 | 645  | 2313 | 8075  |
| % registered within 1 working day of receipt      | 2006-07 | 97.7 | 98.2 | 98.8 | 94.7 | 95.8 | 97.8 | 99.7 | 99.2 | 98.4  |
|   | 2005-06 | 99.5 | 99.5 | 98.3 | 97.4 | 95.8 | 99.1 | 99.9 | 99.4 | 99.2  |

## Time taken to register applications for review of CSA decisions

(Standard: 100% within 1 working day)

|   | SA   | QLD  | ACT | NT  | TAS  | VIC  | WA  | NSW  | TOTAL |
|---|------|------|-----|-----|------|------|-----|------|-------|
| Number registered                                 | 41   | 186  | 25  | 3   | 16   | 124  | 48  | 261  | 704   |
| Number registered within 1 working day of receipt | 40   | 183  | 25  | 3   | 15   | 119  | 48  | 258  | 691   |
| % registered within 1 working day of receipt      | 97.6 | 98.4 | 100 | 100 | 93.8 | 96.0 | 100 | 98.9 | 98.2  |

## Time for Centrelink to provide statement to the SSAT\*

(Limit: 28 days)

|                                |         | SA   | QLD  | ACT  | NT  | TAS  | VIC  | WA   | NSW  | TOTAL |
|--------------------------------|---------|------|------|------|-----|------|------|------|------|-------|
| Statements received            | 2006-07 | 731  | 1558 | 246  | 37  | 324  | 1956 | 663  | 2198 | 7713  |
|                                | 2005-06 | 621  | 1696 | 214  | 38  | 332  | 1792 | 582  | 2019 | 7294  |
| Average days taken             | 2006-07 | 11.8 | 7.7  | 13.6 | 9.5 | 9.1  | 9.2  | 10.6 | 9.3  | 9.4   |
|                                | 2005-06 | 10.2 | 7.6  | 10.7 | 9.6 | 10.4 | 9.4  | 11.8 | 9.1  | 9.3   |
| % by due date                  | 2006-07 | 98.1 | 99.3 | 92.3 | 100 | 97.2 | 97.0 | 99.5 | 96.3 | 97.5  |
|                                | 2005-06 | 98.9 | 98.9 | 97.7 | 100 | 94.6 | 97.0 | 98.6 | 96.9 | 97.6  |
| Average time if after due date | 2006-07 | 29.1 | 33.9 | 32.7 | N/A | 23.4 | 38.5 | 17.3 | 32.8 | 33.6  |
|                                | 2005-06 | 23.4 | 35.5 | 34.2 | N/A | 38.7 | 33.5 | 20.8 | 33.2 | 33.2  |

\* Includes priority cases where Centrelink statements are provided within 7 days

## Time for CSA to provide statement to the SSAT and other parties

(Limit: 28 days)

|                                | SA | QLD | ACT | NT  | TAS | VIC | WA  | NSW  | TOTAL |
|--------------------------------|----|-----|-----|-----|-----|-----|-----|------|-------|
| Statements received            | 12 | 34  | 8   | 1   | 0   | 7   | 14  | 78   | 154   |
| Number received within 28 days | 9  | 34  | 6   | 1   | N/A | 7   | 14  | 61   | 132   |
| % by due date                  | 75 | 100 | 75  | 100 | N/A | 100 | 100 | 78.2 | 85.7  |

## Hearing papers sent to applicants in Centrelink appeal cases at least 7 days prior to hearing\*

(Standard: 95%)^

|  |         | SA   | QLD  | ACT  | NT   | TAS  | VIC  | WA   | NSW  | TOTAL |
|--|---------|------|------|------|------|------|------|------|------|-------|
| % papers sent at least 7 days prior to hearing | 2006-07 | 96.7 | 97.1 | 98.1 | 93.8 | 95.8 | 99.3 | 98.9 | 98.2 | 98.1  |
|  | 2005-06 | 98.0 | 98.7 | 99.0 | 97.9 | 95.9 | 99.1 | 98.0 | 98.2 | 98.4  |

\* In child support appeal cases, the CSA sends hearing papers directly to applicants and other parties.

^ Please note: If an applicant in a Centrelink appeal case seeks an urgent hearing it may not be possible to meet this standard

## Appointment waiting time in Centrelink appeal cases

(days from Centrelink statement received to date of first appointment: standard is 75% within 42 days\*)

|                                |         | SA   | QLD  | ACT  | NT   | TAS  | VIC  | WA   | NSW  | TOTAL |
|--------------------------------|---------|------|------|------|------|------|------|------|------|-------|
| Average waiting time in days   | 2005-06 | 37.8 | 38.0 | 44.4 | 57.5 | 33.7 | 45.1 | 34.7 | 38.0 | 39.6  |
|                                | 2005-06 | 31.3 | 36.5 | 50.4 | 83.3 | 53.6 | 40.2 | 34.0 | 37.6 | 38.6  |
| % with wait of 42 days or less | 2005-06 | 65.3 | 73.2 | 65.9 | 47.1 | 74.6 | 52.9 | 89.0 | 73.1 | 68.2  |
|                                | 2005-06 | 80.3 | 75.8 | 60.3 | 17.0 | 38.2 | 62.4 | 92.5 | 75.5 | 71.6  |

\* It is usually on request of applicants that hearing dates are set outside the 42-day standard

## Appointment waiting time in child support appeal cases

(days from CSA statement received to date of first appointment: standard is 75% within 56 days\*)

|                                |  | SA   | QLD  | ACT | NT  | TAS | VIC  | WA  | NSW  | TOTAL |
|--------------------------------|--|------|------|-----|-----|-----|------|-----|------|-------|
| Average waiting time in days   |  | 56   | 30   | 28  | N/A | N/A | 46   | 34  | 30   | 36    |
| % with wait of 56 days or less |  | 57.1 | 72.7 | 100 | N/A | N/A | 66.7 | 100 | 91.3 | 85.6  |

\* It is usually on request of applicants and/or other parties that hearing dates are set outside the 56-day standard

## Heard Centrelink appeal cases decided without adjournment

(Standard: 90%)

|                       |         | SA   | QLD  | ACT  | NT   | TAS  | VIC  | WA   | NSW  | TOTAL |
|-----------------------|---------|------|------|------|------|------|------|------|------|-------|
| % without adjournment | 2006-07 | 89.7 | 97.7 | 79.3 | 96.8 | 92.7 | 88.8 | 98.6 | 90.1 | 91.8  |
|                       | 2005-06 | 94.5 | 98.3 | 79.5 | 78.7 | 93.0 | 86.6 | 96.9 | 88.9 | 91.5  |

## Heard child support appeal cases decided without adjournment

(Standard: 90%)

|                       | SA   | QLD  | ACT  | NT    | TAS   | VIC  | WA   | NSW  | TOTAL |
|-----------------------|------|------|------|-------|-------|------|------|------|-------|
| % without adjournment | 88.9 | 84.3 | 78.6 | 100.0 | 100.0 | 95.8 | 94.3 | 88.0 | 89.0  |

## Time for SSAT to notify applicants of Centrelink appeal outcomes

(Limit: 14 days)

|                        |         | SA   | QLD  | ACT  | NT    | TAS  | VIC  | WA    | NSW  | TOTAL |
|------------------------|---------|------|------|------|-------|------|------|-------|------|-------|
| Outcomes notified      | 2006-07 | 784  | 1771 | 268  | 35    | 357  | 2249 | 741   | 2477 | 8682  |
|                        | 2005-06 | 740  | 1806 | 251  | 58    | 348  | 1849 | 615   | 2243 | 7910  |
| Average days to notify | 2006-07 | 9.27 | 7.9  | 9.7  | 6.9   | 9.9  | 9.2  | 7.0   | 9.0  | 8.7   |
|                        | 2005-06 | 10.1 | 7.5  | 9.1  | 7.7   | 9.7  | 9.3  | 5.3   | 7.9  | 8.3   |
| % within 14 days       | 2006-07 | 95.6 | 99.4 | 99.5 | 100.0 | 97.5 | 99.4 | 100.0 | 99.3 | 99.0  |
|                        | 2005-06 | 92.4 | 99.7 | 100  | 97.9  | 97.4 | 99.9 | 100   | 99.8 | 99.0  |

## Time for SSAT to notify applicants and other parties of child support appeal outcomes

(Limit: 14 days)

|                        | SA   | QLD | ACT  | NT  | TAS | VIC | WA  | NSW | TOTAL |
|------------------------|------|-----|------|-----|-----|-----|-----|-----|-------|
| Outcomes notified      | 18   | 70  | 14   | 1   | 7   | 48  | 35  | 133 | 326   |
| Average days to notify | 10.1 | 6.9 | 11.9 | 0   | 1.0 | 9.0 | 7.7 | 9.6 | 8.8   |
| % within 14 days       | 100  | 100 | 100  | 100 | 100 | 100 | 100 | 100 | 100   |

### Overall processing time for Centrelink appeals (from registration to notification)

(Standard: 10 weeks)

|  |         | SA   | QLD  | ACT  | NT   | TAS  | VIC  | WA   | NSW  | TOTAL |
|--|---------|------|------|------|------|------|------|------|------|-------|
| Average weeks to process – statistical average | 2006-07 | 8.4  | 7.8  | 10.7 | 11.6 | 8.2  | 9.2  | 7.7  | 7.8  | 8.35  |
|  | 2005-06 | 6.7  | 7.4  | 10.9 | 14.5 | 11.1 | 8.8  | 7.7  | 7.6  | 8.06  |
| % within 11-weeks (standard: 75%)              | 2006-07 | 73.3 | 84.5 | 64.2 | 57.1 | 79.8 | 70.3 | 87.0 | 82.5 | 78.5  |
|  | 2005-06 | 90.0 | 85.7 | 67.3 | 31.0 | 56.9 | 75.6 | 85.9 | 84.7 | 81.2  |

### Overall processing time for child support appeals (from registration to notification)

(Standard: 13 weeks)

|  |  | SA   | QLD  | ACT  | NT  | TAS | VIC  | WA   | NSW  | TOTAL |
|--|--|------|------|------|-----|-----|------|------|------|-------|
| Average weeks to process – statistical average |  | 8.8  | 6.2  | 7.8  | 5.0 | 0.7 | 2.6  | 3.8  | 6.9  | 5.8*  |
| % within 13-weeks (standard: 75%)              |  | 77.8 | 85.7 | 78.6 | 100 | 100 | 95.8 | 97.1 | 90.0 | 89.8  |

\* It should be noted that, on average, the Tribunal processed child support appeals quickly in the first six months of reviewing such decisions partly because many of the appeals received were 'no jurisdiction' cases which do not require a hearing and are thus often completed within a matter of days. Chapter 2 mentions a period of 11.5 weeks which excludes 'no jurisdiction' cases.

# Appendix 9

## Application Outcomes: Centrelink Appeals

|                            |         | AGE  | AUS  | CA   | CCB  | CDA | CP   | DSP  | FTB  | MA   | MAA  | MOB  |
|----------------------------|---------|------|------|------|------|-----|------|------|------|------|------|------|
| Applications received      | 2006-07 | 983  | 213  | 326  | 59   | 0   | 233  | 2159 | 954  | 141  | 28   | 27   |
|                            | 2005-06 | 888  | 165  | 270  | 55   | 0   | 165  | 2552 | 891  | 112  | 0    | 19   |
| % of total                 | 2006-07 | 11.4 | 2.5  | 3.8  | 0.7  | 0   | 2.7  | 25.1 | 11.1 | 1.6  | 0.3  | 0.3  |
|                            | 2005-06 | 10.9 | 2.0  | 3.3  | 0.7  | 0   | 2.0  | 31.3 | 10.9 | 1.4  | 0    | 0.2  |
| Decision outcomes 2006-07: |         |      |      |      |      |     |      |      |      |      |      |      |
| Set aside                  |         | 282  | 56   | 53   | 8    | 0   | 74   | 570  | 307  | 14   | 10   | 4    |
| Varied                     |         | 33   | 12   | 1    | 3    | 0   | 6    | 34   | 64   | 0    | 0    | 0    |
| Affirmed                   |         | 574  | 108  | 259  | 58   | 0   | 167  | 1496 | 670  | 122  | 9    | 16   |
| No jurisdiction            |         | 85   | 19   | 16   | 21   | 0   | 16   | 148  | 138  | 6    | 4    | 4    |
| Withdrawn (conceded)       |         | 9    | 3    | 5    | 0    | 0   | 2    | 19   | 5    | 1    | 0    | 0    |
| Withdrawn (other)          |         | 95   | 13   | 23   | 9    | 0   | 21   | 125  | 111  | 5    | 9    | 2    |
| Dismissed                  |         | 7    | 11   | 4    | 0    | 0   | 8    | 46   | 53   | 2    | 0    | 1    |
| Total reviewed*            | 2006-07 | 1085 | 222  | 361  | 99   | 0   | 294  | 2438 | 1348 | 150  | 32   | 27   |
|                            | 2005-06 | 935  | 184  | 309  | 73   | 0   | 195  | 2508 | 1138 | 109  | 0    | 19   |
| Set aside rate 1** (%)     | 2006-07 | 29.0 | 30.6 | 15.0 | 11.1 | N/A | 27.2 | 24.8 | 27.5 | 9.3  | 31.3 | 14.8 |
|                            | 2005-06 | 32.8 | 31.5 | 20.1 | 21.9 | N/A | 22.1 | 26.6 | 27.0 | 8.3  | N/A  | 5.3  |
| Set aside rate 2** (%)     | 2006-07 | 35.4 | 38.6 | 17.3 | 15.9 | N/A | 32.4 | 28.8 | 35.6 | 10.3 | 52.6 | 20.0 |
|                            | 2005-06 | 38.9 | 38.7 | 24.7 | 24.6 | N/A | 27.0 | 31.2 | 33.7 | 8.8  | N/A  | 6.7  |

\* Includes requests for reviews of multiple decisions within one application

\*\* Set aside rate 1 = set aside and varied as percentage of all finalised decisions of the one payment type

Set aside rate 2 = set aside and varied as percentage of set aside, varied and affirmed decisions of the one payment type

### Abbreviations:

|     |                            |     |                      |
|-----|----------------------------|-----|----------------------|
| AGE | Age Pension                | AUS | Austudy              |
| CA  | Carer Allowance            | CCB | Child Care Benefit   |
| CDA | Child Disability Allowance | CP  | Carer Payment        |
| DSP | Disability Support Pension | FTB | Family Tax Benefit   |
| MA  | Maternity Allowance        | MAA | Mature Age Allowance |
| MOB | Mobility Allowance         |     |                      |



|                            |         | NSA  | PA   | PB   | PES  | PP   | RTA | SA   | SPB  | YA   | Other | Total            |
|----------------------------|---------|------|------|------|------|------|-----|------|------|------|-------|------------------|
| Applications received      | 2006-07 | 1278 | 56   | 103  | 81   | 790  | 0   | 32   | 84   | 631  | 411   | 8589             |
|                            | 2005-06 | 1125 | 0    | 82   | 61   | 814  | 0   | 41   | 65   | 518  | 318   | 8141             |
| % of total                 | 2006-07 | 14.9 | 0.7  | 1.2  | 0.9  | 9.2  | 0   | 0.4  | 1.0  | 7.3  | 4.8   | 100 <sup>^</sup> |
|                            | 2005-06 | 13.8 | 0    | 1.0  | 0.7  | 10.0 | 0   | 0.5  | 0.8  | 6.4  | 3.9   | 100              |
| Decision outcomes 2006-07: |         |      |      |      |      |      |     |      |      |      |       |                  |
| Set aside                  |         | 264  | 21   | 14   | 14   | 266  | 0   | 8    | 18   | 166  | 97    | 2246             |
| Varied                     |         | 21   | 4    | 1    | 2    | 38   | 0   | 2    | 4    | 17   | 12    | 254              |
| Affirmed                   |         | 690  | 31   | 75   | 53   | 466  | 0   | 17   | 50   | 341  | 239   | 5441             |
| No jurisdiction            |         | 193  | 3    | 11   | 9    | 78   | 0   | 10   | 11   | 56   | 66    | 894              |
| Withdrawn (conceded)       |         | 14   | 0    | 0    | 1    | 6    | 0   | 0    | 0    | 8    | 7     | 80               |
| Withdrawn (other)          |         | 99   | 8    | 5    | 4    | 65   | 0   | 10   | 13   | 41   | 21    | 679              |
| Dismissed                  |         | 85   | 0    | 0    | 2    | 36   | 0   | 2    | 0    | 13   | 20    | 290              |
| Total reviewed*            | 2006-07 | 1366 | 67   | 106  | 85   | 955  | 0   | 49   | 96   | 642  | 462   | 9884             |
|                            | 2005-06 | 1261 | 1261 | 79   | 66   | 975  | 0   | 50   | 71   | 546  | 365   | 8883             |
| Set aside rate 1** (%)     | 2006-07 | 20.9 | 37.3 | 14.2 | 18.8 | 31.8 | N/A | 20.4 | 22.9 | 28.5 | 23.6  |                  |
|                            | 2005-06 | 24.1 | N/A  | 15.2 | 13.6 | 31.6 | N/A | 32.0 | 31.0 | 30.2 | 27.4  |                  |
| Set aside rate 2** (%)     | 2006-07 | 29.2 | 44.6 | 16.7 | 23.2 | 39.5 | N/A | 37.0 | 30.5 | 34.9 | 31.3  |                  |
|                            | 2005-06 | 32.9 | N/A  | 19.0 | 19.1 | 39.3 | N/A | 38.1 | 39.3 | 38.6 | 35.0  |                  |

<sup>^</sup> Actual total is 99.9% due to rounding

\* Includes requests for reviews of multiple decisions within one application

\*\* Set aside rate 1 = set aside and varied as percentage of all finalised decisions of the one payment type

Set aside rate 2 = set aside and varied as percentage of set aside, varied and affirmed decisions of the one payment type

#### Abbreviations:

|     |                    |       |                                |
|-----|--------------------|-------|--------------------------------|
| NSA | Newstart Allowance | PA    | Partner Allowance              |
| PB  | Pension Bonus      | PES   | Pensioner Education Supplement |
| PP  | Parenting Payment  | RTA   | Rent Assistance                |
| SA  | Sickness Allowance | SPB   | Special Benefit                |
| YA  | Youth Allowance    | Other | All Other Payments             |

# Appendix 10

## Application Outcomes: Child Support Appeals

|                        | Child Support Agreement | Application for Assessment | Change of Assessment | Non-Agency Payment | Extension of Time to Appeal | Failure to Collect Arrears | Particulars of Assessment | Refusal of EOT to Object | Registration Details | Not Reviewable | Other    | Total            |
|------------------------|-------------------------|----------------------------|----------------------|--------------------|-----------------------------|----------------------------|---------------------------|--------------------------|----------------------|----------------|----------|------------------|
| Applications received  | 6                       | 20                         | 334                  | 57                 | 12                          | 7                          | 163                       | 38                       | 6                    | 39             | 22       | 704              |
| % of total             | 0.8                     | 2.8                        | 47.4                 | 8.1                | 1.7                         | 1.0                        | 23.2                      | 5.4                      | 0.8                  | 5.5            | 3.1      | 100 <sup>^</sup> |
| Decision outcomes:     |                         |                            |                      |                    |                             |                            |                           |                          |                      |                |          |                  |
| Set aside              | 0                       | 3                          | 25                   | 4                  | 0                           | 0                          | 5                         | 11                       | 1                    |                | 1        | 50               |
| Varied                 | 0                       | 2                          | 7                    | 1                  | 0                           | 0                          | 1                         | 0                        | 0                    |                | 0        | 11               |
| Affirmed               | 0                       | 2                          | 24                   | 9                  | 0                           | 0                          | 22                        | 5                        | 2                    |                | 2        | 66               |
| No jurisdiction        | 2                       | 1                          | 49                   | 6                  | 12                          | 1                          | 38                        | 3                        | 2                    | 37             | 4        | 155              |
| Dismissed              | 0                       | 3                          | 17                   | 5                  | 0                           | 0                          | 15                        | 3                        | 0                    |                | 1        | 44               |
| <b>Total reviewed</b>  | <b>2</b>                | <b>11</b>                  | <b>122</b>           | <b>25</b>          | <b>12</b>                   | <b>1</b>                   | <b>81</b>                 | <b>22</b>                | <b>5</b>             | <b>37</b>      | <b>8</b> | <b>326</b>       |
| Set aside rate 1** (%) | 0                       | 45                         | 25                   | 19                 | 0                           | 0                          | 7                         | 50                       | 20                   | 0              | 13       |                  |
| Set aside rate 2** (%) | 0                       | 71                         | 57                   | 36                 | 0                           | 0                          | 21                        | 69                       | 33                   | 0              | 33       |                  |

<sup>^</sup> Actual total is 99.8% due to rounding

\*\* Set aside rate 1 = set aside and varied as percentage of all finalised decisions of the one payment type

Set aside rate 2 = set aside and varied as percentage of set aside, varied and affirmed decisions of the one payment type

# Appendix 11

## Projects 2006-07

| PROJECT   | STATUS       |
|---|--------------|
| <b>Executive / Corporate</b>  |              |
| Implementation of reviewed key performance indicators                     | Complete     |
| Review of SSAT Strategic Plan to incorporate child support appeal aspects | Complete     |
| Review of case management training modules                                | Ongoing      |
| Development of a new collective agreement                                 | Complete     |
| Induction packs for members and directors                                 | Complete     |
| AAA database  | Complete     |
| Selection of an EDRMS   | Complete     |
| National implementation of selected EDRMS                                 | Final Stages |
| Review of performance development arrangements and Work Level Standards   | Complete     |
| Review of SSAT Diversity Plan   | Complete     |
| Implementation of recommendations from the Case Management Model review   | Complete     |
| <b>Finance</b>  |              |
| Development of complete SSAT audit package                                | Ongoing      |
| Effort survey management system   | Ongoing      |
| <b>Information Technology</b>   |              |
| Upgrade of the SSAT's network operating system                            | Complete     |
| Increased use of scanning technology                                      | Ongoing      |
| AMSWIN enhancements   | Ongoing      |
| Development of SSAT Portal  | In progress  |
| Bringing support for desktops and servers in-house                        | Complete     |
| Investigation of possibility for online lodgement of appeal applications  | In progress  |
| Investigation of options to increase email communication with applicants  | In progress  |
| <b>Legal</b>  |              |
| Research into legislative instruments registration process for the SSAT   | Complete     |
| Revision of the SSAT's Privacy and Confidentiality Training Package       | Complete     |
| Development of Contract Basics Training Package                           | Complete     |
| Development of Procedural Fairness Training Package                       | In progress  |
| Development of FOI Training Package                                       | In progress  |
| Review of SSAT Privacy Policy   | In progress  |
| Legal queries database  | On hold*     |
| Contract checklists   | In progress  |
| Assessment of MOU with CSA in light of privacy obligations                | In progress  |

\* On hold pending development of the SSAT portal

| <b>Quality Analysis</b>   |   |             |
|---|---|-------------|
| Preparation and presentation of a paper on merits review of CSA decisions |   | Complete    |
| Provision of training for members and case managers                       |   | Ongoing     |
| Development and maintenance of a leading cases database                   |   | Ongoing     |
| <b>Projects to prepare for reviewing child support appeals</b>            |   |             |
| Communication   | Appeals management flowchart                                    | Complete    |
|   | AMSWIN enhancements (including letters)                         | Complete    |
|   | Identification of additional information for hearing documents  | Complete    |
|   | Identification of additional training modules for case managers | Complete    |
|   | Memorandum of Understanding/Agreement with CSA                  | Complete    |
| Review of APS staffing requirements                                       |   | Complete    |
| Review of member structure and recruitment                                |   | Complete    |
| National and State Office accommodation needs                             |   | In progress |
| Member remuneration   |   | Complete    |
| Legislation   |   | Complete    |

# Appendix 12

## Freedom of Information: Section 8 Statement

This statement is published to meet the requirements of section 8 of the *Freedom of Information Act 1982*. It is correct as at 30 June 2007.

### Establishment

The Social Security Appeals Tribunal (the SSAT) was first established by Ministerial directive on 10 February 1975 as a body with the power to review certain social security decisions. Its powers were only recommendatory.

The SSAT was established as an independent statutory authority with decision-making powers by the *Social Security (Review of Decisions) Act 1988* and began operations on 1 November 1988.

### Organisation

The SSAT consists of the National Office in Melbourne and offices in each State and Territory capital city, except in the Northern Territory. Each office handles applications for a designated area. Details of the structure and organisation of the SSAT are set out in Part 3 of this report.

### Powers and Functions

The powers and functions of the SSAT flow primarily from the *Social Security (Administration) Act 1999*. It is responsible for reviewing various decisions, on application by persons affected by those decisions, made under the:

- Social Security Law;
- Family Assistance Law;
- *Child Support (Registration and Collection) Act 1988*;
- *Child Support (Assessment) Act 1989*;
- *Farm Household Support Act 1992*;
- *Health Insurance Act 1973*;
- *Student Assistance Act 1973*;
- *Child Support (Assessment) Act 1989*;
- *Veterans' Entitlements Act 1986*; and
- *Aged Care Act 1997*.

Details of the powers and functions of the SSAT are set out in Part 2 and Appendix 1 of this report.

### Arrangements for outside participation in policy development

No formal arrangements yet exist for bodies outside the Commonwealth administration to participate in the affairs of the SSAT. However, officers of the SSAT engage in community

liaison with a variety of welfare, legal and community bodies, as well as users of the Tribunal.

### **Categories of Documents**

The following categories of documents are held by the SSAT:

- Case files and departmental files relating to applications to the SSAT, including all papers lodged or produced;
- A computerised register of cases;
- Decisions and reasons for decisions;
- Hearings lists and associated papers;
- Internal working documents and correspondence;
- Statistical and monitoring information;
- Administrative, financial and personnel files;
- Legal advices, reports, briefs and other legal documents;
- Ministerial and policy documents, including recommendations and decisions;
- Freedom of Information application and review documents and associated papers;
- Documents relating to privacy matters;
- Documents relating to the SSAT's reporting requirements;
- Information brochures, pamphlets and forms;
- Office procedures manuals;
- Members' Handbook;
- Internal online publications and discussion forums;
- Documents relating to meetings (agendas, minutes and reports);
- Copies of questions in the Parliament, together with related replies;
- Tender documents and contracts.

### **Facilities for Access**

Facilities for examining documents are available at, or can be organised by, any office of the SSAT. Access to documents would normally be granted at the offices of the SSAT (see Contact Details at Appendix 15).

### **Freedom of Information (FOI) Procedures and Initial Contact Points**

FOI requests must be made in accordance with section 15 of the *Freedom of Information Act 1982*. Applications for access to documents may be submitted to any office of the SSAT. Requests can be made in any written format, giving sufficient information to identify the documents requested and providing a return address.

The requirement of the payment of any fees and charges is qualified by regulation 6 of the *Freedom of Information (Fees and Charges) Regulations*.

# Appendix 13

## Legal Services Expenditure Statement

This is a statement of legal services expenditure by the Social Security Appeals Tribunal for 2006–2007, published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

|   |                                  |
|---|----------------------------------|
| <b>Agency's total legal services expenditure</b>                    | <b>\$278,974 (GST exclusive)</b> |
| <b>Agency's total external legal services expenditure</b>           | <b>\$135,274 (GST exclusive)</b> |
| External expenditure on solicitors                                  | \$135,274 (GST exclusive)        |
| External expenditure on counsel                                     | \$ 0 (GST exclusive)             |
| Number of male counsel briefed                                      | 0                                |
| Value of briefs to male counsel                                     | \$ 0 (GST exclusive)             |
| Number of female counsel briefed                                    | 0                                |
| Value of briefs to female counsel                                   | \$ 0 (GST exclusive)             |
| Other disbursements on external legal services                      | \$ 0 (GST exclusive)             |
| <b>Agency's total internal legal services expenditure</b>           | <b>\$143,700 (GST exclusive)</b> |
| Salaries  | \$111,891 (GST exclusive)        |
| Overheads (includes administrative support and accommodation costs) | \$ 31,809 (GST exclusive)        |

# Appendix 14

## Commonwealth Disability Strategy Performance Report

### The SSAT as an Employer

SSAT objectives:

- Eliminate disability discrimination in the workplace
- Ensure that members, staff and job applicants who require information in an accessible format receive it in a timely manner
- Ensure that reasonable adjustments are made during recruitment and employment
- Ensure staff with disabilities are able to fully participate in all training and development programs
- Integrate disability issues into a wide range of training and development programs
- Ensure that staff with disabilities are able to have issues and concerns in the workplace addressed

| Performance Indicator   | Performance Measure  | Current Level of Performance   |
|---|--|--|
| Employment policies, procedures and practices comply with the requirements of the <i>Disability Discrimination Act 1992</i> . | Number of employment policies, procedures and practices that meet the requirements of the <i>Disability Discrimination Act 1992</i> .  | All SSAT employment policies, procedures and practices meet the requirements of the Act. Specifically, the SSAT Performance Development System Manual includes information on reasonable adjustment; the SSAT has a Harassment Policy available on its intranet site; and the SSAT employment application form seeks information about arrangements needed to assist with the interview process.   |
| Recruitment information for potential job applicants is available in accessible formats, upon request.                        | Percentage of recruitment information requested and provided in accessible electronic formats and accessible formats other than electronic.<br><br>Average time taken to provide accessible information in electronic formats and formats other than electronic. | All standard recruitment information is available in accessible formats. The Communications Officer is the central contact for the handling of requests for information in accessible and alternate formats.<br><br>This financial year, there were no requests for information in a format other than standard electronic and paper-based.  |
| Agency recruiters and managers apply the principle of 'reasonable adjustment'.  | Percentage of managers provided with information on 'reasonable adjustment' (the SSAT does not use recruiters).  | All SSAT managers and staff have access to the SSAT's Reasonable Adjustment Statement in the Performance Development System Manual and on the intranet site. This Statement provides information and advice relating to adjustments and modifications that may be required in the workplace to accommodate staff members with disabilities. In addition, all SSAT Business Managers attended a tailored training course in supporting staff with mental health issues. |
| Training and development programs consider the needs of staff with disabilities.  | Percentage of training and development programs that consider the needs of staff with disabilities.  | In organising in-house training programs, the SSAT takes into account the needs of all members and staff. The SSAT also endeavours to ensure that external training and development facilities are accessible by staff with disabilities, if required. The SSAT's Study Assistance Scheme is administered in a flexible and supportive way, acknowledging that some staff traditionally have had more difficulty accessing educational opportunities.                  |



| Performance Indicator  | Performance Measure  | Current Level of Performance   |
|--|--|--|
| Complaint / grievance mechanism, including access to external mechanisms, in place to address issues and concerns raised by staff. | Established complaint / grievance mechanisms, including access to external mechanisms, in operation. | The SSAT Workplace Agreement 2006-2009 includes a formal process for dispute resolution. In addition to this, the Agreement provides for referral of disputes to the Australian Industrial Relations Commission. |

## The SSAT as a Purchaser

SSAT objectives:

- Ensure requests for information in an accessible format are actioned in a timely manner
- Ensure that the Commonwealth purchases services that reflect the needs of applicants and other parties with disabilities
- Ensure that the Commonwealth builds accountability for the delivery of non-discriminatory goods and services into its purchasing agreements with providers (purchasing agreements can include contracts, memoranda of understanding and service level agreements)
- Ensure that members, staff, applicants and other parties with disabilities can talk directly with purchasers regarding a provider's performance

| Performance Indicator  | Performance Measure  | Current Level of Performance  |
|--|--|---|
| Publicly available information on agreed purchasing specifications is available in accessible formats for people with disabilities.  | Percentage of publicly available purchasing specifications requested and provided in accessible electronic formats and formats other than electronic.<br><br>Average time taken to provide accessible material in electronic formats and formats other than electronic.  | All publicly available purchasing specifications are available in accessible formats upon request.<br><br>No requests for purchasing specifications were received during 2006-07.   |
| Processes for purchasing goods or services with a direct impact on the lives of people with disabilities are developed in consultation with people with disabilities.              | Percentage of processes for purchasing goods or services that directly impact on the lives of people with disabilities that are developed in consultation with people with disabilities.   | The SSAT refurbished or relocated most of its offices during 2006-07 and in doing so, it had regard for a draft policy on Disability Access Compliance Levels for Offices and Buildings. In developing this document, the Tribunal took into consideration various Australian building standards, relevant government legislation and HREOC guidelines. Included in the document are checklists regarding specifications for desks, elevators, hallways etc to ensure that such facilities are suitable for people with disabilities. |
| Purchasing specifications and contract requirements for the purchase of goods and services are consistent with the requirements of the <i>Disability Discrimination Act 1992</i> . | Percentage of purchasing specifications for goods and services that specify that tenders must comply with the <i>Disability Discrimination Act 1992</i> .<br><br>Percentage of contracts for the purchase of goods and services that require the contractor to comply with the <i>Disability Discrimination Act 1992</i> . | The SSAT has a standard contract that requires contractors to comply with all relevant Commonwealth legislation, including the <i>Disability Discrimination Act 1992</i> .  |

| Performance Indicator   | Performance Measure  | Current Level of Performance  |
|---|--|---|
| Publicly available performance reporting against the purchase contract specifications requested in accessible formats for people with disabilities is provided. | Percentage of publicly available performance reports against the contract purchasing specification requested and provided in accessible electronic formats and accessible formats other than electronic.<br><br>Average time taken to provide accessible material in electronic formats and formats other than electronic. | All publicly available performance reports against the contract purchasing specification are available in accessible formats upon request.<br><br>The SSAT Disability Action Plan identifies the need to establish a centralised mechanism for the receipt of all requests for accessible format. The newly formed SSAT Diversity Committee is considering how best to address this need. |
| Complaints / grievance mechanisms, including access to external mechanisms, in place to address concerns raised about provider's performance.                   | Established complaints / grievance mechanisms, including access to external mechanisms, in operation.  | Complaints / grievance mechanisms are set out in the SSAT's Service Charter. The Charter includes information on external complaints-handling mechanisms, including referral to the Ombudsman.  |

## The SSAT as a Provider

SSAT objectives:

- Ensure that the SSAT continually improves on its performance in meeting the needs of its applicants with disabilities
- Ensure that the SSAT recognises people with disabilities as its applicants
- Ensure that applicants with disabilities are able to have their issues and concerns addressed

| Performance Indicator  | Performance Measure  | Current Level of Performance  |
|--|--|---|
| Providers have established mechanisms for quality improvement and assurance.   | Evidence of quality improvement and assurance systems in operation.                                      | The Tribunal's Diversity Committee will be reviewing the SSAT's mechanisms for quality improvement and assurance that target the needs of applicants with disabilities.<br><br>Physical access and equity surveys are incorporated into health and safety representative checklists. The SSAT's Occupational Health and Safety Committee ensures remedial action is undertaken, as needed.<br><br>The SSAT's internet site complies with W3C standards which includes standards relating to accessibility for disabled users. |
| 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 SSAT's Service Charter (included in Appendix 2 of this Report) advises of facilities and services available for people with disabilities including TTY services and large print and audio CD formats of information brochures.  |
| Complaints / grievance mechanisms, including access to external mechanisms, to address concerns about performance.   | Established complaints / grievance mechanisms, including access to external mechanisms, in operation.    | The SSAT Service Charter sets out the complaints/ grievance mechanisms in place and provides information on accessing another level of resolution if this fails.<br><br>A toll free number is provided for the lodgement of complaints.   |

# Appendix 15

## Contact Details

### National Office

Level 24, 500 Collins Street, Melbourne  
(PO Box 218, Collins Street West  
Melbourne Vic 3000)  
E-mail: info@ssat.gov.au  
Tel: (03) 8626 4923  
Fax: (03) 8626 4949

Key Staff: Executive Director - Les Blacklow  
National Manager - John Collins

### Australian Capital Territory

Level 5, 71 Northbourne Avenue, Canberra  
(GPO Box 9943, Canberra ACT 2601)  
E-mail: canberra@ssat.gov.au  
Tel: (02) 6200 3700  
Fax: (02) 6200 3709

Key Staff: Director – Suellen Bullock  
Office Manager - Karen Peacock

### New South Wales

Level 20, 580 George Street, Sydney  
(GPO Box 9943, Sydney NSW 2001)  
E-mail: sydney@ssat.gov.au  
Tel: (02) 9202 3400  
Fax: (02) 9202 3499

Key Staff: Director - Suellen Bullock  
Office Manager - Karen Peacock

### Northern Territory

All NT appeals are managed through the  
Queensland office. Please refer to contact  
details for the Queensland office.

### Queensland

Level 5, 380 Queen Street, Brisbane  
(GPO Box 9943, Brisbane Qld 4001)  
E-mail: brisbane@ssat.gov.au  
Tel: (07) 3005 6200  
Fax: (07) 3005 6215

Key Staff: Director - Jim Walsh  
Office Manager - Robin Harvey

### South Australia

Level 12, 45 Grenfell Street, Adelaide  
(GPO Box 9943, Adelaide SA 5001)  
E-mail: adelaide@ssat.gov.au  
Tel: (08) 8400 4900  
Fax: (08) 8400 4999

Key Staff: Director – Sue Raymond  
Office Manager – Jacqui Nelson

### Tasmania

Level 8, 188 Collins Street, Hobart  
(GPO Box 9943, Hobart Tas 7001)  
E-mail: hobart@ssat.gov.au  
Tel: (03) 6211 2800  
Fax: (03) 6211 2899

Key Staff: Director – Sue Raymond  
Office Manager – Jacqui Nelson

### Victoria

Level 11, 565 Bourke Street, Melbourne  
(GPO Box 9943, Melbourne Vic 3001)  
E-mail: melbourne@ssat.gov.au  
Tel: (03) 9954 0700  
Fax: (03) 9954 0749

Key Staff: Director - Miriam Holmes  
Office Manager - Siobhan Jordan

**Western Australia**

Level 3, 109 St George's Terrace, Perth  
(GPO Box 9943, Perth WA 6001)

E-mail: [perth@ssat.gov.au](mailto:perth@ssat.gov.au)

Tel: (08) 9229 1300

Fax: (08) 9229 1315

Key Staff: Director - Pamela Duckworth  
Office Manager – Edyta Pelc

**National Freecall™ Number**

The SSAT provides a national toll free telephone number - 1800 011 140.

**SSAT Website**

For further information, please refer to the Tribunal's website, at [www.ssat.gov.au](http://www.ssat.gov.au)

**Contact Officer**

For enquiries about this Annual Report, please contact:

Mr John Collins  
National Manager, SSAT  
National Office  
PO Box 218, Collins Street West  
Melbourne Vic 3000

Tel: (03) 8626 4923

Fax: (03) 8626 4949

Email: [john.collins@ssat.gov.au](mailto:john.collins@ssat.gov.au)

**Additional Copies of this Annual Report**

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

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

# Glossary

|                      |  |
|----------------------|--|
| AAA.....             | Administrative Arrangements Agreement (between the SSAT and Centrelink)  |
| AAT .....            | Administrative Appeals Tribunal  |
| AMSWIN .....         | Appeals Management System for Windows (SSAT)   |
| APS.....             | Australian Public Service  |
| APSC.....            | Australian Public Service Commission   |
| Centrelink.....      | Commonwealth Service Delivery Agency   |
| CEO .....            | Chief Executive Officer  |
| CHOTS .....          | Commonwealth Heads of Tribunals  |
| COAT.....            | Council of Australasian Tribunals  |
| CSA.....             | Child Support Agency   |
| CTC.....             | Competitive tending and contracting  |
| DEST .....           | Department of Education, Science and Training  |
| DEWR.....            | Department of Employment and Workplace Relations   |
| DIAC .....           | Department of Immigration and Citizenship  |
| EDRMS.....           | Electronic Document and Records Management System  |
| FaCSIA .....         | Department of Families, Community Services and Indigenous Affairs  |
| FMA .....            | Financial Management and Accountability (Act)  |
| FOI.....             | Freedom of Information   |
| HREOC.....           | Human Rights and Equal Opportunity Commission  |
| KPI.....             | Key Performance Indicator  |
| MOU.....             | Memorandum of Understanding  |
| OFPC.....            | Office of the Federal Privacy Commissioner   |
| OH&S.....            | Occupational Health and Safety   |
| PBS.....             | Portfolio Budget Statement   |
| Secretary, the ..... | Secretary to the Department of Families, Community Services and Indigenous Affairs; or Secretary to the Department of Education, Science and Training; or Secretary to the Department of Employment and Workplace Relations (depending on context) |
| SES.....             | Senior Executive Service (APS)   |
| SSAT.....            | Social Security Appeals Tribunal   |
| TTG.....             | Tribunal Training Group (learning and development representatives from members of the COAT)  |
| TTY .....            | Teletype Machine   |

# Compliance Index

This Annual Report is prepared in accordance with the Requirements for Annual Reports approved by the Joint Committee of Public Accounts and Audit. The index below refers to mandatory and suggested reporting items.

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