



Administrative
Appeals
Tribunal

ANNUAL REPORT 2010-11



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Administrative
Appeals
Tribunal

**ANNUAL
REPORT
2010-11**

This report

An electronic version of this annual report is on the Tribunal's website, www.aat.gov.au/Publications/AnnualReport.htm. More information about the Tribunal is on the Tribunal's website, www.aat.gov.au.

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The Hon Robert McClelland MP
Attorney-General
Parliament House
CANBERRA ACT 2600

15 September 2011

My dear Attorney-General,

In accordance with section 24R of the *Administrative Appeals Tribunal Act 1975*, I present to you the annual report of the Administrative Appeals Tribunal covering the Tribunal's operations for the year ended 30 June 2011.

yours faithfully,


GARRY DOWNES

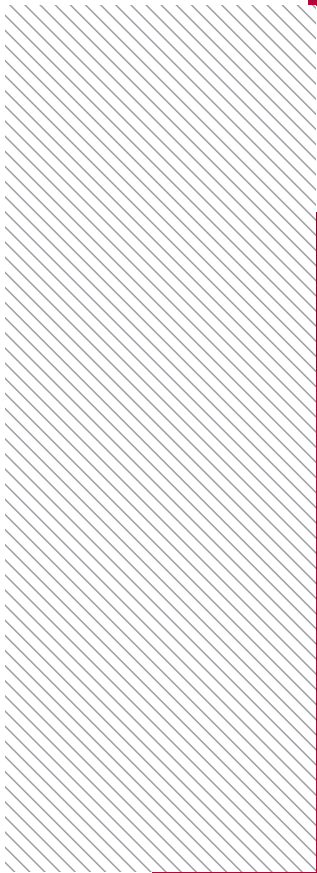
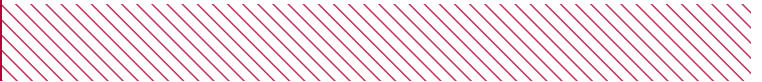
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CHAPTER 1

THE YEAR IN REVIEW



PRESIDENT'S OVERVIEW



Justice Downes

The Tribunal has had a constructive year, focusing on improving the quality and accessibility of its services while planning its future direction.

The Tribunal continues to review its case management practices to ensure that

it is offering high quality merits review in reasonable time. A number of initiatives were implemented this year aimed at assisting the Tribunal to manage its caseload better. These included regular reporting on the age of cases, systematic review of older cases and a specific review of case management in the workers' compensation jurisdiction. These efforts are proving effective, with an improvement in the proportion of cases finalised within the Tribunal's time standard in 2010-11. This work will continue in 2011-12, with a particular focus on the management of matters in the Tribunal's tax jurisdiction.

A key to the delivery of high quality services is the knowledge and skill of members and staff. Regional professional development conferences for members, conference registrars and district registrars were held in March, April and May 2011. A range of topics of national and regional significance were covered at each conference. I delivered a paper on statutory interpretation, one of the core tasks of members and professional staff, at the conferences. The conferences successfully brought together members and registrars, enabling productive discussion of strategic planning and case management.

The conferences form part of the comprehensive Members' Professional Development Program that the Tribunal implemented in 2006; a program that has become a model for similar programs in other tribunals around the country. The program continues to evolve under the auspices of the Tribunal's Professional Development Committee. The second edition of the *Members' Professional Development Handbook*, which will be published shortly,

incorporates amendments arising from a formal evaluation of the program that was undertaken during 2010-11.

This year the Tribunal has also undertaken significant work on developing a professional development program for conference registrars. Conference registrars manage the bulk of cases during the pre-hearing process, conducting the majority of the Tribunal's alternative dispute resolution processes. A meeting for conference registrars was held in Sydney in June 2011, to enable them to finalise the program. It comprises a framework of competencies, induction and mentoring programs, tools for reflective learning and peer review and appraisal systems. The program will be published shortly in the form of a *Conference Registrars' Professional Development Handbook*. It will help to ensure that the work of the conference registrars is done to a consistently high standard.

Completing a trilogy of handbooks designed to assist members and staff in their work, the Tribunal *Practice Manual* was completed and published this financial year. It provides a readily accessible overview of the law and practice in relation to the review process generally and the Tribunal's main jurisdictions. It complements the range of resources made available through the Tribunal's library that keeps members and staff up-to-date on the law to be applied by the Tribunal.

The Tribunal has developed a new three-year strategic plan, a process overseen by its new Registrar, Philip Kellow, in consultation with members and staff. The plan, which was finalised in August 2011, sets out the Tribunal's vision, mission and values, longer term goals and objectives, strategies and specific outcomes that will be used to evaluate progress made in implementing its goals and objectives. It has been informed by the recommendations of the review of the functions and workload of Tribunal staff conducted by Bendelta Pty Ltd in 2010, a number of which were implemented during the financial year.

The Tribunal also developed an eServices strategy, which will result in the implementation of online service and information delivery, including electronic document lodgement and the capacity to access information about Tribunal cases online. Fortunately, the Tribunal's case management system provides a solid foundation upon which to deliver these services.

The Tribunal continued to be an active member of the Council of Australasian Tribunals and to participate in the meetings of the Commonwealth Heads of Tribunals and Commonwealth Registrars of Tribunals. These meetings provide a valuable opportunity to discuss issues of mutual interest including the processes for the appointment and professional development of members and the opportunities for further sharing knowledge and services. During the year I also met with the heads of various Commonwealth agencies to discuss workload trends and the Tribunal's initiatives to further improve the quality and timeliness of its processes.

In January 2011 the Administrative Appeals Tribunal Act was amended to give the Tribunal jurisdiction to review decisions made in the exercise of powers conferred by Norfolk Island enactments that are specified by regulation. While details of this new jurisdiction are being finalised by the Government, the Tribunal has commenced discussions with the Norfolk Island government to put in place arrangements for the provision of registry services to the Island and the delivery of information sessions to Norfolk Island decision makers and the local community about the role and operation of the Tribunal.

A number of long-standing Tribunal members retired this financial year. I would like to record my personal thanks to Deputy President Graham McDonald, Senior Member Margaret Carstairs and Dr John Campbell for their outstanding contribution to the Tribunal over many years. I also thank Justices Spender and Barry, Mr D Connolly AM, Mr S Ellis AM, Dr E Eriksen and Dr M Miller AO, whose appointments ended during the reporting year.

There were a number of new appointments to the Tribunal during 2010–11. Justices Mansfield, Kenny, Middleton, Logan, Jagot and Barker of the Federal Court of Australia were appointed as presidential members. James Constance, previously a Senior Member in the ACT, was appointed as a full-time Deputy President in Victoria. The Tribunal also welcomed the appointment of two new medical members, Professor D Ben-Tovim and Dr B Hughson.

The following judicial members were re-appointed during the course of the year: Justices Benjamin, Bennett, Dawe, Edmonds, Finn, Greenwood, Lander, Mushin and Siopis. Other re-appointments include Deputy Presidents Block, Hack, Jarvis and Nicholson; Senior Members Cunningham, Isenberg and Taylor; and Members Dr Breen, Air Vice-Marshal Cox, Dr Denovan, Dr Hawcroft, Mr Jenkins, Professor Reilly, Dr Schafer, Dr Toh, Dr Walters and Dr Wilkins. Senior Member Allen, who had been a full-time Senior Member in Sydney, was re-appointed on a part-time basis.

I would like to thank all members and staff of the Tribunal for their contribution to maintaining the high quality of its services. I am looking forward to another productive year as the Tribunal pursues the goals and objectives set out in its strategic plan.

REGISTRAR'S REPORT

The past year has been a productive one in which the Tribunal continued to reduce the number of pending cases and the time it takes to resolve the matters that come before it, undertook two major planning exercises and implemented a range of initiatives to enhance its operations.

During the reporting year the Tribunal again finalised more matters than were lodged, resulting in 3,858 current cases at 30 June 2011 compared to 4,532 cases at the same time last year. There was also a significant improvement in the time to resolve applications, with 72 percent of matters finalised within 12 months of the date of lodgement, compared to 63 percent in the previous year. More information about the Tribunal's workload is set out in Chapter 3 and Appendix 3 of this report.

In late 2010 the Tribunal commenced an extensive planning process which resulted in a new strategic plan that will guide management and operational decisions in relation to priority setting, resource allocation and performance monitoring processes over the next three years. The plan was developed having regard to the views of all members and staff, and incorporates the recommendations of the 2010 review of registry workload and functions. The Tribunal also adopted an eServices Strategy Report that will guide it to a suite of integrated online services, including an electronic lodgement system and an online search facility.

The Tribunal continued to provide registry and other services to several federal tribunals and other bodies. In June 2011 the Tribunal entered an agreement with the Independent Protection Assessment Office to provide meeting rooms and related facilities to its reviewers.

The implementation of the new finance and human resources systems was completed during the reporting year, as was the roll out of new computers, printers and operating system. A working party with staff drawn from across the Tribunal oversaw the development

of policies and the necessary technologies to increase the use of emails as a primary means of communicating with parties and their representatives, and the implementation of a SMS notification system whereby self-represented parties are sent a reminder of upcoming alternative dispute resolution processes or hearings via their mobile phones.

A comprehensive review of library materials and services has recommended changes to the nature and extent of the Tribunal's library collection, including a greater emphasis on online resources, and identified other areas in which the management and delivery of library and information services may be further enhanced. This work will continue in 2011–12. The Tribunal's website was given a new look and structure that improves its usability and satisfies the requirements of the new Information Publication Scheme.

The Tribunal maintained its commitment to providing high quality training and resources to its members, officers and staff. Key activities in this area included an evaluation of the Members' Professional Development Program, the development of a Conference Registrars' Professional Development Program, the conduct of regional conferences and the publication of a Practice Manual.

As in previous years, during 2010–11 there were changes in the membership and staff of the Tribunal. I would like to record my thanks for the contributions made by those members and staff whose time at the Tribunal came to an end during this period, and to welcome the members and staff who have joined us. The President's Overview sets out some of the membership changes. There were also some significant staff movements, including the departure of the Principal Librarian, Jan Corey, and the appointment of Lee Cross as the District Registrar in Brisbane and of Angela Dall'Est, James Barden and Allan Teves as Deputy District Registrars in Melbourne, Brisbane and Sydney respectively.

Finally, I would like to thank the President, members and staff for the warm welcome and support they have given to me since I started at the Tribunal in July 2010.

HIGHLIGHTS AND ACHIEVEMENTS

Better case management

- Received 5,437 applications.
- Finalised 6,177 matters (79% other than by a decision following a hearing).
- Finalised 72% of matters within 12 months of the date of lodgement, and 85% were finalised within 18 months.
- Reduced the number of cases pending at year end by 15% to 3,858.
- Reduced the number of cases over 18 months old from 955 to 566 at year end.
- Introduced regular reviews of matters taking longer than expected and actively managed them to finalisation.
- Settled on new procedures for improving the disposition time for matters in the Tribunal's compensation jurisdiction.

Planning for the future

- Developed the Tribunal's Strategic Plan 2011–14.
- Negotiated a new agency agreement.
- Held four regional conferences for the professional development of members and registrars.
- Conducted workshops on legal editing and project management.
- Improved the Members' Professional Development Program.
- Developed the Conference Registrars' Professional Development Program.
- Published a new *AAT Practice Manual*.

Easier access to the Tribunal

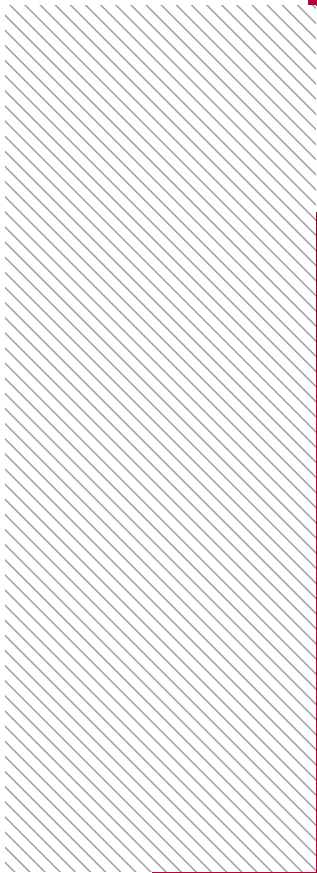
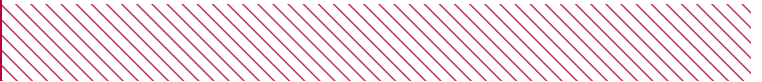
- Developed and adopted an eServices Strategy as a first step along the road to a range of electronic services such as eLodgement.
- Introduced email and SMS notification systems for improved communications with parties and their representatives.
- Revamped the Tribunal website to improve usability and comply with the Information Publication Scheme.

Supporting the Tribunal

- Updated computers, printers and operating system.
- Upgraded servers and PABX system.
- Completed implementation of new finance and human resources systems.
- Reviewed library materials and services to identify enhancements and place greater emphasis on online resources.

Cooperation

- Entered a new service agreement with the Independent Protection Assessment Office to provide meeting rooms and related facilities.
- Continued service arrangements with the Migration Review Tribunal/Refugee Review Tribunal, Veterans Review Board, National Native Title Tribunal and Federal Court.



CHAPTER 2

OVERVIEW OF THE TRIBUNAL



The role of the Tribunal is to provide independent merits review of administrative decisions. The Tribunal aims to provide a review mechanism that is fair, just, economical, informal and quick.

The Tribunal falls within the portfolio of the Attorney-General, the Hon. Robert McClelland MP.

ESTABLISHMENT

The Tribunal was established by the *Administrative Appeals Tribunal Act 1975* and commenced operations on 1 July 1976. The *Administrative Appeals Tribunal Act* and the *Administrative Appeals Tribunal Regulations 1976* set out the Tribunal's functions, powers and procedures.

FUNCTIONS AND POWERS

Review of decisions

The Tribunal reviews a wide range of administrative decisions made by Australian Government ministers, departments, agencies, authorities and other tribunals. In limited circumstances, the Tribunal can also review administrative decisions made by state government and non-government bodies.

Merits review of an administrative decision involves considering afresh the facts, law and policy relating to that decision. The Tribunal considers the material before it and decides what is the correct — or, in a discretionary area, the preferable — decision. It will affirm, vary or set aside the decision under review.

The Tribunal is not always the first avenue of review of an administrative decision. In some cases, the Tribunal cannot review a decision until there has been an internal review of the primary decision. In other cases, review by the Tribunal is only after intermediate review by a specialist tribunal — for example, an application for review of a family assistance or social security decision may be made only after review by the Social Security Appeals Tribunal.

Section 33 of the *Administrative Appeals Tribunal Act* requires that proceedings of the Tribunal be conducted with as little formality

and technicality, and with as much expedition, as the requirements of the Act and a proper consideration of the matters before the Tribunal permit. The Tribunal is not bound by the rules of evidence and can inform itself in any manner it considers appropriate.

Jurisdiction

The Tribunal does not have a general power to review decisions made under Commonwealth legislation. The Tribunal can only review a decision if an Act, regulation or other legislative instrument states that the decision is subject to review by the Tribunal.

The Tribunal has jurisdiction to review decisions made under more than 400 Acts and legislative instruments. The largest part of the Tribunal's workload arises from applications about decisions in the areas of family assistance and social security, taxation, veterans' affairs and workers' compensation. The Tribunal also reviews decisions in areas such as bankruptcy, civil aviation, citizenship and immigration, corporations law, customs, freedom of information, industry assistance, passports and security assessments by the Australian Security Intelligence Organisation.

Changes to the Tribunal's jurisdiction during the reporting year are in Appendix 6.

DIVISIONS

The Tribunal exercises powers in divisions which include the General Administrative, Security Appeals, Taxation Appeals and Veterans' Appeals Divisions. The Taxation Appeals Division is known as the Small Taxation Claims Tribunal for the review of certain tax decisions, such as those where the tax in dispute is less than \$5,000.

ORGANISATION

The Tribunal consists of the President, other presidential members (who may be judges or Deputy Presidents), Senior Members and Members. The President, with the assistance of the Registrar, is responsible for managing the Tribunal and its resources.

The Tribunal has a Principal Registry and District Registries. Principal Registry managers and District Registrars provide policy advice and operational assistance. Staff are employed under the *Public Service Act 1999* to assist the Tribunal to carry out its functions.

Membership of the Tribunal

Members of the Tribunal are appointed by the Governor-General. The qualification requirements for all categories of members in the Administrative Appeals Tribunal Act are outlined below. Appointments to the Tribunal may be full-time or part-time.

Presidential members can exercise powers in any of the Tribunal's divisions. Senior Members and Members may only exercise powers in the division or divisions to which they have been assigned.

There were 90 members of the Tribunal at 30 June 2011. See Table 2.1 for the breakdown of full-time and part-time members by category, and see Appendix 1 for a list of the Tribunal's members by state and territory, the divisions to which each non-presidential member was assigned, and a profile of each member other than judges of the Federal Court and Family Court.

President

The Hon. Justice Garry Downes AM was appointed a judge of the Federal Court of Australia and Acting President of the Tribunal on 2 April 2002. He was appointed President of the Tribunal on 16 May 2005, for seven years.

The President of the Tribunal must be a judge of the Federal Court.

Other presidential members

Judges of the Federal Court and the Family Court may be appointed as part-time presidential members of the Tribunal.

Deputy Presidents must have been enrolled as legal practitioners for at least five years.

Senior Members

Senior Members must have been enrolled as legal practitioners for at least five years or have special knowledge or skills relevant to the duties of a Senior Member.

Members

Members must have knowledge or skills relevant to the duties of a Member. Current Members have expertise in areas including accountancy, aviation, engineering, law, medicine, pharmacology, military affairs, public administration and taxation.

Table 2.1 Tribunal membership, 30 June 2011

Category of member	Judge	Full-time	Part-time	Total (Women)
President	1			1 (0)
Presidential members:				
Federal Court judges	13			13 (3)
Family Court judges	4			4 (2)
Deputy Presidents		6	5	11 (1)
Senior Members		8	18	26 (10)
Members		2	33	35 (11)
Total	18	16	56	90 (27)

Registrar and Assistant Registrar

At 30 June 2011, the Tribunal's Registrar was Philip Kellow who began his five-year appointment as Registrar on 22 July 2010. The Acting Registrar, Megan Cassidy, had filled the position after the resignation of the former Registrar, Doug Humphreys, on 19 March 2010.

The Registrar assists the President manage the Tribunal and advises on its operations and performance. The Registrar may act on behalf of the President in the administration of the Tribunal.

The position of Registrar is a statutory office appointed by the Governor-General. The Registrar is the agency head for the purposes of the Public Service Act, responsible for the employment of the Tribunal's staff on behalf of the Commonwealth. The Registrar is also the Chief Executive for the purposes of the *Financial Management and Accountability Act 1997*.

The Registrar is assisted by the Assistant Registrar who holds office as a senior executive in the Australian Public Service. Christopher Matthies has been Acting Assistant Registrar since March 2010.

Staff

Tribunal staff are employed under the Public Service Act as ongoing, non-ongoing or intermittent employees. At 30 June 2011, 155 staff were employed by the Tribunal.

See Appendix 2 for more staffing information, including equal employment opportunity data.

Registries

Principal Registry

Principal Registry staff advise and assist the President and the Registrar, and provide a range of services for members and staff. They are responsible for finance, human resource management, information technology, legal and policy services, library services, payroll and property.

Principal Registry staff are in Brisbane, Perth and Sydney.

District Registries

There are District Registries in each of the state capital cities and in Canberra. The registry service in Hobart is provided by the Federal Court. The Brisbane Registry manages Northern Territory applications and is responsible for ensuring an effective level of service to Northern Territory residents.

In each District Registry, a Deputy President or Senior Member is appointed Executive Deputy President. The Executive Deputy President and the District Registrar are responsible for local registry management. District Registrars are assisted by Deputy Registrars.

Conference Registrars are appointed by the President in each registry to conduct the majority of the conferences held by the Tribunal. They also conduct other alternative dispute resolution processes.

District Registry staff:

- provide information to parties and their representatives and the general public on the operation and procedures of the Tribunal
- process applications
- facilitate the listing and conduct of conferences, other alternative dispute resolution processes and hearings, and
- provide administrative and other support services to members.

Table 2.2 lists the Executive Deputy Presidents, at 30 June 2011, and Figure 2.3 shows the administrative structure of the Tribunal, including senior staff.

Table 2.2 Executive Deputy Presidents, 30 June 2011

State/Territory	Executive Deputy Presidents
Australian Capital Territory	Senior Member Professor Robin Creyke
New South Wales	Deputy President Robin Handley
Queensland/Northern Territory	Deputy President Philip Hack SC
South Australia	Deputy President Deane Jarvis
Tasmania	Deputy President Raymond Groom AO
Victoria	Deputy President James Constance
Western Australia	Deputy President Stanley Hotop

Tribunal committees

The President has established a number of committees to provide advice and assistance in the management of the Tribunal.

Alternative Dispute Resolution Committee

The Alternative Dispute Resolution Committee oversees alternative dispute resolution processes in the Tribunal, and the development of policies and guidelines for their use. The committee is chaired by Deputy President Hack and consists of members and senior staff with experience in alternative dispute resolution. For more information on the work of this committee, see Chapter 4.

Executive Committee

The Executive Committee assists and advises the President on executive management issues. Its members are the President, Deputy President Hack, Member Webb, the Registrar, the Assistant Registrar and the Chief Financial Officer.

Executive Deputy Presidents Committee

The Executive Deputy Presidents Committee provides a forum for discussion of case management and other matters of common interest. Its members are the President and the Executive Deputy President for each District Registry.

Library Committee

The Library Committee considers the Tribunal's information needs and oversees the collection development policy. It is chaired by Deputy President Hotop and consists of members from different registries, the Assistant Registrar and the Principal Registry Librarian. For more information on the work of this committee, see Chapter 5.

Practice and Procedure Committee

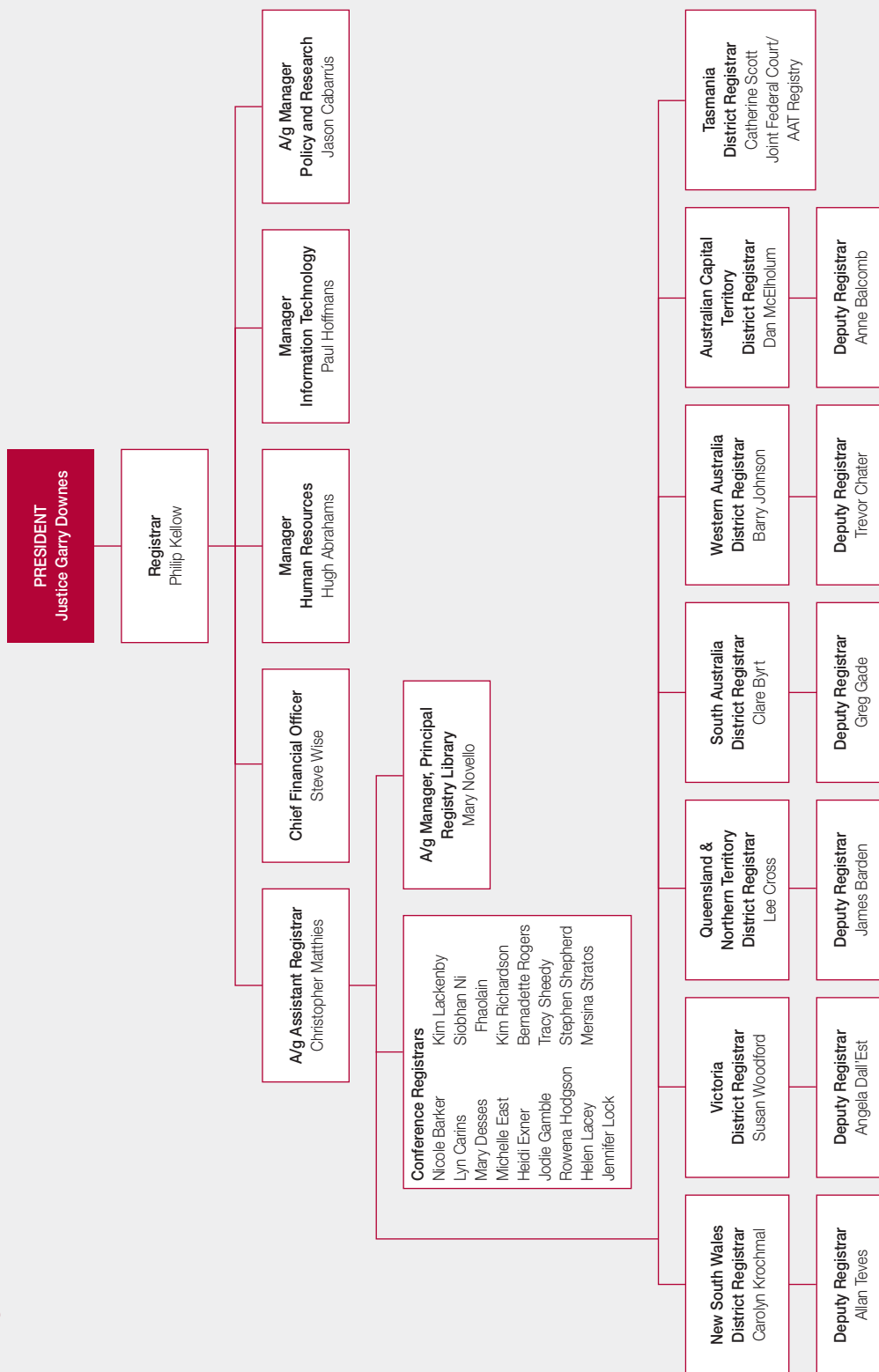
The Practice and Procedure Committee deals with issues relating to the Tribunal's management of applications. Members of the committee are the President, the Executive Deputy Presidents, the Registrar, the Assistant Registrar, the District Registrar of each registry and a representative of the Conference Registrars. For more information on the work of this committee, see Chapter 4.

Professional Development Committee

The Professional Development Committee considers matters relating to the professional development of Tribunal members. The committee is chaired by Deputy President Jarvis and its members are the Registrar, members who have an interest in professional development, and the Tribunal's Learning and Development Officer. For more information on the work of this committee, see Chapter 5.

For information about the Tribunal's Audit Committee, see page 48.

Figure 2.3 Administrative structure of the Tribunal at 30 June 2011



THE CASE MANAGEMENT PROCESS

The Tribunal's case management process aims to deal with applications in a flexible and timely manner. It is designed to promote orderly and controlled passage of matters from lodgement to resolution, equitable treatment of parties, achievement of case management targets, effective use and allocation of Tribunal resources, and public confidence in the Tribunal.

The process

When the Tribunal receives an application that is within its jurisdiction, it notifies the decision-maker of the application. The decision-maker then has 28 days to provide the Tribunal and the applicant with a statement of reasons for the decision and all documents relevant to the review, the 'Section 37 Documents' or the 'T Documents'.

A Conference Registrar or Tribunal member holds one or more conferences with the parties to discuss the issues in dispute, identify and consider additional material that may be obtained and explore whether the matter can be settled. The future conduct of the review will also be discussed, including whether another form of alternative dispute resolution — conciliation, mediation, case appraisal or neutral evaluation — may be appropriate. The Tribunal assists the parties to reach an agreed resolution.

If agreement cannot be reached, the Tribunal — constituted by one, two or three members — conducts a hearing and makes a decision.

Figure 2.4 illustrates the progress of an application, from lodgement to decision.

Practice directions, guides and process models

The Tribunal's practice directions and jurisdictional guides outline the general procedures for managing applications, and are supplemented by practice directions on specific issues.

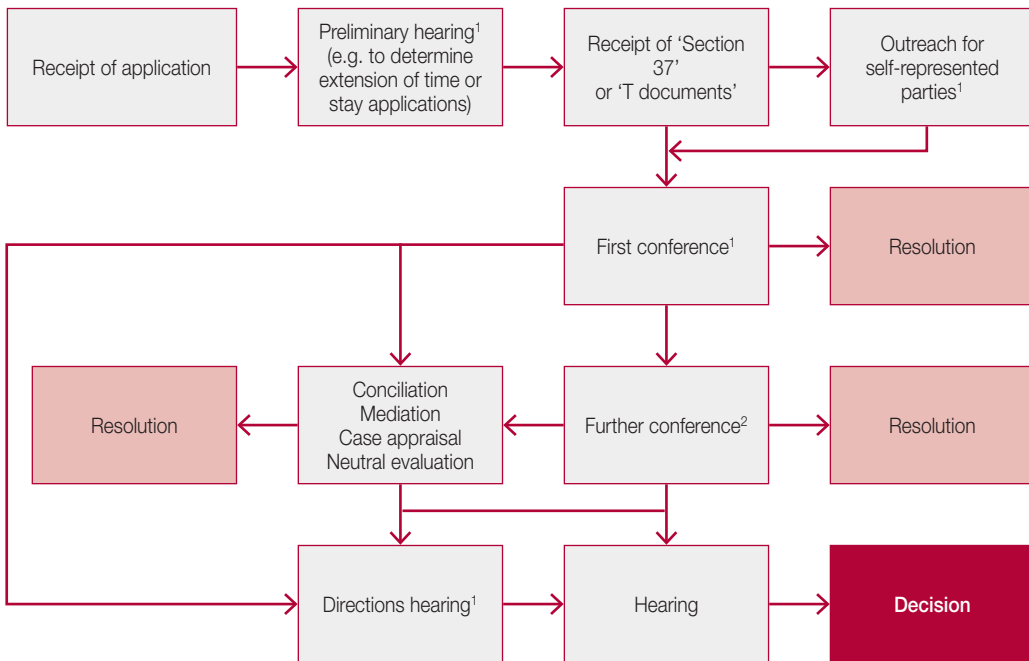
The General Practice Direction applies to all cases in which the applicant is represented, unless another specific legislative procedure, practice direction or jurisdictional guide applies. The Tribunal has a Small Taxation Claims Tribunal Practice Direction and two jurisdictional guides: the *Guide to the Social Security Jurisdiction* and the *Guide to the Workers' Compensation Jurisdiction*.

Practice directions on specific issues include the Practice Direction relating to section 37 of the Administrative Appeals Tribunal Act, the Freedom of Information Practice Direction, and the Listing and Adjournment Practice Direction. The Tribunal is developing a new practice direction on the procedure for taxing costs.

The Tribunal has developed process models for each form of alternative dispute resolution that is available in the Tribunal, and a policy for guiding referral of applications to the different alternative dispute resolution processes.

The practice directions, guides and process models are all available on the Tribunal's website, www.aat.gov.au.

Figure 2.4 Case management process



1. Where necessary
2. Explore possibility of other ADR process

SOCIAL INCLUSION

About the Tribunal

The Tribunal offers information on its role and procedures in multiple formats.

Brochures and fact sheets for self-represented applicants explain the Tribunal’s role, when it can assist and the stages in a review. They are designed to be clear and easy to understand, and are available in print, including large print, on the website and in multiple languages.

A DVD, *Getting Decisions Right*, illustrates the Tribunal’s practices and procedures for applicants.

Comprehensive information about the Tribunal and its procedures is on the website, www.aat.gov.au, and is regularly updated.

Outreach program

The Outreach program explains the Tribunal’s processes to self-represented parties and gives them the opportunity to ask questions about practices and procedures. Tribunal staff provide the Outreach services, usually by telephone, before the first conference. As part of the Outreach service, the Tribunal staff can also arrange an interpreter or other assistance if required, such as for a disability or in the form of more information (see below).

Interpreter services

If a party requires an interpreter, the Tribunal engages one and meets the cost. The Tribunal arranges interpreters who are accredited by the National Accreditation Authority for Translators and Interpreters at the ‘professional’ level. A ‘paraprofessional’ interpreter may only be used for languages without an accredited professional-level interpreter.

The Tribunal has information for interpreters on its procedures and terminology. The information sheet is available from the Tribunal’s registries and the Tribunal’s website.

Access by persons with disabilities

The Tribunal strives to make access easier for people with a disability by:

- making electronic and printed material available in appropriate formats such as large print, and the website meets the World Wide Web Consortium’s Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) web standard to Level A
- providing portable hearing loop systems in Tribunal premises
- facilitating telephone contact for those with a hearing or speech impairment
- making all premises wheelchair accessible, and
- providing facilities for participation in conferences or hearings by telephone or video link.

Legal advice schemes and referrals

The Tribunal hosts legal advice schemes in co-operation with legal aid organisations in New South Wales, Queensland, South Australia, Victoria and Western Australia. A legal aid solicitor who can advise and give minor assistance to self-represented parties attends each registry on a regular basis – usually weekly or fortnightly. Further assistance, such as representation, may be provided if a person makes a successful application for legal aid.

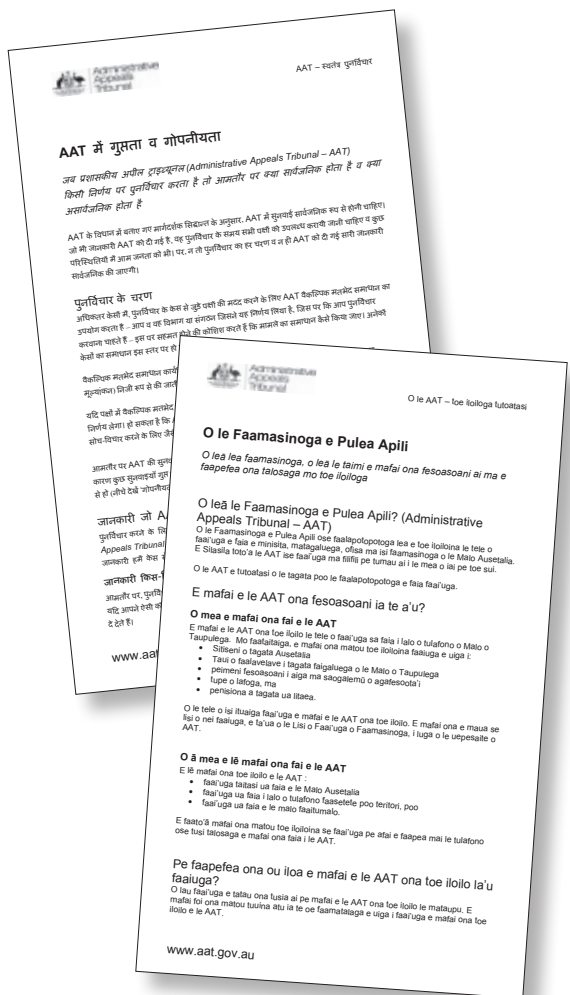
The Tribunal advises self-represented parties of the service and makes appointments for them. The majority of these appointments are for self-represented parties in the social security jurisdiction.

The Tribunal also refers self-represented parties to community legal centres and other legal service providers that may be able to provide advice or representation.

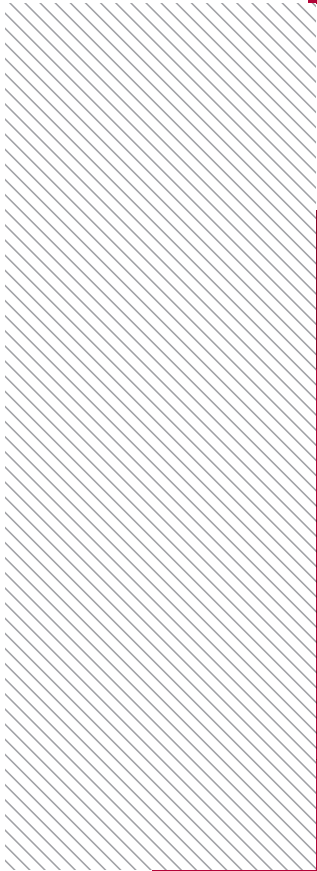
Service Charter and complaints

The Service Charter sets out the standards of service that people can expect when they deal with the Tribunal. The Charter also includes information on how to make a complaint about the Tribunal and its complaint-handling procedures.

The Charter is written in clear, simple language and is on the Tribunal’s website and in print. The Tribunal’s compliance with its commitments under the Charter is discussed in Chapter 3, along with complaints information.



The Tribunal has increased the number of languages into which information documents have been translated. For example the brochure, *The Administrative Appeals Tribunal and the fact sheet, Privacy and Confidentiality at the AAT*, are now available in the 28 most frequently requested languages at the Tribunal.



CHAPTER 3

OUR PERFORMANCE



The Tribunal manages its workload by responding to and anticipating changes in the number and nature of applications. Performance targets define standards for dealing with applications, and assist the Tribunal meet the outcome and program requirements defined in the Portfolio Budget Statements.

WORKLOAD OVERVIEW

The Tribunal received 5,437 applications and finalised 6,177 applications in 2010–11. There were 3,858 applications current at 30 June 2011, 15 percent fewer than a year earlier.

The number of applications lodged during the reporting year was six percent lower than in 2009–10, continuing the downward trend of recent years. The number of finalisations was 17 percent lower than in the previous year, as shown in Chart 3.1.

Workload by jurisdiction

Applications for review of family assistance and social security decisions were the most common type of applications lodged with the Tribunal in 2010–11, constituting 30 percent of all lodgements. The number of applications relating to taxation and workers' compensation was also high, at 22 percent and 21 percent of all lodgements respectively.

The Tribunal finalised more applications than were lodged in 2010–11 in all major jurisdictions, leading to the 15 percent reduction in number of matters on hand at year-end, as shown in Chart 3.2.

More detailed information on the types of applications lodged and finalised, and the outcomes of matters finalised during the reporting year is in Appendix 3.

Social security

The number of social security applications made to the Tribunal in 2010–11 was 21 percent lower than in 2009–10, as shown in Chart 3.3. In particular, there were fewer applications in relation to decisions involving overpayment and debt recovery, participation failures by recipients of Newstart Allowance, and review of Family Tax Benefit decisions. Applications lodged by the departments that administer family assistance and social security entitlements dropped to 31 in 2010–11, down from 65 in the previous year.

The number of applications finalised in 2010–11 was 21 percent lower than in 2009–10. The number of applications on hand at 30 June 2011 was also 21 percent lower than a year earlier. These trends reflect the drop in the number of applications lodged.

Chart 3.1 Applications lodged, finalised and current at 30 June

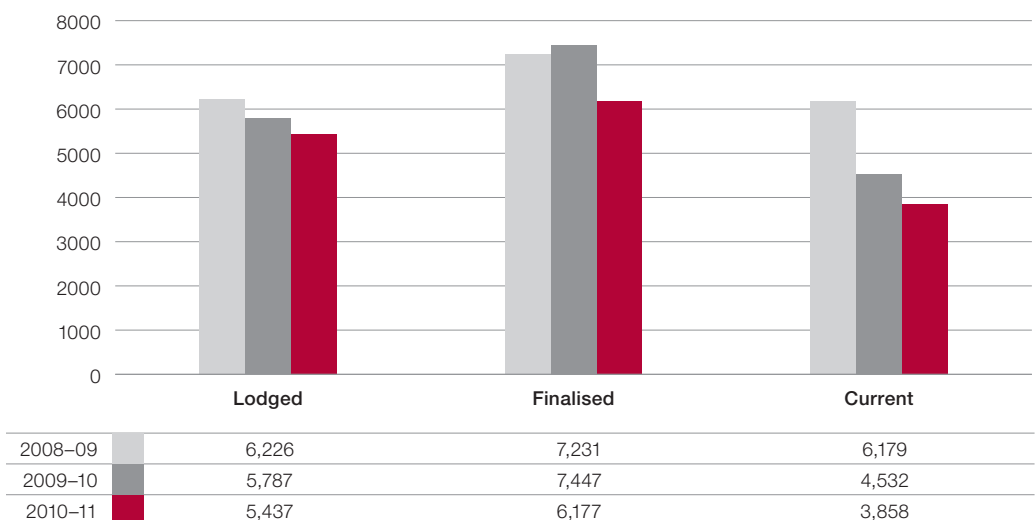


Chart 3.2 Applications lodged, finalised and current in 2010–11 – by jurisdiction

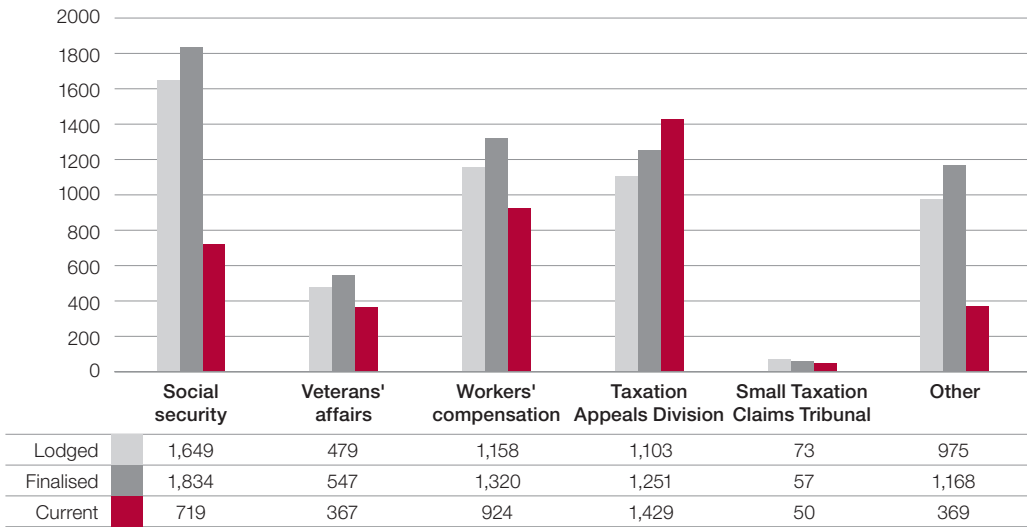
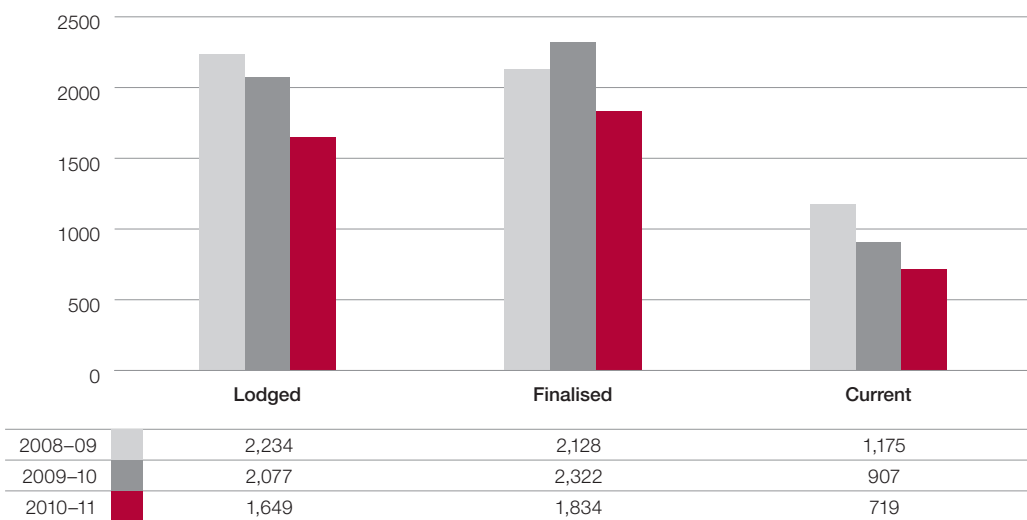


Chart 3.3 Applications lodged, finalised and current – social security



Veterans’ affairs

The number of applications lodged in the veterans’ affairs jurisdiction fell by two percent in 2010–11. The number of applications under the *Veterans’ Entitlements Act 1986* declined by seven percent. While there was a small increase in the number of applications under the *Military Rehabilitation and Compensation Act 2004*, they remain a relatively small proportion of total lodgements.

The number of applications finalised in the veterans’ affairs jurisdiction in 2010–11 decreased by 12 percent, and the number of applications current at 30 June 2011 fell by 13 percent. These changes reflect the general decline in lodgements over the last few years, as shown in Chart 3.4.

Workers’ compensation

There was a six percent decline in lodgements in the workers’ compensation jurisdiction in 2010–11, largely attributable to a 24 percent reduction in the number of applications for review of decisions made by Comcare. There were notable increases, however, in the number of applications for review of decisions made by Telstra and TNT Australia, and under the seafarers’ compensation scheme.

While fewer applications were finalised in 2010–11 than in the previous reporting year, finalisations remained higher than lodgements, resulting in a 15 percent fall in the number of compensation applications on hand at 30 June 2011, as shown in Chart 3.5.

Taxation

The number of lodgements in the Taxation Appeals Division rose by 11 percent in 2010–11 to be similar to the number of lodgements in 2008–09. Most of this increase is related to applications relating to decisions about income tax. There were no new lodgements relating to tax schemes.

While more applications were finalised than were lodged, there was a 38 percent fall in the number of finalised applications as a result of the very high number of tax scheme applications that had been finalised in 2009-10. Only a small number of tax scheme applications remain to be completed.

There was a small increase in the number of lodgements in the Small Taxation Claims Tribunal in 2010–11, but the total number remains low, as shown in Chart 3.6.

Chart 3.4 Applications lodged, finalised and current – veterans’ affairs

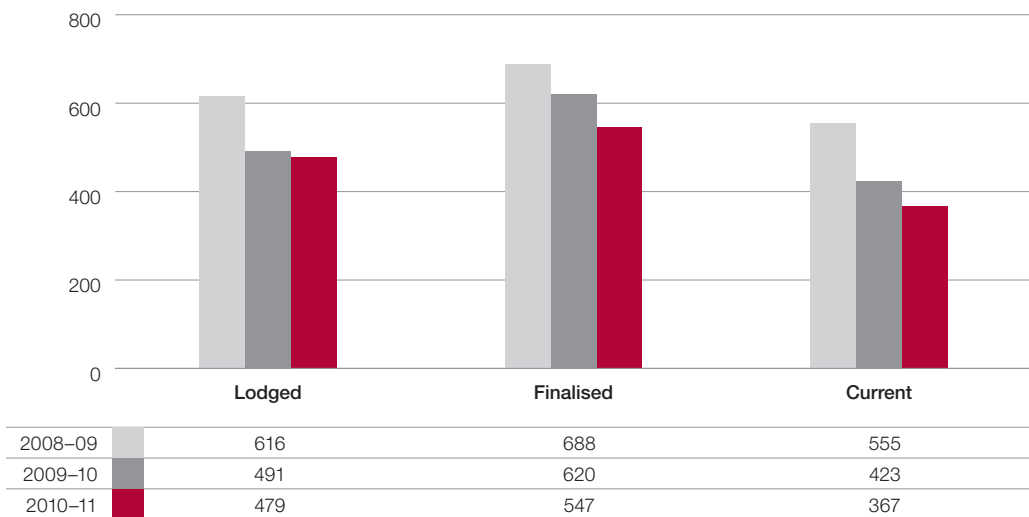
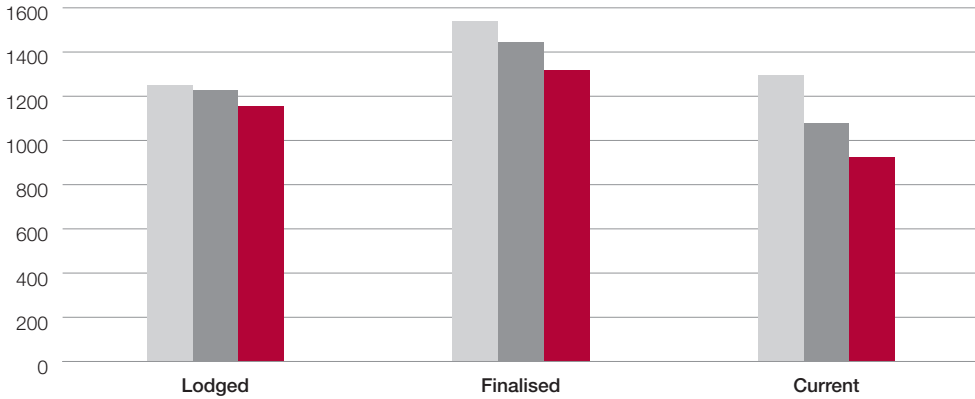
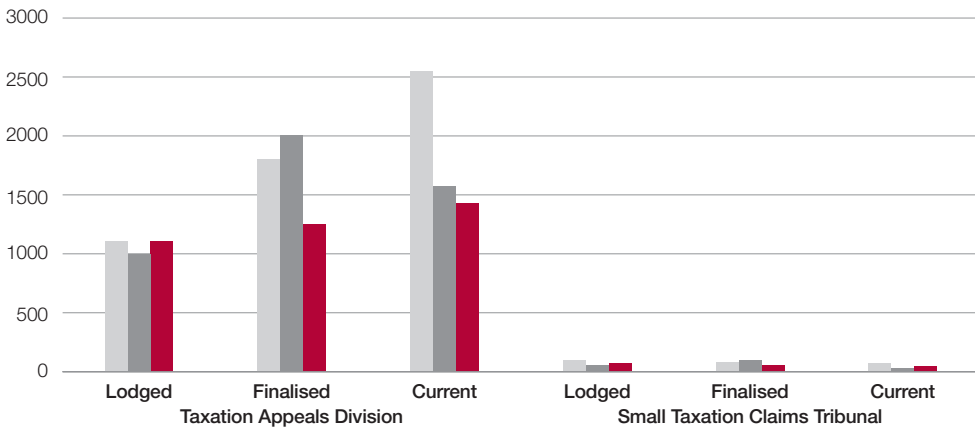


Chart 3.5 Applications lodged, finalised and current – workers' compensation



Year	Lodged	Finalised	Current
2008-09	1,250	1,540	1,297
2009-10	1,226	1,444	1,081
2010-11	1,158	1,320	924

Chart 3.6 Applications lodged, finalised and current – taxation



Year	Taxation Appeals Division			Small Taxation Claims Tribunal		
Year	Lodged	Finalised	Current	Lodged	Finalised	Current
2008-09	1,110	1,801	2,545	97	83	68
2009-10	994	2,008	1,571	59	98	31
2010-11	1,103	1,251	1,429	73	57	50



PERFORMANCE

Outcome and program structure

The Tribunal has one outcome specified in the 2010–11 Portfolio Budget Statements:

Access to a fair, just, economical, informal and quick review mechanism for applicants through reviews of government administrative decisions, including dispute resolution processes and independent formal hearings.

The Tribunal is a single program agency. The primary deliverable is completed reviews of decisions, and there are two paths to achieving it:

- applications finalised without a hearing, and
- applications finalised with a hearing.

See Appendix 4 for the summary table showing total resources for the Tribunal compared with the total payments made during 2010–11. The appendix also includes a summary table showing the total resources for the Tribunal’s outcome.

Performance measures and results

The performance measures and actual performance for the Tribunal’s outcome are shown in Table 3.7.

The Tribunal’s case management process pursues the dual goals of attempting to resolve matters by agreement while ensuring that appropriate steps are taken to prepare matters that do not settle for hearing. As Table 3.7 makes clear, most applications lodged with the Tribunal are finalised during the pre-hearing process, including by way of an agreed resolution following alternative dispute resolution, rather than by decision following a hearing.

Table 3.7 Performance standards and results, 2010–11

Program description	Performance	
	standard ^a	result
Program 1.1 — Completed reviews of decisions		
Program 1.1.1 — Applications finalised without a hearing	<i>Quality:</i> matters have first conference within 13 weeks	85% 91%
	<i>Quantity:</i> finalisations	5,218 4,902
	<i>Price:</i> per completed application	\$3,043 \$3,362
Program 1.1.2 — Applications finalised with a hearing	<i>Quality:</i> matters to hearing within 40 weeks	85% 59%
	<i>Quantity:</i> finalisations	1,476 1,275
	<i>Price:</i> per completed application	\$14,165 \$15,754

a Projection for 2010–11

During the pre-hearing process, the Tribunal works with the parties to discuss and define the issues in dispute, identify any further supporting material they may wish to obtain, and explore whether the matter can be settled. Applications that cannot be resolved during the pre-hearing process are referred for hearing.

Ninety-one percent of first conferences in 2010–11 were held within 13 weeks of lodgement, four percentage points higher than the result for 2009–10. The Tribunal exceeded the performance standard in the Portfolio Budget Statements by six percentage points, as shown in Tables 3.7 and 3.8.

The number of applications finalised by the Tribunal without a hearing was lower than the budget projections for 2010–11, leading to a higher than expected price per completed application. For more information on the percentage of applications finalised without a hearing in the major jurisdictions, see Table A3.4 in Appendix 3.

The proportion of hearings held within 40 weeks of lodgement of the application was seven percentage points higher than in 2009–10, but still substantially lower than the 85 percent standard in the Portfolio Budget Statements.

There are a number of reasons why a hearing may not be held within 40 weeks of an application being lodged. The pace that applications progress through the pre-hearing stage is heavily influenced by the time the parties need to obtain expert evidence, undertake other investigations and gather relevant material. Some applications are delayed pending a decision by a department

or agency on a related matter, the decision of a court in a test case, or by criminal proceedings. Delays also occur when parties cannot proceed because of illness or other adverse circumstances. The Tribunal's ability to list hearings in a timely manner is affected generally by the availability of parties, representatives and witnesses for the hearing.

Time standards

The Tribunal monitors its performance against time standards for steps in the review process and for the finalisation of applications generally.

Time standards for steps in the review process

Two of the time standards for steps in the review process are included in the Portfolio Budget Statements: 85 percent of matters have the first conference within 13 weeks, and 85 percent of those matters that go to hearing do so within 40 weeks, as shown in Table 3.7.

Two other steps are: the time for the decision-maker to lodge the documents relating to the decision under review that are required under section 37 of the Administrative Appeals Tribunal Act; and the time to deliver a decision following the last day of hearing or the date of receipt of further material after a hearing.

The decision-maker controls step one; the Tribunal and the parties share the responsibility for the timeliness of steps two and three; and the Tribunal controls the timeliness of step four.

Timeliness results for 2010–11 and the past two reporting periods are shown in Table 3.8.

Table 3.8 Performance against time standards

Step	Time standard (weeks)	2008–09 %	2009–10 %	2010–11 %
1 Receipt of Section 37 Documents after notifying decision maker of application	5	85 ^a	87 ^a	85
2 Receipt of application to first conference	13	88	87	91
3 Receipt of application to first day of hearing	40	46	52	59
4 Last day of hearing or date of receipt of further material to delivery of decision	8.4 ^b	73	82	83

a This figure excludes applications relating to tax schemes. For many applications relating to tax schemes, the Tribunal agreed to extend the time for lodging the Section 37 Documents until they were ready to proceed.

b This figure equates to 60 days.

The proportion of applications in which the Section 37 Documents were lodged within five weeks was slightly lower in 2010-11 than in the previous year. The Tribunal improved its timeliness in delivering decisions following a hearing in 2010-11, with 83 percent of decisions delivered within the 60-day time standard.

Time standards for finalising applications

The Tribunal aims to complete the majority of applications within 12 months of lodgement. Targets have been set for each of the major jurisdictions. The Tribunal's performance for 2010-11 and the two previous reporting years is in Table 3.9.

The Tribunal significantly improved its timeliness in 2010-11, finalising 72 percent of all applications within 12 months of lodgement and 85 percent within 18 months. There were improvements in all of the Tribunal's major jurisdictions – particularly in the workers' compensation jurisdiction and the Taxation Appeals Division.

The proportion of applications finalised within 12 months in the social security jurisdiction exceeded the 90 percent target for the year, a slight improvement over the previous year. Sixty-six percent of all social security applications were finalised within six months of lodgement, and 97 percent within 18 months.

The Tribunal's focus on improving case management in the workers' compensation jurisdiction led to an 11 percentage point improvement in the proportion of matters finalised within 12 months in 2010-11. Eighty-six percent of applications were finalised within 18 months, an eight percentage point improvement over 2009-10.

Timeliness also improved in the veterans' affairs jurisdiction in 2010-11. The proportion of applications finalised within 12 months in 2010-11 was three percentage points higher than the previous year. Particular challenges can arise in this jurisdiction in obtaining historical material relevant to the review. Eighty-five percent of applications were finalised within 18 months, slightly more than in 2009-10.

There was a 10 percentage point improvement in the proportion of applications finalised within 12 months in the Taxation Appeals Division in 2010-11. Fifty-four percent of applications were finalised within 18 months. These results were affected, to some degree, by the finalisation of the bulk of the remaining applications relating to tax schemes that had been commenced several years ago. With these applications now largely complete, the Tribunal will focus on improving the management and timeliness of general taxation matters in 2011-12.

Table 3.9 Percentage of applications finalised within 12 months

Jurisdiction	Target %	2008-09 %	2009-10 %	2010-11 %
All	—	62	63	72
Social security	90	88	90	91
Veterans' affairs	80	65	63	66
Workers' compensation	75	53	57	68
Taxation Appeals Division	75	29	26	36

Table 3.10 Time standard for Small Taxation Claims Tribunal

	Target	2008-09 %	2009-10 %	2010-11 %
Percentage of applications finalised within 12 weeks	12 weeks	18	22	34

While there were improvements in timeliness, the Tribunal only met its target for completing applications within 12 months in relation to social security cases. The reasons identified on page 23 about why the Tribunal may not hold a hearing within 40 weeks of being lodged are also relevant in explaining why an application may not be finalised within 12 months of lodgement. Delays in the delivery of decisions following a hearing can also contribute to delays in finalising applications.

The Small Taxation Claims Tribunal aims to finalise applications within 12 weeks of lodgement. In the reporting year, the proportion of applications meeting this standard improved by 12 percentage points, as shown in Table 3.10. The Tribunal's experience is that applications dealt with in the Small Taxation Claims Tribunal cannot necessarily be completed faster than other types of taxation reviews. Although the amount of tax in dispute may not be large, the issues in dispute can be complex and the parties may require additional time to gather relevant material.

The Tribunal maintained its focus on improving case management practices in 2010–11 (see Chapter 4 for more detail), monitored the time that applications spend in each of the major stages of a review and regularly conducted file audits on older cases. The Tribunal will continue to seek to identify sources of avoidable delay, and work with stakeholders on minimising such delays.

EXTERNAL SCRUTINY

Tribunal decisions may be appealed to the courts. The Tribunal's operations are also subject to external scrutiny by way of complaints to the Commonwealth Ombudsman, requests under the *Freedom of Information Act 1982*, inquiries by Parliamentary Committees and audits by the Australian National Audit Office.

Appeals from Tribunal decisions

A party may appeal to the Federal Court, on a question of law, from most final decisions of the Tribunal pursuant to section 44 of the Administrative Appeals Tribunal Act.

The Federal Court may transfer the appeal to the Federal Magistrates Court unless the Tribunal was constituted by, or included, a presidential member.

A party may also seek judicial review of decisions made in the course of the review process and certain final decisions under the *Administrative Decisions (Judicial Review) Act 1977*, section 39B of the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* or section 75(v) of the Constitution. Applications may be made to the Federal Court, the Federal Magistrates Court or the High Court.

In 2010–11, 98 appeals made pursuant to section 44 of the Administrative Appeals Tribunal Act were lodged with the Federal Court. There were 23 applications for judicial review made under other enactments, 18 relating to decisions concerning visas under the Migration Act. Table A3.9 in Appendix 3 provides information on the number of appeals lodged against decisions in each of the Tribunal's major jurisdictions.

During the reporting year, 93 appeals lodged under section 44 of the Administrative Appeals Tribunal Act and 21 applications for judicial review under other enactments were finally determined in the courts. The Tribunal's decision was set aside in 30 cases, being 26 percent of all appeals determined and less than one percent of all applications that the Tribunal finalised in the reporting year. The proportion of Tribunal decisions set aside on appeal in 2010–11 was two percentage points lower than in 2009–10.

Table A3.10 in Appendix 3 offers more information on appeals determined during the reporting year and their outcomes.

During the reporting year, there were no judicial decisions or decisions of other tribunals that had, or may have had, a significant impact on the operations of the Tribunal.

Freedom of information

The Tribunal received one request for access to documents under the Freedom of Information Act in 2010–11. One request made in 2009–10 was outstanding at the beginning of the reporting period.

Both of these requests were finalised in 2010-11. One request was granted in full and the other was refused on the basis that no relevant documents existed.

The Tribunal did not receive any requests to amend or annotate records.

For the section 8 statement – required to be published in this annual report under the Freedom of Information Act as in force before 1 May 2011 – see Appendix 8.

Information publication scheme

From 1 May 2011, agencies subject to the Freedom of Information Act are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the Freedom of Information Act and has replaced the former requirement to publish a section 8 statement in an annual report. The IPS requires the Tribunal to publish a broad range of information on its website (www.aat.gov.au) including an agency plan showing what information is published in accordance with the IPS requirements.

Ombudsman

During 2010-11, the Commonwealth Ombudsman received 18 approaches concerning the Tribunal, three more than in the previous reporting year.

The Ombudsman investigated one approach, making no finding of administrative deficiency.

Complaints to other bodies

There were no complaints to other complaint-handling organisations such as the Australian Human Rights Commission, the Office of the Privacy Commissioner or the Office of the Australian Information Commissioner during the reporting period.

Reports by the Auditor-General or Parliamentary Committees

The Tribunal's operations were not the subject of any report by the Auditor-General or any Parliamentary Committee during the reporting period.

TRIBUNAL SERVICE CHARTER

The Tribunal's Service Charter sets out the Tribunal's service standards and information relating to making complaints about the Tribunal, including the standards for responding to complaints. Information on the extent of the Tribunal's compliance with the service standards (where information is available) is in Table 3.12.

Complaints to the Tribunal

Complaints may be made orally or in writing. Complaints relating to Tribunal members are handled by the President personally. Complaints about staff members or other matters are dealt with by the Registrar, the Assistant Registrar or a District Registrar.

When a complaint is made in person or by telephone, the Tribunal attempts to resolve it immediately. The Tribunal aims to respond to written complaints within 20 working days, or 30 working days if the complaint is submitted in a language other than English. The length of time before a final response is provided depends on the extent of investigation which is necessary. If more time is required, because of the complexity of the complaint or the need to consult with other persons before providing a response, the Tribunal will advise the complainant of progress in handling the complaint.

If a complaint is upheld, possible responses include an apology, a change to practice and procedure or consideration of additional training and development for Tribunal personnel.

During 2010-11, the Tribunal received 25 written complaints and two oral complaints from 22 individuals. Table 3.11 gives the number of complaints made over the last three years.

The 27 complaints made in 2010-11 were about the issues shown in Table 3.12. Most complaints raised multiple issues.

Table 3.11 Complaints to the Tribunal

	2008–09	2009–10	2010–11
Number of complaints made	25	32	27

Table 3.12 Issues raised in complaints to the Tribunal

Issue	Number of complaints*
Conduct of Tribunal members	14
General procedural issues	13
Tribunal decisions	9
Other parties to Tribunal proceedings	4
Conduct of conferences	4
Conduct of Tribunal staff	4
Refund of fees	1
Timeliness of Tribunal decision following a hearing	1
Total	50

* A single complaint may raise multiple issues

The Tribunal provided a substantive response to 21 complaints in 2010–11, responding within 20 working days to all but four of the complaints (81 percent). The average number of days from complaint to final response was 14 working days.

The Tribunal found that it could have handled matters more appropriately in relation to four complaints which raised issues concerning delay in the review process, vacation of a listing with a self-represented party and the conduct of Tribunal personnel. The Tribunal offered an apology in each case and raised the matters with relevant personnel.

The Tribunal does not measure whether a complainant believes his or her complaint was resolved. Three complainants wrote again to the Tribunal after receiving an initial response to their complaint. They were given further information to address any outstanding concerns.

Table 3.13 Service standards

Commitment	Result for 2010-11
We will treat you with respect and courtesy	
We will be polite, respectful and courteous and use language that is clear and understandable.	Tribunal members and staff strive to be polite, respectful and courteous and use language that is clear and understandable so that Tribunal users can understand the processes. No complaints were upheld in relation to issues of this kind.
We will make ourselves accessible	
Country residents can contact us on our national telephone number for the cost of a local call.	The Tribunal's national telephone number was available throughout the year.
People who are deaf or have a hearing or speech impairment can contact the Tribunal.	The Tribunal uses the National Relay Service to provide users with a range of call options including a TTY service.
Wheelchair access and hearing induction loops will be available at each office.	All Tribunal premises are wheelchair-accessible. Induction loops are available at each of the Tribunal's registries.
Hearings will be held in capital cities and in country centres.	The Tribunal conducted 121 hearings and six conciliations in locations outside capital cities.
Where appropriate you may participate in a hearing by telephone or video-link.	The Tribunal conducted the following listings by telephone: conferences — 5,455 other alternative dispute resolution processes — 8 directions hearings — 1,685 interlocutory hearings — 185 hearings — 50.
If you need an interpreter, we will provide one free of charge.	The Tribunal arranges for an interpreter to participate in an alternative dispute resolution process or hearing where needed. Interpreters are provided free of charge.
If you are self-represented we will help you understand AAT procedures through our Outreach program. Outreach officers will contact self-represented parties by telephone within 6 weeks of an application being lodged.	Data collated for Outreach, for 951 parties, shows the average time from lodgement of an application to Outreach was 30 days, slightly more than four weeks.
We will deal with you fairly	
A private conference will usually be held within 10 weeks of an application being lodged.	78 percent of applications had a first conference within 10 weeks of lodgement, up from 69 percent in 2009-10.
We will operate in an efficient manner	
If a decision was not given orally at a hearing, written decisions will usually be provided within two months.	83 percent of decisions were delivered within 60 days of the last day of hearing or the receipt of further submissions or other material, up from 82 percent in 2009-10 (see Table 3.8).

ADDITIONAL FUNCTIONS CONFERRED ON TRIBUNAL MEMBERS

As well as performing their role under the Administrative Appeals Tribunal Act, Tribunal members may exercise powers under a range of other Acts.

Warrants, controlled operations and other functions

All Deputy Presidents and full-time Senior Members, and any part-time Senior Member or Member who has been enrolled as a legal practitioner for at least five years, may be nominated to:

- issue telecommunications interception warrants and stored communications warrants under the *Telecommunications (Interception and Access) Act 1979*
- issue warrants and exercise related powers under the *Surveillance Devices Act 2004*, and
- vary controlled operations authorities under the *Crimes Act 1914*.

The President and all Deputy Presidents, and any Senior Member who has been enrolled as a legal practitioner for at least five years, may be nominated to make orders allowing information given to the Inspector of Transport Security to be disclosed to another government agency, under the *Inspector of Transport Security Act 2006*.

The President and all Deputy Presidents are eligible to be appointed as issuing authorities

for making continued preventative detention orders under the *Criminal Code Act 1995*.

All members of the Tribunal are authorised to exercise a range of powers relating to monitoring overseas students' compliance with visa conditions, under the *Education Services for Overseas Students Act 2000* and the *Migration Act 1958*.

Table 3.14 shows the increase in the number of occasions on which Tribunal members considered applications under any of these Acts over the past three years.

The Tribunal is flexible in performing these functions and members are available outside standard business hours. In the reporting period, there were 129 out-of-hours appointments (before 9 am or after 5 pm on weekdays or at any time on the weekend or on a public holiday).

Proceeds of crime examinations

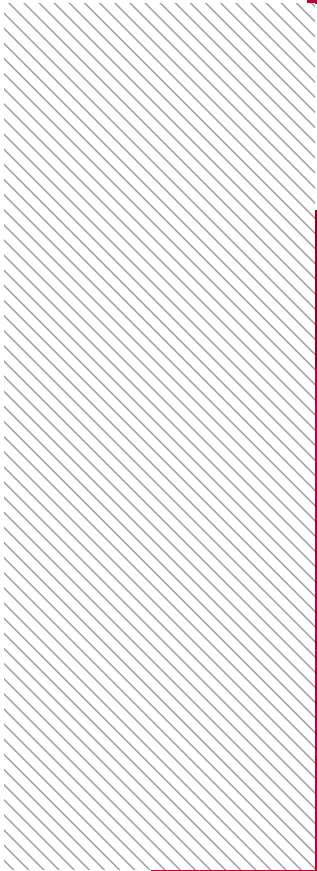
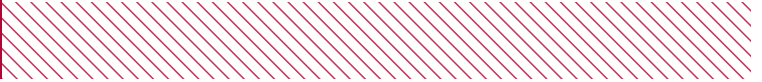
All presidential members of the Tribunal, and any Senior Member or Member who has been enrolled as a legal practitioner for at least five years, may be appointed as an approved examiner under the *Proceeds of Crime Act 2002* or the *Proceeds of Crime Regulations 2002*. Approved examiners are authorised to issue examination notices at the request of the Commonwealth Director of Public Prosecutions and oversee compulsory examinations in connection with confiscation proceedings. Table 3.15 lists the number of examination sessions conducted by Tribunal members in the last three years.

Table 3.14 Applications relating to warrants, controlled operations and other functions considered by Tribunal members

	2008–09	2009–10	2010–11
Number of occasions on which applications considered	1,877	1,924	2,160

Table 3.15 Examinations held under the *Proceeds of Crime Act 2002*

	2008–09	2009–10	2010–11
Number of examination sessions held	24	18	12



CHAPTER 4

OUR USERS AND OUR PARTNERS



OUR USERS

The principal users of the Tribunal are parties to proceedings in the Tribunal – individuals, organisations, government departments and agencies – and their representatives. This section reports on how the Tribunal worked to provide a high-quality national merits review process that contributes to community confidence in a system of open and accountable government.

Practice and procedure

The Tribunal monitors the operation of the review process to ensure that it continues to be fair, just, economical, informal and quick. Significant developments in practice and procedure issues during the reporting period are discussed below.

The Practice and Procedure Committee, supported by staff from the Policy and Research Section, considers ways in which practice and procedure can be improved to promote the effective and timely disposition of applications lodged with the Tribunal. The Committee met twice during the year, in November 2010 and May 2011.

Case management

The Tribunal continued in 2010–11 the examination of its approach to case management that began in 2009–10.

A range of initiatives implemented in 2010–11 enabled the Tribunal to monitor more closely its caseload and enhance its practices and procedures. Registries prepared monthly reports on the age of their caseload – the number of cases in each stage of the review process and the time cases had spent in each stage. Protocols for the regular review of older cases were implemented as a means of determining strategies for managing individual cases as well as identifying trends and issues warranting further attention. Registries also conducted a general review of their case management approach and practices. These initiatives have led to improvements in timeliness in 2010–11, as shown in Chapter 3.

During the year the Tribunal actively identified potential reforms to case management

practices for different types of cases. In 2010–11, the focus was on the workers' compensation jurisdiction. The Practice and Procedure Committee approved changes to the practice and procedure for this jurisdiction in May 2011, and these will be implemented in 2011–12.

Proposals for improvements to case management processes will continue to be developed and presented to the Practice and Procedure Committee for consideration as the Tribunal works with regular users and other stakeholders to ensure that applications are managed in the most effective and efficient manner.

eServices

In late 2010 the Tribunal engaged Azure Pty Ltd to help develop an eServices Strategy that would identify initiatives, priorities and timings to guide the Tribunal to a suite of integrated technology systems and online services consistent with its strategic objective of providing fair, just, economical, informal and quick review. The project included consultations with members, staff and key external stakeholders, and involved a thorough review of the electronic services being delivered by courts and tribunals in Australia and overseas.

The Tribunal accepted the eServices Strategy Report and adopted the recommendations in May 2011. These included a commitment to embrace technology-enabled service delivery that:

- is easy to use
- increases efficiency
- improves access, particularly for self-represented parties and high volume clients
- increases service availability (24 hours a day, seven days a week) and remote access
- reduces need to attend at the Tribunal (where appropriate)
- reduces the cost of litigation for clients
- simplifies process, particularly for self-represented parties
- complements the Tribunal's case management strategies

- meets community expectations regarding online services
- is based on a well articulated policy foundation that covers issues such as access, privacy and security.

In June 2011 the Tribunal commenced work on the development of an online facility for accessing information about Tribunal applications and an electronic lodgement system for Tribunal documents. The Tribunal also arranged for a number of members and staff to pilot a 'myFiles' interface with the Tribunal's case management system. The interface provides a personalised view of Tribunal information designed specifically to suit the needs and areas of interest of the user.

Changes to regulations

Fees

The Australian Government announced changes to the structure and amount of fees payable in Commonwealth courts and tribunals in the 2010–11 Budget. The changes that relate to the Tribunal were implemented by way of amendments to the *Administrative Appeals Tribunal Regulations 1976*; see Appendix 5 for more detail. The Tribunal took steps to ensure users were made aware of the changes.

General improvements

The Tribunal has reported previously that it conducted a review of the current Administrative Appeals Tribunal Regulations and identified a number of potential changes and areas for improvement. These include specifying more clearly the requirements for lodging documents electronically and the ways in which documents for Tribunal proceedings may be served; revising the provisions relating to the amounts payable for complying with a summons; and prescribing fees for the taxing of costs.

The Tribunal continued to work closely with the Attorney-General's Department on its proposals for amendments and anticipates that revised regulations will be made in 2011–12.

The Tribunal has also reported previously that it undertook a review of its procedures for determining the amount of costs that one party is to pay to another party. Finalisation of a new Practice Direction on Taxation of Costs has

been deferred pending consideration of the proposed fee regime for taxing costs.

Review of summons procedures

The Tribunal has streamlined its procedures relating to the production of documents under a summons. The aim is to ensure that appearances before a Tribunal member are generally limited to situations in which there is a dispute about the production of, or access to, the documents. Successful pilots were undertaken in 2010–11 in the registries that were to yet introduce the procedures. It is anticipated that the streamlined procedures will be operating in all registries in 2011–12.

A practice direction relating to summonses will be introduced following the making of the revised regulations.

Alternative dispute resolution

The Alternative Dispute Resolution Committee oversees and reviews the Tribunal's use of alternative dispute resolution processes. The committee met in November 2010, and in March and May 2011.

A key project in 2010–11 was the development of the Tribunal's policy on the use of accredited mediators. The committee recommended that the Tribunal seek to become a Recognised Mediator Accreditation Body, that mediations in the Tribunal be conducted only by members or Conference Registrars accredited under the national standards, and that conferences and conciliations ordinarily be conducted by accredited mediators. These recommendations were endorsed by the Practice and Procedure Committee in May 2011. The Tribunal will work to implement these recommendations in 2011–12.

The Tribunal continued to raise awareness of the alternative dispute resolution processes available at the Tribunal and encourage their use. Members and staff spoke at a number of external conferences and seminars about the Tribunal's approach.

The Tribunal was also an active member of the ADR Inter-Agency Group, a forum for Australian Government agencies which encourages sharing information and training resources for alternative dispute resolution.



The Tribunal’s new-look website was tested to ensure that it meets accessibility standards.

Tax scheme matters

Over the decade from 1999, the Tribunal received more than 12,000 applications for review of decisions relating to some 120 different tax schemes or types of tax arrangements. The Tribunal developed and employed processes designed to manage this large number of applications. The Tribunal has now finalised all but a few of these applications.

Communication with Tribunal users

The Tribunal communicates with its users in a variety of ways to assist their understanding of its role and procedures, and how it can help them. To this end, the Tribunal’s range of written documents and other information materials are developed and designed so that they suit a variety of needs.

Publications and website

The Tribunal continued to update and improve its range of information products in 2010-11. The series of brochures for self-represented parties was updated to reflect changes to application fees and refunds. The Tribunal’s fact sheet for applicants who are overseas was revised. The brochures and fact sheets were translated into additional languages,

reflecting languages most frequently requested in recent years.

The Tribunal’s new-look website, with a clearer and easier to read style, was launched in early 2011 and has received a positive response from users. The new design was tested to ensure that it meets accessibility standards.

Notification by email and SMS

During 2010-11 the Tribunal established a working party to develop the policies and necessary technologies to increase the use of email as a primary means of communicating with parties and their representatives. The working party also oversaw the implementation of an SMS notification system so that self-represented parties, who have given the Tribunal their mobile phone number, are sent a reminder of upcoming alternative dispute resolution processes or hearings.

Consultation with users

As part of its commitment to being an open and transparent organisation, the Tribunal met with regular users and other stakeholders in a range of settings during 2010–11.

The President and the Registrar held meetings with the heads of the following departments and agencies to discuss issues relating to the operation of the review process: Australian Taxation Office, Centrelink, Comcare, Department of Education, Employment and Workplace Relations, Department of Families, Housing, Community Services and Indigenous Affairs, Department of Immigration and Citizenship and Department of Veterans' Affairs. The President and senior staff also met with the Law Council of Australia's Commonwealth Compensation and Employment Law Committee. Senior staff met with senior managers from Centrelink to discuss a range of operational issues in the social security jurisdiction.

District registries arrange liaison meetings with persons and organisations who appear regularly before the Tribunal in that location – departments, agencies and other decision-makers, private legal practitioners, community legal centres and legal aid bodies. Some registries hold meetings with users from all jurisdictions while others arrange jurisdiction-specific meetings. The meetings are a forum in which the Tribunal can inform users of impending and proposed changes to practice and procedure and users can give feedback on the service the Tribunal is providing.

The Tribunal convened liaison meetings with representatives of criminal justice agencies to discuss operational issues arising in relation to the exercise by Tribunal members of powers to issue warrants and other authorisations.

OUR PARTNERS

The Tribunal seeks to develop collaborative relationships with organisations and individuals in contexts outside participation in Tribunal proceedings. Such partners are involved in administrative review, or have a general interest in tribunals and their work. They are also organisations with whom the Tribunal has entered into resource-sharing arrangements. This section reports on these relationships as well as activities undertaken by the Tribunal to raise awareness of its role and operations.

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

The Tribunal maintained and developed its relationships with a range of departments and agencies, organisations and individuals during 2010–11.

Liaison with the Attorney-General's Department, other departments and agencies

The Tribunal worked closely with the Attorney-General's Department during the reporting year on a wide range of issues relating to the Tribunal and its operations, including the Tribunal's jurisdiction, workload and budget.

The Tribunal also liaises with other departments, agencies and bodies in the context of reviews that relate to work undertaken by the Tribunal or in relation to proposals that may impact on the Tribunal. In 2010–11, the Tribunal participated in reviews undertaken by the Administrative Review Council and the Australian National Audit Office.

Administrative Review Council

As President of the Tribunal, Justice Downes is an ex officio member of the Administrative Review Council. The Council's role is to monitor, and provide advice to government on, the operation of the Commonwealth system of administrative law. The President attended meetings and participated in the activities of the ARC during the reporting year.

For further information relating to the Council and its operations, please refer to the Council's annual report.

Council of Australasian Tribunals

The Council of Australasian Tribunals (COAT) is an association for tribunals and those who work in, or have an interest in, tribunals in Australia and New Zealand. It consists of a National Council with local chapters, and was established to facilitate discussion and collaboration on matters relevant to tribunals.

The Tribunal continued its active involvement in the Council during the year, receiving the benefits that membership offers including shared training, access to the COAT *Practice Manual* and networking opportunities.

Tribunal members and staff were active contributors to the work of the Council.

Liaison with other Commonwealth tribunals

The Commonwealth merits review tribunals — the Administrative Appeals Tribunal, Migration Review Tribunal/Refugee Review Tribunal, Social Security Appeals Tribunal and the Veterans' Review Board — maintained their cooperative relationship during 2010–11. The President and the Registrar participated in meetings with their counterparts during the year. Liaison also included considering opportunities for achieving efficiencies through cooperative action, and ongoing communication between officers of the tribunals about matters such as staff vacancies, and learning and development activities.

Resource-sharing arrangements

The Tribunal had in place arrangements with a number of organisations in relation to the provision of facilities and services in 2010–11, details of which are described below.

Federal Court of Australia

The Tribunal and the Federal Court operate a joint registry in Hobart. Staff of the Court provide registry and other services for the Tribunal.

Independent Protection Assessment Office

The Tribunal entered an agreement with the Independent Protection Assessment Office to provide meeting rooms and other facilities in each of the Tribunal's registries for the conduct of interviews.

Migration Review Tribunal/Refugee Review Tribunal

The Tribunal continued to provide accommodation and hearing room facilities for Migration Review Tribunal and Refugee Review Tribunal members in 2010–11, including hearing room assistance and videoconferencing facilities. Tribunal staff in Adelaide, Brisbane and Perth receive applications and handle enquiries on behalf of the Migration Review Tribunal and Refugee Review Tribunal.

National Native Title Tribunal

The Tribunal provided additional accommodation to the National Native Title Tribunal at its Adelaide premises.

Veterans' Review Board

The Tribunal made facilities available in its registries in Adelaide, Canberra and Perth for the Veterans' Review Board to conduct hearings.

International relationships and delegations

International Association of Supreme Administrative Jurisdictions

The International Association of Supreme Administrative Jurisdictions (IASAJ) is an organisation for bodies that are empowered to adjudicate public law disputes. The association's purpose is to promote the exchange of ideas and experiences between jurisdictions. The IASAJ was founded in 1983, and the Tribunal has been a member since 2004. Justice Downes is a past co-president of the association and attended an IASAJ Board Meeting in Vienna in April 2011.

Visiting delegations

The Tribunal regularly hosts visitors from international courts and tribunals, and other organisations interested in gathering information on the Tribunal and its operations. In September 2010 Justice Mark Sevua CBE and Mr Joseph Yeou from the Supreme and National Courts of Papua New Guinea visited the Tribunal.

Better understanding of the Tribunal and its role

The Tribunal continued its program of helping to promote a better understanding of the Tribunal and its role in administrative law.

Tribunal participation in external conferences, seminars and other activities

The Tribunal was pleased to take up the invitation from the Law Week Planning Committee in Sydney to participate in the Martin Place Legal Expo and contribute to the theme of *Law and Justice in Your Community*. Staff and Conference Registrars gave information and brochures to interested members of the public.

Members and staff gave presentations about the Tribunal and its operations at a number of external conferences, seminars and forums during the reporting period: see Appendix 9 for more information on these activities.

Mooting competition

The Tribunal's sixth annual Mooting Competition ran from June to October 2010. The moots are abridged versions of Tribunal hearings. The teams present written and oral submissions, based on a factual scenario drawn from the Tribunal's jurisdictions, to a Tribunal member or members acting as adjudicators.

The competition was open to law students enrolled in any Australian university and there were 28 teams from 15 universities. The grand final involved teams from the University of Adelaide and the University of New South Wales mooting before Justice Garry Downes,

Senior Member Naida Isenberg and Senior Member Stephen Frost. The team from the University of New South Wales – Smriti Arora (senior counsel), Matt Cobb-Clark (junior counsel) and Jason Qian (researcher/scribe) – was declared the winner. The University of Adelaide team comprised Sanjay Schrapel (senior counsel), Patrick McCabe (junior counsel) and Audrey Sam (researcher/scribe).

Matt Cobb-Clark was the recipient of the inaugural Law Council of Australia Best Oralist Prize.

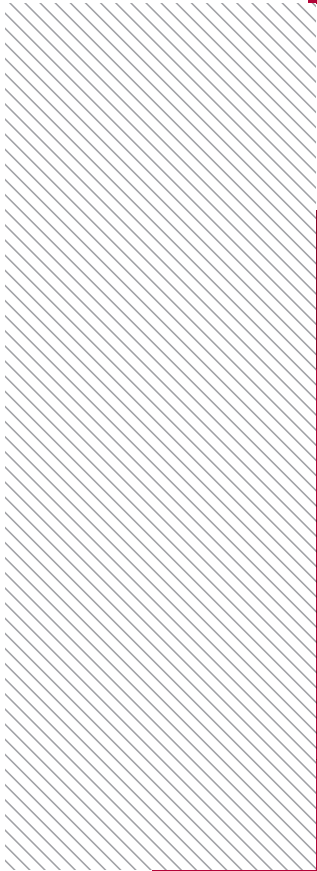
Sponsoring work experience placements

The Tribunal seeks to provide a range of opportunities for work experience candidates, creating meaningful opportunities for the students to develop an understanding of the Tribunal's role and processes.

During the year, law students participating in the University of Adelaide Public Law Internship Program, and high school students from St Aloysius College and Seymour College, gained valuable experience in the Adelaide Registry. The Tribunal provided opportunities for students in Melbourne (through an agreement with the Leo Cussen Institute), one of whom was subsequently successful in gaining an associate's position with the Tribunal.

The Tribunal worked with Manly High School and Wollongong University, placing students in the Sydney Registry.

As a Partner Organisation in the University of New South Wales Law Faculty Public Interest Internship Program, the Tribunal offers work experience to students for them to gain practical legal experience with a designated supervisor/mentor. After selection, interns attend the Tribunal for the equivalent of one day a week over 13 weeks.



CHAPTER 5

OUR PEOPLE AND OUR ORGANISATION



OUR PEOPLE

The Tribunal worked to maintain professional standards and a positive, safe and productive workplace that values diversity.

Human resource management

Staffing

At 30 June 2011 the Tribunal had 155 staff: 102 ongoing and 53 non-ongoing of whom 22 were engaged to undertake duties that are irregular or intermittent. More detail on staffing, including classification levels, full-time/part-time status, gender and location is in Appendix 2.

The total staffing complement in 2010-11 was relatively stable.

There were 22 employment opportunity notices gazetted in 2010-11, 11 for ongoing vacancies and 11 for non-ongoing vacancies.

A large proportion of the non-ongoing placements were for short-term positions for legal graduates who work with members of the Tribunal, usually for 12 to 18 months. The Tribunal's training and development and performance management programs foster staff retention and professional development.

Agency-wide and individual employment agreements

The Tribunal's collective workplace agreement, the *Administrative Appeals Tribunal Agency Agreement 2010-2011*, was in force throughout 2010-11. Negotiations commenced in 2011 for a replacement three-year enterprise agreement but were not finalised until after 30 June 2011. A majority of staff voted in favour of the new agreement in a ballot conducted between 8 and 10 August 2011. The *Administrative Appeals Tribunal Agency Agreement 2011-2014* was approved by Fair Work Australia on 22 August 2011.

The number of employees covered by the Agency Agreement, Australian Workplace Agreements and other flexible employment arrangements at 30 June 2011 is shown in Table A2.3, Appendix 2, along with their salary ranges.

The Tribunal paid \$43,602 in bonuses in 2010-11. Five employees covered by AWAs

or other flexible work arrangements received a performance bonus linked to a performance agreement: the Tribunal's only Senior Executive Service officer, two Executive Level 2 officers and two Executive Level 1 officers. The total bonus paid at each classification level is not published for privacy reasons because of the small number of employees involved.

The Tribunal does not have a performance pay or bonus system for employees covered only by the Agency Agreement.

Senior Executive Service Officer remuneration

The Tribunal has one Senior Executive Service position: the Assistant Registrar. Remuneration for that position is based on comparison with the remuneration for staff in similar Australian Government agencies. The remuneration package allows the occupant to cash out certain items, in accordance with common Australian Government practice.

Non-salary benefits

Non-salary benefits under the Agency Agreement included:

- two days of paid leave between Christmas Day and New Year's Day, other than for skeleton staff who maintain basic registry functions
- two additional weeks of paid maternity/parenting leave
- ability to participate in a Transport Loans Scheme
- health and wellbeing benefits such as influenza vaccinations, assistance for group or individual participation in health and fitness related physical activities, eyesight testing and the Employee Assistance Program, and
- study assistance.

Under the Studies Assistance Scheme, ongoing staff may apply for assistance which can include limited time off work to attend lectures, tutorials and examinations, and full or partial reimbursement of fees and costs. The scheme allows staff to develop their own capability, as well as that of the Tribunal, through vocational education at pre-tertiary, undergraduate and postgraduate levels.

Most staff participating in the scheme undertook legal studies, while some pursued studies in public sector management, education and training. In the reporting period, 12 staff gained approval for financial support, which amounted to \$13,876.

Performance management program

In accordance with the Tribunal's Performance Management Program, all ongoing Tribunal staff are required to have performance agreements, and training and development plans. Staff advance to the next salary point if their performance is assessed as fully effective or higher. The program is linked to the Agency Agreement.

Salary levels for non-ongoing staff are generally reviewed at contract expiration or on the completion of 12 months' service, whichever is earlier. Salary advancement is based on performance.

Staff appraisals are conducted in accordance with the Tribunal's performance management guidelines, taking leave of absence and other approvals for extension into consideration.

Salary packaging

Salary packaging is available to Tribunal members and staff under two policies covering different products; one is administered externally by MAXXIA, and the other administered internally by the Human Resources Section. During the reporting year, 52 employees took advantage of the salary packaging arrangements.

Conduct and ethics

The Tribunal's *Agency Agreement 2010–2011* contained a commitment that all employees accept a responsibility to contribute to Tribunal outcomes by adhering to and promoting the APS Values and Code of Conduct, and demonstrating behaviours consistent with the Values and the Code. In addition, managers are to provide employees with the tools they need to do their work efficiently, effectively, ethically and creatively. The *Members Handbook* refers to members being subject to the APS Code of Conduct as it applies to their treatment of and behaviour towards staff of the Tribunal.

The Tribunal provides online training on the APS Values and Code of Conduct to all staff, with access to the Australian Public Service Commission induction module *Your Guide to Working in the Australian Public Service* as well as an internal eLearning package with reference to ethical conduct. All new employees are provided with a copy of the APS Values and Code of Conduct, as well as relevant excerpts from the *Crimes Act 1914* and must sign a statement asserting that they have read and understood these provisions.

The APS Values, Code of Conduct, Chief Executive Instructions and other material relevant to ethical conduct are incorporated, as appropriate, into relevant Tribunal policies, guidelines and instructions and are available on the Tribunal's intranet.

Learning and development in the Tribunal

Learning and development are a priority for the Tribunal. During the reporting year, the Tribunal refined ongoing activities and implemented new initiatives to meet the needs of members and staff.

Members' Professional Development

The Members' Professional Development Program is a comprehensive program based on a framework of competencies developed for the Tribunal. The program comprises induction, mentoring, appraisal and other professional development opportunities. Senior Member Narelle Bell continued as the Coordinator of the Mentoring Scheme in 2010–11, and Deputy President Deane Jarvis continued as the Appraisal Scheme Coordinator.

The Tribunal's appraisal scheme combines self-assessment with appraisal by another Tribunal member against the framework of competencies. Self-assessment and peer review give members the opportunity to reflect upon their practice and consider options for further professional development.

A range of learning activities is offered to members to help them stay up-to-date with developments relevant to their work. Members attended in-house professional development sessions organised by individual registries

as well as the regional conferences which are referred to below. They also participated in external seminars, workshops and other professional development activities.

Tribunal members share their expertise with their peers, members of other tribunals and the wider profession through participation in organisations such as the Council of Australasian Tribunals (COAT). Members also learn from colleagues working in other jurisdictions by attending conferences, including the Australasian Institute of Judicial Administration/COAT Tribunals' Conference and the annual Australian Institute of Administrative Law conference.

The Tribunal's Professional Development Committee advises on the Members' Professional Development Program. It met in September and November 2010, and May 2011.

The Tribunal's evaluation strategy informs program improvement. For example, regular revision of the New Members' Induction Program has been based on information gathered from the new members who participated in the program, presenters and the Professional Development Committee. The Tribunal employs summative evaluations as required.

In September 2010, the Professional Development Committee endorsed a proposal to evaluate: the program's progress and results; whether the program meets the Tribunal's and members' needs; and the program's strengths and weaknesses.

The second edition of the *Members' Professional Development Handbook* will be published in August 2011.

Regional conferences

The Tribunal's regional conferences are important professional development opportunities, and are attended by members, Conference Registrars, District Registrars and Principal Registry staff. A number of common topics were covered at each of the conferences – sessions on case management, statutory interpretation and strategic planning – as well as topics for each conference.

Guest presenters gave expert and thought-provoking presentations. Dr Arthur Glass, Emeritus Fellow, Faculty of Law at the University of New South Wales, spoke on the psychology of decision making at the Canberra/Sydney conference; Dr Lester Walton, a consultant psychiatrist, spoke at the Hobart/Melbourne conference about the experience of giving expert evidence before the Tribunal from the witness's perspective; and Professor Tess Cramond explored the subject of pain management at the Brisbane conference. Members and staff also gave presentations on a range of topics including recent case law, the Tribunal's inquisitorial role and its application to medical issues, and practical issues that arise in Tribunal alternative dispute resolution processes.

Staff learning and development

Organisation-wide staff learning and development reflects the Tribunal's values and seeks to meet the learning needs of individuals and teams in all registries.

Staff attended in-house programs as well as external seminars, workshops, conferences and other activities. Sessions were delivered in a variety of modes on topic areas that included Tribunal practice and procedure issues, self-management skills, videoconferencing as a communication tool, and cultural awareness and diversity.

The Tribunal has developed a grammar, editing and proofreading program that is tailored to meet the needs of staff who engage in legal editing. The content of the courses was developed by a small working group with advice from Senior Member Narelle Bell. The courses were delivered by the Tribunal's Communications Project Manager in all registries early in 2011. Staff from other courts and tribunals also attended. The program will be repeated during the next reporting period.

Also during the year:

- some staff undertook a medical terminology course by distance learning – a new initiative in response to requests to develop individual and team expertise in this area
- middle and senior managers completed a project management course, in

May 2011, to enhance the Tribunal's project management capability and

- District Registrars developed their leadership capability by participating in a leadership development program delivered through a learning circle.

Regular evaluations of studies assistance and development activities gain feedback about participants' reaction to the activity, their learning and improvements in job performance as a result of the activity.

Conference Registrars' Professional Development Program

Conference Registrars perform a unique role in the Tribunal. They conduct alternative dispute resolution processes such as conferences, conciliations and mediations and have primary responsibility for managing applications during the pre-hearing process. They assist parties to try to reach an agreed outcome and, where this does not occur, prepare cases for another ADR process or hearing.

The Tribunal aims to ensure that Conference Registrars have clear outcomes to achieve and that they achieve broadly consistent practice. To this end the Tribunal established a Working Party of Conference Registrars to develop a program that promotes their accountability and professional development.

The Tribunal's Conference Registrars' Professional Development Program will be based on a framework of competencies and will include induction, mentoring, reflective learning, peer review and performance appraisal. Conference Registrars will be supported by regular training programs to develop personal skills and meet professional development needs.

The program will be presented to the President for approval and implementation in 2011–12.

Membership of learning communities

The Tribunal continues to work collaboratively with other tribunals and courts on staff training initiatives through its leadership of the Commonwealth Tribunals and Courts Learning and Development Forum. Forum members share information about developments in this area and provide training opportunities for participants.

The Tribunal is represented on the Australasian Committee for Court Education so that it can work with other courts and tribunals to: share learning and development strategies and activities, including customised programs; develop professional development programs and other initiatives; and contribute to relevant position papers.

Resources for members and staff

AAT Practice Manual

After extensive effort by members and staff, the Tribunal published a practice manual which gives members, Conference Registrars and staff an overview of the law and the Tribunal's practice and procedure in the most common areas of the Tribunal's jurisdiction. It contains references to legislation and policy, case law and other resources and will assist the Tribunal to carry out its functions in a fair, just, timely, informal and economical manner.

The *AAT Practice Manual* complements the *Practice Manual for Tribunals*, produced by the Council of Australasian Tribunals, which covers topics of general relevance to tribunals such as statutory interpretation, procedural fairness, conducting hearings and making decisions.

Registry Procedures Manual

The *Registry Procedures Manual* is a detailed 'best practice' guide for staff for processing applications from lodgement to finalisation, and facilitates a nationally consistent approach to processing cases. It also covers matters such as confidentiality and privacy obligations when handling files, procedures for appeals to the Federal Court, handling complaints and processing requests for information under the *Freedom of Information Act 1982*.

During the reporting year, the Tribunal continued updating the content and presentation of the manual, developing a more comprehensive and user-friendly version. The Tribunal's Practice and Procedure Committee approved the establishment of a Registry Procedures Manual Committee, comprised of members and staff, which is responsible for approving the final content of the manual. The revised manual is scheduled for release progressively throughout 2011–12.

A positive, safe and productive workplace that values diversity

Occupational health and safety

The Tribunal is committed to providing and maintaining a safe and healthy work environment for its employees through cooperative, consultative relationships. It is also committed to promoting and developing measures for ensuring the health, safety and welfare of employees while at work. This commitment to employees covers members, appointed under the *Administrative Appeals Tribunal Act 1975*, and staff, engaged under the *Public Service Act 1999*.

The Tribunal recognises its duties and responsibilities to its employees (and contractors and third parties in certain circumstances) under the *Occupational Health and Safety Act 1991*, Occupational Health and Safety Regulations and the *Occupational Health and Safety Code of Practice 2008*.

Health and Safety Management Arrangements

The Tribunal's Health and Safety Management Arrangements cover the legislative requirements; informing employees, reviewing effectiveness, certification of employee representatives and dealing with disputes; implementation; workplace responsibilities; designated work groups and health and safety representatives; OH&S risk management arrangements; and training.

Consultative arrangements

The Tribunal's Health and Safety Management Arrangements were developed in consultation with the Health and Safety Committee, members and staff, and include contributions from Tribunal members who are medically-qualified.

The Arrangements are available to all members and staff, on the Tribunal's intranet.

Dispute resolution mechanisms

The Health and Safety Management Arrangements provide for dealing with disputes arising in the course of consultations under the Occupational Health and Safety Act (other than section 24) between the Tribunal and its

staff, or representatives of the employee (when requested by the employee). The parties may seek resolution through mediation with an appropriate senior manager of the Tribunal.

There are dispute resolution procedures for establishing or varying a Designated Work Group.

OH&S initiatives

The Tribunal's 2010-11 Agency Agreement provided for improved consultation with staff on various workplace issues including occupational health and safety.

Health and wellbeing initiatives available to all employees included vaccinations for flu in general and swine flu, eye-sight testing, providing taxis to increase personal safety in certain circumstances, the Employee Assistance Program, and assistance with return to work costs.

In accordance with the Tribunal's Health and Safety Management Arrangements, elections were held in the Designated Work Groups for the roles of Health and Safety Representatives and Deputy Representatives. The elections were open to all eligible members of the Designated Work Groups and generated some changes to the composition of the Health and Safety Committee.

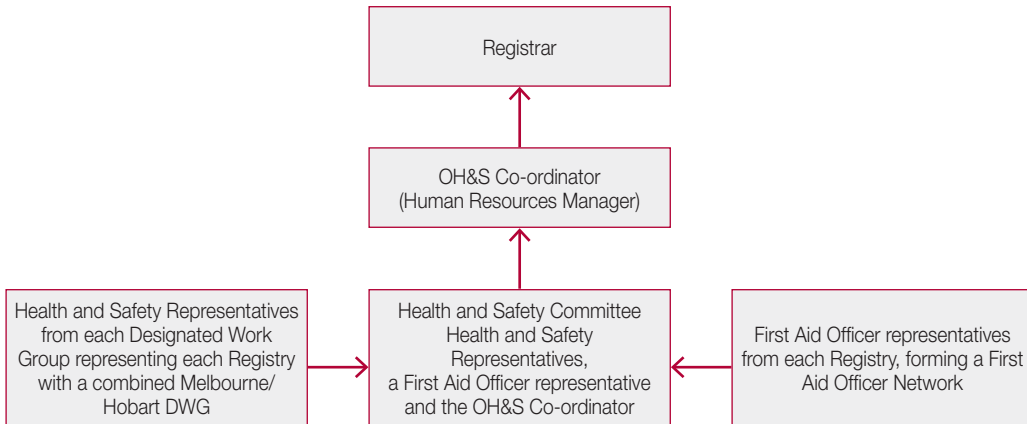
Health and Safety Representatives, their Deputies and First Aid Officers completed appropriate OH&S training. The Tribunal also continued to use training videos on ergonomics and manual handling in the office as part of its new starter induction program. Staff were also trained in the use of automated external defibrillators.

Reactive and preventative workstation assessments and training, by providers such as CRS Australia, benefit staff when occupational health and safety problems are identified, and include assessments and remedial action.

OH&S inspections

Health and Safety Representatives conducted regular formal and informal inspections within their registries, finding no specific registry issues that had a national impact or required central involvement.

Figure 5.1 OH&S management structure



Notification reports, investigations and claims

The Comcare Guide to Incident Notification is supplemented by Tribunal instructions.

The Tribunal had no notifiable incidents to report in 2010–11. Notifiable incidents are defined as deaths, dangerous occurrences, serious personal injury and incapacity. The most recent notifiable incident, recorded as a dangerous occurrence, was in October 2008. No further action was taken by Comcare in regards to that incident, see Table 5.2.

No investigations were undertaken by Comcare during the year, as was the case in the previous three years.

Case management of compensation matters is conducted either in-house or by external service providers, depending on the location and the complexity of the matter. No compensation claims were lodged with Comcare in 2010–11.

Workplace harassment

The Tribunal’s commitment to preventing and eliminating all forms of harassment in the workplace is set out in the Prevention and Elimination of Workplace Harassment Policy which articulates the Tribunal’s expectations of members, managers and staff in preventing and dealing with workplace harassment.

Managers and supervisors are actively encouraged to be familiar with, promote and support the Tribunal’s policy and strategies for dealing with harassment.

The Tribunal Workplace Harassment Contact Officer is a qualified lawyer and mediator experienced in resolving disputes and dealing with harassment issues. The officer is available for all members and staff, and all discussions are confidential.

Benevolent Trust

The benevolent trust, established in 2003, exists to assist members or staff, and their immediate families, who may require financial assistance. Voluntary contributions by members and staff fund the trust which is managed by elected trustees.

During this reporting period the trust received five requests from staff for financial assistance: three for grants and two for interest-free loans. The Trustees approved three grants to cover medical expenses, medical imagery and medical consultations on behalf of immediate family members of two persons seeking assistance, and made two interest-free loans. The first loan was a short-term loan which was repaid in full, and the second loan is being repaid in instalments.



Productivity gains

The Tribunal is pursuing several initiatives to increase productivity gains in its operations. The primary initiatives focus on technology and employee health, and others focus on administration and better ways of doing business.

In 2010-11, the Tribunal completed the implementation of new HR and Finance

systems that have improved functionality, and promise better technical support, than previous systems. Enhanced reporting capability within both systems will contribute to the Tribunal's strategic planning framework and the increased automation in each system offers higher productivity and more accurate data. The Tribunal will continue its program of improvements in 2011-12.

Table 5.2 Notifiable incidents

Notifiable incidents	2008-09	2009-10	2010-11
Accidents causing deaths, serious personal injury or incapacity	0	0	0
Dangerous occurrences	1	0	0
Total	1	0	0

The Tribunal is committed to health and well-being practices and initiatives that improve employee health and promote a healthy and productive workforce. The Tribunal aims to analyse data from the improved attendance recording functionality in the new HR system in order to develop and implement appropriate strategies to reduce unplanned absences.

Improvements to the Tribunal's electronic case management system, TRACS, have provided additional functionality for users. The Tribunal's program of continuous improvement of the system generates more efficient work practices and time-saving measures.

Workplace diversity

Valuing and making proper and effective use of the different qualities, skills, qualifications and experiences of members and staff can improve the workplace for individuals and the performance of the Tribunal in general. These attitudes are reflected in the Tribunal's Workplace Diversity Plan, which was reviewed and updated by the Diversity Committee this year. The committee, whose members include both members and staff, meets each quarter, and minutes from meetings are made available to members and staff.

During the year, on the recommendation of the committee, the Tribunal engaged Catherine Healy to train all staff and members in appropriate workplace behaviour. The training covered issues such as bullying and harassment, discrimination, relevant legislation, policies and procedures, and attendees found the training to be highly beneficial.

Appendix 2 shows the number of staff who fall into the various equal employment opportunity categories.

Reconciliation Action Plan

The Tribunal promotes reconciliation by seeking to increase employment opportunities for Indigenous Australians in the Australian Public Service, consistent with the *National Partnership Agreement on Indigenous Economic Participation*, and to raise awareness of the Tribunal's services among Indigenous Australians. The Tribunal is reviewing its Reconciliation Action Plan.

The Tribunal also endorsed the Commonwealth Attorney-General's Department Indigenous Statement of Commitment, which aims to improve training and career development opportunities for Aboriginal and Torres Strait Islander employees.

Changes to disability reporting in annual reports

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. Reporting on the employer role transferred to the Australian Public Service Commission's *State of the Service Report* and the *APS Statistical Bulletin* in 2007–08. These reports are available at www.apsc.gov.au. From 2010–11, departments and agencies are no longer required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy which is a 10-year national policy framework for improving life for Australians with disability, and their families and carers. A national level report tracking progress for people with disability will be produced by the Standing Council on Community, Housing and Disability Services to the Council of Australian Governments, and will be available at www.fahcsia.gov.au. The Social Inclusion Measurement and Reporting Strategy, agreed by the Government in December 2009, will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency annual reports. More detail on social inclusion can be found at www.socialinclusion.gov.au.

OUR ORGANISATION

This part of the report deals with systems and processes that maximise effective and efficient use of Tribunal resources. It also sets out information relating to the Tribunal's administration and governance.

Financial management

The Tribunal's audited financial statements for 2010–11 follow this chapter.

The Minister for Finance and Deregulation approved a deficit of \$0.5m for the 2010–11 financial year, the majority of which was utilised. The Tribunal continued to manage its expenditure carefully, focusing on its core business aims. Some planned technology projects were deferred to 2011–12.

Property

The Tribunal uses commercially-leased premises in Adelaide, Canberra, Melbourne, Perth and Sydney, and the Commonwealth Law Courts buildings in Brisbane and Hobart.

Minor fit-out work was carried out in the Brisbane, Canberra and Perth Registries.

In Adelaide and Melbourne, as per the terms of the existing leases, rent reviews led to increases of eight and six percent respectively – in line with market expectations.

Purchasing

The Tribunal observes the core principles of the Commonwealth Procurement Guidelines and relevant best practice guidelines in its purchasing activities. Regular reviews of the Chief Executive Instructions ensure they conform to the procurement guidelines as they are an essential tool for staff with purchasing duties and have been used as a model by several other agencies.

The Tribunal's competitive procurement processes ensure value for money for major purchases or contracts, as well as proper and effective competition. Open tender processes are employed unless the circumstances indicate that a select tender is appropriate. Purchasing guidelines require at least three quotes for goods or services that do not involve major purchases or contracts.

Consultants

The Tribunal employs consultants when the required skill or specialist capacity is not available internally. Consultants are engaged using the procurement methods specified in the Chief Executive Instructions including open tender, select tender or direct sourcing according to the circumstances, timelines and the identified need for a consultant.

During 2010–11, the Tribunal entered into two new consultancy contracts with a total actual expenditure of \$42,131. Two ongoing consultancy contracts were active, for a total actual expenditure of \$57,496. Table 5.3 sets out the Tribunal's total actual expenditure on all consultancies in the three most recent reporting years. All contract amounts include GST.

Appendix 10 shows the two new consultancies let by the Tribunal during 2010–11 valued at \$10,000 or more, and the number and aggregate value of consultancies valued at \$10,000 or more for the three most recent reporting years.

Reporting on purchases

All purchases were gazetted as required. Details of all contracts of \$100,000 or more current in any one calendar year are on the Tribunal’s website, in accordance with the Senate order on agency contracts.

Table 5.3 Total actual expenditure on consultancy contracts

	2008–09	2009–10	2010–11
Total actual expenditure (incl GST)	\$113,566	\$210,964	\$ 99,627

There were no contracts of \$100,000 or more let in 2010–11 that did not include a clause providing for the Auditor-General to have access to the contractor’s premises.

There were no contracts of more than \$10,000 (including GST) or standing offers exempt from being published on the AusTender website on the basis that they would disclose exempt matters under the Freedom of Information Act.

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 www.tenders.gov.au.

Risk management

Audit and fraud control

The Tribunal’s Audit Committee meets regularly to review operations, and to plan and approve the audit policy for the forthcoming year. The committee also advises the Registrar on matters such as the financial statements and fraud control.

Each year, the Tribunal’s independent internal auditor undertakes an audit program covering a range of transactions to give assurance that the Tribunal’s systems are complying with the FMA Act and the Chief Executive Instructions. Any identified issues are addressed by management and reviewed by the Audit Committee.

During the reporting year, the internal auditor conducted an internal audit in the

Canberra, Melbourne and Sydney Registries. The Principal Registry finance and human resources operations are also audited annually. No major issues or risks were identified by the audits.

The Audit Committee has implemented sufficient processes to enable the Registrar to complete the Certificate of Compliance for the 2010–11 financial year. The Registrar certifies that the Tribunal has prepared risk assessments and fraud control plans and has procedures in place for fraud prevention, detection, investigation, reporting and data collection in compliance with the Commonwealth Fraud Control Guidelines.

Insurance

The Tribunal is insured through Comcover. In general terms, the Tribunal has a low risk of insurance exposure and a limited likelihood of major disruption to its services, but cover is provided should that occur. Due to the Tribunal’s low risk and low claim rate, there was only a small increase in the insurance premium in 2010–11.

Risk assessment

The Tribunal regularly assesses its risk position, such as for business risks that may have an impact on national operations. These assessments include registry operations, public interaction, information systems and links with the Fraud Control Plan. They provide the basis for amendments to the Business Continuity Plan which is updated as required and is on the Tribunal’s intranet

for all members and staff. Officers who have delegated responsibility under the plan are given a backup of the plan to use should the Tribunal's intranet be unavailable.

To further minimise risk to ongoing operations, the Tribunal is preparing local Business Continuity Plans for each registry, in consultation with the members and staff based in those registries.

Risk management training

As part of its risk management program, the Tribunal provided project management training to senior managers as part of their professional development. The training included detailed training for managing risks associated with significant projects. Plans are also underway to develop some in-house online programs for all Tribunal staff.

Security

The Tribunal places a high priority on security. To ensure that members, staff and visitors are in safe and secure environments when in Tribunal offices, the offices are secure, and duress alarms in conference and hearing rooms and at registry counters will protect members and staff in the event of an incident.

The Tribunal's fee-for-service agreement with Chubb Security Pty Limited provides additional security services for alternative dispute resolution processes and hearings as required. If necessary the Tribunal can also access arrangements with the Family Court and the Federal Court to use their court rooms and security arrangements for hearings that may involve a security risk. Both these services were arranged on several occasions during the year as a precautionary measure.

The Australian Government Security Vetting Agency undertakes security vetting of staff whose duties require a security clearance in compliance with the *Commonwealth Protective Security Manual*.

Information technology

The focus of the Tribunal's information technology projects in 2010–11 was on ensuring that hardware and software were

up-to-date, the network was secure and fully supported the Tribunal's work.

During the year, the Tribunal: rolled out new software and hardware; enhanced reporting capacity on its caseload with a new business intelligence reporting system; upgraded the servers, the physical security for server rooms and the PABX system; assisted with the upgrade of the financial management system and human resources management system; and continued to develop a range of enhancements to its case management system.

Library and information services

Library Committee

The Library Committee oversees the maintenance and development of the library collection, settles the Collection Development Policy and makes decisions on the acquisition of new library materials.

The Committee met in November 2010 and May 2011, and liaised throughout the year in relation to purchases. During 2010–11 the Committee oversaw a comprehensive review of library materials and services to ensure that the library is an effective information resource for Tribunal members and staff.

Library Network

The Library Network provides library and information services to members and staff in all registries. The network consists of the Principal Registry library in Brisbane and District Registry libraries in Adelaide, Melbourne, Perth and Sydney. The libraries are staffed by professional librarians who organise and manage a collection of hard copy and electronic resources, and assist Tribunal members and staff with their information needs.

The Electronic Publishing Officer, a librarian based in the Principal Registry library, manages the Tribunal's internet and intranet. Library staff are also responsible for managing the electronic delivery of Tribunal decisions to publishers, the AustLII website, government departments and agencies, and other interested parties.

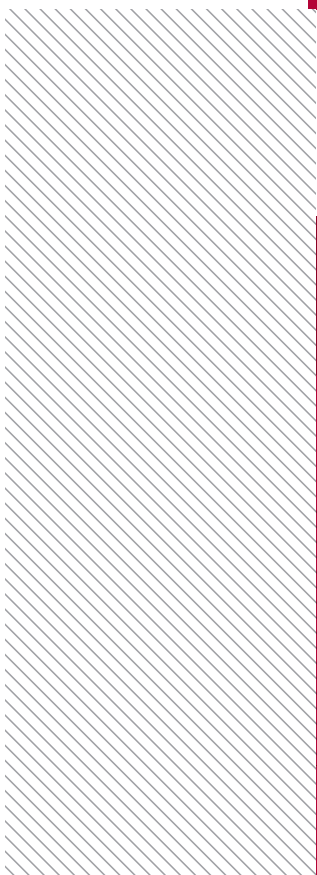
Key achievements of the Library Network in the reporting year included:

- the review of library materials and services, including a comprehensive user survey, which resulted in amendments to the Tribunal's Collection Development Policy, changes to materials held, recommendations for additional training in online resources and the ongoing investigation of more effective ways to manage and deliver information to library users
- implementation of the new template for the Tribunal website to incorporate new branding and design features that also enhanced the site's accessibility
- a restructure of the website to implement the Information Publication Scheme under the Freedom of Information Act, improving access to the documents required to be published under that scheme.

Policy and Research

The Tribunal's Policy and Research Section provides advice and assistance to the President, Registrar and Assistant Registrar on legal and policy issues affecting the Tribunal. The section also provides information and assistance to members and staff on legislative changes, case law developments, and practice and procedure issues. It manages litigation when the Tribunal is named as a party; monitors appeals from Tribunal decisions; produces resource materials; coordinates reporting on Tribunal performance; supports Tribunal committees; educates external users on the Tribunal at legal education seminars; and manages and advises on communications.

During the year the section updated and developed the Tribunal's external communication products, developed templates to maintain consistency with the Tribunal's new look and contribute to improved productivity, advised on the ongoing development of the functionality and reporting capacity of the Tribunal's electronic case management system, implemented procedural changes associated with amendments to the Administrative Appeals Tribunal Regulations, and co-ordinated the Tribunal's contribution to the Information Publication Scheme under the Freedom of Information Act.



FINANCIAL STATEMENTS



FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2011

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INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Report on the Financial Statements

I have audited the accompanying financial statements of the Administrative Appeals Tribunal for the year ended 30 June 2011, which comprise: a Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Schedule of Asset Additions; Schedule of Administered Items; and Notes comprising a Summary of Significant Accounting Policies and other explanatory information.

Chief Executive's Responsibility for the Financial Statements

The Chief Executive of the Administrative Appeals Tribunal is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as the Chief Executive determines is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Administrative Appeals Tribunal's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Administrative Appeals Tribunal's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the

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reasonableness of accounting estimates made by the Chief Executive of the Administrative Appeals Tribunal, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Opinion

In my opinion, the financial statements of the Administrative Appeals Tribunal:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Administrative Appeals Tribunal's financial position as at 30 June 2011 and of its financial performance and cash flows for the year then ended.

Report on Other Legal and Regulatory Requirements

As described in Note 23 to the financial statements, the Administrative Appeals Tribunal has recently become aware that there is an increased risk of non-compliance with Section 83 of the Constitution where payments are made from special appropriations and special accounts in circumstances where the payments do not accord with conditions included in the relevant legislation, and has advised that these circumstances will be investigated.

Australian National Audit Office



Colin Bienke
Senior Director

Delegate of the Auditor-General

Canberra
8 September 2011

ADMINISTRATIVE APPEALS TRIBUNAL

STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2011 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, as amended.



PHILIP KELLOW

Chief Executive

8 September 2011



MICHAEL BINNINGTON

Acting Chief Financial Officer

8 September 2011

ADMINISTRATIVE APPEALS TRIBUNAL

STATEMENT OF COMPREHENSIVE INCOME

for the period ended 30 June 2011

	Notes	2011 \$'000	2010 \$'000
EXPENSES			
Employee benefits	3A	21,572	21,138
Suppliers	3B	12,875	12,392
Depreciation and amortisation	3C	1,800	1,662
Write-down and impairment of assets	3D	-	13
Losses from assets sales	3E	18	-
Total expenses		36,265	35,205
LESS:			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	1,116	1,122
Total own-source revenue		1,116	1,122
GAINS			
Other	4B	244	261
Total gains		244	261
Total own-source income		1,360	1,383
Net cost of services		34,905	33,822
Revenue from Government	4C	32,732	32,772
Surplus (Deficit) attributable to the Australian Government		(2,173)	(1,050)
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation reserves		123	263
Total other comprehensive income		123	263
Total comprehensive income (loss) attributable to the Australian Government		(2,050)	(787)

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

ADMINISTRATIVE APPEALS TRIBUNAL

BALANCE SHEET

as at 30 June 2011

	Notes	2011 \$'000	2010 \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	5A	98	726
Trade and other receivables	5B	9,959	8,293
Total financial assets		<u>10,057</u>	<u>9,019</u>
Non-Financial Assets			
Leasehold improvements	6A,C	5,587	6,642
Plant and equipment	6B,C	1,633	1,448
Intangibles	6D,E	429	430
Other	6F	495	1,619
Total non-financial assets		<u>8,144</u>	<u>10,139</u>
Total Assets		<u>18,201</u>	<u>19,158</u>
LIABILITIES			
Payables			
Suppliers	7A	1,177	1,117
Total payables		<u>1,177</u>	<u>1,117</u>
Non-Interest Bearing Liabilities			
Other	8A	837	778
Total non-interest bearing liabilities		<u>837</u>	<u>778</u>
Provisions			
Employee provisions	9A	6,082	5,890
Other	9B	420	385
Total provisions		<u>6,502</u>	<u>6,275</u>
Total liabilities		<u>8,516</u>	<u>8,170</u>
Net assets		<u>9,685</u>	<u>10,988</u>
EQUITY			
Parent Entity Interest			
Contributed equity		2,339	1,592
Reserves		3,556	3,433
Retained surplus (accumulated deficit)		3,790	5,963
Total parent entity interest		<u>9,685</u>	<u>10,988</u>
Total Equity		<u>9,685</u>	<u>10,988</u>

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

ADMINISTRATIVE APPEALS TRIBUNAL

STATEMENT OF CHANGES IN EQUITY

As at 30 June 2011

	Retained Earnings		Asset Revaluation Reserves		Contributed Equity		Total Equity	
	2011 \$'000	2010 \$'000	2011 \$'000	2010 \$'000	2011 \$'000	2010 \$'000	2011 \$'000	2010 \$'000
Opening balance								
Balance carried forward from previous period	5,963	7,013	3,433	3,170	1,592	2,568	10,988	12,751
Adjustment for errors	-	-	-	-	-	-	-	-
Adjustment for changes in accounting policy	-	-	-	-	-	-	-	-
Adjusted opening balance	5,963	7,013	3,433	3,170	1,592	2,568	10,988	12,751
Comprehensive income								
Other comprehensive income	-	-	123	263	-	-	123	263
Surplus (Deficit) for the period	(2,173)	(1,050)	-	-	-	-	(2,173)	(1,050)
Total comprehensive income	(2,173)	(1,050)	123	263	-	-	(2,050)	(787)
Of which:								
Attributable to the Australian Government	(2,173)	(1,050)	123	263	-	-	(2,050)	(787)
Transactions with owners								
Distribution to owners								
Returns of capital:								
Other*	-	-	-	-	-	(976)	-	(976)
Contribution by owners								
Equity injection								
- Appropriations	-	-	-	-	747	-	747	-
Sub-total transactions with owners	-	-	-	-	747	(976)	747	(976)
Closing balance as at 30 June	3,790	5,963	3,556	3,433	2,339	1,592	9,685	10,988
Closing balance attributable to the Australian Government	3,790	5,963	3,556	3,433	2,339	1,592	9,685	10,988

* Return of unspent depreciation funding.

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

ADMINISTRATIVE APPEALS TRIBUNAL

CASH FLOW STATEMENT

For period ended 30 June 2011

	Notes	2011 \$'000	2010 \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations		31,153	34,221
Goods and services		1,029	1,088
Net GST received		1,321	1,217
Total cash received		33,503	36,526
Cash used			
Employees		(21,173)	(20,887)
Suppliers		(12,916)	(13,528)
Total cash used		(34,089)	(34,415)
Net cash from operating activities	10	(586)	2,111
INVESTING ACTIVITIES			
Cash used			
Purchase of plant and equipment		(579)	(642)
Purchase of intangibles		(210)	(267)
Total cash used		(789)	(909)
Net cash used by investing activities		(789)	(909)
FINANCING ACTIVITIES			
Cash used			
Other		747	(976)
Total cash used		747	(976)
Net cash from financing activities		747	(976)
Net increase (decrease) in cash held		(628)	226
Cash and cash equivalents at the beginning of the reporting period		726	500
Cash and cash equivalents at the end of the reporting period	5A	98	726

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

ADMINISTRATIVE APPEALS TRIBUNAL

SCHEDULE OF COMMITMENTS

as at 30 June 2011

	2011 \$'000	2010 \$'000
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments ¹	(2,064)	(3,226)
Total commitments receivable	<u>(2,064)</u>	<u>(3,226)</u>
Commitments payable		
Other commitments		
Operating leases ^{2,3}	22,631	35,488
Other	34	2
Total other commitments	<u>22,665</u>	<u>35,490</u>
Net commitments by type	<u>20,601</u>	<u>32,264</u>
BY MATURITY		
Commitments receivable		
Net GST recoverable on commitments¹		
One year or less	(434)	(595)
From one to five years	(1,630)	(2,631)
Over five years	-	-
Total commitments receivable	<u>(2,064)</u>	<u>(3,226)</u>
Commitments payable		
Operating lease commitments		
One year or less	4,703	6,544
From one to five years	17,928	28,944
Over five years	-	-
Total operating lease commitments	<u>22,631</u>	<u>35,488</u>
Other commitments		
One year or less	34	2
From one to five years	-	-
Over five years	-	-
Total other commitments	<u>34</u>	<u>2</u>
Net commitments by maturity	<u>20,601</u>	<u>32,264</u>

¹ Commitments are GST inclusive where relevant.

² These commitments comprise leases of hearing rooms and office accommodation for the Tribunal.

³ Operating leases included are effectively non-cancellable and comprise:

- Leases for office accommodation.

Lease payments are subject to fixed or market review increases as listed in the lease agreements. All office accommodation leases are current and most have extension options for the Tribunal following a review of rentals to current market.

- Agreements for the provision of motor vehicles to senior executive officers.

No contingent rentals exist and there are no renewal or purchase options available to the Tribunal.

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

ADMINISTRATIVE APPEALS TRIBUNAL

SCHEDULE OF CONTINGENCIES

as at 30 June 2011

There are no quantifiable contingent assets or liabilities as at 30 June 2011 (2010: Nil). Refer to Note 11 for details of any unquantifiable or remote contingent assets or contingent liabilities.

SCHEDULE OF ASSET ADDITIONS

For the period ended 30 June 2011

The following non-financial, non-current assets were added in 2010-11:

	Leasehold improvements \$'000	Plant and equipment \$'000	Intangibles \$'000	TOTAL \$'000
Additions funded in current year				
By purchase - appropriation ordinary annual services				
Departmental capital budget	30	507	210	747
Ordinary operating costs	-	42	-	42
Total funded additions funded in the current year	30	549	210	789
Additions recognised in 2010-11 - to be funded in future years				
Make-good	35	-	-	35
Other	-	-	-	-
Total future years/unfunded additions	35	-	-	35
Total additions	65	549	210	824

The following non-financial, non-current assets were added in 2009-10:

	Leasehold improvements \$'000	Plant and equipment \$'000	Intangibles \$'000	TOTAL \$'000
Additions funded in current year				
By purchase - appropriation ordinary annual services				
Departmental capital budget	-	-	-	-
Ordinary operating costs	180	472	257	909
Total funded additions funded in the current year	180	472	257	909
Additions recognised in 2009-10 - to be funded in future years				
Make-good	-	-	-	-
Other	-	-	-	-
Total future years/unfunded additions	-	-	-	-
Total additions	180	472	257	909

ADMINISTRATIVE APPEALS TRIBUNAL

SCHEDULE OF ADMINISTERED ITEMS

	Notes	2011 \$'000	2010 \$'000
Income administered on behalf of Government <i>for the period ended 30 June 2011</i>			
Revenue			
Non-taxation revenue			
Filing fees	15	626	519
Total revenues administered on behalf of Government		<u>626</u>	<u>519</u>
Total income administered on behalf of Government		<u>626</u>	<u>519</u>
Expenses administered on behalf of Government <i>for the period ended 30 June 2011</i>			
Refund of filing fees	16	303	427
Total expenses administered on behalf of Government		<u>303</u>	<u>427</u>

There were no administered assets or liabilities as at 30 June 2011 (2010: Nil).

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

ADMINISTRATIVE APPEALS TRIBUNAL

SCHEDULE OF ADMINISTERED ITEMS

	Notes	2011 \$'000	2010 \$'000
Administered Cash Flows <i>for the period ended 30 June 2011</i>			
OPERATING ACTIVITIES			
Cash received			
Filing fees		626	519
Total cash received		626	519
Cash used			
Refund of filing fees		(303)	(427)
Total cash used		(303)	(427)
Net cash flows from operating activities		323	92
Net Increase in Cash Held		323	92
Cash and cash equivalents at the beginning of the reporting period		-	-
Cash from Official Public Account for:			
- Appropriations		303	427
Cash to Official Public Account for:			
- Appropriations		(626)	(519)
Cash and cash equivalents at the end of reporting period	19	-	-

There were no administered commitments or contingencies as at 30 June 2011 (2010: Nil).

There were no administered asset additions for the period ended 30 June 2011 (2010: Nil).

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

Notes to and forming part of the financial statements**ADMINISTRATIVE APPEALS TRIBUNAL****Note 1: Summary of Significant Accounting Policies****1.1 Objectives of the Tribunal**

The Administrative Appeals Tribunal (the Tribunal) is an Australian Public Service organisation. The objective and sole outcome of the Tribunal is to provide independent review on merit of a wide range of administrative decisions of the Australian Government so as to ensure in each case the correct or preferable decision is made.

Tribunal activities contributing toward this outcome are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, revenues and expenses controlled or incurred by the Tribunal in its own right. Administered activities involve the management or oversight by the Tribunal, on behalf of the Government, of items controlled or incurred by the Government.

The continued existence of the Tribunal in its present form and with its present programs is dependent on Government policy and on continuing appropriations by Parliament for the Tribunal's administration and programs.

1.2 Basis of Preparation of the Financial Statements

The financial statements and notes are required by section 49 of the *Financial Management and Accountability Act 1997* and are General Purpose Financial Statements.

The financial statements and notes have been prepared in accordance with:

- Finance Minister's Orders (or FMOs) for reporting periods ending on or after 1 July 2010: and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and are in accordance with the historical cost convention, except for certain assets at fair value or amortised cost. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless alternative treatment is specifically required by an Accounting Standard or the FMOs, assets and liabilities are recognised in the balance sheet when and only when it is probable that future economic benefits will flow to the Tribunal or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executor contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the statement of comprehensive income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Administered revenues, expenses, assets and liabilities and cash flows reported in the schedule of administered items and related notes are accounted for on the same basis and using the same policies as for departmental items except where otherwise stated at Note 1.21.

1.3 Significant Accounting Judgements and Estimates

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

Notes to and forming part of the financial statements

1.4 New Accounting Standards

Adoption of New Australian Accounting Standard Requirements

No accounting standard has been adopted earlier than the application date as stated in the standard.

The following amending standard, issued prior to the signing of the statement by the Chief Executive and Chief Financial Officer, were applicable to the current reporting period and had a financial impact on the entity:

- AASB 2009-5: Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project:

The standard amends eight standards resulting from the IASB Annual Improvements Project. The only amendment that would impact the Tribunal is that cash flow under AASB 107 are only classified as investing cash flows if the underlying asset was recognised in the balance sheet.

Other new standards, revised standards, interpretations and amending standards issued prior to the signing of the statement by the Chief Executive and Chief Financial Officer and are applicable to the current reporting period do not have a financial impact, and are not expected to have a future financial impact on the entity.

Future Australian Accounting Standard Requirements

The following new standards, revised standards, interpretations and amending standards were issued by the Australian Accounting Standards Board prior to the signing of the statement by the Chief Executive and Chief Financial Officer, which are expected to have a financial impact:

- Revised AASB 124 Related Party Disclosures and AASB 2009-12 Amendments to Australian Accounting Standards (effective for annual reporting periods beginning on or after 1 January 2011).

In December 2009 the AASB issued a revised AASB 124 Related Party Disclosures. It is effective for accounting periods beginning on or after 1 January 2011 and must be applied retrospectively. The amendment clarifies and simplifies the definition of a related party and removes the requirement for government-related entities to disclose details of all transactions with the government and other government-related entities.

- AASB 9: Financial Instruments and AASB 2009-11: Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12] (applicable for annual reporting periods commencing on or after 1 January 2013) on the entity for future reporting periods.

The changes made to accounting requirements include:

- simplifying the classifications of financial assets into those carried at amortised cost and those carried at fair value;
- removing the tainting rules associated with held-to-maturity assets;
- requiring financial assets to be reclassified where there is a change in an entity's business model as they are initially classified based on: (a) the objective of the entity's business model for managing the financial assets; and (b) the characteristics of the contractual cash flows.

These Standards are applicable retrospectively and amend the classification and measurement of financial assets. The Tribunal has not yet determined any potential impact on the financial statements.

- AASB 1053 Application of Tiers of Australian Accounting Standards and AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements (effective 1 July 2013).

On 30 June 2010 the AASB officially introduced a revised differential reporting framework in Australia. Under this framework, a two-tier differential reporting regime applies to all entities that prepare general purpose financial statements. The Tribunal has public accountability as defined in AASB 1053 and is

Notes to and forming part of the financial statements

therefore not eligible to adopt the new Australian Accounting Standards – Reduced Disclosure Requirements. As a consequence, the two standards will have no impact on the financial statements of the entity.

- AASB 2009-14 Amendments to Australian Interpretation - Prepayments of a Minimum Funding Requirement [AASB Interpretation 14] (applicable for annual reporting periods commencing on or after 1 January 2011).

In December 2009, the AASB made an amendment to Interpretation 14 *The Limit on a Defined Benefit Asset, Minimum Funding Requirements and their Interaction*. The amendment removes an unintended consequence of the interpretation related to voluntary prepayments when there is a minimum funding requirement in regard to the entity's defined benefit scheme. It permits entities to recognise an asset for a prepayment of contributions made to cover minimum funding requirements. The Tribunal does not make any such prepayments. The amendment is therefore not expected to have any impact on the Tribunal's financial statements.

- AASB 2010-3 Amendments to Australian Accounting Standards arising from the Annual Improvements Project and AASB 2010-4 Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project (effective for annual periods beginning on or after 1 July 2010/1 January 2011)

In June 2010, the AASB made a number of amendments to Australian Accounting Standards as a result of the IASB's annual improvements project. This amending standard impacts on the Financial Statement disclosures. It allows the reconciliation of other comprehensive income to be presented either in the statement of changes in equity or in the notes. The standards will apply for the year ended 30 June 2012.

Other new standards, revised standards, interpretations and amending standards that were issued prior to the signing of the statement by the Chief Executive and Chief Financial Officer and are applicable to the future reporting period are not expected to have a future financial impact on the entity.

1.5 Revenue

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the Tribunal retains no managerial involvement nor effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the Tribunal.

Revenue from the rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits associated with the transaction will flow to the Tribunal.
-

The stage of completion of contracts at the reporting date is determined by reference to:

- surveys of work performed;
- services performed to date as a percentage of total services to be performed; or
- the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at their nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of reporting period. Allowances are made when collectability of the debt is no longer probable.

Notes to and forming part of the financial statements

Resources Received Free of Charge

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Revenue from Government

Amounts appropriated for departmental outputs for the year (adjusted for any formal additions and reductions) are recognised as revenue when the Tribunal gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

1.6 Gains

Resources Received Free of Charge

Resources received free of charge are recognised as gains when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government Agency or Authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

Sale of Assets

Gains, from disposal of non-current assets, are recognised when control of the asset has passed to the buyer.

1.7 Transactions with the Government as Owner

Equity injections

Amounts appropriated which are designated as ‘equity injections’ for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Australian Government agency or authority under a restructuring of administrative arrangement are adjusted at their book value directly against contributed equity.

Other distributions to owners

The FMOs require that distributions to owners be debited to contributed equity unless it is in the nature of a dividend.

1.8 Employee Benefits

Liabilities for ‘short-term employee benefits’ (as defined in AASB 119 *Employee Benefits*) and termination benefits due within twelve months of balance date are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability. Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Notes to and forming part of the financial statements**Leave**

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the Tribunal is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that applied at the time the leave is taken, including the Tribunal's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave is recognised and measured, using the method included in the FMOs, at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 2011. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separations and redundancy benefit payments. The Tribunal recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Superannuation

Most members and staff of the Tribunal are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) and the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

The Tribunal makes employer contributions to the employee superannuation schemes at rates determined by an actuary to be sufficient to meet the cost to the Government of the superannuation entitlements of the Tribunal's employees. The Tribunal accounts for the contributions as if they were contributions to defined contribution plans.

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

1.9 Leases

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased non-current assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

The Tribunal does not have any finance leases. Operating lease payments are expensed on a straight line basis which is representative of the pattern of benefits derived from the leased assets.

Notes to and forming part of the financial statements

1.10 Cash

Cash is recognised at its nominal amount. Cash and cash equivalents includes;

- cash on hand;
- demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value;
- cash held with outsiders; and
- cash held in special accounts.

1.11 Financial Assets

The Tribunal's financial assets are all classified as 'loans and receivables'. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Financial assets are recognised and derecognised upon 'trade date'.

Effective Interest Method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

Income is recognised on an effective interest rate basis except for financial assets that are recognised at fair value through profit or loss.

Loans and Receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. They are included in current assets, except for maturities greater than 12 months after the balance sheet date. These are classified as non current assets. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any allowance for impairment. Collectability of debts is reviewed at balance date. Provisions are made when collectability of the debt is no longer probable.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

Financial assets held at cost - If there is objective evidence that an impairment loss has been incurred, the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

1.12 Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

Financial liabilities at fair value through profit or loss

Financial liabilities at fair value through profit or loss are initially measured at fair value. Subsequent fair value adjustments are recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest paid on the financial liability.

Other financial liabilities

Other financial liabilities are initially measured at fair value, net of transaction costs. These financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

Notes to and forming part of the financial statements

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.13 Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the balance sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset, or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

1.14 Financial Guarantee Contracts

Financial guarantee contracts are accounted for in accordance with AASB139 *Financial Instruments: Recognition and Measurement*. They are not treated as a contingent liability, as they are regarded as financial instruments outside the scope of AASB137 *Provisions, Contingent Liabilities and Contingent Assets*. The Tribunal currently has no financial guarantee contracts.

1.15 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate. The Tribunal does not own any land and buildings.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

1.16 Leasehold Improvements, Plant and Equipment

Asset Recognition Threshold

Purchases of leasehold improvements, plant and equipment are recognised initially at cost in the balance sheet, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make-good' provisions in property leases taken up by the Tribunal where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Tribunal's leasehold improvements with a corresponding provision for the 'make-good' recognised.

Notes to and forming part of the financial statements

Revaluations

Fair values for each class of asset are determined as shown below:

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

Following initial recognition at cost, plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not materially differ with the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated at the revalued amount.

Depreciation

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

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

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

Leasehold improvements	2011 Lesser of estimated useful life and lease term	2010 Lesser of estimated useful life and lease term
Plant and equipment	3-20 years	3-20 years

Impairment

All assets were assessed for impairment at 30 June 2011. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent of the asset's ability to generate future cash flows, and the asset would be replaced if the Tribunal were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

No indicators of impairment were found for assets at fair value.

Derecognition

An item of leasehold improvement, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Notes to and forming part of the financial statements

1.17 Intangibles

The Tribunal’s intangibles comprise externally purchased software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over their anticipated useful lives. The useful lives of the Tribunal’s software are 3 to 5 years (2010: 3 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2011. No indications of impairment were found for intangible assets.

1.18 Taxation

The Tribunal is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

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

1.19 Foreign Currency

Transactions denominated in a foreign currency are converted at the exchange rate at the date of the transaction. Foreign currency receivables and payables are translated at the exchange rate current as at balance date. Associated currency gains and losses are not material.

1.20 Insurance

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

1.21 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the schedule of administered items and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards

Administered Cash Transfers to and from Official Public Account

Revenue collected by the Tribunal for use by the Government rather than the Tribunal is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the Tribunal on behalf of the Government and reported as such in the statement of cash flows in the schedule of administered items and in the administered reconciliation table in Note 19. Thus the schedule of administered items largely reflects the Government’s transactions, through the Tribunal, with parties outside the Government.

Notes to and forming part of the financial statements

Administered Revenue and Expenses

The major financial activities of the Tribunal are the collection of fees payable on lodging with the Tribunal of an application for a review of a decision, other than in income maintenance matters. On matters other than income maintenance, applicants may apply for a waiver of the fee under regulation 19(6) of the *Administrative Appeals Tribunal Regulations 1976*.

Applications deemed to be successful may result in a refund of the fee paid.

Fees are refunded in whole if the proceedings terminate in a manner favourable to the applicant except for Small Taxation Claims Tribunal applications where a smaller once-only fee is payable irrespective of the outcome of the decision.

Note 2: Events after the Reporting Period

No matter or circumstance has occurred subsequent to year end that has significantly affected, or may significantly affect, the operations of the Tribunal, the results of those operations or the state of affairs of the Tribunal in subsequent financial years.

Note 3: Expenses

	2011 \$'000	2010 \$'000
<u>Note 3A: Employee benefits</u>		
Wages and salaries	16,461	16,795
Superannuation		
Defined contribution plans	1,965	2,065
Defined benefit plans	811	755
Leave and other entitlements	2,282	1,523
Separation and redundancies	53	-
Total employee benefits	21,572	21,138
<u>Note 3B: Suppliers</u>		
Goods and services		
General suppliers	5,027	5,308
Other property costs	2,361	2,442
Total goods and services	7,388	7,750
Goods and Services are made up of:		
Provision of goods - related entities	-	-
Provision of goods - external entities	368	461
Rendering of services - related entities	451	307
Rendering of services - external entities	6,569	6,982
Total goods and services	7,388	7,750
Other supplier expenses		
Operating lease rentals:		
Minimum lease payments	5,383	4,539
Workers compensation expenses	104	103
Total other supplier expenses	5,487	4,642
Total supplier expenses	12,875	12,392

Notes to and forming part of the financial statements

	2011 \$'000	2010 \$'000
<u>Note 3C: Depreciation and Amortisation</u>		
Depreciation:		
Leasehold improvements, plant and equipment	1,589	1,534
Total depreciation	1,589	1,534
Amortisation:		
Intangibles:		
Computer software	211	128
Total amortisation	211	128
Total depreciation and amortisation	1,800	1,662

Note 3D: Write down and impairment of assets

Revaluation decrement – non-financial assets	-	13
Total write-down and impairment of assets	-	13

Note 3E: Losses from assets sales

Plant and equipment		
Proceeds from sale	-	-
Carrying value of assets sold	18	-
Selling expense	-	-
Total losses from assets sales	18	-

Note 4: Income**OWN-SOURCE REVENUE****Note 4A: Sale of Goods and Rendering of Services**

Rendering of services - related entities	777	723
Rendering of services - external entities	339	399
Total sale of goods and rendering of services	1,116	1,122

GAINS**Note 4B: Other gains**

Resources received free of charge	37	37
Liabilities assumed by other departments	207	224
Total other gains	244	261

REVENUE FROM GOVERNMENT**Note 4C: Revenue from Government**

Appropriations:		
Departmental appropriation	32,732	32,772
Total revenue from government	32,732	32,772

Notes to and forming part of the financial statements

	2011 \$'000	2010 \$'000
Note 5: Financial Assets		
<u>Note 5A: Cash and cash equivalents</u>		
Cash on hand or on deposit	98	726
Total cash and cash equivalents	98	726
<u>Note 5B: Trade and Other receivables</u>		
Goods and services – related entities	100	50
Goods and services – external parties	28	6
Total receivables for goods and services	128	56
Appropriations receivable:		
For existing programs	9,600	8,021
Total appropriations receivable	9,600	8,021
Other receivables:		
GST receivable from the Australian Taxation Office	231	216
Total other receivables	231	216
Total trade and other receivables (Net)	9,959	8,293

No impairment has been recognised in 2011 (2010:Nil).

Receivables are expected to be recovered in:

No more than 12 months	9,959	8,293
More than 12 months	-	-
Total trade and other receivables (net)	9,959	8,293

Receivables are aged as follows:

Not overdue	9,948	8,277
Overdue by:		
0 to 30 days	8	15
31 to 60 days	2	-
61 to 90 days	1	1
More than 90 days	-	-
	11	16
Total receivables (gross)	9,959	8,293

Note 6: Non-Financial Assets**Note 6A: Leasehold Improvements**

Leasehold improvements:

Fair value	5,587	6,642
Accumulated depreciation	-	-
Total leasehold improvements	5,587	6,642

No indicators of impairment were found for leasehold improvements.

No leasehold improvements are expected to be sold or disposed of within the next 12 months.

Notes to and forming part of the financial statements

	2011	2010
	\$'000	\$'000
Note 6B: Plant and Equipment		
Plant and equipment		
Fair value	1,633	1,448
Accumulated depreciation	-	-
Total plant and equipment	1,633	1,448

No indicators of impairment were found for plant and equipment.
No plant and equipment is expected to be sold or disposed of within 12 months.

Revaluations of non-financial assets

All revaluations are in accordance with the revaluation policy stated in Note 1.16. On 30 June 2011, an independent valuer, Australian Valuation Office, conducted the revaluations.

A revaluation increment of \$92,803 for leasehold improvements was credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet (2010 increment \$262,880).

A revaluation increment of \$30,625 for plant and equipment was credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet (2010 decrement \$12,596).

Note 6C: Reconciliation of the Opening and Closing Balances of Leasehold Improvements, Plant and Equipment (2010-11)

	Leasehold	Plant and	Total
	Improvements	Equipment	
	\$'000	\$'000	\$'000
As at 1 July 2010			
Gross book value	6,642	1,448	8,090
Accumulated depreciation and impairment	-	-	-
Net book value 1 July 2010	6,642	1,448	8,090
Additions*	65	549	614
Revaluations and impairments recognised in other comprehensive income	93	30	123
Revaluations and impairment recognised in the operating result	-	-	-
Depreciation expense	(1,213)	(376)	(1,589)
Disposals:			
Other	-	(18)	(18)
Net book value 30 June 2011	5,587	1,633	7,220
Net book value as at 30 June 2011 represented by:			
Gross book value	5,587	1,633	7,220
Accumulated depreciation and impairment	-	-	-
	5,587	1,633	7,220

*Disaggregated additions information is disclosed in the schedule of asset additions.

Notes to and forming part of the financial statements**Note 6C (Cont'd) : Reconciliation of the Opening and Closing Balances of Leasehold Improvements, Plant and Equipment (2009-10)**

	Leasehold Improvements	Plant and Equipment	Total
	\$'000	\$'000	\$'000
As at 1 July 2009			
Gross book value	7,343	1,379	8,722
Accumulated depreciation/amortisation and impairment	-	-	-
Net book value 1 July 2009	7,343	1,379	8,722
Additions*	180	472	652
Revaluations and impairments recognised in other comprehensive income	263	-	263
Revaluations and impairment recognised in the operating result	-	(13)	(13)
Depreciation expense	(1,144)	(390)	(1,534)
Disposals:			
other disposals	-	-	-
Net book value 30 June 2010	6,642	1,448	8,090
Net book value as at 30 June 2010 represented by:			
Gross book value	6,642	1,448	8,090
Accumulated depreciation and impairment	-	-	-
	6,642	1,448	8,090

*Disaggregated additions information is disclosed in the schedule of asset additions.

	2011 \$'000	2010 \$'000
Note 6D: Intangibles		
Computer software		
Purchased	1,863	1,653
Accumulated amortisation	(1,434)	(1,223)
Total computer software	429	430
Total intangibles	429	430

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

Notes to and forming part of the financial statements**Note 6E : Reconciliation of the opening and closing balances of Intangibles (2010-11)**

Item	Computer software purchased \$'000	Total \$'000
As at 1 July 2010		
Gross book value	1,653	1,653
Accumulated amortisation and impairment	(1,223)	(1,223)
Net book value 1 July 2010	430	430
Additions*	210	210
Amortisation	(211)	(211)
Write-off		
Gross value of assets written off	(873)	(873)
Accumulated depreciation	873	873
Net book value 30 June 2011	429	429
Net book value as of 30 June 2011 represented by:		
Gross book value	990	990
Accumulated amortisation and impairment	(561)	(561)
	429	429

*Disaggregated additions information is disclosed in the schedule of asset additions.

Note 6E (Cont'd): Reconciliation of the opening and closing balances of intangibles (2009-10)

Item	Computer software purchased \$'000	Total \$'000
As at 1 July 2009		
Gross book value	1,399	1,399
Accumulated amortisation and impairment	(1,098)	(1,098)
Net book value 1 July 2009	301	301
Additions*	257	257
Amortisation	(128)	(128)
Write-off		
Gross value of assets written off	(3)	(3)
Accumulated depreciation	3	3
Net book value 30 June 2010	430	430
Net book value as of 30 June 2010 represented by:		
Gross book value	1,653	1,653
Accumulated amortisation and impairment	(1,223)	(1,223)
	430	430

*Disaggregated additions information is disclosed in the schedule of asset additions.

Notes to and forming part of the financial statements

	2011 \$'000	2010 \$'000
<u>Note 6F: Other non-financial assets</u>		
Prepayments	495	1,619
Total other non-financial assets	495	1,619

All other non-financial assets are current assets.
No indicators of impairment were found for other non-financial assets.

Total other non-financial assets – are expected to be recovered in:

No more than 12 months	495	1,619
More than 12 months	-	-
Total other non-financial assets	495	1,619

Note 7: Payables**Note 7A: Suppliers**

Trade creditors and accruals	1,177	1,117
Total supplier payables	1,177	1,117

Supplier payables expected to be settled within 12 months:

Related entities	26	94
External parties	1,151	1,023
Total supplier payables	1,177	1,117

Settlement is usually made within 30 days.

Note 8: Non-Interest Bearing Liabilities**Note 8A: Other non-interest bearing liabilities**

Lease incentives	837	778
Total other non-interest bearing liabilities	837	778

Non-interest bearing liabilities are expected to be settled in:

No more than 12 months	15	182
More than 12 months	822	596
Total non-interest bearing liabilities	837	778

Notes to and forming part of the financial statements

	2011 \$'000	2010 \$'000
Note 9: Provisions		
<u>Note 9A: Employee provisions</u>		
Leave	4,684	4,394
Other	1,398	1,496
Total employee provisions	6,082	5,890
Employee provisions are expected to be settled in:		
No more than 12 months	5,408	5,390
More than 12 months	674	500
Total employee provisions	6,082	5,890
<u>Note 9B: Other provisions</u>		
Provision for restoration obligations	420	385
Total other provisions	420	385
Other provisions are expected to be settled in:		
No more than 12 months	-	-
More than 12 months	420	385
Total other provisions	420	385
	Provision for restoration \$'000	Total \$'000
Carrying amount 1 July 2010	385	385
Additional provisions made	35	35
Amount used	-	-
Amounts reversed	-	-
Unwinding of discount or change in the discount rate	-	-
Closing balance 2011	420	420

The Tribunal currently has two agreements for the leasing of premises which have provisions requiring the Tribunal to restore the premises to their original condition at the conclusion of the lease. The Tribunal has made a provision to reflect the present value of this obligation.

Notes to and forming part of the financial statements**Note 10: Cash Flow Reconciliation**

Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement	2011 \$'000	2010 \$'000
Report cash and cash equivalents as per:		
Cash Flow Statement	98	726
Balance Sheet	98	726
Difference	-	-
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(34,905)	(33,822)
Add revenue from Government	32,732	32,772
Adjustments for non-cash items		
Depreciation/amortisation	1,800	1,662
Net write-down of non-financial assets	-	13
Loss on disposal of assets	18	-
Changes in assets/liabilities		
(Increase)/decrease in net receivables	(1,666)	1,415
(Increase)/decrease in prepayments	1,124	314
Increase/(decrease) in employee provisions	192	26
Increase/(decrease) in supplier payables	60	(145)
Increase/(decrease) in other payable	59	(124)
Net cash from/(used by) operating activities	(586)	2,111

Note 11: Contingent Liabilities and Assets**Quantifiable Contingencies**

At 30 June 2011, the Tribunal had no quantifiable contingent liabilities (2010: Nil).

Unquantifiable or Remote Contingencies

At 30 June 2011, the Tribunal had not identified any unquantifiable or remote contingencies (2010: Nil).

Notes to and forming part of the financial statements**Note 12: Senior Executive Remuneration**

<u>Note 12A: Senior Executive Remuneration</u>	2011	2010
<u>Expense for the Reporting Period</u>	<u>\$'000</u>	<u>\$'000</u>
Short-term employee benefits:		
Salary	433,995	287,245
Annual leave accrued	36,165	822
Performance bonuses	10,997	10,315
Motor vehicle and other allowances	121,590	63,635
Total short-term employee benefits	<u>602,747</u>	<u>362,017</u>
Post-employment benefits:		
Superannuation	65,570	41,975
Total post-employment benefits	<u>65,570</u>	<u>41,975</u>
Other long term benefits		
Long-service leave	10,850	-
Total other long term benefits	<u>10,850</u>	<u>-</u>
Total	<u>679,167</u>	<u>403,992</u>

During the year the entity did not pay any termination benefits to senior executives (2010: Nil).

Notes:

- Note 12A was prepared on an accrual basis (so the performance bonus expenses disclosed above differ from the cash 'Bonus paid' in Note 12B).
- Note 12A excludes acting arrangements and part-year service where remuneration expensed for a senior executive was less than \$150,000.

Notes to and forming part of the financial statements

Note 12B: Average Annual Remuneration Packages and Bonus for Senior Executives as at the end of the Reporting Period

Fixed Elements and Bonus Paid ¹	As at 30 June 2011				As at 30 June 2010			
	Senior Executive		Fixed Elements		Senior Executive		Fixed Elements	
	No.	Salary	Allowances	Total	No.	Salary	Allowances	Total
Total remuneration (including part-time arrangements):								
\$150,000 to \$179,999	2	119,496	36,444	159,940	2	143,623	31,818	175,441
\$240,000 to \$269,999	1	195,004	48,702	243,706				
Total	3				2			
								5,156

Notes:

1. This table reports substantive senior executives who were employed by the entity at the end of the reporting period. Fixed elements were based on the employment agreement of each individual. Each row represents an average annualised figure (based on headcount) for the individuals in that remuneration package band (i.e. the 'Total' column).
2. This represents average actual bonuses paid during the reporting period in that remuneration package band. The 'Bonus paid' was excluded from the 'Total' calculation, (for the purpose of determining remuneration package bands). The 'Bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

Notes to and forming part of the financial statements

Variable Elements:

With the exception of bonuses, variable elements were not included in the 'Fixed Elements and Bonus Paid' table above. The following variable elements were available as part of senior executives' remuneration package:

- (a) Bonuses were based on the performance rating of each individual. The maximum bonus that an individual could receive was 10 per cent of his/her base salary.
- (b) On average senior executives were entitled to the following leave entitlements:
 - Annual Leave (AL): entitled to 20 days (2010: 20 days) each full year worked (pro-rata for part-time SES);
 - Personal Leave (PL): entitled to 20 days (2010: 20 days) or part-time equivalent; and
 - Long Service Leave (LSL): in accordance with Long Service Leave (Commonwealth Employees) Act 1976.
- (c) Senior executives were members of one of the following superannuation funds:
 - Commonwealth Superannuation Scheme (CSS): this scheme is closed to new members, and employer contributions were averaged 21.1 per cent (2010: 24.2 per cent) (including productivity component). More information on CSS can be found at <http://www.css.gov.au>; or the
 - Public Sector Superannuation Scheme (PSS): this scheme is closed to new members, with current employer contributions were set at 15.4 per cent (2010: 15.4 per cent) (including productivity component). More information on PSS can be found at <http://www.pss.gov.au>.
- (d) Various salary sacrifice arrangements were available to senior executives including superannuation, motor vehicle and expense payment fringe benefits.

Note 12C: Other Highly Paid Staff

During the reporting period, there were 19 additional employees (2010: 19 employees) whose salary plus performance bonus were \$150,000 or more. This was calculated by reference to the gross payments line of the group certificate. These employees were employed in a judicial role and were therefore not disclosed as senior executives in Note 12A and Note 12B.

Note 13: Remuneration of Auditors

	2011	2010
	\$'000	\$'000
Financial statement audit services were provided free of charge to the Tribunal.	<u> </u>	<u> </u>
The fair value of the audit services provided was:	<u> 37 </u>	<u> 37 </u>
	<u> 37 </u>	<u> 37 </u>

No other services were provided by the auditors of the financial statements.

Note 14: Financial Instruments

Note 14A: Categories of financial instruments

Financial assets

Loans and receivables		
Cash and cash equivalents	98	726
Trade receivables	128	56
Carrying amount of financial assets	<u> 226 </u>	<u> 782 </u>

Financial liabilities

Fair value through profit and loss (designated)		
Payables - suppliers	1,177	1,117
Carrying amount of financial liabilities	<u> 1,177 </u>	<u> 1,117 </u>

Notes to and forming part of the financial statements**Note 14B: Net income and expense from financial assets**

The Tribunal had no income or expense in relation to financial assets in the year ending 2011 (2010: Nil).

Note 14C: Net income and expense from financial liabilities

The Tribunal had no income or expense in relation to financial liabilities in the year ending 2011 (2010: Nil).

Note 14D: Credit risk

The Tribunal is exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total amount of trade receivables (2011: \$127,970 and 2010: \$55,130). The Tribunal has assessed the risk of the default on payment and has allocated nil in 2011 (2010: Nil) to an impairment allowance account.

The Tribunal manages its credit risk by limiting the extension of credit to customers, acting promptly to recover past due amounts and withholding credit from defaulting customers until accounts are returned to normal terms. In addition, the Tribunal has policies and procedures that guide employees debt recovery activities including the use of debt collection agents if required.

The Tribunal has no significant exposures to any concentrations of credit risk with particular customers and does therefore not require collateral to mitigate against credit risks.

Credit quality of financial instruments not past due or individually determined as impaired.

	Not Past Due Nor Impaired 2011 \$'000	Not Past Due Nor Impaired 2010 \$'000	Past Due or Impaired 2011 \$'000	Past Due or Impaired 2010 \$'000
Loans and receivables				
Cash and cash equivalents	98	726	-	-
Trade receivables	117	40	11	16
Total	215	766	11	16

Ageing of financial assets that are past due but not impaired for 2011

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Trade receivables	8	2	1	-	11
Total	8	2	1	-	11

Ageing of financial assets that are past due but not impaired for 2010

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Trade receivables	15	-	1	-	16
Total	15	-	1	-	16

Notes to and forming part of the financial statements**Note 14E: Liquidity risk**

The Tribunal's financial liabilities are supplier payables. The exposure to liquidity risk is based on the notion that the Tribunal will encounter difficulty in meeting its obligations associated with financial liabilities. This is highly unlikely due to appropriation funding and mechanisms available to the Tribunal (e.g. Advance to the Finance Minister) and internal policies and procedures put in place to ensure there are appropriate resources to meet its financial obligations. The Tribunal is appropriated funding from the Australian Government and manages its budgeted funds to ensure it is able to meet payments as they fall due. Policies are in place to ensure timely payment are made when due and there have been no past experience of defaults.

Maturities for non-derivative financial liabilities 2011:

	On demand \$'000	Within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Other liabilities						
Suppliers	-	1,177	-	-	-	1,177
Total	-	1,177	-	-	-	1,177

Maturities for non-derivative financial liabilities 2010

	On demand \$'000	Within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Other liabilities						
Suppliers	-	1,117	-	-	-	1,117
Total	-	1,117	-	-	-	1,117

The entity had no derivative financial liabilities in either the current or prior year.

Note 14F: Market risk

The Tribunal holds basic financial instruments that do not expose it to certain market risks. The Tribunal is not exposed to 'Currency risk', 'Interest rate risk' or 'Other price risk'.

Notes to the Schedule of Administered Items**Note 15: Income Administered on Behalf of the Government**

	2011 \$'000	2010 \$'000
Non-Taxation Revenue		
<u>Note 15A: Fees and Fines</u>		
Filing fees	626	519
Total revenue	<u>626</u>	<u>519</u>

Note 16: Expenses Administered on Behalf of the Government

	2011 \$'000	2010 \$'000
<u>Note 16A: Other Expenses</u>		
Refund of filing fees	303	427
Total expenses	<u>303</u>	<u>427</u>

Notes to and forming part of the financial statements**Note 17: Assets Administered on Behalf of the Government**

There were no administered assets as at 30 June 2011 (2010: Nil).

Note 18: Liabilities Administered on Behalf of the Government

There were no administered liabilities as at 30 June 2011 (2010: Nil).

Note 19: Administered Reconciliation Table

	2011	2010
	\$'000	\$'000
Opening administered assets less administered liabilities as at 1 July	-	-
Plus: Administered income	626	519
Less: Administered expenses	(303)	(427)
Administered transfers to/from Australian Government:		
Appropriation transfers from OPA:		
Special appropriations (unlimited)	303	427
Transfers to OPA	(626)	(519)
Closing administered assets less administered liabilities as at 30 June	-	-

Note 20: Administered Contingent Assets and Liabilities

There were no administered contingent assets or liabilities as at 30 June 2011 (2010: Nil).

Note 21: Administered Investments

There were no administered investments as at 30 June 2011 (2010: Nil).

Note 22: Administered Financial Instruments

There were no administered financial instruments as at 30 June 2011 (2010: Nil).

Notes to and forming part of the financial statements

Note 23: Appropriations

Table A: Annual Appropriations ('Recoverable GST exclusive')

	2011 Appropriations							Appropriation applied in 2011 (current and prior years) \$'000	Variance \$'000
	Appropriation Act		FMA Act			Total Appropriation \$'000			
	Annual Appropriations \$'000	Appropriations Reduced ^(a) \$'000	AFM ^(b) \$'000	Section 30 \$'000	Section 31 \$'000		Section 32 \$'000		
DEPARTMENTAL									
Ordinary annual services ^(c)	32,732	-	-	32	1,029	-	33,793	(32,800)	993
Other services	747	-	-	-	-	-	747	(789)	(42)
Equity ^(d)	-	-	-	-	-	-	-	-	-
Loans	-	-	-	-	-	-	-	-	-
Total Departmental	33,479	-	-	32	1,029	-	34,540	(33,589)	951
ADMINISTERED									
Ordinary annual services	-	-	-	-	-	-	-	-	-
Other services	-	-	-	-	-	-	-	-	-
Total Administered	-	-	-	-	-	-	-	-	-

Notes:

- (a) Appropriations reduced under Appropriation Acts (No. 1,3,5) 2010-11: sections 10, 11, 12 and 15 and under Appropriation Acts (No. 2,4,6) 2010-11: sections 12,13, 14 and 17. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. There is no reduction for the Tribunal.
- (b) Advance to the Finance Minister (AFM) - Appropriation Acts (No. 1,3,5) 2010-11: section 13 and Appropriation Acts (No. 2,4,6) 2010-11: section 15.
- (c) Variance substantially attributable to reduction in cash and cash equivalents.
- (d) Variance attributable to timing of asset acquisitions.

Notes to and forming part of the financial statements**Table A (Cont'd) : Annual Appropriations ('Recoverable GST exclusive')**

	2010 Appropriations							Appropriation applied in 2010 (current and prior years) \$'000	Variance \$'000
	<i>Appropriation Act</i>		<i>FMA Act</i>				Total Appropriation \$'000		
	Annual Appropriations \$'000	Appropriations Reduced ^(a) \$'000	AFM ^(b) \$'000	Section 30 \$'000	Section 31 \$'000	Section 32 \$'000			
DEPARTMENTAL Ordinary annual services ^(c) Other services Equity ^(d) Loans	32,772	-	-	474	1,088	-	34,334	(34,581)	(247)
Total Departmental	32,772	(976)	-	474	1,088	-	(976)	-	(976)
ADMINISTERED Ordinary annual services Other services	-	-	-	-	-	-	33,358	(34,581)	(1,223)
Total Administered	-	-	-	-	-	-	-	-	-

Notes:

- (a) Appropriations reduced under Appropriation Acts (No. 1,3,5) 2009-10; sections 10, 11, 12 and 15 and under Appropriation Acts (No. 2,4,6) 2009-10; sections 12,13, 14 and 17. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. There is no reduction for the Tribunal.
- (b) Advance to the Finance Minister (AFM) - Appropriation Acts (No. 1,3) 2009-10; section 13 and Appropriation Acts (No. 2,4) 2009-10; section 15.
- (c) Variance substantially attributable to increase in cash and cash equivalents.
- (d) Return of unspent prior years' depreciation funding.

Notes to and forming part of the financial statements

Table B: Unspent Departmental Annual Appropriations ('Recoverable GST exclusive')

Authority	2011 \$'000	2010 \$'000
Appropriation Act (No.1) 2009-10	-	8,021
Appropriation Act (No.1) 2010-11	9,600	-
Total	9,600	8,021

Table C: Special Appropriations ('Recoverable GST exclusive')

The Administrative Appeals Tribunal has recently become aware that there is an increased risk of non-compliance with Section 83 of the Constitution where payments are made from special appropriations and special accounts in circumstances where the payments do not accord with conditions included in the relevant legislation.

The Tribunal will investigate these circumstances and any impact on its special appropriations shown below, seeking legal advice as appropriate.

Authority	Type	Purpose	2011 \$'000	2010 \$'000
Financial Management and Accountability Act 1997 s.28(2), Administered	Refund	To provide an appropriation where an Act or other law requires or permits the repayment of an amount received by the Commonwealth and apart from this section there is no specific appropriation for the repayment.	303	427
Total			303	427

Note 24: Special Accounts

Other Trust Monies	2011 \$'000	2010 \$'000
Appropriation: Financial Management and Accountability Act section 20		
Establishing Instrument: Financial Management and Accountability Act 1997		
Purpose: For expenditure of monies temporarily held on trust or otherwise for the benefit of a person other than the Commonwealth.		
Balance brought forward from previous period	-	-
Appropriation for reporting period	-	-
Other receipts	-	-
Total Increase	-	-
Available for payment	-	-
Payments made	-	-
Total decrease	-	-
Total balance carried to next period	-	-

Notes to and forming part of the financial statements**Note 25: Compensation and Debt Relief**

	2011	2010
	\$	\$
Compensation and Debt Relief - Administered		
No 'Act of Grace' payments were expensed during the reporting period (2010:nil).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997 (2010:nil).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2010: nil).	-	-
No ex gratia payments were provided during the reporting period (2010: nil).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act during the reporting period (2010:nil)	-	-
Compensation and Debt Relief - Departmental		
No 'Act of Grace' payments were expensed during the reporting period (2010:nil).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997 (2010:nil).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2010: nil).	-	-
No ex gratia payments were provided during the reporting period (2010: nil).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act during the reporting period (2010:nil)	-	-

Notes to and forming part of the financial statements

Note 26: Reporting of Outcomes

The Tribunal has only one outcome which is described in note 1.1.

Note 26A: Net Cost of Outcome Delivery

	Total Outcome 1	
	2011 \$'000	2010 \$'000
Expenses		
Administered	303	427
Departmental	36,265	35,205
Total	36,568	35,632
Income from non-government sector		
Administered		
Activities subject to cost recovery	-	-
Other	-	-
Total administered	-	-
Departmental		
Activities subject to cost recovery	-	-
Other	339	399
Total departmental	339	399
Total	339	399
Other own-source income		
Administered	626	519
Departmental	777	723
Total	1,403	1,242
Net cost/(contribution) of outcome delivery	34,826	33,991

Note 26B: Major Classes of Administered Revenues and Expenses by Outcomes.

The Tribunal has only one output group which is described in note 1.1.

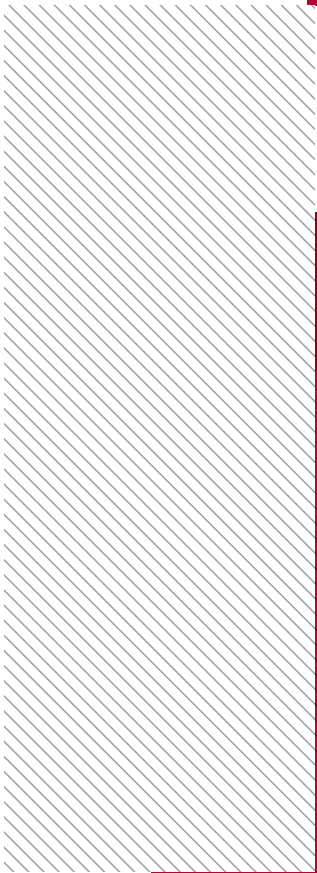
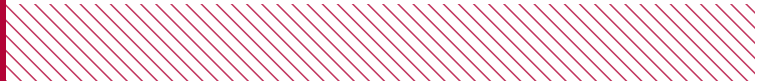
	Total Outcome 1	
	2011 \$'000	2010 \$'000
Administered expenses		
Refund of filing fees	(303)	(427)
Total	(303)	(427)
Administered income		
Filing fees	626	519
Total	626	519

The Tribunal does not have any administered assets or liabilities as at 30 June 2011 (2010:nil)

Notes to and forming part of the financial statements**Note 27: Comprehensive Income (Loss) attributable to the entity**

	2011	2010
	\$'000	\$'000
Total Comprehensive Income attributable to the entity	_____	_____
Total comprehensive income (loss) attributable to the Australian Government*	(2,050)	(787)
Plus: non-appropriated expenses		
Depreciation and amortisation expenses	1,800	-
Total comprehensive income (loss) attributable to the Tribunal	_____	_____
	(250)	(787)

* As per the statement of comprehensive income



APPENDIXES



APPENDIX 1: MEMBERS OF THE TRIBUNAL

Tribunal members, 30 June 2011

President The Honourable Justice GK Downes AM

New South Wales

Presidential members

Federal Court The Honourable Justice ACB Bennett AO
 The Honourable Justice RF Edmonds
 The Honourable Justice RJ Buchanan
 The Honourable Justice JM Jagot

Deputy Presidents Mr J Block
 The Honourable BJM Tamberlin QC
 Mr RP Handley

Non-presidential members

Senior Members Mr MD Allen (G,S,T,V)
 Ms G Ettinger (G,S,T,V)
 Ms NP Bell (G,S,V)
 Ms N Isenberg (G,S,V)
 Mr PW Taylor SC (G,T,V)
 Ms JF Toohey (G,V)
 Ms AK Britton (G,V)
 Mr SE Frost (G,T,V)
 Mr D Letcher QC (G,T,V)
 Ms JL Redfern (G,T,V)

Members Dr IS Alexander (G,V)
 Air Vice-Marshal Dr TK Austin (G,V)
 Dr H Haikal-Mukhtar (G,V)
 Dr TJ Hawcroft (G,V)
 Mr TC Jenkins (G,T,V)
 Professor GAR Johnston AM (G,V)
 Mr IW Laughlin (G,T)
 Dr TM Schafer (G,V)
 Professor TM Sourdin (G,V)
 Dr MEC Thorpe (G,V)
 Dr SH Toh (G,V)

Notes

Presidential members and Senior Members are listed by date of appointment, Members are listed alphabetically.

Presidential members may exercise the powers of the Tribunal in all of the Tribunal's divisions. Senior Members and Members may exercise the powers of the Tribunal only in the divisions to which they have been assigned.

The divisions to which Senior Members and Members have been assigned are indicated as follows:

G General Administrative Division S Security Appeals Division
 T Taxation Appeals Division V Veterans' Appeals Division

Victoria

Presidential members

Federal Court	The Honourable Justice PRA Gray The Honourable Justice SC Kenny The Honourable Justice JE Middleton
Family Court	The Honourable Justice N Mushin
Deputy Presidents	Miss SA Forgie Mr JW Constance

Non-presidential members

Senior Members	Mr JR Handley (G,T,V) Mr GD Friedman (G,S,V) Mr FD O'Loughlin (G,T,V) Mr E Fice (G,T,V)
Members	Dr R Blakley (G,V) Dr KJ Breen AM (G,V) Brigadier C Ermert (Rtd) (G,V) Dr GL Hughes (G,T,V) Dr RJ McRae (G,V) Ms RL Perton OAM (G,S,V) Miss EA Shanahan (G,V)

Queensland

Presidential members

Federal Court	The Honourable Justice AP Greenwood The Honourable Justice JA Logan
Deputy Presidents	Mr PE Hack SC The Honourable Dr B McPherson CBE

Non-presidential members

Senior Members	Mr BJ McCabe (G,T,V) Associate Professor PM McDermott RFD (G,T,V) Dr KStC Levy RFD (G,T,V) Mr SA Karas AO (G,S,V) Mr RG Kenny (G,T,V)
Members	Dr ML Denovan (G,V) Dr GJ Maynard, Brigadier (Rtd) (G,V) Associate Professor JB Morley RFD (G,V) Dr PL Wulf (G)

South Australia

Presidential members

Federal Court	The Honourable Justice BT Lander The Honourable Justice JR Mansfield
Family Court	The Honourable Justice CE Dawe
Deputy President	Mr DG Jarvis

Non-presidential members

Senior Members	Mr RW Dunne (G,T,V) Ms K Bean (G,T,V)
Members	Professor D Ben-Tovim (G,V) Professor PL Reilly AO (G,V)

Western Australia

Presidential members

Federal Court	The Honourable Justice AN Siopis The Honourable Justice ML Barker
Deputy Presidents	Mr SD Hotop The Honourable RD Nicholson AO

Non-presidential members

Senior Members	Mr S Penglis (G,T,V) Mr A Sweidan (G,T,V) Ms CR Walsh (G,T,V)
Members	Dr JL Chaney (G,V) Mr WG Evans (G,V) Dr ARL Frazer (G,V) Ms KL Hogan (G,T,V) Brigadier AG Warner AM LVO (Rtd) (G,S,V)

Tasmania

Presidential members

Family Court	The Honourable Justice RJC Benjamin
Deputy President	The Honourable RJ Groom AO

Non-presidential members

Senior Member	Ms AF Cunningham (G,T,V)
Member	Dr RJ Walters (G,V)

Australian Capital Territory

Presidential members

Family Court The Honourable Justice MM Finn

Non-presidential members

Senior Member Professor RM Creyke (G,V)
 Members Air Vice-Marshal F Cox AO (Rtd) (G,V)
 Dr B Hughson (G,V)
 Mr MG Hyman (G)
 Mr S Webb (G,T,V)
 Dr P Wilkins (G,V)

Appointments and cessations, 2010–11

New appointments

The Honourable Justice ML Barker
 The Honourable Justice JM Jagot
 The Honourable Justice SC Kenny
 The Honourable Justice JA Logan
 The Honourable Justice JR Mansfield
 The Honourable Justice JE Middleton
 Deputy President J Constance
 Member Professor D Ben-Tovim
 Member Dr B Hughson

Re-appointments

The Honourable Justice ACB Bennett AO
 The Honourable Justice RF Edmonds
 The Honourable Justice AP Greenwood
 The Honourable Justice BT Lander
 The Honourable Justice AN Siopis
 The Honourable Justice RJC Benjamin
 The Honourable Justice CE Dawe
 The Honourable Justice MM Finn
 The Honourable Justice N Mushin
 Deputy President J Block
 Deputy President PE Hack SC
 Deputy President DG Jarvis
 The Honourable RD Nicholson AO
 Senior Member MD Allen
 Senior Member AF Cunningham
 Senior Member N Isenberg
 Senior Member PW Taylor SC
 Member Dr KJ Breen AM
 Member Air Vice Marshal F Cox AO (Rtd)
 Member Dr ML Denovan
 Member Dr TJ Hawcroft
 Member TC Jenkins
 Member Professor PL Reilly AO
 Member Dr TM Schafer
 Member Dr SH Toh
 Member Dr RJ Walters
 Member Dr P Wilkins

Change to appointment

Mr MD Allen: from full-time Senior Member to part-time Senior Member.

Cessations

The Honourable Justice JEJ Spender
 The Honourable Justice JPO Barry
 Deputy President GL McDonald
 Senior Member MJ Carstairs
 Member Dr J Campbell
 Member D Connolly AM
 Member S Ellis AM
 Member Dr E Eriksen
 Member Dr M Miller AO AVM (Rtd)

MEMBER PROFILES¹

The Honourable Justice Garry Downes AM

BA LLB FCIArb

President

First appointed 2 April 2002; current appointment until 15 May 2012

Justice Downes was appointed a Judge of the Federal Court and President of the Administrative Appeals Tribunal in 2002. He is a judge of the Supreme Court of Norfolk Island. He is the immediate past President of the Association Internationale des Hautes Juridictions Administratives (International Association of Supreme Administrative Jurisdictions).

He was called to the Australian Bar in 1970 and appointed Queen's Counsel in 1983. He was also a member of the English Bar. His practice was concentrated on commercial law, administrative law and international arbitration.

Justice Downes is a past Chair of the Council of Australasian Tribunals and was a member of the Council of the Australasian Institute of Judicial Administration. He was Chairman of the Federal Litigation Section of the Law Council of Australia and Chairman of its Administrative Law Committee.

He has served international and national organisations in various capacities, including as President of the Union Internationale des Avocats (International Association of Lawyers), Founder and Patron of the Anglo–Australasian Lawyers' Society, Chairman of the Chartered Institute of Arbitrators Australia, Member of the International Court of Arbitration of the International Chamber of Commerce, Member of the Council of the NSW Bar Association and Chairman of the NSW Council of Law Reporting.

Dr Ion Alexander

MBBS (Hons) LLB FRACP FCICM

Part-time Member, NSW

First appointed 2 August 2004; current appointment until 25 October 2014

Ion Alexander is a Senior Staff Specialist at Sydney Children's Hospital at Randwick and was a Clinical Director from 2001 to 2008. He has been a member of the NSW Health Care Complaints Peer Review Panel since 1997 and was a member of the Professional Services Review Panel from 2001 to 2010.

Mason Allen RFD

Barrister-at-Law

Part-time Senior Member, NSW

First appointed 31 March 1988; current appointment until 1 December 2012

After admission in 1968, Mason Allen served with the Australian Army Legal Corps in South Vietnam and Papua New Guinea. He was a solicitor, Common Law, with Brisbane City Council from 1970 to 1973 when he was appointed Crown Counsel in the office of the Tasmanian Solicitor-General. He was appointed Senior Crown Counsel in 1978. In 1980, he returned to private practice at the Queensland Bar with a commission to prosecute in both the Supreme and District Courts. He was appointed as a Senior Member of the Veterans' Review Board in 1985, a Senior Member with tenure of the Tribunal in 1988, and a part-time Senior Member on 2 June 2011.

Air Vice-Marshal Dr Tony Austin

MBBS, MPH, FRACGP, FRACMA, DipAvMed, GAICD

Part-time Member, NSW

First appointed 26 October 2009; current appointment until 25 October 2014

Dr Tony Austin transferred to the Royal Australian Air Force Specialist Reserve in 2008, having served with the permanent RAAF since 1980. During that time he held clinical and administrative positions across Australia, Malaysia and the USA. Dr Austin was head of the tri-service Defence Health Services from 2002 until 2008. He is currently Chairman of the Board of the Remote Area Health Corps

¹ Profiles of judicial members, other than the President, are not included.

Ltd (providing locum health professionals to the remote Indigenous health clinics of the Northern Territory), Chairman of the National Advisory Committee on the Veterans and Veterans Families Counselling Service and an Examiner with the Royal Australasian College of Medical Administrators. Dr Austin is also an Adjunct Associate Professor, Faculty of Health Sciences at the University of Queensland.

Katherine Bean

BA LLB MA Grad Dip Leg Prac

Part-time Senior Member, SA

First appointed 7 December 2009; current appointment until 6 December 2014

Katherine Bean was admitted as a solicitor of the Supreme Court of New South Wales in 1990. She joined the office of the Australian Government Solicitor in Sydney the same year, and remained with the AGS, first in Sydney and later in Adelaide, until 2009 when she was appointed to the Tribunal. Immediately prior to her appointment she held the position of General Counsel with the AGS in Adelaide. Senior Member Bean has extensive administrative law experience and at the time of her appointment had practised in the Tribunal since 1996, including in the workers' compensation, social security, immigration and veterans' jurisdictions.

Narelle Bell

BA LLB

Full-time Senior Member, NSW

First appointed 1 July 2001; current appointment until 30 June 2014

Narelle Bell was appointed to the Tribunal as a full-time Member in 2001 and full-time Senior Member from 1 July 2004. She is a former legal member of the Social Security Appeals Tribunal (1994–2001), Judicial Member/Mediator with the New South Wales Administrative Decisions Tribunal (1994–2001), Consultant Reviewer with the Office of the Legal Services Commissioner (1995–2001), member of the Professional Standards Council of New South Wales and Western Australia, and legal policy consultant. She worked as a corporate counsel and legal adviser (part-time) for the New South Wales State Rail Authority

in 1994–95. From 1988 until 1994, she worked as a policy officer and assistant director in the Legislation and Policy Division of the New South Wales Attorney-General's Department. Prior to this, she worked as a solicitor at the Anti-Discrimination Board (1986–88), the Redfern Legal Centre (1983–86) and for a private law firm (1982–83).

Senior Member Bell was the Tribunal's Mentoring Coordinator and a member of the Tribunal's Professional Development Committee during 2010–11.

Professor David Ben-Tovim

PhD, MBBS, MRCPsych, FRANZCP

Part-time Member, SA

First appointed 1 December 2010; current appointment until 30 November 2015

David Ben-Tovim is a Psychiatrist and Clinical Epidemiologist by background. He trained in medicine at the Middlesex Hospital in London, and in psychiatry and clinical epidemiology at St Georges University Hospital, and (as a Wellcome research fellow) at the Institute of Psychiatry, also in London. He worked for three years in Botswana developing a mental health service, in a program supported by the British Overseas Services Aide scheme and the World Health Organisation, before coming to Australia in 1984. He was Director of the Department of Psychiatry at the Repatriation General Hospital in Adelaide for a number of years, as well as Director of Mental Health Services for South Australia for several years in the late 1980s. He has been a World Health Organisation consultant on a number of occasions, and has an interest in the analysis and redesign of health service provision and has worked in that capacity with a number of health services in Australia and the Asia–Pacific region. He is a bachelor of Medicine and Surgery and a Doctor of Philosophy in London University, a Member of the Royal College of Psychiatrists in the United Kingdom, and a Fellow of the Royal Australasian and New Zealand College of Psychiatry. He is also a Professor in the Faculty of Health Sciences in Flinders University.

Dr Roslyn Blakley

Part-time Member, Vic

First appointed 1 June 2010; current appointment until 31 May 2015

Roslyn Blakley assumed responsibility as the Regional Health Director, Victoria and Tasmania with the Department of Defence in December 2010. Her previous experience in the Australian Regular Army includes acting as Director of Army Health at Australian Army Headquarters (2005–08) and Deputy Director of the Joint Health Support Agency (2002–04) in Canberra. She also performed numerous medical administrative and clinical appointments during her military career. Dr Blakley was awarded the Conspicuous Service Cross in the Queen’s Birthday Honours List in 2004 for outstanding achievements in the Australian Defence Force in the area of health administration. She holds a Bachelor of Medicine and Bachelor of Surgery from the University of Queensland, a Master of Health Administration from the University of New South Wales and is currently undertaking a Graduate Diploma in Health Law at the University of Sydney.

Julian Block

HDIPLaw HDIPTax LLM MTax

Part-time Deputy President, NSW

First appointed 9 August 1995; current appointment until 26 October 2011

Julian Block was originally admitted as a solicitor in South Africa and thereafter in the United Kingdom. He emigrated to Australia in March 1978 and joined Freehills in 1978, becoming a partner in 1980. He was appointed as a Senior Member of the Tribunal in 1995, full-time Deputy President in 2000 and a part-time Deputy President in 2001. He is a part-time Judicial Member of the New South Wales Administrative Decisions Tribunal. He is a part-time consultant to Morgan Lewis, Solicitors, and to Investec Bank. He is a member of the Executive of the Sydney International Piano Competition and the Wagner Society, and a patron of Opera Australia.

Dr Kerry Breen AM

MBBS MD FRACP

Part-time Member, Vic

First appointed 1 July 2006; current appointment until 1 December 2012

Kerry Breen is a consultant physician in gastroenterology. He has served as President of the Australian Medical Council and President of the Medical Practitioners Board of Victoria. From 2000 to 2006, he chaired the Australian Health Ethics Committee of the National Health and Medical Research Council. He currently holds an appointment as an Adjunct Professor in the Department of Forensic Medicine at Monash University. Since 2007 he has served as the Commissioner of Complaints for the National Health and Medical Research Council. He is co-author of “Good Medical Practice: Professionalism, Ethics and Law” published by Cambridge University Press in 2010.

Anne Britton

Full-time Senior Member, NSW

First appointed 26 October 2009; current appointment until 25 October 2014

Anne Britton is a former Deputy President of the NSW Administrative Decisions Tribunal (2006–09) and Judicial Member of the ADT (1999–06). She has also served as an arbitrator with the NSW Workers Compensation Commission, a Chair of the NSW Government and Related Employees Appeal Tribunal and a member of the Consumer Trader and Tenancy Tribunal. Ms Britton has lectured in media and entertainment law, most recently in the Masters program at the University of New South Wales. Ms Britton was a board member of the NSW Legal Aid Commission (to 2007) and is currently a member of the board of Sydney’s Belvoir Street Theatre.

Ms Britton was a member of the Tribunal’s Professional Development Committee in 2010–11. She is currently the Secretary of the National Executive of the Council of Australasian Tribunals and the Vice-Convenor of COAT’s New South Wales Chapter.

Dr John Campbell

MBBS DTM&H MHA LLB LLM FRACMA FAICD FAIM

*Part-time Member, NSW**First appointed 19 June 1991; appointment ceased 31 May 2011*

John Campbell served in the Australian Army between 1962 and 1980 and as a senior executive in NSW Health between 1980 and 1998. In subsequent years, Dr Campbell has been involved as a director with NRMA (until 2001) and Mercy Family Life Centre (until 2003) and as Chairman of MA International Ltd, a health management consultancy company.

Dr Campbell was a member of the Tribunal's Remuneration Committee in 2010–11.

Margaret Carstairs

BA (Hons) LLB

*Full-time Senior Member, Qld**First appointed 1 July 2001; appointment ceased 3 June 2011*

Margaret Carstairs was appointed as a full-time Member of the Tribunal in 2001 and as a full-time Senior Member in November 2006. Prior to her appointment to the Tribunal, she was the Executive Director of the Social Security Appeals Tribunal (2000–01) and was a Senior Member of the Social Security Appeals Tribunal in Brisbane for four years from 1996. She has extensive experience in administrative law within Australian Government departments and was Coordinator of the Welfare Rights Centre in Brisbane from 1994 to 1995. Senior Member Carstairs has lectured in public administration at the University of New England and has published in this area.

Dr Jan Chaney*Part-time Member, WA**First appointed 26 October 2009; current appointment until 25 October 2014*

Jan Chaney has been in general medical practice in Perth since 1980 and was a part-time Member of the Social Security Appeals Tribunal from 1989 to 1999. Prior to 1980, Dr Chaney was a resident medical officer in the Sir Charles Gairdner Hospital and the King Edward Memorial Hospital in WA.

David Connolly AM

BA (Syd) DipBS (Ceylon) FCPA (HM)

*Part-time Member, NSW**First appointed 24 August 2006; appointment ceased 31 May 2011*

David Connolly served as a career diplomat in Colombo, the United Nations New York and Tel Aviv before his election to the House of Representatives as the member for Bradfield from 1974 to 1996. He was a consultant with Phillips Fox Lawyers and a Commonwealth adviser to the South African Parliament until 1998 when he was appointed Australia's High Commissioner to South Africa, Namibia, Botswana, Lesotho and Swaziland. On his return to Australia in 2003, Mr Connolly was appointed a Trustee/Director of the CSS/PSS (now ARIA) superannuation schemes and chairman of Rice Warner Actuaries. He was also a director of the Braidwood Rural Lands Protection Board until 2009 and a part-time member of the Migration Review Tribunal and Refugee Review Tribunal.

Mr Connolly was a member of the Tribunal's Remuneration Committee in 2010–11.

James Constance

BA LLB (Hons)

*Full-time Deputy President, Vic**First appointed 9 December 2010; current appointment until 8 December 2015*

James Constance practised as a barrister and solicitor in the Australian Capital Territory and New South Wales from 1970 as an employed solicitor, sole practitioner and, for more than 22 years, as a partner in legal firms. Deputy President Constance graduated from the Australian National University with a Bachelor of Arts degree, a Bachelor of Laws with First Class Honours and the University Prize in Law in 1968. His legal experience encompasses administrative law, taxation law, employment law, family law, personal injury compensation, discrimination, wills and estates, mortgages and property, veterans' affairs, defamation, contracts, statutory interpretation, criminal law and coronial inquests.

Deputy President Constance was appointed as a Senior Member of the Tribunal in August 2004 and as a Deputy President on 9 December 2010. He has been the Executive Deputy President for Victoria since his appointment as a Deputy President and a member of the Tribunal's Executive Deputy Presidents Committee and the Practice and Procedure Committee.

Air Vice-Marshal Franklin (Frank) D Cox AO (Rtd)

Part-time Member, ACT

First appointed 24 August 2006; current appointment until 30 November 2015

Frank Cox trained with the Royal Australian Air Force as a pilot and held numerous flying and staff appointments during his military career. The last senior appointment he held was Assistant Chief of the Defence Force – Personnel. Air Vice-Marshal Cox is a graduate of the Royal College of Defence Studies (London) and the United States Air Force Air War College. After service with the RAAF, he worked as a consultant in human resource management. He was appointed to the Defence Force Remuneration Tribunal in 1999 and held the position of ex-service member for six years.

Professor Robin Creyke

Full-time Senior Member, ACT

First appointed 14 September 2009; current appointment until 31 August 2014

Robin Creyke holds a Master of Laws from the Australian National University, a Bachelor of Laws from the University of Western Australia and a Graduate Diploma in small group learning and teaching from the University of Western Sydney. She has been a Professor of Law at the Australian National University since 2002 and the Alumni Chair of Administrative Law since 2003. She has also

held the position of Integrity Adviser to the Australian Taxation Office, Commissioner of the Australian Capital Territory's Independent Competition and Review Commission, and was formerly a member of the Social Security Appeals Tribunal and the Nursing Homes and Hostels Review Panel for the ACT. Professor Creyke was a member of the Administrative Review Council.

Professor Creyke was the Executive Deputy President for the Australian Capital Territory during 2010–11. She was a member of the Tribunal's Executive Deputy Presidents Committee and the Practice and Procedure Committee.

Ann Cunningham

LLB (Hons) FAICD

Part-time Senior Member, Tas

First appointed 5 September 1995; current appointment until 1 December 2012

Ann Cunningham was appointed as a part-time Member of the Tribunal in 1995 and became a Senior Member on 1 July 2006. She is a Presiding Member of the Resource Management and Planning Appeal Tribunal and Chairperson of the Board of the Public Trustee. Senior Member Cunningham is an accredited mediator and arbitrator and has worked as a mediator for the Supreme Court of Tasmania and the Magistrates Court. She worked as a barrister and solicitor in private practice for a number of years. Between 1984 and 1999, she was a Deputy Registrar of the Family Court of Australia. Other positions held by Ms Cunningham include Deputy President of the Mental Health Tribunal and Complaints Commissioner with the University of Tasmania. She is a fellow of the Australian Institute of Company Directors (AICD) and a member of the AICD Director Advisory Panel and was recently appointed an Independent Merits Reviewer for the Department of Immigration and Citizenship.

Senior Member Cunningham was a member of the Tribunal's Alternative Dispute Resolution Committee in 2010–11.

Dr Marella Denovan

BSc MBBS FRACGP JD

*Part-time Member, Qld**First appointed 15 December 2005; current appointment until 30 November 2015*

Marella Denovan was a part-time medical adviser with the Department of Veterans' Affairs between 2000 and 2001 and a general practitioner in private practice between 1992 and 2001. Dr Denovan holds a Bachelor of Science from Griffith University (1984), a Bachelor of Medicine/Bachelor of Surgery from the University of Queensland (1990), and a Juris Doctor from the University of Queensland (2004). She was awarded Fellowship of the Royal Australian College of General Practitioners in 2000.

Rodney (Rod) Dunne

LLB FCPA

*Part-time Senior Member, SA**First appointed 15 June 2005; current appointment until 31 May 2015*

Rod Dunne was admitted as a barrister and solicitor of the Supreme Court of South Australia in October 1982 and is a qualified accountant. He continues to practise part time as a special counsel in the Adelaide commercial law firm Donaldson Walsh where he specialises in taxation and revenue law, superannuation and estate planning. He is a member of the Law Society of South Australia and a Fellow of the Taxation Institute of Australia.

Senior Member Dunne is a former lecturer and tutor in income tax law as part of the commerce degree. He is also a past lecturer and examiner in taxation administration as part of the Master of Legal Studies with the law school at the University of Adelaide.

Senior Member Dunne was a member of the Tribunal's Remuneration Committee in 2010–11.

Stuart Ellis AM

BA Grad Dip Mgt Stud Grad Dip Strtgc Stud

*Part-time Member, SA**First appointed 21 September 2006; appointment ceased 31 May 2011*

Stuart Ellis served with the Australian Army from 1975 to 1996. He was involved in a number of overseas deployments including to Somalia in 1994. He was subsequently appointed Chief Executive Officer of the Country Fire Service in South Australia before establishing his own consultancy business in 2002. Mr Ellis consults nationally on operational leadership and emergency management, including to the Australian Defence Force.

Dr Erik Eriksen

MBBS FRCS FRACS

*Part-time Member, SA**First appointed 17 October 2002; appointment ceased 28 December 2010*

From 1977 until 1998, Erik Eriksen was a medical consultant and consultant surgeon at the Ashford Hospital. In 1976, he was a visiting specialist in Accident and Emergency at the Royal Adelaide Hospital. Dr Eriksen spent 1973 in Tanzania as a consultant and orthopaedic surgeon at Williamson Diamond Mine. From 1967 to 1971, he gained experience in the speciality of neurosurgery in the United Kingdom and the United States of America. He was until recently involved in rehabilitative orthopaedic medicine as a rehabilitation consultant.

Brigadier Conrad Ermert (Rtd)

MSc FIEAust CPEng

*Part-time Member, Vic**First appointed 19 June 1991; current appointment until 31 May 2015*

Conrad Ermert is a practising engineering consultant. He had 31 years' service in the Australian Army including operational service in Vietnam in 1966–67. His areas of expertise were in engineering, logistics, guided weapons and personnel. He retired in the rank of Brigadier. From 1990 to 1995, he was the director of major capital projects for the Alfred Group of Hospitals before establishing his consultancy practice. His practice specialised

in energy supplies and emergency services to hospitals. Brigadier Ermert is the Chairman of AMOG Holdings, Chairman of the AIF Malayan Nursing Scholarship, a past Chairman of the Victoria Division, Institution of Engineers, Australia and Chairman of the Judges of the Institution's Excellence Awards 2003–09.

Brigadier Ermert was a member of the Tribunal's Alternative Dispute Resolution Committee in 2010–11.

Geri Ettinger

BA (Economics) LLB

Part-time Senior Member, NSW

First appointed 19 June 1991; current appointment until 25 October 2014

Geri Ettinger has worked both in the private and public sectors. She was Chief Executive of the Australian Consumers' Association, publisher of *CHOICE Magazine*, for more than 10 years and a long-serving member of the board of St George Bank.

Senior Member Ettinger has practised in alternative dispute resolution for more than 20 years in commercial, equity, personal injury, medical negligence, workers' compensation and workplace disputes, and at the Tribunal. She conducts ADR training, is a Specialist Accredited Mediator under the Law Society program, and nationally accredited pursuant to the National Mediator Accreditation System. She is a Mediator at the New South Wales Workers Compensation Commission.

Senior Member Ettinger is a member of the Medical Tribunal and chairs Professional Standards Committees on behalf of the Medical Council of New South Wales in relation to disciplinary action taken against medical practitioners. She has held appointments as a part-time member of the New South Wales Consumer, Trader and Tenancy Tribunal and its predecessors. She is Chair of the Specialist Accreditation Committee, Dispute Resolution of the New South Wales Law Society, and a member of the ADR Committee of the Law Council of Australia.

In 2010–11, Senior Member Ettinger was a member of the Tribunal's Alternative Dispute Resolution Committee and a coordinator of the

professional development program for Tribunal members in Sydney.

Warren Evans

Grad Dip Logistics Mngt Cert Business Studies FAIM

Part-time Member, WA

First appointed 21 September 2006; current appointment until 30 November 2011

From 1967 until 1989, Warren Evans served in the Australian Army, including in South Vietnam in 1970–71, and undertook extensive and diversified training, gaining considerable experience in aviation, administration, logistics, recruiting, Special Forces and intelligence. During 1978–79 he was Honorary Aide-de-Camp to Sir Roden Cutler VC, Governor of New South Wales and, from 1986 to 1989, Chairman of the Defence Armaments Committee and on the Steering Committee of Monash University's Logistics Degree Course. Retiring as a Lieutenant Colonel in 1989, Mr Evans took several CEO appointments, directing several successful company recoveries.

Since establishing a company in 1996, Mr Evans has concentrated on corporate forensic intelligence work in the public and private sectors. He has also supervised students undertaking PhD studies in logistics management at Curtin University and was a member of the Western Australian Government's Aviation Training Advisory Committee, the Western Australian Department of Main Roads Consultative Committee and the Jandakot Airport Chamber of Commerce. From 2001 to 2005, Mr Evans held a senior appointment with the Defence Materiel Organisation associated with the \$6 billion ANZAC Ship Project. In 2006, he was instrumental in the retention of Jandakot Airport at its present site, and in 2007 he was appointed Honorary Colonel of the Royal Australian Army Ordnance Corps — Western Region. He is a long-time Fellow of the Australian Institute of Management.

Egon Fice

BBus (Bachelor of Business) LLB (Hons) LLM

*Full-time Senior Member, Vic**First appointed 12 June 2003; current appointment until 31 May 2015*

Egon Fice was appointed to the Tribunal as a part-time Member in 2003 and was appointed on a full-time basis from 29 August 2005. He was appointed as a Senior Member in 2010. Prior to taking up his full-time appointment, Mr Fice was a partner in Charles Fice, Solicitors. He was a partner specialising in litigation in Phillips Fox from 1995 to 1998 and worked in insolvency and commercial litigation law from 1990 until 1995. From 1967 to 1980, he was a pilot in the Royal Australian Air Force before working as a pilot for eight years with Associated Airlines (BHP and CRA Corporate Airline).

Senior Member Fice was a member of the Tribunal's Alternative Dispute Resolution Committee during 2010–11.

Stephanie Forgie

LLB (Hons)

*Full-time Deputy President, Vic**First appointed 8 September 1988; current appointment until 3 November 2021*

Stephanie Forgie taught the law of contract and was in private practice before becoming the Deputy Master of the Supreme Court of the Northern Territory with quasi-judicial and management responsibilities. She worked in legal policy positions in the Attorney-General's Department and was closely involved in developing the *Freedom of Information Act 1982*, *Insurance Contracts Act 1984* and *Federal Proceedings (Costs) Act 1981*. She represented Australia at meetings considering international trade law and private international law issues and worked on the implementation of the United Nations Convention on Contracts for the International Sale of Goods. In 1985–86, she was Legal Adviser to the Deputy Prime Minister and Attorney-General, the Hon Lionel Bowen.

From 1987 to 1988, Deputy President Forgie was the Tribunal's Registrar. Since 1988 she has been a Deputy President. She has also held part-time positions as Deputy Chairperson, Land Tribunal, and Member, Land Court (Queensland). For many years,

she was responsible for case management first in Brisbane and then in Melbourne and Adelaide and a member of the Tribunal's management committees. She was a member of the Victorian Chapter of COAT's inaugural committee.

Privately, she has held positions on professional associations, an arts council and a charitable organisation.

Dr Amanda Frazer*Part-time Member, WA**First appointed 26 October 2009; current appointment until 25 October 2014*

Amanda Frazer has been executive director for the Women and Newborn Health Service in Perth since 2006. Between 2002 and 2006 Dr Frazer was medical director of the King Edward Memorial Hospital for Women and the clinical director of Revenue Capture in the Western Australian Department of Health. Dr Frazer was a part-time Member of the Social Security Appeals Tribunal from 1994 until 2001.

Graham Friedman

BEc LLB GradDipAdmin

*Full-time Senior Member, Vic**First appointed 1 July 2001; current appointment until 31 May 2015*

Appointed as a full-time Member of the Tribunal in 2001, Graham Friedman was appointed as a Senior Member in June 2005. He was a Senior Member of the Migration Review Tribunal from 1999 to 2001 and Chairman/Convenor of the Disciplinary Appeal Committee of the Public Service and Merit Protection Commission from 1993 to 2000. Senior Member Friedman represented the Victorian Department of Human Services as Prosecutor, Child Protection, from 1993 to 1999. He was Chairman, Grievance Review Tribunal, Victorian Department of Conservation and Natural Resources from 1994 to 1996. Prior to this, Senior Member Friedman practised at the Victorian Bar (1988–93). He has previous experience in administrative law with the Australian Government Attorney-General's Department.

Senior Member Friedman was a member of the Tribunal's Professional Development Committee in 2010–11.

Stephen Frost

BA (Hons) Dip Law (BAB)

Part-time Senior Member, NSW

First appointed 24 August 2006; current appointment until 25 October 2014

Stephen Frost was admitted as a legal practitioner in New South Wales in 1989, having been employed since 1977 by the Australian Taxation Office in Sydney and Canberra. From 1989 until 2008 he was a tax practitioner in the private sector. From 1995 to 2008 he was a tax partner at KPMG. He is a nationally accredited mediator member of the Institute of Arbitrators & Mediators Australia. In May 2010 Senior Member Frost was appointed a part-time judicial member of the Administrative Decisions Tribunal of New South Wales.

Senior Member Frost was a member of the Tribunal's Alternative Dispute Resolution Committee in 2010–11.

The Honourable Raymond Groom AO

LLB

Part-time Deputy President, Tas

First appointed 5 July 2004; current appointment until 4 July 2014

Raymond Groom was admitted to practise in the Supreme Court of Victoria in 1968 and Tasmania in 1970. He was a partner in the Tasmanian firm of Crisp Hudson & Mann and committee member of the Bar Association of Tasmania. He is a former Premier of Tasmania and Attorney-General of Tasmania. Whilst in practice Deputy President Groom appeared regularly as counsel before the Supreme Court and other Tasmanian courts and tribunals.

Deputy President Groom was the Sole Assessor of claims under the *Stolen Generations of Aboriginal Children Act 2006* (Tas) and also the Sole Independent Assessor of claims by individuals who had suffered abuse when in State Care. Deputy President Groom is the chairman or director of several charities and community bodies.

Deputy President Groom was the Executive Deputy President for Tasmania in 2010–11. He was a member of the Tribunal's Executive Deputy Presidents Committee and the Practice and Procedure Committee.

Philip Hack SC

Full-time Deputy President, Qld

First appointed 9 January 2006; current appointment until 30 November 2015

Philip Hack took office as a Deputy President after a career as a barrister in private practice extending over some 23 years. He was admitted to practice as a barrister in 1981 and commenced private practice the following year. He was appointed Senior Counsel in and for the State of Queensland on 1 December 2000. Deputy President Hack had a broad practice at the Bar, successfully undertaking both criminal and criminal appellate work, as well as general civil, commercial, insolvency, revenue and public law cases at both trial and appellate level.

Deputy President Hack served on the Committee (later the Council) of the Bar Association of Queensland for more than 16 years until his appointment to the Tribunal. He was, for a number of years, the Honorary Treasurer of the Queensland Bar Association and the Australian Bar Association. More recently, he was the inaugural Chair of the Bar's Practising Certificate Committee.

Deputy President Hack was the Executive Deputy President for Queensland and the Northern Territory during 2010–11. He was the Chair of the Tribunal's Alternative Dispute Resolution Committee and a member of the Executive Deputy Presidents Committee and the Practice and Procedure Committee.

Dr Hadia Haikal-Mukhtar

Part-time Member, NSW

First appointed 2 November 2009; current appointment until 1 November 2014

Hadia Haikal-Mukhtar holds degrees in science, medicine and law and is a Fellow of the Royal Australian College of General Practitioners. She has been a general practitioner since 1984 and has extensive experience in aged care. She is currently head of the Auburn Sub-school of the Sydney School of Medicine of the University of Notre Dame Australia, a senior medical educator for the Royal Australian College of General Practitioners and GP Synergy in Sydney. Dr Haikal-Mukhtar is a former member of the

Medical Practitioners Board of Victoria, and is currently a member of the Professional Standards Panels of the Victorian Medical Board of the Medical Board of Australia.

John Handley

Full-time Senior Member, Vic

First appointed 14 June 1989; current appointment until 3 May 2018

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

Senior Member Handley was a member of the Tribunal's Alternative Dispute Resolution Committee in 2010–11 .

Robin Handley

LLB (Hons), LLM

Full-time Deputy President, NSW

First appointed 1 January 1998; current appointment until 16 August 2014

Robin Handley is admitted as a solicitor in the United Kingdom and as a legal practitioner in the Australian Capital Territory and New South Wales. He has 25 years' experience as an academic lawyer with a particular interest in administrative law. He taught for many years at the University of Wollongong, serving as Dean there for two years from October 1999. He also served as a part-time member of the Social Security Appeals Tribunal for eight years until 1997.

He was first appointed a Senior Member of the Tribunal in 1998 and served as a Deputy President between July 2001 and July 2004.

Between then and being reappointed to the Tribunal as a Deputy President in August 2009, he served as a part-time Acting Deputy President of the New South Wales Workers Compensation Commission, part-time Judicial Member and later part-time Deputy President of the New South Wales Administrative Decisions Tribunal, and part-time Legal Member of the New South Wales Mental Health Review Tribunal.

Deputy President Handley was the Executive Deputy President for New South Wales during 2010–11. He was a member of the Executive Deputy Presidents Committee, the Practice and Procedure Committee and Professional Development Committee, and Chair of the Practice Manual Committee.

Dr Timothy (Tim) Hawcroft

BVSc (Hons) MACVSc

Part-time Member, NSW

First appointed 1 July 2006; current appointment until 1 December 2012

Tim Hawcroft graduated with a Bachelor of Veterinary Science (Hons) from the University of Sydney in 1969. He established and was principal of the Gordon Veterinary Hospital from 1971 to 2002. He was Honorary Veterinarian for the Royal Agricultural Society of New South Wales from 1975 until 1986 and a part-time consultant for the University Veterinary Centre, Sydney, during 2003. He is an accredited veterinarian with the Australian Quarantine and Inspection Service.

Dr Hawcroft is the author of a number of books on veterinary science and animal care. He is a life member of the Australian Veterinary Association and the Australian College of Veterinary Scientists.

Kathryn Hogan

Part-time Member, WA

First appointed 1 June 2010; current appointment until 31 May 2015

Kathryn Hogan was a partner of Holding Redlich in Melbourne from 1987 to 1993 and of Dwyer Durack in Perth from 1993 to 1998. Since 2005 she has practised as a barrister, primarily in the areas of personal

injuries and medical negligence. She worked as a part-time Conference Registrar of the Tribunal from 2007 until her appointment as a Member. In 2010 Ms Hogan was appointed as an Independent Merits Reviewer by the Department of Immigration and Citizenship. Ms Hogan is a member of the Western Australian Bar Association, the Law Society of Western Australia and a committee member of the Women Lawyers Association of Western Australia Inc.

Stanley (Stan) Hotop

BA LLB LLM

Full-time Deputy President, WA

First appointed 19 June 1991; current appointment until 31 May 2015

Stan Hotop was appointed as a part-time Deputy President in March 2002 and became a full-time Deputy President in June 2005. He was an Associate Professor of Law at the University of Sydney from 1980 to 1988 and at the University of Western Australia from 1989 to 2005. He was Dean and Head of the Law School at the University of Western Australia from 1990 to 1993 and was President of the Australasian Law Teachers' Association from 1990 to 1991. He taught administrative law in university law schools from 1971, first at the University of Sydney (1971–88) and subsequently at the University of Western Australia (1989–2005). He is the author of several textbooks in the area of administrative law.

Deputy President Hotop was the Executive Deputy President for Western Australia during 2010–11. He was the Chair of the Tribunal's Library Committee and a member of the Executive Deputy Presidents Committee and the Practice and Procedure Committee.

Dr Gordon Hughes

LLB (Hons) LLM PhD

Part-time Member, Vic

First appointed 5 July 2004; current appointment until 8 September 2014

Gordon Hughes is a partner at Blake Dawson and is currently joint head of their national information technology, communications and media division. He is a past president

of the Law Institute of Victoria (1992–93), the Law Council of Australia (1999–2000) and LAWASIA (2001–03), and now serves as chair of the Law Council's International Law Section and as a member of the International Legal Services Advisory Council. He has authored several legal textbooks, including one on accident compensation and one on privacy. He is a qualified Grade 1 arbitrator and an Adjunct Professor at RMIT University. In 2010 he was elected a Fellow of the Australian Academy of Law.

Dr Bernard Hughson

MBBS FRANZCP

Part-time Member, ACT

First appointed 1 December 2010; current appointment until 30 November 2015

Bernard Hughson graduated in Medicine in 1962 and retired from clinical practice in 2009. After graduation he worked in hospital and general practice for some years before specialising in psychiatry. He then worked as a consultant psychiatrist in public and private practice, was actively engaged in teaching medical students and trainees in psychiatry, and has been an examiner for the RANZCP. He served as Director of Mental Health for the ACT in 1984–93, and on various secondments: as Director of Mental Health NSW Department of Health, Director of Psychiatry Greenslopes Hospital and Chief Psychiatrist Queensland Department of Health. He continues to teach in the Clinical Skills stream at the Australian National University Medical School.

Mark Hyman

Part-time Member, ACT

First appointed 26 October 2009; current appointment until 25 November 2014

Mark Hyman has more than 17 years' experience as a senior executive in developing and implementing policies and providing advice to government on a broad range of environment protection issues and legislation. He was formerly the Director of the Canberra Office of the Western Australian Department of Premier and Cabinet. From 1992 to 2005 Mr Hyman was an Assistant Secretary in the Commonwealth Department of Environment and Heritage.

Naida Isenberg

LLB

*Part-time Senior Member, NSW**First appointed 1 July 2001; current appointment until 1 December 2012*

Naida Isenberg was appointed as a part-time Member of the Tribunal in 2001 and as a part-time Senior Member in August 2006. She is a Judicial Member of the New South Wales Administrative Decisions Tribunal and a non-member director of the War Widows' Guild.

Senior Member Isenberg is an accredited mediator under the National Mediator Accreditation System, serving as a Mediator for the New South Wales Law Society, the Dust Diseases Tribunal and the Defence Force. She has been a member of the Tribunal's Alternative Dispute Resolution Committee.

Senior Member Isenberg was formerly a legal management consultant, a part-time Senior Member of the Veterans' Review Board, and a District Court Arbitrator and Mediator. Her previous experience includes: general counsel of a major insurance company; Director of Crown Legal Services, New South Wales; and Deputy Director of the Australian Government Solicitor. She is also a Lieutenant Colonel in the Army Reserve (Legal Corps). She is a Fellow of the Institute of Chartered Secretaries and serves on the Institute's Public Sector Advisory Group.

Senior Member Isenberg was a member of the Tribunal's Library Committee and the Remuneration Committee in 2010–11.

Deane Jarvis

LLB (Hons), FAICD

*Full-time Deputy President, SA**First appointed 1 July 2003; current appointment until 30 November 2012*

Deane Jarvis was admitted as a barrister and solicitor of the Supreme Court of South Australia in March 1964. Prior to his appointment to the Tribunal he was the senior partner and chair of a prominent Adelaide commercial law firm, and the Honorary Consul-General of Japan for South Australia. He is a former chair of Bridgestone Australia Ltd and a former director of Macquarie Broadcasting Holdings Limited. He served on the Council of

the Law Society of South Australia for 10 years and chaired a number of its committees. He is a former examiner in administrative law and tutor in Australian constitutional law at the University of Adelaide and a former Convenor of the South Australian Chapter of the Council of Australasian Tribunals. He provides tuition to persons undertaking the South Australian Bar Readers' course.

In 2010–11 Deputy President Jarvis was the Executive Deputy President for South Australia, Coordinator of the Members' Appraisal Scheme, Chair of the Tribunal's Professional Development Committee and Chair of Trustees of the AAT Benevolent Trust. He was also a member of the Executive Deputy Presidents Committee and the Practice and Procedure Committee.

Timothy Jenkins

FIA FIAA

*Part-time Member, NSW**First appointed 1 July 2006; current appointment until 1 December 2012*

Tim Jenkins is active as an educator in insurance finance. He was an emeritus partner and consulting actuary with PricewaterhouseCoopers from 2003 to 2009, having been a partner from 1999 until 2002. He was Chief Executive of Superannuation and Insurance at Westpac from 1996 until 1998, having been general manager of Westpac Financial Services from 1993 until 1996, and before that, Managing Director of ANZ Funds Management from 1989 until 1993. Mr Jenkins has also been Managing Director of ANZ Life, a partner with E S Knight & Co, Consulting Actuaries, and an actuary at MLC Life.

Mr Jenkins was Chair of the Life Insurance Actuarial Standards Board from 1998 until it was handed over to the Australian Prudential Regulation Authority in 2008. He is a former President of the Institute of Actuaries of Australia and Convenor of the Institute's Professional Conduct Committee. He was elected a life member of the Institute of Actuaries of Australia in 2005. He qualified as an actuary by satisfying requirements for admission as a fellow of the Institute of Actuaries (London) in 1965.

Professor Graham Johnston AM

BSc MSc PhD DPharm FRACI FTSE

Part-time Member, NSW

First appointed 19 June 1991; current appointment until 30 September 2012

Graham Johnston is Professor of Pharmacology at the University of Sydney and trained as an organic chemist at the universities of Cambridge and Sydney. He brings expertise in chemistry, pharmacology and toxicology to the Tribunal. His scientific research is directed to the discovery of drugs to treat Alzheimer's disease, amnesia, anxiety, epilepsy and schizophrenia.

Steve Karas AO

BA (Hons) LLB

Part-time Senior Member, Qld

First appointed 26 September 2007; current appointment until 30 November 2012

Steve Karas was a Senior Member of the Immigration Review Tribunal in 1989-99 and a part-time Member and Senior Member of the Migration Review Tribunal from its inception in 1999 until he was appointed to act as Principal Member in early 2001. He was also appointed as the Principal Member of the Refugee Review Tribunal from 1 July 2001.

Senior Member Karas previously worked in the Australian Government Attorney-General's Department and was in private practice as a legal practitioner for a number of years. He has had extensive community involvement including with the Federation of Ethnic Communities' Councils of Australia and the Ethnic Communities Council of Queensland. He has been a member of the Migration Agents Registration Board, the Board of the National Accreditation Authority for Translators and Interpreters and Chairman of the Special Broadcasting Service's Community Advisory Committee.

Graham Kenny

BA LLB (Hons) LLM

Part-time Senior Member, Qld

First appointed 1 July 2001; current appointment until 8 September 2014

Graham Kenny was appointed as a part-time Member of the Tribunal in 2001 and as a part-time Senior Member in September 2009. He was a part-time Member and Senior Member of the Veterans' Review Board from 1988 until March 2004. He was a part-time legal member of the Social Security Appeals Tribunal from 1995 until 2001 and Queensland convenor (part-time) of the Student Assistance Review Tribunal from 1988 until 1994. In 2008, he retired from his position of senior lecturer in the School of Law at the University of Queensland, having joined in 1976. His responsibilities in the Law School included Chair of the Law School Teaching and Learning Committee, Director of the Bachelor of Laws and Juris Doctor programs and Chief Examiner. Senior Member Kenny practised as a barrister from 1978 until 1989. From 1964 until 1974, he was a teacher with the Queensland Department of Education.

Ian Laughlin

BSc FIA FIAA FAICD

Part-time Member, NSW

First appointed 26 October 2009; current appointment until 25 October 2014

Ian Laughlin was appointed as a Member of the Australian Prudential Regulation Authority on 1 July 2010 for a three-year term. He has extensive experience in the financial services industry. He has been a non-executive director of AMP Life Limited, serving as chairman of its Board Audit Committee, Managing Director of the United Kingdom life insurance subsidiaries of AMP (Pearl, London Life and NPI), director of HHG plc, and non-executive director of Diligenta Ltd in the United Kingdom. Before then, he held senior management positions in AMP, Suncorp and National Mutual, in Australia, New Zealand and Hong Kong.

Mr Laughlin is a qualified actuary and has served on the Council of the Institute of Actuaries of Australia.

Dean Letcher QC

Part-time Senior Member, NSW

First appointed 26 October 2009; current appointment until 25 October 2014

Dean Letcher has been in private practice as a barrister in New South Wales, the Australian Capital Territory and Papua New Guinea since 1972 and was appointed Queens Counsel in 1988. Senior Member Letcher was appointed as a part-time Member of the New South Wales Mental Health Review Tribunal in September 2008 and has also held appointments as a mediator, arbitrator and contributions assessor with the New South Wales Supreme and District Courts and the Dust Diseases Tribunal.

Dr Kenneth Levy RFD

BA BCom LLB PhD FCA FCPA MAPS Barrister-at-Law

Part-time Senior Member, Qld

First appointed 5 July 2004; current appointment until 30 November 2011

Kenneth Levy was appointed as a part-time Member of the Tribunal in July 2004 and as a part-time Senior Member in September 2006. Prior to his appointment to the Tribunal, he worked in the Queensland Public Service for approximately 36 years, retiring as Director-General of the Department of Justice in December 2003. He was National President of the professional accounting body CPA Australia in 2004–05. He has also been a Fulbright scholar at the University of California at Irvine.

Senior Member Levy is a practising barrister and has served on Boards of Management in a number of industries. He is also appointed as a Professor to the Faculty of Law of Bond University and teaches part-time each semester in the areas of evidence, criminal law, superannuation and succession. In addition, Dr Levy serves on the Standby Reserve of the Australian Army and holds the rank of Lieutenant Colonel. He has been awarded the Reserve Force Decoration, the Centenary Medal, the Australian Defence Medal and the National Service Medal.

Brigadier Graham Maynard (Rtd)

MBBS MSc (OCC MED) DIH DTM&H

Part-time Member, Qld

First appointed 5 July 2004; current appointment until 8 September 2014

After graduating in Queensland in 1965, Graham Maynard spent 27 years as an Australian Army medical officer commencing with duties as an Infantry Battalion Medical Officer in SVN and finishing as Director of Medical Services for the Army in 1990. His career included postings in clinical positions, hospital command, malaria research and senior command. Brigadier Maynard's specialist training was in tropical medicine and occupational medicine. From 1990 to 2002, he was employed as a senior medical officer in the federal Department of Health with responsibilities at various times in food safety, Australian Government Health Services management, Creutzfeldt-Jacob disease matters and finally as Chief Medical Adviser for Medical Devices at the Therapeutic Goods Administration.

Bernard McCabe

BA LLB (UNSW) GradDipLegPrac (UTS) LLM (Corp & Comm) (Dist) (Bond)

Full-time Senior Member, Qld

First appointed 1 July 2001; current appointment until 30 November 2011

Bernard McCabe was appointed as a part-time Member of the Tribunal in July 2001 and as a full-time Senior Member in November 2003. He was a member of the Faculty of Law at Bond University from 1992 until 2006. From 1998 to 2001 he served as a member of the legal committee of the Companies and Securities Advisory Committee, the federal government's peak corporate law advisory body.

Senior Member McCabe continues to edit the consumer protection section of the *Competition and Consumer Law Journal* and is a member of the editorial committee of the *Corporate Governance eJournal*. He is an adjunct Professor of Law at Bond University.

During the past year, he has published and presented papers in the areas of trade practices and company law, and has lectured at Bond University and the University of South Australia.

During 2010–11, Senior Member McCabe was a member of the Tribunal's Professional Development Committee.

Associate Professor Peter McDermott RFD

LLB (Hons) LLM PhD

Part-time Senior Member, Qld

First appointed 15 November 2004; current appointment until 14 November 2014

Peter McDermott is an Associate Professor and Reader in Law in the School of Law and a Member of the Academic Board at the University of Queensland.

Senior Member McDermott was admitted as a barrister of the Supreme Court of Queensland in 1978, is a member of the Bar Association of Queensland, and has acted as Crown Counsel for Queensland. In the *Wik* case, he was privileged to be the junior counsel to the late Sir Maurice Byers QC before the Federal Court and the High Court of Australia. He has served as Senior Legal Officer, Principal Legal Officer and Deputy Chair of the Queensland Law Reform Commission and, as an Assistant Commissioner of Taxation, contributed to the Ralph reform (1998–99).

Before his appointment to the Tribunal, Senior Member McDermott served on a number of Queensland tribunals. He is a member of the Queensland Civil and Administrative Tribunal.

Senior Member McDermott has published widely. He is the author of *Equitable Damages* (1994), a co-author of *Principles of the Law of Trusts* (3rd ed, 1996), *Company Law* (2006, 2nd ed, 2008) and *Fundamental Company Legislation 2008*. He has written on citizenship issues, and recently co-authored an article on tax penalties in the *Melbourne University Law Review*.

In 2010–11 Senior Member McDermott was a member of the Tribunal's Library Committee, Professional Development Committee and the Remuneration Committee.

Graham McDonald

LLB

Part-time Deputy President, Vic

First appointed 14 October 1988; appointment ceased 8 December 2010

Graham McDonald has been a legal practitioner since 1972. In addition to establishing a legal firm, he has been involved in a number of public positions, including the inaugural solicitor at the Western Australian Aboriginal Legal Service and subsequently its Principal Legal Officer, Western Australian Commissioner for Corporate Affairs, Principal Member of the Social Security Appeals Tribunal in Western Australia, Chairman of the Western Australian Legal Costs Committee, executive officer for a project examining the establishment of an international insurance exchange for Australia and Pacific rim countries, inaugural Australian Banking Industry Ombudsman and Chairman of the Superannuation Complaints Tribunal. Deputy President McDonald has been extensively involved in voluntary legal aid work and chaired various inquiries including into the Western Australian Sexual Assault Centre and to draft legislation for Aboriginal land rights for the Western Australian Government. In addition to his Tribunal work, Deputy President McDonald is currently involved in the establishment of an employment and training scheme in financial services for Indigenous Australians.

Until his appointment ended, Deputy President McDonald was the Executive Deputy President for Victoria, a member of the Executive Deputy Presidents Committee and the Practice and Procedure Committee.

The Honourable Dr Bruce McPherson CBE

BA LLB PhD Hon LLD

Part-time Deputy President, Qld

First appointed 6 September 2007; current appointment until 5 September 2012

Bruce McPherson was educated at the universities of Natal, Cambridge and Queensland where he completed his PhD in 1967. In 2004, he was awarded an honorary LLD from the University of Queensland.

Deputy President McPherson commenced practice at the Queensland Bar in 1965 and took silk in 1975. In 1982 he was appointed to the Supreme Court of Queensland, in 1990 as Senior Puisne Judge and in 1991 to the Court of Appeal. He retired from the bench in 2006. He was a Judge of the Fiji Court of Appeal and remains a Judge of Appeal of the Solomon Islands. In 2006, he was elected an Overseas Vice-President of the Selden Society.

From 1969 to 1982, Deputy President McPherson was a member of the Queensland Law Reform Commission and its Chairman from 1982 to 1991. In recognition of his contribution to law reform, he was awarded the CBE in 1988.

Deputy President McPherson is the author of *The Law of Company Liquidation* (now in its 5th Australian and 2nd English edition), *The History of the Supreme Court of Queensland 1861–1960: history, jurisdiction and procedure* (1989) and *The Reception of English Law Abroad* (2007), as well as numerous journal articles and papers.

Dr Roderick McRae

MBBS (Hons) BMedSc (Hons) FANZCA FJFICM FAMA
PGDipEcho MBioeth JD

Part-time Member, Vic

First appointed 1 January 2006; current appointment until 31 May 2015

Roderick McRae was admitted as a barrister and solicitor of the Supreme Court of the Australian Capital Territory in December 2004 and the Supreme Court of Victoria in February 2005. He was appointed to the Tribunal in January 2006.

Dr McRae is a practising anaesthetist and intensive care physician. He works primarily in the public healthcare sector providing medical care to non-neonatal patients undergoing complex surgical interventions, as well as participating in many hospital committees. He is Chairman of the Federal Australian Medical Association, the Australasian Medical Publishing Company, and is a director of several companies, including AMA Victoria. He is a Fellow of the AMA. He is a qualified bioethicist who sits on the AMA's Ethics and Medicolegal Committee, several hospital

ethics committees and national government committees related to medical workforce and other healthcare issues. He undertakes consultancies related to human research, legal and ethical issues. He has significant undergraduate and postgraduate teaching experience and is an Adjunct Senior Lecturer at Monash University's Department of Epidemiology and Preventive Medicine.

Dr McRae was a member of the Tribunal's Remuneration Committee in 2010–11.

Dr Michael Miller AO AVM (Rtd)

MBBS FRANZCOG FRCOG FAFPHM

Part-time Member, ACT

First appointed 9 August 1995; appointment ceased 30 November 2010

Michael Miller had a specialist medical practice in Brisbane from 1964 to 1968 and became an officer in the Royal Australian Air Force in 1968. His appointments included Senior Medical Officer in Vietnam (1970–71), Commanding Officer 4 RAAF Hospital Butterworth in Malaysia (1974–75) and exchange duty with the United States Air Force (1977–79). His various staff appointments included Director of Medical Plans and Deputy Director General Air Force Health Services. Dr Miller was appointed Director General Air Force Health Services in 1987 with rank of Air Vice-Marshal and Surgeon General Australian Defence Force in 1990. He retired in September 1992.

Associate Professor Barrie Morley RFD

MBBS FRACP FRCP

Part-time Member, Qld

First appointed 15 November 1985; current appointment until 30 November 2011

Barrie Morley, a consultant neurologist since 1965, served in the Royal Australian Air Force Specialist Medical Reserve from 1969, retiring as Group Captain in 1989. Appointed in 1972 as a medical member of the War Pensions Assessment Appeals Tribunal, he was invited, as foundation medical member, to sit on the Repatriation Review Tribunal and continued on the Veterans' Review Board until his appointment to the Tribunal. He has contributed to 14 original publications in refereed medical journals, published 12 review articles by

invitation, and co-authored six submissions to various Commonwealth and State Government inquiries. He was formerly Dean of the Clinical School and Head of Medicine of the (now) Monash Medical Centre. He moved to Queensland in 1992, joining the teaching staff of the Faculty of Medicine of the University of Queensland; since 2002 he has been Associate Professor of Medicine in that University's Rural Clinical School. Retiring from consultant neurological practice in Toowoomba in 2008, he continues with medical student teaching and examination commitments at the School's campuses in Toowoomba and Hervey Bay.

The Honourable Robert David Nicholson AO

BA LLB LLM MA

Part-time Deputy President, WA

First appointed 6 September 2007; current appointment until 26 October 2015

Robert Nicholson was a Judge of the Federal Court of Australia from 1995 to 2007. Before that he was a Judge of the Supreme Court of Western Australia for six and a half years, and Chair of the Guardianship and Administration Board of Western Australia. Before his appointment as a Deputy President of the Tribunal (1986-88), he was in legal practice in Perth.

As Secretary of the LAWASIA Judicial Section, Deputy President Nicholson was a resource person to the Conference of Chief Justices of Asia and the Pacific and, on behalf of the Federal Court of Australia, engaged in judicial training and education in Indonesia and the Philippines. A member of the International Commission of Jurists, he edited and contributed to the *CJIL Yearbook* and conducted a trial observership.

Deputy President Nicholson was Foundation Secretary-General of the Law Council of Australia; Deputy Secretary-General of the International Bar Association; has represented the Australian legal profession at international meetings; and has published legal papers in Australian legal journals.

Deputy President Nicholson received the Centenary Medal in 2001 for service to the judiciary, education and the community, and was made an Officer of the Order of

Australia in 2002. He was a Foundation Fellow and foundation President of the Australian Academy of Law, and is a former President of the Royal Western Australian Historical Society.

Frank O'Loughlin

BEC LLB (Hons)

Part-time Senior Member, Vic

First appointed 23 September 2009; current appointment until 22 September 2014

Frank O'Loughlin is a practising member of the Victorian Bar and prior to that was a partner of the firm Corrs Chambers Westgarth practising in taxation and commercial law. He is the chair of the CPA Australia Discipline Committee, a Senior Fellow of the Law Faculty of the University of Melbourne teaching the Melbourne Law Masters program, a member of the Council of Mannix College at Monash University and Deputy Chair of the Business Law Section of the Law Council of Australia. Senior Member O'Loughlin is also a member of the Taxation Committee of the Business Law Section of the Law Council of Australia, the Melbourne Federal Court Users Group and the Federal Litigation Section of the Law Council of Australia.

Senior Member O'Loughlin was a member of the Tribunal's Professional Development Committee in 2010-11.

Steven Penglis

BJuris LLB

Part-time Senior Member, WA

First appointed 15 June 2005; current appointment until 31 May 2015

Steven Penglis is a senior commercial litigator with the national law firm Freehills which he joined in 1983, becoming a partner in 1987. He has been an elected member of the Legal Practice Board of Western Australia since 1996 and was Chairman from 2002 until 2007. Senior Member Penglis has been an elected Member of the Council of the Law Society of Western Australia since 2002 and is also the Convenor of the Society's Courts Committee which he also convened from 1995 to 2000. Since 1992, he has been the Chair of Freehills's Perth Pro Bono Committee.

Regina Perton OAM

BA LLB Dip Ed

*Full-time Member, Vic**First appointed 9 August 2004; current appointment until 8 August 2014*

Regina Perton's previous roles have included Senior Member of the Migration Review Tribunal and Member of the Refugee Review Tribunal and the Immigration Review Tribunal. She was a member of the Victorian Equal Opportunity Commission and a Commissioner of the Victorian Multicultural Commission. Ms Perton has held management positions in several tribunals and worked as a secondary teacher and in real estate. Ms Perton has been a member of various boards and committees of professional, health and community organisations, including the Austin & Repatriation Medical Centre and the Turning Point Alcohol & Drug Centre and is currently a member of the Board of Management of COTA Victoria. Ms Perton was awarded a Centenary Medal for service to equal opportunity, immigration, ethnic affairs and the law and a Medal of the Order of Australia (OAM) for service to administrative law and to the community, particularly in the areas of equal opportunity and multiculturalism.

Ms Perton is a member of the committees of the Victorian Chapters of the Council of Australasian Tribunals and the Australian Institute of Administrative Law.

Jan Redfern PSM

BEc LLM FCIS

*Part-time Senior Member, NSW**First appointed 2 November 2009; current appointment until 1 November 2014*

Jan Redfern has over 27 years' experience in legal practice and has worked in both the private and public sectors. She was a partner of national law firm Hunt & Hunt Lawyers from 1989 to 1999, specialising in complex commercial litigation. She has served on a number of practice committees, including the Litigation Law and Practice Committee of the Law Society of New South Wales, and was a member of the Enforcement Committee of the International Organisation of Securities Commissions (IOSCO) from 2004 to 2007.

She is a Fellow of the Institute of Chartered Secretaries and Administrators and a member of the Law Committee of the Australian Institute of Company Directors.

Senior Member Redfern held a number of senior executive positions with the Australian Securities and Investments Commission from 1999 to 2008 and was the Executive Director, Enforcement from 2004 to August 2008. She was awarded a Commonwealth Public Service Medal in 2007 for outstanding public service in the field of corporate and financial services regulation and enforcement. Senior Member Redfern was appointed a part-time Legal Member of the New South Wales Guardianship Tribunal in July 2010 and is a part-time consultant with the *Ally* group as Director-Governance and Regulatory Compliance.

Professor Peter Lawrence Reilly AO*Part-time Member, SA**First appointed 1 July 2006; current appointment until 1 December 2012*

Peter Reilly has been a practising neurosurgeon since 1976. From 1994 until 2005, he was head of the Department of Neurosurgery at the Royal Adelaide Hospital. He has also been a visiting staff specialist at Flinders Medical Centre and the Women's and Children's Hospital. He is Clinical Professor of Neurosurgery in school of Medical Sciences University of Adelaide.

He is on the advisory committees of several national and international neurotrauma societies. He is a former President of the International Neurotrauma Society, the Neurosurgical Society of Australasia (1996–98), Chair of the Neurosurgical Board of the Royal Australasian College of Surgeons (1991–94) and supervisor of Neurosurgical Training for South Australia. He has a Bachelor of Medical Science, Doctorate of Medicine and Bachelor of Surgery from the University of Adelaide. He is a fellow of the Royal Australasian College of Surgeons and of the Faculty of Pain Medicine.

Professor Reilly was made an Officer in the General Division of the Order of Australia in 2002 for service to the advancement of neurosurgery in the prevention and treatment of head injuries through clinical practice, research, education and membership in relevant professional organisations. He remains actively involved in the study of traumatic brain injuries.

Dr Teresa Schafer

BSc (Hons) PhD GCertPharmEcon Dip Law GCert Leg Prac

Part-time Member, NSW

First appointed 24 August 2006; current appointment until 1 December 2012

Dr Teresa Schafer is a partner at Piper Alderman Lawyers with more than 18 years' experience in the pharmaceutical, biotechnology and medical device industries in Australia and New Zealand. She has also worked across a number of other product-related industries, including foods, cosmetics, agrochemicals and industrial chemicals. Dr Schafer has a PhD in organic chemistry from the University of Western Australia and worked in the pharmaceutical industry, both in senior management roles and as a consultant, for 13 years before commencing legal practice. She is also a member of the Board of ARCS Australia Ltd and the Association of Therapeutic Goods Consultants.

Elizabeth Anne Shanahan

BSC MBBS FRACS LLB

Part-time Member, Vic

First appointed 19 June 1991; current appointment until 8 September 2014

Anne Shanahan is a cardiothoracic surgeon (now retired) and worked both in public and private hospitals in Victoria for 43 years. She is also a barrister, a Harvard alumnus and former Fulbright scholar. From 1973 until 1985, Miss Shanahan was a senior lecturer in the Department of Surgery at Monash University. She has served on numerous hospital committees and a hospital Board of Management, as well as the Health Service Commissioner's Review Council, a Health Insurance Commission Committee and the Red Cross International Humanitarian

Law Committee. Miss Shanahan is also a part-time Member of the Superannuation Complaints Tribunal and the Victorian Civil and Administrative Tribunal (Professional Bodies).

Professor Tania Sourdin

BA LLB LLM PhD

Part-time Member, NSW

First appointed 1 July 2001; current appointment until 1 November 2014

Tania Sourdin is a Professor and Director of the Australian Centre for Court and Justice System Innovation (ACCJSI) at Monash University. She has visiting appointments at the University of Queensland and the University of Sydney. She has worked as a lawyer, court registrar, academic, mediator and tribunal member since being admitted to practise as a lawyer in 1985 and is an active mediator in high level commercial and workplace conflict. She has held a number of part-time appointments, including as a Senior Member with the New South Wales Consumer, Trader and Tenancy Tribunal and as a member of predecessor tribunals for more than 18 years.

Professor Sourdin has published many papers and books in the area of alternative dispute resolution, litigation and research into dispute resolution processes and is the author of the major text, *Alternative Dispute Resolution*. In 2007, she developed the National Mediation Accreditation Standards that govern mediation practice in Australia. She is a member of the National Alternative Dispute Resolution Advisory Council (since 2001) and attended a number of national and international conferences as a keynote and specialist speaker during the past year. In 2010, Professor Sourdin conducted additional extensive research into ADR, mediation and related processes and has ongoing Australian Research Council and other grants in this area.

Professor Sourdin was a member of the Tribunal's Alternative Dispute Resolution Committee in 2010–11.

Andre Sweidan

BComm LLB H Dip Tax Law Grad Cert Arbitration and Mediation

Part-time Senior Member, WA

First appointed 18 August 2005; current appointment until 31 May 2012

Andre Sweidan has practised in various fields of law in Australia and overseas for more than 35 years. He is currently a consultant at Anchor Legal, a firm which he co-founded, in Perth. He has had an extensive legal career in the areas of taxation, revenue, intellectual property and administrative law. He has also had extensive experience representing clients before the Tribunal, the Federal Court and the Supreme Court of Western Australia. In 1998, he commenced practice as a senior partner with KPMG Legal in Perth. From 1993 to 1998, he worked in sole practice and from 1983 was a partner at Stone James & Co, which subsequently became Mallesons Stephen Jaques in Perth. Before migrating to Australia from South Africa, Senior Member Sweidan was a partner in the law firm Trakman & Sweidan for a period of 12 years.

Senior Member Sweidan was a member of the Tribunal's Professional Development Committee during 2010–11.

The Honourable Brian Tamberlin QC

BA LLB (Syd) LLM (Harv)

Part-time Deputy President, NSW

First appointed 23 November 2005; current appointment until 29 March 2014

Brian Tamberlin was previously a Judge of the Federal Court of Australia where he served for a term of 14 years. He was appointed a part-time judicial member of the Tribunal in 2005 and was Acting President in the absence of the President between 2005 and 2009. Prior to his appointment as a Judge, Deputy President Tamberlin was at the New South Wales Bar for 28 years, 14 as Queen's Counsel. Prior to that, he was a solicitor for several years and an in-house counsel.

Peter Taylor SC

Part-time Senior Member, NSW

First appointed 24 August 2006; current appointment until 1 December 2012

Peter Taylor is a barrister in private practice in New South Wales. He graduated from the University of Adelaide in 1974 with a Bachelor of Laws (Honours) and was made Senior Counsel in New South Wales in 1993. Senior Member Taylor practises in the areas of commercial, building and construction, insurance, professional liability, equity and trusts, and public authority tort law. He was the Chair of the New South Wales Bar Association Advocacy Committee from 1996 to 2000 and a member of the Legal Profession Admission Board of New South Wales from 1994 to 2008.

From 1984 until 2005, Senior Member Taylor was the General Editor of *Ritchie's NSW Supreme Court Practice*. Since 2005, he has been the General Editor of *Ritchie's NSW Uniform Civil Procedure*.

Dr Maxwell Thorpe

MBBS MD FRACP

Part-time Member, NSW

First appointed 15 November 1985; current appointment until 25 October 2011

Max Thorpe was a member of the Repatriation Review Tribunal before his appointment to the Tribunal in 1985. For 28 years, he was a consultant physician in private practice and Visiting Medical Officer, Prince of Wales Hospital, where he was Warden of the Clinical School, University of New South Wales. Dr Thorpe continues as Honorary Consultant Medical Officer at the Prince of Wales Hospital. He is Chairman of the Appeals Committee, Overseas Doctors, Australian Medical Council. He was previously a World Health Organisation Consultant in Cambodia advising on postgraduate education. Dr Thorpe was a Guest Professor at Harbin Medical University, China and director of an exchange of medical specialists from Harbin Medical University with teaching hospitals of the University of New South Wales. He has extensive involvement in insurance and reinsurance medicine.

Dr Saw Hooi Toh

MBBS FRACGP

Part-time Member, NSW

First appointed 24 August 2006; current appointment until 1 December 2012

In addition to her work at the Tribunal, Dr Saw Hooi Toh sits as a member of the Medical Tribunal and Professional Standards Committees of the Medical Council of NSW. She is also a Panel member of the impaired registrants' program of the Medical, Nurses and Midwives and Dental Councils of NSW.

Dr Toh is a Fellow of the Royal Australian College of General Practitioners. She works in general practice with special interest in women's health and mental health. She has also been involved in general practice education for many years, being a medical educator with the RACGP Training program and the Australian GP Training program. Her current interest is the assessment and remediation of doctors who are experiencing difficulty with training.

Jill Toohey

Full-time Senior Member, NSW

First appointed 17 August 2009; current appointment until 16 August 2014

Jill Toohey holds a Bachelor of Jurisprudence and Bachelor of Laws from the University of Western Australia. She has worked in private practice and in community legal centres in Western Australia and was a Commissioner of the Legal Aid Commission of Western Australia. Between 1993 and 2004 she was a full-time member, and then Registrar, of the Refugee Review Tribunal in Sydney. From 2005 to 2009 she was the Senior Member of the Human Rights stream of the Western Australian State Administrative Tribunal. She is an accredited mediator.

Chelsea Walsh

Part-time Senior Member, WA

First appointed 1 June 2010; current appointment until 31 May 2015

Chelsea Walsh has worked as a Senior Associate in the taxation department of Allens Arthur Robinson. Mrs Walsh has also worked in the taxation departments of first tier law firms in Perth and Sydney and at boutique taxation law practices in Perth and Sydney. Mrs Walsh worked as a Tax Attorney in the tax department of Fried Frank Harris Shriver & Jacobson in New York and was the associate to Justice Graham Hill in the Federal Court of Australia in 1997. Mrs Walsh has a Masters of Laws (with Honours) from the University of Sydney. Her Masters Degree and honours dissertation both had a taxation law focus.

Dr Robert (Rob) Walters

Part-time Member, Tas

First appointed 16 November 2006; current appointment until 1 December 2012

Rob Walters is a general practitioner in Hobart. He is a past Chair of the Australian Divisions of General Practice (now Australian General Practice Network), a position he held between 2002 and 2005. He continues to sit on a number of national boards and councils.

Dr Walters is secretary and medico-legal adviser to the Medical Protection Society of Tasmania. As well as providing case advice, he regularly presents to medical practitioners and medical students on matters related to medical indemnity and medico-legal aspects of medical practice.

Dr Walters holds the rank of Colonel in the Australian Army Reserve, having joined the Australian Defence Force in 1972 as a National Serviceman. He is currently the Senior Health Officer for Tasmania and a consultant to the Surgeon General of the Australian Defence Force on General Practice for the Army, Navy and Air Force. He served in East Timor in 2002.

Dr Walters is the Medical Director on the Tasmanian WorkCover Board and a past Chair of the Cancer Council of Tasmania. He also has regular national media commitments on both television and radio.

Brigadier Anthony Gerard (Gerry) Warner AM LVO (Rtd)

BSc (Hons) DipMilStud FAICD

*Part-time Member, WA**First appointed 15 June 2005; current appointment until 31 May 2015*

Gerry Warner's military career, following graduation from the Royal Military College Duntroon, includes extensive command experience, tours on the personal staff of Governors-General, pivotal operations and personnel staff appointments and United Nations peacekeeping on the Golan Heights and in Southern Lebanon. He was the Senior Defence representative in Western Australia in 1996–97 and in his final posting was Chief of Staff Land Headquarters in Sydney during a period of intense operational tempo, including the East Timor campaign and support to the Olympic Games. After separation from the Army in 2003, he was appointed to the independent committee convened by the Board of Western Power to report on the power supply crisis of February 2004. In 2007–08 he served on a panel appointed by the Prime Minister to review the award of honours for the 1966 Battle of Long Tan. He is a sessional Senior Member of the Western Australian State Administrative Tribunal, a member of the Mental Health Review Board of Western Australia and is CEO of the RAAF Association (WA Div) Inc.

Simon Webb*Full-time Member, ACT**First appointed 16 July 2001; current appointment until 15 July 2014*

Prior to his appointment to the Tribunal, Simon Webb held the office of Deputy Director of the Commonwealth Classification Board with extensive periods acting in the office of Director (1997–2001). During this period, he was Secretary of the Commonwealth, State and Territory Censorship Ministers' Council. From 1994, Mr Webb worked with federal, state and territory ministers and officials to implement revised censorship laws in a cooperative national legislative classification scheme. He was involved in establishing the Classification Board and the Classification

Review Board in 1996 and worked with the Australian Customs Service reviewing prohibited import and export regulations and related administrative procedures. Prior to that, Mr Webb conducted a management consultancy and was General Manager of the Arts Council of Australia. He has over 25 years senior management and public administration experience and is an accredited mediator.

Mr Webb was a member of the Tribunal's Professional Development Committee and the Remuneration Committee during 2010–11.

Dr Peter Wilkins MBE

BA MBBS MHP MLitt GradDipHum FAFOEM FAFPHM

*Part-time Member, ACT**First appointed 24 August 2006; current appointment until 30 November 2015*

Peter Wilkins served full-time in the Royal Australian Air Force for 22 years and remains a member of its Specialist Reserve. Dr Wilkins has held senior management positions with the Federal Australian Medical Association, NSW Health and as Director of Aviation Medicine for the Civil Aviation Safety Authority. His main current work is consultant practice in occupational medicine.

Dr Wilkins was a member of the Tribunal's Library Committee and the Remuneration Committee in 2010–11.

Dr Peter Wulf

BSc(Hons), LLB, LL.M., PhD Scholar, Barrister at Law

*Part-time Member, Qld**First appointed 9 September 2009; current appointment until 8 September 2014*

Peter Wulf is a scientist and barrister with more than 20 years' experience in industry, government, academic and research institutions. Mr Wulf's experience includes undertaking environmental impact assessments and freshwater, coastal and marine research. His PhD investigated the appropriate regulatory mechanisms to achieve best environmental management practices for land-based water quality pollution entering the Great Barrier Reef World Heritage Area from cane lands.

Mr Wulf is admitted as a Barrister at Law of the Supreme Court of Queensland and High Court of Australia. He has been briefed to act in matters in a range of areas, including administrative, cultural heritage (European and Indigenous), energy, environmental and planning law (including agriculture, climate change, environmental impact assessments, fisheries, marine, mining and resources, oil, and gas and water), freedom of information, maritime and native title/indigenous matters. He is a member of the Queensland Civil and Administrative Tribunal and was a member of the former Queensland Building and Development Tribunal and Fisheries Tribunal. Mr Wulf also has a background in negotiations, and his experience as a qualified mediator in both legal and non-legal disputes allows him to undertake negotiations for win-win outcomes.

APPENDIX 2: STAFF OF THE TRIBUNAL

Table A2.1 Employment by registry, 30 June 2011

Class.	Registries								Total
	Sydney	Melbourne	Brisbane	Adelaide	Perth	Hobart	Canberra	Principal	
APS 2	-	2	4	-	3	-	3	-	12
AAT 3/4	22	17	14	8	5	1	5	7	79
APS 5	1	1	1	-	-	-	-	5	8
APS 6	2	3	1	2	2	-	1	10	21
Exec 1	-	-	-	-	-	-	-	9	9
Exec 2	5	4	4	3	3	-	3	3	25
SES 1	-	-	-	-	-	-	-	1	1
Total	30	27	24	13	13	1	12	35	155

Note: There are no staff at APS 1.

Staff included: ongoing full-time and part-time, and non-ongoing staff including 22 staff employed at various locations for duties that are irregular or intermittent.

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

^a Principal Registry staff are based in Brisbane (13), Sydney (21) and Perth (1).

Table A2.2 Equal employment opportunity data, 30 June 2011

Class.	Total	Women	Men	ATSI	NESB	PWD
APS 2	12	6	6	-	2	-
AAT 3/4	79	59	20	1	24	4
APS 5	8	6	2	-	3	-
APS 6	21	11	10	-	6	-
Exec 1	9	2	7	-	2	-
Exec 2	25	19	6	-	5	1
SES 1	1	1	-	-	-	-
Total	155	104	51	1	42	5

ATSI – Aboriginal and Torres Strait Islander

NESB – non-English-speaking background

PWD – people with disabilities

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

Table A2.3 Employment status, 30 June 2011

Class.	Salary range	Full-time	Part-time	Irregular/ Intermittent	Total	AWAs	Individual s 24(1) Det	Agency Agreement
APS 1	\$39,117–43,231	-	-	-	-	-	-	-
APS 2	\$44,269–49,800	-	-	12	12	-	-	12
AAT 3/4	\$52,420–61,016	67	6	6	79	-	-	79
APS 5	\$62,678–66,464	8	-	-	8	-	1	7
APS 6	\$67,695–77,763	18	3	-	21	-	-	21
Exec 1	\$84,526–101,224	6	2	1	9	-	2	7
Exec 2	\$102,977–117,071	15	7	3	25	1	2	22
SES 1	\$118,632–134,312	1	-	-	1	1	-	0
TOTAL		115	18	22	155	2	5	148

AWAs – Australian Workplace Agreements

s 24(1) Det – section 24(1) determinations under the *Public Service Act 1999*

Note: Staff on individual section 24(1) Determinations are covered by the Agency Agreement.

APPENDIX 3: APPLICATIONS, OUTCOMES, LISTINGS AND APPEALS STATISTICS

Table or chart	Title
A3.1	Applications lodged and applications finalised, in 2010–11
A3.2	Applications lodged, by state and territory
A3.3	Applications finalised, by state and territory
A3.4	Percentage of applications finalised without a hearing
A3.5	Outcomes of applications for review of a decision finalised in 2010–11
A3.6	Applications current at 30 June 2011, by state and territory
A3.7	Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal
A3.8	Constitution of tribunals for hearings
A3.9	Appeals from decisions of the Tribunal, by jurisdiction
A3.10	Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction, and total

This statistical information on different aspects of the Tribunal's workload for 2010–11 includes some data for earlier years for comparative purposes.



Table A3.1 Applications lodged and applications finalised, 2010–11

Applications lodged with, and applications finalised by, the Tribunal in 2010–11 are divided into four groups, and then into areas. The four groupings are: major Tribunal jurisdictions; Australian Government portfolio; other – Government areas; and other – Administrative Appeals Tribunal Act.

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
APPLICATIONS – MAJOR JURISDICTIONS				
SOCIAL SECURITY				
Age pension/Pension bonus scheme	176		183	
Austudy payment	19		15	
Baby bonus	20		18	
Carer allowance and carer payment	79		55	
Compensation preclusion period	61		74	
Disability support pension	530		577	
Disaster recovery payment	10		2	
Family tax benefit	54		63	
Newstart allowance	136		165	
Overpayments and debt recovery	387		484	
Parenting payment	46		57	
Pensioner education supplement	3		10	
Rent assistance	19		22	
Special benefit	10		9	
Youth allowance	40		37	
Other	59		63	
Subtotal	1,649	30	1,834	30
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	41		28	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	304		361	
Service pension/Income support supplement/Pension bonus	34		39	
Widows pension	87		110	
Other	13		9	
Subtotal	479	9	547	9
WORKERS' COMPENSATION				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision-maker</i>				
Asciano Services	10		3	

APPENDIX 3: APPLICATIONS, OUTCOMES, LISTINGS AND APPEALS STATISTICS

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
Australian Postal Corporation	183		198	
Chubb Security Services Limited	11		16	
Comcare	388		504	
Commonwealth Bank of Australia	25		22	
CSL Limited	8		12	
Linfox Armaguard Pty Limited/Linfox Australia Pty Limited	54		55	
Military Rehabilitation and Compensation Commission	121		163	
National Australia Bank Limited	29		37	
Optus Administration Pty Limited	6		10	
Telstra Corporation Limited	175		176	
TNT Australia Pty Ltd	27		21	
Transpacific Industries Pty Ltd	15		24	
Other decision-makers	34		32	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	72		47	
Subtotal	1,158	21	1,320	21
TAXATION				
Taxation Appeals Division				
Fringe benefits tax	18		10	
Goods and services tax	97		131	
Income tax (other than tax schemes)	820		786	
Income tax (tax schemes)	0		206	
Private rulings	13		3	
Self-managed superannuation fund regulation	11		19	
Superannuation guarantee charge	26		14	
Taxation administration	12		21	
Other	113		61	
Subtotal	1,103	20	1,251	20
SMALL TAXATION CLAIMS TRIBUNAL				
Goods and services tax	3		2	
Income tax (other than tax schemes)	30		25	
Income tax (tax schemes)	0		2	
Refusal of extension of time to lodge objection	18		7	
Release from taxation liabilities	7		10	
Superannuation guarantee charge	2		0	



Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
Other	13		11	
Subtotal	73	1	57	< 1
Subtotal	1,176	22	1,308	21
SUBTOTAL for major jurisdictions	4,462	82	5,009	81

APPLICATIONS – BY PORTFOLIO

AGRICULTURE, FISHERIES AND FORESTRY

Export and import control	2		2	
Fisheries	2		1	
Subtotal	4	< 1	3	< 1

ATTORNEY-GENERAL'S

Background checking	3		6	
Bankruptcy	18		20	
Customs	29		41	
Human rights	1		1	
Marriage celebrants	7		10	
Waiver of fees in courts	2		3	
Subtotal	60	1	81	1

BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Communications and media	1		1	
Subtotal	1	< 1	1	< 1

DEFENCE

Defence Force retirement and death benefits	12		10	
Employer support payments	2		4	
Other	6		6	
Subtotal	20	< 1	20	< 1

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Child care services	0		1	
Education services for overseas students	0		1	
Higher education funding	22		27	
Mutual recognition of occupations	27		28	
Occupational health and safety	0		1	
Subtotal	49	< 1	58	< 1

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
FINANCE AND DEREGULATION				
Electoral matters	1		2	
Subtotal	1	< 1	2	< 1
FOREIGN AFFAIRS AND TRADE				
Export market development grants	7		10	
Passports	7		18	
Subtotal	14	< 1	28	< 1
HEALTH AND AGEING				
Aged care	14		16	
Food standards	1		0	
Pharmacists	21		18	
Sports anti-doping	1		2	
Therapeutic goods	8		9	
Other	7		6	
Subtotal	52	< 1	51	< 1
HUMAN SERVICES				
Child support	51		60	
Subtotal	51	< 1	60	< 1
IMMIGRATION AND CITIZENSHIP				
Business visa cancellation	2		14	
Citizenship	217		271	
Migration agent registration	6		5	
Protection visa cancellation or refusal	3		3	
Visa cancellation or refusal on character grounds	69		76	
Subtotal	297	5	369	6
INFRASTRUCTURE AND TRANSPORT				
Air navigation	1		0	
Airports	2		3	
Aviation and maritime transport security	3		3	
Civil aviation	25		37	
Maritime safety	2		1	
Motor vehicle standards	28		34	
Subtotal	61	1	78	1

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
INNOVATION, INDUSTRY, SCIENCE AND RESEARCH				
Automotive industry	0		1	
Industry research and development	0		11	
Patents, designs and trademarks	7		5	
Pooled development funds/venture capital	1		2	
Textiles, clothing and footwear	0		1	
Subtotal	8	< 1	20	< 1
PRIME MINISTER AND CABINET				
Protection of movable cultural heritage	1		1	
Tax offsets for films	1		2	
Subtotal	2	< 1	3	< 1
REGIONAL AUSTRALIA, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT				
Leases on national land	1		0	
Subtotal	1	< 1	0	0
SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES				
Environment protection and biodiversity	1		5	
Great Barrier Reef Marine Park	1		0	
Subtotal	2	< 1	5	< 1
TREASURY				
Auditors and liquidators registration	1		1	
Consumer credit regulation	3		2	
Corporations and financial services regulation	28		35	
Insurance and superannuation regulation	1		1	
Tax agent registration	16		13	
Subtotal	49	< 1	52	< 1
SUBTOTAL for portfolios	672	12	831	13

APPLICATIONS – OTHER, GOVERNMENT**SECURITY APPEALS**

ASIO assessments	6		9	
Decisions of National Archives of Australia relating to ASIO records	0		1	
Subtotal	6	< 1	10	< 1

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
WHOLE OF GOVERNMENT				
<i>Archives Act 1983</i>	1		1	
<i>Freedom of Information Act 1982</i>	83		109	
Subtotal	84	2	110	2
CASE MANAGEMENT AND TRIBUNAL DECISIONS				
No jurisdiction/Uncertain jurisdiction	131		140	
Review of decision relating to fees	4		3	
Subtotal	135	2	143	2
SUBTOTAL for other	225	4	263	4

APPLICATIONS – OTHER, ADMINISTRATIVE APPEALS TRIBUNAL ACT				
Application for extension of time to lodge an application for review of a decision	78		74	
Subtotal	78	1	74	1
TOTAL^a	5,437	100	6,177	100

a Percentages do not total 100% due to rounding.

Chart A3.2 Applications lodged, by state and territory

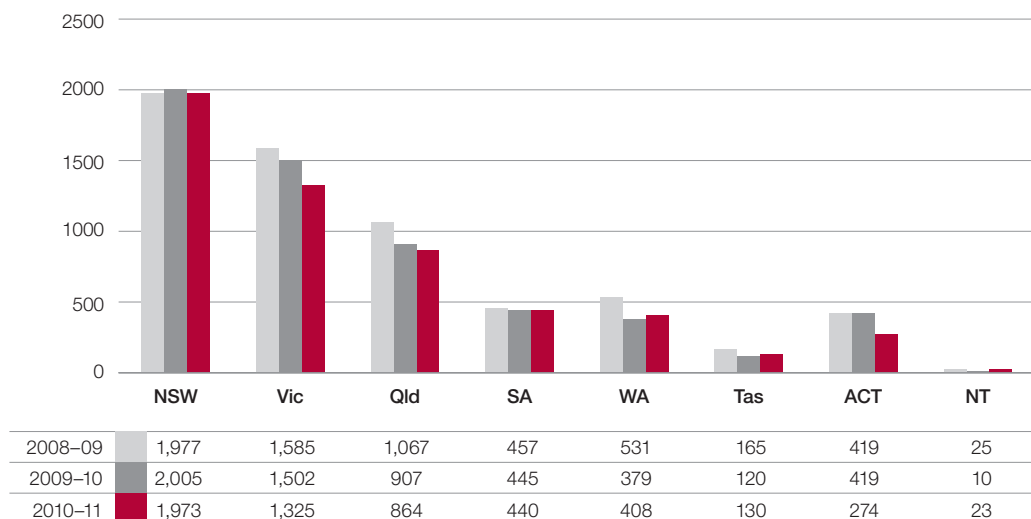


Chart A3.3 Applications finalised, by state and territory

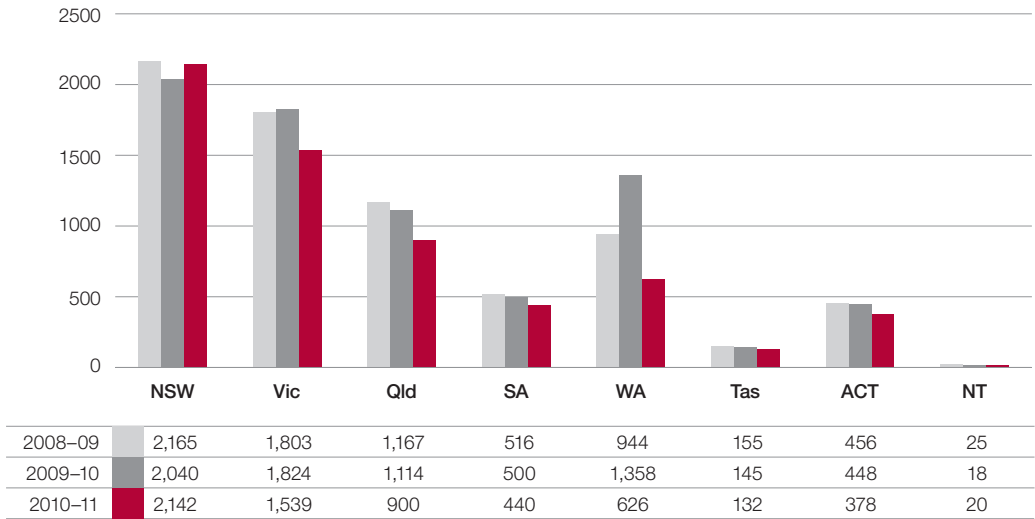


Table A3.4 Percentage of applications finalised without a hearing^a

Jurisdiction	2008-09 %	2009-10 %	2010-11 %
All	81	82	79
Social security	76	77	76
Veterans' affairs	74	75	73
Workers' compensation	85	85	87
Taxation			
Taxation Appeals Division	89	92	85
Small Taxation Claims Tribunal	84	95	82

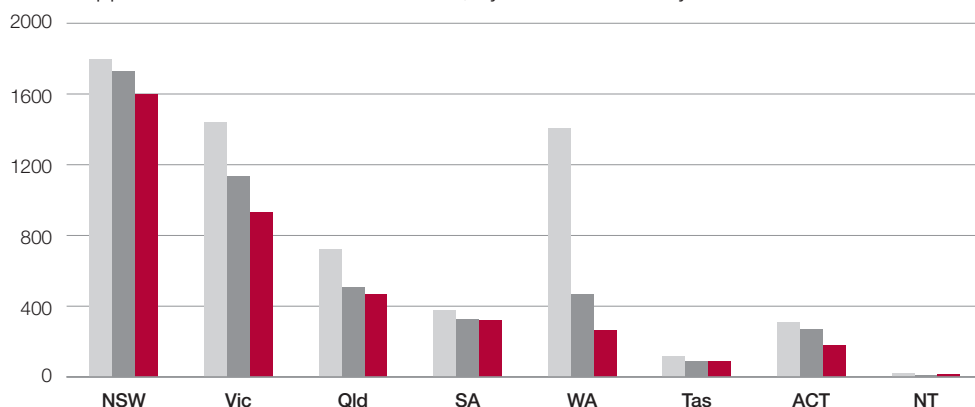
^a Applications finalised by the Tribunal without it completing the review and giving a decision on the merits under section 43 of the Administrative Appeals Tribunal Act. Includes applications finalised in accordance with terms of agreement lodged by the parties (ss 34D and 42C), applications withdrawn by the applicant (subs 42A(1A)) and applications dismissed by the Tribunal (ss 42A and 42B).

Table A3.5 Outcomes of applications for review of a decision finalised in 2010–11

	All applications		Veterans' affairs		Social security		Workers' compensation		Taxation		
	No	%	No	%	No	%	No	%	Taxation Appeals Division	Small Taxation Claims Tribunal	
By consent or withdrawn											
Decision affirmed ^a	371	6	5	<1	22	1	323	24	15	1	2
Decision varied ^a	580	10	35	6	22	1	63	5	446	36	14
Decision set aside ^a	1,360	22	165	30	368	20	442	33	232	19	19
Dismissed by consent ^b	64	1	3	<1	26	1	4	<1	16	1	0
Dismissed by operation of law ^c	332	5	0	–	332	18	0	–	0	–	–
Withdrawn by applicant	1,581	26	183	33	474	26	303	23	276	22	39
Subtotal	4,288	70	391	71	1,244	68	1,135	86	985	79	42
By decision											
Decision affirmed ^d	803	13	97	18	304	17	100	8	90	7	10
Decision varied ^d	72	1	5	<1	25	1	3	<1	32	3	0
Decision set aside ^d	400	7	43	8	115	6	64	5	68	5	0
Subtotal	1,275	21	145	27	444	24	167	13	190	15	10
Other											
Dismissed by Tribunal ^e	217	4	7	1	98	5	11	<1	62	5	2
No jurisdiction ^f	145	2	1	<1	2	<1	4	<1	1	<1	0
Extension of time refused	67	1	2	<1	34	2	2	<1	0	–	1
No application fee paid	91	1	0	–	0	–	0	–	10	<1	2
Other ^g	20	<1	1	<1	12	<1	1	<1	3	<1	0
Subtotal	540	9	11	2	146	8	18	1	76	6	5
Total^h	6,103	100	547	100	1,834	100	1,320	100	1,251	100	57
											100

- a Applications finalised by the Tribunal in accordance with the terms of agreement reached by the parties either in the course of an alternative dispute resolution process (s 34D of the Administrative Appeals Tribunal Act) or at any stage of review proceedings (s 42C).
- b Applications dismissed by consent under subs 42A(1) of the Administrative Appeals Tribunal Act.
- c If an application in the family assistance and social security area relates to the recovery of a debt, the parties may agree in writing to settle the proceedings. On receipt of the agreement, the application is taken to have been dismissed: s 146 of the *A New Tax System (Family Assistance) (Administration) Act 1999*, s 182 of the *Social Security (Administration) Act 1999*, and s 326A of the *Student Assistance Act 1973*.
- d Applications finalised by a decision of the Tribunal under s 43 of the Administrative Appeals Tribunal Act.
- e Applications dismissed under subs 42A(2) of the Administrative Appeals Tribunal Act (non-appearance at a case event), subs 42A(5) (failure to proceed with an application or to comply with a direction of the Tribunal) and subs 42B(1) (application is frivolous or vexatious).
- f Applications in relation to which the Tribunal has determined it does not have jurisdiction or dismissed under subs 42A(4) of the Administrative Appeals Tribunal Act on the basis that the applicant has failed to demonstrate that a decision is reviewable.
- g Includes applications for review of a decision that have been lodged out of time and in relation to which no extension of time application is subsequently received.
- h Percentages do not total 100% due to rounding.

Chart A3.6 Applications current at 30 June 2011, by state and territory



	NSW	Vic	Qld	SA	WA	Tas	ACT	NT
2008-09	1,795	1,438	721	374	1,407	117	308	19
2009-10	1,730	1,136	504	324	468	89	271	10
2010-11	1,599	929	469	322	261	88	177	13

Table A3.7 Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal

Event type	2008-09	2009-10	2010-11
Conferences	8,886	8,265	6,897
Case appraisals	8	8	4
Conciliations	529	507	527
Mediations	55	46	38
Neutral evaluations	49	49	57
Interlocutory hearings ^a	613	497	380
Hearings	1,300	1,277	1,166

a Includes hearings relating to the jurisdiction of the Tribunal and hearings relating to applications for orders of the following kind:

- to extend the time to lodge an application for review
- to be joined as a party to a proceeding
- to make a confidentiality order under section 35 of the Administrative Appeals Tribunal Act
- to stay the operation or implementation of a reviewable decision
- to dismiss an application
- to reinstate an application.

Table A3.8 Constitution of tribunals for hearings

Tribunal type	2008-09		2009-10		2010-11	
	No.	%	No.	%	No.	%
Judge alone	1	<1	3	<1	2	<1
Judge with 1 other member	10	<1	4	<1	5	<1
Judge with 2 other members	2	<1	1	<1	2	<1
Deputy President alone	186	14	175	14	169	14
Deputy President with 1 other member	51	4	62	5	49	4
Deputy President with 2 other members	3	<1	9	<1	2	<1
Senior Member alone	578	44	649	51	602	52
Senior Member with 1 other member	145	11	167	13	121	10
Senior Member with 2 other members	2	<1	5	<1	4	<1
Member alone	290	22	178	14	189	16
Two Members	32	2	22	2	21	2
Three Members	0	–	2	<1	0	0
TOTAL^a	1,300	100	1,277	100	1,166	100
Total multi-member tribunals	245	19	272	21	204	17

a Percentages do not total 100% due to rounding.

Table A3.9 Appeals against decisions of the Tribunal, by jurisdiction

Jurisdiction	2008-09		2009-10		2010-11	
	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b
Social security	20	1	16	0	16	0
Veterans' affairs	16	1	11	1	14	1
Workers' compensation	16	1	18	1	18	0
Taxation						
Taxation Appeals Division	13	1	17	0	14	1
Small Taxation Claims Tribunal	2	0	1	0	0	0
Immigration and citizenship	14	10	4	13	11	21
Other	14	1	16	4	25	0
Total	95	15	83	19	98	23

a Appeals lodged in the Federal Court under section 44 of the Administrative Appeals Tribunal Act. In some circumstances, a party may lodge an application seeking relief under section 44 of the Administrative Appeals Tribunal Act and under another enactment. These applications are treated as section 44 appeals for statistical purposes.

b Applications for judicial review made under other enactments, including the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* and section 75(v) of the Constitution.

Table A3.10 Outcomes of appeals from Tribunal decisions — by jurisdiction ^a

Outcome	2008–09		2009–10		2010–11	
	Section 44	Other	Section 44	Other	Section 44	Other
SOCIAL SECURITY						
Allowed/Remitted	6	0	4	0	3	0
Dismissed	14	0	19	0	9	0
Discontinued	4	0	2	1	7	0
Subtotal	24	0	25	1	19	0
VETERANS' AFFAIRS						
Allowed/Remitted	8	0	7	1	5	0
Dismissed	14	0	7	0	4	0
Discontinued	1	0	1	0	3	1
Subtotal	23	0	15	1	12	1
WORKERS' COMPENSATION						
Allowed/Remitted	8	0	3	0	4	0
Dismissed	2	1	8	0	7	0
Discontinued	6	0	6	1	3	0
Subtotal	16	1	17	1	14	0
TAXATION						
Taxation Appeals Division						
Allowed/Remitted	2	0	7	0	3	0
Dismissed	7	1	9	0	9	1
Discontinued	2	0	4	0	1	1
<i>Subtotal</i>	<i>11</i>	<i>1</i>	<i>20</i>	<i>0</i>	<i>13</i>	<i>2</i>
Small Taxation Claims Tribunal						
Allowed/Remitted	0	0	0	0	1	0
Dismissed	1	0	0	0	0	0
Discontinued	0	0	1	0	0	0
<i>Subtotal</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>
Subtotal	12	1	21	0	14	2

Outcome	2008-09		2009-10		2010-11	
	Section 44	Other	Section 44	Other	Section 44	Other
IMMIGRATION AND CITIZENSHIP						
Allowed/Remitted	2	3	3	3	2	1
Dismissed	4	8	5	8	6	15
Discontinued	2	0	2	0	1	1
Subtotal	8	11	10	11	9	17
OTHER						
Allowed/Remitted	6	1	6	1	11	0
Dismissed	13	2	11	1	11	1
Discontinued	4	0	2	2	3	0
Subtotal	23	3	19	4	25	1
Total	106	16	107	18	93	21

ALL						
Allowed/Remitted	32	4	30	5	29	1
Dismissed	55	12	59	9	46	17
Discontinued	19	–	18	4	18	3
Total	106	16	107	18	93	21

a Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court has been appealed, only the ultimate result is counted for the purpose of these statistics.

APPENDIX 4: RESOURCING TABLES

The Tribunal has one outcome specified in the 2010-11 Portfolio Budget Statements:

Access to a fair, just, economical, informal and quick review mechanism for applicants through reviews of government administrative decisions, including dispute resolution processes and independent formal hearings.

There is one program group relating to this outcome:

Program group 1.1—Completed review of decisions

Program 1.1.1—Applications finalised without a hearing

Program 1.1.2—Applications finalised with a hearing

Resource statements

Table A4.1 shows the Tribunal's various sources of funding.

Table A4.1 Tribunal resource statement – 2010-11

	Actual Available Appropriations for 2010-11 \$'000	Payments Made 2010-11 \$'000	Balance Remaining
	(a)	(b)	(a)-(b)
ORDINARY ANNUAL SERVICES			
Departmental appropriation			
Departmental appropriation ^{1, 2}	42,226	33,557	8,669
S31 Relevant agency receipts	1,029	–	1,029
Total available annual appropriations and payments	43,255	33,557	9,698
Special appropriations limited by entitlement			
FMA Act 1997 s28(2)		303	
Total special appropriations	303	303	
Total net resourcing	43,558	33,860	

¹ Appropriation Bill (No.1) 2010-11 and Appropriation Bill (No.3) 2010-11 and includes \$8.747m from prior periods.

² Includes an amount of \$0.747m in 2010-11 for the Departmental Capital Budget.

Expenses by Outcome

Table A4.2 shows how the 2010-11 budget appropriations for the Tribunal translate to total expenses for the Tribunal's outcome, and includes administered expenses, revenue from the government (appropriation), revenue from other sources and the total price of the programs.

Table A4.2 Expenses and Resources for Outcome

	Budget* 2010-11 \$'000	Actual Expenses 2010-11 \$'000	Variation 2010-11 \$'000
	(a)	(b)	(a)-(b)
Outcome 1- Completed reviews of decisions			
Program 1.1: Administrative Appeals Tribunal			
Administered expenses			
Special appropriations	600	303	297
Departmental expenses			
Ordinary annual services (Appropriation Bill No. 1)	32,732	32,732	-
Revenues from independent sources (section 31)	1,085	1,116	(31)
Expenses not requiring appropriation in the Budget year	2,366	2,417	(51)
Total expenses for Outcome 1	36,783	36,568	215
	2009-10	2010-11	
Average Staffing Level (number)	162	160	

* Full year budget, including any subsequent adjustment made to the 2010-11 Budget

APPENDIX 5: APPLICATION FEES

The rules governing fees that are payable to lodge applications with the Tribunal are in the Administrative Appeals Tribunal Act and the Administrative Appeals Tribunal Regulations.

Application fees and refunds

The primary rules for the payment and refund of fees are in regulations 19 and 19AA of the Administrative Appeals Tribunal Regulations, and were amended during 2010–11.

An application to the Tribunal is not taken to be made unless the prescribed fee is paid. Subject to a number of exceptions, an application fee is payable for lodging an application:

- for review of a decision
- for a decision on whether a person was entitled to be given a statement of reasons for a decision, and
- for a declaration, under the Freedom of Information Act, that a statement of reasons for a decision is not adequate.

Standard application fees

The standard application fee was \$777.

The fee to lodge an application in the Small Taxation Claims Tribunal was \$77.

One fee payable

If two or more applications relate to the same applicant and may be conveniently heard before the Tribunal at the same time, the Tribunal may order that only one fee is payable for those applications.

Application fee not payable

Applications for review of the following types of decisions do not attract a fee:

- any decision specified in Schedule 3 to the Administrative Appeals Tribunal Regulations, and
- any decision under the Freedom of Information Act concerning a document that relates to a decision specified in Schedule 3 to the Administrative Appeals Tribunal Regulations.

Schedule 3 decisions include those in the areas of family assistance and social security, veterans' affairs and workers' compensation.

Reduced application fee payable

Before 1 November 2010, certain applicants were exempt from the requirement to pay a fee. An application fee was not payable if the person liable to pay the fee was:

- granted legal aid for the matter to which the application relates
- the holder of a health care card, a health benefit card, a pensioner concession card, a Commonwealth seniors health card or any other card that certifies entitlement to Commonwealth health concessions
- an inmate of a prison, in immigration detention or otherwise lawfully detained in a public institution
- a child under 18 years, or
- in receipt of youth allowance, Austudy payment or benefits under the ABSTUDY Scheme.

From 1 November 2010, applicants pay a \$100 fee instead of the standard application fee if they fall into any of those categories.

Before 1 November 2010, the Tribunal had a discretion to waive an application fee when satisfied that payment of the fee would cause financial hardship to the person. From 1 November 2010, the Tribunal can order that a \$100 fee is payable rather than the standard application fee when satisfied that payment of the full fee would cause financial hardship to the person.

Since 1 November 2010, the \$77 fee payable to lodge an application in the Small Taxation Claims Tribunal must be paid in all circumstances.

Refunds

A person is entitled to a:

- full refund if they have paid an application fee that was not payable, or
- partial refund if they paid the standard application fee but were entitled to pay the \$100 fee.

A person is also entitled to a refund if the person paid the standard application fee and the Tribunal certifies that proceedings terminated favourably for the applicant.

The refund amount is:

- the full application fee if the application was lodged before 1 November 2010, or
- the difference between the application fee paid and \$100 if the application was lodged on or after 1 November 2010.

Application fees in 2010–11

In 2010–11 the Tribunal received \$625,515 and refunded \$302,527 in application fees.

Total revenue forgone was \$618,718 for fees either reduced, in 153 applications, or not paid, in 681 applications (see Tables A5.1, 5.2, 5.3).

The Tribunal refused 10 applications to waive or reduce the application fee on financial hardship grounds: two before 1 November 2010 and eight from 1 November 2010.

There were four applications for review of a decision not to order payment of a reduced fee instead of the full application fee. In two cases the decision was affirmed (unchanged), in one case the decision was overturned, and one case was withdrawn after the end of the reporting period.

Table A5.1 Revenue summary: total, refunded and forgone

Total fee revenue	\$625,515
Total refunded	\$302,527
Total revenue forgone	\$618,718
Applications : fees reduced	153
Applications : fees not paid	681

Table A5.2 No fee or reduced fee paid

Reason	Number of applications affected
<i>Before 1 November 2010</i>	
Applicant exempt from paying standard application fee	114
Applicant exempt from paying STCT fee	3
Application fee waived by Tribunal on hardship grounds	42
Subtotal	159
<i>From 1 November 2010</i>	
Applicant eligible to pay reduced fee	109
Application fee reduced by Tribunal on hardship grounds	44
Subtotal	153
Total	312

Table A5.3 Applications where no fee payable for multiple applications for the same applicant

Category	Number of 'multiple' applications for which fee was not collected
Standard application fee	487
Reduced fee	18
STCT fee	17
Total	522

APPENDIX 6: CHANGES TO JURISDICTION

This appendix lists the laws — the Acts and legislative instruments collectively referred to as enactments — that altered the Tribunal's jurisdiction in the period 1 July 2010 to 30 June 2011.

The list includes enactments or parts of enactments that were assented to or made before 1 July 2010 but which commenced during the reporting period. The list does not include those enactments or parts of enactments that were assented to or made in the reporting period but had not commenced at 30 June 2011.

New jurisdiction conferred

The enactments listed in the left column conferred new jurisdiction on the Tribunal to review decisions made under that enactment or under the enactment listed in the right column.

Table A6.1 New jurisdiction

Conferring enactment	Affected enactment
<i>Accreditation Grant Principles 2011</i>	
<i>Australian Meat and Live-stock Industry (Beef Export to the USA – Quota Year 2011) Order 2010</i>	
<i>Automotive Transformation Scheme Regulations 2010</i>	
<i>Building Energy Efficiency Disclosure Act 2010</i>	
<i>Disability (Access to Premises – Buildings) Standards 2010</i>	
<i>Eastern Tuna and Billfish Fishery Management Plan 2010</i>	
<i>Export Control (Poultry Meat and Poultry Meat Products) Orders 2010</i>	
<i>Export Control (Wild Game Meat and Wild Game Meat Products) Orders 2010</i>	
<i>Health Insurance (Eligible Collection Centres) Approval Principles 2010</i>	
<i>Marine Orders Part 21 – Issue 7 (Order No. 6 of 2010)</i>	
<i>Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010</i>	
<i>National Consumer Credit Protection Regulations 2010</i>	
<i>National Health Amendment (Contenance Aids Payment Scheme) Act 2010</i>	<i>Contenance Aids Payment Scheme 2010</i>
<i>Offshore Petroleum and Greenhouse Gas Storage (Greenhouse Gas Injection and Storage) Regulations 2011</i>	
<i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i>	
<i>Paid Parental Leave Act 2010</i>	
<i>Renewable Energy (Electricity) Amendment (Transitional Provision) Amendment Regulations 2010 (No. 1)</i>	<i>Renewable Energy (Electricity) Amendment (Transitional Provisions) Regulations 2010</i>



Conferring enactment	Affected enactment
<i>Renewable Energy (Electricity) Amendment Regulations 2010 (No. 8)</i>	<i>Renewable Energy (Electricity) Regulations 2001</i>
<i>Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010</i>	<i>Northern Territory National Emergency Response Act 2007</i>
<i>Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 1)</i>	
<i>Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 2)</i>	

Existing jurisdiction amended

The enactments listed in the left column amended the Tribunal's existing jurisdiction to review decisions under the enactment or enactments listed in the right column. The enactments have either extended the Tribunal's jurisdiction or reduced the number of decisions subject to review.

Table A6.2 Amended jurisdiction

Amending enactment	Affected enactment
<i>Administrative Appeals Tribunal Amendment Regulations 2010 (No. 2)</i>	<i>Administrative Appeals Tribunal Regulations 1976</i>
<i>Agricultural and Veterinary Chemicals Code Amendment Act 2010</i>	<i>Agricultural and Veterinary Chemicals Code Act 1994</i>
<i>Australian Wine and Brandy Corporation Amendment Act 2010</i>	<i>Australian Wine and Brandy Corporation Act 1980</i>
<i>Australian Wine and Brandy Corporation Amendment Regulations 2010 (No. 1)</i>	<i>Australian Wine and Brandy Corporation Regulations 1981</i>
<i>Aviation Transport Security Amendment (2009 Measures No. 1) Act 2010</i>	<i>Aviation Transport Security Act 2004</i>
<i>Aviation Transport Security Amendment Regulations 2010</i>	<i>Aviation Transport Security Regulations 2005</i>
<i>Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Act 2010</i>	<i>Child Support (Registration and Collection) Act 1988</i>
<i>Civil Aviation and Civil Aviation Safety Amendment Regulations 2010 (No. 1)</i>	<i>Civil Aviation Safety Regulations 1998</i>
<i>Civil Aviation and Civil Aviation Safety Amendment Regulations 2011 (No. 1)</i>	<i>Civil Aviation Regulations 1988</i>
<i>Civil Aviation and Civil Aviation Safety Amendment Regulations 2011 (No. 2)</i>	<i>Civil Aviation Regulations 1988</i> <i>Civil Aviation Safety Regulations 1998</i>
<i>Civil Aviation Safety Amendment Regulations 2010 (No. 2)</i>	<i>Civil Aviation Safety Regulations 1998</i>
<i>Education Services for Overseas Students Legislation Amendment Act 2011</i>	<i>Education Services for Overseas Students Act 2000</i>

Amending enactment	Affected enactment
<i>Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010</i>	<i>Commonwealth Electoral Act 1918</i>
<i>Family Law Amendment Regulations 2010 (No. 3)</i>	<i>Family Law Regulations 1984</i>
<i>Federal Court of Australia Amendment Regulations 2010 (No. 1)</i>	<i>Federal Court of Australia Regulations 2004</i>
<i>Federal Court of Australia Amendment Regulations 2010 (No. 2)</i>	<i>Federal Court of Australia Regulations 2004</i>
<i>Federal Court of Australia Amendment Regulations 2011 (No. 1)</i>	<i>Federal Court of Australia Regulations 2004</i>
<i>Federal Magistrates Amendment Regulations 2010 (No. 2)</i>	<i>Federal Magistrates Regulations 2000</i>
<i>Financial Sector Legislation Amendment (Prudential Refinements and Other Measures) Act 2010</i>	<i>Banking Act 1959</i> <i>Insurance Act 1973</i> <i>Life Insurance Act 1995</i>
<i>Freedom of Information Amendment (Reform) Act 2010</i>	<i>Freedom of Information Act 1982</i>
<i>Maritime Transport and Offshore Facilities Security Amendment Regulations 2010 (No. 1)</i>	<i>Maritime Transport and Offshore Facilities Security Regulations 2003</i>
<i>National Measurement Amendment Regulations 2010 (No. 1)</i>	<i>National Measurement Regulations 1999</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2010 (No. 1)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Primary Industries Levies and Charges Collection Amendment Regulations 2011 (No. 1)</i>	<i>Primary Industries Levies and Charges Collection Regulations 1991</i>
<i>Renewable Energy (Electricity) Amendment Act 2010</i>	<i>Renewable Energy (Electricity) Act 2000</i>
<i>Tax Agent Services Amendment Regulations 2010 (No. 1)</i>	<i>Tax Agent Services Regulations 2009</i>
<i>Tax Laws Amendment (2007 Measures No. 5) Act 2007</i>	<i>Income Tax Assessment Act 1936</i>
<i>Tax Laws Amendment (2010 Measures No. 2) Act 2010</i>	<i>Income Tax Assessment Act 1936</i>
<i>Therapeutic Goods Amendment (2009 Measures No. 3) Act 2010</i>	<i>Therapeutic Goods Act 1989</i>
<i>Therapeutic Goods Amendment Regulations 2011 (No. 1)</i>	<i>Therapeutic Goods Regulations 1990</i>



Jurisdiction removed

The repealing enactments provided for merits review by the Tribunal or removed the Tribunal's jurisdiction under an enactment that continues to exist. The affected enactment is noted in the right column.

Table A6.3 Jurisdiction removed

Repealing enactment	Affected enactment
<i>Accreditation Grant Principles 2011</i>	<i>Accreditation Grant Principles 1999</i>
<i>Agriculture, Fisheries and Forestry Redundant Regulations (Repeal) 2011</i>	<i>Wool International Regulations 1993</i>
<i>Eastern Tuna and Billfish Fishery Management Plan 2005 – Revocation</i>	<i>Eastern Tuna and Billfish Fishery Management Plan 2005</i>
<i>Health Insurance (Eligible Collection Centres) Approval Principles 2010</i>	<i>Health Insurance (Eligible Collection Centres) Approval Principles 2008</i>
<i>Marine Orders Part 21 – Issue 7 (Order No. 6 of 2010)</i>	<i>Marine Orders Part 21 – Issue 6 (Order No. 2 of 2009)</i>
<i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i>	<i>Offshore Petroleum and Greenhouse Gas Storage (Management of Greenhouse Gas Well Operations) Regulations 2010</i> <i>Offshore Petroleum and Greenhouse Gas Storage Regulations 1985</i> <i>Petroleum (Submerged Lands) (Data Management) Regulations 2004</i> <i>Petroleum (Submerged Lands) (Datum) Regulations 2002</i> <i>Petroleum (Submerged Lands) (Management of Well Operations) Regulations 2004</i> <i>Petroleum (Submerged Lands) (Pipelines) Regulations 2001</i>
<i>Telecommunications Service Provider (Premium Services) Revocation Determination 2010 (No. 1)</i>	<i>Telecommunications Service Provider (Premium Services) Determination 2004 (No. 2)</i>

APPENDIX 7: DECISIONS OF INTEREST

Aged Care

The Uniting Church in Australia Property Trust (Q) and Secretary, Department of Health and Ageing

[2010] AATA 536; 20 July 2010

Deputy President PE Hack SC

Whether the Applicant's approval as a provider of aged care services should have been revoked under the Aged Care Act 1997

The Uniting Church in Australia Property Trust (Q) is a body corporate that, under the name of 'Blue Care', operates 54 residential aged care facilities in Queensland and Northern New South Wales, including the Mareeba Garden Settlement Hostel in Mareeba, North Queensland.

On 16 December 2008 two assessors employed by the Aged Care Standards and Accreditation Agency Ltd undertook an unannounced visit to Mareeba Garden. The Agency concluded that Mareeba Garden did not meet accreditation standards contained in Principles made under the *Aged Care Act 1997*, namely that residents receive adequate nourishment and hydration. The state manager of the Agency reported the assessor's findings that there was a serious risk to the residents to the Secretary of the Department of Health and Ageing, and recommended that sanctions be imposed. On that same day, a delegate of the Secretary, without notice to Blue Care, revoked Mareeba Garden's approval as a provider of aged care services and restricted its approval as a provider of aged care services to care recipients to take effect in six months. In the decision to impose sanctions, the Secretary considered whether Blue Care's non-compliance with the legislative requirements would threaten the health, welfare or interests of the care recipients.

The Tribunal undertook a detailed analysis of the records available on the date of the assessors' visit and the evidence of the medical practitioners treating the residents. The Tribunal concluded that, while there were shortcomings in the information systems of

Mareeba Garden, they were not as serious as the recommendation to the Secretary suggested and did not threaten the health, welfare and interests of residents. The decision imposing the sanctions was set aside.

The Tribunal acknowledged the role of the Secretary in the proper protection of residents but expressed concerns relating to the costs of the proceedings. It noted the gravity of imposing sanctions and observed that the care provider should have been given an opportunity to respond to the Agency's concerns.

Aviation

Avtex Air Services Pty Ltd and Civil Aviation Safety Authority

[2011] AATA 61; 4 February 2011

Senior Member E Fice

Whether there was a serious and imminent risk to air safety – Whether the Applicants' Air Operators Certificate should be cancelled

Avtex Air Services Pty Ltd (Avtex) and its associated company, Skymaster Air Services Pty Ltd (Skymaster) held air operators' certificates (AOCs) authorising them to conduct charter and aerial work operations. The Civil Aviation Safety Authority (CASA) was concerned about the safety of Avtex's operations. On 28 May 2010, CASA issued a show cause notice to Avtex, indicating that it proposed to vary, suspend or cancel its AOC.

Before CASA took action on its show cause notice, an Air Piper Mojave Aircraft operated by Skymaster crashed near Bankstown Airport when attempting an emergency landing. The pilot and a flight nurse were killed.

CASA conducted a special audit of Skymaster in June 2010 and concluded that continued operations by Skymaster and Avtex would result in a serious and imminent risk to air safety. CASA applied to the Federal Court seeking a mandatory injunction to prevent Avtex and Skymaster from continuing their flight operations. CASA issued a further show cause notice and, on receiving a response, decided to cancel the AOC of Avtex and Skymaster.

Avtex lodged a review and stay application with the Tribunal. Skymaster also lodged a review application with the Tribunal but resisted CASA's application to have the two matters heard concurrently. The Tribunal noted the evidence from both companies would overlap and it was unlikely that inconsistent findings would be made, but decided it did not have power to order a concurrent hearing without the permission of the parties. Avtex's application was expedited to a hearing.

The Tribunal determined that there were serious safety problems with Avtex operations and that the company had not sufficiently rectified the problems identified by CASA in its show cause notices. The Tribunal decided that the evidence disclosed the existence of a serious and imminent risk to air safety and breaches of Avtex's AOC. The Tribunal further found that Avtex's organisation and management structures were defective, which meant that its business activities were not undertaken with a reasonable degree of care and diligence. The Tribunal affirmed the decision under review.

Citizenship

Neumueller and Minister for Immigration and Citizenship

[2010] AATA 908; 16 November 2010

Senior Member J Redfern

Whether there is any statutory discretion available to the Tribunal to overcome the failure of an Applicant, who holds a permanent visa, to meet the general residence requirements under the Australian Citizenship Act 2007 and if so, how that discretion is to be exercised

Ms Neumueller, a German citizen holding a permanent (spouse) visa, applied for Australian citizenship under section 21 of the *Australian Citizenship Act 2007* (Cth) in December 2009. Her application was refused by the Department of Immigration and Citizenship.

Ms Neumueller did not meet the residence requirement as she fell short of the required period by 45 days. Ms Neumueller argued, however, that there were three possible statutory discretions of relevance to her case upon which it was open to the Minister or

the Tribunal, standing in the Minister's shoes, to treat her absence from Australia as a period of residence and grant citizenship by conferral including that significant hardship or disadvantage would otherwise result, a person was present in Australia either as an unlawful non-citizen or a non-permanent resident because of an administrative error or, the applicant holds a permanent visa because he or she was in an interdependent relationship with an Australian citizen.

Ms Neumueller claimed that it was harsh and unfair for her application to be refused because her father had died and she had returned to Germany during 2008 and 2009 to resolve her father's affairs, assist her mother and deal with a property dispute. She continued, however, to work for a German language newspaper based in Australia, maintained her Australian residence, bank accounts and relationships.

Furthermore, the Department provided misleading information as the refusal letter stated that she would not be eligible for citizenship until August 2012. Had she re-applied before 1 July 2010, it is likely that she would have met the general residence requirements. Finally, Ms Neumueller claimed that she was in an interdependent relationship with her former partner.

The Tribunal found that Ms Neumueller's circumstances did not fall within the scope of the statutory discretions. As there was no general discretion based on considerations of fairness, the decision under review was affirmed.

Environment

No Ship Action Group Inc and Minister for Sustainability, Environment, Water, Population and Communities and State of New South Wales

[2010] AATA 702; 15 September 2010

Justice GK Downes, President; Mr P Wulf, Member; Mr M Hyman, Member

Whether a permit should be granted for scuttling the HMAS Adelaide to provide an artificial reef

The frigate HMAS Adelaide was decommissioned in 2008 and given

to the State of New South Wales. The State was granted a permit under section 19 of the *Environment Protection (Sea Dumping) Act 1981* for the scuttling and placement of the ship as an artificial reef. The No Ship Action Group sought review of the decision to grant the permit, based on various concerns about potentially harmful effects of the wiring and lead and copper in paint. The Action Group also submitted it would be preferable to recycle the ship than to scuttle it.

The Navy and the State worked to prepare the ship for scuttling before and after the permit was granted. They removed military and other equipment, and investigated and removed some potentially harmful material. In making the decision to grant the permit, several environmental studies and independent assessments were considered. The permit was granted for 50 years with a number of conditions attached relating to long-term monitoring and management.

Australia's international obligations relating to marine pollution are determined with reference to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. The Tribunal considered whether the proposal to scuttle the ship was contrary to the aims of the Protocol and gave weight to the desirability of avoiding pollution. The Tribunal noted that the essential elements to be taken into account under the Protocol were environmentally based, but that economic and other non-environmental factors could also be considered.

In deciding whether the presence of lead in the paint of the ship would be harmful, the Tribunal considered evidence from several experts in ecological, environmental and human health. Overall, the Tribunal decided that the available information led to a conclusion that there was no risk of harm to human or environmental health, but, consistent with relevant Canadian Standards and US Guidelines, the Tribunal found that any flaking paint should be removed before scuttling.

The Tribunal also decided that the copper-based anti-fouling coating did not lead to a significant risk of harm to the environment due to its age and state of depletion.

The Protocol requires consideration of a hierarchy of waste management options when determining an application to dump waste or other matter. These options include reuse, recycling and disposal. In considering the alternatives, the Tribunal took the ship in her present state, not as she was before the changes to prepare her for scuttling were undertaken.

The Tribunal decided that the creation of the artificial reef served purposes other than merely disposing of the ship, and was at least, in part, a reuse of the ship. It was therefore the better option when compared to the excessive cost of recycling. The Tribunal considered that this determination was within the aims of the Protocol.

The Tribunal varied the decision under review and decided that the permit should be granted with the conditions already attached as well as further conditions relating to the removal of remaining wiring, coverings and paint, and further sampling and monitoring of lead on the ship and at the site of the scuttling.

Export and import control

Red Bull (Australia) Pty Ltd and Secretary, Department of Agriculture, Fisheries and Forestry

[2011] AATA 157; 10 March 2011

Deputy President RP Handley

Whether goods unloaded and loaded in New Zealand port in the course of transit were 'imported' – Whether the goods may 'lawfully be sold in New Zealand' for the purpose of section 10 of the Trans-Tasman Mutual Recognition Act 1997

Red Bull (Australia) Pty Limited imports Red Bull energy drinks manufactured in the United States of America. A consignment of the energy drinks, shipped from the USA, was unloaded and loaded onto another vessel in New Zealand and shipped to Australia, arriving in Sydney in December 2009. The consignment did not clear New Zealand customs and was never intended for the New Zealand market.

On 16 February 2010, the Australian Quarantine and Inspection Service (AQIS) notified Red Bull that the product had been identified as 'failing food', as defined in the *Imported Food Control Act 1992* (Cth), requiring that the goods be destroyed or re-exported under AQIS supervision or relabelled before reinspection by AQIS, for failing to meet the standards set out in the Australia New Zealand Food Standards Code.

Red Bull asserted that the product did not have to comply with the Code because it was subject to the TransTasman Mutual Recognition Act, under which goods imported into New Zealand that may lawfully be sold there, may be sold in Australia without needing to comply with further requirements. AQIS notified Red Bull in May 2010 that the goods were not subject to the Trans-Tasman Mutual Recognition Act.

Red Bull sought review of a similar decision relating to a second consignment and the applications were dealt with together before the Tribunal.

The Tribunal noted that whether the goods were imported into New Zealand was a question of interpretation of the ordinary meaning of the words of the statute, and the context in which the words were used.

The object of the Trans-Tasman Mutual Recognition Act is to reduce regulatory barriers such as compliance costs for business. Goods that met the regulatory requirements to enable them to be sold in New Zealand could also be sold in Australia without having to comply with further regulatory requirements. In this case however, the goods were not tested for compliance with New Zealand regulatory requirements.

Goods are not defined as 'imported' if the ship on which they are carried puts into a port en route to their ultimate destination. The Tribunal found that the goods were not imported into New Zealand and therefore the Trans-Tasman Mutual Recognition Act did not apply. The Tribunal affirmed the decisions under review.

Freedom of information

Haneef and Australian Federal Police Haneef and Commonwealth Director of Public Prosecutions

[2010] AATA 514; 9 July 2010

Senior Member B McCabe

Whether extracts of documents held by the Australian Federal Police and the Commonwealth Director of Public Prosecutions were exempt under the Freedom of Information Act 1982

Dr Haneef was arrested and detained in Australia in July 2007 on suspicion of having a connection to a terrorist attack in the United Kingdom a few days earlier. He remained in custody for 11 days before his visa was cancelled and he was required to leave the country. Dr Haneef was subsequently cleared of any wrong-doing and the decision to cancel his visa was set aside by the Federal Court. Dr Haneef sought access to a range of documents, including those relating to the criminal investigation and the decision to cancel his visa.

The Australian Federal Police (AFP) and the Commonwealth Director of Public Prosecutions (CDPP) claimed that extracts of some documents and the whole of other documents were either irrelevant, or exempt from production on grounds including that the documents were provided in confidence by a foreign government or agency, disclosure might damage the Commonwealth's international relations or security documents or the documents contained personal information.

The principal ground, however, was that the documents were subject to legal professional privilege. The criminal investigation into Dr Haneef ended before prosecutors would ordinarily be required to disclose their brief of evidence to the accused. The AFP and the CDPP argued that a large number of documents generated during the course of the investigation, including witness statements, were privileged and therefore exempt.

The Tribunal was required to consider, however, whether the privilege had been waived in relation to a number of the documents. Many of the documents had been made available to an inquiry into the case of Dr Haneef, conducted by Dr Clarke, and the media had learned of the contents of some of the documents from other sources. It decided that the conduct of the person entitled to the privilege was relevant in determining whether a waiver had occurred, and even if the information had become available externally, it did not necessarily mean privilege had been waived. The Tribunal took a broad view of privilege and found that most documents were therefore exempt.

The Tribunal set aside the decision to exempt a number of documents from production, but the decision on the balance of the exemptions was affirmed.

Social security

Law and Secretary, Department of Education, Employment and Workplace Relations

[2010] AATA 844; 29 October 2010

Senior Member J Toohey

Whether the Applicant was entitled to parenting payment following the recognition of same-sex relationships in social security law

Mr Law was the primary carer of his son. In February 2000 he was granted parenting payment at the rate for a single person. In 2001, Mr Law commenced a same-sex relationship which had no bearing on the rate of his parenting payment because at that time same-sex relationships were not recognised for the purposes of social security law.

On 1 July 2006, Parliament enacted the *Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Act 2005* which reduced the age up to which parenting payment could be received for a child. From 1 July 2006, payment stopped when a child turned six if the

parent was a member of a couple, and when the child turned eight if the parent was not.

On 1 July 2009, Parliament enacted the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Reform) Act 2008*. The legislation amended the definition of ‘member of a couple’ in the *Social Security Act 1991* so that it applied to same-sex couples. The effect was that Mr Law became a member of a couple and was no longer entitled to parenting payment at the single rate.

A transitional provision in the Welfare to Work Act meant that a person who was receiving parenting payment and was a member of a couple when the legislation commenced could continue to receive parenting payment until the child reached 16 years of age, as long as he or she continued to be a member of a couple. Mr Law had the benefit of this transitional provision until the Same-Sex Relationships Act came into effect, at which point he was recognised as being a member of a couple and his parenting payment was cancelled.

Mr Law submitted that, if his relationship had been recognised when the Welfare to Work Act came into effect, he would have been a member of a couple; he would have had the benefit of the transitional provision and still be entitled to parenting payment. The Tribunal found that there was no provision by which a person who was in a same-sex relationship before 1 July 2006 could receive retrospective recognition as a member of a couple.

The Tribunal also decided that the discretion which enables the Secretary to determine, if there is a special reason in the particular case, that a person is not to be treated as a member of a couple, was not applicable to Mr Law.

The Tribunal recognised that Mr Law was probably one of many people who were adversely affected financially by the recognition of same-sex relationships. Those consequences were specifically recognised by Parliament, which considered the benefits of recognition outweighed the disadvantages. The Tribunal affirmed the decision under review.

Priestley and Secretary, Department of Families, Housing, Community Services and Indigenous Affairs

[2011] AATA 185; 22 March 2011

Deputy President DG Jarvis

What was the effect on the Applicants' age pension of lump sum earnings received for casual employment as electoral officials on the day of the South Australian election

The Applicants, Mr and Mrs Priestley, both age pensioners, were employed as polling officials on a casual basis by the Electoral Commission at the South Australian election held on 20 March 2010. They each received payment of \$382.85, including a meal allowance of \$14.85.

On 20 September 2009, changes were made to the method by which the rate of certain social security pension payments, including the age pension, was calculated. These changes were made by the *Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Act 2009* (Amending Act), which provided a one-off increase in the rate of pensions and an indexation increase. One of the methods of calculation was the amount by which employment income affected the rate of pension payable: income over a statutory 'free' area reduced the pension rate by 50 cents in the dollar, rather than by 40 cents in the dollar as had previously been the case.

To protect the position of existing pensioners, the Amending Act included transitional provisions. Pensions were to be calculated by using both the new method and a transitional method. If the new rate of pension was higher than the transitional rate in an instalment period, then the new rate would apply.

Mr and Mrs Priestley's age pension payment rates for the fortnightly instalment period 13 to 26 March 2010 were calculated using both the new and the transitional rate method.

Because of the way Centrelink attributed their earnings from the Electoral Commission, the new method gave a slightly higher rate of pension for that instalment period, and therefore the new rate method was used to assess Mr and Mrs Priestley's pension, even

though that rate was less than the rate that applied before then.

Mr and Mrs Priestley contended that the attribution of their income for this one-off casual employment to one fortnightly instalment period was inappropriate and unfair. In the alternative, they contended that their earnings should be attributed to two pension instalment periods to take into account the preparatory work which they completed for the Electoral Commission during the preceding fortnight. They received the manual and home workbook on 1 March 2010.

The Tribunal considered the relevant legislation and authorities, and concluded that the period to which their income should be attributed was not less than 20 days. The Tribunal further considered that there were cogent reasons not to apply the Guide to Social Security Law. Mr and Mrs Priestley were therefore entitled to continue to receive the higher transitional rate of pension that was applicable to them. The Tribunal set aside the decision under review and remitted the matter to the Secretary for reconsideration.

Taxation

O'Brien and Commissioner of Taxation

[2011] AATA 164; 14 March 2011

Senior Member SE Frost

Whether reasonable precautions were taken to prevent destruction of records – Whether administrative penalties imposed on the Applicant for a failure to take reasonable care to comply with a taxation law should be remitted.

Mr O'Brien was a partner in a partnership that conducted business in the road transport industry and used large amounts of diesel fuel. Mr O'Brien made claims for grants and tax credits based on the partnership's diesel fuel use.

The Commissioner of Taxation determined that the grants and credits given should be repaid and that penalties were payable because Mr O'Brien did not produce any documents to substantiate his claims. Mr O'Brien objected to the assessments and provided documentary

evidence that partly substantiated his claims. The Commissioner allowed the claims to the extent they had been substantiated but a significant amount claimed was still owing to the Commissioner.

The principal issue before the Tribunal was whether the Commissioner's assessments were excessive. Resolution of this issue hinged on whether Mr O'Brien complied with post-claim record-keeping requirements.

The claims were made under two schemes that applied at different times. The earlier scheme was governed by the *Energy Grants (Credits) Scheme Act 2003* and the *Products Grants and Benefits Administration Act 2000* and required Mr O'Brien to keep records to substantiate a claim for five years following a claim. The later scheme, governed by the *Fuel Tax Act 2006*, required Mr O'Brien to keep records that explained any transactions giving rise to a credit for five years from the transaction.

Mr O'Brien gave evidence that he had records to substantiate the claims but that many of them had been destroyed as the records were stored in a shed and were eaten by mice.

He recovered some of this documentation through various fuel suppliers and provided further documentation to the Tribunal following the lodgement of his application, but a substantial number of documents remained missing. The Tribunal decided that the documents provided substantiated part of the claims and justified a partial reduction in the amount assessed.

The Tribunal considered an exception to the record-keeping requirements under the earlier scheme which provided that if the Commissioner is satisfied a person took reasonable precautions to prevent the destruction of original documentary evidence, entitlement to a grant is not affected by a failure to retain that evidence. The Tribunal determined that this provision did not assist Mr O'Brien because by storing documents in a place where they might be destroyed by rodents, he did not take reasonable precaution to prevent their loss or destruction.

Accordingly, the Tribunal found that the Commissioner's assessments were excessive only to the extent that Mr O'Brien had provided

documents substantiating his claims. The Tribunal found that the penalty imposed should not be remitted.

Luxottica Retail Australia Pty Ltd and Commissioner of Taxation

[2010] AATA 22; 15 January 2010

Deputy President J Block; Senior Member S E Frost

Whether the supply of an item (spectacles) which contains a GST-free element (prescription lenses) and a taxable element (frames) constitutes one or two supplies for GST purposes – What is the applicable GST where a promotional discount is offered on the taxable element but not on the GST-free element

Luxottica Retail Australia Pty Ltd (Luxottica) and its associates are retailers of spectacles. At various times the companies ran promotions which offered frames at a discount when purchased with lenses. No discount was offered on the price of the lenses supplied with the discounted frames. The price paid by the customer for their spectacles was the aggregate of the prices of the discounted frames and the undiscounted lenses.

The central issue before the Tribunal was how the discount should be treated for GST purposes, given that the supply of the frame attracted GST whereas the supply of the lenses was GST-free.

Luxottica contended that GST should be calculated on the discounted frame price. The Commissioner contended that, for GST purposes, the discount should be apportioned between the frame and lenses.

Section 9-75 of the *A New Tax System (Goods and Services Tax) Act 1999* has a formula for calculating the value of a taxable supply and section 9-80 has a formula for calculating the value of a taxable supply that is partly GST-free.

Adopting a common sense approach, the Tribunal found that there was one supply comprising two components, the frame and pair of lenses. Although this conclusion meant that section 9-80 applied in this case, the Tribunal considered that the same result would

be achieved if there were two supplies and the formula in section 9-75 was applied to the supply of the frames.

In applying section 9-80, the Tribunal expressed the opinion that the formula was 'almost impenetrably circular', as it referred to the 'value of the actual supply' on both sides of the equation. The Tribunal rejected the Commissioner's submission that the undiscounted price of the frame (that is, the price of the frame when a promotion was not being run) had any role to play in the calculation, and found instead that the calculation should be made using the discounted price. This approach was supported by the Tribunal's findings that there was commercial justification for discounting the frames but not the lenses, and that there was nothing contrived or artificial about the pricing methodology adopted in the promotional arrangements. The Tribunal also noted that the way in which s 9-80 operated tended to suggest that the formula may not need to be resorted to in cases where the prices of the components had been separately established (unless there was a suggestion of tax avoidance or sham).

The objection decisions under review were set aside.

(An appeal against this decision was dismissed by a Full Court of the Federal Court on 23 February 2011: *Commissioner of Taxation v Luxottica Retail Australia Pty Ltd* (2011) 191 FCR 561.)

Veterans' affairs

Cornish and Repatriation Commission

[2011] AATA 65; 8 February 2011

Senior Member J Handley

Whether the Applicant was entitled to pension at the Special Rate – whether accepted condition of macroglobulinaemia alone was responsible for incapacity to work and loss of earnings

Mr Cornish was engaged in operational service in the Australian Army between 1943 and 1946. Part of his service occurred in

Hiroshima where he was exposed to ionising radiation. On discharge from the Army, he resumed employment in the finance sector and retired at the age of 60 because of his hearing loss which was accepted as a war-caused condition. Mr Cornish established various remunerative farming partnerships until 1995, at which time he began to suffer from profound fatigue. His ability to operate machinery or undertake physical work was severely limited. In 1998, he was diagnosed with macroglobulinaemia. Mr Cornish gradually reduced his farming operations and by March 2003, had sold all his stock. He then ceased earning income. He made a claim for macroglobulinaemia, which was accepted as war-caused. Mr Cornish received a pension at 80 percent of the General Rate but sought a pension at the Special Rate.

Before the Tribunal Mr Cornish submitted that he ceased work because of his macroglobulinaemia, and thereafter suffered a loss of earnings which he would not have otherwise suffered. The Repatriation Commission submitted that Mr Cornish ceased farming because of personal choice, his age and his non-accepted medical conditions.

The Tribunal considered the requirements of the *Veterans' Entitlements Act 1986*, including whether the war-caused injury or disease was the only factor preventing Mr Cornish from undertaking his last paid work, thereby leading to a loss of earnings. The Tribunal was satisfied that Mr Cornish's last paid work was in 2003 when he sold his stock and that he then ceased to undertake remunerative work by reason of the accepted macroglobulinaemia alone. The Tribunal was also satisfied that, despite his age of 77 years in 2003, Mr Cornish had not intended to cease cattle breeding, nor was it satisfied that his age would have impaired his ability to continue cattle breeding.

The Tribunal set aside the reviewable decision and decided that Mr Cornish was entitled to pension at the Special Rate.

Workers' compensation

Radulovic and Comcare

[2010] AATA 777; 12 October 2010

Professor RM Creyke, Senior Member

Whether the Applicant should be denied compensation because her psychological injury was as a result of reasonable administrative action taken in a reasonable manner

Ms Radulovic sought workers' compensation for adjustment reaction with mixed emotional features. The Tribunal accepted the parties' concessions that Ms Radulovic suffered an injury for the purposes of the *Safety, Rehabilitation and Compensation Act 1988*, and that the injury was significantly contributed to by Ms Radulovic's employment.

Comcare argued that Ms Radulovic was not entitled to compensation for the injury because it was the result of reasonable administrative action undertaken in a reasonable manner.

The Tribunal held that, while the legislative definition of administrative action is not exhaustive, the definition was not intended to be at large. Rather, for the purposes of the Act, reasonable administrative action is limited to actions that involved any assessment of performance or corrective action of an employee by a manager, as well as the failure to obtain a promotion, reclassification, transfer or benefit, and anything reasonable done in connection with any of those activities. Administrative action also included inaction in relation to those activities.

The Tribunal considered the circumstances that led to Ms Radulovic's injury. Some actions, such as disparaging comments by management, were not considered to fall within administrative action. Conversely, actions in relation to Ms Radulovic's application for a promotion, her working hours and management of her performance were considered to be administrative action. The Tribunal found that some of these actions were unreasonable, or were not taken in a reasonable manner. However, the Tribunal considered the cumulative effect of the administrative actions and found that, overall, the actions were reasonable and conducted in a reasonable manner.

The decision under review was affirmed.

APPENDIX 8: FREEDOM OF INFORMATION

From 1 May 2011 agencies subject to the Freedom of Information Act are required to publish information to the public as part of the Information Publication Scheme. The requirement is in Part II of the Freedom of Information Act and has replaced the former requirement to publish a section 8 statement in the annual report. An agency plan showing what information is published in accordance with the Information Publication Scheme is on the Tribunal website.

Statement under section 8 of the Freedom of Information Act

This statement is made for the purposes of section 8 of the *Freedom of Information Act 1982* and is correct as at 30 April 2011.

Subsections 8(1) and (3) of the Freedom of Information Act require Australian Government agencies to publish the following information:

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

Organisation and functions

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

Arrangements for outside participation

The Tribunal undertakes consultation in relation to proposals for changes to its case management process. Details of proposed changes are sent to regular users and other key stakeholders for comment. They are also made available on the Tribunal's website.

Members and staff of the Tribunal hold liaison meetings with users of the Tribunal and other stakeholders. Meetings may involve representatives of government departments, agencies and other organisations whose decisions are reviewed by the Tribunal,

legal practitioners and other persons who appear regularly before the Tribunal, including representatives of community legal centres, legal aid bodies and veterans' representative groups and other representative bodies. Liaison meetings provide an opportunity for the Tribunal to seek feedback from users in relation to its operations generally and also in relation to specific proposals for change.

The Tribunal welcomes comments on the standard of the service it provides. The Service Charter sets out how comments or complaints about its operations may be made.

Categories of documents maintained by the Tribunal

The Tribunal maintains the following categories of documents:

- documents relating to applications made under the Administrative Appeals Tribunal Act, including Tribunal decisions and reasons for decisions
- documents relating to requests for examinations under the *Proceeds of Crime Act 2002*
- an electronic case management system containing information in relation to applications made under the Administrative Appeals Tribunal Act and requests for examinations under the *Proceeds of Crime Act*
- Tribunal practice and procedure documents, including practice directions and forms
- documents and other materials containing information on the Tribunal's processes, including jurisdictional guides, brochures, the *Getting Decisions Right DVD* and the Tribunal's Service Charter
- reference materials, including the *Registry Procedures Manual* and the Tribunal jurisdiction list
- documents relating to the administration of the Tribunal, including annual reports on the Tribunal's operations, records relating to human and financial resource management, statistical information and other internal documents and correspondence, and
- documents relating to internal policy initiatives, case management strategies and projects.

Facilities for access to documents

A range of documents is available to the public free of charge on request. They include:

- Tribunal practice and procedure documents, including practice directions and forms
- documents containing information on the Tribunal's processes, including jurisdictional guides, brochures and the Tribunal's Service Charter
- the Tribunal jurisdiction list, and
- annual reports on the Tribunal's operations.

These documents can be obtained from any of the Tribunal's registries or the Tribunal's website, www.aat.gov.au.

The following documents can be inspected by the public at the Tribunal free of charge on request:

- once a hearing has been held in relation to an application, transcripts of evidence given before the Tribunal as well as documents lodged with the Tribunal or received in evidence by the Tribunal unless disclosure of the documents is prohibited or restricted, including by the Tribunal under section 35 of the Administrative Appeals Tribunal Act
- Tribunal decisions and reasons for decisions that are not subject to a confidentiality order under section 35 of the Administrative Appeals Tribunal Act
- *Getting Decisions Right* DVD, and
- the *Registry Procedures Manual*.

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

- copies of Tribunal decisions and reasons for decisions, and
- copies of other documents made available for inspection.

Facilities for examining documents and obtaining copies are available at each of the Tribunal's registries.

Many Tribunal decisions can be accessed free of charge through the AustLII website, www.austlii.edu.au.

Freedom of information procedures and initial contact points

Enquiries concerning access to documents relating to individual applications, including requests under the Freedom of Information Act, should be directed to the District Registrar in the relevant Tribunal registry. Northern Territory residents should direct any enquiries to the Brisbane Registry.

Enquiries concerning access to other documents held by the Tribunal or general enquiries concerning freedom of information requests should be directed to the Assistant Registrar at the Tribunal's Principal Registry in Sydney.

Contact officers, addresses and telephone numbers are inside the front cover of this report.



APPENDIX 9: SPEECHES, ARTICLES AND OTHER ACTIVITIES

Tribunal members and staff undertake a wide range of activities that assist to raise awareness of the Tribunal and its role. Members and staff give speeches at conferences and seminars, participate in training and education activities and submit articles for publication. This listing of activities in 2010–11 is in three sections each arranged by date: speeches and presentations; professional development and other activities; and published articles.

Table A9.1 Speeches and presentations

Title/role	Event/organisation	Participant/speaker(s)	Date
<i>The Effect of Ministerial Directions on Tribunal Independence</i>	National Administrative Law Forum, Australian Institute of Administrative Law	Chantal Bostock, Acting Manager Policy and Research	22–23 July 2010
<i>The Role of ADR in the AAT Decision-Making Process</i>	Legalwise Seminar Canberra	Siobhan Ni Fhaolain, Conference Registrar	29 July 2010
<i>Corporate Governance and the Governance of Universities</i>	Commercial Law Colloquium, Centre for Commercial Law, Bond University, Adelaide	Bernard McCabe, Senior Member	14 August 2010
<i>Looking Forward: Administrative Decision Making in 2020</i>	Australian Corporate Lawyers Association, 2010 Government Law Conference, Canberra	Justice Garry Downes, President	20 August 2010
<i>Experiences of ADR in the AAT: Current Practicalities and Future Developments</i>	Bar Association Mediators Conference	Philip Hack, Deputy President and Bernadette Rogers, Conference Registrar	28 August 2010
<i>Guardianship and Financial Management Issues in Aged Care</i>	Southern Cross Health Group Conference	Anne Britton, Senior Member	30 August 2010
<i>The AAT and its Use of ADR</i>	ACT Magistrates Court	Simon Webb, Member, Kim Lackenby and Siobhan Ni Fhaolain, Conference Registrars	17 September 2010
<i>ADR Practice</i>	Sydney Law School Masters in Law Program	Geri Ettinger, Senior Member	October 2010
<i>Best Practice in Drafting</i>	Excellence in Decision Making Seminar, Migration Review Tribunal and Refugee Review Tribunal, Sydney and Melbourne	Justice Garry Downes, President	12 October 2010 26 October 2010
<i>Recent Developments in Administrative Law</i>	Momentum – Women in Leadership breakfast seminar	Robin Creyke, Senior Member	13 October 2010
<i>Recent Developments in Dispute Resolution</i>	Law Council of Australia Taxation Workshop	Stephen Frost, Senior Member	24 October 2010
<i>50th Anniversary of the Supreme Court of Norfolk Island</i>	Ceremonial Sitting of the Legislative Assembly to mark the 50th Anniversary of the Supreme Court of Norfolk Island	Justice Garry Downes, President and Judge of the Supreme Court of Norfolk Island	27 October 2010

APPENDIX 9: SPEECHES, ARTICLES AND OTHER ACTIVITIES

Title/role	Event/organisation	Participant/speaker(s)	Date
<i>FOI Update</i>	Australian Government Solicitor, Brisbane	Bernard McCabe, Senior Member	4 November 2010
<i>Chair Participant in hypothetical</i>	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Sydney	Justice Garry Downes, President Robin Handley, Deputy President	12 November 2010
<i>Comcare, Commonwealth Compensation and the AAT</i>	The College of Law	Robin Handley, Deputy President	16 November 2010
<i>The AAT and its Use of ADR</i>	Commonwealth Ombudsman's Office, Canberra	Siobhan Ni Fhaolain, Conference Registrar	23 November 2010
<i>Practice of the Administrative Appeals Tribunal in relation to Medical Evidence</i>	Law Society of South Australia	Deane Jarvis, Deputy President	26 November 2010
<i>Tightening the Noose on Administrative Law Standards: A Risk Management Approach?</i>	WA Chapter, Australian Institute of Administrative Law	Robin Creyke, Senior Member	17 January 2011
<i>Trends in Investor Protection in Australia</i>	Riezlern Seminar on the Law of International Business Transactions, Riezlern, Austria	Bernard McCabe, Senior Member	13–19 February 2011
<i>Everybody's Bugbear – Studying Administrative Law</i>	Bruce Hall High Table, Australian National University	Robin Creyke, Senior Member	2 March 2011
<i>Opening up the Curtains: Sunshine or Cloud?</i>	Australian Government Solicitor National Information Law Conference, Canberra.	Stephanie Forgie, Deputy President	23–25 March 2011
<i>Judicial Review</i>	The College of Law	Justice Garry Downes, President	24 March 2011
<i>Review Proceedings in the Administrative Appeals Tribunal – Why AAT Proceedings are Not as Adversarial as They Might Appear</i>	SA Chapter, Australian Institute of Administrative Law	Katherine Bean, Senior Member	29 March 2011
<i>Conducting an Application in the Administrative Appeals Tribunal</i>	Legalwise Seminar Brisbane	Jodie Gamble, Conference Registrar	29 March 2011



Title/role	Event/organisation	Participant/speaker(s)	Date
<i>What Tribunals Want: a Tribunal Perspective on How Best to Prepare and Present your Client's Case in State and Federal Tribunals</i>	Legalwise Seminar Sydney	Robin Handley, Deputy President and Kim Richardson, Conference Registrar	30 March 2011
<i>Dispute Resolution in the Administrative Appeals Tribunal</i>	Joint Australian Taxation Office/ Law Council of Australia Dispute Resolution Workshop	Egon Fice, Senior Member and Mersina Stratos, Conference Registrar	31 March 2011
<i>Practice, Procedure and Evidence in the Administrative Appeals Tribunal</i>	NSW Land and Environment Court Annual Conference 2011	Justice Garry Downes, President	5 May 2011
<i>Comment on papers by Justice John Saunders of the High Court of Hong Kong and Judge Xingue Yang of the Supreme People's Court of China</i>	International Commercial Law, Litigation and Arbitration Conference, Sydney	Justice Garry Downes, President	5-7 May 2011
<i>Chair</i>	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Melbourne	Justice Garry Downes, President	20 May 2011
<i>Pragmatism v Policy: Attitude of Australian Courts and Tribunals to Inquisitorial Process</i>	Inquisitorial Processes in Administrative Regimes – Global Perspectives Workshop, Faculty of Law, University of Windsor, Ontario, Canada	Robin Creyke, Senior Member	26-27 May 2011
<i>Panel member, The 'Whole Truth': Eliciting Information from People with Communication Difficulties</i>	Council of Australasian Tribunals, NSW Chapter Conference	Anne Britton, Senior Member	29 May 2011
<i>Administrative Law</i>	Legalwise Seminar Sydney	Geri Ettinger, Senior Member	3 June 2010
<i>Real Findings, Real Decisions: Written Reasons in Administrative Decision Making</i>	Australian National University's Advanced Military Administrative Law course	Robin Creyke, Senior Member	8 June 2011
<i>Oral Decisions Master Class</i>	14 th Australasian Institute of Judicial Administration Annual Tribunals Conference, Melbourne	Anne Britton, Senior Member	15 June 2011

Title/role	Event/organisation	Participant/speaker(s)	Date
<i>The Obligation to Inquire</i>	South Australian and Tasmanian members of the SSAT	Katherine Bean, Senior Member	22 June 2011
<i>The Culture of Mediation in the Workers Compensation Commission</i>	NSW Workers Compensation Commission New Mediator Induction Seminar	Geri Ettinger, Senior Member	22 June 2011
<i>Dispute Resolution in the Administrative Appeals Tribunal</i>	Joint Australian Taxation Office/ Law Council of Australia Dispute Resolution Workshop	Andre Sweidan, Senior Member and Rowena Hodgson, Conference Registrar	22 June 2011
<i>Conducting an Application in the Administrative Appeals Tribunal</i>	Community Legal Assistance Network training day, Toongabbie Legal Centre	Mary Desses, Kim Richardson, Conference Registrars	25 June 2011
<i>How Did We End Up Here? By the Time a Matter Gets to the AAT it is Too Late to Salvage a Bad Decision</i>	Defence Portfolio Agencies Forum	Robin Creyke, Senior Member	28 June 2011
<i>Dispute Resolution in the Administrative Appeals Tribunal</i>	Joint Australian Taxation Office/ Law Council of Australia Dispute Resolution Workshop	Stephen Frost, Senior Member	29 June 2011

Table A9.2 Professional development and other activities

Title/role	Event/organisation	Participant/speaker(s)	Date
Advocate training	Department of Veterans' Affairs	Naida Isenberg, Senior Member and Simon Webb, Member	July 2010
Mooting Competition Adjudicator	AAT National Mooting Competition 2010	Justice Garry Downes, President Deputy Presidents Julian Block, Philip Hack, Robin Handley, Deane Jarvis Senior Members Katherine Bean, Anne Britton, Margaret Carstairs, Robin Creyke, Rodney Dunne, Egon Fice, Stephen Frost, Naida Isenberg, Graham Kenny, Ken Levy, Bernard McCabe, Frank O'Loughlin Member Conrad Ermert	July – October 2010

Title/role	Event/organisation	Participant/speaker(s)	Date
Legal Expo	NSW Law Week	Mary Desses, Kim Richardson and Stephen Shepherd, Conference Registrars; Athena Harris Ingall, Learning and Development Manager; Chantal Bostock, Kelly Burke and Lyn Hespe, Policy and Research Section	16 May 2011

Table A9.3 Articles and other publications

Title/role	Organisation	Author	Date
'The Effect of Ministerial Directions on Tribunal Independence'	(2011) 18 AJ Admin L 161	Chantal Bostock, Acting Manager Policy and Research	2011
<i>Veterans' Affairs</i> editor	<i>Administrative Law Decisions</i> reports, LexisNexis	Robin Creyke, Senior Member	2010-11

APPENDIX 10: CONSULTANCIES AND OTHER REPORTING REQUIREMENTS

This appendix provides more detailed information on certain consultancies let during the reporting year and information on a range of other matters that must be included in the Tribunal's annual report.

Consultancies

Table A10.1 sets out information on consultancies that were let during 2010–11 with the value of the services of \$10,000 or more. The contract price includes GST.

The selection process for each consultancy, described below, is consistent with the Commonwealth Procurement Guidelines.

Open tender: A procurement procedure in which a request for tender is published inviting all businesses that satisfy the conditions for participation to submit tenders. Public tenders are generally sought from the Australian Government AusTender internet site.

Select tender: A procurement procedure in which the procuring agency selects which potential suppliers are invited to submit tenders (this includes tenders submitted through Multi Use Lists). This procurement process may only be used under certain defined circumstances.

Direct sourcing: A form of restricted tendering, available only under certain defined circumstances, with a single potential supplier or suppliers being invited to bid because of their unique expertise and/or their special ability to supply the goods and/or services sought.

Panel: An arrangement under which a number of suppliers, initially selected through an open tender process, may each supply property or services to an agency as specified in the panel arrangements. Quotes are sought from suppliers that have pre-qualified on the agency panels to supply to the government. This category includes standing offers and supplier panels where the supply of goods and services may be provided for a pre-determined length of time, usually at a pre-arranged price.

The table also shows the justification for the decision to use each consultancy, according to the following key:

A — the skills currently unavailable within agency

B — need for specialised or professional skills

C — need for independent research or assessment.

Table A10.2 shows the number of consultancies let by the Tribunal in the three most recent reporting years with contract value of \$10,000 or more, including GST.

Table A10.1 Consultancy services let during 2010–11

Name of Consultant	Description	Contract price	Selection process	Justification
Azure Pty Ltd	Development of an e-Services Plan	\$29,131	Direct sourcing	A
Australian Valuation Office	Asset Revaluation	\$13,000	Direct Sourcing	B
Total		\$42,131		

Table A10.2 Trends in consultancy services let

Year	No. of consultancies	Total contract value
2008–09	1	\$10,141
2009–10	1	\$142,966
2010–11	2	\$42,131

Advertising and market research

The Tribunal did not conduct any market research in 2010–11.

Non-campaign advertising expenditure of \$16,425 was paid to Adcorp Australia for advertising employment vacancies.

Discretionary grants

The Tribunal does not administer any grants programs.

Ecologically sustainable development

The Tribunal is a review body and therefore does not administer policy that has a major effect on the environment. The Tribunal gives

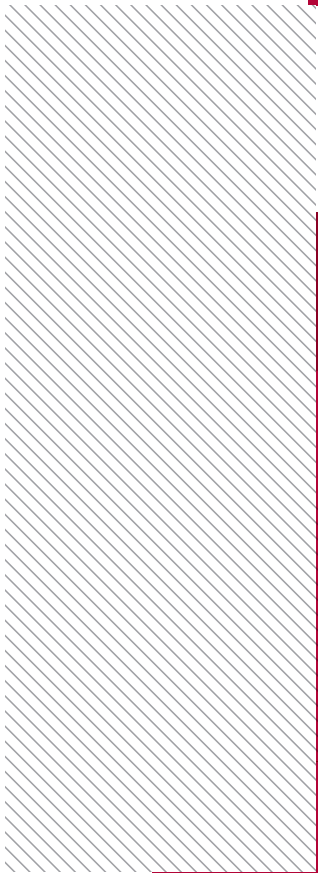
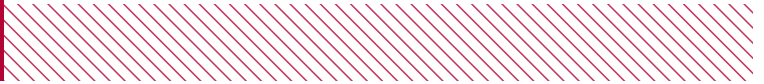
consideration to the ecologically sustainable principles when arranging new leases and refurbishments. No leases or refurbishments were due in 2010–11.

Environmental performance

The Tribunal is a review body and therefore does not administer policy that has a major effect on the environment. The Tribunal limits its impact on the environment in day-to-day administrative functions by implementing simple staff-based measures such as switching off lights, recycling office waste and encouraging leasing of vehicles with a higher Green rating. The Tribunal also participates in awareness raising activities such as Earth Hour.

Table A10.3 Environmental performance reporting

Theme	Steps taken to reduce effect	Measures to review and improve reducing the effect
Energy efficiency	Perth Registry has installed a movement sensor switch on public lighting that will reduce power use in the future. Asking staff to switch off lights when offices and meeting rooms are not in use. Energy ratings of office machines are a consideration when replacement is necessary.	General energy consumption across all registries fell by a small amount during the reporting year.
Vehicles	Ensuring that the average Green rating of the Tribunal's leased vehicles is as high as possible.	All of the Tribunal's 17 leased vehicles have a Green rating greater than 10. Seven are hybrid vehicles with a rating of 17.5. Petrol consumption across the Tribunal rose slightly during the reporting year due to additional kilometres travelled, but average fuel efficiency remained constant at 10l/100km.
Waste	Recycling office waste.	All registries recycle paper. Two registries also recycle glass, plastics and metals, and two other registries recycle toner cartridges. Opportunities for extended recycling will be reviewed in 2011–12. As the Tribunal uses whole-of-building recycling schemes, separate data on recycling quantities is not currently available.
Water	The Tribunal installs water saving devices such as dual-flush cisterns and waterless urinals in any new updates to premises.	The Tribunal is not able to access data on water consumption in each of its tenancies, as there are no separate water meters.



ENDMATTER



GLOSSARY

AAT	Administrative Appeals Tribunal
ADR	Alternative dispute resolution
Affirm	If the Tribunal affirms a decision under review, the original decision stands (is unchanged).
Alternative dispute resolution	A process for resolving a dispute, other than at a hearing. The Tribunal employs five processes: conference, conciliation, mediation, case appraisal and neutral evaluation.
Applicant	The person, organisation, department or agency that has lodged an application with the Tribunal.
Application for extension of time	An application for review of a decision must be lodged with the Tribunal within a certain time limit. However, an application may be made to the Tribunal to extend the time for lodging an application.
APS	Australian Public Service
Case appraisal	An alternative dispute resolution process conducted by a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, who assists the parties to resolve the dispute by providing a non-binding opinion on the facts in dispute and likely outcomes.
COAT	Council of Australasian Tribunals
Conciliation	An alternative dispute resolution process in which a Tribunal member or Conference Registrar assists the parties to identify the issues in dispute and endeavour to reach an agreement. The conciliator has no determinative role but may advise on or determine the conciliation process, make suggestions on terms of settlement and actively encourage the parties to reach an agreement.
Conference	A meeting conducted by a Tribunal member or Conference Registrar with the parties and/or their representatives. Conferences provide an opportunity to discuss and define the issues in dispute, identify further evidence that may be gathered, explore whether the matter can be settled and discuss the future conduct of the matter.
Confidentiality order	The Tribunal may make an order directing that a hearing or part of a hearing be held in private. The Tribunal may also give directions prohibiting or restricting the publication of the names of a party or witnesses, evidence given before the Tribunal or matters contained in documents lodged with the Tribunal.
CSS	Commonwealth Superannuation Scheme
Directions hearings	A hearing to deal only with procedural matters such as the exchange of statements or documents or to clarify issues relating to the conduct of a hearing. They may also be held to progress a matter in which there has been delay by a party. Directions hearings are conducted by Tribunal members.

Dismissal of application	The Tribunal may, in certain circumstances, dismiss an application without proceeding to review the decision. An application may be dismissed, for example, at the request of the parties, if the applicant fails to appear at an ADR process, directions hearing or hearing, or if the Tribunal is satisfied that the application is frivolous or vexatious.
FMO	Finance Minister's Order
GST	Goods and Services Tax
Hearing	The occasion at which the parties may present to the Tribunal evidence and submissions in relation to the decision under review. Parties may call witnesses to give evidence. A hearing is conducted by one, two or three Tribunal members.
HSR	Health and Safety Representative
IASAJ	International Association of Supreme Administrative Jurisdictions
Interlocutory application	Any application made by a party that relates to an application for review of a decision, including an application: for an extension of time to lodge an application; to stay the operation of the decision under review; or for a confidentiality order.
Mediation	An alternative dispute resolution process during which a Tribunal member or Conference Registrar assists the parties to identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in relation to the content of the dispute but may advise on or determine the mediation process.
MRT	Migration Review Tribunal
NAATI	National Accreditation Authority for Translators and Interpreters
Neutral evaluation	An alternative dispute resolution process in which a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, assists the parties to resolve the dispute by evaluating the facts and law at issue in the dispute and providing a non-binding opinion on the likely outcomes.
OPA	Official Public Account
Outreach	A Tribunal program that provides self-represented parties with information about Tribunal practices and procedures and other assistance in relation to the review process.
Party	A participant in the proceedings before the Tribunal. A party can be the person who makes the application to the Tribunal, the decision-maker or other respondent to the application and any other person joined to the proceedings.
Party joined	A person, department or agency whose interests are affected by a decision under review may be made a party to the proceeding by order of the Tribunal. This person, department or agency is a party joined.



Portfolio Budget Statements	Statements prepared to explain the Budget appropriations for agencies within a portfolio in terms of outcomes and programs.
PSS	Public Sector Superannuation Scheme
PSSap	Public Sector Superannuation accumulation plan
RRT	Refugee Review Tribunal
Remit	The Tribunal may set aside a decision and remit it (send it back) to the original decision-maker to be reconsidered in accordance with any directions or recommendations of the Tribunal.
Respondent	The party who responds to or answers an application; usually the department, agency or organisation that made the original decision.
Section 37 Documents	The statement and documents that a decision maker must provide to the Tribunal and the other party under section 37 of Administrative Appeals Tribunal Act 1975. They are generally known as the 'T Documents' and include the reasons for the decision under review and all other relevant documents.
Set aside	The Tribunal may set aside a decision under review. The effect is that the Tribunal disagrees with the original decision and may make a new decision or remit the matter (send it back) to the original decision maker.
SSAT	Social Security Appeals Tribunal
Stay order	An order of the Tribunal to suspend the operation or implementation of the decision under review until the matter is determined or resolved.
Summons	A notice issued by the Tribunal calling a person to appear before it to give evidence or to produce documents to it.
T-Documents	see 'Section 37 Documents'.
TRACS	The Tribunal's electronic case management system.
Vary	The Tribunal may vary a decision under review. This means that the Tribunal changes or alters the original decision.
VRB	Veterans' Review Board

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