

Chapter 1: The year in review





President's overview

The Administrative Appeals Tribunal completed 30 years of operations at the end of the financial year under review. The occasion was marked by a memorable commemorative ceremony in Old Parliament House, Canberra. I am delighted to report that the event was attended by more than 170 people. The Chief Justice of Australia, the Hon. Murray Gleeson, AC, the Attorney-General of Australia, the Hon. Philip Ruddock, MP, the first President of the Tribunal, the Hon. Sir Gerard Brennan, AC, KBE and the Chief Justice of Western Australia, the Hon. Wayne Martin made presentations. Former and current Presidents, Deputy Presidents, Senior Members, Members, Registrars and Tribunal staff came together to reminisce and reflect on the past 30 years and to contemplate the future for the Tribunal.

The Tribunal has come a long way since its doors first opened in Canberra on 1 July 1976. In that first year, the Tribunal received 49 applications for review. Over the years, the Tribunal's jurisdiction and workload has grown steadily. In 2005–06, the Tribunal received more than 8,500 applications. Applications relating to taxation decisions now constitute the largest single area of work for the Tribunal, a development that has been acknowledged through the provision of additional funding. In the coming year, the Tribunal will be working hard to finalise many longstanding taxation scheme applications and to ensure that applications generally are dealt with appropriately and in a timely manner.

Review in the Tribunal is not litigation or dispute resolution as such. However, dispute resolution may be a consequence of review in the Tribunal. Indeed, approximately 80 per cent of applications

made to the Tribunal are finalised without a formal determination following a hearing. In this regard, the Tribunal has been reviewing its use of alternative dispute resolution (ADR) and the range of flexible and innovative processes which may assist in finalising matters before the Tribunal. Process models for the different forms of ADR that can be used and a set of referral guidelines have been developed and are available for inspection on the Tribunal website.

In late 2005, the Tribunal released its long-awaited report of the study into the use of concurrent evidence in the New South Wales Registry. Concurrent evidence involves two or more expert witnesses giving evidence at the same time. The evaluation lends support for the continued use of this mode of taking evidence. In particular, the report indicates that concurrent evidence improves the quality of the evidence given and enhances the decision-making process. The Tribunal is now engaged in further work to develop guidelines on the use of concurrent evidence as well as associated information and training for members, representatives and expert witnesses.

During the reporting year, the Tribunal implemented a comprehensive professional development program for members. This has included the appointment of coordinators for mentoring and appraisal, as well as the delivery of training and the development of materials for mentors and appraisers. The Tribunal continues to provide ongoing in-house and external professional development opportunities, which included our National Conference held in October 2005.

The Tribunal has continued to play a key role in the Council of Australasian Tribunals (COAT). In April 2006, I was re-elected as Chair for a further year. The Council's major achievement during the year was the launch of the COAT Practice Manual for Tribunals. The manual covers a range of legal and procedural matters that commonly arise in tribunals, such as statutory interpretation, procedural fairness and conducting hearings. This comprehensive resource will be of assistance to members of tribunals across Australia and

New Zealand. It is already proving popular, judging from the number of orders that have been received. I would like to thank Chris Matthies, the Tribunal's Manager of Policy and Research, for his efforts in coordinating the development and publication of the manual.

Much is to be learned from interaction and collaboration with colleagues in our region and further afield. I was therefore very pleased to be invited to visit the Supreme Administrative Court of Thailand in February 2006 with Justice Brian Tamberlin of the Federal Court. Our visit has led to plans for a more extensive capacity building project.

During the year, I also had the pleasure of hosting visits from Lord Justice Carnwath of the English Court of Appeal and the United Kingdom Tribunals Service, as well as a delegation led by the Minister for Courts of New Zealand examining the future of administrative review in that country. It is a tribute to the success of the Administrative Appeals Tribunal that both the United Kingdom and New Zealand have shown an interest in exploring whether aspects of our model of merits review might have a place in their system of administrative law.

In June 2006, the Attorney-General, the Hon. Philip Ruddock, MP, officially opened the new registry in Perth. The importance and growth of work in Western Australia has been recognised by the appointment of Deputy President Stan Hotop on a full-time basis and the appointment of additional members to cope with an increase in lodgements, particularly in the taxation area.

There have been other membership changes during the reporting year. In late 2005, we farewelled Deputy President Don Muller who had been with the Queensland Registry since 1988. We have since welcomed Deputy President Philip Hack, SC, as his replacement. We also welcomed the appointment of Mr Egon Fice as a full-time Member in Melbourne. I am also pleased to report on the appointment of a number of judges of the Federal Court and Family Court as additional

presidential members. These include Justice Brian Tamberlin who will act as President when I am absent from the Tribunal.

The breadth and scope of the activities outlined above gives you a flavour of how busy the Tribunal has been over the past 12 months. I would like to extend my thanks to Tribunal members and staff for their efforts in keeping the momentum going. Another busy 12 months awaits.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal tail.

Garry Downes



Registrar's report

Annual reports provide an opportunity to pause and reflect on the past year's activities. The year 2005–06 has been one of considerable achievement across a range of areas, including accommodation, information technology, professional development, staffing and budget.

The Tribunal has finalised or negotiated new leases for its accommodation in Adelaide, Melbourne, Perth and Sydney. In Perth, the Tribunal was required to relocate and new premises were secured at 111 St Georges Terrace. Notwithstanding a short timeframe and an architecturally challenging building, the fit-out was completed within the required time. The result is outstanding. It is a credit to all involved and particularly Barry Johnson, District Registrar in Western Australia, and Chris Shead, Manager of Corporate Support.

Within the Sydney registry, a major refurbishment is being undertaken with repainting, new carpet, new toilets and foyers. Some structural alterations have been undertaken to make better use of existing space and provide more useful facilities for Tribunal users, members and staff. The positive manner in which members and staff have coped with working in a building site has been most appreciated. Work will be carried out in Adelaide, Canberra and Melbourne in the coming year.

There has been steady progress on the implementation of the Tribunal's new case management system. The design phase has been completed with testing to take place in the next few months. Roll out of the system will

take place in early 2007. In anticipation of this, a contract was let for the replacement of all Tribunal personal computers. This is taking place at the time of writing this report and represents a further milestone towards ensuring the Tribunal has the information technology support required for the future. In addition, the Tribunal has replaced telephone handsets and PABXs in all registries except Brisbane and Hobart, where the Tribunal has accommodation in Commonwealth Law Courts buildings.

The Tribunal has continued to devote significant time and resources to the development and training of Tribunal members and staff. In October 2005, the Tribunal held its biannual National Conference. Held over three days, this conference provided a wonderful opportunity for members and senior staff of the Tribunal to gather in one place and undertake continuing education activities together. The Tribunal is geographically disparate. The value of a conference of this kind as a way of reinforcing common values and discussing issues as a group cannot be underestimated.

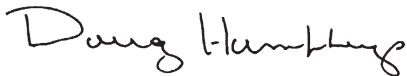
The Tribunal conducted a review of its staffing throughout Australia during the year. The review found that there are some differences and inequities in the staffing and structure of registries around Australia. In the interest of national consistency and organisational parity, the review made a number of recommendations aimed at achieving a fair distribution of resources and improving the management and operations of the Tribunal. A number of the recommendations have already been accepted and implemented. Other recommendations are scheduled for a phased implementation and the remainder are under active consideration by senior management.

Another major task during the year has been the negotiation and finalisation of a new agency agreement for the Tribunal, which will apply for the next three financial years. I congratulate those involved in the agency bargaining committee in finalising the agreement in a constructive and helpful manner. In particular, Hugh Abrahams,

the Tribunal's Manager of Human Resources, worked tirelessly in drafting an agreement that met all new requirements.

The Tribunal has continued to provide administrative and other support to the Council of Australasian Tribunals (COAT). This year has seen the successful publication of the COAT Practice Manual for Tribunals. Orders for additional copies indicate that the publication has been well received.

Finally, I note the allocation of an additional \$1.881m in the 2006–07 Budget. This additional funding will ensure the Tribunal can continue to provide a review mechanism that is fair, just, economical, informal and quick. In particular, this funding will allow additional resources to be allocated to the finalisation of the increasing number of taxation matters being lodged with the Tribunal.

A handwritten signature in black ink that reads "Doug Humphreys". The signature is written in a cursive, flowing style.

Doug Humphreys

CHART 1.1 ADMINISTRATIVE APPEALS TRIBUNAL 2005–06 ORGANISATIONAL PLAN AND STATEMENT OF ACHIEVEMENTS

OUR VISION	OUR MISSION	OUR VALUES			
<p>To be a leader in administrative review, providing fair, just, economical, informal and quick merits review.</p>	<p>To deliver high quality independent merits review of administrative decisions in a timely fashion, using alternative dispute resolution processes where appropriate.</p>	<p>User focus Integrity Professionalism Efficiency Equity and accessibility Independence</p>			
KEY RESULT AREA	GOALS	STRATEGIES	KEY TARGETS	OUTCOMES	ACHIEVEMENTS
OUR USERS	<p>To provide a national high quality merits review process that contributes to community confidence in a system of open and accountable government</p>	<ul style="list-style-type: none"> Maintain and improve access to legal advisory services for self-represented users Continue to review case management practices and procedures Seek and respond appropriately to feedback from users Ensure AAT information products meet user expectations 	<ul style="list-style-type: none"> Pursue opportunities for additional services with Community Legal Centres and other providers Finalise review of case management procedures in compensation and social security matters Develop ADR referral policy Develop and implement responses to results of the user survey Conduct regular liaison meetings Review and update information products for users 	<ul style="list-style-type: none"> Australians have equitable access to fair, just, economical, informal and quick merits review Processes are monitored and improved in response to user comments 	<ul style="list-style-type: none"> Legal Aid advice scheme established in South Australia. Advice schemes continue to operate in other registries Consultation draft of Guide to the Workers' Compensation Jurisdiction released. Comments considered and changes agreed Review of social security procedures in Victoria completed ADR Committee established. ADR process models and referral policy developed and approved User survey responses considered and taken into account in planning Regular liaison meetings conducted in registries Information products updated pending major review that will commence in 2006–07

CHART 1.1 ADMINISTRATIVE APPEALS TRIBUNAL 2005–06 ORGANISATIONAL PLAN AND STATEMENT OF ACHIEVEMENTS (CONTINUED)

KEY RESULT AREA	GOALS	STRATEGIES	KEY TARGETS	OUTCOMES	ACHIEVEMENTS
OUR PEOPLE	To maintain professional standards, a positive, safe and productive workplace that values diversity	<ul style="list-style-type: none"> • Maintain occupational health and safety practices • Ensure appropriate staffing, terms and conditions of employment of staff • Maintain and promote diversity employment strategies • Provide and support learning and development opportunities for members and staff 	<ul style="list-style-type: none"> • Reduce workplace injuries in 2005–06 • Conduct review of Tribunal staffing • Continue succession planning for key positions • Renegotiate AAT staff employment agreement • Continue Aboriginal and Torres Strait Islander employment program • Support professional development program for members • Maintain ongoing learning and development program • Introduce and develop staff induction program • Hold biannual National Conference 	<ul style="list-style-type: none"> • Promote a healthy and safe working environment • AAT has appropriate staffing and structure to deliver efficient and effective services • Increase in ATSI employee numbers • Members and staff have the skills, knowledge and commitment to deliver high quality services 	<ul style="list-style-type: none"> • Training undertaken by occupational health and safety officers, including risk management • Workplace injuries reduced by 47% over previous year • Staffing review completed and being implemented • Staff given opportunities to act in more senior positions • Agency agreement negotiated successfully. • ATSI recruit completed traineeship • Implementation of members' professional development program commenced. Handbook developed and published • Members and staff offered a range of development and training opportunities • Preliminary development work undertaken on staff induction program • National Conference held in October 2005

CHART 1.1 ADMINISTRATIVE APPEALS TRIBUNAL 2005–06 ORGANISATIONAL PLAN AND STATEMENT OF ACHIEVEMENTS (CONTINUED)

KEY RESULT AREA	GOALS	STRATEGIES	KEY TARGETS	OUTCOMES	ACHIEVEMENTS
OUR ORGANISATION	To be an organisation with systems and processes that maximise effective and efficient use of Tribunal resources	<ul style="list-style-type: none"> • Secure accommodation facilities that meet AAT needs • Improve IT systems • Improve resources management • Minimise exposure to system or other risks, fire or natural disaster 	<ul style="list-style-type: none"> • Adelaide, Canberra, Melbourne, Perth and Sydney accommodation finalised and refurbishment completed or in train • Finalise selection of new case management system and commence implementation • Implement revised AAT purchasing guidelines • Issue a coordinated business continuity plan 	<ul style="list-style-type: none"> • Accommodation and facilities available at an affordable cost • Systems and processes allow staff to work more efficiently and provide high quality service • Planning and organisational decisions are based on timely and accurate information 	<ul style="list-style-type: none"> • Leases finalised or negotiated in all locations • New registry opened in Perth • Refurbishment planned or in train in Adelaide, Canberra, Melbourne and Sydney • New case management system selected and development underway • New computers and telephone equipment purchased. New contracts for voice, data and internet services let with considerable savings • Purchasing guidelines revised • Risk assessment being undertaken as part of business continuity plan • Review of physical security being undertaken

CHART 1.1 ADMINISTRATIVE APPEALS TRIBUNAL 2005–06 ORGANISATIONAL PLAN AND STATEMENT OF ACHIEVEMENTS (CONTINUED)

KEY RESULT AREA	GOALS	STRATEGIES	KEY TARGETS	OUTCOMES	ACHIEVEMENTS
OUR PARTNERS	To cooperate with government, other tribunals, the legal profession and other interested groups	<ul style="list-style-type: none"> • Develop and enhance our links with government, other tribunals and our partners in administrative review • Develop links with universities and law education providers • Increase AAT participation in community and continuing legal education 	<ul style="list-style-type: none"> • Participate fully and provide expert advice to government and legal forums relevant to the work of the AAT • Pursue resource sharing arrangements with courts and tribunals • Continue AAT moot competition • Participate in training and convention opportunities for users in administrative law, AAT practice and procedure • Identify and pursue additional opportunities to participate in community education activities 	<ul style="list-style-type: none"> • Legislators and policy makers value the Tribunals expertise on matters of administrative review • Better understanding of the AAT and its role in the administrative decision-making process 	<ul style="list-style-type: none"> • Advice provided to government on issues relating to the Tribunal in a timely manner • Significant work undertaken in relation to the administration of the Council of Australasian Tribunals and COAT projects • Delegations hosted from Mexico, New Zealand, Taiwan and the United Kingdom • Co-operative arrangements with other Commonwealth tribunals continue. Tribunal training and development opportunities offered to other tribunals • Moot competition conducted for university students in Australian Capital Territory, New South Wales, Queensland and Victoria • Speeches and papers given by members and staff at a range of conferences and seminars • Tribunal participated in community education activities

