



Australian Government



Social Security  
Appeals Tribunal

Social Security Appeals Tribunal

Annual Report 2009-2010

# ANNUAL REPORT 2009-2010

Quick, fair and independent  
the Social Security Appeals Tribunal

ISBN 978-0-9579677-9-3



9 780957 967793

© Commonwealth of Australia 2010

ISSN: 1035-7750

ISBN: 978-0-9579677-9-3

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



**Social Security  
Appeals Tribunal**

**National Office**  
24th Floor, 500 Collins Street  
Melbourne Vic 3000  
P O Box 218  
Collins Street West  
Melbourne VIC 3000  
Telephone: 03 8626 4923  
Facsimile: 03 8626 4949  
Email: info@ssat.gov.au

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

14 September 2010

*My dear Minister,*

In accordance with clause 25(1) of Schedule 3 of the *Social Security (Administration) Act 1999*, I present to you the Annual Report of the Social Security Appeals Tribunal covering the Tribunal's operations for the year ended 30 June 2010.

*Yours sincerely,*

*J Macdonnell*

Jane Macdonnell  
Principal Member

# Contents

<b>Part 1</b>	<b>Overview</b>	<b>1</b>
<b>Chapter 1</b>	<b>Review</b>	
	Principal Member's Review	1
	National Manager's Review	3
<b>Chapter 2</b>	<b>SSAT Overview</b>	
	Role	5
	Relationships	5
	Jurisdiction	6
<b>Chapter 3</b>	<b>SSAT Organisational Structure</b>	
	Structure	10
	Operations	11
<b>Part 2</b>	<b>Performance</b>	<b>14</b>
<b>Chapter 4</b>	<b>Performance Overview</b>	
	Outcomes Structure	14
	Performance results: Centrelink reviews	15
	Performance results: Child support reviews	15
	Service	16
	Cost	17
<b>Chapter 5</b>	<b>Effectiveness Indicators</b>	
	Fair	18
	Just	19
	Economical	20
	Informal	20
	Quick	21
<b>Chapter 6</b>	<b>Review Issues</b>	
	SSAT Case Studies	26
	AAT & Court Cases	30
	Policies & Procedures – Feedback to Departments/Agencies	32
<b>Part 3</b>	<b>Management &amp; Accountability</b>	<b>34</b>
<b>Chapter 7</b>	<b>Corporate Governance</b>	
	Structures	34
	Processes	35
<b>Chapter 8</b>	<b>External Scrutiny</b>	
	Reviews and Appeals from SSAT decisions	41
	Reports/Enquiries	41
	Applicant/Party Feedback	42
	Complaints and Compliments	43

<b>Chapter 9</b>	<b>Human Resources</b>	
	Members	44
	Staff	44
	The Performance Management System	45
	Learning & Development	46
	Occupational Health & Safety	48
<b>Chapter 10</b>	<b>Financial Resources</b>	
	Assets Management	49
	Purchasing	49
	Consultants	50
	Legal Services Expenditure	50
	Advertising, Publications and Outreach	50
<b>Part 4</b>	<b>Financial Statements</b>	<b>51</b>
<b>Appendices</b>		
Appendix 1	Jurisdiction of the SSAT	61
Appendix 2	SSAT Service Charter	64
Appendix 3	Strategic Plan 2008-11	67
Appendix 4	Members of the SSAT	69
Appendix 5	SSAT Staffing	72
Appendix 6	Consultants 2009-10	73
Appendix 7	Application Processing Statistics	74
Appendix 8	Timeliness Statistics	76
Appendix 9	Application Outcomes (Centrelink)	82
Appendix 10	Application Outcomes (Child Support)	84
Appendix 11	Projects 2009-10	85
Appendix 12	Freedom of Information: Section 8 Statement	87
Appendix 13	Legal Services Expenditure Statement	89
Appendix 14	Commonwealth Disability Strategy Performance Report	90
Appendix 15	Contact Details	92
<b>Glossary</b>		<b>93</b>
<b>Compliance Index</b>		<b>94</b>
<b>Index</b>		<b>97</b>



# Chapter 1

## Review

### **Principal Member's Review** **National Manager's Review**

#### **Principal Member's Review**

This report for the year 2009-10 will be my last as Principal Member.

Since I first joined the Social Security Appeals Tribunal in late 2001 I have seen many changes to the SSAT. The most profound change has undoubtedly been the assumption of the child support jurisdiction on 1 January 2007. I believe the SSAT has performed exceedingly well in preparing for and determining child support appeals. Before 1 January 2007 the only way an appeal could be determined was by the Family Court or Federal Magistrates Court. Obviously it is a jurisdiction fraught with emotion, requiring many judgements as to fairness and inevitably ending with some applicants and second parties (usually the other parent) still being unhappy. On a positive note the Tribunal was able to assist applicants and second parties to reach agreement as a result of a pre-hearing conference in about one quarter of cases in which a conference was held.

Very recently the *Paid Parental Leave Act 2010* was passed and it provides for the SSAT to have jurisdiction to determine appeals under that scheme after its commencement on 1 January 2011. I think the continuing good performance of the SSAT in its existing jurisdictions provided some confidence in having the SSAT be the tribunal to hear Paid Parental Leave (PPL) appeals. It is interesting to note that claimants for PPL, and their employers, will both have appeal rights to the SSAT under the legislation.

I met the Minister in late 2009 in relation to the production of the Annual Report and the general performance of the Tribunal. The Minister and I discussed the inherent difficulties in the child support jurisdiction where it is often a practical impossibility to equally satisfy the parties in the determination of a fair and reasonable amount of child support to be

apportioned between the respective parents. I also raised with the Minister my ongoing concern with the quality and the communication of adverse Centrelink decisions. Having spent over eight years at the SSAT, I continue to see many Centrelink decisions that, in my opinion, are taken without sufficient thought or explanation being provided to the person concerned. The Minister arranged for me to meet with the CEO of Centrelink and the Secretary of the Department of Human Services at which time I again expressed these concerns.

I would estimate, conservatively, that at least 10% of Centrelink appeals to the SSAT are initiated by a desire in the applicant to receive a full and considered written decision with adequate reasons as to why a particular decision has been made. As I explained to the CEO and the Secretary, the law mandates that a person must have their matter reviewed by an Authorised Review Officer (ARO) before they can appeal to the SSAT – in these circumstances, basic justice requires that persons receive a comprehensive, understandable and legally sound decision with reasons at the ARO stage of the appeal process. Consistent with this, I wrote to the Commonwealth Ombudsman seeking his assistance in having improvements made to the quality of Centrelink correspondence, especially in communicating with the person affected, where an adverse decision has been made. I have been a great supporter of the ARO system but I believe it has to be more adequately supported for it to work as well as the legislation clearly intends.

The Tribunal receives consistent feedback from appellants that when they receive correspondence from Centrelink which does not fully explain the decision, or for example nominates differing debt amounts in a series of letters, they appeal to the SSAT because they 'lose faith' in the administration to correctly determine their situation.

In relation to the workload of the Tribunal, it was somewhat of a relief to see a reduction in social security appeals of a little over 2,000 cases in 2009-10. This reduction was mainly attributable to a decline in the number of Newstart appeals, which in turn was, I believe, due to a new compliance regime being put in place by the current Government. In this regard, during the year the Tribunal was approached by Professor Julian Disney in relation to his review of the new compliance regime, to supply appeal numbers and comment on the appeal outcomes resulting from the new compliance approach. The most appealed payment type in 2009-10 was Disability Support Pension (although down fractionally on 2008-09) then followed by Newstart, down substantially from 3,799 in 2008-09 to 2,017, or 46%; Age Pension up 3.9% to 1,267 and Family Tax Benefit up 0.2% to 1,221.

During the year I sat on the first two income management appeals in the Northern Territory. One case raised a jurisdictional issue on whether the SSAT could consider the appeal. The Tribunal concluded that the transitional provision had the effect of preventing the Tribunal from considering the case and that finding has been the subject of discussions between the Department and the Ombudsman's Office. A new income management regime was recently introduced under the *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2009*, in which appeal rights appear to be far clearer. The Tribunal also wrote to the Department in relation to decision-making principles under that Act (which can be issued by the Minister as a statutory instrument) the intent of which is to guide decision-makers in the consideration of whether, for example, a person is a "vulnerable welfare payment recipient". In circumstances when the Tribunal makes submissions or comments on such matters, I am very aware of the possibility of the Tribunal, at some future time, considering the application of such principles in particular appeal cases.

That Act also makes further improvements to the SSAT in that it gives the Tribunal specific power to seek information direct from a third party (although the power to seek information 'through' the Secretary, remains) and provides for pre-hearing conferences to be held by the SSAT in social security appeal cases if it is considered such a conference would assist in the conduct and consideration of the appeal.

Last year I reported that the *Families, Housing, Community Services and Indigenous Affairs and other Legislation Amendment (Miscellaneous Measures) Bill 2008* had been passed in the House

of Representatives but not the Senate. I was very pleased to see the legislation ultimately pass the Senate as it has some small but very important changes – allowing for Tribunal members to be appointed for up to five years, allow for a direction to Centrelink to make oral submissions and allow Centrelink to request the SSAT to make oral submissions. This Act also allows the SSAT to give oral decisions in certain cases, but with a safeguard that a party would be able to request written decisions within 14 days.

It was pleasing to have the Tribunal's privacy training package as a finalist in the Government Award category of the Australian Privacy Awards for 2009. The Tribunal deals with thousands of cases each year, many of which involve the collection and consideration of sensitive personal information, including medical and financial information. The Tribunal tries very hard to balance the need for privacy with the concurrent legal requirements to disclose information to applicants and second parties, so that they have an opportunity to respond to issues relevant to their cases. Ongoing training and awareness is of course very important.

As has been my practice in each Annual Report, I again most sincerely give my thanks to the efforts of the staff and members of the Tribunal. Their tireless and sometimes thankless work is what enables this Tribunal to function as well as it does. I have enjoyed meeting the staff in their workplaces and sitting, over the years, with many full-time and part-time members in all States and Territories. I must also make mention of the tireless efforts of the Senior Members in the Tribunal – Ms Miriam Holmes (VIC), Mr Jim Walsh (QLD & NT), Ms Suellen Bullock (NSW & ACT), Ms Sue Raymond (SA & TAS) and Ms Rhonda Bradley (WA). I can only say it has been a privilege to work with such a group of dedicated professionals. The SSAT performs a very valuable service to the Australian community; staff and members should remember that. I leave the Tribunal in very capable hands.



L.M. Blacklow  
**Principal Member**



## National Manager's Review

Despite a decrease in appeal numbers the SSAT continued with a busy year. Administrative functions such as HR and payroll, finance and IT support continue regardless of the number of appeals lodged. The drop in lodgements has allowed the State Offices the opportunity to make inroads into the appeal cases they have 'on hand'. At the end of the reporting year the SSAT had 1,311 social security appeals and 580 child support appeals on hand, a big improvement from 2,047 and 683 respectively. Overall this means that in 2009-10 the SSAT finalised 14,706 appeals (comprising 11,939 social security and 2,767 child support appeals), approximately 12% fewer appeals than in the previous reporting period (16,668 in total).

Significantly, this year the SSAT signed a new Memorandum of Understanding (MOU) with the Child Support Agency (CSA). The MOU serves to strengthen the professional relationship between the agencies as well as establish the obligations of both parties regarding the management of applications for review of CSA decisions. By facilitating an efficient and effective review process the MOU assists the SSAT meet its statutory objective of providing a mechanism of review that is fair, just, informal, economical and quick.

Outcomes of client feedback continue to provide evidence of the SSAT's commitment to providing an excellent service to the community. For reasons of efficiency the feedback survey was this year administered for one quarter rather than the whole year. Results indicate that applicants and parties continue to find the process of appealing to the SSAT simple, straightforward and easy to understand. Results of the SSAT's feedback surveying can be found in Chapter 8.

The SSAT takes seriously its corporate governance responsibilities and this year introduced a new 'SSAT Operations Report'. This report gives a quarterly snapshot of appeals and other information reported by state. This means of reporting provides visual tools such as charts and graphs to track appeal lodgements, finalisations, ARO reviews and Objection decisions (which can be used to forecast SSAT appeals), and a variety of other useful statistics. The SSAT Operations Report is evidence of the SSAT's commitment to good corporate governance and its willingness to employ comprehensive and innovative reporting measures.

Each (financial) year the SSAT develops a National Business Plan to guide each functional area of the organisation. Driven by its Strategic Plan, the SSAT National Business Plan outlines strategic objectives

for the year, the activities required to fulfil these objectives, and timelines and performance indicators to measure outcomes. All strategic objectives fall within one of four key areas; 'Responsive service to stakeholders'; 'Improving internal processes'; 'Developing stronger capability'; and 'Demonstrating good corporate governance'. Key outcomes/activities in the 2009-10 National Business Plan included the development of guidelines to assist with oral decisions, upgrades to the SSAT website and intranet, and replacement of the appeals management system (AMSWIN).

The SSAT has commenced a project to replace its Appeals Management System (AMS), currently known as AMSWIN. The current system has served the SSAT very well over the last 10 years but technology and stakeholder expectations have changed and with additions of new jurisdictions, and architectural limitations, the SSAT has recognised the need to look into replacing AMSWIN. The replacement of AMS will seek to directly benefit citizens through the implementation of e-business technology to enable to lodgement of appeals via the Internet, checking the status of appeals and sending and receiving documents to the SSAT via a secure online facility. For internal stakeholders, there will be improvements in business processes and improved online access to documents associated with an appeal. Improved reporting will also benefit internal and external stakeholders in assessing the performance of the Tribunal.

This year the SSAT also commissioned the establishment of an Information Technology (IT) Strategic Plan. The purpose of the IT Strategic Plan for 2010-12 is to outline the current IT environment, factors influencing the strategic direction of IT and initiatives that will be undertaken to enable the SSAT to achieve its priorities. The overriding objective of the IT Strategic Plan is to support SSAT Business Plans through to 2012 by; optimising SSAT's investments in IT; to ensure that investment is aligned to the SSAT National and State based strategies and business plans; to reduce costs by providing business applications that are flexible, scalable and based on mainstream technologies; and to improve service by ensuring IT's responsiveness to business demands.

The SSAT also conducted an IT Capability Review to understand what areas of IT are efficient and what areas offer opportunities for efficiency improvements. The Review also intended to propose an efficient and effective IT governance structure, engagement model and service delivery processes to support both the current environment and the emerging program of work. This year also saw the rollout of new desktops across all SSAT offices,

including an upgrade of the electronic document records management system and the SSAT's email client. Other hardware and system upgrades have improved the speed and reliability of the SSAT's IT systems.

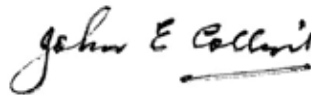
Training ensures that SSAT staff and members remain abreast of new issues and developments and that professional expertise is enhanced. Training remained vital in 2009-10 with staff and members undertaking a variety of internal and external training. Priority was given to the development of online e-learning – customised packages developed in house by the SSAT and delivered online to staff and members. Whilst more labour intensive to create, development of this type of training is a cost effective means of delivering training to many users by reducing the need for trainers to travel frequently.

One of these SSAT e-learning packages was nominated as a finalist in the 2009 Australian Privacy Awards. The SSAT training package consisted of two modules: 'Privacy Overview' and 'Privacy in the Office'. The Australian Privacy Awards, run by the Office of the Privacy Commissioner, aim to encourage organisations to engage in good privacy practices. The Privacy Awards drew more than 1,000 entries in the government category from all levels including local, state and Commonwealth agencies.

The SSAT this year continued to affirm its commitment to sustainable practices by drafting a new Environmental Management System. The SSAT has also implemented a 'Green Team' with a member in each office to further environmental goals and develop a network to enable discussion and promote sharing of ideas. The SSAT continues to be represented in the Government Agency Environment Network and reports environmental and sustainability outcomes in a number of external and internal reports.

The SSAT is committed to improving knowledge and understanding of the SSAT within the community, and this year re-established the Outreach Committee to provide a coordinated approach to national outreach. The Committee intends to conduct outreach in a targeted and strategic way to maximise coverage to the community and make best use of SSAT resources. To date new information products, presentations and a database have been developed to aid this means.

Looking ahead, the SSAT will experience another year of big changes. The SSAT is currently preparing to take on appeals for the Government's new Paid Parental Leave scheme. The scheme begins on 1 January 2011 with appeals effectively being able to be lodged from October 2010. The SSAT's recent experience in taking on the child support jurisdiction will hold us in good stead.



John E. 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.

### 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 decisions of officers of Centrelink (made as delegates of the Secretary 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 applications for review 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 Principal Member 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 Senior Members.

The SSAT is responsible for managing its own financial resources. In 2009-10, 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 necessary, however, for the effective and efficient operation of the SSAT.

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. The current AAA was signed by the Executive Director of the SSAT (Principal Member) and the Chief Executive Officer of Centrelink in February 2009 and runs until December 2011.

The Principal Member 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, Senior Members 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 review 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 reviews.

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 reviews. The current MOU was finalised and signed by the Executive Director (Principal Member) of the SSAT and the CSA General Manager in April 2010 and runs until December 2012.

At the state/territory level, SSAT Senior Members have formed relationships with their counterparts in CSA offices and liaise regularly to share information and to discuss review issues that arise (this excludes individual 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 (AAT), 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 reviews 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 serve 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 Senior Members 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 applications for review 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 applications for review of Centrelink decisions to the SSAT are Disability Support Pension and Newstart Allowance (43.1% 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.
- Whether reasonable action has been taken to obtain maintenance.

### Child Support Law

- Make or refuse to make 'Change of Assessment' determinations.
- A decision as to the particulars of administrative assessments (eg. estimate of income, care level)
- Accept or refuse to accept an application for an administrative assessment.
- Acceptance or refusal of child support agreements.
- 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 47.6% of all applications for review of decisions of the Child Support Registrar lodged with the SSAT.

## Health Insurance Act

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

## 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.

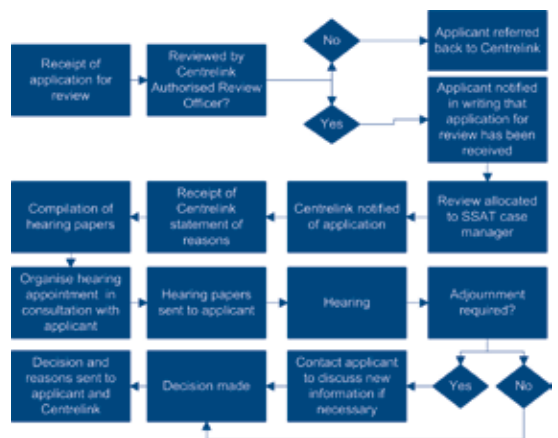
## Veterans' Entitlements Act

- 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 1.

## Review Management Process – Social Security

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

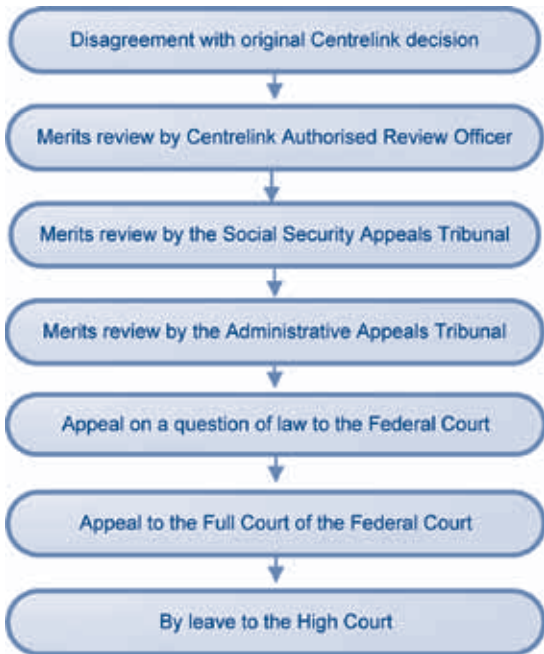


**Figure 1** Social security review management process

Social security law requires a decision to be reviewed by a Centrelink Authorised Review Officer (ARO) before an application for review can be lodged with the SSAT. In cases where a person incorrectly applies for a review 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 review structure and rights of further review and appeal.



**Figure 2** Social security review structure

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

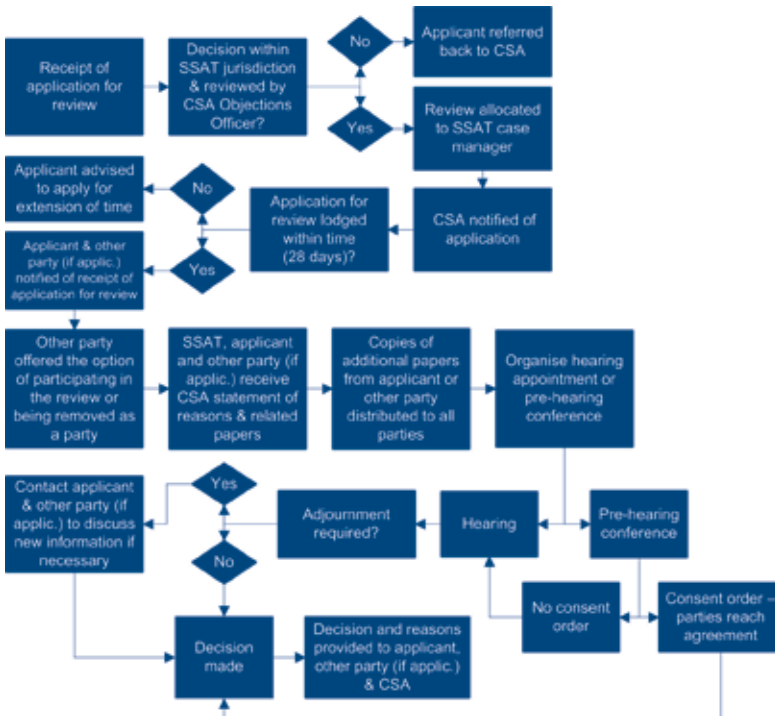
- A full merits review by the Administrative Appeals Tribunal (AAT);
- An appeal on questions of law by the Federal Court; and
- by leave, to the High Court.

Numbers of reviews that progress to the AAT from the SSAT, as well as Federal Court numbers, are given in Chapter 5.

### Review Management Process – Child Support

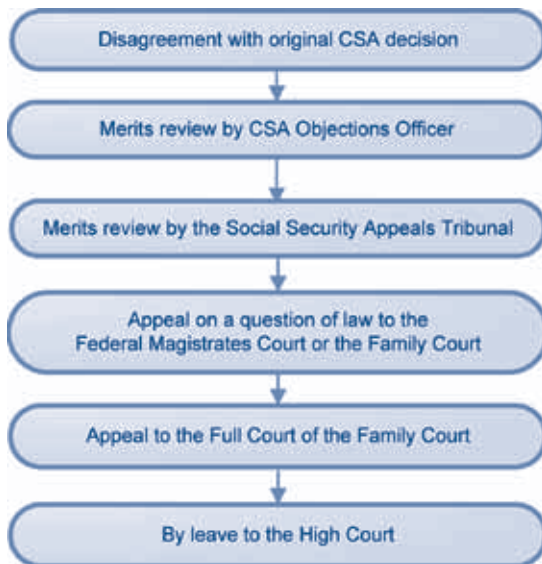
Figure 3 outlines the typical SSAT process for managing applications for review of decisions of the Child Support Registrar.

Child support legislation requires a decision to be reviewed by a CSA Objections Officer before an application for review can be lodged with the SSAT (unless the applicant is seeking review of a CSA decision not to grant an extension of time to lodge an objection). In cases where a person incorrectly applies for a review 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 3** Child support review management process

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



**Figure 4** *Child support review and appeal structure*

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

There are two exceptions to the child support review and appeal structure shown in Figure 4: if the SSAT refuses to grant an extension of time to apply for review of a decision to the SSAT, the applicant can apply to the AAT for a merits review of the SSAT's decision not to grant an extension. Applicants can also apply to the AAT for review of an SSAT decision on percentage of care for a child (ie. where two persons are providing care).

## Chapter 3

### SSAT Organisational Structure

#### Structure Operations

#### Structure

The Principal Member of the SSAT is supported by staff and members in offices around Australia and in the National Office which is located in Melbourne.

The membership of the SSAT comprises the Principal Member (formerly Executive Director), Senior Members (formerly Directors), Assistant Senior Members (formerly 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. Applications received from applicants in the Northern Territory are managed by the SSAT's Queensland Office, although the SSAT maintains members in Darwin and review hearings are still conducted in the Territory. Each SSAT office is managed by a Senior Member 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.

#### The Principal Member

The Principal Member was formerly known as the Executive Director. The Principal Member is responsible to the Minister for Families, Housing, Community Services and Indigenous Affairs for the operation and administration of the SSAT. In particular, the Principal Member 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 Principal Member'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 Principal Member's powers have been delegated to the Senior Members, members, the National Manager and other relevant managers within the SSAT.

The current Principal Member as at June 30 2010 is Mr Les Blacklow.

#### Senior Members

Senior Members were formerly known as Directors. The Senior Members of each SSAT office are accountable to the Principal Member for the performance of members and the day-to-day conduct of the business of the SSAT in their geographical areas.

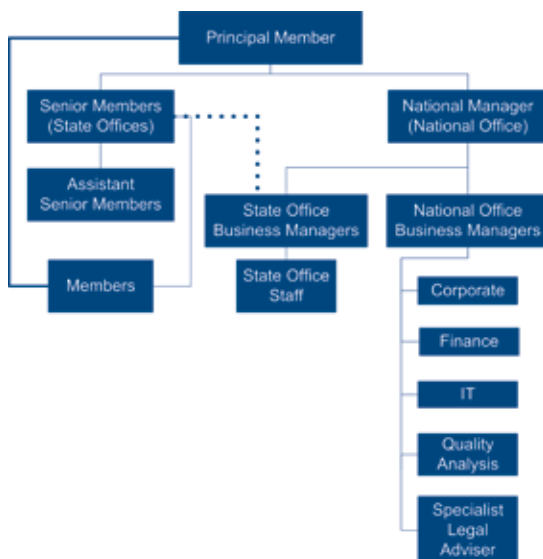


Figure 5 SSAT organisational structure



In addition to managing the operational requirements of each office, Senior Members report to the Principal Member on issues including legislative anomalies, jurisdictional problems, trends emerging from matters before the SSAT and the quality and consistency of decision-making.

The Senior Members of each SSAT office (as at June 30 2010) 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**  
Ms Rhonda Bradley (a/g)

### **Assistant Senior Members**

Assistant Senior Members were formerly known as Assistant Directors. There are two Assistant Senior Member positions in NSW/ACT, and one each in QLD/NT, SA/TAS and VIC State Offices. Assistant Senior Members assist Senior Members in the business of the SSAT. As full time members of the Tribunal, Assistant Senior Members 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 2010, the SSAT had 211 members (35 full-time [includes the Principal Member, five Senior Members and five Assistant Senior Members] and 176 part-time). The membership comprises 146 women and 65 men. Of the membership 56.4% are legally trained, 11.4% are medically trained, 13.7% have qualifications in social work or the humanities, 5.2% have qualifications in accounting and 13.3% have expertise in general administration.

Please refer to Appendix 4 for a full list of members (as at 30 June 2010). For further details on the terms and conditions of membership see Chapter 9.

### **Staff**

The SSAT employs staff in each of its offices. 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 2010, the SSAT had 113 staff. This equates to 99.3 full-time equivalent (FTE). The number of staff decreased only marginally this year, from 115 last year.

In each state/territory office, a Business Manager supports the Senior Member 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 Senior Members, 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 Principal Member 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 Principal Member and five Senior Members, is part of the SSAT Executive Group.

The current National Manager is Mr John Collins.

#### *National Office*

National Office staff assist the Principal Member in meeting his/her 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 review 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 2010 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 reviews. 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 apply equally to the management of social security and child support reviews. There were no additional office space requirements in 2009-10 however minor refurbishments of the State Offices in Melbourne and Adelaide were undertaken and completed.



**Figure 6** SSAT State Office boundaries



*A typical SSAT child support hearing room set up*

## Hearings

For each hearing, the relevant Senior Member 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. Occasionally the SSAT will sit as a one person panel but this would normally only be done in straightforward cases where, for example, the matter is considered 'on the papers' without a hearing. Pre-hearing conferences are also conducted by a single member.

The Presiding Member is responsible for the proper conduct of the hearing and the effective determination of cases. This includes ensuring that the hearing is fair and thorough, runs smoothly, that the decision-making process is 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 under review 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 review cases, Centrelink is usually not represented although it is now permitted by legislation to make oral submissions at hearings

provided the SSAT considers such submissions would assist in the consideration of a case. In a very small number of child support review 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 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 Principal Member or the Senior Members to come to a decision in any particular case.

## Case Managers

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

A case manager's tasks include:

- Liaising with Centrelink 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 review cases (in child support review cases, the CSA prepares and sends out the papers);
- Advising parties on the review process; and
- Ultimately dispatching the written decision and finalising the review.

## 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 reviews. 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 hearings are made aware of their responsibilities regarding privacy and confidentiality and are the subject of orders which direct that they are not to disclose information obtained in the course of the hearing. Observers are not present for any discussion of the case or decision-making by the members.

# Chapter 4

## Performance Overview

### Outcomes Structure

**Performance results: Centrelink reviews**

**Performance results: Child support reviews**

**Service**

**Cost**

### Outcomes Structure

The SSAT is an independent statutory body within the portfolio of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). 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 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 its objective in 2009-10.

**Table 1 Applications finalised 2009-10**

	Applications Lodged	Applications Finalised
Centrelink	11,203	11,939
CSA	2,664	2,767
<b>Total</b>	<b>13,867</b>	<b>14,706</b>

## Performance Results: Centrelink Reviews

Applications for review of Centrelink decisions decreased in 2009-10 compared to the previous reporting period. As a consequence the SSAT was able to reduce the number of applications on hand considerably. Please refer to Table 2 for further details.

**Table 2 Centrelink application statistics**

Applications for review of Centrelink decisions	2009-10	2008-09	2007-08
Lodged	11,203	13,429	11,596
Finalised	11,939	13,777	10,459
Decisions reviewed <sup>^</sup>	14,226	16,288	11,592
Decisions affirmed *	54.4%	50.7%	48.6%
Decisions changed (set aside/varied) *	26.5%	26.4%	27.1%
Not reviewable/withdrawn/dismitted *	19.1% <sup>1</sup>	22.9% <sup>2</sup>	24.3% <sup>3</sup>
On hand at 30 June 2010	1,311	2,054	2,407

<sup>^</sup> Centrelink applications may include reviews of multiple decisions

\* Figures are given as a percentage of all decisions reviewed

1 Not reviewable 7.9%; Withdrawn 7.8%; Dismissed 3.4%

2 Not reviewable 7.0%; Withdrawn 8.2%; Dismissed 7.7%

3 Not reviewable 9.3%; Withdrawn 8.2%; Dismissed 6.8%

### Lodgement of Applications

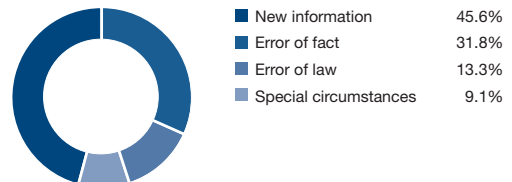
In 2009-10 the SSAT received 11,203 applications for review of Centrelink decisions. This represents a 16.5% decrease on the number of applications lodged in the previous financial year. The decrease in applications lodged can be attributed mainly to a reduction in Newstart reviews, which reduced from 3,799 reviews in 2008-09 to 2,017 in 2009-10.

At 30 June 2010 there were 1,311 applications for review on hand. This is substantially less than were on hand at the end of the previous financial year and is reflective of the decrease in lodgements and an increase in the number of cases finalised over the number of applications for review lodged.

### Finalised Applications

In 2009-10 a total of 11,939 review applications were finalised. This is a decrease of approximately 13% on the number of applications finalised in the previous financial year. As some applications contain more than one decision, this involved the review of 14,226 separate Centrelink decisions.

The SSAT affirmed the decision under review in 54.4% of cases. This is a slightly higher figure than in the previous financial year (50.7%). Centrelink decisions were changed (set aside or varied) by the SSAT in 26.5% of decisions finalised, which remains consistent with results in the previous two financial years (26.4% and 27.1% respectively). Figure 7 shows the main reasons that decisions were changed by the SSAT.



**Figure 7 Reasons for change of Centrelink decisions\* (rounding error 0.2%)**

Of the remaining 19.1% of Centrelink review cases, 7.9% were matters that the SSAT could not review. The majority of the 'not reviewable' cases occurred in applications for review lodged with the SSAT before the decision had first been reviewed by a Centrelink ARO as is required by law. The SSAT has in place processes to refer these matters back to Centrelink. The person may make a new application for review to the SSAT once the ARO review is complete.

The remaining 11.2% of review cases involved matters which were withdrawn or dismissed. Withdrawn or dismissed cases were somewhat less in number this year than in the previous financial year (15.9%). Withdrawn matters are those in which an applicant decides not to continue with the application. Matters which are dismissed are mostly those in which the applicant fails to respond to correspondence from the SSAT or fails to attend a scheduled hearing.

## Performance Results: Child Support Reviews

Applications for review of child support decisions fell this year for the first time since the SSAT assumed responsibility for the jurisdiction (1 January 2007). With the decline in applications came a corresponding decrease in the number of reviews finalised, although the number finalised exceeded the number lodged and this enabled the SSAT to decrease the number of reviews on hand during the reporting period. Please refer to Table 3 for further details.

**Table 3** Child support application statistics

Applications for review of CSA decisions	2009-10	2008-09	2007-08
Lodged	2,664	2,890	2,174
Finalised	2,767	2,891	1,884
Decisions affirmed *	24.5%	23.1%	29.6%
Decisions changed (set aside/ varied) *	35.7%	34.5%	31.0%
Not reviewable/dismissed/ withdrawn/not categorised *	39.8% <sup>1</sup>	42.4% <sup>2</sup>	39.4% <sup>3</sup>
On hand at 30 June 2009	580	678	672

\* Figures are given as a percentage of all decisions finalised

1 Not reviewable 14.1%; Withdrawn 9.1%; Dismissed 16.5%; Not categorised 0.1%

2 Not reviewable 14.3%; Withdrawn 10.7%; Dismissed 15.3%; Not categorised 2.2%

3 Not reviewable 18.3%; Withdrawn 8.5%; Dismissed 12.4%; Other 0.3% (rounding error 0.1%)

### Lodgement of Applications

In 2009-10 the SSAT received 2,664 applications for review of CSA decisions, a decrease of almost 8% on the previous financial year. The decrease in applications reflects a corresponding reduction of almost 9% in the number of cases going to Objection within the CSA.

### Finalised Applications

In 2009-10 a total of 2,767 CSA review applications were finalised, representing a decrease of approximately 5% over the previous reporting period, attributed to the decrease in applications. The SSAT affirmed the CSA decision in 24.5% of cases, marginally more than in the previous financial year (23.1%). The CSA decision was changed (set aside or varied) in 35.7% of decisions finalised by the SSAT, again marginally more than in the previous financial year (34.5%). Please refer to Figure 8 for the reasons for change of CSA decisions by the SSAT.

It should be noted that a little under half of all child support reviews concern a 'Change of Assessment' where the applicant requests a review of the amount of child support payable. In many of these cases the SSAT concluded that the payer was liable to pay child support, but varied the amount of child support to be paid. For further discussion of 'Change of Assessment' reviews please refer to "Performance Overview: Service", below.



**Figure 8** Reasons for change of CSA decisions

Of the remaining 39.8% of CSA review cases, 14.1% were matters which were not reviewable by the SSAT. 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 as is required by law. These matters are referred back to the CSA. An application for review can be resubmitted to the SSAT once the decision has been reviewed by an Objections Officer.

Withdrawn applications accounted for 9.1% of cases, being those in which the applicant decided not to continue with the review. The remaining 16.5% of cases were dismissed for a variety of reasons including failure of the applicant and other party to respond to correspondence from the SSAT, failure of the parties to attend a scheduled hearing, parties consenting to dismissal of the application 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 lodgement and finalising Centrelink reviews and child support reviews decreased in 2009-10. Please refer to Table 4 for details.

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

	2009-10	2008-09	2007-08	National Standard
Centrelink applications	7.19	8.61	9.62	10
CSA applications	11.67	12.97	13.33	15

In both jurisdictions this reduction can be attributed to the fall in applications and continuing efforts by the SSAT to deal with cases as expeditiously as is consistent with their proper consideration.



Pre-hearing conferences are routinely conducted in all 'Change of Assessment' reviews in the child support jurisdiction. A pre-hearing conference aims to clarify the issues in dispute, explain the hearing process to the parties and identify additional information required for the hearing (which might require the issue of directions or notices to third parties). There were 963 pre-hearing conferences held in 2009-10, significantly more than in the previous reporting period (472). Pre-hearing conferences led to agreement between the parties or having the case dismissed by consent in over 23% of cases, therefore removing the need for a full hearing.

In both jurisdictions the SSAT, on average, was able to finalise reviews well within the national standard for timeliness – 10 weeks for Centrelink applications and 15 weeks for CSA applications. The national timeliness standard differs between the Centrelink and CSA jurisdictions because CSA applications usually involve more than one party which complicates selection of a hearing day, and often necessitates an allowance of time for the production and exchange of further documents. Pre-hearing conferences do assist in this regard.

The statutory requirement to give reasons for its decision within 14 days of making a decision was achieved in 99.7% of Centrelink review cases and in 99.5% of CSA review cases. More details on the SSAT's timeliness performance are available in Appendix 8.

In 2009-10 the largest Centrelink review numbers were reviews about Disability Support Pension (25.1% of all reviews of Centrelink decisions), followed by Newstart Allowance (18.0%) and Age Pension (11.3%). The substantial decrease in applications for review of Newstart decisions compared to the previous financial year (28.3%) may be attributed to changes to the social security law by the introduction of a new job seeker compliance system which resulted in fewer applications for review of decisions to impose a 'non-payment period'.

Full details of the outcomes of applications for review of Centrelink decisions by payment type can be found in Appendix 9.

The largest CSA review numbers in 2009-10 related to 'Change of Assessment' (COA) applications (47.6% of all reviews of CSA decisions), followed by particulars of the assessment (30.6%) and refusal of an extension of time to object (7.1%). As noted above the SSAT routinely holds pre-hearing conferences in COA cases to clarify the issues in dispute and identify the need for further information and documents. 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.

Full details of the outcomes of applications for review of CSA decisions by decision type can be found in Appendix 10.

## Cost

The SSAT finalised 14,706 reviews in 2009-10 at a total cost of \$27.33 million which is an average cost of \$1,858. As some of those reviews involved more than one reviewable decision, the total number of decisions reviewed or otherwise finalised was 16,993 which works out as an average cost of \$1608.

The average costs are lower than 2008-09 costs as a result of the SSAT's improved economies during the reporting period. Despite the fall in the number of applications for review lodged with the SSAT, general and ongoing costs such as APS salaries, fees to members (as set by the Remuneration Tribunal) and accommodation and leasing costs continued to increase.

# Chapter 5

## Effectiveness Indicators

**Fair**  
**Just**  
**Economical**  
**Informal**  
**Quick**

The SSAT's statutory objective is provision of a mechanism of review that is 'fair', 'just', 'economical', 'informal' and 'quick'. Although the SSAT reports against each of these five attributes, they are not independent. For example, ensuring that the review process is 'fair' is achieved in ways that have cost implications which impinges 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 reviews 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 reviews. In child support cases, the CSA is responsible for preparing the review papers 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 review and appeal.

### Hearings

Hearings are generally conducted in the SSAT's offices in Adelaide, Brisbane, Canberra, Hobart, Melbourne, Perth and Sydney. During 2009-10 the SSAT also conducted hearings in regional centres including Newcastle, Wollongong, Wyong and Nowra (NSW) and Launceston (Tasmania). If a party is not able to attend the office for the hearing, the SSAT facilitates their participation by arranging hearings by tele-conference or by video-conference.

The hearings provide the parties with an opportunity to present evidence and to make written or oral submissions. A party may have another person make submissions on their behalf at the hearing.

Many applicants express their satisfaction with the SSAT's review process irrespective of the outcome of the review. During April, May and June of 2010, the SSAT conducted an applicant survey in which applicants and second parties were asked about their experience at the SSAT. The feedback survey is distributed to all Centrelink applicants, Child Support applicants and second parties to a Child Support review where the review progressed to hearing. The surveys are sent following the hearing and include questions which ask the parties about the hearing process (including "Did you feel that what you had to say was heard and understood at the hearing?" and "Did you feel that you had the opportunity to put forward all your information to the hearing?"). Over 88% of those who responded to



the survey indicated that they were satisfied with the hearing process.

## 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 the party's capacity to fully participate in the hearing. 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 648 occasions for Centrelink cases in 2009-10 which is substantially less than in the previous reporting period (740), reflective of the decrease in applications. In CSA cases interpreters were used on 22 occasions, which is more than in the previous reporting period (9). The languages most commonly required of interpreters were Arabic, Vietnamese and Mandarin. The total cost to the SSAT for interpreters in 2009-10 was \$136,579 which is a decrease over the cost in the previous financial year of \$157,827. This is reflective of the reduced use of interpreters.

## 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. As an administrative review tribunal the SSAT is required to reconsider the decision under review and reach the correct or preferable decision.

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 applications 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'.

## Further Review – AAT

The SSAT's decision in Centrelink review cases is reviewable by the AAT. Table 5 sets out the broad outcomes for Centrelink matters reviewed by the AAT. It should be noted that prior to 2009-10

AAT reviews that were settled by consent were categorised as either 'set aside (by consent)' or 'varied (by consent)'. From 2009-10 onwards these cases are being recorded as 'settled by consent' and therefore fall within the 'withdrawn/dismitted' category to better reflect the outcome of reviews that have actually been decided at a hearing.

**Table 5 Applications to the AAT for review of SSAT decisions in social security cases**

AAT Applications	2009-10	2008-09	2007-08
SSAT social security decisions reviewable by the AAT <sup>^</sup>	13,113	14,947	10,639
Applications to the AAT for review of SSAT decision	2,533	2,629	1,929
% of SSAT decisions where application for review lodged at AAT	19.3%	17.6%	18.1%
Applications finalised by the AAT	2,843	2,318	1,910
SSAT decision affirmed on review *	20.26%	17.7%	21.3%
SSAT decision changed on review (set aside/varied) *	6.75%	28.8% <sup>^^</sup>	25.8% <sup>^^</sup>
Withdrawn or dismissed on review * <sup>^^</sup>	72.99%	53.5%	52.9%

<sup>^</sup> 'Reviewable by the AAT' is calculated by subtracting the number of withdrawals from the total number of social security decisions reviewed by the SSAT.

<sup>^^</sup> Prior to 2009-10 cases dismissed by consent were recorded as 'set aside (by consent)' or 'varied (by consent)'. From 2009-10 these cases are recorded as 'withdrawn or dismissed on review'.

\* figures are given as a percentage of decisions finalised.

Sources: SSAT records were used for 'SSAT social security decisions reviewable by the AAT'; Centrelink records were used for all other data in the table.

In 2009-10 2,533 social security decisions made by the SSAT were the subject of applications to the AAT, representing 19.3% of reviewable decisions, slightly more than in the previous reporting period (17.6%). The percentage of SSAT decisions affirmed on review was 20.3% whilst the percentage of SSAT decisions changed (set aside or varied) by the AAT was 6.8%. This represents 145 decisions set aside and 47 decisions varied. A high proportion of applications (73%) to the AAT against SSAT decisions were withdrawn or dismissed which includes reviews which were settled by consent between the parties. Only 4% of applications finalised by the AAT resulted from applications by the Secretary, which represents a substantial drop from the previous two reporting periods (8% in 2008-09 and 19% in 2007-08).

In a small number of child support review cases the SSAT decision is reviewable by the AAT. Please refer to Table 6 for the outcomes of these reviews.

**Table 6 Applications to the AAT for review of SSAT decisions in child support cases**

AAT Applications	2009-10		2008-09	
	Extension of time decisions	Percentage of care decisions	Extension of time decisions	Percentage of care decisions
Applications to the AAT for review of SSAT child support decisions	18	33	21	9
Applications finalised by the AAT	21	22	26	2
SSAT decision affirmed on review	3	7	9	0
SSAT decision changed on review (set aside/varied)	5	8	7	1
SSAT decision withdrawn or dismissed on review	13	7	10	1

If the SSAT refuses to grant an extension of time to apply for review of a CSA decision, the applicant has the right to apply to the AAT for review of this decision. In 2009-10 18 such matters were the subject of applications to the AAT. The AAT finalised 21 applications resulting in three being affirmed, five decisions being set aside and 13 being dismissed, withdrawn or not proceeding for other reasons.

The only other circumstance in which an SSAT decision can be the subject of an application for review by the AAT in the child support jurisdiction occurs if the SSAT makes a 'care' decision, ie. determines the extent of care provided to a child or children by each parent. In 2009-10 there were 33 such applications to the AAT. The AAT finalised 22 applications resulting in 7 decisions being affirmed, 8 changed (6 set aside and 2 varied) and 7 being dismissed, withdrawn or not proceeding for other reasons.

### Appeals – Courts

Twenty-four appeals from the AAT in social security matters were decided in the Federal Court; two appeals were decided in the Full Federal Court and one appeal decided in the Federal Magistrates Court. Of the 27 appeals, 1 appeal was brought by the relevant Secretary and 26 by the applicants.

In terms of outcomes, the courts found in favour of the relevant Secretary in 21 matters and in favour of the applicant in three matters. Of the three remaining cases, two applicants were given leave to amend their appeal and in the other case the court made no order on the appeal.

In most child support review cases, the SSAT's decision is final and may only be appealed to a court on a question of law. In 2009-10, 60 SSAT child support decisions were appealed to a court (the Federal Magistrates Court / Family Court). Of these 49 were finalised with 15 decisions being set aside (six of which were remitted back to the SSAT to be re-heard), and 34 dismissed/discontinued or withdrawn.

### 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 2009-10 was \$27,332,114 compared to \$33,249,923 in the previous financial year. The decrease in expenditure largely reflects the anticipated reduction in work level, that is, the decrease in both Centrelink and CSA reviews, as well as the finalisation of setting-up for CSA reviews (ie. reduction in property operating expenses, general administrative costs, etc.).

#### Indicator

The overall average cost of reviewing or otherwise finalising a decision in 2009-10 was \$1,608. 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 review cases (16,993).

As a number of decisions can be contained within one review, the corresponding average overall finalised 'per review' cost to the SSAT in 2009-10 was \$1,858.

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 statutory objective of providing a mechanism for review that is fair, just, economical, informal and quick is supported by Section 167 of the *Social Security (Administration) Act 1999* and by Section 103N of the *Child Support (Registration and Collection) Act 1988* which state that the SSAT is not bound by technicalities, legal forms or rules of evidence.

The SSAT provides an informal mechanism of review by:

- Avoiding the use of unnecessary legal expressions in its letters to applicants and other parties, at its hearings and in its statements of reasons for decision.
- Maintaining a relatively informal hearing environment which does not intimidate people who are unfamiliar with, or uncomfortable in legal proceedings. However, the hearing of CSA reviews are generally more formal than the hearings of other reviews which do not have two parties.
- Usually Centrelink's case is presented by its statement and the provision of relevant material from the applicant's file to the SSAT. Centrelink would not normally be represented at SSAT hearings however it is permitted to make oral submissions but only where the SSAT believes this will assist in the consideration of the case.
- 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 reviews have a right to legal representation, it is made clear that this is by no means required. In the Centrelink jurisdiction 2,095 applicants nominated a representative, of whom 60.1% were family members or friends, whilst 15.6% were legal. Within the CSA jurisdiction 315 applicants (and other parties) nominated a representative. Notably in the CSA jurisdiction 44.8% of representatives nominated were legal specialists whilst 31.1% of representatives were family members/friends. Representatives can assist the applicant in preparing their case but do not always attend during the hearing as the Tribunal can determine that their presence would not assist the review.
- Applications for review 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 Senior Members and members (in particular by the Presiding Member, who is responsible for the conduct of the hearing).

## Quick

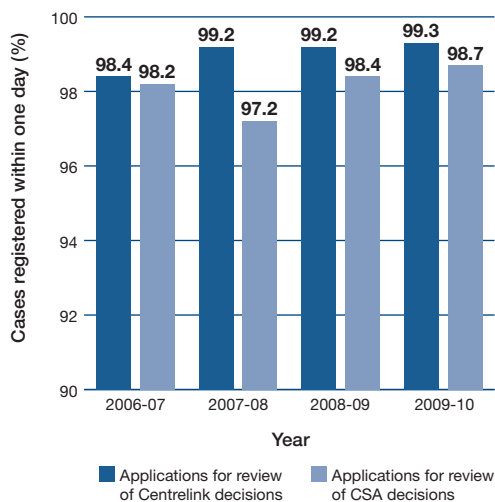
Timeliness is measured by reference to both legislative requirements and the SSAT's own standards, which are usually established through Executive Group considerations.

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

## Registration of Applications

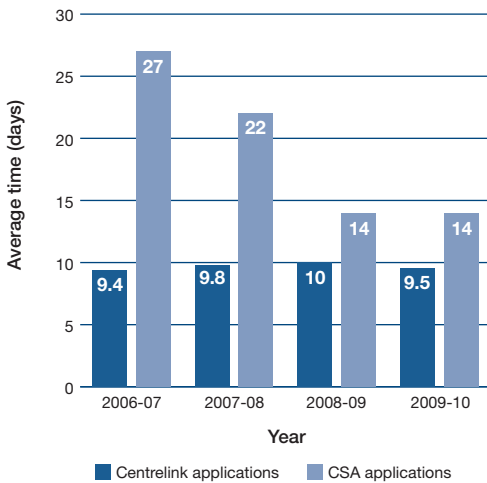
	Standard	Performance
Centrelink & CSA	The SSAT aims to register 100% of applications for review of decisions (Centrelink and CSA) within one day of receipt. This is an internal standard.	In 2009-10 the SSAT met this standard in 99.2% of all cases, consistent with last year's result of 99.1%. The SSAT registered 99.3% of all applications for review of Centrelink decisions and 98.7% of all applications for review of CSA decisions within one day.



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

## Statements

	Standard	Performance
Centrelink	Centrelink is required to provide a statement setting out the reasons for its decision to the SSAT within 28 days of receiving a notification of an application for review, or sooner if specifically requested. This is a statutory requirement under the <i>Social Security (Administration) Act 1999</i> .	In 2009-10, non-priority Centrelink statements were received, on average, in 9.5 days of the SSAT's request. Priority Centrelink statements were received, on average, in 6.8 days.
CSA	The CSA is required to send a statement setting out the reasons for its decision to the SSAT, to the applicant and to any other parties within 28 days of receiving a notification of an application for review. This is a statutory requirement under the <i>Child Support (Registration and Collection) Act 1988</i> .	In 2009-10 CSA statements were received, on average, in 14 days of the SSAT's request.

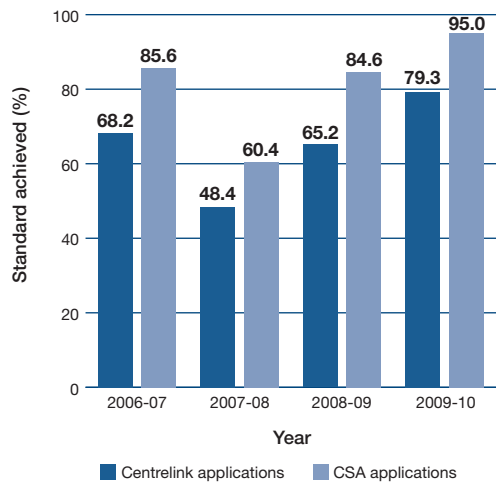


**Figure 10** Average time (days) to receive statements (Centrelink & CSA)

## Hearing Appointments

	Standard*	Performance
Centrelink	The SSAT aims to arrange 75% of hearings for a date within 42 days of receiving the Centrelink statement. This is an internal standard.	In 2009-10 the SSAT arranged 79.3% of hearings within 42 days of receiving the Centrelink statement. On average hearings were scheduled 32.3 days from the date of statement receipt.
CSA	The SSAT aims to arrange 75% of hearings for a date within 56 days of receiving the CSA statement. This is an internal standard.	In 2009-10 the SSAT arranged 95% of hearings within 56 days of receiving the CSA statement. On average hearings were scheduled 31.7 days from the date of statement receipt.

\* It should be noted that the SSAT's performance under these standards is subject to the availability of members and the readiness of applicants.



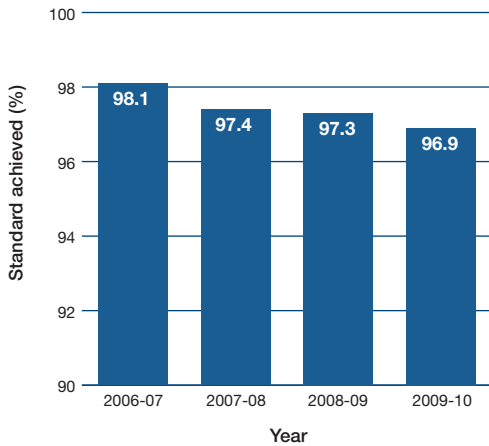
**Figure 11** Hearings scheduled (%) within SSAT internal standard

The steady improvement of scheduling cases within the internal timeliness standard is an excellent result. As mentioned above, applicants and other parties are usually very appreciative of the efforts of the staff and members of the SSAT to schedule and hear cases as quickly as is reasonably practicable.

## Hearing Papers

	Standard*	Performance
Centrelink	The SSAT aims to provide applicants with a copy of the papers relevant to their Centrelink decision under review at least seven days prior to their hearing and achieve this in 95% of cases. This is an internal standard.	In 2009-10 the SSAT met this standard in 96.9% of cases. 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.

\* There is no such standard in child support review cases because the CSA is required by law to provide the papers directly to the applicant, other parties and the SSAT.



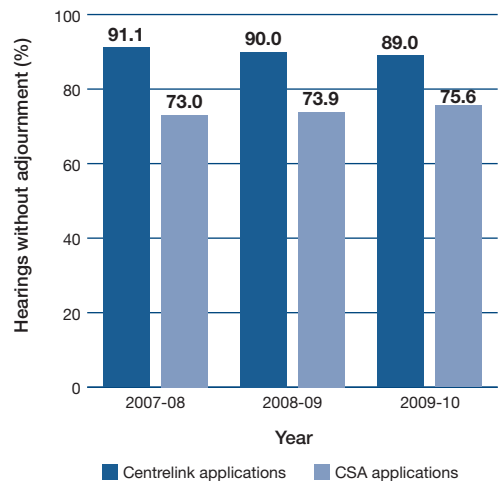
**Figure 12** Centrelink papers sent to applicants at least seven days prior to hearing (%)

The quality of the papers sent to the SSAT by Centrelink is variable. Some cases require major work by SSAT staff and members to correctly identify relevant papers, copy them and despatch them to the application. This should not be necessary; the decision under review is a decision of Centrelink and it is its responsibility to identify the relevant documents which are required to be considered in the review.

## Adjournments

	Standard*	Performance
Centrelink & CSA	The SSAT aims to decide 90% of cases in which there is a hearing without an adjournment. This is an internal standard.	In 2009-10 the SSAT met this standard in 86.5% of all cases. This standard was achieved in 89% of SSAT cases involving review of a Centrelink decision and 75.6% of cases involving review of a CSA decision.*

\* Note: a new data source has been used this year for adjournments in the child support jurisdiction, and variations from the figures reported in the last two Annual Reports. It should be noted that in some cases it is necessary for the SSAT to adjourn a hearing to obtain further information or to research the law (see also under 'Summary of Timeliness' below).

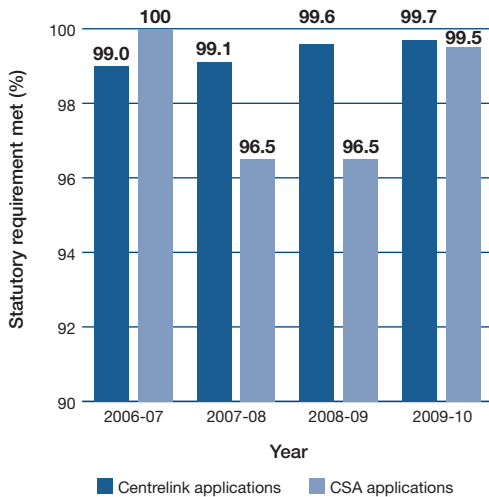


**Figure 13** Cases decided without adjournment (%)

## Notification of Decisions

	Standard*	Performance
Centrelink & CSA	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 review cases.	In 2009-10 the SSAT achieved this requirement in 99.6% of all review cases. This requirement was met in 99.7% of Centrelink review cases, with the SSAT providing its decision in an average of 8.6 days. This requirement was met in 99.5% of CSA review cases with the decision provided in an average of 8.1 days.

It should be noted that the SSAT strives to achieve a 100% result in this measure, not only because it is a statutory requirement but because of 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.

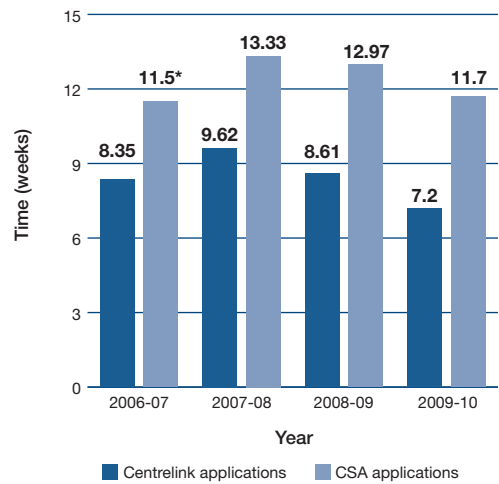


**Figure 14** Decisions notified within 14 days (%)

## Overall Time – Lodgement to Finalisation

	Standard	Performance
Centrelink	The SSAT aims to finalise applications for review of Centrelink decisions within 10 weeks of lodgement. This is an internal standard.	In 2009-10 the average processing time from lodgement to finalisation of decisions in Centrelink review cases was 7.2 weeks.
CSA	The SSAT aims to finalise applications for review of CSA decisions within 15 weeks of lodgement. This is an internal standard.	In 2009-10 the average processing time from lodgement to finalisation of decisions in CSA review cases was 11.7 weeks.

Please see also "Performance Overview: Service" in Chapter 4 for timeliness standards. Achieving and maintaining these 'turn around' times remains a key goal for the SSAT.



\* 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.

**Figure 15** Time taken (weeks) from lodgement to finalisation

## Summary of Timeliness

The reduction in applications for review to the SSAT in 2009-10 has allowed the SSAT to not only make inroads into the number of reviews on hand but to improve timeliness across nearly all measures compared to the previous reporting period.

It is critical to the success of the SSAT that it deals with cases in a timely manner. Applicants and other parties highly value the capacity of the SSAT to deal quickly with their cases. In what many applicants in particular may consider the most crucial measure of timeliness, overall time taken from the lodgement of applications to finalisation, the SSAT improved its performance substantially, with reviews of Centrelink decisions taking on average 7.2 weeks to finalise and reviews of CSA decisions taking on average 11.7 weeks. Both of these results fall well within the SSAT's own internal standard of 10 weeks and 15 weeks respectively.

Another substantial improvement is seen in the time taken to schedule hearings. The SSAT aims to schedule 75% of review hearings within 42 days of receiving papers from Centrelink and 56 days of receiving papers from the CSA (the difference is to allow for the additional time required in many CSA review cases to schedule hearings with more than one party). In the previous reporting period the SSAT was unable to meet its internal standard in Centrelink review cases however in 2009-10 the SSAT improved performance substantially to exceed the standard considerably in both jurisdictions.

The SSAT's performance in regards to adjournments remains consistent in the Centrelink jurisdiction, and has improved marginally in the child support jurisdiction. Many of the reviews that the SSAT conducts are complex in nature (especially in child support 'Change of Assessment' cases which make up just under 50% of all applications for review of CSA decisions) and often require the consideration of a large amount of complex documents, such as company, trust and partnership financial records. An adjournment may also be required to allow one or more parties to provide further information or to allow the SSAT to seek information from third parties and/or research the law. Of the adjournments in the child support jurisdiction, more than 54% occurred in 'Change of Assessment' cases and 61.7% of adjournments were to enable parties or the SSAT to obtain further information.

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 reviews, 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. This is a particular problem in child support cases where the level of co-operation between the parties can be very low due to a generally poor relationship between the parents and this lack of co-operation can extend the time within which the Tribunal can determine the case.



# Chapter 6

## Review Issues

### SSAT Case Studies

### AAT & Court Cases

### Policies & Procedures – Feedback to Departments/Agencies

The SSAT deals with many thousands of reviews each year. Often new and difficult issues are exposed on review 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

##### *Effect of overseas studies on Youth Allowance portability*

The applicant was in receipt of Youth Allowance as a full-time student. She was accepted into an exchange program and undertook studies at a university overseas from 5 January 2009 to 10 May 2009, at which point the overseas semester ended. During the time she was attending the overseas university she continued to be enrolled at an Australian university and accrued a HECS liability. After completing studies she spent a few weeks travelling. She returned to Australia on 5 June 2009 in order to resume studies at the Australian university in semester two. The central issue was whether she remained entitled to Youth Allowance from 10 May to 5 June 2009.

The Tribunal noted that in relation to Youth Allowance, section 1217(4) of the *Social Security Act 1991* provided that a person receiving Youth Allowance while undertaking full-time study had a maximum portability period of 13 weeks for any temporary absence. However section 1218 contains an exception to this, providing that such a person's

right to receive Youth Allowance is not affected merely by an absence from Australia throughout so much of the period of absence as is for the purposes of undertaking studies that form part of the course of education. Neither the legislation nor the Guide made specific reference to the situation that had occurred in this case, where the applicant was absent overseas for the purpose of undertaking study but then remained overseas for several weeks past the completion of her studies.

The Tribunal concluded that the correct and preferable interpretation of section 1218 was that the applicant's right to continue to be paid Youth Allowance was not affected by her absence during the period 5 January 2009 to 15 May 2009 during which she was undertaking studies. The ongoing payability of Youth Allowance during her absences both before and after her study period was governed by the maximum portability period set out in section 1217, being 13 weeks. As she was absent from Australia for less than 13 weeks excluding the period in which she was undertaking studies, Youth Allowance remained payable up until her return to Australia on 5 June 2009.

##### *Disaster Recovery Payment*

This case involved a claim by an applicant, who was employed as a 000 operator during the "Black Saturday" fires in Victoria, claimed the Australian Government Disaster Recovery Payment (AGDRP) on the basis of psychological trauma caused by taking calls from distressed people trapped in their houses by the bushfires. Centrelink rejected the claim on the grounds that the applicant was not in the immediate area of the fires and thus was ineligible to receive the payment.

On review the Tribunal had to determine whether the applicant had been "adversely affected by a major disaster" as required by s1061K of the *Social Security Act 1991*. In doing so, the Tribunal referred



to the Social Security (AGDRP) Determination 2009 (No.3) made on 14 February 2009 by the Minister for FaHCSIA. While accepting that the applicant had experienced distress in taking emergency calls on 7 February 2009, the Tribunal was not satisfied that this amounted to psychological trauma as defined by the Determination. The Tribunal found that the Determination required the applicant to have been in the immediate physical area of the fires and to have suffered in one or more ways set out in the Determination. Although the applicant was dealing with people in distress at the time of the fires, the Tribunal found that his was not the same as being in the immediate physical area or being an eye-witness as required by the Determination.

### ***Disability Support Pension – rate***

The applicant was paid Disability Support Pension at a rate that took into account her husband's earnings. Her husband commenced leave and was paid holiday pay and a leave loading for a day and then a subsequent period. The SSAT found that because the applicant's husband's income in respect of one annual leave day must be treated as ordinary income for the leave period to which it relates, the combined annual income for that day reduced the applicant's rate of Disability Support Pension to nil under both the pre-20 September rate calculator and the post-20 September rate calculator. The effect of the decision was that the applicant's rate of Disability Support Pension was no longer subject to the transitional provisions and her rate was required by law to be calculated under the new rate calculator which in the following period provided for a rate of about \$100 a fortnight less than the rate that had been paid previously. The Tribunal concluded that once the transitional provisions ceased to apply to a person, there was no mechanism in the legislation which allowed the previous rate calculator to be subsequently reapplied to the person's payment even in circumstances where the outcome for a particular person appeared to be unfair and unintended. The Tribunal affirmed the decision under review.

### ***Exemption from Income Management***

The applicants in this case, who were in receipt of the age pension, had resided in a NT Community for approximately 17 years. They were volunteers and lived rent-free in accommodation provided by a Church. They spend most of the year in the NT Community but spend about 4 months of the year in their own home in another state. As they had been physically present overnight on many occasions at the NT Community, since 21 June 2007 (the commencement of Income Management), their age pension payments became subject to the income

management regime. The applicants requested an exemption from the income management regime however Centrelink refused the exemption on the basis that the applicants did not qualify for such an exemption.

On review the Tribunal considered whether it had jurisdiction to determine the matter. The Tribunal noted that when the income management regime was introduced in 2007 the legislation specifically excluded review by the SSAT. An amendment to this legislation in 2009 introduced review of decisions under the income management regime by the SSAT. However this amendment appeared to be only in relation to new income management decisions taken after 24 June 2009. The Tribunal considered the legislation, the Minister's Second Reading Speech, the Explanatory Memorandum and the Parliamentary debates relating to the amending legislation and concluded that the intention of Parliament was to limit applications to the SSAT such that only decisions taken after 24 June 2009 could be the subject of applications for review.

The Tribunal further concluded that the SSAT was also prevented from considering reviews against exemption decisions taken after 24 June 2009 relating to decisions to apply income management taken before that date. If that were not the case then every person subject to the income management regime could simply request an exemption after 24 June 2009 which would then afford them full review rights to the SSAT, which would have rendered the transitional provision negatory and this did not appear to be the intention of Parliament. The Tribunal while affirming the decisions under review, noted that the applicants had since been granted a temporary exemption by Centrelink. On being subject to a decision to reimpose income management at a future date, the applicants would have full review rights to the SSAT.

### ***Effect of bankruptcy on FTB debt***

Mr B had been in receipt of Family Tax Benefit by fortnightly instalments calculated on the basis of his estimated income. On 22 October 2009 a reconciliation of his entitlement was undertaken for the 2005-06, the 2006-07 and 2007-08 financial years and debts were raised for all of those years.

The basis of Mr B's review was that he and his wife had declared bankruptcy in early April 2008. He therefore submitted that the first two debts should be provable under the bankruptcy and hence, effectively, not recoverable by Centrelink.

The Tribunal did not accept this argument. It was noted that a person's entitlement to Family Tax Benefit is essentially provisional until the point that

the reconciliation exercise is undertaken. At this point the liability, if there is one, then arises. The Tribunal referred to the Administrative Appeals Tribunal decisions Re Parker 2007 AATA 1834 and Pollock 2006 AATA 635, which discuss the difference between debts incurred under the social security law and those incurred under family assistance law.

As Mr B's date of bankruptcy preceded the date of the reconciliations, the debts were not provable in the bankruptcy and remained recoverable.

### **Valuation of failed investment**

Mr G purchased units in an agricultural investment for about \$24,000 in 2002. The terms of the investment were that investors owned the trees but not the land and were responsible for expenses. Mr G claimed age pension recently and the value of the investment was assessed by Centrelink as \$24,000. Mr G sought review of the valuation on the basis that the company was in receivership and he would not be able to sell his investment for anything like the price he paid for it.

The Tribunal undertook its own research of documents publicly available in respect of the winding up of the investment. In particular, the Tribunal referred to the decision of Robson J in Re Timbercorp Securities Ltd (in liq)(No 3) [2009] VSC 510 in which he made orders approving the liquidators' application to extinguish the interests of the investors to enable a sale and purchase deed for the assets to be completed. The assets were sold for \$128 million. Robson J ordered that the sale proceeds be held in trust until the Supreme Court could determine the legal rights of the secured creditors and the investors (which included Mr G).

The dispute between the secured creditors and the investors was ongoing: the secured creditors were owed approximately \$249 million. Based on evidence presented in the decision by Robson J, the Tribunal considered that the difference between the offer made by the secured creditors and the offer made by the investors represented a reasonable estimate of the range of return the investors might expect from the sale proceeds. The Tribunal was satisfied that the investors might receive between 4% to 39% of the sale proceeds.

In coming to a figure for value of Mr G's investment, the Tribunal referred to the Centrelink Guide which stated:

#### ***"Valuation of a failed financial investment***

*The value of the asset is the last recorded value before appointment of the receiver until the receiver states what the current value of the asset is. If the receiver states a range of values that investors may*

*receive then the value of that asset is the lower of that range of values. The value of any asset held by the person may change as further information becomes available.*

*Example: The receiver of the company has stated that investors may recover between 5 and 20 cents in the dollar. After the statement is made the asset's value is adjusted to 5 cents in the dollar."*

The Tribunal therefore decided to value Mr G's investment at the lower range of the percentage that investors may expect to receive, which was 4% of the original purchase price.

### **Child Support Cases**

#### ***Operation of the child support formula – Rate of child support when one of the children is covered by a child support agreement***

Mr and Mrs S have two children A and B. In 1999 Mr and Mrs S entered into a child support agreement (the Agreement). The CSA accepted that Agreement and created a child support case. The terms of the Agreement were that Mr S would provide \$100 child support per week per child and that those amounts would be indexed on 1 July each year in accordance with movements in average weekly earnings. In 2008 child A left Mrs S's care and moved into Mr S's care 100% of the time. The CSA decided that, given the change in care, the Agreement ceased to have effect for A but continued to have effect for B. In 2008, when A came to live with Mr S, Mr S applied for a child support assessment in relation to A. The CSA accepted that application and created a second child support case.

In January 2009 Mr S was sent various child support assessment for the period July 2008 to 30 November 2008. Mr S objected to those various assessments and then applied for review by the SSAT.

Mr S's case was that his administrative assessment for A calculated an amount of child support factoring in both children. For example if during a particular period Mr S had been assessed to pay \$3,000 for B (the child in Mrs S's care) and Mrs S had been assessed to pay \$4,000 for A (the child in Mr S's care) the CSA offset the two amounts and determined that Mrs S was required to pay Mr S \$1,000 child support for child A. However the CSA also calculated that Mr S was required to pay Mrs S \$7,000 for child B under the terms of the Agreement that was still in place for that child. In effect, Mr S was being assessed to pay \$10,000 for child B; an amount of \$3,000 under the administrative assessment and an amount of \$7,000 under the Agreement.

The Tribunal accepted that Mr S's administrative case was factoring in both children when calculating the annual rate of child support. The Tribunal determined that under subsection 35C(c) of the *Child Support (Assessment) Act 1989* (the Act) the assessment of child support payable by Mr S for child B could not be determined pursuant to an administrative assessment (Part 5 of the Act). This was because the amount of child support for child B was to be determined pursuant to the terms of the Agreement which, under section 95, have the effect of orders made by consent. The Tribunal determined that when calculating the annual rate of child support payable by Mrs S for child A, the CSA should not calculate an annual rate for child B. However the Tribunal noted that both child A and B needed to be factored into the assessment when calculating the costs of child A under the costs of children table.

The Tribunal then determined that under section 67A of the Act the overall rate of child support should be the result of offsetting the liabilities of Mr S pursuant to the Agreement and Mrs S pursuant to the administrative formula.

In this case the CSA had, since 1 July 2008, two active child support cases in relation to Mr and Mrs S and their children. Central to the SSAT decision was that, under section 5 of the Act, there is only one child support case. The SSAT considered that the CSA's failure to appreciate that there was only one child support case at law caused inaccurate child support assessments. The matter was sent back to the CSA for its reconsideration in accordance with directions.

#### ***Child support formula – Multi-case allowance***

The SSAT reviewed a decision of the CSA regarding the particular of the assessment, multi-case allowance. The CSA, in assessing the annual rate of child support payable by the father to Ms A for one of his children, took into account a multi-case allowance when determining the rate of child support payable. This allowance was in relation to the father's liability to pay child support to Ms B for another of his children. Ms A requested the SSAT not to take the multi-case allowance into account in working out the child support payable to her on the grounds that the father was still living with Ms B and not separated from her.

The SSAT concluded that to consider whether the father and Ms B were "separated" essentially went to the decision to accept the administrative assessment for their child and as Ms A had no right to object to that decision she had no right to seek review of that decision at the SSAT. The SSAT then affirmed the decision of the CSA.

#### ***Child Support – Non Agency Payment***

The SSAT reviewed a decision of the CSA to credit car payments made by the father, towards his child support liability to Ms A. Ms A requested the SSAT not to credit these payments as child support payable to her on the grounds that the car in question was registered in the father's name and financed by him and that she was the one paying for the running costs, registration and maintenance on the car.

The law allowed for crediting of certain types of specified payments, one of which is for 'costs to the payee of obtaining and running a motor vehicle, including repairs and standing costs'. The SSAT found that Ms A did not own the vehicle and the loan repayments were the father's responsibility given the loan was solely in his name. The SSAT concluded therefore, that as Ms A had not incurred the costs in question and had no legal liability to do so, the loan repayments in this case could not be categorised as costs to her of obtaining and running the motor vehicle.

The SSAT set aside the decision of the CSA and substituted a new decision that the car loan repayments made by the father should not be credited as payments against his child support liability.

#### ***Child Support – Fixed Annual Rate***

The Child Support Law imposes a fixed annual rate of child support payable by the liable parent where the parent's income was below the pension PP (single) maximum basic amount but did not receive an income support pension from Centrelink. A parent may apply to the CSA for this fixed annual rate not to apply if they are able to demonstrate that their current income is less than the pension PP (single) maximum basic amount and that it would be unjust and inequitable to expect them to pay the amount assessed. Ms A, the liable parent in a child support case, made such an application to the CSA who refused it on the grounds that even though her income was lower than the pension PP (single) maximum basic amount, it would not be just and equitable to allow the application.

Ms A sought review of the decision of the CSA to the SSAT. The SSAT found that Ms A received payments, which she claimed were gifts, were in fact "income" under the broader definition in the Child Support Law and that the total of all the income she received was in excess of the pension PP (single) maximum basic amount. Although the finding of the SSAT in relation to the income was different to that of the CSA, the SSAT concluded that the application

for the fixed annual rate should not succeed as the first condition for the application to succeed was not met and affirmed the CSA's decision.

**Note:** The FaHCSIA website [www.fahcsia.gov.au](http://www.fahcsia.gov.au) provides more summaries of Child Support cases decided by the SSAT.

## AAT & Court Cases

### Julius & Murphy & Anor (SSAT Appeal) FMCA fam 267

This was an appeal from a Melbourne COA decision. FM Riethmuller dismissed the appeal. There were four grounds on appeal – the primary ground was that there had been a failure to afford procedural fairness because the phone call to the applicant during the hearing dropped out and he did not participate in the rest of the hearing, despite attempts by the Tribunal to contact him.

The Court held there had not been a denial of procedural fairness as the phone call appears to have terminated through no fault of the tribunal or parties, the Tribunal took steps after the hearing to notify the applicant of the substance of the evidence given when he was not present at the hearing, the Tribunal sought his response to the evidence and a number of issues, the applicant was granted 2 extensions of time to respond to the directions, the applicant made no response to the additional material provided nor did he seek to have the hearing reconvene or to cross examine the witness who continued to give evidence in his absence.

The Court also considered issues relating to the Tribunal's approach to the applicant's financial circumstances and consideration by the Tribunal of the average gross weekly income of a person in the same trade as set out in the Australian Government's Job Search Website. The applicant argued that the Tribunal should not have had regard to the income for the particular trade on the website because he did not hold such a trade position. The Court noted there was no clear evidence before the Tribunal as to the actual classification of the applicant and the Tribunal may have made an error of fact, but the substance of the Tribunal's decision was based on the careful analysis of his expenditure during the 2007 calendar year and the reference to the website simply confirmed the primary findings as to the facts of the particular case (ie. his expenditure was similar to the income for a person of the classification). In looking at the case, there was no error of law.

He also noted as the Tribunal had made findings as to the actual earnings and expenses of the parties it was not necessary for more detailed reasoning usually required under the "just and equitable" step. Of interest in this case was that the SSAT set an adjusted taxable income – but did not state what the annual rate of child support would be if the adjusted taxable income was applied – FM Riehmuller made no comment about this but considered that the "just and equitable" issues had been addressed.

### Whether reviewable decision made

On 3 February 2002 a Centrelink officer decided that Ms J had incurred Newstart Allowance debts totalling some \$20000. The decision was affirmed by an ARO, by the SSAT (13 November 2003) and by the AAT (27 September 2005). On 13 November 2007 O'Dwyer FM of the Federal Magistrates Court of Australia determined that the decision of the AAT be set aside and the matter remitted to the AAT to be determined according to law. In terms of the substantive issue, the debts had been raised due to the value of undeclared assets, these being various apartments and real estate. The FMC concluded that there had been an error in relation to the value of these assets such that the value should have been reduced by unpaid body corporate levies, which constituted an encumbrance.

On 19 February 2009 the AAT remitted the matter to Centrelink "for reconsideration in accordance with section 42D of the Administrative Appeals Tribunal Act 1975". On 11 March 2009 an ARO wrote to Ms J and advised that the debts had been recalculated in accordance with the AAT's directions and now totalled some \$17000. On 11 May 2009 Ms J applied to the SSAT for a review of the Authorised Review Officer's fresh decision. The issue to be determined was whether it had jurisdiction to hear this review.

The Tribunal was satisfied that the decision made by the Authorised Review Officer on 11 March 2009 was a decision under the AAT Act made in accordance with the Directions of the AAT on 19 February 2009. In accordance with section 42D(2)(c), the ARO set the original decisions aside. The decision now being considered by the AAT is the new decision, in accordance with section 42D(4). As the decision made by the ARO was not a decision made under sections 126 or 135 of the Administration Act it was not a matter for which Ms J might apply to the SSAT for review under section 142 of the Administration Act. The Tribunal did not therefore have the power to review the matter.



### **Baker & Bovie [2009] FMCAfam 569**

This was an appeal to the FMC involving a complicated COA concerning a self employed person where both parties were legally represented. There were 10 grounds of appeal that were all rejected and unusually the Court awarded costs against the appellant. The Court noted that where a person has lodged a departure application against an existing departure determination, the party must still show that a ground exists to depart from the departure determination in force, as well as consider just and equitable and otherwise proper. One of the grounds of appeal was an alleged failure by the SSAT to consider relevant material – in relation to this ground the Court noted that “it is not incumbent upon a decision-maker to refer to every single item of evidence that is led in a hearing when giving judgment, but rather, significant items of evidence which are not referred to may demonstrate that the tribunal has erred.”

### **Kezchek v Sec, DFaHCSIA [2009] FCA 856 (11 August 2009)**

This case was an appeal from a decision of the AAT regarding a lump sum preclusion period. Very briefly, the facts were the relevant insurer accepted liability for Mr K’s injury, the amount of compensation was assessed by the NSW Motor Accident Authority’s Claims Assessment and Resolution Service and Mr K accepted that assessment.

The Federal Court held that a claim is “settled” within the meaning of s17(3)(a)(ii) if it is resolved by agreement between the parties, irrespective of the means by which that agreement is made valid or given effect. The “settlement” in s17(3)(a)(i) is a reference to the agreement. Further, a payment made “in settlement of a claim”, as referred to in s17(3)(a)(i) is a payment made pursuant to, or in accordance with, the agreement by which the claim was settled.” The Court noted that subsection 17(3) was intended to prevent the manipulation or masking of the economic loss component of damages awards and a resolution by agreement need not identify any component for economic loss or, if it does so, the amount nominated may bear no true relationship to that component. (see paras 49 – 50,57)

### **Julien v Sec, DEWR [2009] FCA 1015**

The Federal Court determined that retirement benefits paid to the applicant by the US Social Security Administration were “benefits” within the meaning set out in the Schedule 13 of the Social Security (International Agreements) Act 1999 and dismissed the appeal relating to a NSA debt.

### **MacDonald v Sec, DFaHCSIA [2009] FCA 1142**

The Court considered a Disability Support Pension claim and the application of the so-called “compensation preclusion period” provisions. The applicant had been in receipt of DSP since 2002 however he received a lump sum of compensation and was advised by letter in 2005 that his DSP was cancelled and that he could claim again after 12 May 2006 (once the preclusion period had expired). The applicant’s counsel argued that the DSP was not cancelled and once the preclusion period had ceased then the applicant’s DSP payment should have resumed and he did not need to reclaim. The Court did not accept this argument and noted section 1169 of the *Social Security Act 1991* says nothing about the suspension or revival of instalments of a pension affected by a lump sum preclusion period. In this case, DSP was automatically cancelled by the operation of s93 of the Administration Act. Therefore the initial DSP entitlement was cancelled and when the lump sum preclusion period ceased, the applicant must lodge a new claim for DSP.

### **Piotto v Sec, DEEWR [2009] FCA 1115 and 1116 (note two judgements)**

These appeals relate to a participation failure imposed due to failures to enter a Newstart agreement. The Court held that there was no evidence before the AAT that the Job Network Member had a delegation from the Secretary and was an Employment Services provider within the relevant delegation at the time of the participation failure on 30 September 2008. Therefore the matters were remitted to the AAT.

The applicant also argued that the activity agreements were unconscionable and he should not be required to sign an agreement. The Court noted that the agreements were not unconscionable or unreasonable as a result of the applicant being unable to engage in a negotiation process. The Court stated that the respondent was able “to a very real extent dictate the terms of” an agreement. Complaints by the applicant of the alleged “unconscionability” of the proposed agreements were not capable of constituting a reasonable excuse for the purposes of the Act.

## **Lilley v Logan 2009 FMCAfam 868 (24 June 2009)**

In this case the father of the child contended that he should not be liable for child support as the child was conceived as a result of an act of prostitution. The Court held that the child was covered by the child support scheme and properly the subject of a child support assessment. The antecedents of conception did not destroy a child's entitlement under the child support scheme. The applicant also sought a stay of the administrative assessment and collection of arrears as he had a COA application pending before the CSA. The FMC considered the circumstances of the case and that the applicant had at least an arguable case for departure, noting several factors showed there was a proper case for reduction of child support and stayed the collection of arrears and the current assessment to the extent it exceeded \$100 per week, pending the outcome of an objection and any application to the SSAT.

## **Mabry & Mabry & Anor [2010] FMCAfam 388**

In this case, the Court set aside an SSAT decision as it determined that each parent pay half the 2009 school fees and to pay the fees directly to the school. The FMC found that this was an error of law as the SSAT does not have power to make an order for non-periodic child support – this power is only conferred on the Courts. The powers of the SSAT in a COA determination are set out in s98S. If the SSAT seeks to make orders regarding child support then seek to link it to one of the determinations possible under section 98S – for example to increase the annual rate of child support payable by one parent by adding the amount (or proportional amount) of the school fees. There is also helpful discussion about determining the “expectations” of parents regarding education and how to determine liability for school supplies under the new formula.

## **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 Senior Member 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 Principal Member, 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 issues of section 103Q notices under the Child Support legislation concerning non-disclosure of information by parties;
- the capacity of the Child Support Agency to inform the Tribunal of cases involving family violence;
- the jurisdiction of the Tribunal to consider reviews under the Economic Security Statement Payments Administrative Scheme and the Household Stimulus Payments Administrative Scheme;
- feedback on the Richmond Review of the Child Support Scheme;
- practical difficulties with the current statutory appointment process for members of the SSAT; and
- ascertaining the income of an alleged partner in Parenting Payment/Family Tax Benefit review cases

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. A limited compliance activity was conducted in the reporting year which concentrated on the five Centrelink Area Offices which had sustained poor performance as identified by previous exercises. There was measurable improvement in one Area Office.

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 the proposed AAA Working Group meeting was cancelled due to Centrelink wishing to change its representation.

As reported in last year's Annual Report, the Principal Member 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 Principal Member 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, for example a 'review' letter from Western Australia stated as follows:

***"My decision***

*After carefully considering the information you have provided, I have concluded the decision was correct and should not be changed.*

***The reason for my decision***

*I have reached this decision because all of the information provided by both carers has been used to assess the percentage of care."*

On any test this is not sufficient notice of a decision, the evidence which was considered or the reasons for the decision. It is regrettable that many such letters are issued as a matter of course; not surprisingly they often provoke a request for a further review by an Authorised Review Officer and/or the SSAT.

The Memorandum of Understanding (MOU) between the SSAT and the CSA which sets out the roles and responsibilities of each agency in the child support review process was updated and re-signed by the Principal Member and the CEO of the Child Support Agency.

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

# Chapter 7

## Corporate Governance

### Structures

### Processes

### Structures

#### Executive Group

Under the SSAT's corporate governance arrangements, the Executive Group advises and assists the Principal Member in the overall operation and administration of the core business of the SSAT. Chaired by the Principal Member, with the Senior Members 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 Senior Member 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 four occasions, including a workshop convened to begin planning for the introduction of the paid parental leave scheme. Issues considered by the Executive Group during the year included remuneration of part-time members, the definition of complex cases, review of decision-making at the SSAT, the SSAT's approach to privacy issues, guidelines for giving oral decisions, liaison arrangements with various stakeholders, approval of the new IT Strategic Plan and various new pieces of legislation and their application.

#### 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



*The SSAT Executive Group. From left: John Collins, Les Blacklow, Rhonda Bradley, Sue Raymond, Miriam Holmes, Suellen Bullock and Jim Walsh.*

and assist the National Manager in establishing, implementing and maintaining national policies and best practice. The group met on four occasions in 2009-10 and this year undertook to improve communication within the organisation, review and expand the SSAT's diversity programme, considered new strategies for sharing workload between State Offices, provision of more targeted training to staff and continued to work to streamline a range of case management processes.

#### 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.

In 2009-10 an Outreach Committee was formed, including representatives from each office, to develop a more coordinated approach to community outreach and to encourage the sharing of knowledge and resources. 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. A Health and Safety Committee works to ensure an optimal physical environment for applicants/parties and employees and ensure that the SSAT is meeting its Occupational Health and Safety responsibilities, and the SSAT's Information Technology Advisory Committee (ITAC) assesses risk, impact and prioritises significant and major information technology changes including reviewing the merits/suitability of any proposed major IT investments.

Risk management is a key business process and an essential component of sound management and good corporate governance within both public and private sector organisations. The Executive Management Group believes that good corporate governance practices will protect and enhance the long term value of the SSAT and ensure that the Tribunal will be better placed to meet existing and future challenges. In order to meet the needs of Risk Management within the SSAT, the Executive Management Group have decided to appoint an independent chair to head the 'Risk and Review Compliance Committee' with other members from various offices of the SSAT.

A number of 'one-off' committees are also established on a need basis. These committees leverage the expertise of existing committees to provide specialist guidance on specific projects. The SSAT has established an 'AMS Steering Committee' to oversee the implementation of a new reviews management system, and in 2009-10 the SSAT established the 'Paid Parental Leave (PPL) Steering Committee' which will be responsible for the effective implementation of this new jurisdiction. This Committee will oversee all PPL Project Groups and, amongst other things, will broadly monitor and review the progress of projects.

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.

## Processes

### Corporate Planning

The 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. Refer to Appendix 3 for the SSAT's Strategic Plan 2008-11.

### 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.



*SSAT Principal Member Les Blacklow meets with local community groups in Geraldton, WA.*

During 2009-10 an Outreach Committee was established to develop a more coordinated approach to community outreach and to encourage the sharing of knowledge and resources. Representatives from each office were nominated to the Committee and meet regularly via tele-conference to review their recent outreach activities, discuss material requirements and share ideas.

This year the Committee reviewed the SSAT's outreach resources and developed new reporting templates to capture information about activities undertaken and community groups that have been contacted.

During the year the Principal Member together with the WA Senior Member visited both Bunbury and Geraldton as part of the outreach program – these areas were chosen because of their relative remoteness and substantial indigenous communities.

Local outreach initiatives undertaken in 2009-10 also included:

Presentations to stakeholder groups such as:

- Shoalhaven Interagency, Nowra (NSW)
- the AIDS Council of NSW (ACON) – Port Macquarie (NSW)
- Aboriginal Homeless and Shelter SA (SA)
- Carers SA (SA)
- South Australian Financial Counsellors Association (SA)
- Uniting Care Wesley (SA)
- Working Women's Centre (SA)
- Anglicare (TAS)
- Centacare (TAS)
- Mission Australia (TAS)
- Uniting Care (TAS)
- Shelter Tas (TAS)
- WESP (TAS)
- Geraldton Resource Centre (WA)
- Aboriginal Legal Service (WA)
- Yamatji Family Violence Prevention Legal Service (WA)
- Wila Gutharra (an Aboriginal Employment and Training Service) (WA)

Presentations at conferences, meetings, workshops and reviews such as:

- the Australian Government Solicitors Office/ University of Sydney Administrative Law Course (ACT)
- QPILCH (Queensland Public Interest Law Clearing House, a non-profit community based legal service that coordinates the provision of pro bono legal services for individuals and community groups) (QLD)
- Legal Aid Victoria conference
- Independent review of the Job Seeker Compliance Framework
- Participation in meetings/conferences of COAT.

Hosting of delegations from:

- The City of Dalian, China; QLD State Office presented discussions on the role of the Australian Welfare system and the role of the SSAT.
- The Peoples Republic of China (various ministries); the National Office presented on the merit based review system, functions and workflows of the SSAT.

The SSAT also participated in the hosting of student placements and presentations to universities.

In addition to this, 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.

### **Applicant Feedback Survey**

In 2009-10 an applicant feedback survey was administered to all applicants and participants to a hearing in the final quarter of the financial year (ie. April – June 2010). This survey is administered 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 in the selected quarter. 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 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 (refreshed annually) to ensure they maintain awareness of their responsibilities as Australian Public Servants.

## ***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 cases that might be assigned to them.

## **Environment Management**

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

The SSAT Environmental Management System (EMS) is a mechanism for the organisation to identify and help reduce the negative environmental impacts attributable arising from the operations of the SSAT. The goal of the EMS is to structure how the SSAT attempts to mitigate these impacts and plan for continual improvement.

During the latter part of the financial year a new EMS was drafted for management approval for the next three financial years (FY 2010-11, FY 2011-12 and FY 2012-13). The system, whilst uncertified, is designed to align with the ISO 14001 standard (AS/NZS ISO 14001:2004 Environmental Management Systems – requirements with guidance for use). The EMS has been structured utilising the Environment Management System tool developed by the Department of Water Heritage and the Arts.

The EMS includes targets and objectives for reducing the generation of waste and energy usage within the SSAT. Current measures include an internal key performance indicator (KPI) measure for energy usage in all offices and annual energy reviews in each State Office, with plans to include waste management. The National Office conducts waste reviews each quarter in order to track performance in this area.

The SSAT initiated an environmental group consisting of a representative from each State Office to further the environmental goals of the

organisation. In April 2010 the group participated in the team's first quarterly telephone hook-up. During the discussion a number of ideas were presented with a few to be followed up for a National framework. The members of the SSAT 'Green Team' represent their State Office as the primary contact for environmental issues and are responsible for helping to find and implement Australia-wide initiatives to reduce the impact of the SSAT on the environment.

The SSAT Sustainability Report for 2009-10 is currently being drafted and is anticipated to present the SSAT's commitment to sustainability through reporting on environmental, financial and social KPIs. The SSAT Sustainability Report is more specifically focussed on the SSAT's people, financial accountability and the organisation's responsibility to the environment.

In addition, the SSAT continues to be represented in the Government Agency Environment Network (GAEN), chairing the EMS subgroup in quarterly meetings and participating in initiatives including the amendment of legal registers to relate to office based work and making them accessible to all members of the Network and plans to arrange an operational EMS audit between network members. The SSAT Management Accountant from the National Office represents the SSAT in the network.

The SSAT continues to report annually to the Department of Climate Change about energy consumption and resulting emissions as per the National Greenhouse Energy Reporting Act 2007 and to the National Packaging Covenant (which is a collaborative agreement between government and industry) about disposal of materials, recycling and reuse.

## **Risk Management**

The SSAT maintains a structured risk management program that provides a number of beneficial outcomes by:

- enhancing strategic planning through the identification of threats to the SSAT's objectives;
- encouraging a proactive approach to issues likely to impact on the strategic and operational objectives of the Tribunal; and
- improving the quality of decision making by providing structured methods for the exploration of threats, opportunities and resource allocations.

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. The SSAT's risk management framework applies to all staff and to all current and future activities of the SSAT. Where more detailed

risk management policies or procedures are developed to cover specific areas of the Tribunal's operations (ie. security, fraud, occupational health and safety, business continuity planning) they comply with the broad directions detailed within the framework.

The SSAT Risk Management Guidelines were last updated in September 2009 and the Risk and Review Compliance Committee has met three times since then. The Committee reports directly to the Principal Member and the Executive Group on the appropriateness of the SSAT's accountability and control framework.

### Business Continuity Plan

The Business Continuity Plan is updated biannually. Copies are burnt to CD and sent to all Senior Members 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 review 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 in August 2009. The Plan was also revised in response to the World Health Organisation raising the global alert level, as the Australian Government moved to a new pandemic alert phase of "PROTECT". The SSAT's Pandemic Influenza Business Continuity Sub-Plan has been updated to include the new alert level of PROTECT as designated by the Australian Government. Any future updates to the Plan will also be included as they become available.

### Access and Equity

In July 2009 the SSAT Finance Unit conducted Access and Equity (Physical Access) on-site 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 and Safety

In 2009-10 the SSAT's Health and Safety Committee met on three occasions (via telephone hook-up) to discuss local occupational health and safety (OH&S) issues, all of which have been resolved. Annual reviews of all SSAT State Offices were conducted and areas in need of attention were brought to the attention of the local Senior Member and Business Manager for their action.

### 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. As part of this review, the SSAT engages the Australian Federal Police every two years to review its security policies, procedures and offices.

The SSAT also selected a new security provider (via Tender) to provide its 'Security Guarding and Alarm Monitoring Services' during 2009-10.

The SSAT recorded four general security incidents in 2009-10:

- One file was incorrectly labelled when sent from CSA to SSAT; and
- Three members received verbal threats from individuals regarding the outcome of a matter. A police report was filed to investigate each matter further.

### Security (Information Privacy)

There were 33 privacy breaches and 10 privacy incidents this reporting year. Please refer to Table 7 for historical data. Privacy 'incidents' mean those incidents 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. Most breaches this year involved the inadvertent sending of documents or emails to the wrong people. The SSAT is addressing this by continued training in the area.

**Table 7 Privacy breaches and incidents**

	2009-10	2008-09	2007-08
Privacy breaches	33	24	9
Privacy incidents	10	13	2
Alleged privacy breaches	-	-	1

A joint effort between the SSAT's Specialist Legal Adviser and Privacy Officer, and the SSAT's Learning and Development Officers resulted in the SSAT being selected as one of the six finalists in the 2009 Privacy Awards in the Government Award category. This was an excellent result given the large number of entries for this category and reflects the SSAT's commitment to the protection of private information. The Minister the Hon. Joe Ludwig gave an address to the audience reinforcing the message that the protection of privacy is a fundamental right of all Australians.

*The Hon. Minister Joe Ludwig, SSAT Principal Member Les Blacklow, Senior Member (NSW/ACT) Sue Bullock, Learning & Development Officers Christine Stephens, & John Gaunt & Privacy Commissioner Karen Curtis.*



Two privacy complaints were satisfactorily finalised by the Office of the Federal Privacy Commissioner (OFPC) this reporting year. One complaint was pending as at the end of the last reporting year; and, one complaint was lodged this reporting year.

In the first case, the SSAT erroneously sent out information about one party in a bundle of documents sent to the other party, including a tax file number. The SSAT apologised and made an offer of compensation which was accepted by the aggrieved party. The matter was closed by the OFPC.

In the second case, a party arranged for a third-party to provide the SSAT with a report which, in accordance with the requirements of procedural fairness, was circulated to the other party by the SSAT. The report contained the party's address. As the SSAT had advised the party, in its initial correspondence, that it was the responsibility of the parties to remove any personal information they did not wish disclosed to the other party in documents they provided to the SSAT, the OFPC was satisfied that the SSAT had not breached the party's privacy and the matter was closed.

The SSAT's commitment to ongoing privacy training continued in 2009-10 with an interactive training package about Freedom of Information and Privacy rolled out to all APS staff. The package was also made available online for members to access. Jointly produced by the SSAT's Specialist Legal Adviser and Learning and Development staff, the training package included a privacy/confidentiality training manual and two eLearning modules. This training package was selected as a finalist in the 2009 Privacy Awards in the Government Award category. Please refer to Chapter 9 for further information the SSAT's training programs.

## Fraud

The SSAT reviews 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.

As an awareness-raising activity, in March 2010 the SSAT participated in the Australasian Consumer Fraud Taskforce Campaign to prevent online fraud, including online dating agency romance scams, internet banking phishing scams, identity theft through social networking sites and email scams targeting small businesses.

There were no reported incidents of fraud reported in 2009-10.



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

I, Les Blacklow, certify that I am satisfied that for the financial year 2009-10 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

**Principal Member**

27 July 2010

# Chapter 8

## External Scrutiny

### Reviews and 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 reviews and 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 2009-10.

### Reviews and Appeals from SSAT decisions

In the event of disagreement with an SSAT decision in Centrelink review 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 review case, both the parties to the review 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 apply for review of 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.

The outcomes of appeals and reviews of SSAT decisions are monitored by the National Office of the SSAT, with leading AAT and court decisions considered by the Quality Analysis Unit and, where appropriate, reported to the SSAT's membership. Some of these cases are presented in Chapter 6 – Review Issues.

Tables 5 and 6 and the related text in Chapter 5 provides information on the number of further reviews and 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 2009-10.

The Australian National Audit Office (ANAO) completed its FY2008-09 audit of the 'SSAT operations and management' and found four 'C' class findings. The SSAT addressed the findings and has cleared all of the findings in FY2009-10.

In March 2010 the ANAO commenced an audit of Centrelink's role in the review system. The SSAT's principal input was the continuing concern with the quality of documents supplied to it by Centrelink. As at June 30 2010 the results of this audit were yet to be released.

The Australian Valuation Office undertook an asset revaluation of the SSAT. All recommendations were completed and systems updated.

In 2009 a funding base review was commissioned in joint by the SSAT and FaHCSIA to review the SSAT's funding model and consider whether the Tribunal is adequately resourced. Other aspects of the SSAT's operations such as the impact of changes in the Centrelink review system and the effectiveness of the SSAT's case management system were also reviewed. The outcome of this report is still pending as at June 30 2010.

The SSAT was subject of one complaint to the Human Rights and Equal Opportunity Commission (HREOC) on the grounds of discrimination. The complaint has since been dismissed by HREOC.

During the 2009-10 financial year, the Commonwealth Ombudsman received a total of 86 approaches concerning the SSAT, representing a 10.4% decrease on the previous period (96). Of these 86 approaches 10 cases were investigated. Eight were dismissed and two were still pending at the time of this report.



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.

Two privacy complaints were satisfactorily finalised by the Office of the Federal Privacy Commissioner (OFPC) this reporting year. Please refer to Security (Information Privacy) in Chapter 7 for further details.

## Applicant/Party Feedback

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

The SSAT also has a national feedback questionnaire designed to assess its services on a range of ministerial and internal key performance indicators (KPIs). During the fourth quarter of the financial year 2009-10 (ie. April-June), the questionnaire was provided to all applicants in Centrelink review cases and to all applicants and 2nd parties in the child support jurisdiction. Completion of the questionnaire was voluntary with 476 questionnaires completed by Centrelink applicants and 93 questionnaires by child support applicants in the reporting period. The results of the survey are shown in Tables 8 & 9.

The results of this year's survey indicate that the SSAT has continued to exceed its targets for Centrelink applicants across all KPIs. Results for Centrelink applicants were consistent with those of the two previous survey periods, demonstrating particularly high SSAT performance in fair and just treatment of applicants, as well as straightforward and understandable hearings as assessed by the people who are subject to them.

The results for child support applicants demonstrate that the SSAT exceeded its external target for the KPI that the hearing process is straightforward and less formal than a court. However, the questionnaire response rate was insufficient to conclude that the SSAT had or had not met its remaining KPI targets. Responses from 2nd parties to child support reviews indicated that the SSAT also exceeded its target for the KPI that the hearing process that is straightforward and less formal than a court, as well as exceeding the target for fair and just treatment of 2nd parties. The questionnaire response rate was insufficient to conclude that the SSAT had or had not met its remaining KPI targets for child support 2nd parties.

Child support applicants and 2nd parties tended to have similarly positive views on the review hearing process, but differed in their views regarding other KPIs – 2nd parties consistently rated SSAT performance higher than their counterparts on: feeling heard and understood; fair and just treatment; pre-hearing service, and; accommodation of needs. This finding indicates that child support applicants may hold higher expectations of the SSAT than 2nd parties.

**Table 8 Feedback results – Centrelink applicants**

External KPI:	Target	2010*	2009	2008
Applicants who considered the process for lodging an application for review was simple and appropriate	80%	94.0%	93.4%	92.8%
Applicants who considered the overall hearing was straightforward and understandable	75%	95.0%	95.3%	94.8%
Applicants who considered they were heard and understood in the hearing	75%	89.7%	87.4%	86.6%
Internal KPI:				
Applicant satisfaction that it was an independent process	70%	87.4%	84.8%	82.8%
Applicants who felt their treatment was fair and just	80%	93.4%	91.4%	91.7%
Applicants who felt the service they received helped them prepare for their review	80%	88.2%	87.5%	85.5%
Applicants who felt their needs were accommodated	80%	86.3%	87.0%	85.6%
Survey Results				
Number of responses		476	2018	1289
Administered		2263	14472	10459
Response Rate		21.0%	13.9%	12.3%
95% Confidence Interval		±2.8%	±1.4%	±1.8%

\* Data was collected in the final quarter only

Both parties to child support reviews tended to hold more negative views of the SSAT's services than Centrelink applicants. This finding may be associated with either the recency of the addition of the child support jurisdiction to SSAT services or, in very general terms, to the often difficult nature of relationships between parties to a child support review in comparison to those of Centrelink reviews.

## 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's 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 SSAT maintains a feedback database to record details of formal and informal complaints and compliments. 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 Senior Member, these matters will in all instances be considered by the Principal Member.

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 Senior Member 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 2009-10 the SSAT received very 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 Principal Member where it was considered, in all the circumstances, that such a response was more appropriate than a state response.

**Table 9 Feedback results – CSA applicants and 2nd parties**

External KPI:	Target	Applicants			2nd Party		
		2010*	2009	2008	2010*	2009	2008
Applicants who considered the process for lodging the application for review was simple and appropriate	80%	83.5%	87.5%	91.4%			
Applicants/parties who considered the overall review hearing was straightforward and less formal than a court	75%	93.1%	88.9%	94.0%	93.5%	91.4%	96.4%
Applicants/parties who considered they were heard and understood in the hearing	75%	73.0%	69.1%	66.7%	84.4%	74.9%	80.7%
Internal KPI:							
Applicants/parties who felt their treatment was fair and just	80%	75.0%	79.7%	75.0%	93.3%	81.2%	85.7%
Applicant/parties who felt the service they received helped them prepare for their review	80%	67.4%	69.1%	70.6%	73.8%	66.1%	66.7%
Applicants/parties who felt their needs were accommodated	80%	73.3%	69.8%	69.2%	82.8%	71.3%	89.2%
Survey Results							
Number of responses		47	203	37	46	161	56
Administered		726	2985	1130	726	2458	1022
Response Rate		6.5%	6.8%	3.3%	6.3%	6.6%	5.5%
95% Confidence Interval		±13.0%	±6.1%	±14.9%	±12.3%	±7.1%	±12.0%

\* Data was collected in the final quarter only

# Chapter 9

## Human Resources

### Members

### Staff

### The Performance Management System

### Learning & Development

### Occupational Health & Safety

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

As at June 30 2010 the SSAT had 211 members appointed and 113 people engaged under the *Public Service Act 1999* (headcount). Please refer to Appendix 5 for a breakdown of APS staff by gender, classification, employment location and status (full time/part-time and ongoing/non-ongoing).

As identified in the SSAT's Strategic Plan 2008-11, the Tribunal strives to maintain a properly resourced highly skilled workforce that is adaptable to change and supported by effective technology.

### Members

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 Principal Member 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 appointed as at 30 June 2010 is provided in Appendix 4.

### Workforce Movement

The total membership has decreased by 8.3% during the reporting period. The decrease is reflective of natural attrition – the SSAT did not recruit for members during the year due to the reduction in the number of applications for review.

### Breakdown of Membership

The Tribunal aims to attract and appoint members from a range of professional backgrounds. The role of each member is to actively participate in a multi-disciplinary panel, bringing the benefit of their particular expertise and qualifications to the responsibility of deciding each review on its merits. Refer to Figure 16 for the breakdown of SSAT membership by type.

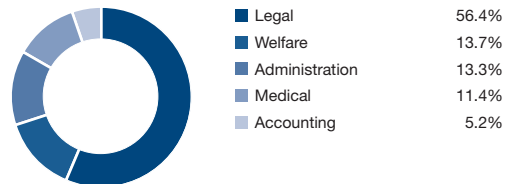


Figure 16 SSAT membership by type

### Staff

Staff employment terms and conditions are primarily determined by the *Public Service Act 1999* and the SSAT Workplace Agreement 2009-12 in conjunction with a range of internal policies. During the reporting period a number of SSAT policies relevant to the entitlements and working conditions of staff and members at the SSAT have been developed or updated.

### Workforce Movement

As at June 30 2010 the SSAT employed 113 APS staff of which 107 were ongoing and 6 were non-ongoing. This equates to 99.3 full-time equivalents (FTE). This reflects an overall 3.4% reduction in APS staffing numbers during the reporting period.

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

## Workforce Planning

Overall the SSAT has reduced its APS staff and membership numbers by 6.7% during the reporting period. This reflects the significant reduction in the number of applications for review. Whilst conscious that the number of applications for review are continuing to fall there is a reluctance to further reduce staffing and membership levels until the full impact of the Paid Parental Leave jurisdiction is determined.

## Diversity

The SSAT's Workplace Diversity Program has both an internal and external focus and links diversity to the SSAT Strategic Plan. The aims are to ensure the SSAT is responsive to the diverse needs of its stakeholders and to develop stronger capability and encourage and support a diverse workforce.

The Diversity Committee has been active in achieving the goals set in the Diversity Action Plan 2009-11. The Chairperson of the SSAT Diversity Committee reports against a standing agenda item at the Business Managers forum. The diversity priority areas for the SSAT during the reporting period have been outreach, indigenous participation and the employment of people with a disability.

The SSAT contributes annually to the Department of Immigration and Citizenship's (DIAC) Access and Equity Report and attends the very informative seminars facilitated by DIAC.

## 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 report. The indicators most relevant to the SSAT are those relating to the role 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 hearings and flexible hearing options (eg. hearings by telephone or video-conference). The SSAT is also committed to providing physical access to its offices for all clients, members and staff. Audits are undertaken of all offices annually and any access

issues identified are dealt with being cognisant of practical and resource implications.

## Employee Assistance Program

The SSAT offers APS employees and their immediate family the opportunity to access professional and confidential counselling services including a 24 hour critical trauma counselling and critical incident response service with an assured attendance on-site within two hours.

## Wellness

The SSAT has established Wellness Committees 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 and social activities. The SSAT provides a Healthy Lifestyle Allowance of \$200 per year per APS staff member to encourage staff to participate in activities that will benefit their own health and wellbeing and as a consequence benefit the Tribunal. Team activities are also encouraged by way of the SSAT's Team Activities Allowance.

## The Performance Management System

The SSAT Workplace Agreement does not provide for performance pay or bonuses but does include a Performance Management System which requires the achievement of individual key performance indicators which are clearly linked to the SSAT strategic outcomes, to salary point advancement. The Key Performance Indicators 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. The Key Performance Indicators for National Office staff are generally aligned to projects and outcomes listed in the National Office business plan.

The Remuneration Tribunal sets out the total remuneration available to SSAT members but does not link remuneration to productivity targets. The SSAT has developed performance standards for members and the members are assessed annually against those standards. Recommendations for reappointment to the SSAT are based, in part, upon the members achieving satisfactory performance appraisals.

## Productivity

The SSAT also has a range of productivity initiatives listed in the Workplace Agreement that are to be achieved over the three year lifespan of the agreement. SSAT APS staff are eligible for an annual pay increase, paid with effect 1 July, based on the achievement of these productivity initiatives.

Some of the productivity initiatives that have been achieved during this reporting period include:

- the introduction of changes to the under-performance procedures;
- the introduction of an updated version of Objective (the SSAT's electronic records management system);
- the development of Child Support Task Cards; and
- the development of an Environmental Management System including a sustainability report.

There has also been significant progress toward the following productivity initiatives:

- streamlining the Case Management System with the aim of moving toward a more consistent approach to Case Management activities across the Tribunal;
- implementation of a Staff Suggestion Scheme; and
- the introduction of a new Case Management System.

## Learning and Development

### Internal Training

Learning and development is a key priority for the SSAT. During the 2009-10 financial year 139 'in-house' training sessions were run for APS staff and members. This provided 196 hours of 'in-house' training delivered to APS staff and 254 hours of 'in-house' training delivered to members. This complemented the external and on the job training that occurred throughout the year.

The SSAT's Learning and Development Officers develop their own e-learning modules. This is part of a strategy to reduce the overall cost of training and to allow for the user to access training as required on-line. The Learning and Development Officers share generic training products developed with other government departments as a way to increase efficiencies through the whole of government approach. The SSAT's Quality and Analysis Unit have also created DVDs of training presented in member meetings in order to provide access to information as required by the user. The Learning and Development

Officers produce a quarterly newsletter to ensure that all staff are kept abreast of relevant issues and recent developments in training.

'In-house' training developed during 2009-10 and delivered to APS staff and members by the SSAT's Learning and Development Officers and the Quantity and Analysis Unit included:

- E-learning "Welcome to the SSAT"
- E-learning "It's Hip to be Green" – Recycling and the Environment
- Business Managers Quick Reference Guide
- CSA Adjusted Taxable Income Training
- CSA Review Types Training
- Centrelink Adjusted Taxable Income
- Team Leader Training
- Accounts Payable Training
- Centrelink Added Party Training for Case Managers
- Privacy Refresher Training
- Diversity Training – Culture
- CSA Training on Legislative Changes to Care
- CSA Training on Cuba Screens
- Team Building Activities
- Work Life Balance and Working Effectively
- Centrelink Participation Failures developed
- Overview of Centrelink AAA Task Cards
- Centrelink Mainframe Overview
- Centrelink Multical Training
- Centrelink ADEX Training
- CSA History & Formula
- Fire Evacuation Procedure Training
- Centrelink Documents / Acronyms
- Hearing Room and General Building Security
- COA template / decision writing
- Questioning Techniques
- Vetting refresher, including new carer screens and income bank / working credit screens
- CSA percentage of care
- Social Security Update: age pension rate calculator, pension bonus, notice provisions, baby bonus
- Social Security Update: misconduct cases
- Social Security Update: FTB and sole administrative error
- Social Security Update: Member of Couple template
- Social Security Update: Inquisitorial Tribunal

- Child Support: remitted appeals
- Social Welfare

## External Training

The SSAT expended \$123,012 on external training during the 2009-10 financial year. Examples of external training undertaken include:

- First Aid Training
- OH&S Training
- Leadership Training
- Fire Warden Training
- Project Management Fundamentals
- Administrative Law Forum
- Advanced Project Management
- The Future of Financial Regulation
- Introduction to IBM Lotus Domino 8.5 X Pages
- GAEN Conference
- Team Leader Development Program
- Payroll Tax Seminar
- AGS Reform Seminar
- Performance Monitoring and Accountability Training
- Harassment Contact Officer Training
- AustLII Members Legal Training
- Comcare Training
- Annual Report Writing Workshop
- Microsoft Project Training
- Microsoft Excel
- Alternative Dispute Resolution– Members
- CPR & Defibrillator Training

## Training Needs Analysis Survey & Individual Learning Plans

A Training Needs Analysis was conducted between March and June 2010. This was targeted at APS staff. The SSAT also collates details from Individual Learning Plans from Performance Agreements.

This information is used;

- To identify and prioritise learning and development needs of the SSAT;
- To ascertain the relevance, quality and effectiveness of previous training activities from the perspective of individuals;
- To identify what the stakeholders see as barriers to Learning & Development in the organisation;
- To seek suggestions to overcome barriers to Learning & Development; and
- To seek recommendations for training providers and training courses/activities

## Learn X Asia Pacific Conference

The SSAT's Learning and Development Officers wrote and presented a paper on training and behaviour at the Learn X Asia Pacific Conference in Sydney in May 2010. This paper was based on findings from quantifiable data in recycling sustainability at the SSAT's National Office. The building at National Office is a "green" building and Great Forests Australia complete waste audits to ensure that objective measurable data is obtained. The SSAT's Management Accountant (who is also manages the SSAT's sustainability reporting) provided support and training which was an invaluable assistance in completing the findings for the presentation. The paper was well received with a number of other government and non government organisations expressing interests in obtaining more information about the SSAT's incentives.

## Developing and Networking

The SSAT's Learning and Development Officers are members of the ACCE Committee (Australasian Committee of Court Education). They have attended two ACCE conferences during the 2009-10 year. As a result, relationships with other courts and tribunals have been strengthened over the course of the year. As a direct result of their networks the following training has been rolled out to the staff of the SSAT by other tribunals:

How to Become "Pressure Proof" and resilient to tension in work and life

Managing Difficult Conversations

Black Dog – Mental Health Training

Managing Difficult Interactions

The SSAT has shared the following e-learning packages with other courts and tribunals:

- "It's hip to be green" e-learning
- Ethics Training and APS Values/Code of Conduct
- Fire Evacuation e-learning

Whilst attending the ACCE Conference in May 2010, the SSAT's Learning and Development Officers ran an interactive one day workshop on e-learning in conjunction with the Victorian Supreme Court. This workshop targeted government trainers who are working in courts and tribunals throughout Australia and New Zealand.



## Occupational Health and 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 Health and Safety Committee consisting of representatives from each SSAT office supported by the network of First Aid Officers and Fire Wardens. This Committee meets regularly via telephone hook-up to discuss health and safety issues and initiatives. In late 2009 the SSAT purchased defibrillators for each office and First Aid officers have already or will receive training in relation to the operation of these devices.

During the reporting period the Finance Unit conducted OH&S on-site internal reviews of all SSAT State Offices to ensure that none of the Offices pose a risk to health, security and safety of employees, applicants, visitors and members of the public. 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 Senior Member and Business Manager for their immediate attention. There were no major adverse findings.

In summary, it was 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 2010. All redundant and faulty equipment was replaced as a matter of routine.

The SSAT also engaged a new security provider for 'Security Guarding and Alarm Monitoring Services' for all of its premises.

## Workplace Incidents

During the course of the year there were ten recorded workplace incidents. None of these were considered to be serious incidents and all were resolved satisfactorily. No incidents were reported 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 2009-10 the SSAT incurred expenses of \$27,332,114. Funding of \$28,267,912 for the operations of the SSAT was received from the overall FaHCSIA appropriation.

The overall average cost of reviewing a decision in 2009-10 was \$1,608. 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 review cases (16,993).

As a number of decisions can be contained within one review, the SSAT finalised 14,706 reviews in 2009-10. Thus the corresponding average overall finalised 'per appeal' cost to the SSAT in 2009-10 was \$1,858.

A detailed breakdown of the financial resources and expenditure of the SSAT in 2009-10 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 were re-valued by the Australian Valuation Office in 2009-10 and the system was updated accordingly.

### Purchasing

The SSAT adheres to the Commonwealth Procurement Guidelines – January 2005 which incorporates the Free Trade Agreement. 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.

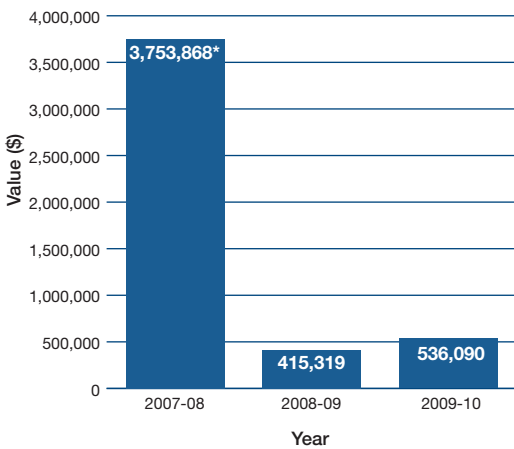
The SSAT will also implement the recommendations from the Gershon ICT review in relation to IT purchases and adhere to all WOAG (Whole of Australian Government) procurement contracts.

The SSAT paid 86% of its accounts payable transactions by electronic funds transfer with the

remaining 14% paid by cheque. This represents approximately 97.4% and 2.6% of payment value respectively.

## Consultants

The SSAT employs consultants to undertake a variety of work that it is not equipped to undertake. During 2009-10, the total cost of consultants to the SSAT was \$536,090. This included nine new consultancy contracts let during 2009-10 involving total actual expenditure of \$195,189. Five of these new consultancy contracts were worth more than \$10,000 (including GST). Details of these consultancies are provided in Appendix 6. In addition, five ongoing consultancy contracts were active during the 2009-10 year involving total actual expenditure of \$340,901. Please see Figure 17 for details of the SSAT's consultancy expenditure in recent years. Consultancy expenditure was higher than last financial year mainly due to a number of IT consultants.



\* This figure includes building works

**Figure 17** SSAT consultancy expenditure

No contracts of \$100,000 or more were let during the reporting period that did not provide for the Auditor-General to have access to the contractor's premises, nor were any contracts in excess of \$100,000 exempt from being published in AusTender on the basis that they would have disclosed exempt matters under the *Freedom of Information Act 1982*.

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](http://www.tenders.gov.au)

## Legal Services Expenditure

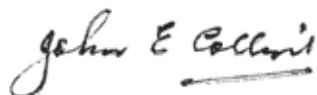
The SSAT is required to report, under paragraph 11.1(ba) of the Legal Services Directions 2005, legal services expenditure for the 2009-10 financial year. Total legal expenditure by the SSAT in 2009-10 was \$179,209 (GST exclusive). This comprised \$145,975 (GST exclusive) on internal legal services and \$33,315 (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 \$97,283 on print advertising of vacancies for staff & members. Another \$673 was spent on non-recruitment advertising (for example telephone listings etc). No other advertising campaigns were undertaken in 2009-10. The SSAT spent a further \$241 on displays and \$67,579 was spent on publishing and printing (excluding forms) and \$710 was expended on the 'design of printed products'. This includes printing of a range of information products for applicants and their representatives covering such matters as preparing for a hearing, how the SSAT conducts telephone hearings and video-conferences and information on the Administrative Appeals Tribunal in the event of a further application for review. The SSAT also spent approximately \$200,000 on Community Outreach & Education in 2009-10.

### Financial Statement Declaration

To the best of my knowledge, the attached financial statements for the year ended 30 June 2010 have been prepared based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the Financial Management and Accountability Act 1997 as amended. Further, they have been prepared according to Australian Accounting Standards and are free from material misstatement.

A handwritten signature in black ink that reads "John E. Collins". The signature is written in a cursive style with a horizontal line underneath the name.

John E. Collins  
**National Manager**  
**Social Security Appeals Tribunal**

28 July 2010

SSAT Operating Statement  
for the period ended 30 June 2010

	Notes	2010 \$	2009 \$
<b>EXPENSES</b>			
Employee Benefits	3A	15,307,924	15,614,431
Suppliers	3B	10,380,942	15,411,950
Depreciation and amortisation	3C	1,487,624	1,629,768
Finance costs	3D	32,629	68,906
Write-down and impairment of assets	3E	102,683	559,905
Losses from asset sales	3F	20,312	0
Other costs of providing goods and services		0	0
<b>Total expenses</b>		<b>27,332,114</b>	<b>33,284,960</b>
<b>LESS</b>			
<b>Own Source Income</b>			
<b>Own Source revenue</b>			
Sale of goods and rendering of services	4A	4,228	2,541
Other revenue	4B	17	0
<b>Total own source revenue</b>		<b>4,245</b>	<b>2,541</b>
<b>Gains</b>			
Sale of assets	4C	18,595	452
Foreign exchange			
Other gains	4D	30,912	
<b>Total gains</b>		<b>49,507</b>	<b>452</b>
<b>Total own source income</b>		<b>53,752</b>	<b>2,993</b>
<b>Net costs of services</b>		<b>27,278,362</b>	<b>33,281,967</b>
Revenue from government	4E	28,237,000	40,253,000
<b>Income attributable to the Australian Government</b>		<b>958,638</b>	<b>6,971,033</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
Changes in asset revaluation reserves		0	0
<b>Total other comprehensive income</b>		<b>0</b>	<b>0</b>
<b>Total comprehensive income attributable to the Australian Government</b>		<b>958,638</b>	<b>6,971,033</b>

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

SSAT Balance Sheet  
as at 30 June 2010

	Notes	2010 \$	2009 \$
<b>ASSETS</b>			
<b>Financial Assets</b>			
Cash and cash equivalents	5A	600,843	435,887
Trade and other receivables	5B	20,875,994	21,043,616
Investments		0	0
<b>Total financial assets</b>		<b>21,476,837</b>	<b>21,479,503</b>
<b>Non - Financial Assets</b>			
Land and buildings	6A	4,020,034	3,982,285
Property, plant and equipment	6B	1,240,110	816,609
Intangibles	6C	414,307	150,214
Other non-financial assets		0	0
<b>Total non-financial assets</b>		<b>5,674,451</b>	<b>4,949,108</b>
<b>Total assets</b>		<b>27,151,288</b>	<b>26,428,611</b>
<b>LIABILITIES</b>			
<b>Payables</b>			
Suppliers	7A	1,337,373	3,302,396
Other payables		0	0
<b>Total payables</b>		<b>1,337,373</b>	<b>3,302,396</b>
<b>Provisions</b>			
Employee provisions	8A	3,586,071	3,247,955
Other provisions	8B	971,040	1,000,183
<b>Total provisions</b>		<b>4,557,111</b>	<b>4,248,137</b>
<b>Total Liabilities</b>		<b>5,894,484</b>	<b>7,550,533</b>
<b>Net Assets</b>		<b>21,256,804</b>	<b>18,878,077</b>
<b>EQUITY</b>			
Contributed equity		14,642,962	7,671,929
Reserves		5,655,203	4,235,115
Retained surplus		958,638	6,971,033
<b>Total equity</b>		<b>21,256,804</b>	<b>18,878,077</b>

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

## Note 3 Expenses

	2010 \$	2009 \$
<b>NOTE 3A EMPLOYEE BENEFITS</b>		
Wages and salaries	11,601,715	11,790,735
Superannuation	2,823,142	3,128,973
Leave and other entitlements	877,967	438,963
Separation and redundancies	5,100	255,760
<b>Total employee benefits</b>	<b>15,307,924</b>	<b>15,614,431</b>
<b>NOTE 3B SUPPLIERS</b>		
<b>Goods and services</b>		
Consultants	156,286	128,708
Contractors	22,145	48,833
Stationery	121,121	189,720
IT and communication	505,579	2,923,624
Travel and accommodation	374,284	589,650
Members sitting fees	6,083,598	6,901,174
Contractual services	-	-
Motor vehicle expenses	46,697	64,687
Building expenses	169,760	1,420,493
Training	126,692	111,989
Recruitment	116,108	323,383
Other	451,480	377,498
<b>Total goods and services</b>	<b>8,173,750</b>	<b>13,079,759</b>
<b>Goods and services are made up of</b>		
Provision of goods - external parties	431,927	549,004
Rendering of services - related entities	-20,400	74,120
Rendering of services - external parties	7,762,223	12,456,635
Operating lease rentals - related entities	-	-
	<b>8,173,750</b>	<b>13,079,759</b>
<b>Other Supplier expenses</b>		
Operating lease rentals - external entities:		
Minimum lease payments	2,207,191	2,332,191
Workers compensation premiums	-	-
<b>Total other supplier expenses</b>	<b>2,207,191</b>	<b>2,332,191</b>
<b>Total supplier expenses</b>	<b>10,380,942</b>	<b>15,411,950</b>

### Note 3 Expenses *continued*

	2010 \$	2009 \$
<b>NOTE 3C DEPRECIATION AND AMORTISATION</b>		
Depreciation:		
Infrastructure, plant and equipment	480,999	442,630
Buildings	0	0
<b>Total Depreciation</b>	<b>480,999</b>	<b>442,630</b>
Amortisation:		
Leasehold improvements	949,592	1,134,133
Intangibles:		
Computer Software	56,545	53,004
<b>Total Amortisation</b>	<b>1,006,137</b>	<b>1,187,137</b>
<b>Total depreciation and amortisation</b>	<b>1,487,136</b>	<b>1,629,768</b>
<b>NOTE 3D FINANCE COSTS</b>		
Finance leases	32,629	68,906
<b>Total finance costs</b>	<b>32,629</b>	<b>68,906</b>
<b>NOTE 3E WRITE DOWN AND IMPAIRMENT OF ASSETS</b>		
Asset Write-Downs and impairments from:		
Impairment on financial instruments	-	10
Impairment of property, plant and equipment	102,683	559,895
<b>Total write-down and impairment of assets</b>	<b>102,683</b>	<b>559,905</b>
<b>NOTE 3F IMPAIRMENT OF ASSETS</b>		
Land and buildings:		
Proceeds from sale	-	-
Carrying value of assets sold	20,312	-
<b>Total losses from assets sales</b>	<b>20,312</b>	<b>-</b>



## Note 4 Income

	2010 \$	2009 \$
<b>NOTE 4A: SALE OF GOODS AND RENDERING OF SERVICES</b>		
Rendering of services - related entities	-	-
Rendering of services - external parties	4,228	2,541
<b>Total rendering of services</b>	<b>4,228</b>	<b>2,541</b>

<b>NOTE 4B: OTHER REVENUE</b>		
Interest	17	-
Lease incentive	-	-
Other	-	-
<b>Total other revenue</b>	<b>17</b>	<b>-</b>

### Gains

<b>NOTE 4C SALE OF ASSETS</b>		
Proceeds from sale	18,595	452
<b>Net gain from sale of assets</b>	<b>18,595</b>	<b>452</b>

<b>NOTE 4D: OTHER GAINS</b>		
Reversal of provision for makegood	(30,912)	-
Reversal of makegood asset	-	-
Resources received free of charge	-	-
Assets recognised for the first time	-	-
<b>Total other gains</b>	<b>(30,912)</b>	<b>-</b>
	-	-

<b>NOTE 4E REVENUE FROM GOVERNMENT</b>		
Appropriations:		
Departmental outputs	28,237,000	40,253,000
<b>Total revenue from Government</b>	<b>28,237,000</b>	<b>40,253,000</b>

## Note 5 Financial Assets

	2010 \$	2009 \$
<b>NOTE 5A CASH AND CASH EQUIVALENTS</b>		
Cash on hand	2,303	1,755
Cash at bank	598,540	434,132
<b>Total Cash</b>	<b>600,843</b>	<b>435,887</b>
<b>NOTE 5B TRADE AND OTHER RECEIVABLES</b>		
Goods and services - related entities	589	-
Goods and services - external parties	17,568	1,000
<b>Total receivables for goods and services</b>	<b>18,156</b>	<b>1,000</b>
Appropriations receivable:		
for existing outputs	20,763,829	20,368,825
for equity	-	500,000
<b>Total appropriations receivable</b>	<b>20,763,829</b>	<b>20,868,825</b>
GST receivable from the Australian Taxation Office	60,662	114,743
Other:		
Other receivables	33,347	59,048
Total other receivables	33,347	59,048
<b>Total trade and other receivables (gross)</b>	<b>20,875,994</b>	<b>21,043,617</b>
Less impairment allowance account:		
Goods and services	-	-
Other	-	-
<b>Total trade and other receivables (net)</b>	<b>20,875,994</b>	<b>21,043,617</b>
Receivables are represented by:		
Current	20,875,994	21,043,617
Non-current	-	-
<b>Total trade and other receivables (net)</b>	<b>20,875,994</b>	<b>21,043,617</b>

## Note 6 Non Financial Assets

	2010 \$	2009 \$
<b>NOTE 6A LAND AND BUILDINGS</b>		
Leasehold Improvements	4,625,300	5,181,762
Accum Depreciation - Leasehold Improvements	-893,595	-1,641,699
Leasehold Improvements - Makegood	597,492	743,048
Accum Depn Leasehold Improvements - Makegood	-309,162	-300,826
<b>Total Land and Buildings</b>	<b>4,020,034</b>	<b>3,982,285</b>
<b>NOTE 6B PROPERTY, PLANT AND EQUIPMENT</b>		
Other property, plant and equipment		
Fair value	1,991,637	1,716,729
Accum Depreciation	-751,528	-900,120
<b>Total property, plant and equipment</b>	<b>1,240,110</b>	<b>816,609</b>
<b>NOTE 6C INTANGIBLES</b>		
Assets Under Construction-Software (at Cost)	320,638	-
Software Internal Development (at cost)	282,503	282,503
Accum Amortisation Int Development Software	-188,834	-132,289
<b>Total Intangibles</b>	<b>414,307</b>	<b>150,214</b>

## Note 7 Payables

<b>NOTE 7A SUPPLIERS</b>		
Trade creditors	1,346,462	3,318,439
Others	-9,089	-16,043
<b>Total suppliers</b>	<b>1,337,373</b>	<b>3,302,396</b>

## Note 8 Provisions

<b>NOTE 8A EMPLOYEE PROVISIONS</b>		
Recreation and Long Service Leave	3,175,053	2,757,813
Superannuation	411,017	490,141
<b>Total employee provisions</b>	<b>3,586,071</b>	<b>3,247,955</b>
<b>NOTE 8B OTHER PROVISIONS</b>		
310859 Lease Incentive	121,498	148,473
310861 Deferred Expenses	32,840	30,662
310908 Provision for Make Good (EE) Current	71,321	50,000
330908 Provision for Make Good (EE) Concurrent	398,837	620,027
370004 SSAT	-62,677	-62,677
370019 Credit Card Clearing Account	164,205	-
310602 Accrued Salary & Wages	206,917	183,264
310608 Accrued Superannuation Funded	38,100	30,434
<b>Total other provisions</b>	<b>971,040</b>	<b>1,000,183</b>

	Notes	2010 \$
<b>OPERATING ACTIVITIES</b>		
<b>Cash Received</b>		
Goods and services		- 14,697
Appropriations		27,841,996
Interest		17
Net GST received from ATO		683,732
Other		-
<b>Total Cash Received</b>		<b>28,511,048</b>
<b>Cash Used</b>		
Employees		14,904,067
Suppliers		13,075,659
Payments for service delivery		
<b>Total Cash Used</b>		<b>27,979,726</b>
<b>Net Cash From or (Used By) Operating Activities</b>	<b>1</b>	<b>531,322</b>
<b>INVESTING ACTIVITIES</b>		
<b>Cash Received</b>		
Proceeds from sale of property, plant and equipment		-
<b>Total cash received</b>		<b>-</b>
<b>Cash Used</b>		
Purchase of property, plant and equipment		- 545,729
Purchase of intangibles		- 320,638
<b>Total Cash Used</b>		<b>- 866,367</b>
<b>Net Cash From (Used By) Investing Activities</b>		<b>- 866,367</b>
<b>FINANCING ACTIVITIES</b>		
<b>Cash Received</b>		
Appropriations - contributed equity		500,000
<b>Total Cash Received</b>		<b>500,000</b>
<b>Cash Used</b>		
Repayment of debt		-
<b>Total Cash Used</b>		<b>-</b>
<b>Net Cash From (Used By) Financing Activities</b>		<b>500,000</b>
<b>Net Increase or (Decrease) in Cash Held</b>		<b>164,956</b>
<b>Cash at the beginning of the reporting period</b>		<b>435,887</b>
<b>Cash at the End of the Reporting Period</b>		<b>600,843</b>
<b>End Cash Balance</b>		<b>600,843</b>

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

## CASH FLOW RECONCILIATION

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

#### Report cash and cash equivalent as per:

Cash Flow Statement	600,843
Balance Sheet	600,843

#### Reconciliation of operating result to net cash from operating activities:

Operating result	958,638
Depreciation/amortisation	1,487,624
Gains from sale of assets	73,488
Movement in receivable not classified as operating	0
Gain on make good (net of borrowing costs)	
Assets recognised for the first time	0
Net write down of non financial assets	0
Increase/(decrease) in net receivables	- 325,425
Increase/(decrease) in employee provisions	369,435
Increase/(decrease) in supplier payables and provisions	- 2,032,438
Increase/(decrease) in interest bearing liabilities	0
Increase/(decrease) in other non-financial assets	0

#### Net Cash from/(used by) operating activities

**531,323**

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 2009-10 for audited financial statements including cash-flow statements and agency resource statements/summary resource tables by outcome.

## Appendix 1

### Jurisdiction of the SSAT

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 subsection 42P(3) of the *Social Security (Administration) Act 1999*;
- Under section 58 or 59 of the *Social Security (Administration) Act 1999* to pay an amount to a person;
- To make a payment under section 75 of the *Social Security (Administration) Act 1999*;
- Under subsection 59(3) of the *Social Security (Administration) Act 1999*, to grant a claim for a pension bonus after the claimant has died;
- Under subsection 7A(2) or paragraph 15(b) of the *Farm Household Support Act 1992*;
- To give a notice under Subdivision B of Division 6 of Part 3 of the *Social Security (Administration) Act 1999*;
- Under 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 a 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 a mechanism of review 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 seek review of the decision by 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.

Applications for review 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 review is about payment of a Centrelink benefit, it is best to lodge the review without delay (certainly within 13 weeks). Payment

of arrears may not be possible if a successful application for review is lodged more than 13 weeks after the Centrelink review.

Applications for review of 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 application.

### SSAT Services and Service Standards

The SSAT offers:

- An independent review 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 review.
- 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 review and 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 application for review in the easiest way for you: in writing on a Centrelink or Child Support 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 review are sent to you at least seven days before your hearing (note: in child support reviews 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 review.
- Write to you with the result of the review within 14 days of making the decision.
- Aim to complete the review process within three months of lodgement of the application.

## 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 review.
- 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 review (subject to Freedom of Information and privacy provisions) before your hearing.
- Be told about your further review and 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 seeking review.
- Let the SSAT know in advance if you need any help with language and/or access to our offices.

## Comments & Enquiries

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

## Complaint Handling

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

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

For more information, please contact your nearest SSAT office:

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

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

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

## **Services Provided for Applicants and Other Parties**

### **Translating and Interpreting Service**

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

### **Disability-Related Needs**

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

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

Call Freecall™ 1800 060 116 for teletypewriter service.

### **Large Print**

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

## 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 Principal Member 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 applications for review 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 review
- 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 review 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 (at 30 June 2010)

PRINCIPAL MEMBER		
Blacklow,	Les	National Office
SENIOR MEMBERS		
Bradley,	Rhonda	WA
Bullock,	Suellen	NSW/ACT
Holmes,	Miriam	VIC
Raymond,	Sue	SA/TAS
Walsh,	James	QLD/NT
ASSISTANT SENIOR MEMBERS		
Bartley,	Glynis	NSW/ACT
Kanowski,	Paul	QLD/NT
Kennedy,	Marten	SA
Peacock,	Karen	NSW/ACT
Tsiakas,	Irene	VIC
ACT		
Hewson,	Fiona	Full-time
Symons,	Elizabeth	Full-time
Butterfield,	Anthony	Part-time
Mitchell,	Wayne	Part-time
Finley,	Philip	Part-time
Mooney,	Helen	Part-time
Wilkins,	Peter	Part-time
Staden,	Frances	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
Richardson	Gary	Full-time
Timbs	Kate	Full-time
Barker	David	Part-time
Barnetson	Diane	Part-time
Beckett	Angela	Part-time
Berg	Lilliana	Part-time
Blue	Linda	Part-time
Brophy	Moira	Part-time
Bubutievski	Tina	Part-time
Carney	Terry	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
Gardner	Michelle	Part-time
Gawdan	Alexandra	Part-time
Glasson	Martin	Part-time
Halstead	Adam	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
Pearson	Gregory	Part-time
Reid	Margaret	Part-time
Robards	Graeme	Part-time
Rogers	Linda	Part-time
Rosser	Kim	Part-time
Ryan	Paul	Part-time
Smith	Angela	Part-time
Taylor	Robin	Part-time
Taylor	Susan	Part-time
Tillett	Gregory	Part-time
Towney	Gina	Part-time

#### NT

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

#### QLD

Bishop	Jane	Full-time
Byers	Alexander	Full-time
Ffrench	Timothy	Full-time
Foster	Neil	Full-time
Jensen	Peter	Full-time
King	Matthew	Full-time
Kirmos	Kay	Full-time
Ammala	Kaarina	Part-time
Amundsen	Matt	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
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
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
Pickard	Brian	Part-time
Pozzi	Stephen	Part-time
Prado	Luis	Part-time
Ryan	Virginia	Part-time
Sheffield	Annette	Part-time
Stafford	Rosemary	Part-time
Trotter	Susan	Part-time
Weir	Michael	Part-time
White	Patrick	Part-time
Winters	Sylvia	Part-time

#### SA

Harvey	Bruce	Full-time
Bakas	Joanne	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
Garnham	Ian	Part-time
Georiadis	Stavros	Part-time
Johns	Barbara	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

<b>TAS</b>		
Breheny	Christhilde	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

<b>VIC</b>		
Bartlett	Jillian	Full-time
Haag	Christine	Full-time
Longo	John	Full-time
Mercer	Alison	Full-time
Sheck	Inge	Full-time
Stevens	David	Full-time
Anderson	Robyn	Part-time
Appleton	William	Part-time
Bennett	Judith	Part-time
Bertram	Stephen	Part-time
Bigby	Christine	Part-time
Boddison	Wendy	Part-time
Brewer	Annette	Part-time
Campbell	Neill	Part-time
Clarke	Catherine	Part-time
Conidi	Domenico	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
Hayes	Christine	Part-time
Higgins	Peter	Part-time
Hodgkinson	Megan	Part-time
Jones	Suzanne	Part-time
Jordan	Deborah	Part-time
Kerr	Sandra	Part-time
Lewinsky	Stephen	Part-time
Main	Christopher	Part-time
Markov	Geoffrey	Part-time
Michaelas	Christine	Part-time

Morgan	Francis	Part-time
Muling	Sydelle	Part-time
Murphy	Alison	Part-time
Nalpantidis	Jack	Part-time
Noonan	Paul	Part-time
O'Brien	Clare-Maree	Part-time
Panagiotidis	Sophia	Part-time
Price	Charlene	Part-time
Reddy	Aruna	Part-time
Richards	Robert	Part-time
Rundell	John	Part-time
Secombe	Wendy	Part-time
Smith	Alison	Part-time
Treble	Andrea	Part-time
Warren	Kenneth	Part-time
Woodward	Catherine	Part-time
Yule	Faye	Part-time

<b>WA</b>		
Brakespeare	Stephanie	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
Quinlivan	Julie	Part-time
Seghezzi	Anne	Part-time
Stribling	Jennifer	Part-time
Watt	Nicola	Part-time
Woodacre	Mark	Part-time

## Appendix 5

### SSAT Staffing (as at 30 June 2010)

Gender	Total	non-ongoing full-time	non-ongoing part-time	ongoing full-time	ongoing part-time
Female	81	3	2	65	11
Male	32	0	1	31	0
Total	113	3	3	96	11

\* 7 people included in these figures are on long term absence

APS Classification	Total	Female	Male	NO*	NSW/ACT^	QLD	SA/TAS^^	VIC	WA
APS 1	7	6	1	0	3	2	1	1	0
APS 2	11	11	0	1	4	1	1	2	2
APS 3	1	1	0	1	0	0	0	0	0
APS 4	52	37	15	1	20	9	6	11	5
APS 5	3	1	2	2	0	0	1	0	0
APS 6	22	14	8	13	3	1	1	3	1
EL 1	9	6	3	4	1	1	1	1	1
EL 2	8	3	5	7	1	0	0	0	0
Total	113	79	34	29	32	14	11	18	9

\* National Office

^ 30 staff in NSW; 2 staff in ACT

^^ 9 staff in SA; 2 staff in TAS

#### Salary Range by Classification 2009-10

Classification	Pay point - lower	Pay point - higher
APS 1	\$38,464.00	\$42,385.00
APS 2	\$44,347.00	\$48,270.00
APS 3	\$51,211.00	\$55,202.00
APS 4	\$57,195.00	\$61,186.00
APS 5	\$63,901.00	\$66,635.00
APS 6	\$69,092.00	\$76,468.00
EL 1	\$80,157.00	\$92,151.00
EL 2	\$99,746.00	\$115,319.00

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

EL 1	2
EL 2	4

## Appendix 6

### Consultants 2009-10

#### Consultancy services let during 2009-10 of \$10,000 or more:

Consultant	Project Description	Contract Price*	Selection Process	Justification
KPMG	SSAT Funding Review	\$52,305	Select Tender	A, B
Morton Gillespie Pty Ltd	Post Implementation review of the SSAT portal project	\$15,000	Select Tender	A, B
Seisma Pty Ltd	Preparation of SSAT IT Strategic Plan	\$51,000	Select Tender	A, B
eBlueprint Pty Ltd	Portal programming	\$24,000	Select Tender	A, B
Dorothy Nuess	AMS Project Management Services	\$200,000	Open Tender	A, B
<b>TOTAL</b>		<b>\$342,305</b>		

\* 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 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
<b>Applications received (applications lodged with Centrelink)</b>									
<b>2009-10</b>	<b>2</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>21</b>	<b>0</b>	<b>18</b>	<b>47</b>
2008-09	0	14	0	0	0	20	4	7	45
2007-08	0	1	0	0	0	33	1	26	61
<b>Average days taken (from lodgement to receipt by SSAT)</b>									
<b>2009-10</b>	<b>3.0</b>	<b>1.0</b>	<b>n/a</b>	<b>n/a</b>	<b>5.0</b>	<b>5.1</b>	<b>n/a</b>	<b>6.2</b>	<b>5.0</b>
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
<b>Percent received in 7 day limit (%)</b>									
<b>2009-10</b>	<b>100</b>	<b>100</b>	<b>n/a</b>	<b>n/a</b>	<b>100</b>	<b>71.4</b>	<b>n/a</b>	<b>66.7</b>	<b>74.5</b>
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
<b>Average time for cases over 7 days (days)</b>									
<b>2009-10</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>10.7</b>	<b>n/a</b>	<b>16.3</b>	<b>13.5</b>
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

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

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Number registered (net)</b>									
<b>2009-10</b>	<b>1007</b>	<b>2318</b>	<b>290</b>	<b>44</b>	<b>371</b>	<b>2817</b>	<b>912</b>	<b>3444</b>	<b>11203</b>
2008-09	1317	2527	330	45	494	3212	1022	4482	13429
2007-08	1121	2251	307	54	446	2732	823	3862	11596
<b>Number registered within 1 working day of receipt</b>									
<b>2009-10</b>	<b>999</b>	<b>2307</b>	<b>288</b>	<b>44</b>	<b>362</b>	<b>2801</b>	<b>888</b>	<b>3432</b>	<b>11121</b>
2008-09	1299	2508	328	45	488	3190	1008	4457	13323
2007-08	1096	2226	304	54	441	2712	821	3847	11501
<b>Percent registered within 1 working day of receipt (%)</b>									
<b>2009-10</b>	<b>99.2</b>	<b>99.5</b>	<b>99.3</b>	<b>100</b>	<b>97.6</b>	<b>99.4</b>	<b>97.4</b>	<b>99.7</b>	<b>99.3</b>
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

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

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Statements received</b>									
<b>2009-10</b>	<b>941</b>	<b>2092</b>	<b>277</b>	<b>41</b>	<b>345</b>	<b>2462</b>	<b>827</b>	<b>3068</b>	<b>10053</b>
2008-09	1235	2267	335	44	481	2854	949	3930	12095
2007-08	1023	2019	306	52	426	2353	754	3362	10295
<b>Average days taken</b>									
<b>2009-10</b>	<b>10.4</b>	<b>8.5</b>	<b>11.6</b>	<b>12.8</b>	<b>8.5</b>	<b>9.9</b>	<b>10.3</b>	<b>9.2</b>	<b>9.5</b>
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
<b>Percent by due date (%)</b>									
<b>2009-10</b>	<b>97.8</b>	<b>97.5</b>	<b>95.3</b>	<b>92.7</b>	<b>97.7</b>	<b>97.8</b>	<b>97.7</b>	<b>97.8</b>	<b>97.6</b>
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
<b>Average time if after due date (days)</b>									
<b>2009-10</b>	<b>27.6</b>	<b>20.8</b>	<b>34.6</b>	<b>25.3</b>	<b>31.4</b>	<b>35.0</b>	<b>27.9</b>	<b>37.0</b>	<b>31.0</b>
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

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

## Hearing papers sent to applicants in Centrelink review cases at least 7 days prior to hearing (standard: 95%\*)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Percent of papers sent at least 7 days prior to hearing (%)</b>									
<b>2009-10</b>	<b>98.5</b>	<b>97.6</b>	<b>99.0</b>	<b>97.8</b>	<b>95.2</b>	<b>92.4</b>	<b>98.0</b>	<b>97.7</b>	<b>96.9</b>
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

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

## Appointment waiting time in Centrelink review 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
<b>Average waiting time in days</b>									
<b>2009-10</b>	<b>31.0</b>	<b>26.0</b>	<b>38.6</b>	<b>38.1</b>	<b>39.6</b>	<b>32.3</b>	<b>28.2</b>	<b>36.7</b>	<b>32.3</b>
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

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Percent with wait of 42 days or less (%)</b>									
<b>2009-10</b>	<b>81.0</b>	<b>85.4</b>	<b>75.2</b>	<b>72.9</b>	<b>64.6</b>	<b>80.2</b>	<b>84.1</b>	<b>74.8</b>	<b>79.3</b>
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

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

## Heard Centrelink review cases decided without adjournment (standard: 90%)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>% without adjournment</b>									
<b>2009-10</b>	<b>88.2</b>	<b>92.8</b>	<b>84.9</b>	<b>95.5</b>	<b>93.7</b>	<b>86.2</b>	<b>93.7</b>	<b>87.5</b>	<b>89.0</b>
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

## Time for SSAT to notify applicants of Centrelink review outcomes (limit: 14 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Outcomes notified</b>									
<b>2009-10</b>	<b>1078</b>	<b>2449</b>	<b>390</b>	<b>52</b>	<b>381</b>	<b>2917</b>	<b>999</b>	<b>3673</b>	<b>11939</b>
2008-09	1569	2826	404	53	531	3114	1000	4280	13777
2007-08	1003	2051	336	64	404	2381	778	3442	10459
<b>Average days to notify heard cases</b>									
<b>2009-10</b>	<b>9.9</b>	<b>7.2</b>	<b>9.7</b>	<b>7.6</b>	<b>9.3</b>	<b>8.7</b>	<b>7.5</b>	<b>9.3</b>	<b>8.6</b>
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
<b>Percent within 14 days (%)</b>									
<b>2009-10</b>	<b>97.5</b>	<b>99.8</b>	<b>99.7</b>	<b>100</b>	<b>99.4</b>	<b>100</b>	<b>99.5</b>	<b>100</b>	<b>99.7</b>
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

## Overall processing time for Centrelink reviews (from registration to notification) (standard: 10 weeks)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Average time to process (weeks) (statistical average)</b>									
<b>2009-10</b>	<b>7.4</b>	<b>5.9</b>	<b>9.1</b>	<b>8.5</b>	<b>7.8</b>	<b>7.1</b>	<b>6.8</b>	<b>7.9</b>	<b>7.2</b>
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
<b>Percent within 10 weeks (%) (standard 75%)</b>									
<b>2009-10</b>	<b>87.7</b>	<b>91.8</b>	<b>77.7</b>	<b>76.9</b>	<b>80.8</b>	<b>85.3</b>	<b>87.6</b>	<b>83.2</b>	<b>86.0</b>
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



## Child Support

Time for agencies (Centrelink & CSA) to refer applications for review of CSA decisions to the SSAT (applications lodged with agencies other than the SSAT) (limit: 7 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Applications received</b>									
<b>2009-10</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>1</b>	<b>5</b>	<b>21</b>
2008-09	1	9	1	0	0	6	4	7	28
2007-08	1	0	4	0	0	8	0	3	16
<b>Average days taken*</b>									
<b>2009-10</b>	<b>n/a</b>	<b>7.2</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>5.2</b>	<b>&lt;1</b>	<b>7.2</b>	<b>5.0</b>
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
<b>Percent in 7 day limit (%)</b>									
<b>2009-10</b>	<b>n/a</b>	<b>60</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>91.7</b>	<b>100</b>	<b>60</b>	<b>85.7</b>
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
<b>Average time for cases over 7 days (days)</b>									
<b>2009-10</b>	<b>n/a</b>	<b>18</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>47</b>	<b>n/a</b>	<b>18</b>	<b>27.7</b>
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

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

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

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Number registered (net)</b>									
<b>2009-10</b>	<b>170</b>	<b>713</b>	<b>93</b>	<b>1</b>	<b>77</b>	<b>663</b>	<b>287</b>	<b>660</b>	<b>2664</b>
2008-09	164	730	93	1	110	676	292	824	2890
2007-08	146	538	95	3	65	530	208	589	2174
<b>Number registered within 1 working day of receipt</b>									
<b>2009-10</b>	<b>168</b>	<b>698</b>	<b>93</b>	<b>1</b>	<b>75</b>	<b>658</b>	<b>282</b>	<b>654</b>	<b>2629</b>
2008-09	162	713	90	1	106	664	289	818	2843
2007-08	130	500	84	11	66	522	207	592	2112
<b>Percent registered within 1 working day of receipt (%)</b>									
<b>2009-10</b>	<b>98.8</b>	<b>97.9</b>	<b>100</b>	<b>100</b>	<b>97.3</b>	<b>99.3</b>	<b>98.2</b>	<b>99.1</b>	<b>98.7</b>
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

**Average time for SSAT (& other parties) to receive statements from CSA\***  
(limit: statements must be **sent** within 28 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Statements received</b>									
<b>2009-10</b>	<b>127</b>	<b>505</b>	<b>71</b>	<b>0</b>	<b>66</b>	<b>429</b>	<b>182</b>	<b>452</b>	<b>1832</b>
2008-09	126	472	74	1	81	484	212	561	2011
2007-08	112	353	70	1	46	379	139	368	1468
<b>Average days to receive statements</b>									
<b>2009-10</b>	<b>16</b>	<b>18</b>	<b>21</b>	<b>n/a</b>	<b>13</b>	<b>11</b>	<b>16</b>	<b>14</b>	<b>14</b>
2008-09	11	17	22	21	9	9	11	15	14
2007-08	20	19	28	23	24	20	21	19	22

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

**Appointment waiting time in Child Support review 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
<b>Average waiting time in days</b>									
<b>2009-10</b>	<b>33.0</b>	<b>28.3</b>	<b>39.4</b>	<b>n/a</b>	<b>37.7</b>	<b>29.9</b>	<b>32.1</b>	<b>34.6</b>	<b>31.7</b>
2008-09	41.9	33.8	51.9	n/a	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
<b>Percent with wait of 56 days or less (%)</b>									
<b>2009-10</b>	<b>93.7</b>	<b>97.9</b>	<b>83.6</b>	<b>n/a</b>	<b>89.1</b>	<b>98.4</b>	<b>95.5</b>	<b>91.1</b>	<b>95.0</b>
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

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

**Heard Child Support review cases decided without adjournment** (standard: 90%)\*

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Percent without adjournment (%)</b>									
<b>2009-10</b>	<b>67.3</b>	<b>78.7</b>	<b>75.3</b>	<b>100</b>	<b>67.1</b>	<b>65.3</b>	<b>86.1</b>	<b>81.4</b>	<b>75.6</b>
2008-09	59.9	81.0	65.3	100	68.0	55.0	81.5	86.2	73.9
2007-08	57.1	72.2	79.2	80.0	64.2	56.5	83.9	86.0	73.0

\* Note: a new data source has been used this year for adjournments in the child support jurisdiction, and variations from the figures reported in the last two Annual Reports.

## Time for SSAT to notify parties of Child Support review outcomes (limit: 14 days)

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Outcomes notified</b>									
<b>2009-10</b>	<b>165</b>	<b>755</b>	<b>97</b>	<b>2</b>	<b>85</b>	<b>662</b>	<b>302</b>	<b>699</b>	<b>2767</b>
2008-09	167	728	98	1	97	717	265	818	2891
2007-08	119	504	77	5	53	405	180	541	1884
<b>Average days to notify heard cases</b>									
<b>2009-10</b>	<b>8.5</b>	<b>5.3</b>	<b>10.8</b>	<b>n/a</b>	<b>8.5</b>	<b>8.1</b>	<b>8.6</b>	<b>10.2</b>	<b>8.1</b>
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
<b>Percent within 14 days (%)</b>									
<b>2009-10</b>	<b>99.0</b>	<b>99.8</b>	<b>100</b>	<b>n/a</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>83.3</b>	<b>98.0</b>
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

## Overall processing time for Child Support reviews (from registration to notification) (standard: 15 weeks)\*

	SA	QLD	ACT	NT	TAS	VIC	WA	NSW	TOTAL
<b>Average time to process (weeks)(statistical average)</b>									
<b>2009-10</b>	<b>12.5</b>	<b>10.1</b>	<b>14.7</b>	<b>3.1</b>	<b>15.1</b>	<b>12.0</b>	<b>11.2</b>	<b>12.2</b>	<b>11.7</b>
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
<b>Percent within 15 weeks (%) (standard 75%)</b>									
<b>2009-10</b>	<b>69.7</b>	<b>81.3</b>	<b>62.9</b>	<b>100</b>	<b>57.7</b>	<b>71.3</b>	<b>73.8</b>	<b>69.0</b>	<b>72.9</b>
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

\* The main reasons for a case taking longer than 15 weeks is parties are not ready to proceed; have not supplied material required by the Tribunal; or an adjournment is required to seek further information from parties or third parties.

## Appendices

# Appendix 9

## Application Outcomes (Centrelink)

Shown on next page.

	AGE	AUS	CA	CCB	CP	DSP	FTB	MA	MAA	MOB	NSA	PA	PB	PES	PP	SA	SPB	YA	Other	Total	
<b>Applications received</b>	<b>2009-10</b>	<b>1267</b>	<b>290</b>	<b>69</b>	<b>260</b>	<b>2811</b>	<b>1221</b>	<b>4</b>	<b>3</b>	<b>49</b>	<b>2017</b>	<b>15</b>	<b>163</b>	<b>89</b>	<b>884</b>	<b>61</b>	<b>82</b>	<b>897</b>	<b>726</b>	<b>11203</b>	
	2008-09	1218	264	353	61	248	2823	1218	11	6	36	3799	18	148	87	970	58	89	1039	983	13429
	2007-08	1186	220	324	60	276	2494	953	95	9	33	3108	46	160	62	1077	66	96	743	588	11596
<b>% of total</b>	<b>2009-10</b>	<b>11.3</b>	<b>2.6</b>	<b>0.6</b>	<b>2.3</b>	<b>25.1</b>	<b>10.9</b>	<b>0</b>	<b>0</b>	<b>0.4</b>	<b>18.0</b>	<b>0.1</b>	<b>1.5</b>	<b>0.8</b>	<b>7.9</b>	<b>0.5</b>	<b>0.7</b>	<b>8.0</b>	<b>6.5</b>	<b>100</b>	
	2008-09	9.1	2.0	2.6	0.5	1.8	21.0	9.1	0.1	<0.1	0.3	28.3	0.1	1.1	0.6	7.2	0.4	0.7	7.7	7.3	100
	2007-08	10.2	1.9	2.8	0.5	2.4	21.5	8.2	0.8	0.1	0.3	26.8	0.4	1.4	0.5	9.3	0.6	0.8	6.4	5.1	100
<b>DECISION OUTCOMES 2009-10:</b>																					
Set aside	370	78	60	27	68	673	553	1	2	13	628	9	28	28	322	19	22	302	172	3,375	
Varied	55	20	3	0	10	42	68	1	0	0	81	2	1	3	47	4	1	47	7	392	
Affirmed	792	155	231	82	199	1,865	902	4	4	28	1,526	14	139	64	536	29	57	532	585	7,744	
No jurisdiction	93	35	34	17	31	211	189	0	1	3	211	0	13	10	85	11	9	80	84	1,117	
Withdrawn (conceded)	5	1	3	0	1	10	15	0	0	0	20	0	1	0	5	0	0	6	6	73	
Withdrawn (other)	143	18	27	7	21	195	147	0	1	4	221	3	8	7	107	9	7	56	59	1,040	
Dismissed	14	6	4	4	8	55	50	2	0	3	196	1	0	3	63	1	1	58	16	485	
<b>Total reviewed*</b>	<b>2009-10</b>	<b>1,472</b>	<b>313</b>	<b>362</b>	<b>137</b>	<b>338</b>	<b>3,051</b>	<b>1,924</b>	<b>8</b>	<b>51</b>	<b>2,883</b>	<b>29</b>	<b>190</b>	<b>115</b>	<b>1,165</b>	<b>73</b>	<b>97</b>	<b>1,081</b>	<b>929</b>	<b>14,226</b>	
	2008-09	1,381	309	424	110	347	3,048	1,670	20	39	4,907	45	144	92	1,297	70	115	1,220	1,041	16,288	
	2007-08	1171	211	334	102	304	2419	1215	107	35	2867	36	156	75	1112	63	88	697	587	11592	
<b>Set aside rate 1** (%)</b>	<b>2009-10</b>	<b>28.9</b>	<b>31.3</b>	<b>17.4</b>	<b>19.7</b>	<b>23.1</b>	<b>23.4</b>	<b>32.3</b>	<b>25.0</b>	<b>25.5</b>	<b>24.6</b>	<b>37.9</b>	<b>15.3</b>	<b>27.0</b>	<b>31.7</b>	<b>31.5</b>	<b>23.7</b>	<b>32.3</b>	<b>19.3</b>	<b>26.5</b>	
	2008-09	27.0	32.0	17.9	23.6	24.2	26.9	30.5	20.0	33.3	10.3	25.2	28.9	17.4	21.7	33.6	30.0	20.9	27.8	17.5	26.4
	2007-08	30.6	33.6	18.9	21.6	19.4	29.1	28.4	15.9	15.4	28.6	24.9	30.6	18.6	14.7	28.7	33.3	22.7	31.1	25.9	27.1
<b>Set aside rate 2* (%)</b>	<b>2009-10</b>	<b>34.9</b>	<b>38.7</b>	<b>21.4</b>	<b>24.8</b>	<b>28.2</b>	<b>27.7</b>	<b>40.8</b>	<b>33.3</b>	<b>31.7</b>	<b>31.7</b>	<b>44.0</b>	<b>17.3</b>	<b>32.6</b>	<b>40.8</b>	<b>44.2</b>	<b>28.8</b>	<b>39.6</b>	<b>23.4</b>	<b>32.7</b>	
	2008-09	33.4	39.9	21.7	31.7	28.9	32.2	39.6	25.0	60.0	21.1	36.4	37.1	18.5	24.7	43.6	34.4	26.1	36.9	21.0	34.2
	2007-08	37.6	42.5	22.7	27.5	25.0	34.8	38.2	18.1	16.7	40.0	38.5	40.7	20.9	24.4	38.0	45.7	29.9	40.9	33.0	35.8

\* 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

^ No cases were coded as Child Disability Allowance or Rent Assistance during 2009-10

Abbreviations:

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

## Appendix 10

### Application Outcomes (Child Support)

		Child Support Agreement	Application for Assessment	Change of Assessment <sup>^</sup>	Non-Agency Payment	Extension of Time to Appeal	Failure to Collect Arrears	Particulars of Assessment	Refusal of EOT to Object	Registration Details	Not Reviewable by SSAT	Other	Total
<b>Applications received</b>	<b>2009-10</b>	<b>35</b>	<b>34</b>	<b>1267</b>	<b>141</b>	<b>n/a<sup>^^</sup></b>	<b>26</b>	<b>816</b>	<b>190</b>	<b>29</b>	<b>19</b>	<b>107</b>	<b>2664</b>
	2008-09	49	29	1465	185	n/a <sup>^^</sup>	21	828	135	25	34	119	2890
	2007-08	25	26	1122	196	37	23	502	89	13	66	75	2174
<b>% of total</b>	<b>2009-10</b>	<b>1.3</b>	<b>1.3</b>	<b>47.6</b>	<b>5.3</b>	<b>n/a</b>	<b>1.0</b>	<b>30.6</b>	<b>7.1</b>	<b>1.1</b>	<b>0.7</b>	<b>4.0</b>	<b>100</b>
	2008-09	1.7	1.0	50.7	6.4	n/a	0.7	28.7	4.7	0.9	1.2	4.1	100
	2007-08	1.1	1.2	51.6	9.0	1.7	1.1	23.1	4.1	0.6	3.0	3.4	100
<b>DECISION OUTCOMES 2009-10:</b>													
Set Aside		5	6	483	34	0	3	208	54	7	-	13	813
Varied		0	0	127	2	0	2	40	0	1	-	3	175
Affirmed		13	12	129	82	0	5	303	93	16	-	25	678
Dismissed		0	7	290	16	0	1	111	18	6	-	7	456
No Jurisdiction		14	9	167	12	0	11	92	5	1	20	59	390
Withdrawal		4	4	145	9	0	1	71	9	3	-	5	251
Not Recorded		0	1	2	0	0	0	0	0	0	-	1	4
<b>Total reviewed</b>	<b>2009-10</b>	<b>36</b>	<b>39</b>	<b>1343</b>	<b>155</b>	<b>0</b>	<b>23</b>	<b>825</b>	<b>179</b>	<b>34</b>	<b>20</b>	<b>113</b>	<b>2767</b>
	2008-09	44	30	1438	210	2	22	835	133	22	34	121	2891
	2007-08	26	22	957	167	35	21	424	84	12	69	67	1884
<b>Set aside rate 1* (%)</b>	<b>2009-10</b>	<b>13.9</b>	<b>15.4</b>	<b>45.4</b>	<b>23.2</b>	<b>n/a</b>	<b>21.7</b>	<b>30.1</b>	<b>30.2</b>	<b>23.5</b>	<b>n/a</b>	<b>14.2</b>	<b>35.7</b>
	2008-09	13.6	23.3	43.4	28.1	50.0	13.6	28.0	30.8	27.3	n/a	14.0	34.5
	2007-08	11.5	31.8	41.0	25.7	14.3	0	24.1	26.2	41.7	n/a	11.9	31.2
<b>Set aside rate 2* (%)</b>	<b>2009-10</b>	<b>27.8</b>	<b>33.3</b>	<b>82.5</b>	<b>30.5</b>	<b>n/a</b>	<b>50.0</b>	<b>45.0</b>	<b>36.7</b>	<b>33.3</b>	<b>n/a</b>	<b>39.0</b>	<b>59.3</b>
	2008-09	46.2	33.3	80.7	41.3	100	27.3	43.7	37.3	37.5	n/a	39.5	59.9
	2007-08	20.0	43.8	66.9	36.8	35.7	0	36.2	32.4	45.5	n/a	29.6	51.3

<sup>^</sup> 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 may be varied

<sup>^^</sup> EOT to appeal to the SSAT were recorded under their appeal type from 2008-09

\* 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

# Appendices

## Appendix 11

### Projects 2009-10

Corporate Services	
MoU with CSA	complete
HR Quality Management System	complete
Development of e-learning modules	complete / ongoing
Record Keeping System Review	in progress
Corporate Governance Review	in progress
Streamlining case management	complete
Review of corporate policies	complete
Child Support Task Cards	complete
Online recruitment database	complete
Portal Review	complete
Staff Suggestion Scheme	complete
Review of IT Back-up solution	complete
Server / Desktop replacement	complete
Review of Performance Management System	in progress
Introduction of Operations Report	complete
PPL Governance Review	in progress
Establishment of an outreaching working group	complete
Review of SSAT websites (functionality)	in progress
Establishment of a national consultative forum for APS staff	complete

Finance	
Development of an advanced unit cost model	in progress
Development of costing / program management system	in progress
Inclusion of financial reporting in 'Operations Report'	complete
Implementation of Environmental Management System recommendations	complete
Development of ongoing sustainability reporting processes	complete
Review and testing of Business Continuity Plan & development of checklist	in progress
Implementation of Australian Federal Police security recommendations	complete

IT	
Enhancements to AMSWIN case management system	ongoing
Upgrade to the Tribunal's EDRMS	complete
Upgrade to the Tribunal's email client	complete
Desktop and laptop replacement program	complete
Server and switch replacement in state offices	complete
Replacement back-up equipment	in progress

Legal	
Developing and maintaining the Legal Reference Intranet Site	complete/recurring
Putting together the Privacy Award packages for submission to the OFPC competition with the Corporate Unit.	complete
ALRC Submission Review of Secrecy Laws Submission DP 74	complete
Review of Income Management Regime Decisions under s.123UG <i>Social Security (Administration) Act 1999</i> (Cth)	complete
Same Sex Couples Review of Legislative Instruments and Internal Policies in the SSAT	complete
Report on SSAT Policy: Provision of Affidavits concerning the receipt and sending of documents in review proceedings.	complete
Privacy and the issue of consent with respect to the provision of information/documents by applicants/parties	complete
Review and update of Instrument of Delegation	in progress
Review of Paid Parental Leave Scheme and the SSAT [including impact on privacy obligations]	in progress
Report on Financial Experts' Immunity/Confidentiality	in progress
Report on Metadata and the SSAT	in progress

Quality Analysis	
Quality analysis of decisions dealing with "Assets" across all States	complete
Quality analysis of decisions dealing with "Just & Equitable" across all States	in progress
Review and evaluation of Pre Hearing Conferences	complete
Child Support post implementation review and evaluation	in progress
Provision of training and information for members	recurring
Provision of new member training & technical training	recurring
Paid Parental Leave implementation	ongoing
Maintaining a leading cases database	ongoing
Development of Member Resources Folders on web portal	ongoing



## Appendix 12

### Freedom of Information: Section 8 Statement

This statement is published to meet the requirements of section 8 of the *Freedom of Information Act 1982*. It is correct as at 30 June 2010.

#### 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 1 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 13

### Projects 2009-10

#### Legal Services Expenditure Statement\*

This is a statement of legal services expenditure by the Social Security Appeals Tribunal for 2009-10, published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

<b>Agency's total legal services expenditure</b>	<b>\$179,290</b>
<b>Agency's total external legal services expenditure</b>	<b>\$ 33,315</b>
External expenditure on solicitors	\$ 22,426
External expenditure on counsel	\$ 10,889
Number of male counsel briefed	2
Value of briefs to male counsel	\$ 10,889
Number of female counsel briefed	0
Value of briefs to female counsel	\$ 0
Other disbursements on external legal services	\$ 0
<b>Agency's total internal legal services expenditure</b>	<b>\$145,975</b>
Salaries	\$132,431
Overheads (includes administrative support and accommodation costs)	\$ 13,544

\*all figures are exclusive of GST

## Appendix 14

### 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’ roles 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 2009-10
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 2009-10.
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.

Performance Indicator	Performance Measure	Current level of performance 2009-10
Purchasing specifications and contract requirements for the purchase of goods and services are consistent with the requirements of the <i>Disability Discrimination Act 1992</i> .	Percentage of purchasing specifications for goods and services that specify that tender organisations must comply with the <i>Disability Discrimination Act 1992</i> . Percentage of contracts for the purchase of goods and services that require the contractor to comply with the <i>Disability Discrimination Act 1992</i> .	The SSAT has a standard contract that requires contractors to comply with all relevant Commonwealth legislation, including the <i>Disability Discrimination Act 1992</i> .
Publicly available performance reporting against the purchase contract specifications requested in accessible formats for people with disabilities is provided.	Percentage of publicly available performance reports against the contract purchasing specification requested and provided in : - accessible electronic formats; and - accessible formats other than electronic. Average time taken to provide accessible material in: - electronic formats; and - formats other than electronic	All publicly available performance reports against the contract purchasing specification are available in accessible formats upon request. No requests for performance reports were received during 2009-10.
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 2009-10
Providers have established mechanisms for quality improvement and assurance.	Evidence of quality improvement and assurance systems in operation.	The SSAT reviews the mechanisms for quality improvement and assurance that target the needs of applicants with disabilities. 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. 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. The SSAT's internet site complies with W3C standards which includes standards relating to accessibility for disabled users.
Providers have an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.	Established service charter that adequately reflects the needs of people with disabilities in operation.	The SSAT's Service Charter (included in Appendix 2 of this Report) advises of facilities and services available for people with disabilities including TTY services and large print and audio CD formats of information brochures. 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.
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

#### National Office

Level 24, 500 Collins Street,  
Melbourne

(PO Box 218, Collins Street  
West Melbourne Vic 3000)

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

Tel: (03) 8626 4923

Fax: (03) 8626 4949

Principal Member – Les Blacklow  
National Manager – John Collins

#### Australian Capital Territory

Level 5, 71 Northbourne Avenue,  
Canberra

(GPO Box 9943, Canberra  
ACT 2601)

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

Tel: (02) 6200 3700

Fax: (02) 6200 3709

Senior Member – Suellen Bullock  
Business Manager – Kathryn  
Edwards

#### New South Wales

Level 20, 580 George Street, Sydney  
(GPO Box 9943, Sydney NSW 2001)

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

Tel: (02) 9202 3400

Fax: (02) 9202 3499

Senior Member – Suellen Bullock  
Business Manager – Kathryn  
Edwards

#### Northern Territory

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

#### Queensland

Level 5, 380 Queen Street, Brisbane  
(GPO Box 9943, Brisbane Qld 4001)

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

Tel: (07) 3005 6200

Fax: (07) 3005 6215

Senior Member – Jim Walsh  
Business Manager – Robin Harvey

#### South Australia

Level 12, 45 Grenfell Street,

Adelaide

(GPO Box 9943, Adelaide SA 5001)

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

Tel: (08) 8400 4900

Fax: (08) 8400 4999

Senior Member – Sue Raymond  
Business Manager – Jacqui Nelson

#### Tasmania

Level 8, 188 Collins Street, Hobart  
(GPO Box 9943, Hobart Tas 7001)

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

Tel: (03) 6211 2800

Fax: (03) 6211 2899

Senior Member – Sue Raymond  
Business Manager – Jacqui Nelson

#### Victoria

Level 11, 565 Bourke Street,  
Melbourne

(GPO Box 9943, Melbourne  
Vic 3001)

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

Tel: (03) 9954 0700

Fax: (03) 9954 0749

Senior Member – Miriam Holmes  
Business Manager – Siobhan Jordan

#### Western Australia

Level 3, 109 St George's Terrace,  
Perth

(GPO Box 9943, Perth WA 6001)

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

Tel: (08) 9229 1300

Fax: (08) 9229 1315

Senior Member – Rhonda Bradley  
(a/g)  
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](http://www.ssat.gov.au)

#### Contact Officer

For enquiries about this Annual  
Report, please contact:

Ms Briana Carroll

Communications Officer

National Office

PO Box 218, Collins Street West  
Melbourne Vic 3000

Tel: (03) 8626 4923

Fax: (03) 8626 4949

Email: [briana.carroll@ssat.gov.au](mailto:briana.carroll@ssat.gov.au)

#### Additional copies of this Annual Report

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

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

# Glossary

AAA	Administrative Arrangements Agreement (between the SSAT and Centrelink)	NAATI	National Accreditation Authority for Translators and Interpreters Ltd
AAT	Administrative Appeals Tribunal	OFPC	Office of the Federal Privacy Commissioner
ACCE	Australasian Committee of Court Education	OH&S	Occupational Health and Safety
AMS	Appeals Management System	PPL	Paid Parental Leave
AMSWIN	Appeals Management System for Windows (SSAT)	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)
ANAO	Australian National Audit Office	SSAT	Social Security Appeals Tribunal
APS	Australian Public Service	TTY	Teletype Machine
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		
DIAC	Department of Immigration and Citizenship		
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		
FTE	Full Time Equivalents		
GAEN	Government Agency Environment Network		
HREOC	Human Rights and Equal Opportunity Commission		
ITAC	Information Technology Advisory Committee		
KPI	Key Performance Indicator		
LSB	Legal Services Branch (Centrelink)		
MOU	Memorandum of Understanding		



# Compliance Index

Description	Requirement	Page
Letter of transmittal	Mandatory	i
Table of contents	Mandatory	ii-iii
Index	Mandatory	97
Glossary	Mandatory	93
Contact officer(s)	Mandatory	92
Internet home page address and Internet address for report	Mandatory	92
<b>Review by Principal Member</b>		
Review by Principal Member	Mandatory	1-2
Summary of significant issues and developments	Suggested	1-2
Overview of tribunal's performance and financial results	Suggested	1-2
Outlook for following year	Suggested	1-2
Significant issues and developments – portfolio	Portfolio departments – suggested	n/a
<b>Tribunal Overview</b>		
Overview description of Tribunal	Mandatory	5
Role and functions	Mandatory	5
Organisational structure	Mandatory	10-11
Outcome and program structure	Mandatory	14
Where outcome and program structures differ from PB Statements/PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change	Mandatory	n/a
Portfolio structure	Portfolio departments – mandatory	n/a
<b>Report on Performance</b>		
Review of performance during the year in relation to programs and contribution to outcomes	Mandatory	15-25
Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	Mandatory	15-25
Performance of purchaser/ provider arrangements	If applicable, suggested	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	15-25
Trend information	Mandatory	15-25, 76-84
Significant changes in nature of principal functions/ services	Suggested	n/a
Factors, events or trends influencing tribunal performance	Suggested	15-25
Contribution of risk management in achieving objectives	Suggested	37-39
Social justice and equity impacts	Suggested	36-37

Performance against service charter customer service standards, complaints data, and the tribunal's response to complaints	If applicable,mandatory	41-43
Discussion and analysis of the tribunal's financial performance	Mandatory	20, 49-50
Discussion of any significant changes from the prior year or from budget	Suggested	20, 49
Agency resource statement and summary resource tables by outcomes	Mandatory	n/a (please see note on page 60)
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
<b>Management Accountability</b>		
<b>Corporate Governance</b>		
Statement of the main corporate governance practices in place	Mandatory	34-39
Names of the senior executive and their responsibilities	Suggested	10-11
Senior management committees and their roles	Suggested	34
Corporate and operational planning and associated performance reporting and review	Suggested	35
Approach adopted to identifying areas of significant financial or operational risk	Suggested	37-39
Agency heads are required to certify that their agency comply with the Commonwealth Fraud Control Guidelines	Mandatory	40
Policy and practices on the establishment and maintenance of appropriate ethical standards	Suggested	36-37
How nature and amount of remuneration for SES officers is determined	Suggested	n/a
<b>External Scrutiny</b>		
Significant developments in external scrutiny	Mandatory	41-43
Judicial decisions and decisions of administrative tribunals	Mandatory	41
Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	Mandatory	41-42
<b>Management of Human Resources</b>		
Assessment of effectiveness in managing and developing human resources to achieve tribunal objectives	Mandatory	44-47
Workforce planning, staff turnover and retention	Suggested	45
Impact and features of enterprise or collective agreements, determinations, common law contracts and AWAs	Suggested	44-46
Training and development undertaken and its impact	Suggested	46-47
Occupational health and safety performance	Suggested	48
Productivity gains	Suggested	46
Statistics on staffing	Mandatory	72
Enterprise or collective agreements, determinations, common law contracts and AWAs	Mandatory	44-46
Performance pay	Mandatory	45
<b>Assets management</b>		
Assessment of effectiveness of assets management	If applicable,mandatory	49
<b>Purchasing</b>		
Assessment of purchasing against core policies and principles	Mandatory	49
<b>Consultants</b>		
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	50, 73
<b>Australian National Audit Office Access Clauses</b>		
Absence of provisions in contracts allowing access by the Auditor-General	Mandatory	50
<b>Exempt contracts</b>		
Contracts exempt from the AusTender	Mandatory	50

<b>Commonwealth Disability Strategy</b>		
Report on performance in implementing the Commonwealth Disability Strategy	Mandatory	45, 90-91
<b>Financial Statements</b>		
Financial Statements	Mandatory	51-60
<b>Other Information</b>		
Occupational health and safety (section 74 of the <i>Occupational Health and Safety Act 1991</i> )	Mandatory	48
Freedom of Information (subsection 8(1) of the <i>Freedom of Information Act 1982</i> )	Mandatory	87-88
Advertising and Market Research (Section 311A of the <i>Commonwealth Electoral Act 1918</i> ) and statement on advertising campaigns	Mandatory	50
Ecologically sustainable development and environmental performance (Section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> )	Mandatory	37
Grant programs	Mandatory	nil
Correction of material errors in previous annual report	If applicable, mandatory	nil
List of Requirements	Mandatory	94-96

# Index

Access & Equity	38, 45	Freedom of Information	87-88
Administrative Appeals Tribunal (AAT)	6, 8, 9, 13, 19-20, 41, 50	– Section 8 statement	
– case studies	30-32	Further reviews and appeals	8, 9, 41
Advertising	50	Hearings	12-13, 18-19
AMSWIN	3, 5	– Observers	13
Applicant Feedback	18, 36, 42-43	– Regional	18
Application for Review Process		– appointments	32
– child support	8	Human Resources	44-46
– social security	7	Information Technology	3, 35, 49
Assets Management	49	Interpreters	19
Budget	5, 17, 20, 49	Jurisdiction	6-7, 61-63
Business Continuity Plan	38	Learning & Development	4, 39, 46-47
Business Managers	11, 34	Legal Services Expenditure	50, 89
Case Management	13	Members	10-11, 12, 37, 44, 45
Case Studies	26-32	– Assistant Senior Members	11
Centrelink	5-8, 12, 18, 21, 32-33, 41	– list	69-71
– AAA	5-6, 32-33	– Principal Member	1-2, 10, 32-33, 34, 43
Child Support Agency (CSA)	5-9, 13, 18, 21, 41	– Senior Members	10-11, 12, 21, 34, 43
– MOU	3, 5, 6, 33	National Manager	3-4, 11, 34
Complaints	43	National Office	10, 11-12, 35
Consultants	50, 73	OH&S	35, 38, 48
Corporate Governance	3, 34-40	Ombudsman (Commonwealth)	1, 41
Disability Strategy (Commonwealth)	38, 45, 90-91	Organisational Structure	10-11
Diversity	34, 45	Outcomes	14
Employee Assistance Program	45	Outreach	4, 34, 35-36, 50
Environmental Management	4, 37	Paid Parental Leave	1, 4, 34, 35
Ethical Standards	36-37	Pre-hearing Conferences	1, 2, 12, 17
Executive Group	34	Priority Cases	22
External Scrutiny	41-43	Privacy	2, 4, 38-39, 42
FaHCSIA	5, 7, 10, 13, 14, 32, 41, 49	Productivity	46
Federal Magistrates Court	6, 20, 41	Projects	12, 35, 45, 85-86
– case studies	30-32	Purchasing	49-50
Financial Statements	51-60	Representatives	21
Fraud control	39-40	Risk Management	35, 37
		Security	38, 48

Service Charter	43, 64-66
Staff	11, 36, 44-45
– statistics	72
State Offices	10, 12, 35
Statistics	
– Application Outcomes	82-84
– Application Processing	74-75
– Applications (Centrelink)	15
– Applications (Child Support)	15-16
– Timeliness	16-17, 76-82
Strategic Plan	3, 35, 44, 45, 67-68
Timeliness	21-25
Training (see 'Learning & Development')	
Wellness	35, 45
Workplace Agreement	11, 44-46