



Australian Government



**Social Security
Appeals Tribunal**

*Quick, fair and independent
the Social Security Appeals Tribunal*



ANNUAL REPORT
2008-2009

**THE SOCIAL SECURITY
APPEALS TRIBUNAL**

**ANNUAL REPORT
2008-09**

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13 October 2009

The Hon. Jenny Macklin, MP
Minister for Families, Housing Community Services and Indigenous Affairs
Parliament House
Canberra ACT 2600

Dear Minister

I am pleased to present this Annual Report of the Social Security Appeals Tribunal for the year ending 30 June 2009, 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 Annual Reports* issued by the Department of Prime Minister and Cabinet, to the extent that they are relevant to the SSAT's operations.

Yours sincerely



L M Blacklow
Executive Director

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Part 1

Overview

Chapter I – Review

- Executive Director's Review
- National Manager's Review

Executive Director's Review

The year 2008-09 saw a continuing increase in the workload of the Social Security Appeals Tribunal (SSAT). The number of appeals lodged in the social security jurisdiction was the highest in decades, totalling over 13,000 applications. The child support jurisdiction also saw a significant rise in applications to a little under 3,000 cases.

The continuing increase in the total number of appeals lodged with the SSAT is of some concern due to its impact on the capacity of the Tribunal to determine a substantially larger number of cases within the strict timeliness standards it has set itself. For many years the SSAT has been able to finalise social security cases within 10 weeks (from registration of the appeal until finalisation). This year the average was maintained at about eight and a half weeks, which is a very creditable achievement given, over the last few years, the workload in that jurisdiction has nearly doubled.

The SSAT was also able to remain within its timeliness standard of 15 weeks for child support appeals, even though it finalised more than 1,000 more such cases than in the previous financial year.

The ongoing capacity of the SSAT to deal with such numbers, given its current resourcing, is a matter I have drawn to the Secretary's attention as the SSAT is funded directly by the portfolio department, the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

In last year's Annual Report I mentioned work was being undertaken to issue a set of general directions to guide and assist parties, members and staff on how the SSAT was to handle child support cases. Those directions have now been issued under section 103ZA of the Child Support (Registration and Collection) Act 1988.

The physical infrastructure changes within the SSAT's premises are also now completed – substantial modifications were required to appropriately accommodate child support cases as well as the overall increase in appeal business.

I was very pleased to see the finalisation of the SSAT's staff agreement which was successfully negotiated to run for the 2009-12 financial years. I extend my particular thanks to Mr Dobe Temelkovski, the Business Manager of the SSAT's Corporate Services Unit, for his tireless efforts during the course of long and difficult negotiations. It was also very pleasing to see such an overwhelming vote by staff to endorse the agreement as negotiated.

This year, for the first time, saw FaHCSIA publish some SSAT decisions (in a de-identified format) dealing with child support issues. The SSAT does not publish decisions but provides advice to FaHCSIA on what cases it believes might be of interest to the wider community. It is ultimately a matter for FaHCSIA as to what cases it chooses to publish – the cases are available on the Austlii website.

During the year I was invited to make a submission to the National Alternative Dispute Resolution Advisory Council (NADRAC) in relation to its enquiry into Alternative Dispute Resolution and Civil Proceedings. I attended a NADRAC meeting and lodged a written submission. In short, it is my view that there is significant potential for the incorporation of alternative dispute resolution processes in both jurisdictions of the SSAT, but principally, insofar as number of cases are concerned, in debt cases within the social security jurisdiction.

I also responded to the President of the Administrative Review Council concerning the updating of the Council's publication 'A Guide to Standards of Conduct for Tribunal Members'. That publication is an excellent resource for both Commonwealth and state Tribunals and the SSAT uses it extensively in its induction and ongoing training.

Together with the Chief Executive Officer of Centrelink, I signed a revised version of the Administrative Arrangements Agreement (AAA) between the SSAT and Centrelink. The AAA is very important to both organisations, especially in times of very high appeal lodgements.

I have not previously mentioned the existence of an Administrative Arrangements Agreement (AAA) Working Group. This is a very small advisory group of people from the SSAT and Centrelink which meets no more than once a year to discuss the workings of the AAA and related matters. I wish to take this opportunity to express my sincere appreciation of the long-standing contributions of the Centrelink members, Mr Pat Carson (Vic), Ms Margaret Boylan (SA) and Ms Heather Gascoigne (WA) – the professional and personal contributions they bring to the considerations of the Working Group are of the highest standard.

In last year's Annual Report I mentioned my submission to the Minister for Human Services on a review of the Job Capacity Assessment (JCA) system. I received a response from the Minister on the outcomes of the review in December and it was pleasing to see an announcement on improvements to the JCA system in the 2009-10 budget which recognised some of the issues identified in the SSAT's submission.

The Families, Housing, Community Services and Indigenous Affairs and other Legislation Amendment (Miscellaneous Measures) Bill 2008 has been passed in the House of Representatives but, at the time of report, had not yet passed in the Senate. That Bill will introduce some important measures which will facilitate the operations of the SSAT in a number of ways. It will allow for terms of up to five years for SSAT members and allow for the SSAT to direct Centrelink to make oral submission and allow Centrelink to request the SSAT to make oral submissions. In both instances the SSAT would have to be satisfied that such submissions would assist in the consideration of the case. The Bill would also permit the SSAT to give oral reasons in certain cases, but with a safeguard that a party would be able to request written reasons within 14 days.

This Annual Report, as in previous years, provides some case notes which demonstrate the very wide and interesting range of issues with which the SSAT is confronted; even Santa Claus can be subject to an income test – see Chapter 6.

The jurisdiction of the SSAT has been extended to include appeals on the suspension or cancellation of Centrelink payments where a parent might be considered not to have sufficiently

satisfied requirements relating to the enrolment and attendance of children at school. On 24 June 2009 the SSAT was also given limited jurisdiction in relation to income management in the Northern Territory. I would expect very few appeals in either of these areas, nevertheless the SSAT will be prepared to consider them as and when they might arise.

During the year I received a number of complaints from parties to child support appeals. I have had some difficulty convincing complainants that I can neither enter into a debate about the merits of a particular SSAT decision nor change a decision. That is in fact the case – once an SSAT panel has made a child support decision, the decision is final unless it is appealed successfully on a point of law, in which case the SSAT would normally be required to reconsider the matter to the extent identified in the Court judgement.

For the first time an SSAT Annual Report includes a report from its National Manager. This is in recognition of the importance of good corporate governance within the SSAT which, with the inclusion of child support appeals within its jurisdiction, is now by far the largest Commonwealth merits review tribunal.

Finally, I again give my sincere thanks to the staff and members of the SSAT for their excellent and tireless efforts this year. They have coped exceptionally well with the large and difficult case load in 2008-09 having finalised a 'record' number of cases yet still maintained the timeliness standards. A lot of our work provides us with great professional and personal satisfaction but I acknowledge that at times our tasks seem particularly thankless, especially in the context of acrimonious family disputes within which disagreements between parents on the provision and rate of child support is often a part.



L.M. Blacklow
Executive Director

National Manager's Review

The work of the SSAT continued to grow in 2008-09 with appeal numbers increasing by more than 18%, with a total of 16,319 cases received. The large increase in Centrelink appeal numbers (a 15.8% increase compared to last year's applications) was in addition to the dramatic increase in child support appeal applications. In that jurisdiction there was an increase to 2,890 appeals received, almost a third more than the previous year. The significant increase in appeal numbers required the SSAT to streamline its operations including its management of its appeals processes and procedures to be able to manage the large appeal numbers within its available resources.

The SSAT strives to be both proactive and responsive in fulfilling its functions. With a primary objective of providing the community with a mechanism of review that is fair, just, economical, informal and quick, it is essential that the internal mechanisms of the SSAT are subject to ongoing evaluation. In order to do so, the SSAT continuously monitors and reviews its processes, functions and outcomes and where necessary will modify and amend internal mechanisms as required.

Organisational priorities were this year mapped out with a revision of the SSAT's Strategic Plan. The Strategic Plan articulates the SSAT's vision to be an accessible, professional and fair agency providing an excellent independent review process. Effective 2008-12, the Plan identifies four key areas to guide the organisation in fulfilling its purpose: (1) responsive service to stakeholders, (2) improving internal processes, (3) developing stronger capability, and (4) demonstrating good corporate governance.

The SSAT and Centrelink negotiated a revised Administrative Arrangement Agreement (AAA) during 2008-09 which was officially signed by the SSAT Executive Director and the CEO of Centrelink in February 2009. The purpose of re-negotiating the Agreement was to clarify and record the obligations of each agency during the review process; enhance the cooperative arrangements for the ongoing support of the work of each agency; set out improved arrangements between Centrelink and the SSAT in respect of each decision reviewed by the SSAT; and identify an appropriate liaison and feedback structure between the SSAT and Centrelink.

This year the SSAT also reviewed and negotiated a new Memorandum of Understanding (MOU) with the Department of Family, Housing, Community Services and Indigenous Affairs (FaHCSIA). This intra-agency agreement is for business arrangements relating to the provision of nominated corporate services namely IT, financial and HR services. In the past two years the SSAT has taken on a number of activities that were previously undertaken by FaHCSIA staff and this prompted a need for a revision of the MOU. The objectives of the revised MOU are to ensure a continued collaborative partnership between FaHCSIA and the SSAT for the provision of corporate services; to clearly describe the services and back-end support to be provided by FaHCSIA to the SSAT and to specify service levels, performance standards and measures that are to be observed by the parties to the MOU. In 2008-09 the SSAT also brought in-house its property management activity, previously undertaken by an external contractor.

The Quality Analysis Unit (QAU) conducted reviews of two specific decision types during the 2008-09 year. These reviews involved analysis of a large sample of decisions and the QAU provided feedback and training as required in relation to issues identified in the course of the reviews. The QAU also provided other support and assistance to members including provision of legal advice and assistance, training for members and the development and maintenance of member resources and materials.

Much work this year was spent in negotiations to finalise the SSAT's Workplace Agreement for 2009-12. This employee agreement reviews and consolidates working arrangements, supports the

implementation of the SSAT's Strategic Plan and links productivity and performance improvements to competitive salary increases. The Agreement was approved by the Minister for FaHCSIA and overwhelmingly endorsed by SSAT staff and the relevant union. The Agreement was ratified by Workplace Authority and took effect as of 1 July 2009 and its nominal expiry date is 30 June 2012.

An engagement survey was also undertaken this year to give staff and members a feedback mechanism. The survey aimed to identify the level of employee engagement with their work, as this can affect key factors such as performance, applicant satisfaction and employee turnover. Engaged employees create satisfied stakeholders and overall the performance of the organisation is enhanced. An extremely high response-rate to the survey (50% compared to standard response rates of 30%) indicated that staff and members relished the opportunity to participate in the feedback mechanism. Results of the survey indicate that while staff satisfaction is generally very good, there are some areas for improvement. The SSAT aims to have a fully engaged workforce and recommendations as a result of the survey, such as the development of an internal mentoring program and a staff suggestion scheme, are being implemented. 'Staff engagement' has now also been added as a measure to the Balanced Scorecard report and each office must report against this measure accordingly.

The professional development of staff and members continues to be a priority for the SSAT. Training officers in the National Office provide the SSAT with tailored learning and development products in response to the needs of the organisation. Worthy of special note this year is the training package developed in conjunction with the SSAT's Specialist Legal Advisor on the topics of Freedom of Information and Privacy. The innovative techniques and new technologies used in this training package have been adopted by the organisation as a means of ensuring that learning and development can continue as a priority even in times of budgetary constraints.

As part of its ongoing commitment to transparency and in recognition of the importance of accountability, the SSAT this year established an Information Technology Advisory Committee (ITAC). This committee, comprised of selected senior staff and technical experts, was created to ensure the IT requirements of the organisation are considered in a strategic and transparent manner. The ITAC will assess all major IT proposals and will consider the risk and strategic impact of these works.

Further enhancements to the SSAT's electronic document records management system (EDRMS) occurred in 2008-09, including a version upgrade to provide improved functionality and streamlining of folder hierarchy and processes. On-site training was conducted in each SSAT office and continues to ensure staff and members are using the system to full effect. The SSAT also implemented new video and teleconference infrastructure to enhance communication and collaboration.

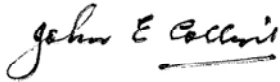
In addition to these and other software enhancements (including ongoing enhancements to the SSAT's Appeals Management System, AMSWIN, the SSAT this year procured hardware in preparation for replacement of desktops throughout the organisation and servers at each site. These upgrades will take place early in the new financial year and are a proactive measure to ensure the SSAT can maintain its services in an effective and timely manner especially in times of historically high appeal numbers.

In its ongoing commitment to providing accurate and appropriate information to applicants, the SSAT this year completed a review of its online information for Child Support appeals. This project was necessary as a result of the experience that the SSAT now has in dealing with child support appeals and the evolution in the way these appeals are managed. As a result of this project, the SSAT website now provides much more detailed information on child support appeals which is intended to aid applicants and parties before and during their appeals. A project to revise

printed information about child support appeals is running concurrently and will be completed early in the new financial year.

Results of a feedback survey administered to applicants and parties provide continued evidence of the SSAT's commitment to improving its performance in key areas. A voluntary survey, responses were received from over 2000 Centrelink applicants and over 360 child support parties. Results showed that 93.4% of Centrelink applicants and 87.5% of child support applicants agreed that the appeals lodgement process is simple; 91% of Centrelink and 77.3% of child support applicants agreed that their hearing was understandable and they were able to put forward their case; and 90.8% of applicants in the child support jurisdiction agreed that the appeal process was straightforward and less formal than a court.

The SSAT is showing a positive awareness of sustainable options, with the commencement of sustainability reporting (using the Global Reporting Initiative guidelines) this year. This included an updated environmental management system and a number of "green initiatives" including implementation of waste auditing, establishment of environmental groups, improved waste management in a number of the offices and implementation of "green" procurement and tender policies.

A handwritten signature in cursive script that reads "John E Collins". The signature is written in black ink and is positioned above the printed name.

John Collins
National Manager

Chapter 2 – SSAT Overview

- Role
- Relationships
- Jurisdiction

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.

Since 1 January 2007 the SSAT has had 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.

The SSAT's principle function is to conduct merit reviews of administrative decisions made under a number of enactments, in particular social security law, family assistance law, and child support law. Its main output is the finalisation of applications for review of decisions (ie. appeals).

Relationships

Families, Housing, Community Services and Indigenous Affairs

The SSAT is within the portfolio of the Minister for Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The SSAT contributes to the portfolio by ensuring that administrative decisions of FaHCSIA are consistent with the legislation and, where appropriate, making suggestions to improve the legislation where, for example, the meaning is ambiguous or where it is apparent that its application leads to unintended consequences.

In accordance with Section 10 of the *Social Security (Administration) Act 1999*, and supported by a Memorandum of Understanding (MOU), the SSAT draws on some of FaHCSIA's administrative infrastructure. The SSAT undertakes most payroll, personnel management, IT support, budgeting and finance functions in-house. The SSAT has its own national case management system (AMSWIN) to manage and administer appeals and administer the payment of fees to members.

Funding for the SSAT's running costs (salary, administration, property and information technology) is provided in the FaHCSIA portfolio budget. The SSAT prepares and submits budget bids to FaHCSIA in aggregate, to be incorporated into total portfolio requirements. The Executive Director and National Manager determine 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 2008-09, the SSAT operated within its budget. Further information regarding the SSAT's financial management is available in Chapter 10 and in the Financial Statements.

Centrelink

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

Open and extensive communications between the SSAT and Centrelink are however necessary for the effective and efficient operation of the SSAT, particularly in the context of increasing appeal numbers.

An Administrative Arrangements Agreement (AAA) between the SSAT and Centrelink strengthens the professional relationship between the two agencies. 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 against the agreed standards. A revised AAA was finalised and signed by the Executive Director of the SSAT and the Chief Executive Officer of Centrelink in February 2009.

The Executive Director of the SSAT meets regularly with senior representatives of Centrelink's Legal Services Branch (LSB), while maintaining communication with the Centrelink CEO and other key managers. Other SSAT managers also maintain contact with representatives of the LSB to discuss common issues.

On a state/territory level, Directors and Business Managers 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 SSAT 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 the CSA in the review of CSA decisions. Similarly, the SSAT relies on good communications with the CSA in order to meet its statutory objectives in hearing child support appeals.

A Memorandum of Understanding (MOU) between the SSAT and the CSA serves to strengthen the professional relationship between the SSAT and the CSA as well as establishing and outlining the roles and responsibilities of each agency in the review process.

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 currently being reviewed and it is anticipated that a revised MOU will be finalised before the end of 2009.

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

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 with the Federal Magistrates Court since assuming responsibility for reviewing CSA decisions. SSAT Directors meet with Magistrates in their state on occasions and the SSAT has a nominated liaison person in the National Office for Federal Magistrates Court matters.

For other liaison and outreach activities, please see Chapter 7.

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 of 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 SSAT

The SSAT generally has the power to affirm, vary or set aside a decision under review. Where it sets aside a decision, the SSAT may either substitute a new decision or send the matter back to Centrelink or the 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 (eg. 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.

The payment types attracting most appeals are Newstart and Disability Support Pension (49.3% combined).

Family Assistance Law

- Entitlement to family assistance (eg. 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.

Change of Assessment decisions comprise approximately half of all child support appeals lodged with the SSAT.

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, Housing Community Services and Indigenous Affairs and the Department of Education, Employment and Workplace Relations as well as the Child Support Registrar. A number of limited exceptions exist, as detailed in Appendix I.

Appeal Management Process – Social security

Figure 1 outlines the typical SSAT process for managing social security appeals.

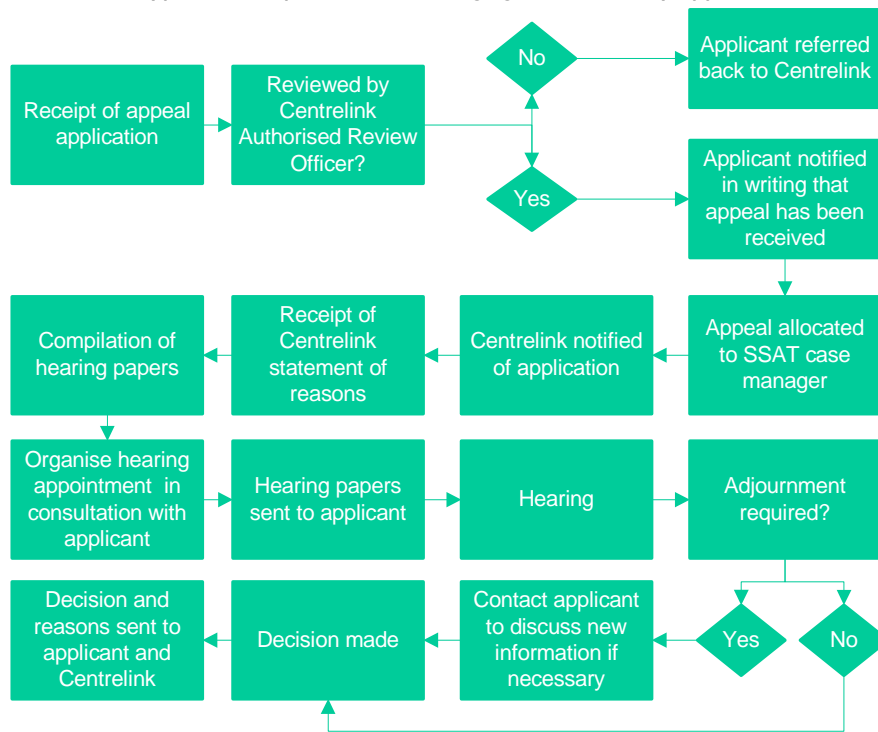


Figure 1 Social security appeal management process

Social security law requires a decision to be reviewed by a Centrelink Authorised Review Officer (ARO) before an appeal can be lodged with the SSAT. In cases where a person incorrectly appeals directly to the SSAT, the SSAT has procedures in place to have the matter referred back to Centrelink for an ARO decision.

Figure 2 illustrates the social security appeal structure and rights of further appeal.

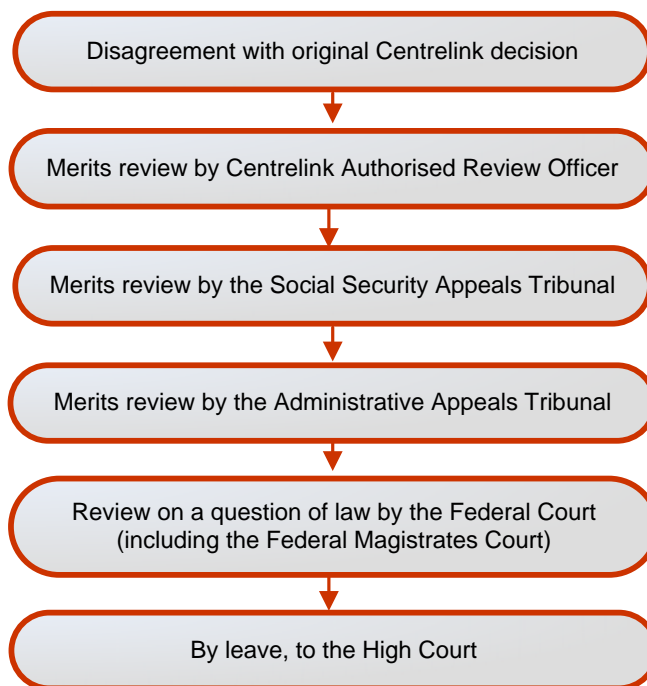


Figure 2 Social security appeal structure

The SSAT operates as the first tier of external merits review in the social security appeals system. Further rights of appeal for all parties (applicants, added parties or Centrelink) 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 5.

Appeal Management Process – Child support

Figure 3 outlines the typical SSAT process for managing child support appeals.

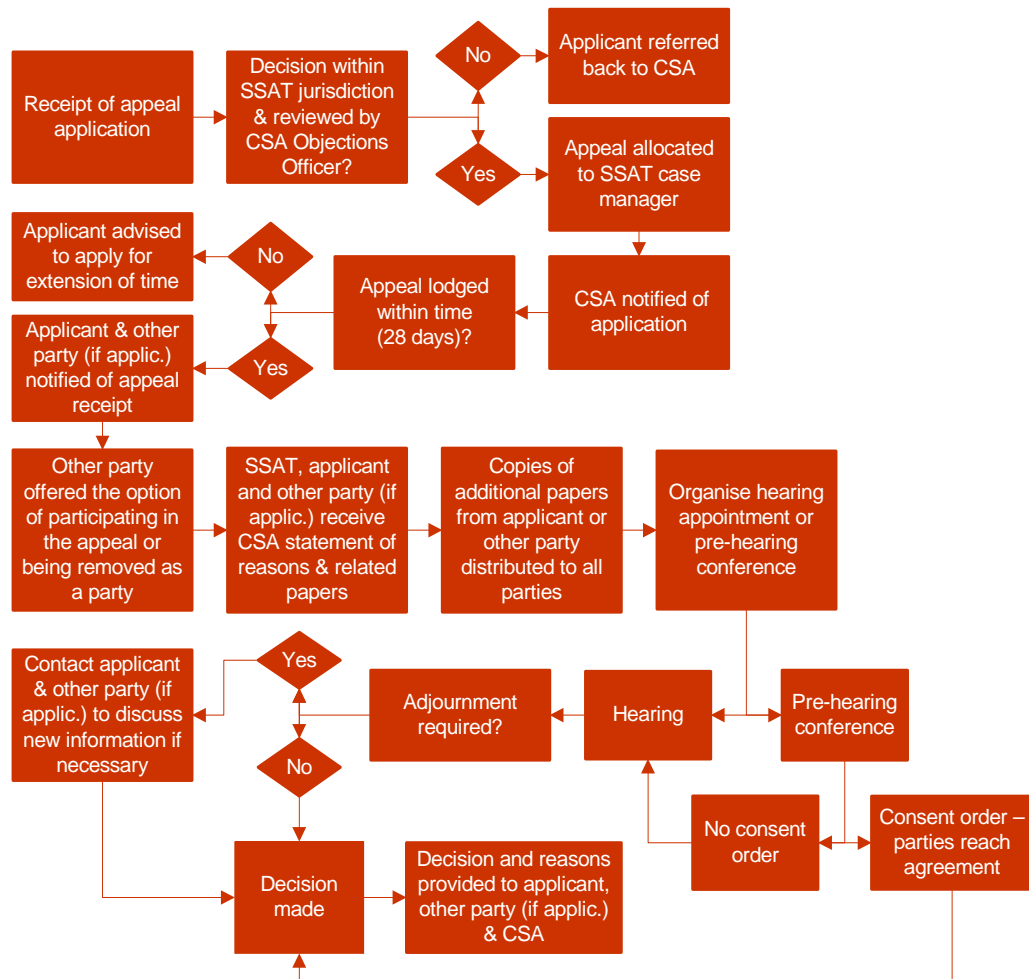


Figure 3 Child support appeal management process

Child support legislation requires a decision to be reviewed by a CSA Objections Officer before an appeal can be lodged with the SSAT (unless 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 SSAT has procedures in place to have the matter referred back to the CSA for an Objections Officer decision.

Figure 4 illustrates the child support structure and rights of further appeal.

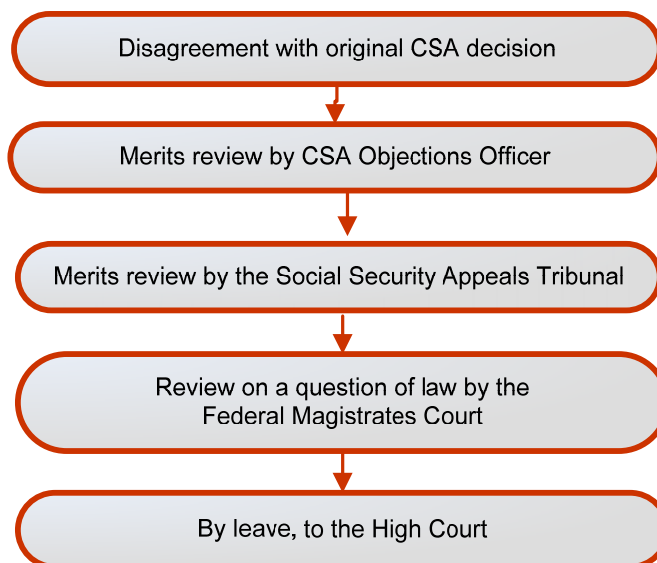


Figure 4 Child support appeal structure

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 therefore final; however, any party to the appeal can seek review by a court but only on a question of law.

There are two exceptions 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 AAT for a merits review of the SSAT's decision not to grant an extension. Also, from 1 July 2008, a person who wishes to contest the percentage of care for a child (ie. where two persons are providing care) may also appeal the SSAT's decision to the AAT.

Chapter 3 – SSAT Organisational Structure

- Structure
- Operations

Structure

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

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

There is an SSAT office in the capital city of each State and Territory other than the Northern Territory. Appeals received from applicants in the Northern Territory are managed by the SSAT's Queensland Office, although the SSAT 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 of the SSAT within a defined geographical area. The National Office of the SSAT is located in Melbourne.

The basic organisational structure of the SSAT is outlined in Fig 5.

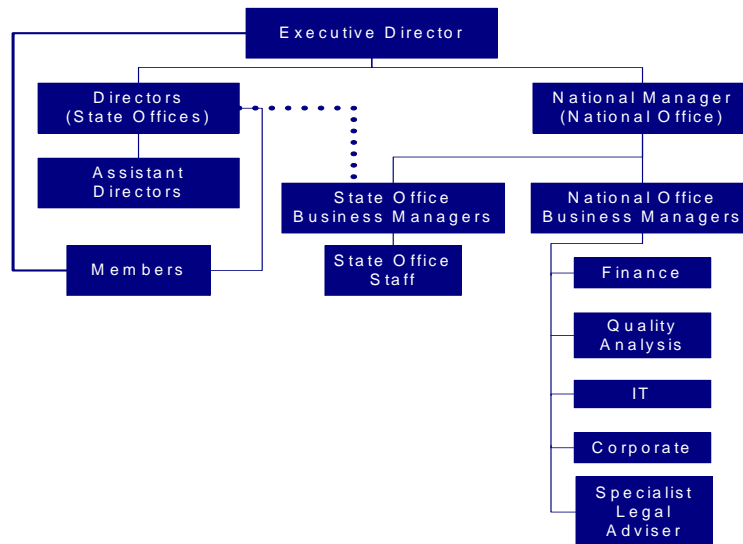


Figure 5 SSAT organisational structure

The Executive Director

The Executive Director is responsible to the Minister for Families, Housing, 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, Housing, 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 SSAT.

The current Executive Director is Mr Les Blacklow.

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 SSAT 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 SSAT and the quality and consistency of decision-making.

The Directors of each SSAT office (as at 30 June 2009) are as follows:

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	Mr Peter Alexander

Assistant Directors

Assistant Director positions were this year created in the NSW/ACT (2), QLD/NT, SA/TAS and VIC State Offices. These roles were established in response to the SSAT's significantly increasing workload including the added responsibilities placed on Directors and the organisation as a whole in meeting its obligations. In addition to assisting Directors in the business of the SSAT, Assistant Directors - who are appointed as full time members of the Tribunal - also sit regularly on cases.

Full-Time and Part-Time Members

Hearings of the SSAT are conducted by both full-time and part-time members. Most hearings have two members, one of whom is the Presiding Member. The SSAT membership is drawn from people with a wide range of expertise and experience. 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 2009, the SSAT had 230 members (41 full-time, includes the Executive Director and 5 State Directors, and 189 part-time). The membership comprises 144 women and 86 men. Of the membership 58.7% are legally trained, 10.4% are medically trained, 14.3% have qualifications in

social work or the humanities, 3.5% have qualifications in accounting and 13.5% have expertise in general administration.

Please refer to Appendix 4 for a full list of members (as at 30 June 2009). For further details on the terms and conditions of membership see Chapter 9.

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. On 30 June 2009, the SSAT had 115 staff. The number of staff increased only marginally this year, from 111 last year.

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 Chapter 9. A detailed breakdown of staff by gender, 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 State Offices and all staff. All Business Managers, including those located in the state/territory offices, support the National Manager.

The National Manager, with the Executive Director and five State 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 SSAT State 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 SSAT's legal function is performed by a Specialist Legal Adviser also located in the National Office.

Specific projects underway at or completed by 30 June 2009 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. Please refer to Figure 6 for State Office boundaries. These boundaries did not change during 2008-09 and apply equally to the management of social security and child support appeals.

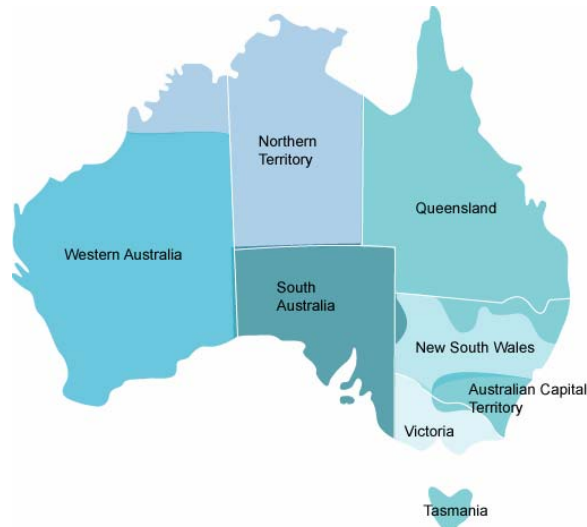


Figure 6 SSAT State Office boundaries

Given the increasing workload in recent years, and the additional staff and members required to perform the functions of the SSAT, additional office space was sought this year in the QLD and NSW State Offices. Office refurbishments were also carried out in the National Office to reconfigure the space and allow for more staff to be accommodated.

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 however the size and composition of the panel is usually determined by the nature and complexity of the application. The SSAT also convenes three member panels to, for example, facilitate learning for new members and when the SSAT 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 SSAT panel takes a fresh look at the matter, including the consideration of events which might have occurred since the decision being appealed was made. The SSAT'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

SSAT can initiate its own inquiries. In social security and family assistance appeal cases, Centrelink is not currently permitted by legislation to make oral submissions at hearings. In a very small number of child support appeal cases, the CSA is represented at the hearing.

In making decisions, the SSAT applies the relevant legislative provisions to its findings of fact. In interpreting those provisions, the SSAT 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 SSAT has regard to the policies of the Department of Families, Housing, Community Services and Indigenous Affairs, the Department of Education, Employment and Workplace Relations and the CSA. However, the SSAT 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.

SSAT 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

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

A case manager's tasks include:

- Liaising with Centrelink and the 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 members and the applicant for the purpose of the hearing in Centrelink appeal cases (in child support appeal cases, the CSA prepares and sends out the papers);
- Advising parties on the appeals process; and
- Ultimately dispatching the written decision and finalising the appeal.

Observers

Although SSAT 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. Attendance of observers is subject to the approval of parties and the Presiding Member.

Observers who attend appeal hearings are made aware of their responsibilities regarding privacy and confidentiality. Observers are not present for any discussion of the case or decision-making by the members.

Part 2

Performance

Chapter 4 – Performance Overview

- Outcomes & Outputs Structure
- Performance results: Centrelink appeals
- Performance results: Child support appeals
- Service
- Cost

Outcomes & Outputs Structure

The SSAT is an independent statutory body within the portfolio of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The SSAT contributes to the portfolio by ensuring that administrative decisions of FaHCSIA are consistent with the legislation. 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 using a number of reporting mechanisms including a Balance Scorecard Report.

Meeting the objective of providing a mechanism of review that is fair, just, economical, informal and quick enables the SSAT to contribute broadly to the portfolio outcomes which are:

Outcome 1: Families - Improved child development, safety and family functioning through support services for all Australians, payments for low and medium income families with children, and family policy advice

Outcome 2: Housing - Access to affordable, safe housing through: payments and support services; and rental subsidies to low and moderate income households

Outcome 3: Community Capability and the Vulnerable - Improved capacity for vulnerable people and communities to participate economically and socially and to manage life-transitions through payments, targeted support services and community capability building initiatives

Outcome 4: Seniors - An adequate standard of living and improved capacity to productively manage resources and life-transitions for senior Australians through the delivery of payments, concessions and information services

Outcome 5: Disability and Carers - An adequate standard of living, improved capacity to participate economically and socially, and manage life-transitions for people with disability and/or mental illness and carers through payments, concessions, support and care services

Outcome 6: Women - Informed government decisions on improved gender equality through coordinated whole of government advice and support for women's economic security, safety and leadership

Outcome 7: Indigenous - Closing the gap in Indigenous disadvantage with improved wellbeing, capacity to participate economically and socially and to manage life-transitions for Indigenous Australians through Indigenous engagement, coordinated whole of government policy advice and targeted support services.

The SSAT's main output is the finalisation of applications for review of decisions (ie. determination of individual appeal cases). In terms of the portfolio outcomes (listed above), this often entails the determination of eligibility and rate of payments across a broad range of income support and family assistance payments, including supplementary payments or the determination of the rate of child support payable.

Please refer to Table 1 for the SSAT's performance against this output for 2008-09.

Table 1 Applications finalised 2008-09

	Applications Lodged	Applications Finalised
Centrelink	13,429	13,777
CSA	2,890	2,891
Total	16,319	16,668

Performance results: Centrelink appeals

Applications for review of Centrelink decisions increased considerably in 2008-09. There was a consequential need to increase the number of cases finalised. Despite the increase in applications there was a reduction of approximately 350 in the number of applications on hand at the end of the reporting period. Please refer to Table 2 for further details.

Table 2 Centrelink application statistics

Applications for review of Centrelink decisions	2008-09	2007-08	2006-07
Lodged	13,429	11,596	8,589
Finalised	13,777	10,459	8,682
Decisions reviewed [^]	16,288	11,592	9,884
* Decisions affirmed	50.7%	48.6%	55.0%
* Decisions changed (set aside/varied)	26.4%	27.1%	25.3%
* No jurisdiction/withdrawn/dismissed	22.9% ¹	24.3% ²	19.7% ³
On hand at 30 June 2009	2,054	2,407	1,269

[^] Centrelink applications may include appeals against multiple decisions.

* Figures are given as a percentage of all decisions reviewed

¹ No jurisdiction 7.0%; Withdrawn 8.2%; Dismissed 7.7%

² No jurisdiction 9.3%; Withdrawn 8.2%; Dismissed 6.8%

³ No jurisdiction 9.1%; Withdrawn 7.7%; Dismissed 2.9%

Lodgement of applications

In 2008-09 13,429 applications for review of Centrelink decisions were lodged with the SSAT. This is a 15.8% increase on the number of applications lodged in the previous financial year. The increase in number of applications lodged can be attributed to an especially large increase in appeals related to the Newstart program, many cases of which concerned the issue of "participation failures" including whether applications failed to attend job interviews or left employment without sufficient reason etc. The increase also reflects a change in Centrelink appeal procedures such that appeals need not be reviewed by the original decision-maker within Centrelink before a matter is re-considered by an Authorised Review Officer (ARO). It is also

likely that the general economic downturn has affected appeal numbers, but it is very difficult to gauge.

At 30 June 2009 there were 2,054 applications on hand. This is 353 less than were on hand at the end of the previous financial year. That the SSAT was able to reduce the number of applications on hand despite the increase in applications is testament to the ongoing diligent efforts of both staff and members. As can be seen in Table 2 the SSAT has increased its finalised cases over the two years by over 5,000 cases, or almost 60%.

Finalised applications

In 2008-09 a total of 13,777 Centrelink review applications were finalised. This is an increase of almost 32% on the number of applications finalised in the previous financial year. Some applications contain more than one decision so this involved the review of 16,288 separate Centrelink decisions.

The SSAT affirmed the decision under review in 50.7% of cases. This is slightly more than the percentage of Centrelink decisions affirmed in the previous year (48.6%).

Centrelink decisions were changed (set aside or varied) by the SSAT in 26.4% of decisions finalised. Figure 7 displays the reasons for change of decisions by the SSAT.

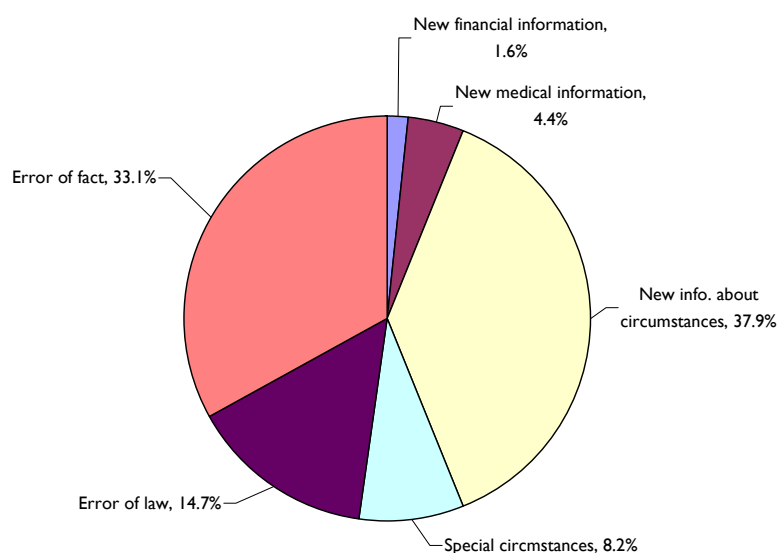


Figure 7 Reasons for change of Centrelink decisions

Of the remaining 22.9% of Centrelink review cases, 7.0% were matters in which the SSAT had no jurisdiction. A finding of 'no jurisdiction' requires a decision to this effect and once again the majority of these cases were applications for review lodged with the SSAT before the decision had first been reviewed by a Centrelink ARO (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 ARO.

The remaining 15.9% of review cases involved matters which were withdrawn or dismissed. Withdrawn matters are those in which an applicant decides not to continue with the application or where Centrelink changes the decision prior to the SSAT hearing. Matters which are dismissed are usually those cases where the applicant fails to respond to correspondence from the SSAT, or fails to attend a scheduled hearing. Withdrawn or dismissed cases were similar in number this year to the previous financial year (15.0%).

Performance results: Child support appeals

Applications for review of child support decisions continue to rise since the SSAT assumed responsibility for the jurisdiction on 1 January 2007. With the increasing number of lodgements came an increase in the number of appeals finalised. Please refer to Table 3 for further details.

Table 3 CSA application statistics

Applications for review of CSA decisions	2008-09	2007-08	Jan-Jun 2007
Lodged	2 890	2 174	704
Finalised	2 891	1 884	326
* Decisions affirmed	23.1%	29.6%	20.3%
* Decisions changed (set aside/varied)	34.5%	31.0%	18.7%
* No jurisdiction/dissmissed/withdrawn/not categorised	42.4% ¹	39.4% ²	61.0% ³
On hand at 30 Jun 2009	678	672	378

* figures are given as a percentage of all decisions finalised

¹This 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.

² No jurisdiction 14.3%; Withdrawn 10.7%; Dismissed 15.3%; Not categorised 2.2%

³ No jurisdiction 18.3%; Withdrawn 8.5%; Dismissed 12.4%; Other 0.3% (rounding error 0.1%)

³ No jurisdiction 47.8%; Dismissed 13.2%

Lodgement of applications

In 2008-09 2,890 applications for review of CSA decisions were lodged with the SSAT, an increase of almost a third over the previous reporting period. Changes to the child support formula at the commencement of the reporting period (1 July 2008), in addition to the continuing increase in awareness of the right to appeal, would both be contributing factors for the growing appeals numbers.

Finalised applications

In 2008-09 a total of 2,891 CSA review applications were finalised. This is an increase of more than 50% over the previous reporting period. The SSAT affirmed the CSA decision in 23.1% of cases. CSA decisions were changed (set aside or varied) by the SSAT in 34.5% of decisions finalised. Please refer to Figure 8 for the reasons for change of decisions by the SSAT.

It is important to note that approximately half of child support appeals concern a 'Change of Assessment'. In many of these cases the SSAT would be likely to affirm the liability on the payer to pay child support, but might alter the amount of the liability. Seen in this light, it might be thought

that these cases should be classed as 'affirmed' cases, however the SSAT maintains its current approach to allow for previous year comparisons.

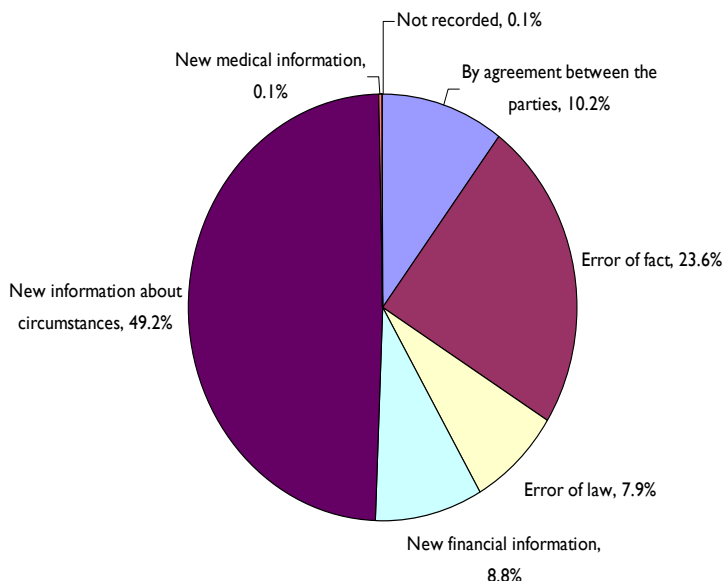


Figure 8 Reasons for change of CSA decisions

Of the remaining 42.4% of CSA review cases, 14.3% were matters in which the SSAT had no jurisdiction. A finding of 'no jurisdiction' requires a decision to this effect and the majority of these cases were 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). These matters are referred back to the CSA and may be resubmitted to the SSAT once they have been reviewed by an Objections Officer.

Withdrawn applications accounted for 10.7% of cases, that is those in which the applicant decided not to continue with the application or the CSA changed the decision prior to the SSAT hearing. A further 15.3% of cases resulted in dismissals, which can occur for a number of reasons including failure of the applicant and other party to respond to correspondence from the SSAT or failure to attend a scheduled hearing. Applications for review of CSA decisions can also be dismissed with the joint consent of the applicant and other party or because the application wasn't lodged within the requisite time frame (within 28 days of receiving notice of the CSA objection decision).

Service

The average time taken between lodging and finalising both Centrelink and CSA applications decreased in 2008-09. Please refer to Table 4 for details.

Table 4 Average time between application lodgement and finalisation (weeks)

	2008-09	2007-08	2006-07	National Standard
Centrelink applications	8.61	9.62	8.35	10
CSA applications	12.97	13.33	11.5*	15

* Jan-Jun 2007; excluding 'no jurisdiction' cases

In both jurisdictions this reduction can be attributed to a range of factors including an increase in staff and member numbers in more recent years. Recruitment of staff and members has been a priority in order to address increasing appeal numbers, particularly with the addition of the child support jurisdiction. It is fundamental to the success of the SSAT as a review body to have the capacity to prepare for, schedule, hear and finalise large numbers of appeals in a timely fashion.

The valuable experience the SSAT has now gained in conducting pre-hearing conferences in 'Change of Assessment' appeals in the child support jurisdiction has contributed to the improved timeliness in these cases. A pre-hearing conference aims to clarify the issues in dispute, explain the hearing process to the parties, identify additional information required for the hearing (which might require the issue of directions) and explore the possibility of an agreement between the parties, which may mean that there is no need for a hearing. There were 472 pre-hearing conferences held in 2008-09, significantly more than in the previous reporting period (83). Pre-hearing conferences were successful in achieving an agreement between the parties or having the case dismissed by consent in over 28% of cases, therefore removing the need for a full hearing.

Sharing of caseloads between state/territory offices has also continued and been found to improve timeliness of appeals. This occurs when one State Office has capacity to manage some appeals which have been lodged in another state. The NSW and VIC State Offices have particularly benefited from this arrangement.

The national timeliness standard differs between the Centrelink and CSA jurisdictions given that the review of CSA applications usually involves more than one party and as such organising hearing dates that are suitable for the available members and all parties can take some time. There is also often a need to have further information provided by a party which has to be made available to the other party before the hearing. Pre-hearing conferences are intended to address this issue to a degree.

The average time between lodging and finalising applications for review of Centrelink decisions was 8.61 weeks. This is an improvement on the previous year's figure of 9.62 weeks and is a very commendable achievement especially considering the increase in appeals received during this period on top of the substantial increase the year before.

The average time between lodging and finalising applications for review of CSA decisions was 12.97 weeks. This result is also an improvement on the previous year's figure of 13.33 weeks. The decrease can be attributed to the reasons stated above with, for example, case managers having gained substantial experience in managing appeals in the child support jurisdiction.

The statutory requirement to notify applicants and other parties of the appeal outcome within 14 days was achieved in 99.6% of Centrelink review cases and in 96.5% of CSA review 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. In 2008-09 the largest Centrelink appeal numbers related to Newstart Allowance (28.3% of applications for review of Centrelink decisions), Disability Support Pension (21.0%), Age Pension (9.1%) and Family Tax Benefit (9.1%). Full details of the outcomes of applications for review of Centrelink decisions by payment type can be found in Appendix 9.

In 2008-09 the largest CSA appeal numbers received related to 'Change of Assessment' (COA) applications (50.9% of applications), particulars of the assessment (28.7%) and non-agency payments (6.4%). Full details of the outcomes of applications for review of CSA decisions by decision type can be found in Appendix 10. As noted above that the SSAT routinely holds pre-hearing conferences in COA cases to clarify the issues in dispute, identify the need for further information (if any) and, in appropriate cases, explore the possibility of the parties agreeing to settle the case. This approach allows the parties to better understand the issues that will be dealt with at the hearing and what evidence will need to be tendered by the respective parties.

Cost

As in the previous reporting period, the substantial increase in appeal finalisations has resulted in a lower average overall decision cost in 2008-09.

Total expenses incurred in 2008-09 to produce the 'finalised applications' output was \$33.25 million. With 19,179 decisions reviewed, this corresponds to an average overall finalised decision cost of \$1,732 (including overheads and accruals), a decrease of \$210 compared to the previous financial year.

As a number of decisions can be made from one appeal, the SSAT also publishes the figure on finalised appeal cases, being 16,668 appeals in 2008-09. Thus the corresponding average overall finalised 'per appeal' cost is \$1,992 (which includes overheads and accruals), a decrease of \$228 compared to the previous financial year.

The reduction in finalised decision and appeal cost is mainly due to economies of scale (ie. the increase in both social security and child support cases finalised) by the SSAT. This however is offset by an increase in general running costs; the continued movement of responsibility and associated costs for a range of corporate governance functions from FaHCSIA to the SSAT for initiatives to improve the service to the community; an increase in APS salaries and fees paid to members (the latter of which are set by the Remuneration Tribunal and are not within the control of the SSAT) and increases in accommodation and leasing costs for the organisation across the country.

Chapter 5 – Effectiveness Indicators

- Fair
- Just
- Economical
- Informal
- 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'.

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 more formal considerations like procedural fairness and also 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

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 in social security appeals. By contrast, the CSA is responsible for preparing the appeal papers in child support cases and providing them to the parties and the SSAT. The 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 SSAT's final written 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. As per its Service Charter, the SSAT meets the cost of reasonable travel expenses for applicants (and perhaps another party in a child support case) 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 2008-09 was \$32,678 compared to \$28,767 last financial year. This increase reflects the increase in appeal numbers, applicant travel and accommodation expenses.

Hearings

The majority of SSAT hearings in the social security jurisdiction are conducted face-to-face with the applicant. 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 SSAT members and applicants 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.

Most child support cases involve at least one party participating in person or by telephone. Many applicants/second parties prefer a telephone hearing often to avoid the necessity of having to meet personally with their ex-partner. Whilst the SSAT is prepared to accept this, sometimes the SSAT will make it clear that a face-to-face hearing is to be preferred. In any event, active participation by parties even if by telephone, is far better than minimal or no participation.

Table 5 gives details of Centrelink and CSA appeal cases by hearing method.

Table 5 Hearing method as an indicator of 'fairness'*

Centrelink	2008-09	2007-08	2006-07
Face-to-face interview	55.6%	63.2%	68.6%
Teleconference	40.8%	32.6%	25.4%
Video-conference	1.4%	2.6%	4.1%
On the papers	2.1%	1.6%	1.9%
CSA (Applicant)^	2008-09	2007-08	2006-07^^
Face-to-face interview	36.8%	46.6%	49.5%
Teleconference	61.7%	50.4%	50.0%
Video-conference	0.1%	0.1%	nil
On the papers	1.4%	2.9%	0.5%
CSA (2 nd Party)^	2008-09	2007-08	2006-07^^
Face-to-face interview	37.1%	39.6%	36.2%
Teleconference	59.4%	57.1%	60.9%
Video-conference	0.1%	nil	nil
On the papers	3.4%	3.3%	2.9%

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

^ Includes hearing method of pre-hearing conferences.

^^ Jan – June 2007

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.

Whilst video-conferencing is sometimes available as an alternative, most applicants prefer participation by telephone if not in person.

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 2008-09, the SSAT conducted Centrelink appeal cases in centres such as Newcastle, Wollongong and Nowra (NSW), Ceduna (SA) and Launceston (Tas). The SSAT did not conduct any child support appeal hearings in regional locations in 2008-09.

Indicator

In 2008-09, over 97% of all hearings (for Centrelink and CSA appeals) were conducted face-to-face, by telephone or by video-conference. The remaining 2.2% were conducted 'on the papers' which means that the SSAT decides the appeal without talking to the applicant or other parties. This is most likely to occur in the case of applicants who live overseas or for those who agree to have the matter determined that way.

Indicator

In 2008-09, 3.5% of finalised Centrelink appeals involved hearings conducted in locations other than SSAT offices, compared to 5.1% last year. The number of hearings in rural locations has decreased this year as more appeals are heard over the telephone allowing for a more efficient use of members' time. Whilst the SSAT would normally prefer to have more sittings outside the metropolitan areas, the large increase in appeal lodgements has put pressure on the SSAT to not only get through the additional cases but also to deal with them within the national timeliness standards – telephone hearings assist in this regard. There were no child support appeal hearings conducted in regional locations in 2008-09.

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. It is the SSAT's policy not to 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

Interpreters were used on 740 occasions for Centrelink cases in 2008-09 which is substantially more than in the previous reporting period (609). In CSA cases interpreters were used on 9 occasions, less than in the previous reporting period (14). The languages most commonly required of interpreters were Arabic, Vietnamese, Greek and Mandarin. The total cost to the SSAT for interpreters in 2008-09 was \$157,827 a significant increase over the cost in the previous financial year of \$108,591.

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 SSAT 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 (the arm of Centrelink 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 2008-09, 158 appeal applications were lodged by persons residing overseas. This included 94 applications for review of Centrelink decisions and 64 applications for review of CSA decisions. In

addition to this, there were 32 applications for review of CSA decisions where the other party resided overseas. The SSAT finalised 161 appeals lodged by, or involving, a person residing overseas. Most of these appeals were finalised by telephone or on the papers.

Priority Cases

Where cases of hardship have been identified, social security law allows the SSAT to request that Centrelink 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.

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 SSAT does all it can to accommodate any such request.

Indicator

This provision was used in approximately 252 instances (2.1% of cases finalised) in 2008-09, compared to 2.8% the previous reporting period. On average, Centrelink took 7.5 days to meet requests for expeditious provision of statements and the speed with which these papers have been provided is greatly appreciated by the SSAT.

Just

The SSAT's achievement of 'just' outcomes is measured with reference to the proper application of the law: whether the SSAT 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 and, in part, reference to the results of appeals to the Administrative Appeals Tribunal (AAT) and to the courts, enables 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 AAT. Table 6 sets out the broad outcomes for Centrelink matters appealed to the AAT.

Table 6 Applications to the AAT for review of SSAT decisions in social security cases

AAT Applications	2008-09	2007-08	2006-07
SSAT social security decisions appealable to the AAT*	14947	10639	9125
SSAT social security decisions appealed to the AAT	2629	1929	2146
% of appealable decisions appealed	17.6%	18.1%	23.5%
Applications finalised by the AAT	2318	1910	1865
SSAT social security decisions changed on appeal	667	492	382
% changed	28.8%	25.8%	20.5%

* '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

In 2008-09 2,629 SSAT social security decisions were appealed to the AAT, representing 17.6% of appealable decisions. This is less than in the previous reporting period (18.1%). The percentage of SSAT social security decisions changed by the AAT rose in this reporting period to 28.8%, from 25.8% in 2007-08. Of these, 512 decisions were set aside and 155 varied. A further 410 SSAT decisions were affirmed by the AAT and 1,241 appeals were withdrawn or dismissed. The majority of applications finalised by the AAT resulted from appeals by applicants (92%) with 8% of appeals initiated by a Departmental Secretary. The latter figure shows a substantial drop (more than half) in Secretary appeals as compared to the previous year.

During 2008-09, 42 social security decisions were finalised by the courts. This included 34 matters in the Federal Court of Australia and 8 in the Federal Magistrates Court. Of the 42 matters finalised by the courts, 2 were brought by the relevant Secretary and 40 by the applicant.

In terms of outcomes, the courts found in favour of the relevant Secretary in 34 matters, and in favour of the applicant in 6 matters. Of the two remaining cases, one applicant was given leave to amend his appeal and two preliminary jurisdictional issues were determined in the applicant's favour in the other.

In 2008-09, 14 SSAT child support decisions were appealed to a court (the Federal Magistrates Court – Family Law Decisions). Of these, 8 SSAT decisions were set aside and 6 dismissed.

For a brief summary of some of these court cases, please refer to Chapter 6 – Appeal Issues.

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 AAT. The AAT has advised that in 2008-09 21 such matters were appealed to the AAT. The AAT finalised 26 applications in 2008-09 resulting in 7 being set aside, 9 being affirmed, 2 withdrawn and 8 being dismissed or not proceeding for other reasons.

A person aggrieved by a decision of the SSAT in relation to a party's percentage of care for a child may apply to the AAT for a review of the decision. The AAT has advised that in 2008-09 9 such

matters were appealed to the AAT by individuals. The AAT finalised 2 applications. One was set aside and the other was withdrawn prior to hearing.

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 2008-09 was \$33,249,923 compared to \$26,165,909 in the previous financial year. The increase in expenditure largely reflects the increase in both Centrelink and CSA appeals; an increase in general running costs; the continued movement of responsibility and associated costs for a range of corporate governance functions from FaHCSIA to the SSAT for initiatives to improve the service to the community; an increase in APS salaries and fees paid to members and increases in accommodation and leasing expenses.

Indicator

The overall average cost of reviewing a decision in 2008-09 was \$1,732. 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 CSA appeal cases (19,179).

As a number of decisions can be contained within one appeal, the corresponding average overall finalised 'per appeal' cost to the SSAT in 2008-09 was \$1,992.

It is acknowledged that this figure is only a general indicator in relation to the requirement to be 'economical' as, for example, the SSAT has a large percentage of its costs as 'fixed' ie. premises.

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 SSAT'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 CSA appeals are generally required to be more formal than hearings to decide Centrelink appeals because the former usually have two parties.
- Centrelink is not currently permitted to be represented at SSAT hearings (*see below). Centrelink's case is presented by its statement and the provision of relevant material from the applicant's file to the SSAT.
- CSA representatives can attend SSAT hearings in certain circumstances, however in most cases the CSA case is contained in its statement and the provision of relevant material from the case file to the SSAT.

- Although applicants and other parties to appeals have a right to legal representation, it is made clear that this is by no means required. In the Centrelink jurisdiction 2265 applicants nominated a representative, of whom 57.7% were family members or friends, whilst 15.3% were legal. Within the CSA jurisdiction 728 applicants (and other parties) nominated a representative. Notably in the CSA jurisdiction 29.8% of representatives nominated were legal specialists whilst 17.4% of representatives were family members/friends. Representatives can assist the applicant in preparing their appeal but do not always assist during the hearing.
 - 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 CSA decisions can be lodged in writing 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).
- * At the time of Report there was a Bill before Parliament that would permit Centrelink to make oral submissions but only where the SSAT believed this would assist in the consideration of the case.

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. Consistent feedback from applicants indicates that the relative speed with which the SSAT deals with the great majority of its cases is highly valued even when the appeal outcome may not favour the applicants.

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

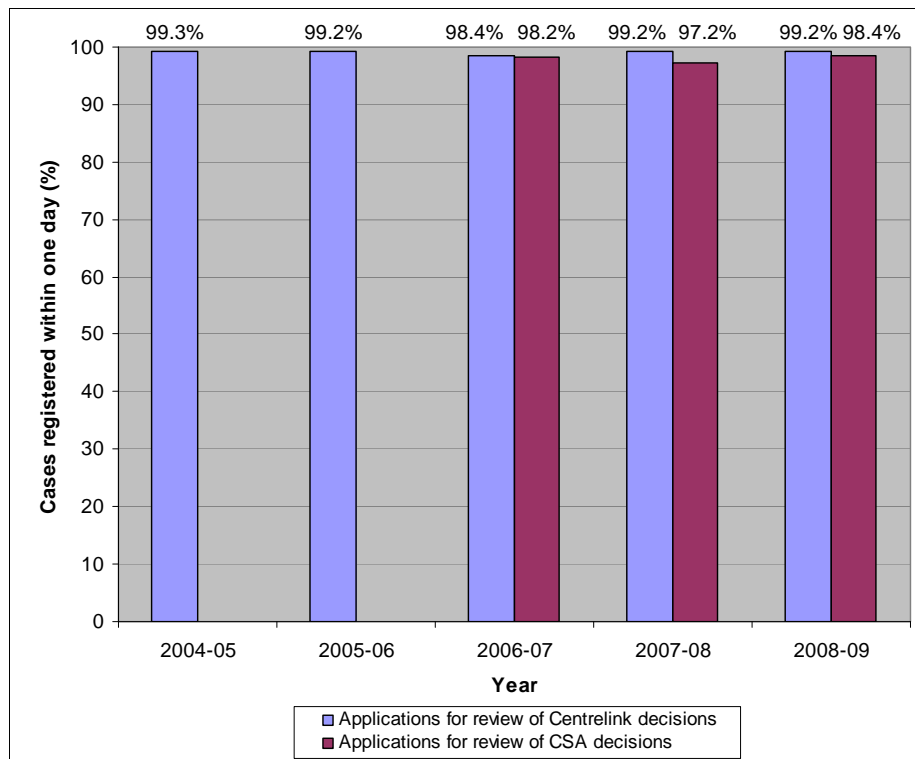
Standard

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

In 2008-09 the SSAT met this goal in 99.1% of all cases (compared to last year's result of 98.9%). The SSAT registered 99.2% of applications for review of Centrelink decisions and 98.4% of applications for review of CSA decisions within one day.

**Figure 9 Applications for review registered within one day of receipt
(Centrelink & CSA)**



Statements

Standard (Centrelink)

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*.

Performance

In 2008-09 96.8% of all Centrelink statements were received within the statutory 28-day period. Non-priority Centrelink statements were received, on average, within 10.0 days of the SSAT's request and priority Centrelink statements were received in an average of 7.5 days. Centrelink must be commended on its performance in this regard, especially given the very large numbers of appeals to the SSAT.

Standard (CSA)

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. This is a statutory requirement under the *Child Support (Registration and Collection) Act 1988*.

Performance

In 2008-09 CSA statements were received, on average, within 14 days of the SSAT's request. This is well within the statutory 28-day period. Of all CSA statements received, 94.4% were received by the due date. Figures 10 and 11 show a substantial improvement from the CSA in meeting these requirements over the past three years, and it deserves acknowledgement in this regard.

Figure 10 Average time (days) to provide statements (priority and non-priority cases)

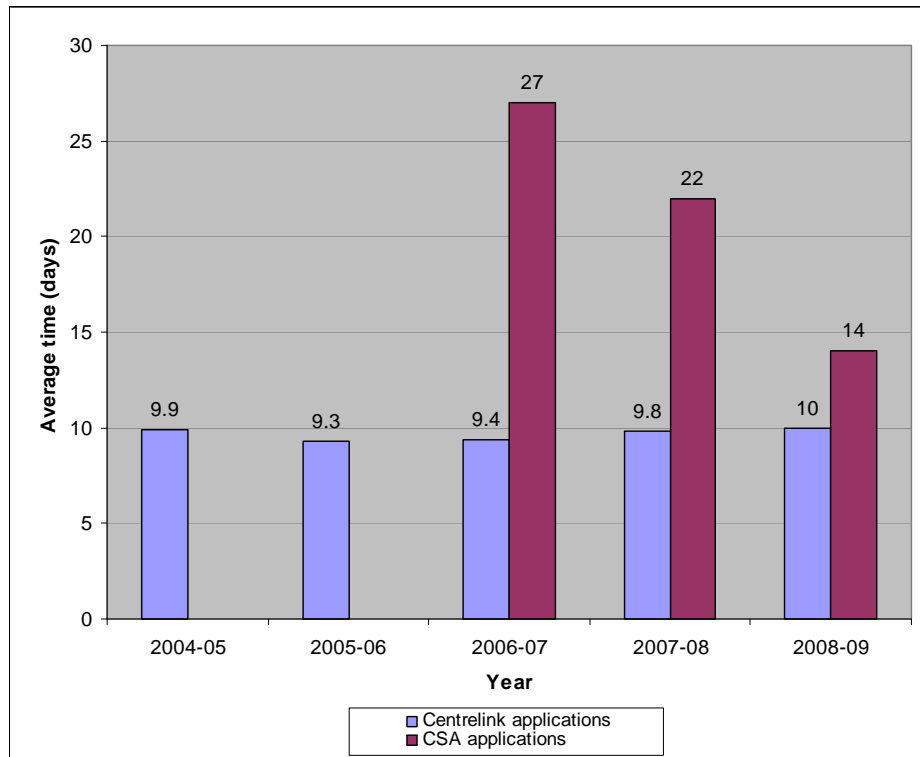
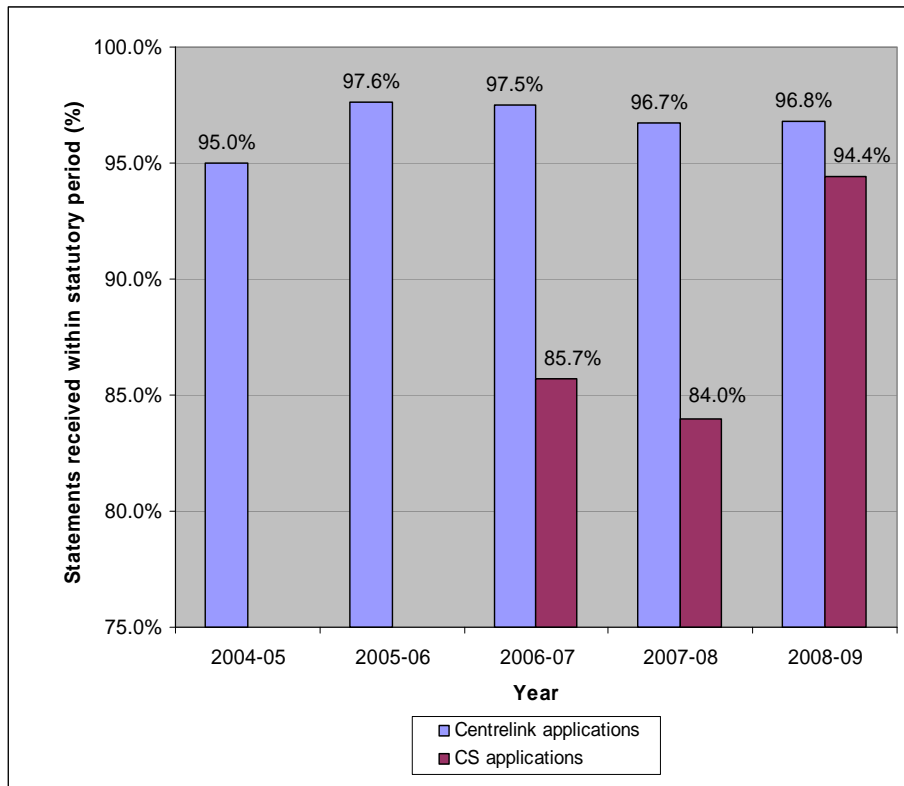


Figure 11 Statements received within statutory period of 28 days



Time Taken to Arrange Appointments **Standard (Centrelink)**

To arrange 75% of hearing appointments for a date within 42 days of receiving the Centrelink statement. This is an internal standard, but is subject to the availability of members and readiness of applicants (see below).

Performance

This year the standard in Centrelink appeal cases was met in 65.2% of cases, with hearing appointments being on average 41.6 days from the date of statement receipt. This is a substantial improvement over the previous reporting period (48.4% of appointments within 42 days, and the average time to appointments being 51.1 days).

Standard (CSA)

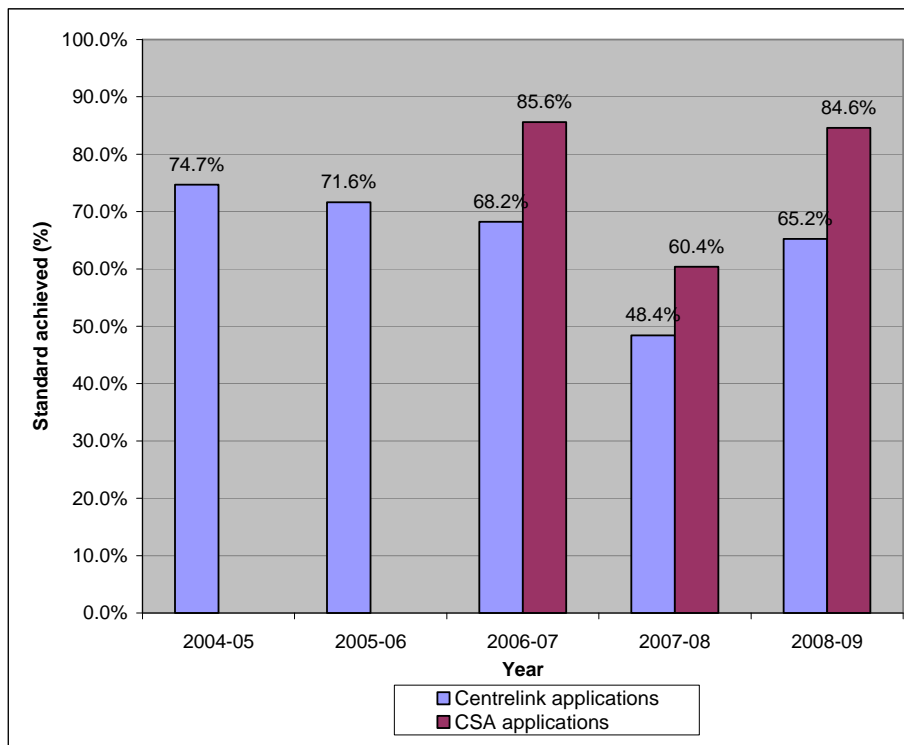
To arrange 75% of hearing appointments for a date within 56 days of receiving the CSA statement. This is an internal standard, but is subject to the availability of members and readiness of applicants and other parties (see below).

Performance

In 2008-09 the standard in CSA appeal cases was met in 84.6% of cases, with hearing appointments on average being 38.2 days from the date of statement receipt. In the previous reporting period

the standard was met in 60.4% of cases with hearing appointments an average of 53.8 days from the date of statement receipt.

Figure 12 Hearings scheduled within SSAT internal standard



Hearing Papers

Standard

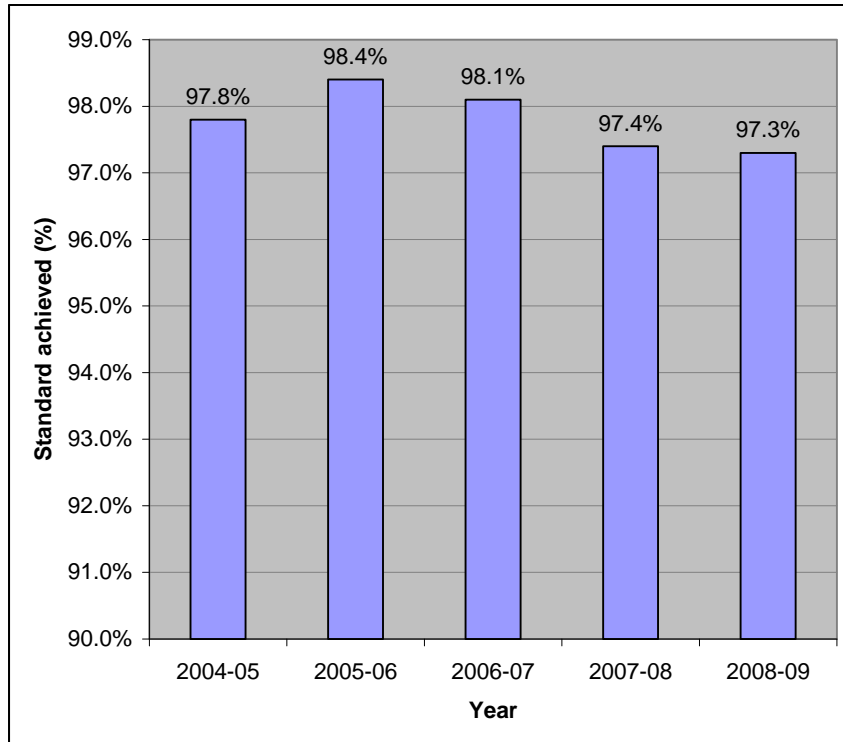
To provide applicants with a copy of the papers relevant to the Centrelink decision under review at least seven days prior to their hearing and to achieve this in 95% of cases.

Note: there is no such standard in child support appeal cases because the CSA is required to provide the papers directly to the applicant, other parties and the SSAT.

Performance

This standard was achieved in 97.3% of cases in 2008-09. 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 SSAT to provide the papers seven days prior to the early hearing date (as set by the SSAT to accommodate the applicant's request).

Figure 13 Centrelink papers sent to applicants at least seven days prior to hearing



Adjournments

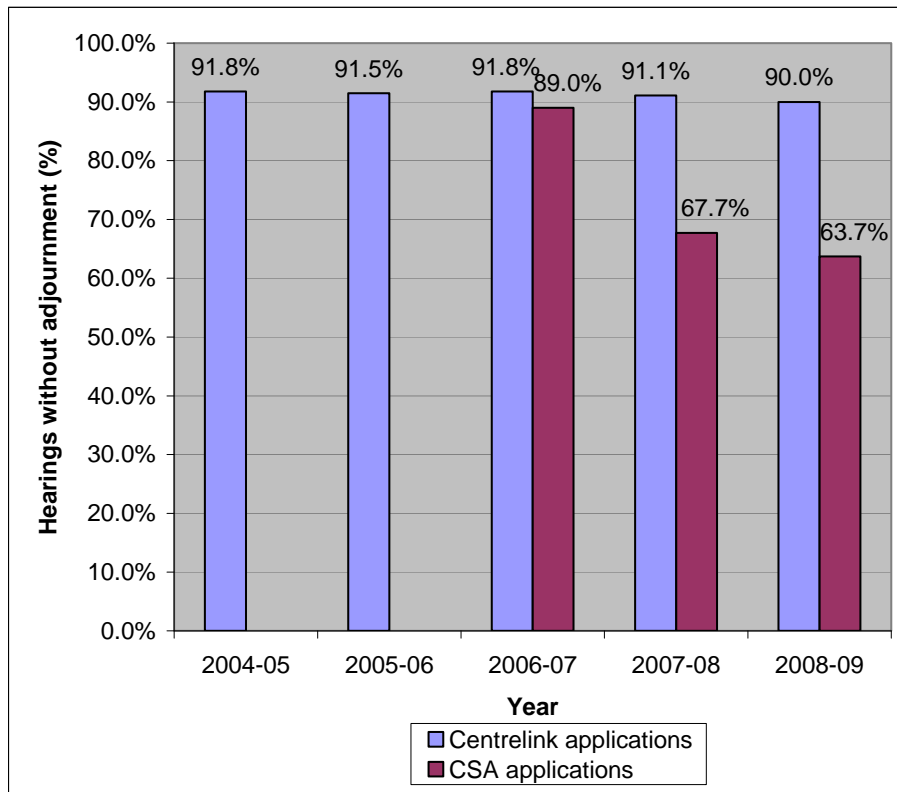
Standard

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 SSAT to adjourn a hearing to obtain further information or to research the law.

Performance

This was achieved in 86.4% of all SSAT cases. This standard was achieved in 90.0% of SSAT cases involving review of a Centrelink decision and in 63.7% of cases involving review of a CSA decision.

Figure 14 Cases decided without adjournment



Notification of Decisions

Standard

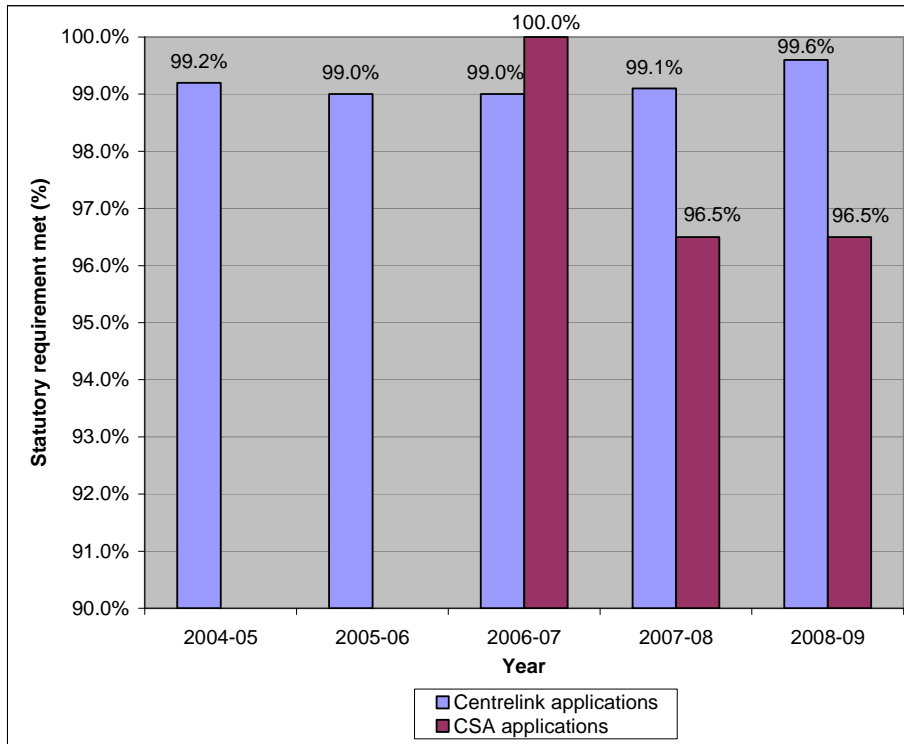
The SSAT must provide its decision in writing to the parties within 14 days of the decision being made. This is a statutory requirement in both Centrelink and CSA appeal cases.

Performance

In 2008-09 the standard was met in 99.6% of Centrelink appeal cases and in 96.5% of CSA appeal cases. In Centrelink appeal cases, the SSAT provided its decision in an average of 8.3 days while in CSA appeal cases, the decision was provided in an average of 9.4 days.

The SSAT 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 the provision of a speedy written decision which contains reference to the evidence, findings of fact and application of the law.

Figure 15 Decisions notified within 14 days



Time Taken – Lodgement to Finalisation

Standard (Centrelink)

To finalise applications for review of Centrelink decisions within 10 weeks of lodgement. This is an internal standard.

Performance

In 2008-09 the average processing time from lodgement to finalisation of decisions in Centrelink appeal cases was 8.61 weeks. This remains within the 10 week standard.

Standard (CSA)

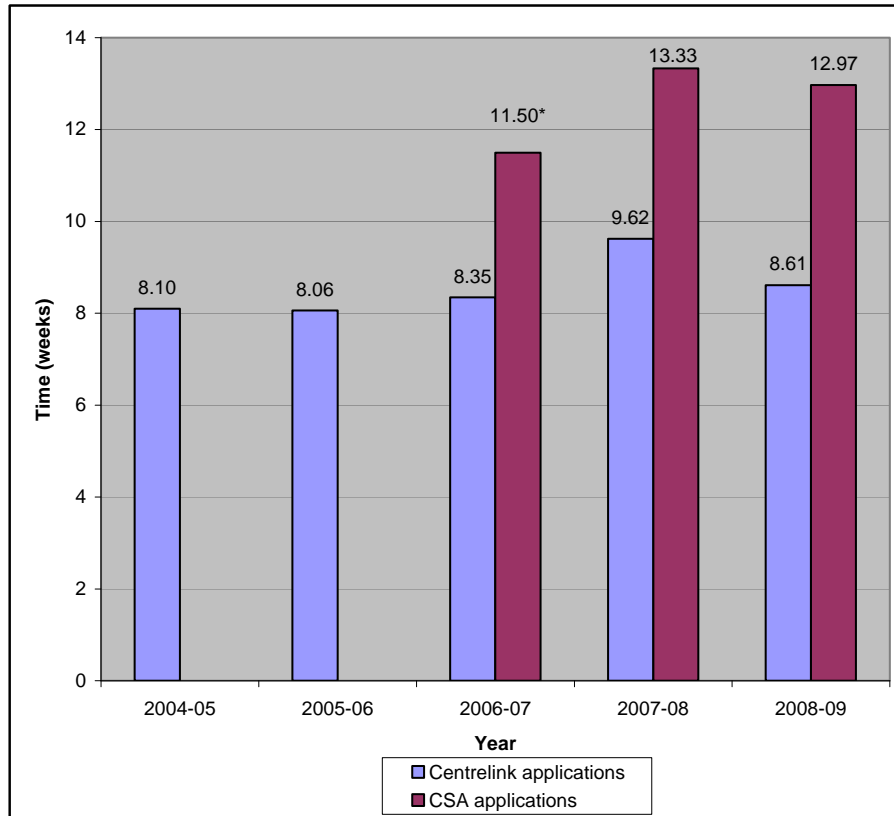
To finalise applications for review of CSA decisions with 15 weeks of lodgement. This is an internal standard.

Performance

The average processing time from lodgement to finalisation of decisions in CSA appeal cases was 12.97 weeks. This average falls within the 15 week standard for CSA appeals.

Please also see under “Performance Overview: Service” in Chapter 4 for timeliness standards. Achieving and maintaining these ‘turn-around’ times remains a key goal for the SSAT.

Figure 16 Time taken (weeks) from lodgement to finalisation



* This figure excludes cases in which there was a finding of 'no jurisdiction'. Including 'no jurisdiction' cases decreases this result to 5.8 weeks as these cases do not require a hearing and as such are completed quickly. There was a high proportion of 'no jurisdiction' findings in the first reporting period for the CSA jurisdiction.

Summary of Performance (Timeliness)

In 2008-09 the SSAT improved in nearly all measures of 'timeliness' despite significant increases in appeal finalisations. Notably, in the crucial measure of time taken from lodgement to finalisation, the SSAT improved timeliness in both jurisdictions. This means that, on average, the SSAT registered, heard and notified cases quicker this year than in the previous reporting period.

Whilst substantial improvement was seen in the time taken to arrange appointments, in Centrelink appeals the internal standard of hearing 75% of appeals within 42 days of receiving the statement was not met. This outcome is the result of the somewhat unexpected continuing increase in Centrelink appeals in this reporting period and the resultant increase in demand on resources such as members, cases managers and the availability of hearing rooms etc. It should be noted that the internal standard (75% of appeals heard within 56 days) for child support appeals was met.

This year we also saw a marginal increase in adjournments. In the child support jurisdiction in particular, this is often the result of the complex nature of many cases (especially 'Change of Assessment' cases which comprise approximately 50% of child support appeals) in addition to the requirement of hearing evidence from multiple parties. The introduction of pre-hearing conferences in COA cases is intended to address this issue.

It should be recognised that the SSAT's capacity to meet the timeliness standards can be significantly affected by the actions or wishes of applicants and other parties. For example, applicants might not be available to attend their hearing at the time the SSAT first nominates. Consistent with wanting parties to actively participate in appeals, the SSAT will occasionally be prepared to 're-set' the hearing date to accommodate the applicant/other party, but this inevitably leads to longer finalisation times.

It is critical to the success of the SSAT that it deals with cases in a timely manner. As mentioned above, applicants and other parties highly value the capacity of the SSAT to deal quickly with their cases. The fact that the SSAT maintained excellent finalisation results in both its jurisdictions is a testament to the dedication of the SSAT's staff and members. Continuing to meet the timeliness standards in circumstances where the indications are that the SSAT will receive even more appeals in 2009-10 will be very challenging for the SSAT as a service organisation, especially in light of the resources available.

Chapter 6 – Appeal Issues

- [SSAT Case Studies](#)
- [AAT & Court Cases](#)
- [Policies & Procedures – Feedback to Departments/Agencies](#)

The SSAT deals with many thousands of appeal cases each year. Often new and difficult issues are exposed on appeal which need to be carefully considered. This chapter provides case notes on a range of SSAT, AAT, Federal Court and Federal Magistrates Court decisions in the social security and child support jurisdictions. The case notes are included to demonstrate the broad range of challenging and interesting issues the SSAT is required to consider and the actual outcomes of the cases (whether affirmed, set aside or varied) for these purposes are not particularly relevant.

SSAT Case Studies

Social Security Cases

Exceptional Circumstances Relief Payment (ECRP) – sale of wine

The applicant operated a small vineyard. The grapes were sent to a winemaker who produced the wine which was then labelled, marketed and sold by the applicant. The applicant's claim for the ECRP was rejected.

One of the criteria to qualify for the ECRP is that a farmer must derive a significant part of his or her income from a 'farm enterprise'. This term is defined as meaning any enterprise carried on within any of the agricultural, horticultural, pastoral, apicultural or aquacultural industries.

The SSAT accepted that the production of grapes was a 'farm enterprise'. However, the applicant's income came primarily from selling the bottled wine which did not fall within the definition of farm enterprise. Consequently, the applicant did not meet the qualification criteria for the ECRP.

Rate of age pension – deemed income on frozen assets

The applicant held units valued at over \$100,000 in a mortgage fund and her age pension was paid at a reduced rate because she was deemed to receive income from the mortgage fund.

In August 2008 the mortgage fund advised investors that, due to the global financial crisis, monthly distributions from the fund would be suspended and redemption of units would be deferred. The applicant was reliant on the distributions to pay her accommodation and other costs and she was unable to sell or realise the units or use them as security for borrowing.

The SSAT noted that the units were a 'financial asset' on which income was deemed to be received under the Social Security Act. However, an exemption to the deeming rule applied

according to section 1084(2) of the Act, if a financial investment is 'an unrealisable asset for the purposes of section 1129'. Section 1129 refers to access to the financial hardship rules.

The SSAT decided that the applicant's units in the mortgage fund were unrealisable assets. It considered two possible interpretations of the reference to section 1129 in section 1084(2). It concluded that the words 'for the purposes of section 1129' were used by Parliament to limit the operation of the exemption to those cases where the person has the benefit of a section 1129 exemption. However the applicant's circumstances were such that paragraph 1129(1)(a) was not met and therefore the SSAT affirmed the decision that income must be deemed to be received from the mortgage fund.

Baby bonus – foster parent's entitlement

A child born prematurely was abandoned at birth and placed under the guardianship of the state on 10 October 2007. On that day the applicant agreed to become the child's foster parent. The child was released into the applicant's care on 19 October 2007.

The applicant's claim for baby bonus lodged on 19 October 2007 was rejected on the basis that the child did not enter her care within 13 weeks of birth as is required by the legislation.

On the basis that the fostering arrangements were made with the applicant on 10 October 2007 (which was within 13 weeks of the child's birth), the SSAT decided that the child was entrusted to the care of the applicant on that day and that the applicant qualified for baby bonus.

A subsequent decision was made that the applicant was only entitled to 7.8% of the baby bonus. This was based upon policy relating to the birth mother's entitlement and an apportionment determined by the responsibility for the care of the child during the first 13 weeks of the child's life.

The SSAT referred to the broad discretion in the legislation. It noted the limited amount of care provided to the child by the mother and the expenses incurred by the applicant in preparing to care for the child. The SSAT concluded that the applicant was entitled to the full amount of the baby bonus.

Newstart Allowance debt – erroneous overpayment of wages

Despite ceasing employment in November 2005, the applicant's former employer erroneously continued to pay him wages until August 2006. The applicant did not declare this to Centrelink and he was required to repay some of the Newstart Allowance paid to him since he ceased work.

The SSAT considered whether the money paid to the applicant in error should be regarded as his 'income'. Whilst acknowledging that the applicant 'received' the erroneous wages, the SSAT questioned whether it was received 'for his own use or benefit' as is required by the definition of income in the Social Security Act 1991.

The SSAT decided that it was not received for the applicant's own use or benefit. It belonged to the former employer and the applicant would ultimately be accountable for its return. The erroneous wages should not give rise to a Newstart Allowance debt given the wages would have to be repaid.

Farm help income support – farmer

The applicant's claim for farm help income support was rejected on the basis that he did not meet the definition of 'farmer' as he had granted a lease of his farm to a company which then employed him to operate the farm.

The SSAT decided that the applicant retained a right or interest in the land used for a farm enterprise both as a title holder and through his involvement in the lease arrangement. The SSAT was also satisfied that the agricultural work in which he was engaged qualified as a farm enterprise. The SSAT concluded that the applicant was a farmer for the purposes of qualification for farm help income support.

Employment terminated for misconduct – 8 week non-payment period

The applicant's employment was terminated for misconduct. The employer alleged that the applicant had falsified his time sheet to overstate his working time on a particular day. The applicant acknowledged that the time sheet may have contained minor discrepancies but claimed that he had worked a full day. He believed the real reason for his dismissal was a shortage of work.

The SSAT set aside the decision to impose an eight week non-payment period. The SSAT spoke to both the applicant and the employer and found the applicant to be credible. The SSAT noted that the applicant had been paid a redundancy payment which was more consistent with dismissal for shortage of work rather than for misconduct.

Whilst acknowledging that the applicant should have completed the time sheet accurately, the SSAT concluded that his failing in that regard was not so serious as to amount to misconduct and it decided that the non-payment period should not apply.

Economic Security Strategy Payment – qualification for Seniors Health Card on 14 October 2008

On 14 October 2008 the Federal Government announced one-off stimulus payments. One of the criteria to qualify for the payment was that a person had claimed a Seniors Health Card on or before 14 October 2008 and qualified for the card on 14 October 2008.

The applicant had inquired about the Seniors Health Card on 6 October 2008 but delayed lodging a claim for the card until 21 October 2008 when additional documentation required by Centrelink had been obtained. As a claim had not been lodged on or before 14 October 2008, the SSAT concluded that the applicant did not qualify for the stimulus payment.

[This case has been appealed to the AAT.]

Australian Government Disaster Recovery Payment (AGDRP) – was the home in the disaster area?

The applicant lodged a claim for the AGDRP in respect of sewerage damage to his home which occurred because of flooding connected with Tropical Cyclone Ellie. His claim was rejected on the basis that his place of residence was not within the designated 'disaster' area for the purpose of the AGDRP.

The SSAT considered the wording of the Minister's Determinations which referred to the Far North and Far Northern Regions of Queensland. It noted that the Consultative Committee set up by the Australian Government's Regional Development Network extended over an area of Far North Queensland which included the applicant's home town. In addition, the Queensland Government's Disaster Relief and Recovery Arrangements had specified local government areas affected by flooding to include the shire in which the applicant resided.

In the absence of detailed information in the Minister's Determination about the specific areas of Far North Queensland affected by the flooding, the SSAT concluded that the applicant's home town was included in the area declared to be adversely affected by a major disaster. As the

applicant's principal place of residence suffered major damage, the SSAT decided that the applicant's claim for the AGDRP should be accepted.

Child Support Cases

Enforcement orders and later reconciliation of estimated income

The applicant owed child support arrears and the CSA took action to enforce payment of the debt in the Federal Magistrates Court. In October 2006 the court made a declaration that the applicant owed a certain amount of arrears and consent orders were made for payment of these arrears by instalments. One of the child support assessments that gave rise to these arrears was based on the applicant's estimate of his income. In July 2007, having been notified by the Australian Taxation Office of the applicant's taxable incomes for the two financial years covered by the estimated income, the CSA amended the relevant child support assessments by reconciling the applicant's estimated income with his actual taxable income, as required by section 64 of the Child Support (Assessment) Act 1989. As a result of this amendment, the applicant owed more arrears than that declared in the court order made in October 2006. The applicant lodged an objection to the particulars of the amended assessment. The CSA disallowed the objection.

The applicant sought review of the objection decision by the SSAT. The applicant argued that the CSA was not entitled to change the amount of his child support liability for the period prior to October 2006 as it had been fixed by the court order. The SSAT found that the CSA had the statutory power and duty to amend the assessment by reconciling the applicant's estimated income with his actual taxable income. The SSAT considered whether there was any legal basis on which the CSA could be prevented from exercising its statutory duty in the circumstances of this case. The SSAT concluded that the principle of res judicata would prevent the CSA from again taking legal action against the applicant to enforce payment of the arrears declared in the court order but that there was no basis on which the CSA's statutory duty to reconcile the estimate could be overridden. The SSAT affirmed the decision under review.

Change of Assessment – issues raised in the application are “too complex”

The SSAT reviewed a departure decision of the CSA to fix the father's income at \$35,000 for the period from 1 July 2008. The underlying administrative assessment had been based on an income of \$0 for the father.

The SSAT found that the issues raised by the departure application related to the financial resources and earning capacity of the father. The SSAT also found that the determination of those issues in turn required analysis and determination of the business conducted by the father, his financial dealings with his parents over an extended period of time, his personal investments, his superannuation transactions, his lifestyle and the financing of this lifestyle, his financing of legal and other professional services and the extent of his taxation liabilities and the manner in which those liabilities were to be met.

It was the SSAT's view that it could not be satisfied of the income amount to be used for child support purposes if it could not determine to the fullest extent the financial resources of the father. Further, the SSAT stated that it would have difficulty establishing the requirement that a departure from the administrative assessment was “just and equitable” if a person's financial resources could not be ascertained.

The SSAT then concluded that it could not ascertain the extent of the assets and resources of the father without a discovery process, detailed accounting analysis and cross examination. Consequently it found that the issues raised by the application were too complex to be dealt with by the SSAT and that the matter would need to be resolved by court action.

Parentage of a relevant dependant child - surrogacy

The SSAT reviewed a decision of the CSA not to accept a child as a 'relevant dependant child' as it was not satisfied that the applicant was the parent for the purposes of the Act.

The applicant, who was a member of a same-sex couple, entered into a gestational surrogacy agreement with a woman. The child was born as a result of this arrangement. The applicant father refused to reveal who the biological father of the child was. While commenting that a positive finding as to whether the applicant was or was not the biological parent of the child was not necessary to apply the relevant child support law, the SSAT decided that it could not be satisfied that the applicant was the parent of the child and affirmed the CSA's decision.

[See also the case note below on the Federal Magistrates Court case of *Bixby & Farraday*]

Percentage of Care – child made available for contact

The SSAT reviewed a decision of the CSA regarding the percentages of care of a child attributable to the father and the mother. The CSA determined that the father had 'regular care' of the child based on a court order. The mother made an application to the CSA for a new determination on the basis that the father was not having contact with the child as stipulated in the court order and that he therefore had less than regular care. The father contended that the mother was not making the child available during the contact times under the court order. The CSA refused to change the care levels. The mother appealed to the SSAT.

The SSAT considered whether or not the mother made the child available to the father during his contact times under the court order as required under section 53 of the Child Support (Assessment) Act 1989. The SSAT noted that the child support legislation was silent on what may satisfy the requirement of making a child available. It then referred to the Family Law Act and took into account judicial consideration of duties imposed upon parents by court orders relating to care of children.

The SSAT found that the father's evidence was more persuasive and noted that the mother had set the care arrangements up to fail by not positively encouraging the child about the care arrangements with the father, and allowing the child to decide whether or not to see his father or speak to him. The SSAT therefore concluded that the mother had not made the child available for contact. The SSAT affirmed the decision of the CSA.

Pre-hearing conference – negotiated settlement

Mother and Father had three children, two of whom lived with the Mother whilst both parents shared the care of the third child. A Senior Case Officer (SCO) of the CSA had set the father's income for child support purposes at \$60,000 per annum for the period 1 July 2008 to 31 December 2009. Whilst the father had been receiving Disability Support Pension (DSP), the SCO accepted evidence that the father was in fact working as a tradesman (in a trade in which he had trained).

An objection to this decision was allowed, since the evidence showed that the father had not been able to sustain the work and was again on DSP from early August 2008. DSP had been suspended for a short period prior to this. The effect of the objection decision was to restore the formula assessment which required the Mother to pay the Father about \$800 per annum, given her higher income. The Mother appealed to the SSAT.

At a pre-hearing conference, the Mother's position was that she understood the Father had worked for about four months earning about \$1400 per week gross. The objection decision did not take this into account. The Father accepted that this was correct and the parties agreed to an

outcome that required that matters be reassessed for the period 1 April 2008 to 31 July 2008 on the basis that the Father's income for child support purposes was equivalent to \$60,000 per annum for that particular period. The parties signed consent orders to that effect and the SSAT then made a decision in those terms.

AAT & Court Cases

There were a number of AAT and court cases which considered social security, family assistance and child support law during 2008-09.

Social Security Cases

Parenting payment and Family Tax Benefit (FTB) debts – did the recipient obtain the benefit of the payments? (Segran and Secretary, DEEWR [2008] AATA 799)

Parenting payment was paid to Ms S based upon an application believed to have been lodged by her former husband. Ms S was unaware that the claim had been lodged and the signature on the form was not hers. The payments were deposited into a joint bank account. Ms S could only access the account with her husband's permission and she was required to account to him for any money she withdrew from the account. Ms S's FTB was also paid into that account.

Ms S's husband was earning a significant income as a result of which Ms S was not entitled to receive parenting payment or FTB. Ms S was required to pay debts of parenting payment and FTB.

In considering the parenting payment debt, the AAT referred to section 1223 Social Security Act 1991 which states that a debt arises when a person "obtains the benefit of the payment" to which they are not entitled. The AAT said that the use of the expression "a person who obtains the benefit of the payment" rather than simply "a person who obtains the payment" suggests a requirement that the person is in some way advantaged by the payment. Given Ms S's lack of knowledge of the receipt of parenting payment and the severe restrictions on her use of the money in the account, the AAT concluded that she did not obtain the benefit of the parenting payment. As a result she did not have a debt of parenting payment.

The AAT also considered whether "*an amount [of family tax benefit] has been paid to [Ms S]*" as is required by section 71 Family Assistance (Administration) Act 1999 for an FTB debt to be raised. In the circumstances, the AAT decided that, in a practical sense, the payments were never paid to Ms S due to her husband's actions in denying her access to the account and his ability to intercept the payments and use them for his own purposes. Consequently she did not have an FTB debt.

Casual earnings for playing Santa Claus – impact on Disability Support Pension (DSP) (Smith and Secretary, DFHCSIA [2008] AATA 929)

As a result of his earnings from playing Santa Claus for a few weeks each year, Mr S's DSP was significantly reduced for the four weeks prior to Christmas. Mr S contended that it was unfair to assess his earnings in the fortnight in which they were earned, as had occurred in his case, rather than over the whole year as would occur if he was in receipt of age pension.

The AAT acknowledged Mr S's concerns but concluded that the treatment of his earnings reflected the law and it affirmed the decision to reduce his rate of DSP.

What is included in lump sum compensation? (Secretary, DEEWR and Morrison [2008] AATA 1017)

Mr M was severely injured in a motor vehicle accident. The cost of his hospitalisation and medical treatment totalling over \$51,000 was paid by the Tasmanian Motor Accidents Insurance Board (MAIB). Mr M's claim for damages was settled by consent judgement in the sum of \$50,000. Mr M's appeal to the SSAT against the decision to base the length of the preclusion period on a lump sum compensation payment comprising the addition of those two sums was successful. The SSAT panel, which included the Executive Director, concluded that the 'lump sum' for the purposes of calculating the length of the preclusion period, was the settlement figure of \$50,000 and the individual hospital and medical costs paid direct by the Board could not at law be aggregated and characterised as a 'lump sum'.

The Secretary appealed to the AAT. The first issue considered by the AAT was whether the many separate payments paid in respect of Mr M's medical treatment were lump sum payments. Only if they were correctly identified as lump sum payments could they be added to the settlement amount of \$50,000 for the purpose of calculating the length of the preclusion period.

The AAT noted that the term 'lump sum' was not defined in the legislation and its meaning must be found from the ordinary meaning viewed in the context of their use in the Social Security Act. It did not accept the contentions of the Department in support of its submission that the medical payments were lump sum payments. The AAT endorsed the conclusion of the SSAT and decided that the phrase 'lump sum payment' did not cover a schedule of payments for medical expenses paid over a period of time. The AAT also decided that it could not be said that Mr M 'received' the payments for medical expenses made on his behalf as the service providers were paid directly by the MAIB.

The AAT therefore agreed with the SSAT and concluded that the lump sum compensation payment was limited to the \$50,000 awarded in the consent judgement.

Carer payment debt – privacy limitations and notional entitlement to Newstart Allowance (Secretary, DFHCSIA and Stapleton [2009] AATA 302)

Mr S was in receipt of carer payment for caring for his mother. He incurred a debt of carer payment when he continued to be paid following his mother's admission to a nursing home.

The AAT considered whether recovery of the debt should be waived due to the existence of 'special circumstances'. The AAT believed that Mr S received the carer payments in good faith as he had relied upon the advice of a social worker from the nursing home who told him that she would contact Centrelink.

The AAT accepted that, following his mother's admission to a nursing home, the social worker from the home did notify Centrelink and arranged for Mr S's mother's age pension to be forwarded to the nursing home. At the time the privacy provisions of the Aged Care Act 1997 prevented Centrelink from using that information to adjust Mr S's payment. The AAT referred to this provision as being absurd and stated that it could not see why an individual should be penalised if the Commonwealth deprives its own organs of State and agencies of the ability to pass information between them.

Mr S had an entitlement to Newstart Allowance once his mother was admitted to a nursing home. The AAT referred to the Federal Court decision of *Oberhardt v Secretary, DEEWR [2008] FCA 1923* in which it was decided that a notional entitlement to a social security benefit should not be excluded from the range of relevant considerations in deciding whether there are 'special

circumstances' to waive a debt. The AAT did not accept the argument that Newstart Allowance was excluded from such considerations.

The AAT also took into account Mr S's poor health and the impact of this on him obtaining employment.

The AAT accepted that special circumstances existed in the matter. It concluded that the earlier decision of the SSAT to offset Mr S's notional entitlement to Newstart Allowance against the amount of the debt was the correct and preferable decision.

Entitlement to the Australian Government Disaster Recovery Payment – was the home 'uninhabitable'? (Secretary, DFHCSIA and Hoare [2009] AATA 257)

Mr H claimed the AGDRP on the basis that his home became uninhabitable as a result of a landslip at the rear of the property caused by severe storms and flooding in the Central Coast and Hunter regions of New South Wales. He feared that he and his family would be in danger if they remained in their home. Mr H and his family vacated the house for four days. The house only received minor damage.

To qualify for the AGDRP a person must be "adversely affected" by a major disaster (section 1061K Social Security Act 1991). The relevant Ministerial Determination (the Social Security (Australian Government Disaster Recovery Payment) Determination 2007) specifies that a person is adversely affected if the person's principal place of residence has been rendered uninhabitable for a period of 48 hours or more as a direct result of the major disaster. The associated policy guidelines state that the AGDRP is not payable if the premises are undamaged.

The AAT accepted that Mr H had a legitimate apprehension of danger and that he and his family left the home because of the significant risk they faced. The AAT affirmed the decision of the SSAT and concluded that the proximate threat of landslide did make the house uninhabitable and that there was no requirement for the house to be damaged for the AGDRP to be payable.

Failure to accept a suitable offer of employment (Tuysuz and Secretary, DEEWR [2009] AATA 164)

Mr T was in receipt of Newstart Allowance. He signed an Activity Agreement in which he agreed to accept all referrals to suitable positions. An eight week non-payment period was applied to Mr T's Newstart Allowance following a decision that he had committed a serious participation failure by not accepting suitable offer of employment. This decision was affirmed by the SSAT.

Mr T submitted that he had applied for a position driving a furniture removal van. The offer of employment made to him was as a furniture remover which he claimed he could not accept due to a low back condition. He did not provide any medical evidence to substantiate this claim.

The AAT referred to the Federal Court decision of *Marabouti v DEEWR [1998] FCA 1452* which stated that the offer of a position different to the one applied for does not lead to the conclusion that the position was not suitable. The AAT concluded that the offer of employment made to Mr T was a suitable offer and that, in view of the lack of medical evidence, Mr T did not have a reasonable excuse for his failure to accept the offer of employment.

Austudy debt – self-paced distance learning (Willmer and Secretary, DEEWR [2009] AATA 22)

Ms W was granted Austudy in February 2006 on the understanding that she was a full-time student, studying by distance learning. An Austudy debt for the 12 month period from February 2006 was raised on the basis that she was not a full-time student in that period.

The AAT considered whether Ms W was a full-time student who satisfied the progress rules during the debt period. It noted that these issues are more difficult to consider when the student is studying by distance learning as an analysis of time spent in classes and examination results cannot be undertaken. Ms W's course required her to study a module and then undertake an assignment. If the assessment was satisfactory, the student would proceed to the next module with the expectation that a certain number of satisfactory assignments would be submitted in an academic year.

The AAT accepted, on the basis of Ms W's uncontested evidence, that she studied for at least three-quarters of the normal amount of full-time study as is required by the legislation in the period from February 2006 to August 2006. However, she only submitted a small number of the required assignments in that period, most assignments being submitted in February and March 2006 and in August 2006. The AAT considered whether Ms W was making satisfactory progress when she was not submitting assignments. and it acknowledged that some flexibility should be given to students undertaking distance learning.

The AAT concluded that Ms W was a full-time student in the periods from February to April 2006 and from July to August 2006. For the remainder of the debt period she was not a full-time student making satisfactory progress and was not qualified for Austudy.

Federal Magistrates Court Cases

SSAT's powers to review a child support matter [Bixby & Farraday [2009] FMCAfam 647]

In this child support matter the CSA accepted an application for an administrative assessment from the mother who was the carer parent. The CSA was satisfied that the person named as the father by the applicant mother was a parent of the children as the parties had cohabited during the period beginning 44 weeks and ending 20 weeks before the birth of the children (paragraph 29(2)(h) of the Assessment Act). The father disputed the CSA's decision to accept the application on the basis that the CSA should not have been satisfied that he was the father of the children as he had not cohabited with the mother. The father did not dispute that he was in fact the father.

The father objected to the decision and then appealed to the SSAT. The SSAT affirmed the objection decision and the father appealed to the Federal Magistrates Court. The ground of appeal relied on by the father was that the SSAT had applied an incorrect definition of "cohabited". In the absence of a statutory definition of the term, the SSAT had adopted a dictionary definition. The court identified the additional question of whether subsection 80(4) of the Child Support (Registration and Collection) Act 1988 (the Registration and Collection Act) precluded the father from lodging an objection to the original decision and whether, in turn, the SSAT had jurisdiction to consider the appeal. Having examined the legislative context in detail, the court agreed with the interpretation of the term "cohabited" adopted by the SSAT and found no error of law.

The court stated that the right of objection to a decision under subsection 30(1) of the Assessment Act, as contained in item 9 of the table in subsection 80(1) of the Registration and Collection Act, was circumscribed by subsection 80(4), which states that a person may not object to such a decision "on the ground that the person is not a parent of the child".

The court found that subsection 80(4) precluded the father from lodging an objection to the original decision, stating: “Parentage is the sole issue to which s.29(2) is directed. Whether s.29(2) is correctly applied or not, if the Registrar accepts a child support application his decision is based on being satisfied the aggrieved person is a parent of the child concerned. A challenge to that decision, however arrived at, is a challenge to a decision that the aggrieved person is a parent of the child. To challenge the decision as to parentage, the aggrieved person must be contending they are not a parent of the child concerned. That is the very ground referred to in s.80(4).”

The court concluded that as the father had no right under section 80 to object to the original decision, he had no right under section 89 of that Act to apply to the SSAT to review the objection decision. The court therefore found that the SSAT had no jurisdiction to entertain and determine the application for review and the decision to do so involved an error of law and that no order it could make would alter the CSA’s original decision and therefore dismissed the appeal notwithstanding the error of law.

Proper considerations under ‘just & equitable’ in a departure determination [Eades & Cadell [2009] FMCAfam 275]

In this matter, the mother applied to the CSA for a departure determination on the grounds of special needs of the children and higher income, property and financial resources for the father. The CSA made a departure determination after finding both grounds existed and fixed the rate of child support payable. The mother objected to the decision and then appealed to the SSAT.

The SSAT found that the father had a higher income than assessed under the administrative formula and decided to fix his income. The SSAT concluded that the father could not afford to pay anything more towards the special needs of the children. The mother appealed this decision to the Federal Magistrates Court.

The Federal Magistrates Court concluded that while the SSAT was entitled to have some regard to the operation of the formula as a convenient guide, having determined the father’s income, the SSAT was not entitled then to go straight to the formula. To do so, without regard to the father’s expenses or liabilities and without regard to the level of hardship that such variation would cause each party and the children, constitutes an error of law. The court allowed the appeal and remitted the application to the SSAT to be reheard by a differently constituted tribunal.

Waiver of recovery of a debt where there may be a notional entitlement to another income support payment (Oberhardt v Secretary, DEEWR [2008] FCA 1923

Ms O had incurred a debt of parenting payment. She had a number of medical conditions for which she had been granted disability support pension and it was contended that she would have been eligible for DSP during the debt period. The Federal Court considered whether the concept of ‘notional entitlement’ is a relevant consideration in deciding whether or not “special circumstances” exist, such that a decision could be taken to waive recovery of a debt under section 1237AAD Social Security Act 1991.

Section 1237AAC of the Act provides for circumstances where a debt must be waived where a debtor would be notionally entitled to specified payments which do not include DSP. The Federal Court concluded that the terms of section 1237AAC did not mandate that notional entitlement could not be considered as a relevant consideration when considering special circumstances and that it should not therefore be excluded from the range of available relevant considerations in deciding if there were special circumstances under section 1237AAD.

Private trust – When does a beneficiary of a life discretionary trust have control of the trust? (Secretary, DFHCSIA v Elliot [2009] FCAFC 37)

Mr and Mrs E and their children were beneficiaries of a life discretionary trust created by Mr E's father's will. The monies in the estate were administered by the Trustees at arms length and had included payment of the children's education costs.

The AAT had set aside the SSAT's decision and decided that Mr and Mrs E were not eligible for disability support pension as they were considered to "control" the trust. A single judge in the Federal Court decided that Mr and Mrs E did not have any legal or practical capacity to take control of the income or capital of the trust and ordered that the AAT's decision be set aside and the SSAT's decision (that the pensions not be cancelled due to the attribution of the trust assets) be affirmed.

The Full Federal Court referred to the legislation which specifies the circumstances in which an individual passes the "control test" (section 1207V Social Security Act 1991). It noted that the issue of whether a person has a 'beneficial interest' depended on the nature of the discretionary trust and the statutory context in which the issue arose. It concluded that Mr and Mrs E did not fit within the circumstances of section 1207V as the beneficial interests in this case were incapable of measurement. As such measurement is mandated before an individual passes the control test; the Full Federal Court agreed with the decision of the Federal Court and dismissed the appeal.

Policies & Procedures – Feedback to Departments/Agencies

Due to its ongoing role as a national organisation responsible for reviewing large numbers of social security and child support decisions, the SSAT is exposed to many difficult issues involving application of the law, procedural fairness and policy questions. SSAT 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 SSAT with the appropriate agency or agencies.

Among the matters remitted to FaHCSIA and/or Centrelink were:

- The impact of the income/assets tests on Storm Financial customers;
- The application of the income test on a Polish pension, the rate of which contained a component recognising internment as a prisoner of war;
- A suggestion (originally raised by an applicant) that the Australian Taxation Office could play a more active role in informing people of the pension bonus scheme;
- The quality of the file papers sent to the SSAT (raised with both FaHCSIA and Centrelink);
- The potential of recipients of Family Tax Benefit to misunderstand their obligations and consequent possible overpayments;
- A possible discrepancy in information material and the law on 'allowable income' for Health Care Card purposes.

The Administrative Arrangements Agreement (AAA) between the SSAT and Centrelink includes a range of 'task cards' which identify the forms and electronic documents considered to be relevant to a range of particular case types. The SSAT and Centrelink monitor compliance with these task

cards usually at least once per year. No compliance activity was conducted in the reporting year as the Executive Director has suggested to Centrelink that, due to the combined resources required for each exercise, such compliance activities be targeted at Centrelink Area Offices which have a history of less satisfactory compliance. As at 30 June 2009 Centrelink had not responded but the SSAT understands that Centrelink will agree to this suggestion. The Executive Director had earlier suggested that compliance with the AAA be built into the performance assessment of Centrelink Area Managers, however this suggestion was not taken up by Centrelink.

Adherence to the AAA is important for both the SSAT 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 the year there was one meeting of the AAA Working Group, which comprises senior representatives of both the SSAT and Centrelink. The Executive Director regards that group as an extremely able and useful medium within which to consider the operation of the AAA and related matters. It is the only 'standing' committee the SSAT has with Centrelink – its membership is by nomination by the Executive Director as members (five only) have both extensive professional expertise and experience and also have strong personal qualities including a commitment to bettering the social security review system.

The matters considered by the Working Group during its 2008-09 meeting included such things as the ramifications of the Bill before Parliament that will allow for oral submissions from Centrelink, oral reasons by the SSAT in 'affirm' cases, the possibilities for alternative dispute resolution procedures within the social security review system and the (re)integration of staff/members who might wish to work in both Centrelink and the SSAT. The AAA Working Group is not a decision-making body and the views of its respective members do not 'bind' either the SSAT or Centrelink.

The Executive Director continues to suggest to Centrelink that the suggestions contained in Appendix 3 of the Report of the Breaching Review Taskforce, December 2004, should be implemented, noting paragraph 17 of that Appendix reported that the guiding principle under which correspondence could be drafted were "accepted by the Centrelink Personal Communications Team as a template for both breach-related letters and other correspondence". The Executive Director continues to believe that many Centrelink letters still fail to sufficiently clearly set out the decision that has been made and the reasons for it.

A Memorandum of Understanding (MOU) between the SSAT and the CSA sets out the roles and responsibilities of each agency in the child support appeal process. In light of experience in the child support jurisdiction, the SSAT believes the CSA will be happy to review/update the MOU in early 2009-10.

In the 2007-08 year the Executive Director responded to an invitation from the Secretary of the Department of Education, Employment and Workplace Relations (DEEWR) concerning that Department's appeals from SSAT decisions to the AAT. The Executive Director pointed out that the very large percentage of DEEWR appeals to the AAT which were ultimately withdrawn indicated that insufficient consideration may have been given to cases before the decision to appeal had been made. As noted at Table 6 in Chapter 5 there was a substantial decrease in Secretary appeals during 2008-09.

In the 2007-08 year the Executive Director also responded to the Minister for Human Services, again on invitation, in relation to a Review of the Job Capacity Assessment (JCA) system indicating deficiencies in many JCA reports in terms of not providing sufficiently sound evidence upon which

an adverse decision could be reliably based, for example cancellation of a Disability Support Pension. The deficiencies also included assessors not having the requisite skills to comprehensively assess the individual concerned. The SSAT noted that during 2008-09 there were announcements relating to improvements in the JCA system including easier availability of specialist medical advice in appropriate cases.

The Executive Director has maintained his quarterly meetings with two Deputy Secretaries of FaHCSIA to discuss matters of mutual interest. These meetings usually coincide with the Executive Director's quarterly statistical report to the Minister.

Part 3
Management &
Accountability

Chapter 7 – Corporate Governance

- Structures
- Processes

Structures

Executive Group

Under the SSAT'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 SSAT.

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.

Over the past year, the Executive Group met on six occasions. The principle issue considered by the Executive Group during the year was how to best place the SSAT in 2009-10 and 2010-11 in circumstances where appeal lodgements continue to rise to unprecedented levels and the resources available to the SSAT are being diminished.

National Business Managers' Group

The National Business Managers' Group consists of the five State Office Business Managers, four National Office Business Managers 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 met on five occasions in 2008-09 and this year undertook business process reengineering and case management streamlining.

Other Internal Committees

The SSAT supports a number of internal committees to ensure that it fulfils its legislative requirements and obligations to applicants/parties and its staff and members. A Diversity Committee meets regularly to discuss issues and make recommendations on how the SSAT can best fulfil its role in a culturally and physically diverse community. An Occupational Health and Safety (OH&S) Committee works to ensure an optimal physical environment for applicants/parties and employees. A Review and Risk Compliance Committee ensures organisational accountability.

Further, a number of SSAT offices have established local Wellness Committees to encourage healthy practises in the workplace and provide opportunities for staff development and some social activities such as lunchtime walks. For further information about some of these internal committees see Chapter 9.

In 2008-09 the SSAT established an Information Technology Advisory Committee (ITAC). The main purpose of the ITAC is to assess risk and impact and prioritise significant and major information technology (IT) changes. The ITAC advises the SSAT National Manager on any proposed significant IT projects and is also the body that will review pre-approved major changes. The Committee will also ensure change management practices and principles are being adhered to throughout the change process. The Committee meets as required and in 2008-09 finalised a number of activities including desktop/server replacements, a back-up strategy and e-mail management. Current activities include a post-implementation review of the portal project, a review of software licensing practises and IT strategic planning. A reliable and capable IT system which is user-friendly to staff is vital to, for example, be able to 'track' individual appeals and identify where in the appeal process they might be at any particular time.

Processes

Corporate Planning

In 2008-09 the SSAT Strategic Plan was updated and endorsed by staff and the Executive Group. The new SSAT Strategic Plan covers the period 2008-11 and maps out the vision, purpose and values of the organisation, directing the SSAT in achieving its primary purpose of providing a mechanism of review that is fair, just, economical, informal and quick. The Strategic Plan articulates the SSAT's vision to be an accessible, professional and fair agency providing an excellent independent review process. It conveys the SSAT's intention to make sound decisions by being responsive and flexible if it can for parties and be accountable and efficient in its operations as the largest Commonwealth merits review tribunal.

The Strategic Plan guides the vision, purpose statement, values and the SSAT's operating environment. The following four focus areas provide the strategic direction for the SSAT over the life of the Plan:

1. Responsive service to stakeholders
2. Improving internal processes
3. Developing stronger capability
4. Demonstrating good corporate governance.

The State Offices and the business units of the National Office submit annual business plans against the objectives, goals and strategies laid out in the Strategic Plan.

Outreach Activities

Outreach activities aim to make potential applicants and those who assist applicants aware of the SSAT'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.

During 2008-09, SSAT state and territory offices continued to organise and participate in meetings with staff from their local Centrelink and CSA offices, welfare rights groups and legal aid offices.

Other local outreach initiatives undertaken in the reporting period included:

- Participation in meetings/conferences of COAT, AIJA
- Attendance at the APSC - Women in Leadership Seminar (QLD)
- Attendance at the APSC International Women's Day luncheon (VIC)
- Attendance at the Network Members' Luncheon with the Australian Government Leadership Network (NSW)
- Presentation of a paper on 'Excellence in Government Decision Making' at the Australian Government Solicitors training (ACT)
- Presentations at the National Child Support Agency Liaison meeting (ACT)
- Presentation at the Family Law conference (VIC)
- Presentations to participants in the Welfare Rights Unit "Advocacy" Course (VIC)
- Participation in the APSC coordinated Young Leaders Network and Community Development Seminar (WA)
- Participation in APSC coordinated Community Development Seminar for Federal, State and Local Government Agencies (WA)
- Visits to Centrecare, Indigenous legal service and local Centrelink office in Bunbury (WA)
- Hosted visits from CSA, Centrelink, AFP, FaHCSIA, AAT, MRT (various State Offices)
- Liaison meetings with the APSC, Welfare Rights, Department of Human Services and local community legal organisations ie. Hobart Community Legal Service (TAS)
- Presentations to stakeholder groups such as:
 - Playford Council community group
 - Salisbury Centacare
 - Grenville Community Connection Hub
 - Wesley Mission Housing Support Service (all in SA)

Applicant Feedback Survey

An applicant feedback survey is administered to all applicants and participants to a hearing in order to evaluate the SSAT's performance from an applicant/party perspective and to measure several of the SSAT's key performance indicators (KPIs). The survey is voluntary, and is provided to all Centrelink applicants and all Child Support applicants and 2nd parties. Details of the survey results are reported in Chapter 8.

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 APS 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 and all staff (and members) are required to meet a Key Performance Indicator (KPI) within their performance agreement requiring appropriate ethical behaviour in line with the APS Values and Code of Conduct.

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. All SSAT staff undergo regular core training to ensure they maintain awareness of their responsibilities as Australian Public Servants. As one of the elements of core training, special attention was given to Privacy/Freedom of Information (FOI) in core training during 2008-09 given the volume of information handled by the SSAT and the often very sensitive nature of that information. See also "Security (Information Privacy)", below.

Professional Standards for Tribunal Members

In addition to comprehensive guidance given to members in the SSAT's Members Handbook, members are advised to be 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 SSAT 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 SSAT terms. Members are also informed that they have a personal and professional obligation to declare any possible conflict of interest (or perception of conflict of interest) in relation to particular appeal cases that might be assigned to them.

Environmental Management

The following information is provided in accordance with section 516A of the *Environmental Protection and Biodiversity Conservation Act 1999*.

The SSAT Environmental Management System (EMS) has been devised as a tool to manage the impact of SSAT activities on the environment. It provides a structured approach to planning and implementing environment protection measures by monitoring environmental performance. The EMS integrates environmental management into the SSAT's daily operations, long term planning and other quality management systems in line with SSAT objectives.

The SSAT's 2009-12 EMS and environmental policy is currently awaiting management approval. Some of the goals include updating procurement policies around greener options (including recycled paper) and developing additional 'green' tender lodgement policies.

It is hoped that with the introduction of a quarterly waste management audit to be conducted by building management for the National Office, more comprehensive data can be collated for reporting. This data will guide the organisation by providing models of review for State Offices.

Further initiatives to reduce the rate of waste going to landfill will be implemented from July 2009 with the removal of desk waste bins from the National Office and the introduction of an organics bin in the kitchen. All State Offices have a 'Green Representative' to encourage local environmental initiatives and provide local data for sustainability reporting. Some State Offices, such as WA, have also established their own 'Green Committees' to promote positive environmental practices. This includes monitoring paper usage, liaising with building management to use less power, encouraging staff and members to switch off lights and recycle and arranging for recycling of printer cartridges and other disposable electronic equipment.

Furthermore, the SSAT has joined the Government Agency Environmental Network, comprising 40 government agencies, to participate in sharing best practice ideas in order to meet the network's goals of driving environmental performance improvements within public agencies. The SSAT is represented in this network by Lara Long from the SSAT National Office.

Risk Management

The SSAT's risk management adheres to the standard procedures and processes to handle risk management as set out Standards Australia AS/NZS 4360:2004. It should be noted, however, that

there are plans to update the review framework in the future to allow for questions to be put to building management of the State Offices prior to the inspection date. This will make the process more streamlined than previously.

The SSAT Risk Management Guidelines were last updated in September 2008. The Risk Review Compliance Committee reports directly to the Executive Director and the Executive Group on the appropriateness of the SSAT's accountability and control framework.

Business Continuity Plan

The Business Continuity Plan is updated every 3 months. Copies are burnt to CD and sent to all Directors for off-site storage. A current version is maintained on the SSAT intranet site. The essence of the plan is to enable the SSAT to continue its operations in any State Office (ie. the management and hearing of appeal cases) in the event of an incident such as fire or flood.

Pandemic Influenza Response Plan

In response to global health conditions the SSAT Influenza Pandemic Response Plan was reviewed regularly this year (December 2008, March 2009, April 2009 and June 2009). The Plan was also revised to include two exceptional scenarios for which the Office of Health Protection and Department of Health and Aging were planning. These are:

- Australia as the source of an influenza pandemic (*Stamp out*); and
- the situation when sustaining both the health system and critical infrastructure becomes unmanageable before a pandemic vaccine becomes available, or the vaccine proves not to be effective (*Maintain*).

External Audits

In June 2009 the SSAT provided the Attorney-General's Protective Security Policy Committee (PSPC) with its response to the Coordinated Vetting Arrangements Survey which covers the period 1st July 2007 to 30th June 2008. Australian Government agencies subject to the *Financial Management and Accountability Act 1997* (FMA Act) must respond to this survey.

Access and Equity

During July 2008, the Finance Unit conducted Access and Equity (Physical Access) onsite reviews of all SSAT State Offices. The internal reviews were carried out in accordance with generally accepted accessibility issues under the Commonwealth Disability Strategy and the Building Code of Australia.

Occupational Health & Safety (OH&S)

The SSAT OH&S Committee met through an all-states telephone conference on the 10th July 2008. There were discussions about local OH&S issues, all of which had been resolved. OH&S internal reviews were clarified, along with the role of OH&S representatives. Green teams were discussed, procedures for ensuring acceptable management response to OH&S issues and how to file incident reports. Annual internal reviews of all SSAT State Offices were conducted and areas which failed to meet the required standards were brought to the attention of the on-site Director and Business Manager for their immediate attention.

For further information about the SSAT's OH&S performance please refer to Chapter 9.

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 SSAT. In line with this commitment, the SSAT follows appropriate strategies for anticipating and controlling crisis situations as set out in the Business Continuity Plan.

The SSAT reviews and rewrites its Security Manual every two years to ensure it reflects current policy and keeps abreast of security developments, practices and protective security control frameworks. Amendments and updates to the Security Manual are implemented as required as part of an ongoing regime. The Security Manual was rewritten in February 2008 and updated September 2008 and meets the requirements of the Commonwealth Protective Security Manual 2005 (PSM 2005) as well as SSAT Policies and Procedures.

The SSAT recorded two general security incidents in 2008-09:

- A member had his personal laptop and memory stick stolen from his home, which had password protected decisions saved on it. A police report was filed to investigate the matter further.
- A member received a verbal threat from a party regarding the outcome of a matter. A police report was filed to investigate the matter further.

Security (Information Privacy)

There were 24 privacy breaches and 13 privacy incidents this reporting year. Privacy “incidents” include situations whereby persons raise privacy issues with the SSAT but, upon investigation, the SSAT is satisfied that it has not breached its obligations under the Privacy Act. This year there was an increase in email-related privacy breaches and incidents. The systemic aspect of these has been identified and addressed by further training and information sheets distributed by the IT Unit. An area of data collection has also been identified which requires further investigation and the SSAT will be looking at implementing a consistent national approach in the next reporting year. Comparatively, last reporting year the SSAT had 9 breaches, 2 incidents and one alleged breach.

Two privacy complaints were lodged against the SSAT with the Office of the Federal Privacy Commissioner (OFPC) this year. One has been finalised and one is still pending.

The first occurred when the SSAT posted documents to the wrong address. The envelope was returned to the party unopened (received by his neighbour) and when he complained to the SSAT, the Office concerned (erroneously) told him that because the documents hadn’t been opened, the SSAT hadn’t breached his privacy. He was dissatisfied and lodged a complaint with the OFPC. The SSAT acknowledged the breach, apologised and the applicant was satisfied, as was the OFPC.

In the second matter (still pending), the SSAT erroneously sent out information about one party in a bundle of documents sent to the other party. This matter is moving towards a formal conciliation/resolution process run by the OFPC and the SSAT is waiting for further notification from the OFPC as to the steps this might involve.

The SSAT Learning & Development Unit provides privacy and confidentiality training to National, State and Territory Offices. The SSAT’s Specialist Legal Adviser and the Learning & Development Unit have jointly produced an interactive FOI/Privacy package incorporating a privacy/confidentiality training manual and DVDs. The Learning & Development Unit has commenced the training roll-out and this will be completed in the next reporting year. The

package is designed both to be presented in group seminars and to be given individually to new employees/members upon commencement with the SSAT.

Fraud

The SSAT rewrites its Fraud Control Plan and Fraud Control Instruction Manual (Instruction Manual) every two years to ensure it reflects current policy and keeps abreast of developments in corporate governance, modern business practices and fraud control frameworks. The SSAT Fraud Control Plan and Instruction Manual were updated in September 2008. Reviews, amendments and updates to the Instruction Manual are part of an ongoing practice. Both the Fraud Control Plan and the Instruction Manual comply with the requirements of the Commonwealth Fraud Control Guidelines 2002, issued by the Minister for Justice and Customs as Fraud Control Guidelines under Regulation 19 of the FMA Regulations.

In February 2009, the SSAT participated in the Australasian Consumer Fraud Taskforce Campaign to prevent global fraud and scams. 'Fraud Fortnight' was launched with the key message of 'SCAMS TARGET YOU – PROTECT YOURSELF'. The first week of this campaign focussed on the 'too good to be true' type of scam, (for example, promises of easy money, lottery wins, prizes or true love) while the second week focused on identity fraud type scams (phishing and other forms of scams seeking to obtain people's personal information).

There were no reported incidents of fraud reported in 2008-09.

Certification of SSAT Fraud Control Arrangements

I, Les Blacklow, certify that I am satisfied that for the financial year 2008-09 the SSAT has:

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



L M Blacklow
Executive Director
13 October 2009

Chapter 8 – External Scrutiny

- Appeals from SSAT decisions
- Reports/Enquiries
- Applicant/Party Feedback
- Complaints and Compliments

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 applicants/parties. This chapter provides a summary of the forms of scrutiny to which the SSAT has been subject in 2008-09.

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 (through Centrelink) 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 leave, to the High Court.

In the event of disagreement with an SSAT decision in a CSA appeal case, both the parties to the appeal and/or the CSA may apply to a court (usually the Federal Magistrates 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, or where the issue is the level of care provided by each parent to a child or children, the applicant can apply for a 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 SSAT's membership.

Table 6 and the related text in Chapter 5 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 during 2008-09. The Australian National Audit Office (ANAO) conducted a financial audit of the SSAT in February 2009, reporting favourably on the SSAT's general procedures, suppliers expense reconciliations (including cash), credit cards and s31 receipts. The ANAO reported minor issues with asset revaluations and purchase orders, which have now been rectified by the SSAT.

The Commonwealth Ombudsman received seven complaints regarding SSAT appeals in 2008-09. No adverse findings were made.

The SSAT was subject of one complaint to the Human Rights and Equal Opportunity Commission (HREOC) on the grounds of discrimination. The complaint was terminated by HREOC after consideration.

As a follow up to a security review following the assumption of child support appeals in 2007 the SSAT commissioned another security review by the Australian Federal Police (AFP) in October 2008. Minor modifications were recommended. As a result of this review, the AFP downgraded the SSAT's overall risk assessment to LOW.

The SSAT provides a routine report to the APSC *State of the Service Report* and to the Department of Immigration and Citizenship about its progress in implementing the *Charter of Public Service in a Culturally Diverse Society*. Please refer to Chapter 9 for further discussion.

Applicant/Party Feedback

The SSAT values feedback as a means of measuring its performance in key areas including customer service and conduct of hearings. 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 2008-09, the questionnaire was provided to all applicants in Centrelink appeal cases and to all child support applicants and 2nd parties. Completion of the questionnaire is voluntary, however over 2000 questionnaires were completed for Centrelink cases and over 360 questionnaires for child support cases. The results of the survey are shown in Tables 7 & 8.

Table 7 Feedback results – Centrelink applicants

Survey Results	Target	2008-09	2007-08
Number of responses		2018	1289
Administered		14472	10459
Response Rate		13.6%	12.3%
Error*		±2%	±2.6%
Key Performance Indicators:			
Applicants who considered the appeal lodgement process was simple and appropriate	80%	93.4%	92.8%
Applicants who considered the overall appeal hearing was understandable and the applicant able to put forward their case	75%	91.0%	90.8%
Applicant satisfaction that it was an independent process	70%	84.8%	82.8%
Applicant satisfaction with accessibility	80%	89.5%	88.6%
Applicant satisfaction with service	80%	87.0%	85.6%
Applicant satisfaction with hearing process	80%	87.4%	86.6%

* 95% confidence

Table 8 Feedback results – CSA applicants & 2nd parties

Survey Results	Target	Applicants		2 nd Parties	
		2008-09	2007-08	2008-09	2007-08
Number of responses		203	37	161	56
Administered		2985	1130	2458	1022
Response Rate		6.8%	3.3%	6.6%	5.5%
Error*		±6.6%	±15.8%	±7.5%	±12.7%
Key Performance Indicators:					
Applicants who considered the appeal lodgement process was simple and appropriate	80%	87.5%	91.4%		
Applicants who considered the overall appeal hearing was understandable and the applicant able to put forward their case	75%	77.3%	79.5%	81.8%	85.3%
Applicant satisfaction that the process is straightforward and less formal than a court	70%	90.8%	93.8%	91.3%	100%
Applicant satisfaction with accessibility	80%	74.4%	72.8%	73.7%	76.2%
Applicant satisfaction with service	80%	69.8%	69.2%	71.3%	89.2%
Applicant satisfaction with hearing process	80%	69.1%	66.7%	74.9%	80.7%

* 95% confidence

The results of this year's survey indicate that the SSAT has continued to meet and improve on its targets for Centrelink applicants while increasing the number of responses and accuracy of the survey.

Although there was an increase in the number of responses for child support cases compared to the previous year's survey, the survey responses were still quite small and some of the results were not statistically meaningful. The results from last year's survey suggested that applicants and 2nd parties to the appeal may have differing views on their expectations and experience with the SSAT, however results from the 2008-09 survey suggest that both groups have similar views of the SSAT. Child support applicants and 2nd parties showed lower satisfaction with accessibility, service and hearing process compared to Centrelink cases, but respondents in both jurisdictions considered the appeal was less formal than a court.

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 SSAT 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.

The SSAT Complaints Handling Policy provides a mechanism that ensures complaints are used to inform decisions and improve the level of service provided. Formal (written) 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 SSAT Complaints Handling Policy enables the collection of data relating to complaints which is essential for any improvement. The Complaint Handling Policy provides for appropriate cases to be referred to the National Office for investigation and resolution. If any complaints are received about the performance of a State Director, these matters will in all instances be considered by the Executive Director.

The SSAT Complaints Handling Policy sets out that complaints be handled in a timely manner and ensures that the process of complaint resolution is transparent and fair. In the first instance complaints are managed at the State level by the Director and appropriate action taken where necessary. If unable to be resolved satisfactorily at the local level, the complaint is then escalated to the National Office. The Applicant Feedback Survey (mentioned earlier in this chapter) also tends to be used as a complaints mechanism by respondents, allowing applicants and parties the opportunity to comment on their experience of the SSAT.

In 2008-09 the SSAT received few formal complaints when compared to the large number of cases with which it deals; the great majority were managed at the state level. A few were dealt with by the Executive Director in circumstances where it was considered that a state response might not be sufficient.

Chapter 9 – Human Resources

- Members
- Staff
- Productivity
- Learning & Development
- Occupational Health & Safety

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

At 30 June 2009, the SSAT had 230 members and 115 staff (refer to the APS staffing breakdown at Appendix 5).

As set out in the SSAT's Strategic Plan 2008-2011, the SSAT strives to maintain a properly resourced, highly skilled workforce that is adaptable to change and supported by effective technology.

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 role of members in the structure of the SSAT is discussed in Chapter 3. A full list of members as at 30 June 2009 is given in Appendix 4.

Workforce Movement

The total number of members (230) has increased by 13% on the 30 June 2008 total of 199 members. The increase in membership this year has reflected the need to deal with increasing appeal numbers across both the child support and Centrelink jurisdictions. The SSAT expects the number of members to stabilise in the foreseeable future even if appeal lodgements increase further, as the resources available to the SSAT do not permit further member numbers.

Staff

Employment Terms and Conditions

Staff employment terms and conditions are primarily determined by the *Public Service Act 1999* and the SSAT Workplace Agreement.

A revised SSAT collective workplace agreement comes into effect as at 1 July 2009 for a three year period. In the revised Agreement the SSAT's objectives are listed and include:

- To review and consolidate existing working arrangements;
- Promote a national/Australia-wide approach to SSAT operations;
- Support the implementation of the SSAT's Strategic Plan 2008-11;
- Further improve the effectiveness of performance management within the SSAT;
- Be an attractive employer in the labour market;
- Deliver increases in salary that are competitive, affordable and linked to improvements in productivity and performance; and
- Maintain employment arrangements that support an appropriate work/life balance.

Some changes in the revised agreement include:

- The inclusion of a Flexible Remuneration and Conditions clause;
- An increase in the guaranteed access to part-time work on return from maternity leave from 12 months to two years, with the option of negotiating a longer period;
- A change to the under-performance provisions to provide that, in the circumstance an employee is subject to the under-performance provisions for a second or subsequent period, the review period is reduced from three months to eight weeks;
- The provision of the option of negotiating changes to the core working hours;
- The provision of an early shutdown on the day prior to the Easter and Christmas break;
- The option for employees to apply for half pay recreation leave;
- Changes to the provisions for accruing personal leave which will bring the SSAT more into line with other agencies;
- A reduction to the minimum period that staff can apply from long service leave from 10 days to 7 days;
- An increase to the reimbursement amount for school holiday program costs designed to assist employees that are unable to take leave during school holiday periods due to work commitments;
- A commitment to establish a national consultative forum; and
- An increase to the healthy lifestyle reimbursement amount from \$100 to \$200 and the option for staff to access up to \$500 reimbursement for office team healthy lifestyle activities.

Workforce Movement

As at 30 June 2009 the SSAT employed 115 APS staff (106 ongoing). This is a 3.5% increase on the total staffing numbers as at 30 June 2008 (111 staff). In 2008-09 the SSAT offered voluntary redundancy packages and as a consequence six staff accepted, finishing on or before 30 June 2009.

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

Workforce Planning

The SSAT has been subjected to a significant budgetary cut which will take effect financial year 2009-10. A consequence of this is that all SSAT business units have reviewed their operational costs, including staffing. It is expected that the outcome of this review will be reduced staffing numbers and/or require more flexible use of staffing.

Diversity

The SSAT is subject to the *Charter for Public Service in a Culturally Diverse Society* which aims to ensure that government services are delivered in a way that is sensitive to the language and cultural needs of all Australians. The SSAT is required to outline annually its performance against this Charter to the Department of Immigration and Citizenship Access and Equity Report.

During the reporting period the SSAT's Diversity Committee has undertaken a review of the SSAT Diversity Program and developed an Action Plan. The purpose of the new Diversity Program is to articulate the SSAT's plan to support a diversity culture including:

- achieving the Government's diversity priority areas;
- ensuring that the SSAT is complying with the Equal Employment Opportunity legislative requirements;
- ensuring that the SSAT is meeting the statutory reporting requirements; and
- to reap the benefits of encouraging diversity such as providing a more responsive service to stakeholders and improving performance.

The Diversity Action Plan (2009-11) links diversity to the SSAT's Strategic Plan, incorporating statutory reporting responsibilities and focusing on government priorities including:

- Indigenous participation; and
- The employment of people with a disability in the APS (MAC 6) particularly Mental Health and Disability Employment.

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 '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 (eg. hearings by phone or video-conference). The SSAT is also committed to providing physical access to its offices for all clients, members and staff. Refer to Chapter 7 for further discussions of Access & Equity.

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 counselling on work-related

or personal issues and also provides a 24 hour critical trauma counselling and a critical incident response service with an assured attendance on-site within 2 hours. This counselling can be accessed either face-to-face or via the telephone.

In 2008-09 approximately 18 EAP hours were used by SSAT staff and/or members.

Wellness

Wellness Committees are active in a number of SSAT locations including the National Office and the Victorian State Office. These committees encourage employees to participate in activities aimed at encouraging healthy lifestyles including social activities. The Committees have organised activities such as casual days, lunchtime walks, 'healthy lunch' days and guest speakers. Other Offices have informal groups which organise lunches, sports teams and other social activities.

Productivity

The SSAT's Workplace Agreement does not provide for performance pay or bonuses. The Agreement does provide for a Performance Management System based on salary point advancement. The SSAT's Performance Management System ensures that individual key performance indicators are clearly linked to the SSAT strategic outcomes. The KPIs for State Office staff are predominantly linked to measures designed to ensure that the SSAT meets its effectiveness indicators as described more fully in Chapter 5. KPIs for National Office staff are aligned to the projects and outcomes listed in the National Office business plan. It is also noted that the Remuneration Tribunal, which sets the level of remuneration for all full-time and part-time members of the SSAT, does not award performance pay for any member.

There were no specific productivity initiatives listed in the SSAT Workplace Agreement 2006-09 to be achieved this financial year due to the life of the agreement coming to an end. Generally during the year the focus has been on consolidating and building on the gains made in previous years - for example an upgrade of the electronic records management system has occurred, the human resource team have developed a quality management system and the correspondence sent to clients is being subject to complete review to ensure it is up-to-date, legally accurate and easily understandable.

Learning and Development

During the 2008-09 financial year 172 'in house' training sessions were run for APS staff and members. This provided 284 hours of training for staff and 279 hours of training for members. This complemented the external and on-the-job training that occurred during the year.

Internal Training

During the 2008-09 financial year a range of 'in house' training sessions were delivered by the SSAT National Learning & Development Unit and the Quality Analysis Unit. This included sessions for both APS Staff and SSAT Members.

Examples of internal training delivered included:

- Member Induction
- Understanding BAS Statements (for child support appeals)
- CSA Training for Members
- Centrelink Debt Training for Members

- APS Values & Code of Conduct
- Privacy Introduction
- Privacy at work
- Freedom of Information (FOI)
- SSAT Complaints Handling Policy
- Protected Files
- CSA Registrations
- CSA Stage 3 Reforms Training
- Customer Service Training
- Work Life Balance

External Training

The SSAT expended \$112,947 on external training during the 2008-09 financial year.

Examples of external training included:

- Excel & Word Training
- Photoshop Workshop
- Six Thinking Hats Workshop
- Project Management Fundamentals
- First Aid Training
- Fire Warden Training
- OH&S Representative Training
- Leadership Skills
- Influencing for Results
- Dealing with Difficult Customers
- Stress Management
- Appeal Team Leader training

Development & Networking

The 2008-09 financial year has seen the development of a number of e-Learning Packages. These have been created by the SSAT National Learning & Development Unit. With reduced resources for delivering face-to-face sessions from July 2009, the e-Learning Packages will provide a cost-effective and innovative training delivery method. The e-Learning Packages will be used as part of a blended approach with video conferences to reinforce key messages, answer questions and discuss scenarios/case studies.

The development of these products by the Learning & Development Unit, rather than external training consultants, ensures a high level of relevant contextual material as well as significantly reducing the costs in training expenditure.

Examples of these training packages to date have included:

- A guide to using e-Learning
- Fire Evacuation Training
- Using Email Appropriately
- Privacy Introduction
- Privacy at Work
- Freedom of Information

The SSAT in conjunction with the AAT is currently developing a suite of Diversity Training Packages. The first package, *Cultural Diversity*, is due for release in August 2009.

Relationships with other tribunals & courts have become stronger over the 2008-09 year. During the 2008-09 year the SSAT has been invited and participated in training activities run by the AAT and Federal Court. This included *Dealing with People with Mood Disorders* run by Black Dog and *Values, Ethics and Professional Responsibility* run by the Law Institute of NSW.

In return, the SSAT has had AAT staff attend sessions in *Managing Difficult Conversations* run by Dr Rosie Purcell and has provided e-Learning on Fire Evacuation.

The SSAT is also working with the Victorian Supreme Court with a view to exchange and sharing of training products and packages.

The SSAT National Learning & Development Unit is a member of the AACE Committee (Australasian Committee of Court Education) and the ACCE e-Learning Sub-committee. The SSAT Learning & Development Unit have attended two ACCE conferences during the year. These conferences have provided further opportunities to network with Learning & Development Officers from the Federal Court and the Supreme Court.

The members of the SSAT National Learning & Development Unit also continue to network and liaise with the CSA and Centrelink. This has included attended training sessions and obtaining up to date information and resources to equip SSAT Staff & Members for major changes. The Unit is very conscious of the need for the SSAT to maintain its independence when dealing with such agencies.

Upcoming activities for the National Learning & Development Unit will include the following:

- Development of an Induction Training Package (titled *Ready, Set, Go*) which will include online units such as Welcome to the SSAT (induction), Fire Evacuation, Security Awareness, OH&S, Mail Handling, APS Values Code of Conduct, Security Procedures etc
- Contributing to a project developing child support Task Cards covering the child support Appeal Process which includes working with the AMSWIN Enhancement Group to ensure transfer of taskcard information
- A joint training venture on Diversity (a series of four on-line products) which involves the SSAT Training Officers, the SSAT Diversity Committee and the AAT
- Reporting and recording training data including sourcing an on-line Learning Management System to record SSAT Learning & Development statistics
- Ongoing networking & sharing of training activities and costs with other tribunals & courts
- Development of a training/mentioning program for new Business Managers
- Development of skill sets for SSAT APS staff
- Development and delivery of training as required to meet ongoing business needs.

Occupational Health & Safety

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

The SSAT has an established OH&S Committee consisting of 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.

During the reporting period the Finance Unit conducted OH&S on-site internal reviews of all SSAT State Offices. A copy of the national OH&S report is provided to the National Manager and any area which failed to meet the required standard were brought to the attention of the on-site Director and Business Manager for their immediate attention. There were no major adverse findings.

In summary, the auditors found that State Offices were providing a safe environment of a fairly high standard. A few anomalies existed which were divided into two distinct areas of responsibility. One area is that of Building Management responsibility and the other is that of SSAT responsibility. Overall, the standard of general compliance for areas falling within SSAT responsibility was higher than the standard of compliance by Building Management. In short, aspects which could be improved upon, and which were within the power of the SSAT Office to achieve, were generally acted upon. However, it was noted that continuous improvement within the SSAT OH&S area is achievable.

The SSAT has Wormald inspect all fire fighting equipment housed on SSAT premises every six months. The latest inspection occurred in May 2009. All redundant and faulty equipment was replaced as a matter of routine.

Workplace Incidents

During the course of the year, there were three recorded incidents:

1. An injury due to lifting files off a high shelf.
2. Ankle injury after a fall.
3. Due to faulty drawers and cabinet, an employee slipped and injured their hand. No treatment was required.

None of these incidents were serious and none were referred to Comcare.

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.

Chapter 10 – Financial Resources

- Assets Management
- Purchasing
- Consultants
- Legal Services Expenditure
- Advertising, Publications and Outreach

In 2008-09 the SSAT incurred expenses of \$33,249,923. Funding of \$40,217,963 for the operations of the SSAT was received from the overall FaHCSIA appropriation, however \$6,000,000 was returned to FaHCSIA in December 2008 leaving funding of \$34,217,963.

The overall average cost of reviewing a decision in 2008-09 was \$1,732. 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 CSA appeal cases (19,179).

As a number of decisions can be contained within one appeal, the SSAT finalised 16,668 appeals in 2008-09. Thus the corresponding average overall finalised 'per appeal' cost to the SSAT in 2008-09 was \$1,992.

A detailed breakdown of the financial resources and expenditure of the SSAT in 2008-09 is contained in the Financial Statements in this Annual Report.

Assets Management

Assets may be financial, physical or intangible. They may be current or non-current. Assets take a number of forms and have economic value to its owner. One distinction made is between financial assets (cash being an example) and non-financial assets. Non-financial assets may have a physical (or tangible) form such as buildings, machinery and motor vehicles. They can also be intangible such as computer software.

The SSAT has well-designed and informative policy and procedural material in place covering its operational asset requirements. All asset acquisitions must be recorded in the SSAT financial management system (Impact). The full value is to be recorded, including incidental costs directly attributable to bringing the asset to the location and condition necessary for its intended use. Examples of such costs include, but are not limited to, site preparation, delivery, handling, construction, installation, customs duty and relocation costs.

The SSAT has a nominated Assets Officer to ensure accuracy and completeness of the SSAT Assets Register. The Assets Officer is responsible for:

- (a) the timely processing of asset details, including acquisition, transfer and disposal;
- (b) the filing of Transfer and Disposal Forms; and

(c) issuing and affixing barcodes and authorising their removal as appropriate (employees must not remove barcodes without obtaining written authority from the Assets Officer).

The SSAT assets are re-valued by the Australian Valuation Office on a regular basis (in line with FaHCSIA).

Purchasing

The SSAT adheres to the *Commonwealth Procurement Guidelines – January 2005* which incorporates the Free Trade Agreement. The Guidelines represented a significant change in the procurement policy environment. Of particular note are the establishment of mandatory procurement procedures for covered procurements and the introduction of a chapter on Encouraging Competition.

Value for money is the core principle underpinning Australian Government procurement. This means that SSAT officials need to be satisfied that the best possible outcome has been achieved taking into account all relevant costs and benefits over the whole of the procurement cycle.

The SSAT promotes the achievement of value for money by managing procurement processes which facilitates the delivery of good business outcomes.

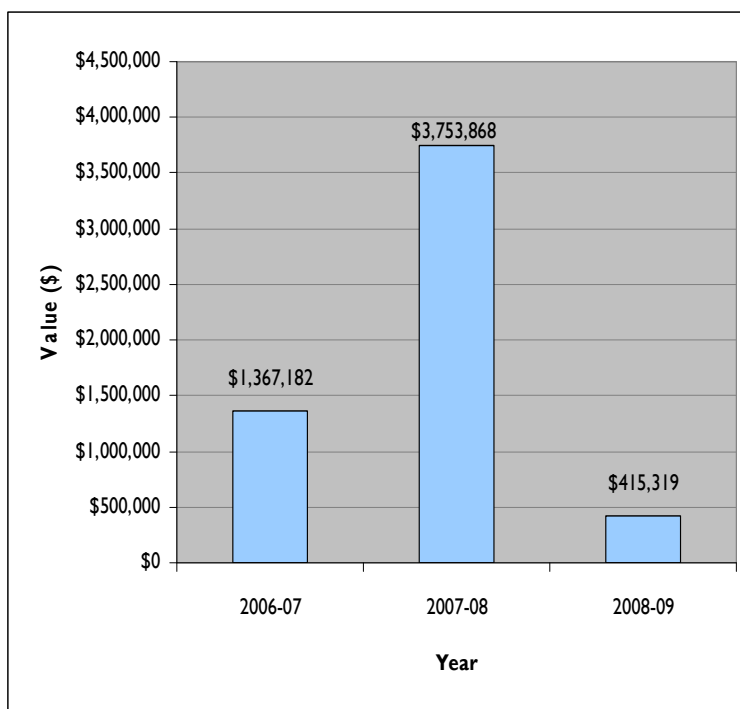
The SSAT will also implement the recommendations from the Gershon ICT review in relation to IT purchases.

The SSAT paid 83% of its accounts payable transactions by electronic funds transfer with the remaining 17% paid by cheque. This represents approximately 96.4% and 3.6% of payment value respectively.

Consultants

The SSAT employs consultants to undertake a variety of work that it is not equipped to undertake. During 2008-09, the total cost of consultants to the SSAT was \$415,319. This included nine new consultancy contracts let during 2008-09 involving total actual expenditure of \$282,411. Details of these consultancies are provided in Appendix 6. In addition, four ongoing consultancy contracts were active during the 2008-09 year involving total actual expenditure of \$132,908. Please see Figure 17 for details of the SSAT's consultancy expenditure in recent years. Consultancy expenditure was significantly less than in previous years given the completion of office relocations and refurbishments and their associated project management costs (mainly as a result of the SSAT being given responsibility for child support cases), the completion of the installation of a new electronic records management system and exclusion of software licensing expenses (which were previously paid through an IT consultant).

Figure 17 SSAT consultancy expenditure



Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website at www.tenders.gov.au.

Legal Services Expenditure

The SSAT is required to report, under paragraph 11.1(ba) of the *Legal Services Directions 2005*, legal services expenditure for the 2008-09 financial year. Total legal expenditure by the SSAT in 2008-09 was \$177,812 (GST exclusive). This comprised \$151,448 (GST exclusive) on internal legal services and \$26,364 (GST exclusive) on external legal services. Further details of the SSAT's legal services expenditure can be found in Appendix 13.

Advertising, Publications and Outreach

The SSAT spent a total of \$183,055 on print advertising of vacancies for staff & members. Another \$44,000 was spent on advertising via White Pages listings (non-recruitment), \$1,946 on displays and \$133,009 was spent on publishing and printing (excluding forms). This includes printing of a range of information products for applicants and their representatives covering such matters as preparing for an appeal, how the SSAT conducts telephone hearings and video-conferences and information on the Administrative Appeals Tribunal in the event of a further appeal. The SSAT also spent approximately \$500,000 on Community Outreach & Education in 2008-09.

Part 4

Financial Statements

SSAT OPERATING STATEMENT

for the period ended 30 June 2009

	Notes	2008-09 \$
Operating Revenue		
Revenues from government	1	40,217,963
Sale of goods and services		2,541
Net gains from sale of assets		452
Interest		0
Other		0
Total operating revenues (before abnormal items)		40,220,956
Operating expenses		
Employees	2	15,614,431
Suppliers	3	15,411,950
Depreciation and amortisation		1,629,768
Write-down of assets		559,905
Interest		33,869
Net losses from sale of assets		0
Other costs of providing goods and services		0
Total operating expenses		33,249,923
Operating surplus (deficit) before extraordinary items		6,971,033
Gain on extraordinary items		0
Net surplus or deficit after extraordinary items		6,971,033
Net deficit attributable to the Commonwealth		
Accumulated surpluses or (deficits) at beginning of reporting period		6,971,033
Total available for appropriation		6,971,033
Capital use provided for or paid		0
Adjustment to Opening Retained Earnings		0
Capital Injection		0
Transfer of Asset Revaluation Reserve		0
Accumulated surpluses at end of reporting period		6,971,033

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

SSAT BALANCE SHEET

as at 30 June 2009

	Notes	2008-09 \$
ASSETS		
Financial Assets		
Cash		435,887
Receivables		21,043,616
Investments		0
Total financial assets		<u>21,479,503</u>
Non - Financial Assets		
Land and buildings	4	3,982,285
Infrastructure, plant and equipment	5	816,609
Inventories		0
Intangibles		150,214
Other		0
Total non-financial assets		<u>4,949,108</u>
Total assets		<u>26,428,611</u>
LIABILITIES		
Debt		
Loans		0
Leases		0
Other		0
Total debt		<u>0</u>
Provisions and Payables		
Capital Use		0
Employees	6	3,461,653
Suppliers	7	3,302,396
Other		786,485
Total provisions and payables		<u>7,550,533</u>
Total Liabilities		<u>7,550,533</u>
EQUITY		
Capital		7,671,929
Reserves		4,235,115
Accumulated surpluses		6,971,033
Total equity		<u>18,878,077</u>
Total liabilities and equity		<u>26,428,611</u>
Current liabilities		6,930,506
Non-current liabilities		620,027
Current assets		21,479,503
Non-current assets		4,949,108

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

SSAT STATEMENT OF CASH FLOWS

as at 30 June 2009

	Notes	2008-09 \$
OPERATING ACTIVITIES		
Cash Received		
Goods and services		77,023
Appropriations		28,997,983
Interest		0
Net GST received from ATO		-804,140
Other		0
Total Cash Received		28,270,866
Cash Used		
Employees		-15,271,131
Suppliers		-13,423,174
Payments for service delivery		0
Total Cash Used		-28,694,305
Net Cash From or (Used By) Operating Activities	8	-423,439
INVESTING ACTIVITIES		
Cash Received		
Proceeds from sale of property, plant and equipment		45
Total cash received		45
Cash Used		
Purchase of property, plant and equipment		-190,458
Purchase of intangibles		543,291
Total Cash Used		352,833
Net Cash From (Used By) Investing Activities		352,878
FINANCING ACTIVITIES		
Cash Received		
Appropriations - contributed equity		0
Total Cash Received		0
Cash Used		
Repayment of debt		0
Total Cash Used		0
Net Cash From (Used By) Financing Activities		0
Net Increase or (Decrease) in Cash Held		-70,561
Cash at the beginning of the reporting period		506,448
Cash at the End of the Reporting Period		435,887
End Cash Balance		435,887
Variation		0

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

SSAT NOTES TO FINANCIAL STATEMENTS

for the period ended 30 June 2009

1. Revenues from government include:		
	Appropriations for outputs	\$40,217,963
	Resources received free of charge	\$0
2. Employees expenses include:		
	Salaries and wages	\$11,790,735
	Separation and redundancy	\$255,760
	Other employee expenses	\$3,567,936
3. Suppliers expenses include:		
	Property operating expenses	\$3,689,948
	Part-time members' fees (payments to full-time members are included in Salaries)	\$6,953,360
	Administration	\$2,474,919
	Information Technology (includes Comms)	\$2,293,723
4. Land and buildings include:		
	Leasehold improvements at cost	\$5,924,810
	less accumulated depreciation	-\$1,942,525
5. Infrastructure, plant and equipment include:		
	Plant & equipment at cost	\$1,716,729
	less accumulated depreciation	-\$900,120
6. Employees payable include:		
	Salaries and wages	\$183,264
	Leave (includes LSL)	\$2,757,813
	Superannuation	\$520,575
	Separation and redundancy	\$0
7. Suppliers payable include:		
	Trade creditors	\$3,302,396

... continued

8. Cash Flow Reconciliation	2008-09
	\$
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement	
Report cash and cash equivalent as per:	
Cash Flow Statement	435,887
Balance Sheet	435,887
Reconciliation of operating result to net cash from operating activities:	
Operating result	6,971,033
Depreciation/amortisation	1,629,768
Gains from sale of assets	50
Movement in receivable not classified as operating	-284,547
Gain on make good (net of borrowing costs)	0
Assets recognised for the first time	0
Net write down of non financial assets	0
Increase/(decrease) in net receivables	-10,940,954
Increase/(decrease) in employee provisions	124,980
Increase/(decrease) in supplier payables and provisions	2,076,230
Increase/(decrease) in interest bearing liabilities	0
Increase/(decrease) in other non-financial assets	0
Net Cash from/(used by) operating activities	-423,439
Net cash Used from Cash Flow Statement	-423,439
Variation	0

Please note: The SSAT falls under the budget of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). Please refer to the FaHCSIA Annual Report 2008-09 for audited financial statements including cash-flow statements and agency resource statements/summary resource tables by outcome.

Appendices

Appendix I

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 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);
- A decision under the *Social Security Act 1991* or the *Social Security (Administration) Act 1999* in relation to Part 2.27 of the 1991 Act (Northern Territory CDEP transition payment)
- 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*;
- A decision under Part 3B of the *Social Security (Administration) Act 1999* that relates to a person who is subject to the income management regime under section 123UB;
- 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 subsections 50Z(4), 50ZA(3), 50ZB(4), 50ZC(3) or 57G(2), or section 64F, or paragraph 219AB(1)(a), or subsections 219AE(4), 219AF(2) or 219N(3), or paragraphs 219QB(4)(a) or 219R(2)(a), or subsection 219RA(4) 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);
- Under section 219NA (Secretary requiring service to provide information about number of child care places);
- A decision to make a determination under subsection 57(1) of the *A New Tax System (Family Assistance Act) 1999* (determination that an approved child care service is a sole provider); and
- A decision under section 57G of the *A New Tax System (Family Assistance) (Administration) Act 1999* (Secretary requiring service to provide information about aspects of care provided to enrolled children).

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 (ie. because issues are too complex) 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 (ie. because issues are too complex), 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).

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.

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.

Appendix 3

Strategic Plan 2008-11

Our Vision

To be recognised as a Tribunal that provides an excellent independent review process that serves the community.

Our Purpose

The Social Security Appeals Tribunal is a statutory body established 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.

Our purpose is to provide independent merits review of Centrelink and Child Support Agency (CSA) decisions.

Our Values

We want to be known for:

- Fairness and independence
- Timeliness
- Accessibility
- Teamwork
- Professionalism
- Respect

Environment

The Tribunal's operations are within the portfolio of the Minister for Families, Housing, 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 Education, Employment and Workplace Relations and the Department of Families, Housing, Community Services and Indigenous Affairs.

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.

Our Strategic Direction

The primary purpose of the SSAT is to make high quality decisions.

Guided by our vision, purpose statement, values and the SSAT's operating environment the following four focus areas will provide the strategic direction for the SSAT over the next three years in achieving its primary purpose.

1. RESPONSIVE SERVICE TO STAKEHOLDERS

The SSAT will engage with and respond to our applicants, parties and other stakeholders including agencies and the community. We aim to maintain and build relationships with clear and consistent communication, respect and openness.

Key Strategic Areas:

- Efficient and sound decision making
- Effective communication with applicants and other parties to the appeal
- Maintain and build on relationships with key departments, agencies and the community

2. IMPROVING INTERNAL PROCESSES

The SSAT will ensure our processes are responsive, flexible and have the capacity to evolve and change so as to provide efficient and effective service delivery.

Key Strategic Areas:

- Continual improvement of the appeals process
- Enhancement of processes supporting Tribunal decision-making
- Commitment to sharing information and resources nationally
- Development of knowledge and information management systems

3. DEVELOPING STRONGER CAPABILITY

The SSAT will strive to maintain a properly resourced, highly skilled workforce that is adaptable to change and supported by effective technology.

Key Strategic Areas:

- Use innovative employment practices to ensure appropriate numbers of members and staff
- Continued strategic and focused learning and performance development for members and staff
- Continue to improve upon the existing technical systems to enable improved efficiency
- Enhance internal communications to leverage the diversity, knowledge and skills of our workforce

4. DEMONSTRATING GOOD CORPORATE GOVERNANCE

The SSAT is open and accountable to the Government and the public. We have a strong governance framework to support our operations and we will use resources efficiently to deliver a cost effective mechanism of review.

Key Strategic Areas:

- Ensure that our accountability and reporting obligations are met in a timely and comprehensive manner
- Commitment to and promotion of effective and efficient use of available resources
- Enhance corporate analysis and reporting
- Improved risk management practices
- Developing and sustaining the capacity of our leaders to meet Tribunal challenges

Appendix 4

Members of the SSAT (as at 30 June 2009)

Executive Director*

Blacklow, Les	National Office
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Directors*

Alexander, Peter	WA
Bullock, Suellen	ACT/NSW
Holmes, Miriam	Vic
Raymond, Sue	SA/Tas
Walsh, Jim	Qld/NT

*Note: All Directors are full-time members

ACT

Hewson, Fiona	Full-time
Symons, Elizabeth	Full-time
Butterfield, Anthony	Part-time
Delaney, Grahame	Part-time
Finley, Philip	Part-time
Mitchell, Wayne	Part-time
Mooney, Helen	Part-time
Staden, Frances	Part-time
Wilkins, Peter	Part-time
Woolf, Kathleen	Part-time
Yen, Lauranne	Part-time

NSW

Benk, Diana	Full-time
Bennett, Robert	Full-time
Cuthbert, Jean	Full-time
Duri, Alan	Full-time
Hasan, Ismail	Full-time
Peacock, Karen	Full-time
Richardson, Gary	Full-time
Slattery, Bernard	Full-time
Timbs, Kate	Full-time
Barker, David	Part-time
Barnetson, Diane	Part-time
Bartley, Glynis	Part-time
Beckett, Angela	Part-time
Berg, Lilliana	Part-time
Blue, Linda	Part-time
Brophy, Moira	Part-time
Bubutievski, Tina	Part-time
Capon, Anthony	Part-time
Carney, Terry	Part-time
Connolly, Bronwyn	Part-time

Cornwell, Erika	Part-time
D'Arcy, Jenny	Part-time
Deamer, Jane	Part-time
Dordevic, Kruna	Part-time
Durvasula, Suseela	Part-time
Edmonds, Kathryn	Part-time
Fong, Lyn	Part-time
Gamble, Helen	Part-time
Gardner, Michelle	Part-time
Gawdan, Alexandra	Part-time
Glasson, Martin	Part-time
Halstead, Adam	Part-time
Hopkins, Geoffrey	Part-time
Horsburgh, Michael	Part-time
Hunter, Penelope	Part-time
Kennedy, William	Part-time
Lacey, Maxine	Part-time
Laver, Deborah	Part-time
Leonard, Julia	Part-time
Lewis, Susan	Part-time
Mant, Andrea	Part-time
Mayne, Sally	Part-time
McClintock, Jerome	Part-time
McManus, Louise	Part-time
Moir, Jillian	Part-time
Nolan, Dennis	Part-time
Norman, Steve	Part-time
Orr, Mark	Part-time
Pearson, Gregory	Part-time
Quinlivan, Julie	Part-time
Reid, Margaret	Part-time
Robards, Graeme	Part-time
Rogers, Linda	Part-time
Rosser, Kim	Part-time

Ryan, Paul	Part-time
Sheedy, Tracey	Part-time
Smith, Angela	Part-time
Taylor, Robin	Part-time
Taylor, Susan	Part-time
Tillett, Gregory	Part-time
Towney, Gina	Part-time
Viney, Diana	Part-time
Wearne, Phillipa	Part-time
Wilson, Robert	Part-time

NT

King, Heather	Part-time
Ross, Ken	Part-time

QLD

Allen, Simon	Full-time
Bishop, Jane	Full-time
Byers, Alexander	Full-time
Ffrench, Timothy	Full-time
Foster, Neil	Full-time
Jensen, Peter	Full-time
Kanowski, Paul	Full-time
King, Matthew	Full-time
Ammala, Kaarina	Part-time
Amundsen, Matt	Part-time
Barratt, Lynn	Part-time
Bordujenko, Alexandra	Part-time
Bothmann, Susan	Part-time
Cavanagh, Jennifer	Part-time
Cranwell, Glen	Part-time
Dann, Susan	Part-time
Devereux, John	Part-time
Dittman, Brian	Part-time
Endicott, Clare	Part-time
Favell, Paul	Part-time
Gillespie, David	Part-time
Gough, Sabyne	Part-time
Green, Jocelyn	Part-time
Guthrie, Tina	Part-time
Hall, Patricia	Part-time
Harris, Debra	Part-time
Hulin, Elizabeth	Part-time
Jackson, Patricia	Part-time
Kent, Barbara	Part-time
Kerr, Sandra	Part-time
King, Robert	Part-time
Liddell, David	Part-time
McCartney, Wilhelmina	Part-time
McKelvey, David	Part-time
McLennan, Cathy-Ann	Part-time
Peacock, Jane	Part-time

Peltola, Carol	Part-time
Pickard, Brian	Part-time
Pozzi, Stephen	Part-time
Prodo, Luis	Part-time
Ryan, Virginia	Part-time
Sheffield, Annette	Part-time
Smyth, Donald	Part-time
Stafford, Rosemary	Part-time
Trotter, Susan	Part-time
Weir, Michael	Part-time
White, Patrick	Part-time
Winters, Sylvia	Part-time

SA

Garnham, Ian	Full-time
Harvey, Bruce	Full-time
Kennedy, Marten	Full-time
Anagnostou, Penny	Part-time
Barr, Stuart	Part-time
Cotton, Gaybrielle	Part-time
Cullimore, Steven	Part-time
de Rohan, Michael	Part-time
Dibden, Diana	Part-time
Earl, Bronte	Part-time
Faulkner, Angela	Part-time
Forgan, Julie	Part-time
Fuller, Mark	Part-time
Georiadis, Stavros	Part-time
Lambden-Rowe, Donna	Part-time
Madden, Paul	Part-time
Millar, Kate	Part-time
Strathearn, Jennifer	Part-time
Swanson, Bruce	Part-time
Webb, Yvonne	Part-time
Williamson, Paul	Part-time

TAS

Breheny, Christhilde	Full-time
Hutchinson, Diana	Full-time
Barker, Kim	Part-time
Baulch, Michelle	Part-time
Clarke, Ketrina	Part-time
Cretan, Lynne	Part-time
Rodda, Kay	Part-time
Schiwy, Andrea	Part-time
Walter, Timothy	Part-time
Webster, Samantha	Part-time

VIC

Bartlett, Jillian	Full-time
Francis, Patrick	Full-time
Haag, Christine	Full-time
Longo, John	Full-time
Mercer, Alison	Full-time
Sheck, Inge	Full-time
Stevens, David	Full-time
Tsiakis, Irene	Full-time
Anderson, Robyn	Part-time
Appleton, William	Part-time
Bertram, Stephen	Part-time
Bigby, Christine	Part-time
Boddison, Wendy	Part-time
Bornstein, Judith	Part-time
Brewer, Annette	Part-time
Campbell, Neill	Part-time
Clarke, Catherine	Part-time
Conidi, Domenico	Part-time
Dea, Anna	Part-time
Ducrou, Amanda	Part-time
Fowler, Margaret	Part-time
Geraghty, Elaine	Part-time
Grant, Annette	Part-time
Grutzner, Helen	Part-time
Hamilton-Noy, Tamara	Part-time
Harris, Peter	Part-time
Hayes, Christine	Part-time
Hodgkinson, Megan	Part-time
Kirmos, Kay	Part-time
Lewinsky, Stephen	Part-time
Main, Christopher	Part-time
Markov, Geoffrey	Part-time
Michaelas, Christine	Part-time
Muling, Sydelle	Part-time

Murphy, Alison	Part-time
Nalpantidis, Jack	Part-time
Noonan, Paul	Part-time
Panagiotidis, Sophia	Part-time
Polglase, Jane	Part-time
Price, Charlene	Part-time
Reddy, Aruna	Part-time
Richards, Robert	Part-time
Secombe, Wendy	Part-time
Smith, Alison	Part-time
Treble, Andrea	Part-time
Warren, Kenneth	Part-time
Woodford, Susan	Part-time
Woodward, Catherine	Part-time
Yule, Faye	Part-time

WA

Bradley, Rhonda	Full-time
Brakespeare, Stephanie	Full-time
Caravella, Tony	Full-time
Barrett-Lennard, Karen	Part-time
Brown, Annette	Part-time
Budiselik, William	Part-time
Cross, Marian	Part-time
Donnelly, Anne	Part-time
Fitzgerald, Robert	Part-time
Haslam, Yvonne	Part-time
Hoffman, Susan	Part-time
Kannis, Christine	Part-time
Martellotta, Maxina	Part-time
Merriam, Charles	Part-time
Pertucci, Rosetta	Part-time
Pickering, Barry	Part-time
Stribling, Jennifer	Part-time
Watt, Nicola	Part-time
Woodacre, Mark	Part-time

Appendix 5

Staff of the SSAT (as at 30 June 2009)

Gender	Total	non-ongoing full-time	non-ongoing part-time	ongoing full-time	ongoing part-time
Female	76	4	3	55	14
Male	39	1	1	37	0
TOTAL	115	5	4	92	14

▪ 6 people on long term leave

Class	Total	Female	Male	NO*	ACT/NSW	QLD	SA/TAS	VIC	WA
APS 1	8	7	1	0	4	2	1	1	0
APS 2	12	11	1	0	4	1	1	4	2
APS 3	1	1	0	1	0	0	0	0	0
APS 4	53	34	19	1	19	9	6	13	5
APS 5	3	1	2	2	0	0	1	0	0
APS 6	23	14	9	14	3	1	1	2	2
EL 1	9	6	3	4	1	1	1	1	1
EL 2	6	2	4	6	0	0	0	0	0
TOTAL	115	76	39	28	31	14	11	21	10

* National Office

Salary Range by Classification 2008-09

Classification	Pay Point – Lower (\$)	Pay Point – Higher (\$)
APS 1	\$36,878	\$40,638
APS 2	\$42,519	\$46,280
APS 3	\$49,100	\$52,926
APS 4	\$54,837	\$58,663
APS 5	\$61,267	\$63,888
APS 6	\$66,244	\$73,315
EL 1	\$76,852	\$88,352
EL 2	\$95,634	\$110,565

*Progression to the maximum salary of Executive Level 2 can only be achieved where the National Manager is satisfied that the work value of the position justifies the higher salary point and the Employee has managerial and/or professional technical skills to warrant movement to that level.

Staff Under Australian Workplace Agreements and Collective Agreements

SSAT staff covered by Australian Workplace Agreements:

EL 1 x 2
EL2 x 4

Appendix 6

Consultants 2008-09

Consultant	Project Description	Contract Price*	Selection Process	Justification
3 Dimensional Consulting P/L	Consultancy service for development of and technical support of AMSWIN (SSAT Case Management System)	\$45,334	Select tender	A, B
3 Dimensional Consulting P/L	Consultancy service for enhancements to AMSWIN (AMSWIN SMS, etc.)	\$21,200	Select tender	A, B
UXC Getronics Australia P/L.	Cisco router maintenance	\$56,600	Select tender	A, B
Preemptive Consulting P/L	Consulting services for network infrastructure (including software)	\$57,701	Select tender	A, B
Objective Corporation Ltd.	Consultancy service for provision of EDRMS services	\$17,756	Open tender	A, B
Lanier Voice	Provision of voice recording system for CSA appeals	\$57,311	Open tender	A, B
eBlueprint Pty Ltd	Portal programming	\$19,800	Select tender	A, B
Hyperware Consulting Pty Ltd	Electronic lodgement project	\$42,394	Select tender	A, B
Seisma Pty Ltd	Provision of IT consulting services to ITAC	\$27,500	Select tender	A, B
Fellows Medlock & Associates P/L.	Job analysis of SSAT positions	\$27,190	Select tender	A, B
Scottish Pacific Business Finance	OH & S assessments	\$1,128	Select tender	A, B
Reid Campbell	Project management services for minor refurbishment of SSAT National Office, Victorian Office and South Australian Office	\$32,732	Select tender	A, B
Reid Campbell	Project management services for the relocation & refurbishment of SSAT Sydney Office	\$8,673	Select tender	A, B
TOTAL		\$415,319*		

* All figures are GST inclusive

Justification:

- A. skills currently unavailable within agency
- B. need for specialised or professional skills
- C. need for independent research or assessment

Appendix 7

Application Processing Statistics (Centrelink)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
On hand at 1 July 2008*	272	413	75	8	89	681	184	680	2402
Net Transfers 2008-09**	183	217	89	9	19	-329	-25	-163	722
Net lodged to 30 June 2009	1500	2744	419	54	513	2883	997	4319	13429
Finalised	1569	2826	404	53	531	3114	1000	4280	13777

On hand at 1 July 2009:	203	330	90	9	71	451	181	719	2054
awaiting statement	35	68	7	0	7	78	30	126	351
awaiting appointment	44	112	26	2	26	144	47	283	684
awaiting hearing	97	113	35	6	29	157	72	211	720
adjourned	15	4	8	0	1	33	6	37	104
awaiting notification	12	33	14	1	8	39	26	62	195

Total decisions reviewed:	1972	3455	470	82	635	3782	1153	4739	16288
Set aside	606	510	149	4	177	996	230	1147	3819
Varied	12	288	20	5	28	28	57	39	477
Affirmed	924	1919	199	53	335	1884	593	2351	8258
Total decisions reviewed at hearing	1542	2717	368	62	540	2908	880	3537	12554
No jurisdiction	54	246	15	5	23	323	60	406	1132
Withdrawn (conceded)	13	22	3	0	4	40	12	18	112
Withdrawn (other)	155	321	44	10	22	244	78	355	1229
Dismissed	208	149	40	5	46	267	123	423	1261
Total decisions finalised without hearing	430	738	102	20	95	874	273	1202	3734

										2007-08	2006-07
Set aside rate 1 (%)^	31.3%	23.1%	36.0%	11.0%	32.3%	27.1%	24.9%	25.0%	26.4%	27.1%	25.3%
Set aside rate 2 (%)^^	40.1%	29.4%	45.9%	14.5%	38.0%	35.2%	32.6%	33.5%	34.2%	35.6%	31.4%

* Discrepancy from last year's reported figure (273 in SA; 680 in VIC; 685 in NSW; 2407 Total) is due to adjustment of source data of seven cases.

** Cases transferred from Office of lodgement for processing and hearing in another State Office to assist with the appeal workload. A negative (-) figure indicated net transfers out of the State Office; a positive figure indicates net transfers into the State Office.

^ Set aside + varied as a percentage of all decisions finalised

^^ Set aside + varied as a percentage of set aside, varied & affirmed

Application Processing Statistics (Child Support)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
On hand at 1 July 2008*	48	153	31	1	21	202	42	181	679
Net Transfers 2008-09**	-2	17	2	-5	8	-3	0	-17	147
Net lodged to 30 June 2009	164	730	93	1	110	676	292	824	2890
Finalised	167	728	98	1	97	717	265	818	2891

On hand at 1 July 2009:	45	155	26	1	34	161	69	187	678
awaiting statement	16	68	6	0	8	54	36	67	255
awaiting appointment	4	30	6	1	8	23	11	33	116
awaiting hearing	15	42	9	0	11	59	20	66	222
adjourned	8	13	2	0	5	21	0	15	64
awaiting notification	2	2	3	0	2	4	2	6	21

Total decisions reviewed***	167	728	98	1	97	717	265	818	2891
Set aside	53	179	34	0	25	238	76	187	792
Varied	12	76	12	0	8	40	26	32	206
Affirmed	40	116	19	0	31	153	69	240	668
Total decisions reviewed at hearing	105	371	65	0	64	431	171	459	1666
No jurisdiction	12	113	9	1	8	88	34	147	412
Withdrawn	27	49	8	0	10	82	26	106	308
Dismissed	23	165	14	0	14	93	30	103	442
UNRECORDED	0	30	2	0	1	23	4	3	63
Total decisions finalised without hearing	62	357	33	1	33	286	94	359	1225

										2007-08	2006-07
Set aside rate 1 (%)^	38.9%	35.0%	46.9%	0%	34.0%	38.8%	38.5%	26.8%	34.5%	31.1	18.7
Set aside rate 2 (%)^^	61.9%	68.7%	70.8%	0%	51.6%	64.5%	59.6%	47.7%	59.9%	51.2	48.0

* Discrepancies from last year's reported figures (49 in SA; 150 in QLD; 29 in ACT; 201 in VIC; 41 in WA; 180 in NSW; 672 Total) are due to adjustment of source data of nine cases.

** Cases transferred from Office of lodgement for processing and hearing in another State Office to assist with the appeal workload. A negative (-) figure indicated net transfers out of the State Office; a positive figure indicates net transfers into the State Office.

*** There were 63 cases recorded as 'Not categorised'

^ Set aside + varied as a percentage of all decisions finalised

^^ Set aside + varied as a percentage of set aside, varied + affirmed

Appendix 8

Timeliness Statistics (Centrelink)

Time for Centrelink to refer applications for review of its decisions to the SSAT (ie. applications lodged with Centrelink) (limit: 7 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Applications received (applications lodged with Centrelink)									
2008-09	0	14	0	0	0	20	4	7	45
2007-08	0	1	0	0	0	33	1	26	61
2006-07	4	12	0	0	1	51	0	22	90
Average days taken (from lodgement to receipt by SSAT)									
2008-09	n/a	3.4	n/a	n/a	n/a	3.1	0	1.4	2.6
2007-08	n/a	8.0	n/a	n/a	n/a	5.1	n/a	9.5	7.0
2006-07	5.3	5.7	n/a	n/a	1.0	6.6	n/a	6.0	6.2
% in 7 day limit									
2008-09	n/a	64.3	n/a	n/a	n/a	80.0	100	85.7	77.8
2007-08	n/a	0	n/a	n/a	n/a	81.8	100	76.9	78.7
2006-07	50.0	66.7	n/a	n/a	100	70.6	n/a	81.8	72.2
Average time for cases over 7 days (days)									
2008-09	n/a	9.6	n/a	n/a	n/a	18.3	n/a	8.0	12.9
2007-08	n/a	8.0	n/a	n/a	n/a	18.2	n/a	29.5	22.6
2006-07	10.5	13.8	n/a	n/a	n/a	15.7	n/a	25.8	16.6

Time taken to register applications for review of Centrelink decisions (standard: 100% within 1 day)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Number registered									
2008-09	1317	2527	330	45	494	3212	1022	4482	13429
2007-08	1121	2251	307	54	446	2732	823	3862	11596
2006-07	793	1747	258	38	332	2220	688	2513	8589
Number registered within 1 working day of receipt									
2008-09	1299	2508	328	45	488	3190	1008	4457	13323
2007-08	1096	2226	304	54	441	2712	821	3847	11501
2006-07	775	1716	255	36	318	2171	686	2493	8450
% registered within 1 working day of receipt									
2008-09	98.6	99.3	99.4	100	98.8	99.3	98.6	99.4	99.2
2007-08	97.8	98.9	99.0	100	98.9	99.3	99.8	99.6	99.2
2006-07	97.7	98.2	98.8	94.7	95.8	97.8	99.7	99.2	98.4

**Time for Centrelink to provide statements to the SSAT*
(limit: 28 days)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Statements received									
2008-09	1235	2267	335	44	481	2854	949	3930	12095
2007-08	1023	2019	306	52	426	2353	754	3362	10295
2006-07	731	1558	246	37	324	1956	663	2198	7713
Average days taken									
2008-09	11.5	8.6	12.7	11.4	9.3	9.9	12.5	9.5	9.9
2007-08	11.4	8.7	13.3	11.2	9.5	10.0	9.2	9.7	9.8
2006-07	11.8	7.7	13.6	9.5	9.1	9.2	10.6	9.3	9.4
% by due date									
2008-09	95.3	96.9	92.2	93.2	97.3	96.6	96.8	97.7	96.8
2007-08	96.5	95.9	92.2	94.2	97.7	96.7	99.6	96.9	96.7
2006-07	98.1	99.3	92.3	100	97.2	97.0	99.5	96.3	97.5
Average time if after due date (days)									
2008-09	33.1	24.6	45.5	32.7	38.1	38.9	32.4	34.4	34.2
2007-08	29.4	27.5	41.8	21.7	21.8	35.3	8.3	33.8	32.0
2006-07	29.1	33.9	32.7	n/a	23.4	38.5	17.3	32.8	33.6

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

**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
% of papers sent at least 7 days prior to hearing									
2008-09	98.3	97.1	98.2	100	96.3	97.0	98.0	97.2	97.3
2007-08	99.1	95.2	98.9	100	97.0	98.0	98.9	97.3	97.4
2006-07	96.7	97.1	98.1	93.8	95.8	99.3	98.9	98.2	98.1

* NB. If an applicant seeks an urgent hearing it may not be possible to meet this standard

**Appointment waiting time in Centrelink appeal cases
(ie. days from Centrelink statement received to date of first appointment)
(standard: 75% within 42 days*)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Average waiting time in days									
2008-09	41.8	33.4	39.8	54.6	43.4	54.1	42.3	37.8	41.6
2007-08	41.4	47.8	57.0	56.2	44.3	63.7	31.9	52.8	51.1
2006-07	37.8	38.0	44.4	57.5	33.7	45.1	34.7	38.0	39.6
% with wait of 42 days or less									
2008-09	61.3	77.5	74.1	37.8	60.2	42.9	62.6	75.3	65.2
2007-08	61.8	45.5	52.3	47.1	55.4	22.9	86.6	52.3	48.4
2006-07	65.3	73.2	65.9	47.1	74.6	52.9	89.0	73.1	68.2

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

**Heard Centrelink appeal cases decided without adjournment
(standard: 90%)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
% without adjournment									
2008-09	88.8	96.3	83.2	90.7	94.5	82.2	95.0	90.7	90.0
2007-08	86.5	96.4	86.9	93.5	88.5	85.1	97.6	92.6	91.1
2006-07	89.7	97.7	79.3	96.8	92.7	88.8	98.6	90.1	91.8

**Time for SSAT to notify applicants of Centrelink appeal outcomes
(limit: 14 days)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>Outcomes notified</u>									
2008-09	1569	2826	404	53	531	3114	1000	4280	13777
2007-08	1003	2051	336	64	404	2381	778	3442	10459
2006-07	784	1771	268	35	357	2249	741	2477	8682
<u>Average days to notify</u>									
2008-09	9.0	6.8	10.6	5.3	8.8	845.0	72.0	9.1	8.3
2007-08	9.6	7.3	10.8	6.8	9.6	8.5	7.6	9.1	8.6
2006-07	9.3	7.9	9.7	6.9	9.9	9.2	7.0	9.0	8.7
<u>% within 14 days</u>									
2008-09	98.9	99.8	98.8	100	99.1	99.7	99.9	99.9	99.6
2007-08	96.7	99.7	98.1	97.9	98.5	98.8	99.9	99.6	99.1
2006-07	95.6	99.4	99.5	100	97.5	99.4	100	99.3	99.0

**Overall processing time for Centrelink appeals (registration to notification)
(standard: 10 weeks)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<u>Average time to process (weeks)(statistical average)</u>									
2008-09	9.1	6.8	9.9	10.5	9.0	10.7	8.5	8.0	8.6
2007-08	8.9	8.7	12.2	9.6	9.7	11.2	7.0	9.7	9.6
2006-07	8.4	7.8	10.7	11.6	8.2	9.2	7.7	7.8	8.4
<u>% within 10 weeks (standard 75%)</u>									
2008-09	73.4	88.9	73.5	60.4	74.4	60.2	80.4	82.1	76.8
2007-08	71.9	79.5	54.8	67.2	67.8	49.1	91.8	69.6	68.2
2006-07	73.3	84.5	64.2	57.1	79.8	70.3	87.0	82.5	78.5

Timeliness Statistics (Child Support)

Time for agencies to refer applications for review of CSA decisions to the SSAT (ie. applications lodged with agencies) (limit: 7 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Applications received									
2008-09	1	9	1	0	0	6	4	7	28
2007-08	1	0	4	0	0	8	0	3	16
2006-07	0	4	0	0	0	0	1	2	7
Average days taken*									
2008-09	<1	2.2	2	n/a	n/a	4.2	34.3	4.7	7.8
2007-08	5	n/a	3.75	n/a	n/a	8.25	n/a	<1	5.5
2006-07	n/a	<1	n/a	n/a	n/a	n/a	<1	2	<1
% in 7 day limit									
2008-09	100	87.5	100	n/a	n/a	83.3	75	85.7	85.7
2007-08	100	n/a	75	n/a	n/a	62.5	n/a	100	75
2006-07	n/a	100	n/a	n/a	n/a	n/a	100	100	100
Average time for cases over 7 days (days)									
2008-09	n/a	16	n/a	n/a	n/a	12	127	19	43.5
2007-08	n/a	n/a	11	n/a	n/a	17	n/a	n/a	15.5
2006-07	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

* A result of <1 indicates applications were received on average the same day of lodgement.

Time take to register applications for review of CSA decisions (standard: 100% within 1 day)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Number registered (net)									
2008-09	164	730	93	1	110	676	292	824	2890
2007-08	146	538	95	3	65	530	208	589	2174
2006-07	41	186	25	3	16	124	48	261	704
Number registered within 1 working day of receipt									
2008-09	162	713	90	1	106	664	289	818	2843
2007-08	130	500	84	11	66	522	207	592	2112
2006-07	40	183	25	3	15	119	48	258	691
% registered within 1 working day of receipt									
2008-09	98.8	97.6	96.7	100	96.1	98.2	99.0	99.3	98.4
2007-08	92.9	95.2	95.5	100	97.1	97.9	99.5	98.5	97.2
2006-07	97.6	98.4	100	100	93.8	96.0	100	98.9	98.2

Time for CSA to provide statements to the SSAT & other parties* (limit: 28 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Statements received									
2008-09	126	472	74	1	81	484	212	561	2011
2007-08	112	353	70	1	46	379	139	368	1468
2006-07	12	34	8	1	0	7	14	78	154
Number received within 28 days									
2008-09	125	453	60	1	75	468	195	521	1898
2007-08	93	295	49	1	32	313	130	320	1233
2006-07	9	34	6	1	n/a	7	14	61	132
% by due date									
2008-09	99.2	96.0	81.1	100	92.6	96.7	92.0	92.9	94.4
2007-08	83.0	83.6	70.0	100	69.6	82.6	93.5	87.0	84.0
2006-07	75.0	100	75.0	100	n/a	100	100	78.2	85.7

* In child support appeal cases the CSA sends hearing papers directly to the parties

**Appointment waiting time in child support appeal cases
(ie. days from CSA statement received to date of first appointment)
(standard: 75% within 56 days*)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Average waiting time in days									
2008-09	41.9	33.8	51.9	0*	43.9	32.0	37.4	44	38.2
2007-08	55.5	45.2	65.2	57.5	56.8	58.6	33.6	62.1	53.8
2006-07	56	30	28	n/a	n/a	46	34	30	36
% with wait of 56 days or less									
2008-09	79.5	91.0	62.8	n/a	75.0	92.8	89.7	75.0	84.6
2007-08	58.7	71.9	37.3	100	48.8	47.5	96.2	54.5	60.4
2006-07	57.1	72.7	100	n/a	n/a	66.7	100	91.3	85.6

* It is usually on request of parties that hearing dates are set outside the 56-day standard

**Heard child support appeal cases decided without adjournment
(standard: 90%)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
% without adjournment									
2008-09	46.6	68.0	65.2	n/a	71.6	42.7	75.7	77.8	63.7
2007-08	51.2	62.5	76.0	100	76.3	47.9	85.6	82.8	67.7
2006-07	88.9	84.3	78.6	100	100	95.8	94.3	88.0	89.0

**Time for SSAT to notify parties of child support appeal outcomes
(limit: 14 days)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Outcomes notified									
2008-09	167	728	98	1	97	717	265	818	2891
2007-08	119	504	77	5	53	405	180	541	1884
2006-07	18	70	14	1	7	48	35	133	326
Average days to notify									
2008-09	10.3	8.2	10.9	n/a	9.1	9.1	9.0	10.4	9.4
2007-08	10.8	8.0	12.2	4.0	8.5	8.2	8.4	9.2	8.8
2006-07	10.1	6.9	11.9	0	1.0	9.0	7.7	9.6	8.8
% within 14 days									
2008-09	94.3	92.5	98.5	n/a	95.3	97.9	97.7	98.3	96.5
2007-08	93.8	92.3	93.8	100	97.4	97.6	98.3	99.4	96.5
2006-07	100	100	100	100	100	100	100	100	100

**Overall processing time for child support appeals (registration to notification)
(standard: 15 weeks)**

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
Average time to process (weeks)(statistical average)									
2008-09	16.3	10.3	16.7	0.7	14.8	15.1	11.5	12.6	13.0
2007-08	14.0	13.6	15.6	9.4	14.0	16.0	8.1	12.4	13.3
2006-07	8.8	6.2	7.8	5	0.7	2.6	3.8	6.9	5.8*
% within 15 weeks (standard 75%)									
2008-09	52.1	78.7	50.0	100	53.6	58.9	73.6	65.2	66.1
2007-08	56.3	61.6	44.2	60.0	56.6	47.9	91.1	63.2	60.8
2006-07**	77.8	85.7	78.6	100	100	95.8	97.1	90	89.8

* It should be noted that, on average, the SSAT processed child support appeals quickly in 2006-07 as that year had only six months of the jurisdiction – many of the appeals received were ‘no jurisdiction’ cases which do not require a hearing and were thus often completed within a matter of days. This figure increases to 11.5 weeks once ‘no jurisdiction’ cases are excluded. Please refer to Chapter 5 for further discussion.

** In 2006-07 the standard was 13 weeks

Appendix 9

Application Outcomes (Centrelink)

		AGE	AUS	CA	CCB	CDA	CP	DSP	FTB	MA	MAA	MOB
Applications received	2008-09	1218	264	353	61	0	248	2823	1218	11	6	36
	2007-08	1186	220	324	60	0	276	2494	953	95	9	33
	2006-07	983	213	326	59	0	233	2159	954	141	28	27
% of total	2008-09	9.1%	2.0%	2.6%	0.5%	0%	1.8%	21.0%	9.1%	0.1%	<0.1%	0.3%
	2007-08	10.2%	1.9%	2.8%	0.5%	0%	2.4%	21.5%	8.2%	0.8%	0.1%	0.3%
	2006-07	11.4	2.5	3.8	0.7	0	2.7	25.1	11.1	1.6	0.3	0.3
Decision outcomes 2008-09:												
Set aside		332	86	70	24	0	71	778	443	4	3	4
Varied		41	13	6	2	0	13	41	66	0	0	0
Affirmed		745	149	275	56	0	207	1,721	777	12	2	15
No jurisdiction		93	30	36	16	0	23	228	162	3	0	8
Withdrawn (conceded)		12	0	5	0	0	2	15	10	0	0	1
Withdrawn (other)		145	24	27	7	0	24	190	140	0	4	10
Dismissed		13	7	5	5	0	7	75	72	1	0	1
Total reviewed*	2008-09	1,381	309	424	110	0	347	3,048	1,670	20	9	39
	2007-08	1171	211	334	102	0	304	2419	1215	107	13	35
	2006-07	1085	222	361	99	0	294	2438	1348	150	32	27
Set aside rate 1** (%)	2008-09	27.0%	32.0%	17.9%	23.6%	n/a	24.2%	26.9%	30.5%	20.0%	33.3%	10.3%
	2007-08	30.6%	33.6%	18.9%	21.6%	n/a	19.4%	29.1%	28.4%	15.9%	15.4%	28.6%
	2006-07	29.0	30.6	15.0	11.1	n/a	27.2	24.8	27.5	9.3	31.3	14.8
Set aside rate 2** (%)	2008-09	33.4%	39.9%	21.7%	31.7%	n/a	28.9%	32.2%	39.6%	25.0%	60.0%	21.1%
	2007-08	37.6%	42.5%	22.7%	27.5%	n/a	25.0%	34.8%	38.2%	18.1%	16.7%	40.0%
	2006-07	35.4	38.6	17.3	15.9	n/a	32.4	28.8	35.6	10.3	52.6	20.0

		NSA	PA	PB	PES	PP	RTA	SA	SPB	YA	Other	Total
Applications received	2008-09	3799	18	148	87	970	0	58	89	1039	983	13429
	2007-08	3108	46	160	62	1077	0	66	96	743	588	11596
	2006-07	1278	56	103	81	790	0	32	84	631	411	8589
% of total	2008-09	28.3%	0.1%	1.1%	0.6%	7.2%	0%	0.4%	0.7%	7.7%	7.3%	100.0%
	2007-08	26.8%	0.4%	1.4%	0.5%	9.3%	0	0.6%	0.8%	6.4%	5.1%	100.0%
	2006-07	14.9	0.7	1.2	0.9	9.2	0	0.4	1	7.3	4.8	100 [^]
Decision outcomes 2008-09:												
Set aside		1,057	12	25	16	386	0	19	21	302	166	3,819
Varied		182	1	0	4	50	0	2	3	37	16	477
Affirmed		2,169	22	110	61	565	0	40	68	580	684	8,258
No jurisdiction		265	0	4	2	82	0	7	11	73	89	1,132
Withdrawn (conceded)		50	1	0	0	7	0	0	0	6	3	112
Withdrawn (other)		367	7	4	6	127	0	2	8	81	56	1,229
Dismissed		817	2	1	3	80	0	0	4	141	27	1,261
Total reviewed*	2008-09	4,907	45	144	92	1,297	0	70	115	1,220	1,041	16,288
	2007-08	2867	36	156	75	1112	0	63	88	697	587	11592
	2006-07	1366	67	106	85	955	0	49	96	642	462	9884
Set aside rate 1** (%)	2008-09	25.2%	28.9%	17.4%	21.7%	33.6%	n/a	30.0%	20.9%	27.8%	17.5%	26.4%
	2007-08	24.9%	30.6%	18.6%	14.7%	28.7%	n/a	33.3%	22.7%	31.1%	25.9%	27.1%
	2006-07	20.9	37.3	14.2	18.8	31.8	n/a	20.4	22.9	28.5	23.6	25.3
Set aside rate 2** (%)	2008-09	36.4%	37.1%	18.5%	24.7%	43.6%	n/a	34.4%	26.1%	36.9%	21.0%	34.2%
	2007-08	38.5%	40.7%	20.9%	24.4%	38.0%	n/a	45.7%	29.9%	40.9%	33.0%	35.8%
	2006-07	29.2	44.6	16.7	23.2	39.5	n/a	37.0	30.5	34.9	31.3	31.5

[^] 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:

AGE	Age Pension	FTB	Family Tax Benefit	PES	Pensioner Education Supplement
AUS	Austudy	MA	Maternity Allowance	PP	Parenting Payment
CA	Carer Allowance	MAA	Mature Age Allowance	RTA	Rent Assistance
CCB	Child Care Benefit	MOB	Mobility Allowance	SA	Sickness Allowance
CDA	Child Disability Allowance	NSA	Newstart Allowance	SPB	Special Benefit
CP	Carer Payment	PA	Partner Allowance	YA	Youth Allowance
DSP	Disability Support Pension	PB	Pension Bonus	Other	All other payments

Appendix 10

Application Outcomes (Child Support)

		Child Support Agreement	Application for Assessment	Change of Assessment ^{^^}	Non-Agency Payment	Extension of Time to Appeal	Failure to Collect Arrears
Applications received	2008-09	49	29	1465	185	n/a^{^^^}	21
	2007-08	25	26	1122	196	37	23
	2006-07*	6	20	334	57	12	7
% of total	2008-09	1.7%	1.0%	50.7%	6.4%	n/a	0.7%
	2007-08	1.1%	1.2%	51.6%	9.0%	1.7%	1.1%
	2006-07*	0.8%	2.8%	47.4%	8.1%	1.7%	1.0%
Decision outcomes 2008-09:							
Affirmed		7	14	149	84	0	8
Set Aside		6	7	471	50	1	2
Varied		0	0	153	9	0	1
Dismissed		1	4	273	23	0	2
No Jurisdiction		24	3	178	16	1	6
Withdrawal		5	2	184	20	0	2
Not Recorded		1	0	30	8	0	1
Total reviewed	2008-09	44	30	1438	210	2	22
	2007-08	26	22	957	167	35	21
	2006-07*	2	11	122	25	12	1
Set aside rate 1** (%)	2008-09	13.6%	23.3%	43.4%	28.1%	50.0%	13.6%
	2007-08	11.5%	31.8%	41.0%	25.7%	14.3%	0%
	2006-07*	0%	45.0%	25.0%	19.0%	0%	0%
Set aside rate 2** (%)	2008-09	46.2%	33.3%	80.7%	41.3%	100.0%	27.3%
	2007-08	20.0%	43.8%	66.9%	36.8%	35.7%	0%
	2006-07*	0%	71.0%	57.0%	36.0%	0%	0%

		Particulars of Assessment	Refusal of EOT to Object	Registration Details	Not Reviewable by SSAT	Other	Total
Applications received	2008-09	828	135	25	34	119	2890
	2007-08	502	89	13	66	75	2174
	2006-07*	163	38	6	39	22	704
% of total	2008-09	28.7%	4.7%	0.9%	1.2%	4.1%	100.0%
	2007-08	23.1%	4.1%	0.6%	3.0%	3.4%	100.0%
	2006-07*	23.2%	5.4%	0.8%	5.5%	3.1%	100.0% [^]
Decision outcomes 2008-09:							
Affirmed		301	69	10		26	668
Set Aside		195	41	5		14	792
Varied		39	0	1		3	206
Dismissed		107	15	3		14	442
No Jurisdiction		89	5	2	34	54	412
Withdrawal		83	2	1		9	308
Not Recorded		21	1	0		1	63
Total reviewed	2008-09	835	133	22	34	121	2891
	2007-08	424	84	12	69	67	1884
	2006-07*	81	22	5	37	8	326
Set aside rate 1** (%)	2008-09	28.0%	30.8%	27.3%	0%	14.0%	34.5%
	2007-08	24.1%	26.2%	41.7%	0%	11.9%	31.2%
	2006-07*	7.0%	50.0%	20.0%	0%	13.0%	18.7%
Set aside rate 2** (%)	2008-09	43.7%	37.3%	37.5%	0%	39.5%	59.9%
	2007-08	36.2%	32.4%	45.5%	0%	29.6%	51.3%
	2006-07*	21.0%	69.0%	33.0%	0%	33.0%	48.0%

- [^] Actual total is 99.8% due to rounding
- ^{^^} Please note that in 'Change of Assessment' cases the liability to pay child support is likely to be affirmed but the amount of the liability might be varied (increased or decreased)
- ^{^^^} EOT to appeal to the SSAT were recorded under their appeal type in 2008-09
- * Jan-June 2007
- ** Set aside rate 1 = set aside and varied as percentage of all finalised decisions of this type
Set aside rate 2 = set aside and varied as percentage of set aside, varied and affirmed decisions of this type

Appendix I I

Projects 2008-09

Finance

Development of complete SSAT review package	ongoing
Risk management system	ongoing
Balanced scorecard management system	ongoing
National Office accommodation needs	complete
State Office accommodation needs	in progress
Security management system	ongoing
Sustainability reporting	in progress
Activity-based costing reporting	ongoing
Environmental Management System implementation	in progress

IT

Enhancements to AMSWIN case management system	ongoing
Implemented email management technology	complete
Improvements to SSAT website & intranet	complete
Improvements to the Tribunal's EDRMS	in progress
Development of specifications for online recruitment	complete
Evaluation of options for State Office server replacement and desktop replacement program	complete
Electronic lodgement of applications	in progress

Legal

Report on SSAT's power to access and disclose Family Court and Federal Magistrate Court documents	complete
Development of FOI / Privacy DVD Training Package	complete
Report on Repeat & Vexatious Litigants in the SSAT	complete
Report on Disclosure of Criminal Offence Information by Members	complete
Privacy and Confidentiality Training Manual	complete
Report on APS Staff and Conflicts of Interest	complete
Report on Breach of SSAT Disclosure Order—Investigation & Prosecution Procedures Available to the SSAT	complete
Report on Financial Experts' Immunity / Confidentiality	in progress
Report on Metadata and the SSAT	in progress
Submission to ARC: Update of The Guide to Standards of Conduct for Members	complete
Submission to DFHaCSIA: Review of Commonwealth Legal Services Procurement	complete
Submission to OFPC: Report on Use of Portable Storage Devices	complete
Submission to ALRC: Review of Secrecy Laws	complete

QAU

Quality analysis of 'Change of Assessment' decisions across all states	complete
Provision of training and information for members	recurring
Provision of new member induction training and technical training	recurring
Maintaining a leading cases database	in progress
Development of Member Resources Folders on web portal	in progress
Quality Analysis of Centrelink 'Debt Waiver' decisions across all states	complete
Review of Victorian Office 'Good Child Support Decision Guide'	complete

Cont..

Executive/Corporate	
New Strategic Plan	complete
EDRMS Post-Implementation Review	complete
EDRMS upgrade & configuration changes	complete
EDRMS training on upgrade	recurring
Review of child support publications	in progress
AAA review	complete
MOU with CSA	in progress
Organisational planning	in progress
MOU with FaHCSIA	complete
HR Quality Management System	in progress
Development of e-learning modules	in progress
Record Keeping System review	in progress
Corporate Governance review	in progress
New Workplace Agreement	complete
Workplace Agreement Productivity Costings	complete
Streamlining Case Management	in progress
Review of Child support information on internet site	complete
Engagement Survey	complete/recurring
Review of corporate policies	in progress
Establishment of IT Advisory Committee	complete
Child support Task Cards for Job Learning	in progress
Review of resourcing as a result of budget cuts	complete

Appendix I 2

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 2009.

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 Chapter 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 Chapter 2 and Appendix I of this Report.

Arrangements for outside participation in policy development

As the SSAT is an independent statutory tribunal no arrangements 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 I3

Legal Services Expenditure Statement

This is a statement of legal services expenditure by the Social Security Appeals Tribunal for 2008-09, published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

Agency's total legal services expenditure	\$ 177,812 (GST exclusive)
Agency's total external legal services expenditure	\$ 26,364 (GST exclusive)
External expenditure on solicitors	\$ 26,364 (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)
Agency's total internal legal services expenditure	\$ 151,448 (GST exclusive)
Salaries	\$ 125,010 (GST exclusive)
Overheads (includes administrative support and accommodation costs)	\$ 26,438 (GST exclusive)

Appendix I4

Commonwealth Disability Strategy Performance Report

The Commonwealth Disability Strategy is a framework to assist Government organisations meet their obligations under the *Disability Discrimination Act 1992*.

It ensures agencies will strive to consider and improve their performance in terms of five core roles of government. Two of these roles—the policy advisor and the regulator are not applicable to the SSAT. The APSC reports on the employer role. Therefore, the SSAT is required to report on its role as:

- purchaser, and
- provider.

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 2008 – 2009
Publicly available information on agreed purchasing specifications are available in accessible formats for people with disabilities.	Percentage of publicly available purchasing specifications requested and provided in: - accessible electronic formats; and - accessible formats other than electronic. 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. No requests for purchasing specifications were received during 2008-09.

Performance Indicator	Performance Measure	Current level of performance 2008 – 2009
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 takes into consideration relevant government legislation, Australian building standards and HREOC guidelines when refurbishing/relocating its offices. This includes specifications for desks, elevators, hallways etc to ensure facilities are suitable for and accessible by 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> .	<p>Percentage of purchasing specifications for goods and services that specify that tender organisations must comply with the <i>Disability Discrimination Act 1992</i>.</p> <p>Percentage of contracts for the purchase of goods and services that require the contractor to comply with the <i>Disability Discrimination Act 1992</i>.</p>	The SSAT has a standard contract that requires contractors to comply with all relevant Commonwealth legislation, including the <i>Disability Discrimination Act 1992</i> .
Publicly available performance reporting against the purchase contract specifications requested in accessible formats for people with disabilities is provided.	<p>Percentage of publicly available performance reports against the contract purchasing specification requested and provided in :</p> <ul style="list-style-type: none"> - accessible electronic formats; and - accessible formats other than electronic. <p>Average time taken to provide accessible material in:</p> <ul style="list-style-type: none"> - electronic formats; and - formats other than electronic. 	<p>All publicly available performance reports against the contract purchasing specification are available in accessible formats upon request.</p> <p>No requests for performance reports were received during 2008-09.</p>

Performance Indicator	Performance Measure	Current level of performance 2008 – 2009
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 and Complaints Handling Policy. 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 2008 – 2009
Providers have established mechanisms for quality improvement and assurance.	Evidence of quality improvement and assurance systems in operation.	<p>The SSAT reviews the mechanisms for quality improvement and assurance that target the needs of applicants with disabilities.</p> <p>Feedback from clients provides impetus to improve quality. A Diversity Committee is established within SSAT as an advisory and recommending body. A Diversity Action plan also establishes quality improvement.</p> <p>Onsite Physical Access & Equity Reviews are conducted annually by members of the Finance Unit. Reports containing recommendations are provided to SSAT management which ensures remedial action is taken as required.</p> <p>The SSAT's internet site complies with W3C standards which includes standards relating to accessibility for disabled users.</p>

Performance Indicator	Performance Measure	Current level of performance 2008 – 2009
Providers have an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.	Established service charter that adequately reflects the needs of people with disabilities in operation.	<p>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.</p> <p>Special needs of clients are taken into account as required and hearings may be relocated if necessary to accommodate these needs. SSAT staff are trained in Diverse needs of people.</p>
Complaints/grievance mechanisms, including access to external mechanisms, in place to address concerns raised about performance.	Established complaints /grievance mechanisms, including access to external mechanisms, in operation.	The SSAT Service Charter and Complaints Handling Policy set out the complaints/grievance mechanisms in place and provide information on accessing another level of resolution if this fails.

Appendix 15

Contact Details

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

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Business Manager – Peter Smith

National Freecall™ Number

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

SSAT Website

For further information, please refer to the SSAT's website, at www.ssat.gov.au

Contact Officer

For enquiries about this Annual Report, please contact:

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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.

Glossary

AAA	Administrative Arrangements Agreement (between the SSAT and Centrelink)
AAT	Administrative Appeals Tribunal
ACCE	Australasian Committee of Court Education
AFP	Australian Federal Police
AGDRP	Australian Government Disaster Recovery Payment
AIJA	Australasian Institute of Judicial Administration
AMSWIN	Appeals Management System for Windows (SSAT)
ANAO	Australian National Audit Office
APS	Australian Public Service
APSC	Australian Public Service Commission
ARO	Authorised Review Officer (Centrelink)
Centrelink	Commonwealth Service Delivery Agency
CEO	Chief Executive Officer
CHOTS	Commonwealth Heads of Tribunals
COA	Change of Assessment
COAT	Council of Australasian Tribunals
CSA	Child Support Agency
DEEWR	Department of Education, Employment and Workplace Relations
DSP	Disability Support Pension
EAP	Employee Assistance Program
ECRP	Exceptional Circumstances Relief Payment
EDRMS	Electronic Document and Records Management System
EMS	Environmental Management System
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FMA	Financial Management and Accountability (Act)
FOI	Freedom of Information
FTB	Family Tax Benefit
HREOC	Human Rights and Equal Opportunity Commission
ITAC	Information Technology Advisory Committee
JCA	Job Capacity Assessment
KPI	Key Performance Indicator
LSB	Legal Services Branch (Centrelink)
MAIB	Motor Accidents Insurance Board (Tas)
MOU	Memorandum of Understanding
NAATI	National Accreditation Authority for Translators and Interpreters Ltd
NADRAC	National Alternative Dispute Resolution Advisory Council
OFPC	Office of the Federal Privacy Commissioner
OH&S	Occupational Health and Safety
QAU	Quality Analysis Unit
SCO	Senior Case Officer (CSA)
Secretary, the	Secretary to the Department of Families, Housing, Community Services and Indigenous Affairs; or Secretary to the Department of Education, Employment and Workplace Relations (depending on context)
SES	Senior Executive Service
SSAT	Social Security Appeals Tribunal
TTY	Teletype Machine

Compliance Index

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Where outcome and output structures differ from PBS format, details of variation and reasons for change	Mandatory	n/a
Portfolio structure	Portfolio departments – mandatory	n/a
Report on Performance		
Review of performance during the year in relation to outputs and contribution to outcomes	Mandatory	22-45
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Performance of purchaser/provider arrangements	If applicable, mandatory	n/a
Where performance targets differ from the PBS/ PAES, details of both former and new targets, and reasons for the change	Mandatory	n/a
Narrative discussion and analysis of performance	Mandatory	22-45
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Significant changes in nature of principal functions / services	Suggested	n/a
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Description	Requirement	Page
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Developments since the end of the financial year that have affected or may significantly affect the tribunal's operations or financial results in future	If applicable, mandatory	n/a
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The annual report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website.	Mandatory	79-80, 100
<i>Australian National Audit Office Access Clauses</i>		
Absence of provisions in contracts allowing access by the Auditor-General	Mandatory	Nil
<i>Exempt contracts</i>		
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<i>Commonwealth Disability Strategy</i>		
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