



Administrative
Appeals Tribunal

Annual Report

2018-19

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Annual
Report
2018–19

This report

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It is also published on and accessible from the Transparency Portal (www.transparency.gov.au).

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Administrative Appeals Tribunal

25 September 2019

The Hon Christian Porter MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

We are pleased to present to you the annual report of the Administrative Appeals Tribunal for the year ended 30 June 2019 in accordance with section 24R of the *Administrative Appeals Tribunal Act 1975* and section 46 of the *Public Governance, Performance and Accountability Act 2013*. The report includes information about the operation of the Tribunal's divisions and the Immigration Assessment Authority.

This report has been prepared in accordance with the requirements for annual reports prescribed by sections 17AB to 17AJ of the *Public Governance, Performance and Accountability Rule 2014*.

The report includes:

- the annual performance statement for the Tribunal in accordance with paragraph 39(1)(b) of the *Public Governance, Performance and Accountability Act 2013* and section 16F of the *Public Governance, Performance and Accountability Rule 2014*, and
- the annual financial statements for the Tribunal in accordance with subsection 43(4) of the *Public Governance, Performance and Accountability Act 2013*.

Yours faithfully

JUSTICE DAVID THOMAS
President

SIAN LEATHAM
Registrar
Accountable Authority

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CHAPTER 1

The year in review

President's overview

Justice David Thomas



The Administrative Appeals Tribunal continued to face a challenging operating environment in 2018–19 as a result of the significant increases in our workload over recent years. The appointment of more members and our ongoing efforts to implement innovative strategies for dealing with our caseload enabled us to finalise the largest number of cases in any year since the AAT was created. This is an achievement of which we can be proud. We remain concerned, however, about the growing number of cases we have on hand and the increasing age of those cases. With the number of members and staff and the financial resourcing currently available to us, we are unable to keep pace with the level of demand for our services.

The Tribunal is a key feature of Australia's system of administrative review. The Kerr Committee, whose recommendations led to our establishment, made the observation that 'a person aggrieved by a decision of a Commonwealth official... will generally feel that the decision was wrong on the facts or merits of the matter'. This goes to the heart of the significance of the AAT's role. Whereas the courts provide an opportunity for review of decisions on the grounds of legal error, the AAT's function is to look at the merits and determine what is the correct or preferable decision based on all of the available evidence before it, the applicable law and lawful policy. During the 43 years since the AAT was established, the ability for individuals and organisations to seek independent merits review of administrative decisions has become a concept that underpins the democratic functioning of our society.

The proper operation of the system is weakened, however, when there is undue delay in reviewing decisions.

Workload

In the 2018–19 reporting year, we received just over 60,000 new applications, the highest ever number of lodgements in a single year. While this was only three per cent more than the previous year, it is 46 per cent more than were lodged in 2015–16. The largest volume of applications was lodged in the Migration and Refugee Division, which has also seen the largest increases over time with applications doubling since 2015–16 to more than 36,000 in both 2017–18 and 2018–19. Lodgements in the Social Services and Child Support Division were the next highest caseload, increasing by 24 per cent in this reporting year and bringing us close to the high number of lodgements we received in 2016–17 in that division.

The concerted effort of our members and staff enabled us to finalise more than 44,000 cases in the reporting year, 11 per cent more than in 2017–18. Finalisations in the Migration and Refugee Division increased by 16 per cent. The number of cases on hand has continued to grow, however, reaching almost 69,500 at 30 June 2019, a 30 per cent increase from 30 June 2018. While we were able to meet our performance target of finalising 75 per cent of applications within 12 months of lodgement in most divisions, the aging caseload in the Migration and Refugee Division meant that the AAT as a whole was only able to finalise 66 per cent of applications within 12 months of lodgement.

In relation to the quality of AAT reviews, I am pleased to report that we performed well against our judicial review performance measure in 2018–19. The number of appeals allowed should be less than five per cent of all AAT decisions that could have been appealed. The result for the reporting year was 2.3 per cent.

In 2018–19 the Immigration Assessment Authority maintained its strong performance in the context of a 31 per cent drop in the number of referrals to review fast track protection visa decisions to approximately 1,500. With almost 2,400 decisions made, the number of referrals on hand at the end of the reporting period reduced to 92. The average time to finalise referrals was 12 weeks.

Membership

We welcomed the appointment of 85 new members this year, including more than 30 sessional members assigned to assist with the workload in the Migration and Refugee Division. Forty-five of our existing members were reappointed, with some promoted to a higher membership category. We also welcomed the assignment of Deputy President Peter Britten-Jones as the Head of the General Division. The appointments of 23 members ended in 2018–19 and I thank them all for their steadfast commitment to the AAT. I particularly thank Deputy President Jim Walsh, the inaugural Division Head of the Social Services and Child Support Division, for his dedicated service and his leadership, especially throughout periods of significant change faced by the division.

Member professional development remained a focus during the reporting year. Given the number of new members, we held four induction sessions in December, February and May, during which they received legal and practical training relevant to their role, including observing hearings. Our Division Heads, along with some of our most experienced members, staff and external speakers, shared their expertise with the groups on undertaking alternative dispute resolution processes, conducting a hearing, procedural fairness and the art of decision-making. We also offered professional development for our existing members, including training for members seeking to develop their alternative dispute resolution skills and those cross-assigned to undertake new areas of work during 2018–19.

With 362 members at 30 June 2019, we now have 14 more members than the total combined membership of the former tribunals just prior to amalgamation and the highest number of members since amalgamation. The increase in our membership has shown immediate benefits in terms of our output in this reporting period and we expect this to increase even further in the year to come. Almost 24 per cent of our current members commenced with the AAT within the last 12 months and they will increase their capacity as they develop knowledge and experience in their new roles.

Improving our review processes

The establishment of the Small Business Taxation Division was a key development for the Tribunal in 2018–19. Commencing on 1 March 2019, the new division has been introduced as one of a number of measures to make it easier for small businesses to seek review of decisions of the Australian Taxation Office. We take seriously our commitment to developing processes that are adapted to those who are seeking review of decisions and we developed a bespoke case management model for this division. In addition to assigning a dedicated case manager for each case, we are aiming to finalise the cases in an economical, informal and timely manner. In particular, we will use ADR to encourage the parties to reach an agreed resolution and avoid a hearing where possible, including trialling conciliation by way of webconferencing to seek to accommodate the needs of busy small business people. The assignment to the division of members with relevant expertise who can participate in ADR processes and conduct hearings strengthens the capacity of the division to achieve its aims.

Given the size of our workload, we continued to explore and implement in relation to our other areas of work case management and other strategies that aim to deliver more effective and efficient review processes and make best use of our resources. In the Migration and Refugee Division and the Social Services and Child Support Division, divisional leaders worked with staff to identify further opportunities to help with triaging cases to identify the most appropriate case pathway, improve the preparation of cases for hearing and, where possible and appropriate, assist to resolve cases without the need to conduct a hearing. The development of a

smart form enabling applicants in certain student visa cases to submit relevant information online demonstrates one of the ways in which technology can be used to support our review processes. In our other divisions, conference registrars, who hold legal qualifications and accreditation as mediators, used ADR processes to resolve a sizeable portion of cases without the need for a substantive hearing and ensure those cases that are not resolved are prepared for hearing. Employing these various strategies enabled our members to focus on hearing and deciding the large number of cases that require formal determination.

While we remain somewhat constrained by the current legislative framework to introduce additional case management strategies, particularly in the Migration and Refugee Division, I am heartened by what we have achieved to date.

Looking ahead

During the reporting year, we participated actively in the review of the amalgamated AAT required by the *Tribunals Amalgamation Act 2015* and carried out by the Hon Ian Callinan AC. In addition to our formal submission to the review, we met with Mr Callinan and provided further information about our operations. Following the tabling of the report in Parliament on 23 July 2019, we have been carefully reviewing the report's content and recommendations. We will seek to work closely with Government in 2019–20 in relation to the development of its response to the report and to progress reforms that strengthen our capacity to perform to the best of our ability the critical role the Parliament has conferred on us.

As both the former President and I have noted in previous annual reports, the AAT is keen to pursue legislative reforms, particularly those that would reduce legacy differences between divisions, to maximise our flexibility to tailor our procedures to best suit the requirements of particular cohorts of cases. The statutory review report includes recommendations for changes of this kind. Our caseload ranges between cases that require an assessment of straightforward and objective criteria through to other matters that involve the exercise of discretion in complex factual settings or the resolution of very complex factual and legal questions. Reforms which would support appropriate pathways for those more straightforward

cases, which are often in high-volume areas, would contribute to the AAT's ability to meet that part of our statutory objective which requires us to seek to provide a mechanism of review that is proportionate to the importance and complexity of matters.

While we will continue to develop new ways in which to manage our workload and increase the number of cases we finalise with the resources available to us, the size of our backlog and the incoming workload, particularly in the Migration and Refugee Division, will require the appointment of additional members. We will engage further with Government in relation to this in 2019–20. The appointment processes for any new members will be undertaken in accordance with the protocol agreed between the Attorney-General and I during the reporting year which involves, as a first step, a publicly advertised call for expressions of interest. We have started working with the Attorney-General's Department on creating a register of those people who express interest and other processes associated with the protocol.

In relation to existing members, the protocol outlines the processes regarding reappointment. A key focus for 2019–20 which is related to this will be the reinvigoration of our member evaluation and appraisal processes which, in addition to being relevant to my reappointment recommendations for those members approaching the end of their term, will assist members, and particularly newer members, to assess their progress and identify areas for further development. These processes, along with other professional development activities, will support members to conduct fair processes and produce quality decisions. We will also continue to work towards standardising members' terms and conditions of office, including harmonising part-time member remuneration arrangements where possible, to facilitate members working more easily across the AAT's divisions.

While the scale of the task is not insignificant, I look forward to working collaboratively with members and staff, as well as with the Government, in the year ahead to address the challenges we face, identifying and implementing changes to our way of operating that will help us deliver on our statutory objective.

Registrar's review

Sian Leathem



Justice Thomas has outlined key issues facing the AAT as we seek to deal with the significant increase in our workload in recent years, as well as acknowledging what our members and staff were able to achieve in 2018–19 in providing high-quality merits review to many thousands of individuals and organisations in Australia. As an agency, we also remained focused during the reporting year on efforts to improve our operations by pursuing the strategic objectives identified in our Strategic Plan 2015–20 and reflected in our Corporate Plan. Those objectives are:

- integration: creating an integrated and national tribunal;
- transformation: improving how we work and maximising our use of technology;
- engagement: engaging with stakeholders and building public trust and confidence in the AAT; and
- optimisation: building capacity and making best use of our resources.

Integration and transformation

We made important progress during the reporting year on our program to transform our registries to improve the service we provide to our users, manage cases more efficiently and provide better support to members. Significant work was undertaken to design, consult on and prepare for the introduction of a revised model for registry services in the Migration and Refugee Division, which will provide a greater focus on early case assessment and resolution and more tailored administrative support to members. The model will be implemented

in Melbourne and Sydney early in the next reporting period and will then be adapted and extended to other locations. This will build on efforts in 2018–19 and earlier years to extend to each registry the full range of services previously provided primarily from Melbourne and Sydney. For staff who support the work of the AAT in our other divisions, we trialled a move to a single administrative structure in Sydney to increase flexibility and knowledge sharing across these areas.

A key aspect of supporting these changes to our registries took place during the reporting year with the creation of a centralised team to manage the development and maintenance of registry procedural information and the design and delivery of associated training. One of their early achievements was the introduction of a national registry induction program, which comprises over 20 online training modules. The work of this team will play a critical role in enhancing the quality and consistency of our registry services.

In February 2019, we launched a revised website following a comprehensive process involving user research, design and the plain English rewriting of the content. We implemented a range of changes to make it easier for users to find what they are looking for, particularly for self-represented parties. Information is now organised according to the types of decisions we review, rather than on the AAT's divisional structure; wizards help guide first-time users to the content they need; and information on all of the steps in the review process for a particular type of decision is easily accessible from all pages for that decision type. Feedback obtained from our most recent user survey indicates that the website has been well received.

During the reporting year, we also successfully developed and piloted a service that enables users in any division to send us case-related documents via our website at any stage during a review. The service, to be released in full in 2019–20, provides greater convenience for our users and improved efficiency for the AAT. It is also one of the foundation elements of a comprehensive online case portal we are currently developing. Other significant digital initiatives during 2018–19 included the introduction of an internal portal application for managing corporate service requests and the roll out of Skype for Business across the AAT. While this is currently confined to internal use to enhance communication and collaboration between our offices, it will soon be used as the platform to trial the conduct of conciliations through webconferencing in the new Small Business Taxation Division.

Engagement

We are committed to engaging with the broad range of stakeholders who use our services or otherwise have an interest in our work, including seeking feedback on the quality of our services. Our annual survey of parties and representatives was conducted by an independent company on our behalf in May and June 2019 and the results were very encouraging. Notwithstanding our challenging operating environment, our overall user experience rating increased to 73 per cent, exceeding our target by three percentage points. Our services continued to be rated positively, overall, by both parties and representatives, and generally at higher levels than in the 2018 survey.

A variety of other stakeholder engagement activities were undertaken during the reporting year, including ongoing liaison with peak bodies such as the Law Council of Australia, the departments and other organisations whose decisions we review as well as representatives in a number of jurisdictions. The Division Heads of the Migration and Refugee Division, and the Small Business Taxation and Taxation and Commercial Divisions conducted forums around Australia to discuss developments and issues arising in those areas of practice.

We publish a significant number of our written decisions in accordance with the revised policy introduced in 2017–18 to enhance transparency and build public trust and confidence in our decisions. In 2018–19, we published the highest number of decisions in any year to date, comfortably exceeding our target of 5,000.

Optimisation

An enduring area of focus in the reporting year was building the capabilities and capacity of both our members and staff. We finalised the development of a Leadership Capability Framework that supports leadership development and articulates a shared understanding of critical leadership capabilities across our organisation. We launched our new Learning Management System, educAAte, which provides members and staff with access to a wide range of online courses. Our Workplace Diversity Plan 2018–20 was also published, setting the foundation for building an organisation reflective of the diversity in the Australian community.

The 2019 APS Employee Census saw the highest participation rate from our APS staff since the amalgamated AAT was established. I am pleased with the overall results, which recorded improvements in relation to employee engagement, wellbeing and general satisfaction with work at the AAT. The results provide us with insights into the needs and priorities of our staff and enable us to continuously support a flexible, supportive, and high-performing workplace.

During the reporting year, we made further improvements to our planning processes by coordinating and sequencing the planning streams to ensure a fully integrated and cohesive planning process. Through improved planning, we are better able to allocate resources in accordance with our priorities and respond to changes in our environment. We commenced a project to review our hearing and alternative dispute resolution rooms to identify any issues and options to improve layout and technology, and the overall experience of tribunal users. The AAT was also recognised at the Comcover Awards for Excellence in Risk Management in October 2018 for significant achievements in raising security awareness and constructing a risk management framework encompassing dynamic physical security measures, asset management initiatives, and strong fraud control.

In relation to our financial performance, we ended the year again with an operating surplus attributable to lower than anticipated expenditure on members and staff.

Looking ahead

The AAT will continue to face a high level of change complexity in 2019–20 as we pursue further integration and transformation of our operations, and seek to deal with our increased workload.

To address the challenges effectively, it is essential that we have sound governance arrangements, an organisational structure that best supports our operations and well-developed planning and project delivery capabilities. With the release of the report of the statutory review, we are in a position to consider its recommendations and move to settle and implement the changes to our organisational arrangements that will set the foundation for the next phase of building a truly amalgamated AAT.

Improving the effectiveness and efficiency of our operations through the better use of technology is another critical aspect of our strategy to manage our increased workload into the future. We are working towards enabling our users to engage with us easily through integrated digital services on any device and at a time of their choosing and improving internal systems to help our members and staff work more effectively and efficiently. In the coming year, we will commence work on the implementation of a single case management solution for the AAT and upgrade our internal operating environment as well as release the first version of a unified case portal. Digital transformation is a large piece of work that will take many years but the benefits to our users and to the Tribunal will be significant.

As Justice Thomas has identified, even with the introduction of greater efficiencies in dealing with our caseload, the size of our backlog requires the appointment of more members that will also require additional staff and funding. Our Average Staffing Level cap, which was set by reference to our historical rather than current caseload, prevents us from recruiting more APS staff in response to the increased demand for our services. Our funding arrangements are largely based on those that were in place in the three amalgamating tribunals prior to 1 July 2015 and are no longer in step with our current environment. We engaged with Government in relation to these matters in 2018–19 and will continue to do so in the next reporting period as we settle our strategies for delivering merits review in accordance with our statutory objective.

I would like to extend my thanks to our members and staff for their dedicated efforts throughout 2018–19 in carrying out the important work of the Tribunal.



CHAPTER 2

Overview of the AAT

The AAT was established by the *Administrative Appeals Tribunal Act 1975* and commenced operations on 1 July 1976.

Our role and function

The AAT conducts independent merits review of many administrative decisions made under Commonwealth laws. We review decisions made by Australian Government ministers, departments and agencies, and in limited circumstances, decisions made by state and territory government and non-government bodies. We also review decisions made under Norfolk Island laws.

Our functions, powers and procedures are set out primarily in the Administrative Appeals Tribunal Act, Parts 5 and 7 of the *Migration Act 1958* and in social services legislation that confers jurisdiction on us.

Our jurisdiction

The AAT does not have a general power to review decisions. We can only review a decision if a law states that the decision can be reviewed by the AAT.

We can review decisions made under more than 400 Commonwealth Acts and legislative instruments. The types of decisions that we most commonly review relate to:

- Australian citizenship
- child support
- family assistance and social security
- migration and refugee visas
- the National Disability Insurance Scheme
- taxation
- veterans' entitlements, and
- workers' compensation under Commonwealth laws.

We also review a wide range of other decisions, including decisions about aged care, bankruptcy, child care services, civil aviation, corporations and financial services regulation, customs, education regulation, freedom of information, marriage celebrants, mutual recognition of occupations, paid parental leave, passports, professional regulation, security assessments by the Australian Security Intelligence Organisation and unpaid employment entitlements.

We can also review decisions made under certain Norfolk Island laws, including decisions about building, land valuation and planning.

A list of the Commonwealth and Norfolk Island laws, under which decisions that can be reviewed by the AAT may be made, is on our website.

Our powers

Merits review of an administrative decision involves taking a fresh look at the facts, law and policy relating to that decision. In most cases, we can look at new information that was not available to the original decision-maker. We consider all the material before us and decide what the legally correct decision is or, if there is more than one correct decision, the preferable decision. We can exercise all the powers and discretions available to the original decision-maker. We have the power to:

- affirm a decision
- vary a decision
- set aside a decision and substitute a new decision, or
- remit a decision to the decision-maker for reconsideration.

Our outcome, program and purpose

The AAT has a single outcome specified in the 2018–19 Portfolio Budget Statements:

Provide correct or preferable decisions through a mechanism of independent review of administrative decisions that is accessible, fair, just, economical, informal, quick and proportionate.

We are a single-program agency.

Our objective is set out in section 2A of the Administrative Appeals Tribunal Act. In carrying out our functions, we must pursue the objective of providing a mechanism of review of administrative decisions that:

- is accessible
- is fair, just, economical, informal and quick
- is proportionate to the importance and complexity of a matter, and
- promotes public trust and confidence in the decision-making of the AAT.

We provide administrative justice for individuals and organisations seeking to challenge decisions that affect their interests and, more broadly, contribute to improving the quality of government decision-making.

Our organisation

The AAT consists of the President and other members who may be appointed as Deputy Presidents, Senior Members or Members. Their primary role is to hear and decide applications for review of decisions.

Applications made to the AAT are managed in one of nine divisions:

- Freedom of Information Division
- General Division
- Migration and Refugee Division
- National Disability Insurance Scheme Division
- Security Division
- Small Business Taxation Division
- Social Services and Child Support Division
- Taxation and Commercial Division, and
- Veterans' Appeals Division.

The Small Business Taxation Division commenced on 1 March 2019.

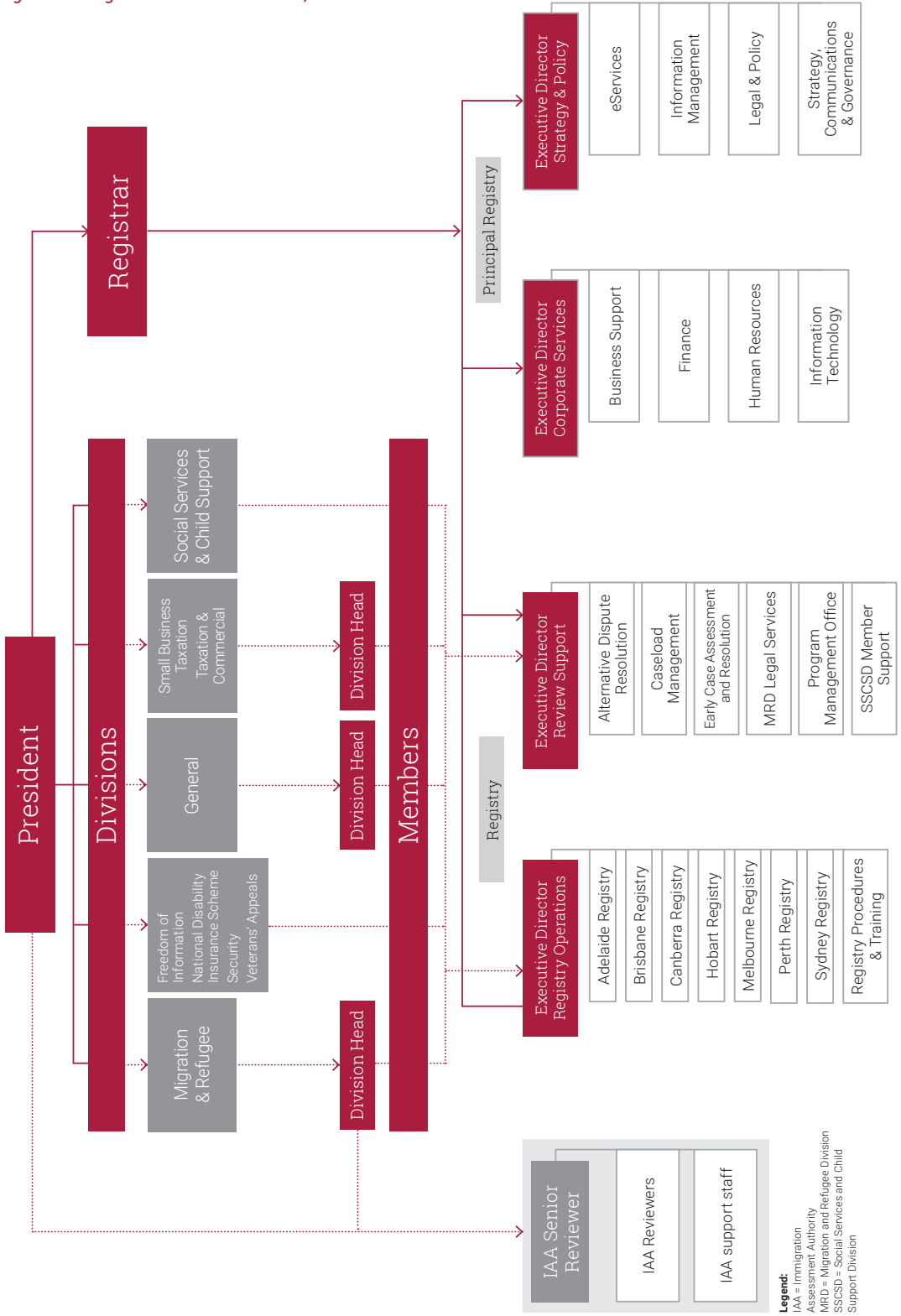
A Deputy President may be assigned as the Head of one or more of our divisions. A Deputy President or Senior Member may be assigned as the Deputy Head of one or more of our divisions.

The President is responsible for the overall management of the AAT with the assistance of the Division Heads and the Registrar. Staff assist the AAT to carry out our functions.

The AAT also hosts the Immigration Assessment Authority, a separate office within the Migration and Refugee Division. More information about the Immigration Assessment Authority can be found in Chapter 5.

Figure 2.1 shows our organisational structure.

Figure 2.1 Organisational structure, 30 June 2019



Members of the AAT

AAT members are appointed by the Governor-General on a full-time or part-time basis for a term of up to seven years. Members may be reappointed.

Qualification requirements for the various member categories are in the Administrative Appeals Tribunal Act. The President of the AAT must be a judge of the Federal Court of Australia. The other members may be:

- judges of the Federal Court or Family Court of Australia
- lawyers of at least five years' standing, or
- people with special knowledge or skills.

Members come from a diverse range of backgrounds with expertise in areas such as accountancy, disability, law, medicine, migration, military affairs, public administration, science, social welfare and taxation.

The President and Deputy Presidents can exercise powers in any of the AAT's divisions. Senior Members and Members may only exercise powers in the division or divisions to which they are assigned.

At 30 June 2019, there were 362 members of the AAT. Table 2.2 shows the breakdown of the membership by category. Appendix 1 lists all AAT members at 30 June 2019, including the divisions to which each Senior Member and Member was assigned.

Table 2.2 AAT membership, 30 June 2019

CATEGORY OF MEMBER	JUDGE			FULL TIME			PART TIME			TOTAL		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total
President	1	0	1							1	0	1
Deputy President												
Federal Court judge	9	5	14							9	5	14
Family Court judge	3	2	5							3	2	5
Non-judicial				8	2	10	6	0	6	14	2	16
Senior Member				22	13	35	19	6	25	41	19	60
Member				42	34	76	97	93	190	139	127	266
TOTAL	13	7	20	72	49	121	122	99	221	207	155	362

Legend: 'F' = female; 'M' = male

President, Division Heads and Deputy Division Head

The President of the AAT is Justice David Thomas. He was appointed as a Judge of the Federal Court and as President of the AAT on 27 June 2017 for a term of seven years.

Table 2.3 lists the AAT's Division Heads and Deputy Division Head at 30 June 2019.

Table 2.3 Division Heads and Deputy Division Head, 30 June 2019

DIVISION	NAME
Division Heads	
General Division	Deputy President Peter Britten-Jones
Migration and Refugee Division	Deputy President Jan Redfern PSM
Small Business Taxation Division Taxation and Commercial Division	Deputy President Bernard McCabe
Deputy Division Head	
Migration and Refugee Division	Senior Member Dr Irene O'Connell

Deputy President Jim Walsh was the Division Head of the Social Services and Child Support Division until his appointment ended on 24 March 2019.

See Appendix 1 for profiles of the President, Division Heads and Deputy Division Head.

Staff of the AAT

The Registrar is a statutory office holder appointed by the Governor-General on the nomination of the President. In addition to assisting the President in managing the AAT's administrative affairs, the Registrar undertakes functions relating to the management of applications conferred by the Administrative Appeals Tribunal Act and other enactments. The Registrar is the Accountable Authority for the AAT under the *Public Governance, Performance and Accountability Act 2013*.

The Registrar is Sian Leathem, who began a five-year appointment on 7 April 2015.

During 2018–19, five officers in Senior Executive Service positions assisted the President, the Division Heads and the Registrar. Table 2.4 lists the SES employees and their areas of responsibility at 30 June 2019.

Table 2.4 Senior Executive Service employees, 30 June 2019

POSITION	NAME
Executive Director, Corporate Services	Jacqueline Fredman
Executive Director, Registry Operations	Elizabeth Connolly
Executive Director, Review Support	Bernadette Ryan
Executive Director, Strategy and Policy	Christopher Matthies
Senior Reviewer, Immigration Assessment Authority	Sobet Haddad

Other staff are employed as ongoing, non-ongoing or intermittent employees under the *Public Service Act 1999* and as contractors. See Chapter 4 and Appendix 2 for more detailed staffing information.

Registries

District registries

Applicants and other users are able to access the AAT through registries in each state capital city and in the Australian Capital Territory as well as through arrangements for the provision of registry services on Norfolk Island. We provide services to users in the Northern Territory from our other registries.

Staff in our registries:

- process applications and facilitate the listing and conduct of alternative dispute resolution processes and hearings
- liaise with parties and representatives about their cases and give them information about our operations and procedures, and
- provide administrative and other support services to registrars and members.

Conference registrars conduct the majority of the alternative dispute resolution processes held by the AAT in the Freedom of Information, General, NDIS, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions. Case assessment registrars and caseload practice managers undertake early case assessment and triaging of different types of applications in the Migration and Refugee Division and the Social Services and Child Support Division. At 30 June 2019, dedicated national teams provided caseload support and legal services for the Migration and Refugee Division and member support services for the Social Services and Child Support Division.

Principal Registry

Principal Registry staff advise and assist the President and the Registrar in managing the AAT's administrative affairs, and also provide services to members and staff. They are responsible for business support, corporate legal and policy support, financial and human resource management, library and information services, strategy, communications and governance support and technology services.

Our processes

The AAT's processes vary according to the type of decision we are reviewing. The differences reflect procedural requirements set out in the Administrative Appeals Tribunal Act, Migration Act and social services legislation as well as case management approaches we have developed to deal with the broad range of decisions we review. The main features of our procedures are outlined below.

Our procedures are intended to give an applicant, and any other party to a review, a reasonable opportunity to present their case. While parties may elect to be represented or assisted by a lawyer, migration agent, advocate or other person, a significant proportion of parties represent themselves and we have designed our procedures to facilitate their participation in the review. Details of the accessibility measures we employ, including the use of interpreters, can be found in Chapter 3.

Steps in a review

When we receive an application that meets the application requirements, we notify the decision-maker who must then give us a copy of the decision and all of the documents they hold that are relevant to the review. In divisions other than the Migration and Refugee Division, the decision-maker must also give a copy of these documents to the applicant and any other party. In the Migration and Refugee Division, the applicant may request a copy of the documents we hold in relation to their review.

In the Migration and Refugee Division and the Social Services and Child Support Division, the decision-making agency does not take part in the review. In the other divisions, the decision-maker is an active party.

A key feature of merits review is the opportunity for the applicant and any other party to give us new information to consider in the review. At different stages of the review process, we may invite or direct a party to give us information that will be relevant to the case. The AAT also has the power to require non-parties to give us documents that are relevant to a review or attend and give evidence to the AAT.

In some types of reviews, we hold conferences or directions hearings to talk to the parties about the issues and give directions about what the parties must do and by when to progress the case. When a review involves more than one party, we usually try to help them reach an agreed outcome without the need for a hearing, while ensuring steps are taken to prepare for a hearing in the event it cannot be resolved by agreement. As well as conferences, we use other types of alternative dispute resolution processes to resolve cases by agreement, including conciliation, mediation, case appraisal and neutral evaluation. In other types of reviews, the case is listed directly for a hearing.

The hearing gives an applicant, and any other party, an opportunity to provide evidence and present arguments about the decision under review. It also allows the AAT to ensure that all issues arising in the review are addressed. A hearing is conducted by the member or members directed by the President to constitute the Tribunal for the purposes of the review. The Tribunal may be constituted by one, two or three members but most reviews are conducted by a single member. The Tribunal is not bound by the rules of evidence and aims to conduct hearings with as little formality and technicality as is appropriate in the circumstances.

Hearings are held in person, by telephone and by video-link. They are conducted in public, unless the Tribunal directs that a hearing be held in private or legislation requires a private hearing. Hearings must be held in private in refugee cases, in applications for review of Australian Security Intelligence Organisation security assessments, in all cases heard in the Social Services and Child Support Division and in some taxation cases.

Following the hearing, the Tribunal makes a decision and must give reasons for that decision. The decision and reasons may be given orally on the day or they may be given in writing at a later date.

Directions, guides and guidelines

We prepare and publish a range of policy and procedure documents, designed to help parties and their representatives understand our processes and what is expected of them during a review.

The President issues practice directions and jurisdictional guides that explain the procedures that apply for particular types of applications. Other presidential directions and guidelines deal with particular aspects of our operations such as the allocation of cases to divisions, how the Tribunal is constituted for a review and the use of expert evidence. We have also developed process models that describe the stages of our alternative dispute resolution processes. Fact sheets are prepared to provide more targeted information in relation to particular types of cases.

The full suite of practice documents and fact sheets is on the AAT website.

Additional functions conferred on AAT members

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

Warrants, controlled operations and other functions

Members who meet the qualification requirements in the relevant legislation may be nominated by the responsible Minister to:

- issue telecommunications interception warrants, stored communications warrants and journalist information warrants under the *Telecommunications (Interception and Access) Act 1979*
- issue warrants and exercise related powers under the *Surveillance Devices Act 2004*

- issue examination notices under the *Building and Construction Industry (Improving Productivity) Act 2016*
- issue delayed notification search warrants and vary controlled operations authorities under the *Crimes Act 1914*
- make continued preventative detention orders under the *Criminal Code Act 1995*
- issue notices relating to investigations by the *Fair Work Ombudsman* under the *Fair Work Act 2009*
- 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*
- issue monitoring warrants and exercise other powers in relation to the *Narcotic Drugs Act 1967*
- issue search warrants and exercise related powers under the *Tobacco Plain Packaging Act 2011*.

For some of these functions, only the President and Deputy Presidents may be nominated to exercise the power. For other functions, Senior Members and Members may also be nominated, generally only if they have been enrolled as a legal practitioner for at least five years.

All members are authorised to exercise a range of powers relating to monitoring providers and compliance with student visa conditions under the *Education Services for Overseas Students Act 2000* and the Migration Act.

Table 2.5 shows the number of occasions on which members considered applications under any of the above Acts over the past four years.

Table 2.5 Applications relating to warrants, controlled operations and other functions, 2015–16 to 2018–19

	2015–16	2016–17	2017–18	2018–19
Number of occasions on which applications considered	2,849	2,751	2,440	2,594

We are flexible in performing these functions and members are available outside standard business hours. In the reporting period, 195 out-of-hours appointments were held.

In a proportion of applications, the issue of a warrant or other authorisation is only granted after further information is provided at the request of the authorised member. A small number of warrant applications are refused, and some are only granted after conditions are imposed, including conditions in relation to privacy. In some instances, the warrant is issued for a lesser period of time than that sought by the law enforcement agency.

Proceeds of crime examinations

The President, any Deputy President, and any Senior Member or Member enrolled as a legal practitioner for at least five years, may be appointed by the responsible Minister as an approved examiner under the *Proceeds of Crime Act 2002*. Approved examiners are authorised to issue examination notices at the request of the Australian Federal Police and to oversee compulsory examinations in connection with confiscation proceedings.

Table 2.6 shows the number of examination sessions conducted by members in the last four years.

Table 2.6 Examinations held under the *Proceeds of Crime Act 2002*, 2015–16 to 2018–19

	2015–16	2016–17	2017–18	2018–19
Number of examination sessions held	49	114	70	40



CHAPTER 3

Our performance

Annual Performance Statement

Introductory statement

I, Sian Leatham, as the accountable authority of the AAT present the 2018–19 annual performance statement of the AAT, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013*. In my opinion, this annual performance statement is based on properly maintained records, accurately reflects the performance of the entity and complies with subsection 39(2) of the Public Governance, Performance and Accountability Act.

Our purpose

The role of the AAT is to provide independent review on the merits of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. Merits review of an administrative decision involves considering afresh the facts, law and policy relating to that decision. We decide what is the correct or preferable decision based on the material before us and may affirm, vary or set aside the decision under review.

The AAT's objective is set out in section 2A of the Administrative Appeals Tribunal Act. In carrying out our functions, the AAT must pursue the objective of providing a mechanism of review of administrative decisions that:

- is accessible
- is fair, just, economical, informal and quick
- is proportionate to the importance and complexity of the matter, and
- promotes public trust and confidence in the decision-making of the AAT.

The AAT provides administrative justice for individuals and organisations seeking to challenge decisions that affect their interests and, more broadly, contributes to improving the quality of government decision-making.

Results

Performance measure 1: Number of applications finalised

This measure is an indicator of the scale of the AAT's activity in carrying out our role of reviewing decisions that affect the interests of individuals and organisations.

Target

45,600 applications finalised in 2018–19

Source

AAT Corporate Plan 2018–19 (page 7) and Program 1.1, 2018–19 Portfolio Budget Statements, Attorney-General's Portfolio (page 46)

Result

The AAT finalised 44,413 applications in 2018–19, 11 per cent more than the 40,040 applications finalised in 2017–18. In relation to the two divisions with the highest volume of work, the Migration and Refugee Division finalised 20,892 applications (16 per cent more than in 2017–18), and the Social Services and

Child Support Division finalised 16,097 applications (seven per cent more than in 2017–18). Our seven other divisions finalised 7,424 applications (six per cent more than in 2017–18).

Despite these increases, the number of applications finalised in 2018–19 was three per cent lower than the target set out in the Portfolio Budget Statements. This is due to the fact that the AAT’s ability to finalise applications is primarily dependent on the resources, particularly the number of members, available to deal with our caseload. The number of reviews completed reflects what we were able to achieve with our members and staff during the reporting year. Importantly, the number of applications finalised was above the number we expected to complete, reflecting the appointment of additional members during the year and measures put in place to improve our effectiveness and efficiency.

Further information relating to workload by division and major areas of work within divisions, including the number of applications finalised, can be found in Tables 3.5, 3.6 and 3.9.

Performance measure 2: Proportion of applications finalised within a time standard

This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is quick.

Target

75 per cent of applications finalised within 12 months of lodgement

Source

AAT Corporate Plan 2018–19 (pages 7–8) and Program 1.1, 2018–19 AAT Portfolio Budget Statements, Attorney-General’s Portfolio (page 46)

Result

In 2018–19, 66 per cent of applications were finalised within 12 months of lodgement, nine percentage points below the target. This result is 11 percentage points lower than the 77 per cent achieved in 2017–18 and 16 percentage points lower than the 82 per cent achieved in 2016–17.

The time taken to finalise applications varies between the AAT’s divisions and for different types of cases based on a diverse range of factors, including the nature and complexity of the cases, differences in the procedures that apply to the review of decisions, the priority given to certain types of cases and the overall level of resources available to deal with applications. The 75 per cent target for the AAT as a whole takes into account these variations.

We finalised 75 per cent or more of applications within 12 months of lodgement in the General, National Disability Insurance Scheme, Security, and Social Services and Child Support Divisions in 2018–19. Timeliness improved in the Taxation and Commercial Division and remained relatively steady in the Freedom of Information and Veterans’ Appeals Division. Our timeliness performance declined significantly, however, in the Migration and Refugee Division, which has the largest workload.

The growth in the volume of applications received by the AAT in recent years, particularly in the Migration and Refugee Division, without a corresponding increase in the number of members and staff to deal with that workload is the key factor that contributed to the poorer result in relation to this performance measure. Caseload management strategies adopted in the Migration and Refugee Division during the reporting period, to target older cases, also influenced the result.

Further information relating to the timeliness of the review process by division and major areas of work within divisions can be found in Tables 3.5, 3.6 and 3.9.

Performance measure 3: Number of AAT decisions published

This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is accessible and promotes public trust and confidence in our decision-making.

Target

At least 5,000 decisions published

Source

AAT Corporate Plan 2018–19 (pages 8–9)

Result

5,905 AAT decisions made in 2018–19 were published.

The AAT is authorised to publish our decisions and the reasons for them by the Administrative Appeals Tribunal Act, subject to the requirement not to publish information the disclosure of which is prohibited or restricted by legislation or by an order of the Tribunal. The AAT publishes decisions in accordance with our Publication of Decisions Policy. That policy specifies that we will publish a randomly selected proportion of written decisions in the high-volume categories of cases in the Migration and Refugee Division and in child support cases in the Social Services and Child Support Division, and all written decisions in other types of cases, subject to confidentiality requirements. Publishing statements of reasons for AAT decisions promotes the transparency of our operations by informing parties, representatives and the general public about the work of the Tribunal.

The result for 2018–19 exceeds the target and is the highest number of decisions published by the AAT in any year to date.

Further information relating to the publication of decisions can be found later in Chapter 3.

Performance measure 4: User experience rating

This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is accessible, fair, informal and quick.

Target

User experience rating is at least 70 per cent

Source

AAT Corporate Plan 2018–19 (page 9)

Result

The user experience rating derived from the results of the user feedback survey conducted in 2018–19 was 73 per cent, exceeding the target by three percentage points. The result for 2018–19 is also three percentage points higher than the user experience rating achieved in the survey conducted in 2017–18.

All parties and representatives involved in cases finalised by the AAT between 1 December 2018 and 31 March 2019 for whom we had an email address or mobile telephone number were invited to complete an online questionnaire. The survey, administered by an independent market research organisation, asked users for their views on a range of matters, including the process of applying for a review, our website and written communications, dealings with staff, conferences and hearings as well as perceptions of the process overall. Surveys were completed by 1,010 parties and 510 legal and other representatives.

The user experience rating is calculated by computing the average proportion of positive ratings given in responses to questions relating to the accessibility, fairness, informality and timeliness of the AAT's mechanism of review. The result for 2018–19 reflects that parties and representatives were positive overall in their assessment of the services provided by the Tribunal and more satisfied than in the previous year.

Further information relating to the survey can be found later in Chapter 3.

Performance measure 5: Proportion of appeals against AAT decisions allowed by the courts

This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is fair and just and that promotes public trust and confidence in the AAT's decision-making.

Target

Number of appeals allowed is less than five per cent of all AAT decisions that could have been appealed

Source

AAT Corporate Plan 2018–19 (pages 9–10)

Result

The number of appeals allowed in 2018–19 amounted to 2.3 per cent of decisions made by the AAT in 2017–18 that could have been appealed to the courts.

Our decisions may be appealed to the courts and an appeal may be allowed if the AAT has made an error of law in relation to how the review was conducted or in reaching the decision. This measure looks at the number of appeals allowed by the courts in the most recent financial year against the number of appealable decisions made by the AAT in the previous year on the basis that a majority of appeals lodged in relation to decisions made in a year are finalised in the following year.

The result for the AAT as a whole in 2018–19 is nearly three percentage points better than the target and an improvement on the results in recent years which equalled or exceeded three per cent. The vast majority of appeals finalised related to decisions of the Migration and Refugee Division, or the former Migration Review Tribunal and Refugee Review Tribunal. The result for the Migration and Refugee Division for 2018–19 on this indicator (2.6 per cent) is a one percentage point improvement over 2017–18. The result for the Social Services and Child Support Division remained low (0.2 per cent in 2018–19 compared with 0.1 per cent in 2017–18), while the combined result for the remaining divisions in 2018–19 (2.4 per cent) increased from the previous year (1.8 per cent) but remained well within the target. The number of appeals against decisions made in these divisions continued to be relatively low.

Further information relating to outcomes of appeals by division can be found in Tables 3.12 and A4.5.

Analysis of performance against our purpose

The AAT operates in a complex and dynamic environment. We review administrative decisions that can be made under more than 400 pieces of legislation and do not control the type or volume of applications we receive. Having ended the 2017–18 financial year with 53,282 cases on hand, 60,595 further applications were lodged in 2018–19 with 44,413 applications finalised, and 69,488 cases on hand at 30 June 2019, 30 per cent more than the year before. Following significant growth in the demand for AAT services over recent years, particularly in the Migration and Refugee Division, the largest of the AAT's divisions, our backlog has been increasing over time. While we were able to increase the number of applications finalised in 2018–19 with the appointment of more members and the application of improved case management strategies, we remain constrained in our ability to respond to the scale of the increased demand for our services. This requires additional member, staff and financial resources as well as legislative and technology changes that will assist us to operate more effectively and efficiently.

During the reporting year, the AAT made further progress on our significant change agenda to improve our operations for the benefit of users in accordance with the strategic priorities set out in our Strategic Plan 2015–20: creating an integrated and national tribunal, improving how we work and maximising our use of technology, engaging with stakeholders and building public trust and confidence, and building our capacity and making best use of our resources. Key achievements included: development of a new registry model for migration and refugee cases with a greater focus on early case assessment and resolution approaches and improved support for members; ongoing implementation of, and innovation in the use of, enhanced case management strategies; and release of a refreshed website which enables users to more easily find information that relates to the type of decision they want reviewed. We refined our framework for engaging with stakeholders and also focused on building the capabilities of our people and organisation, including development of a leadership capability framework for the AAT, introduction of a new learning management system with a diverse range of training modules, creation of a dedicated registry procedures and training team and better coordinated planning, budgeting and reporting processes to improve the strategic management of the Tribunal. These and other projects required the involvement of members and staff across the AAT while we continued to carry out our core function of reviewing decisions.

Within the context of our current operating environment, we provided a mechanism of review of administrative decisions in 2018–19 that accords with our statutory objective. While marginally below our target for the year, the number of finalisations did increase significantly compared with the previous year. Our overall timeliness performance was below what we would like to achieve but we were able to provide timely review of decisions in many areas of our work. We exceeded our other performance targets relating to the quality of our processes and decision-making, and the publication of our decisions. Despite the challenges, the AAT enabled a significant number of people and organisations to exercise their right to challenge administrative decisions, contributing to the accountability and transparency of government.

Financial performance

The AAT's complete financial results for 2018–19 are available in the financial statements which commence on page 75 of this annual report. The Australian National Audit Office issued an unqualified audit opinion for the financial statements on 11 September 2019.

The 2018–19 financial statements for the AAT report total revenue from ordinary activities of \$164.7 million and expenses of \$154.7 million. Excluding depreciation of \$10.4 million, this resulted in a surplus of \$10 million. This surplus was largely accounted for by lower than anticipated operating costs, particularly in relation to members and staff. We expect costs in this area to increase in 2019–20 and the forward years to address our increasing workloads.

At 30 June 2019, the AAT was in a sound position in relation to net worth and liquidity, reporting net assets of \$89 million, represented by assets of \$150.8 million and liabilities of \$61.8 million. We had unspent appropriations totalling \$87 million of which \$1.1 million was held in cash. Unspent appropriations are available to settle liabilities as and when they fall due and for future asset replacements and improvements.

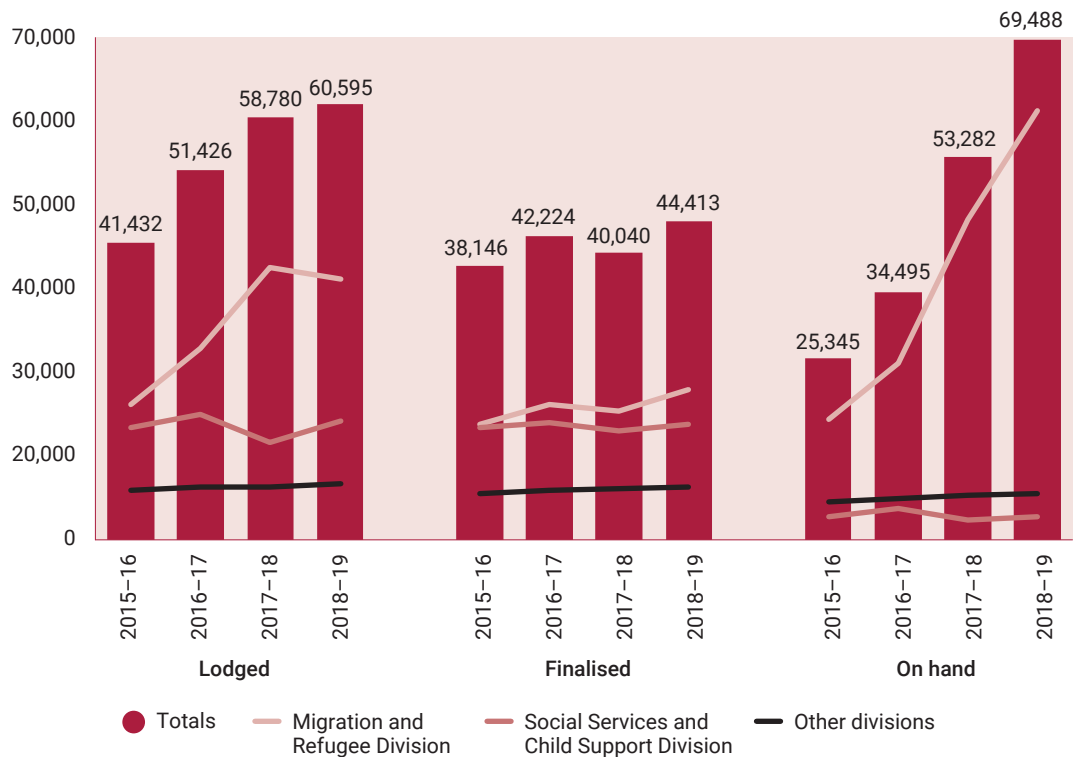
We continued to administer application fees on behalf of the Government in the reporting year. The AAT's 2018–19 administered income was \$49.4 million. Details of administered revenue are set out in the financial statements.

The tables summarising our total resourcing, total payments and total expenses for the reporting year are in Appendix 3.

Caseload overview

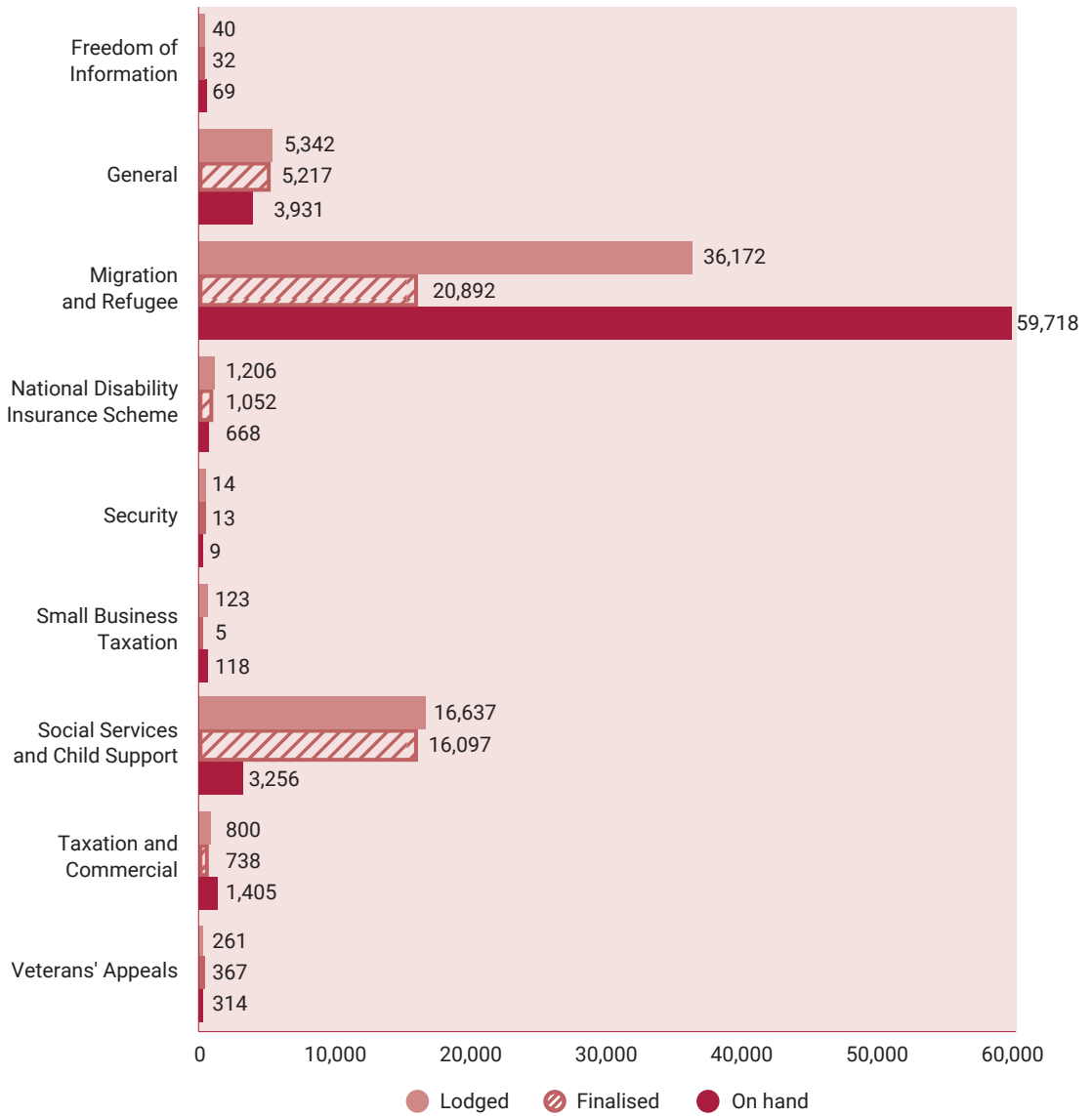
The AAT received 60,595 applications and finalised 44,413 applications in 2018–19. There were 69,488 applications on hand at 30 June 2019. Chart 3.1 illustrates the number of applications lodged and finalised in the last four financial years, and the number of applications on hand at 30 June in each year.

Chart 3.1 Applications lodged, finalised and on hand, 2015–16 to 2018–19



The number of applications lodged with us in 2018–19 was three per cent higher than the number lodged in 2017–18, maintaining the trend of increases in lodgements over time. While finalisations in the reporting period were 11 per cent higher than the number of applications finalised in 2017–18, the overall number of applications on hand increased significantly again this year, 30 per cent higher at 30 June 2019 than at 30 June 2018. The number of applications lodged and finalised in 2018–19 and on hand at the end of the reporting period were the highest on record for the AAT.

Chart 3.2 Applications lodged, finalised and on hand, 2018–19 – By division



As shown in Chart 3.2, the size of our workload varies significantly between divisions: 60 per cent of applications made in 2018–19 were in the Migration and Refugee Division, 27 per cent in the Social Services and Child Support Division, and nine per cent in the General Division. A total of four per cent of applications were in the FOI, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions.

We received approximately 16,000 more applications than we finalised in the reporting period achieving an overall clearance rate of 73 per cent. We finalised more applications than we received in the Veterans' Appeals Division and achieved clearance rates above 90 per cent in the General, Security, Social Services and Child Support, and Taxation and Commercial Divisions as well as clearance rates above 80 per cent for the FOI and NDIS Divisions. For the Migration and Refugee Division, the clearance rate of 58 per cent, while 11 percentage points higher than in 2017–18, continues to be affected by sustained high level of lodgements

and the lower than required number of people and financial resources currently available to undertake that work. The low number of finalisations in the Small Business Taxation Division, established on 1 March 2019, reflects that the majority of applications were lodged later in the reporting period and remained on hand at 30 June 2019.

Of the 69,488 applications on hand at 30 June 2019, 86 per cent were in the Migration and Refugee Division, six per cent in the General Division and five per cent in the Social Services and Child Support Division. Applications in the FOI, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions made up less than four per cent of the active caseload.

More detailed information about the operations of the AAT's divisions is set out below. Information about the types of applications lodged and finalised in 2018–19 is available in Appendix 4.

Applications may be finalised in different ways, as illustrated in Chart 3.3. In 2018–19, the majority of applications were finalised by the Tribunal making a decision on review, usually after conducting a hearing. In seven per cent of finalised cases, the reviewable decision was either affirmed, varied or set aside or the application was dismissed as a result of a consent agreement reached between the parties. The remaining 36 per cent of applications were withdrawn, finalised on the basis that they did not meet the requirements for a valid application, or otherwise dismissed without the Tribunal reviewing the decision. The distribution of outcome types is broadly similar to the previous year.

As shown in Chart 3.4, the Tribunal changed the decision under review in 25 per cent of all applications finalised in 2018–19, two percentage points higher than the result for 2017–18. Further information on outcomes of reviews by division and major areas of work within certain divisions is available in Appendix 4.

Chart 3.3 Mode of finalisation of applications for review of decisions, 2018–19^a

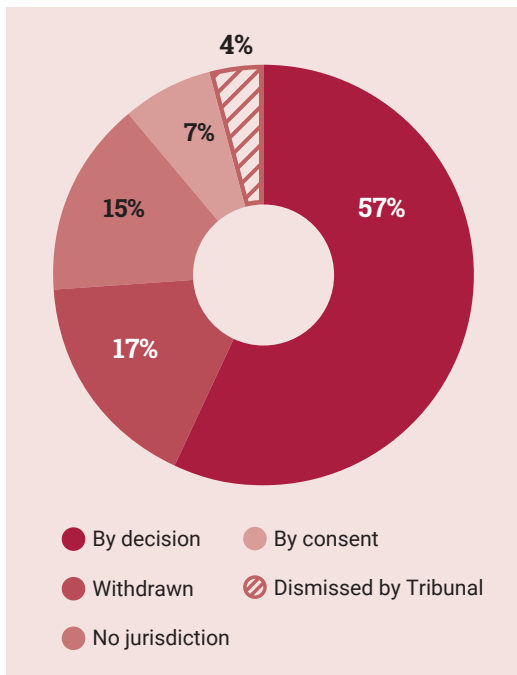
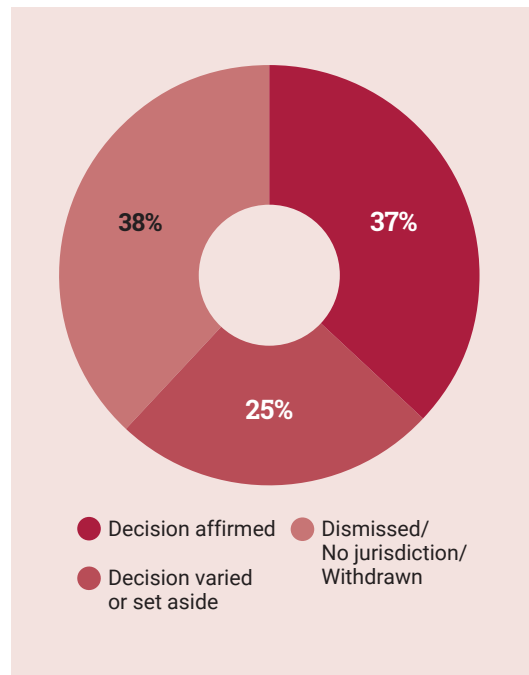


Chart 3.4 Outcomes of applications for review of decisions, 2018–19



^a 'By decision' includes applications finalised by a decision of the AAT on the merits under section 43 of the Administrative Appeals Tribunal Act or section 349 or 415 of the Migration Act. 'No jurisdiction' includes applications in relation to which the AAT cannot review the decision. 'By consent' are applications finalised in accordance with terms of agreement reached by the parties. See the notes to Table A4.3 for a full description of the outcome types.

Operation of divisions

This section includes detail about the operations of the AAT's nine divisions during 2018–19.

Freedom of Information, General, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions

The AAT reviews a wide variety of decisions in the FOI, General, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions. Table 3.5 sets out key statistics relating to workload and timeliness for each of these divisions, and for major areas of work within divisions, for the last two financial years. Lodgements increased by five per cent in 2018–19, while the number of finalisations and cases on hand at year end also increased by a similar amount.

General Division

The General Division has the largest and most diverse caseload among this group of divisions and we welcomed the assignment of Deputy President Britten-Jones as the inaugural Division Head on 20 March 2019. The areas of work with the largest volumes of applications were second review of Centrelink decisions then the review of decisions made under Commonwealth workers' compensation legislation, decisions about Australian citizenship, visa decisions made on character grounds and decisions relating to vocational education and training regulation.

The number of applications for second review of Centrelink decisions lodged in this reporting period was slightly below the number received in 2017–18. However, lodgements increased over the course of the reporting year, particularly in the last three months, flowing from the increasing number of first review applications finalised by the Social Services and Child Support Division. Of all lodgements within this area of work, the largest proportion were for the review of disability support pension decisions (49 per cent). Applications relating to newstart allowance, age pension and family tax benefit collectively made up a further 30 per cent of the lodgements. While the proportion of cases finalised within 12 months of lodgement in 2018–19 decreased by three per cent compared with 2017–18, the average time taken to finalise cases improved by two weeks. The majority of these cases were finalised within six months of lodgement.

In the AAT's workers' compensation jurisdiction, the number of applications we received for review of decisions made under the *Safety, Rehabilitation and Compensation Act 1988* and the *Seafarers Rehabilitation and Compensation Act 1992* declined further in 2018–19. This can be attributed primarily to significantly fewer applications lodged in relation to Comcare decisions. While we finalised more applications than were lodged in the reporting period, timeliness continued to be an issue. About half of the cases took longer than 12 months to finalise with the average time to finalisation seven weeks longer than it had been in 2017–18. These cases take longer to finalise than other types of cases because of the significant amount of investigation and evidence gathering, particularly medical evidence, that takes place only after an application is lodged. However, challenges with member availability in part of the reporting period and a focus on finalising older cases also contributed to the result for the reporting year. The Division Head has identified this jurisdiction as a particular area of focus for 2019–20.

Table 3.5 Caseload overview, 2017–18 to 2018–19 – FOI, General, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions

DIVISION/AREA OF WORK	LODGED		FINALISED		ON HAND AT YEAR END		% FINALISED WITHIN 12 MONTHS		MEDIAN TIME TO FINALISE (WEEKS)				
	2017–18	2018–19	2017–18	2018–19	2017–18	2018–19	2017–18	2018–19	2017–18	2018–19			
		% change from 2017–18		% change from 2017–18		% change from 2017–18		% change from 2017–18					
Freedom of Information	47	40	-15%	50	32	-36%	63	69	10%	65%	66%	37	33
General	5,300	5,342	1%	5,234	5,217	0%	3,819	3,931	3%	81%	75%	25	25
Australian citizenship	605	708	17%	484	575	19%	331	464	40%	92%	87%	19	22
Centrelink (2nd review)	1,919	1,882	-2%	2,267	1,708	-25%	920	1,091	19%	90%	87%	22	20
Visa-related decisions relating to character	235	308	31%	230	340	48%	73	71	-3%	94%	95%	11	11
Workers' compensation	1,583	1,368	-14%	1,540	1,633	6%	1,877	1,601	-15%	57%	48%	47	54
Other	958	1,076	12%	713	961	35%	618	704	14%	90%	84%	13	16
National Disability Insurance Scheme	802	1,206	50%	441	1,052	139%	515	668	30%	98%	89%	19	23
Security	7	14	100%	10	13	30%	8	9	13%	50%	85%	54	28
Small Business Taxation^a	N/A	123	N/A	N/A	5	N/A	N/A	118	N/A	N/A	100%	N/A	5
Taxation and Commercial	895	800	-11%	790	738	-7%	1,325	1,405	6%	63%	69%	35	34
Taxation	826	670	-19%	717	642	-10%	1,260	1,285	2%	62%	68%	36	35
Other	69	130	88%	73	96	32%	65	120	85%	67%	73%	30	31
Veterans' Appeals	361	261	-28%	480	367	-24%	418	314	-25%	56%	53%	47	46
TOTAL	7,412	7,786	5%	7,005	7,424	6%	6,148	6,514	6%	80%	75%	26	27

^a The Small Business Taxation Division commenced on 1 March 2019.

The number of applications for review of decisions about Australian citizenship, both lodged and finalised, grew again in 2018–19, although at a slower rate than in the previous reporting period. Table A4.3.1 in Appendix 4 shows the outcomes of the reviews finalised in the reporting period. The proportion of decisions changed on review increased by five percentage points from 2017–18 to 24 per cent in 2018–19: 18 per cent in accordance with terms of agreement reached between the applicant and the Minister and six per cent by way of decision following a hearing. The AAT affirmed the decision under review in 16 per cent of cases, a similar proportion to the previous year. The remaining 60 per cent of applications were either withdrawn, failed to meet the requirements for a valid application or were otherwise dismissed.

Applications for review of visa decisions made on character-related grounds – primarily decisions to cancel or refuse a visa under section 501 of the Migration Act or not to revoke a mandatory visa cancellation under section 501CA – increased by almost a third in 2018–19, continuing the trend from earlier years. Most applications were required to be finalised within 12 weeks after the applicant was notified of the decision. To ensure the AAT manages this increasing workload effectively, Senior Member Theo Tavoularis was designated as the list manager for these applications during the reporting year. As shown in Table A4.3.1 in Appendix 4, the decision under review was changed in 26 per cent of cases: three per cent in accordance with terms of agreement reached between the applicant and the Minister and the remainder by way of decision following a hearing. This is three percentage points higher than in the previous reporting year. The AAT affirmed the decision under review in 58 per cent of cases in 2018–19, two percentage points higher than in 2017–18. The remainder of the applications were withdrawn, failed to meet requirements for a valid application or were otherwise dismissed.

In relation to the diverse range of other applications lodged with the General Division in 2018–19, the 12 per cent increase over the previous reporting period was largely due to an increase in applications to review decisions made by the Australian Skills Quality Authority, the national regulator for the vocational education and training sector. That caseload comprised approximately 36 per cent of this group of applications.

Freedom of Information Division

Most applications dealt with in the FOI Division are for the review of decisions made under the *Freedom of Information Act 1982*. However, the division also reviews decisions made under the *Privacy Act 1988* and the *Archives Act 1983* (except for those in respect of access to a record of the Australian Security Intelligence Organisation which are dealt with in the Security Division). There were slightly fewer lodgements in 2018–19 and the overall caseload remains low with a small increase in the number of cases on hand at 30 June 2019.

National Disability Insurance Scheme Division

The demand for the AAT's services to review decisions made under the *National Disability Insurance Scheme Act 2013* continued to grow in 2018–19 as the roll out of the National Disability Insurance Scheme proceeds. Deputy President Stephanie Forgie and Senior Member Fiona Meagher assisted with coordination of the work in the division during the reporting year.

More applications were lodged and finalised in 2018–19 than in any earlier year. The largest volume were again lodged in New South Wales followed by Victoria, Queensland and South Australia. The majority of applications we received concerned whether the funding for supports approved by the National Disability Insurance Agency is reasonable and necessary (52 per cent of all lodgements). The proportion of applications relating to whether a person is eligible to access the Scheme reduced slightly from 42 per cent in 2017–18 to 39 per cent in 2018–19. Most of the other applications related to refusals to review plans (10 per cent of all lodgements).

As in previous years, most applications were resolved during our pre-hearing processes, particularly through the use of alternative dispute resolution. As shown in Table A4.3.2 in Appendix 4, the majority of cases were finalised either in accordance with terms of agreement reached between the applicant and the Agency (60 per cent) or withdrawn by the applicant (32 per cent). The decision under review was changed in 59 per cent of all finalised applications, 58 per cent by agreement between the parties. Only a very small proportion of cases were finalised by the Tribunal making a decision following a hearing (two per cent).

In terms of the timeliness of our review processes, we continued to finalise most applications within 12 months of lodgement. The average number of weeks to finalise cases increased by four weeks in 2018–19, due to the significant increases in lodgements and a growing number of cases on hand, but the majority of applications were still finalised within six months of lodgement.

Security Division

The Security Division deals with applications for review of security assessments made by the Australian Security Intelligence Organisation under the *Australian Security Intelligence Organisation Act 1979* and applications about decisions under the Archives Act in respect of access to an ASIO record. While the number of lodgements remained low in 2018–19, cases in this division are resource intensive as they require tailored case management and are subject to specific procedures, particularly at the hearing stage, including multi-member tribunals for the review of security assessments.

Small Business Taxation Division

The Small Business Taxation Division was created on 1 March 2019 as part of a suite of measures introduced to make it easier for small businesses to seek review of decisions of the Australian Taxation Office. Deputy President Bernard McCabe was assigned as Division Head in addition to his role as Division Head of the Taxation and Commercial Division. A number of newly appointed members and existing members with relevant experience were assigned to the division.

In addition to the introduction of a lower application fee, the AAT developed a new case management model for these cases which is set out in the Review of Small Business Taxation Decisions Practice Direction and our Guide to the Small Business Taxation Division. We aim to finalise cases at the earliest opportunity and without a hearing where possible. The model includes the following components: the assignment of a dedicated AAT case manager for each application from lodgement to finalisation; triaging and early case assessment conferencing by a registrar with tax experience to determine the best pathway for the review; the use of other alternative dispute resolution processes to encourage the parties to reach agreement where possible; and, if a case proceeds to hearing, delivery of a decision within 28 days after the hearing. The model was designed to work effectively with the Small Business Concierge Service delivered by the Australian Small Business and Family Enterprise Ombudsman which guides and supports small businesses through the AAT review process, including by facilitating access to legal assistance.

A modest number of applications was lodged in the first months of the division's operations with a small number of applications finalised in that period. The AAT is monitoring the caseload and the operation of the new model.

Taxation and Commercial Division

The Taxation and Commercial Division deals with the review of decisions of key Australian Government regulators, including the Australian Financial Security Authority, the Australian Prudential Regulation Authority, the Australian Securities and Investments Commission, the Australian Taxation Office and the Tax Practitioners Board. Since 1 March 2019, applications for review of customs decisions made by the Australian Border Force and decisions relating to the research and development tax incentive have been reviewed in the division. Some other types of applications, formally allocated to the General Division, are also managed in this division in accordance with the Review of Taxation and Commercial Decisions Practice Direction, including decisions made by the Aged Care Quality and Safety Commission and the Civil Aviation Safety Authority.

Applications for review of taxation decisions remained the largest proportion of the cases in the division but, consistent with the trend over recent years, were lower again in 2018–19, even when applications dealt with in the Small Business Taxation Division are taken into account. This may be linked, in part, to the Australian Taxation Office's processes to facilitate the early resolution of disputes. In relation to regulatory decisions, there was an increase in both lodgements and the number of applications finalised in the reporting year, partly as a result of the new types of applications dealt with in the division but also due to additional applications in a range of areas. The proportion of applications finalised within 12 months of lodgement improved in 2018–19 with the average time from lodgement to finalisation remaining steady.

While the overall caseload of the division continued to be relatively low in 2018–19 when compared with other divisions, the cases dealt with in this division are generally legally and factually complex, and can have significant financial and public policy implications. Members are actively involved in the case management of these cases from the outset and the division relies on having enough expert members available to deal with the particular demands of the division. A review of the current practice direction for the division, in place since 2015, was commenced in the latter part of the reporting year and will be completed in 2019–20.

Veterans' Appeals Division

In this division, the AAT reviews decisions made about benefits for current and former members of the Australian Defence Force and their dependants, including under the *Military Rehabilitation and Compensation Act 2004*, the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* and the *Veterans' Entitlements Act 1986*. As in previous years, there were fewer lodgements in all three areas of decision-making, particularly applications under the Safety, Rehabilitation and Compensation (Defence-related Claims) Act.

As with the workers' compensation jurisdiction, these cases often require additional evidence, particularly medical evidence, which can impact on timeliness. There was a marginal decrease of three percentage points in the proportion of cases finalised within 12 months between 2017–18 and 2018–19. Issues relating to the availability of assistance and support for applicants in the review process can also affect the way in which applications progress. During the reporting period, the Veterans' Advocacy and Support Services Scoping Study conducted by Robert Cornall AO and the Productivity Commission's inquiry into compensation and rehabilitation for veterans considered aspects of the processes for the review of decisions about veterans' entitlements, including legal and other assistance for claimants. Their final reports include recommendations for improving support.

Alternative dispute resolution

Given the diverse nature of the applications that are dealt with by these divisions, the AAT uses a range of strategies to determine appropriate and efficient case pathways for individual cases and cohorts of cases. With the exception of the Security Division, we use alternative dispute resolution in all of these divisions to help parties understand and narrow the issues in dispute, identify further evidence that will be gathered, and try to reach agreement about how their case should be resolved. ADR events are typically conducted by conference registrars, who are legally qualified and accredited mediators. In 2018–19, 82 per cent of applications in these divisions were finalised without the AAT making a decision following a hearing. At least one ADR process was held in 69 per cent of all finalised cases which were validly lodged. On average, parties spent 80 minutes across two ADR processes per case. Most of the ADR processes we conducted were conferences with conciliations the next most common type. See Table A4.4 in Appendix 4 for the numbers of ADR processes held. ADR continues to be a highly cost-effective mechanism for achieving review outcomes.

Engagement

The AAT led or was involved in a number of engagement activities in 2018–19 in support of our work across these jurisdictions.

Liaison meetings were held with representatives of various decision-making agencies to discuss operational issues, including the Australian Skills Quality Authority, Comcare and the National Disability Insurance Agency. We also liaised closely with The Treasury, the Australian Small Business and Family Enterprise Ombudsman, and the Australian Taxation Office in the context of establishing the Small Business Taxation Division.

During the reporting year, the AAT launched a regular program of engagement with stakeholders in the taxation and commercial jurisdictions. Deputy President McCabe hosted a series of briefing sessions on the new Small Business Taxation Division covering all registries which included presenters from the Australian Small Business and Family Enterprise Ombudsman and the Australian Taxation Office. Information sessions were also held on the same day in relation to developments in the Taxation and Commercial Division. Attendees at the sessions included AAT members and staff, lawyers and tax agents who practice in these areas and representatives of decision-making agencies.

Another initiative undertaken during the reporting year in collaboration with the Victorian Tax Bar Association was the introduction of a pilot pro bono scheme to provide legal advice and support to eligible taxpayers who are seeking review of a taxation decision at the AAT. This joint scheme builds upon existing relationships with other providers of pro bono services such as the small business tax clinic at Curtin University in Western Australia.

Migration and Refugee Division

The Migration and Refugee Division reviews decisions made under the Migration Act relating to a wide range of visas that permit non-citizens to travel to, enter and remain in Australia on a permanent or temporary basis. They include decisions to refuse to grant visas and to cancel visas, as well as related decisions to refuse to approve business sponsors, nominated positions and business activities. Delegates of the Minister administering the Migration Act generally make the decisions that are reviewable in the division.

Deputy President Jan Redfern was the Division Head throughout the reporting year assisted by Deputy Division Head Senior Member Dr Irene O'Connell.

Caseload

With more than 36,000 applications received in 2018–19, lodgements in the division remained at the significantly higher level we experienced in 2017–18. In each of the current and previous reporting years, the number of applications lodged was about double the lodgements in 2015–16. The appointment of additional members in the reporting period as well as the implementation of a range of innovative case management strategies

enabled the division to increase the number of applications finalised in 2018–19 by 16 per cent compared with the previous year and to achieve a result above what had been projected. However, due to the cumulative effect of the high volumes of applications lodged in recent years and not having the required number of members and staff to deal with the caseload, we have been unable to keep pace with demand. Our growing backlog and some targeted strategies to finalise older cases affected the timeliness of the review process. The number of cases on hand, almost 60,000 at 30 June 2019, remains the key challenge for the division.

Key statistics in relation to workload and timeliness for the major areas of work within the Migration and Refugee Division for the last two financial years are set out in Table 3.6. More detailed information about the division's caseloads is set out below and is also available on our website.

Table 3.6 Caseload overview, 2017–18 to 2018–19 – Migration and Refugee Division

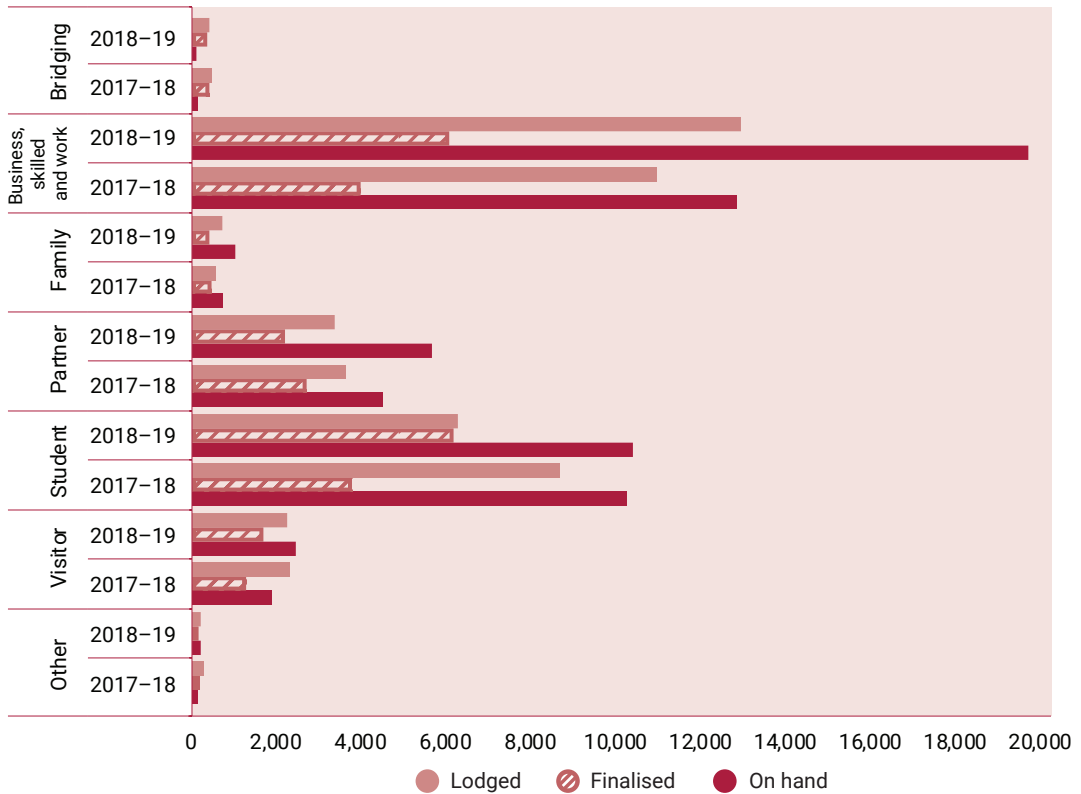
AREA OF WORK	2017–18	2018–19	% change from 2017–18
Migration			
Lodged	26,445	25,809	-2%
Finalised	12,539	16,771	34%
On hand at year end	29,991	39,029	30%
% finalised within 12 months	53%	36%	
Median time to finalise (weeks)	50	68	
Refugee			
Lodged	11,488	10,363	-10%
Finalised	5,421	4,121	-24%
On hand at year end	14,445	20,689	43%
% finalised within 12 months	66%	37%	
Median time to finalise (weeks)	31	72	
TOTAL			
Lodged	37,933	36,172	-5%
Finalised	17,960	20,892	16%
On hand at year end	44,436	59,718	34%
% finalised within 12 months	57%	36%	
Median time to finalise (weeks)	46	68	

Migration cases

Applications relating to permanent and temporary entry migration visas accounted for 71 per cent of lodgements in this division in 2018–19. Decisions about visa refusals formed 76 per cent of the caseload, nomination and sponsorship decisions comprised 19 per cent and the remaining five per cent were about decisions to cancel visas. With lodgements remaining relatively consistent with 2017–18, the significant increase in cases finalised in 2018–19 resulted in an improvement in our clearance rate compared with the previous year. At 30 June 2019, migration cases represented 65 per cent of the active caseload in this division.

Chart and Table 3.7 show, for the key visa categories, the number of applications lodged and finalised in the last two reporting periods and the number of cases on hand at the end of those reporting periods.

Chart and Table 3.7 Migration caseload by key visa categories, 2017–18 to 2018–19



VISA CATEGORY	LODGED			FINALISED			ON HAND		
	2017–18	2018–19	% change from 2017–18	2017–18	2018–19	% change from 2017–18	2017–18	2018–19	% change from 2017–18
Bridging	448	374	-17%	404	357	-12%	72	90	25%
Business, skilled and work	10,850	12,781	18%	3,932	6,006	53%	12,712	19,490	53%
<i>Nomination/ Sponsor approval</i>	4,553	5,009	10%	1,322	2,063	56%	5,562	8,508	53%
<i>Permanent business</i>	3,321	3,420	3%	690	1,299	88%	3,693	5,816	57%
<i>Skilled</i>	1,233	1,637	33%	772	1,159	50%	1,157	1,637	41%
<i>Temporary work</i>	1,743	2,715	56%	1,148	1,485	29%	2,300	3,529	53%
Family	562	699	24%	434	386	-11%	699	1,012	45%
Partner	3,560	3,330	-6%	2,639	2,159	-18%	4,405	5,575	27%
Student	8,550	6,207	-27%	3,746	6,090	63%	10,131	10,249	1%
<i>Student cancellation</i>	837	708	-15%	454	974	115%	1,318	1,051	-20%
<i>Student refusal</i>	7,713	5,499	-29%	3,292	5,116	55%	8,813	9,198	4%
Visitor	2,275	2,204	-3%	1,238	1,646	33%	1,855	2,411	30%
Other	200	214	7%	146	127	-13%	117	202	73%
TOTAL	26,445	25,809	-2%	12,539	16,771	34%	29,991	39,029	30%

As in 2017–18, applications relating to business, skilled and work visas were the largest cohort of cases received in 2018–19, constituting almost half of all lodgements in the migration caseload. Applications have more than tripled since 2015–16. A focus on this cohort of cases in the reporting year resulted in a significant increase in finalisations and an improved clearance rate which rose by more than 11 percentage points from 2017–18. While the overall number of cases on hand continued to increase, the number of active cancellation cases was reduced.

Applications to review student visa refusals and cancellations were the next most common type of cases in 2018–19, accounting for around a quarter of migration lodgements. The allocation of many of the 31 new sessional members who commenced during the year to this cohort of cases and the introduction of a new model for managing these cases led to a surge in finalisations, 63 per cent more than in 2017–18. Coupled with a reduction in the volume of lodgements, the division achieved a clearance rate of close to 100 per cent, up from 44 per cent in 2017–18. Therefore the overall number of cases on hand remained steady, but with a significant reduction in active cancellation cases.

Lodgements relating to decisions about partner and visitor visa cases, respectively 13 per cent and 9 per cent of the migration caseload in 2018–19, declined marginally compared with the previous reporting period. While our clearance rate improved in relation to visitor visa cases this year, it declined marginally in relation to partner visa cases as we concentrated on the cohorts of cases with the largest backlogs and the newer members assigned to deal with this work developed their capacity. The active caseload increased in relation to both types of cases over the course of 2018–19.

The remaining cohorts of cases accounted for less than 10 per cent of the incoming migration caseload. Applications about family visas increased by almost a quarter from 2017–18 leading to a higher number of active cases at the end of the year. The number of cases relating to bridging visas and other types of visas remained low overall but a reasonable proportion require an expedited review as the applicants are in immigration detention. We continued to finalise these cases in a timely manner.

In 2018–19, the division changed the decision under review or otherwise remitted the matter to the Department of Home Affairs in 30 per cent of finalised migration cases and affirmed the original decision in 35 per cent of cases, results that are similar to the last reporting period. As shown in Table A4.3.3 in Appendix 4, the remainder of the applications were either withdrawn (22 per cent), did not meet application requirements (8 per cent) or were dismissed by the Tribunal on the basis that the applicant failed to appear at their hearing (5 per cent). Decisions are commonly changed on review because of the availability of new or additional evidence, including oral evidence, that was not before the original decision-maker. A change in the applicant's circumstances since the time of the original decision can also be relevant under the law in many cases.

Refugee cases

Applications for review of decisions about protection (refugee) visas comprised 29 per cent of all applications lodged in the division in 2018–19, remaining the visa category with the largest number of applications.

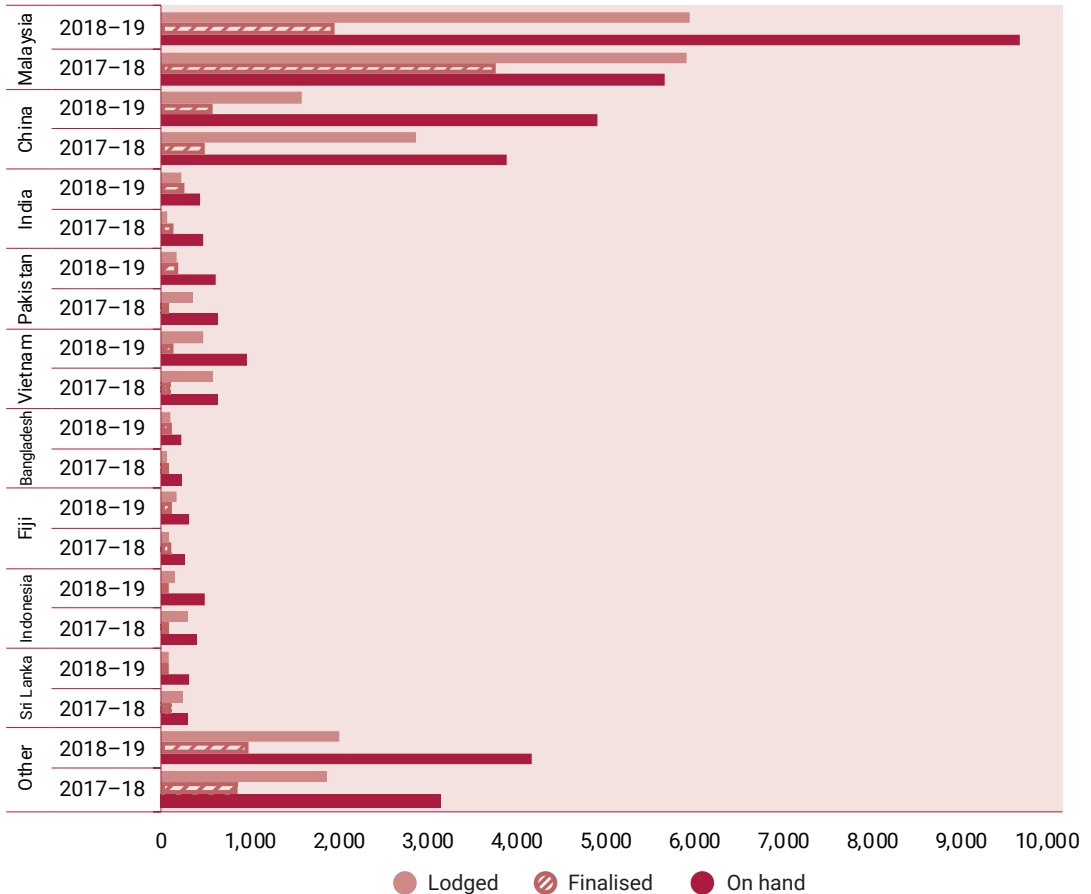
The vast majority of the applications were for review of a decision to refuse to grant a protection visa which generally requires the Tribunal to consider whether the applicant is a person to whom Australia has protection obligations: whether they are a refugee or, in the alternative, entitled to complementary protection. Fewer than one per cent of the applications lodged in the division were for review of a decision to cancel a protection visa.

The division's focus in the reporting year was on finalising the older and more complex cases as well as cancellation cases, types of cases which require greater effort. This strategy contributed to a longer average time to finalisation than in the previous reporting period, but the number of applications finalised by way of a substantive Tribunal decision on the merits increased in 2018–19. The decrease in the overall number of finalisations in the reporting period was the result of fewer cases being finalised due to not meeting application requirements and fewer applications being dismissed by the Tribunal.

While there was a small decrease in lodgements compared with 2017–18, the active caseload continued to grow and, at 30 June 2019, represented 35 per cent of all cases on hand in the division.

Chart and Table 3.8 show the number of cases lodged and finalised in 2017–18 and 2018–19 and the number of cases on hand at 30 June 2018 and 2019 by country of reference for nine applicant countries in relation to which the AAT finalised the largest number of applications in the reporting period.

Chart and Table 3.8 Refugee caseload by country of reference, 2017–18 to 2018–19



COUNTRY OF REFERENCE	LODGED			FINALISED			ON HAND		
	2017–18	2018–19	% change from 2017–18	2017–18	2018–19	% change from 2017–18	2017–18	2018–19	% change from 2017–18
Malaysia	5,825	5,858	1%	3,701	1,921	-48%	5,584	9,522	71%
China	2,821	1,561	-45%	488	561	15%	3,836	4,838	26%
India	64	227	255%	140	250	79%	456	433	-5%
Pakistan	345	178	-48%	90	183	103%	615	610	-1%
Vietnam	562	465	-17%	104	131	26%	621	955	54%
Bangladesh	35	106	203%	44	114	159%	225	219	-3%
Fiji	82	175	113%	65	111	71%	251	317	26%
Indonesia	294	160	-46%	45	78	73%	398	480	21%
Sri Lanka	234	85	-64%	68	74	9%	297	308	4%
Other	1,226	1,548	26%	676	698	3%	2,162	3,007	39%
TOTAL	11,488	10,363	-10%	5,421	4,121	-24%	14,445	20,689	43%

There were sustained high levels of lodgements from Malaysian nationals in 2018–19, representing 57 per cent of all lodgements concerning protection visas. With nearly 18,000 applications relating to Malaysian nationals lodged since 1 July 2015 and fewer finalisations in the reporting period while we focused on other cohorts of cases, the number of Malaysian cases on hand increased markedly over the course of the year. Those cases represented 46 per cent of all refugee cases on hand at 30 June 2019.

The People's Republic of China remained the second most common country of reference for applications about protection visas in 2018–19 accounting for 15 per cent of all lodgements. While the volume fell compared with 2017–18, they continued to be at a higher level than in earlier years. They comprised 23 per cent of the active refugee cases at 30 June 2019. Cases relating to China together with Malaysian cases constitute more than two-thirds of the outstanding caseload.

Applications from nationals from more than 100 other countries as well as from stateless persons made up the balance of the caseload in relation to the reporting period. In addition to more lodgements from nationals of Bangladesh, Fiji and India in 2018–19, there were notable increases in the volume of applications from nationals of Ghana, Iran, Sierra Leone and Thailand. Information about the number of lodged, finalised and on hand applications for all countries is available on our website.

The subset of applications lodged by persons who entered Australia by sea increased to 354 in the reporting period from 249 in 2017–18. Decisions made in relation to unauthorised maritime arrivals who entered Australia after 13 August 2012 are generally reviewed by the Immigration Assessment Authority. However, during the reporting period, a Full Court of the Federal Court determined that an instrument appointing part of Ashmore Reef as a port was invalid. As a result, the IAA did not have jurisdiction to review decisions that had been made in relation to certain persons who could make an application to the division. More information about this Federal Court decision is in Chapter 5 of this report.

In relation to the outcomes of reviews in 2018–19, nine per cent of all finalised cases were remitted to the Department of Home Affairs compared with five per cent in 2017–18. As shown in Table A4.3.3 in Appendix 4, the decision under review was affirmed in 57 per cent of cases and the remaining applications either did not meet application requirements (19 per cent), were withdrawn (10 per cent) or were dismissed by the Tribunal on the basis that the applicant failed to appear at a hearing (five per cent). The lower proportions of applications in which the decision is changed by the Tribunal in recent years can be attributed to the higher volume of decisions made in cases relating to Malaysian nationals, the majority of whom have been found not to engage Australia's protection obligations.

Caseload strategy

The division's annual caseload strategy sets out our goals in relation to managing the workload in that year as well as how those goals will be achieved, informing the allocation of resources. In the context of the significant growth in both lodgements and the number of cases on hand, the strategy for 2018–19 identified measures to be employed across the full range of cases to seek to increase the number and timeliness of finalisations without compromising the quality of the review process and decision-making. As noted above, particular areas of focus were finalising the older cases in the business, student and protection visa cohorts of cases, the largest proportion of the active caseload, as well as reducing the number of active cancellation cases.

A range of initiatives were pursued during the reporting year. These included the strengthening of arrangements for a coordinated national approach to the caseload with Senior Members providing leadership and national oversight of specific case cohorts and a review of the way registries are organised to support the work. The division also developed and refined a range of innovative case management practices. Applications were triaged to identify the most appropriate case management pathway and cases with similar features or issues were batched together to facilitate more efficient listing and decision-making by members. We made targeted use of the option to send applicants early requests for additional information in 2018–19 with the aim of identifying cases that could be determined on the papers and otherwise better preparing cases for hearing. In relation to student refusal cases, this initiative was accompanied by the development of a smart form providing a more structured way to obtain the required information which applicants could complete and

submit online. We also trialled use of the evidence-taking power in the Migration Act in some refugee cases whereby the Tribunal member dealing with the case authorises a senior staff member to take evidence from the applicant which is then made available to the member for the hearing.

As a result of these initiatives, we achieved the following:

- 20,892 applications were finalised, the highest number since amalgamation, exceeding projections based on the resources available at the time the strategy was developed by 12 per cent
- the percentage of migration cases finalised without the need for a hearing increased by nearly 50 per cent, comprising cases that were either withdrawn or able to be fast-tracked and determined on the papers without a hearing
- 4,847 business, nomination and sponsorship, and temporary work cases were finalised which represents the highest number ever achieved for this cohort
- excluding cases finalised on the basis they did not meet application requirements or the applicant did not attend a hearing, the division finalised five per cent more refugee cases by way of a decision, and more cases of a higher complexity, than in the previous reporting period.
- the number of cancellation cases finalised increased by 95 per cent from 2017–18 and represented nine per cent of all finalisations in 2018–19 compared to 5 per cent in the previous year
- the overall clearance rate increased to 58 per cent from 47 per cent in the previous year.

The appointment of additional members in 2018–19, including the sessional members, as well as the cross-assignment of some existing AAT members to the division, lifted our capacity and this will lift further in 2019–20 as the 44 per cent of our members in the division with less than 18 months' experience deepen their knowledge and expertise. A revised model for staff to provide more tailored support to individual members which will be rolled out in 2019–20 will also enhance their capacity. With the recent appointments, the number of members working in the division has returned to levels close to those prior to 1 July 2015 when we received half the number of applications. A further increase in the number of members and staff together with legislative changes to enhance our case management options and powers is needed to address the backlog and sustained high level of lodgements.

Engagement

The Migration and Refugee Division engaged with external stakeholders in a number of ways in 2018–19, including regular meetings with representatives of the Department of Home Affairs to discuss strategic and high-level operational issues relating to the conduct of reviews and the division's workload. The AAT also participated in meetings with the Attorney General's Department, the Department of Home Affairs, the Federal Court and the Federal Circuit Court to share information and discuss common issues arising in relation to the review of migration decisions.

Representatives from the Department of Foreign Affairs and Trade which provides country information reports to support our decision-making in refugee cases attended the AAT on a number of occasions during the reporting period to discuss country information issues and present briefing sessions for members.

We hosted forums throughout November and December 2018 in six AAT registry locations to exchange information with key external stakeholders, including peak migration agent bodies and advocates, on operational, procedural and caseload issues in the division. Details about these forums and other engagement activities can be found in Appendix 5.

Social Services and Child Support Division

The Social Services and Child Support Division reviews a wide range of decisions made by officers of the Department of Human Services. This includes decisions about:

- family assistance, farm household support, social security and student assistance entitlements (Centrelink decisions)
- child support decisions, and
- paid parental leave.

Deputy President Jim Walsh led the division until 24 March 2019. Senior Member Diana Benk oversaw the management of the division’s work for the remainder of the reporting period.

Caseload

The division’s workload increased again in 2018–19, rising by almost a quarter from 2017–18, but the 16,637 lodgements did not reach the record 17,450 applications received in 2016–17. The increase can be attributed to a significant increase in lodgements relating to Centrelink decisions following a decrease in 2017–18. We were able to keep pace with demand overall, finalising 16,097 applications, an increase of seven per cent on 2017–18, with the timeliness of the review process maintained. Given the increase in lodgements, the division had 21 per cent more cases on hand at the conclusion of 2018–19 than at the end of the previous reporting period. Key statistics in relation to workload and timeliness for the division as a whole and major areas of work within the division for the last two financial years are set out in Table 3.9.

Table 3.9 Caseload overview, 2017–18 to 2018–19 – Social Services and Child Support Division

AREA OF WORK	2017–18	2018–19	% change from 2017–18
Centrelink (1st review)			
Lodged	10,913	14,091	29%
Finalised	12,550	13,491	7%
On hand at year end	1,912	2,519	32%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	10	9	
Child support			
Lodged	2,328	2,279	-2%
Finalised	2,299	2,356	2%
On hand at year end	769	703	-9%
% finalised within 12 months	99%	98%	
Median time to finalise (weeks)	15	12	
Paid parental leave			
Lodged	194	267	38%
Finalised	226	250	11%
On hand at year end	17	34	100%
% finalised within 12 months	100%	100%	
Median time to finalise (weeks)	6	8	

AREA OF WORK	2017–18	2018–19	% change from 2017–18
TOTAL			
Lodged	13,435	16,637	24%
Finalised	15,075	16,097	7%
On hand at year end	2,698	3,256	21%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	11	10	

Centrelink

Applications for review of Centrelink decisions comprised 85 per cent of all lodgements in the division in 2018–19 and increased by 29 per cent from 2017–18. The number of applications we lodged and finalised and the number of cases on hand at 30 June for the key payment types for the current and previous reporting period is shown in Chart and Table 3.10.

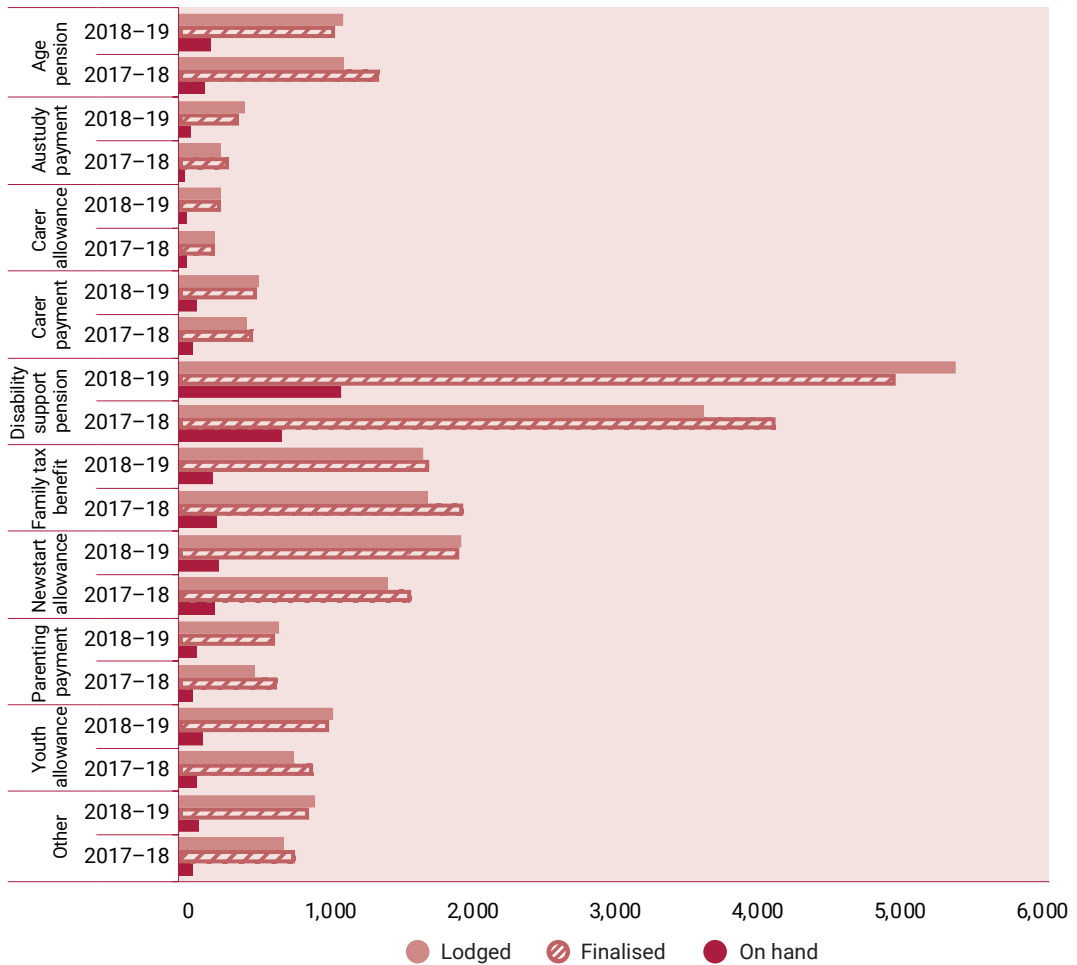
Lodgements relating to decisions about disability support pension remained the most common type of application. At 38 per cent of all Centrelink lodgements, the number we received in 2018–19 was significantly higher than the previous year. In relation to the other main payment types, the volume of applications about newstart and youth allowance each increased by more than a third. Applications about age pension remained stable while there was a slight decrease in applications received to review family tax benefit decisions made by Centrelink.

The types of decisions most commonly the subject of applications made in the reporting period were those rejecting a claim (41 per cent) and those about a debt (40 per cent), followed by decisions to cancel a payment (seven per cent), about the start date of a payment (five per cent) and about the rate of payment (five per cent). When applications finalised on the basis that the division could not review the decision are excluded, the number of applications lodged seeking review of one or more Centrelink decisions rejecting a claim increased by 45 per cent in 2018–19, while applications seeking review of one or more decisions about a debt increased by 16 per cent.

Despite the increase in lodgements, we were able to finalise close to the same number of applications we received, achieving a clearance rate of 96 per cent. We continued to finalise the applications in a timely manner with an average time from lodgement to finalisation of nine weeks.

The 13,491 applications finalised in 2018–19 related to 15,152 decisions made by Centrelink. As shown in Table A4.3.4 in Appendix 4, we varied or set aside 19 per cent of these decisions in 2018–19 which is four percentage points lower than the rate in 2017–18. The Tribunal affirmed 45 per cent of the decisions. In relation to the remainder, almost a quarter of the decisions could not be reviewed, generally because internal review had not been undertaken, while the proportion of decisions in relation to which the application was withdrawn by the applicant or otherwise dismissed by the Tribunal remained steady and relatively low.

Chart and Table 3.10 Centrelink caseload by key payment types, 2017–18 to 2018–19

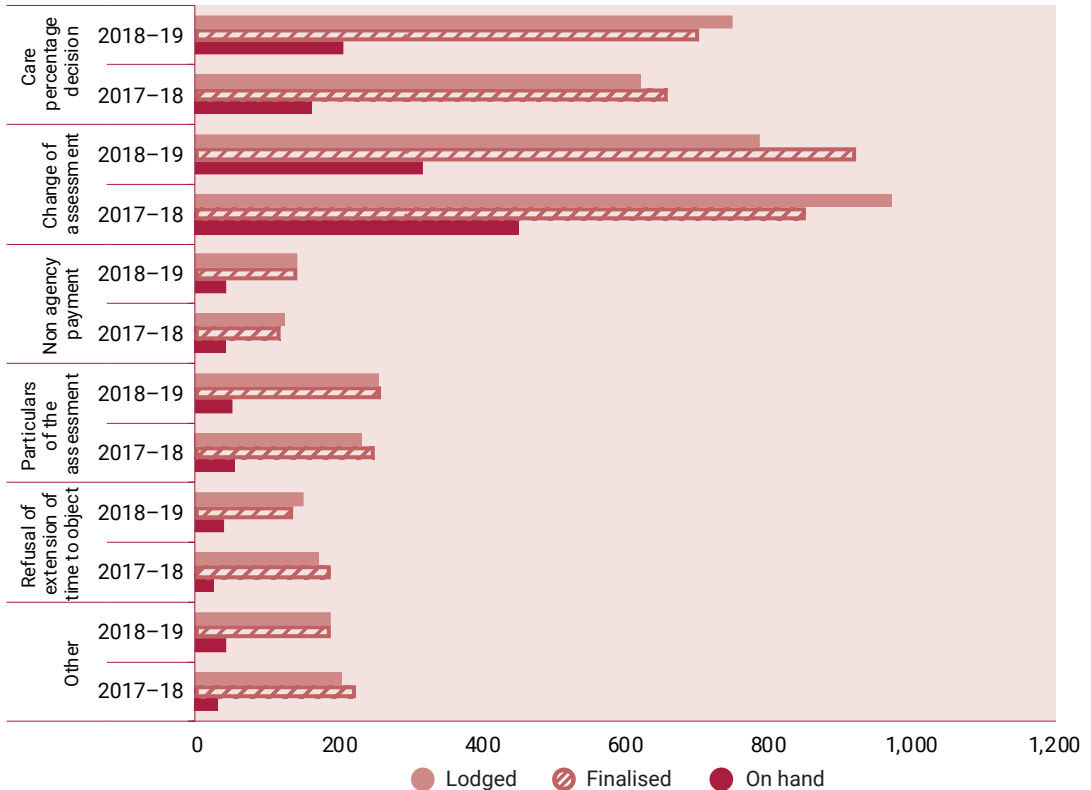


PAYMENT TYPE	LODGED			FINALISED			ON HAND		
	2017-18	2018-19	% change from 2017-18	2017-18	2018-19	% change from 2017-18	2017-18	2018-19	% change from 2017-18
Age pension	1,124	1,128	0%	1,384	1,080	-22%	178	226	27%
Austudy payment	285	453	59%	346	411	19%	41	83	102%
Carer allowance	254	285	12%	246	288	17%	51	48	-6%
Carer payment	471	557	18%	509	532	5%	95	119	25%
Disability support pension	3,610	5,348	48%	4,104	4,943	20%	708	1,113	57%
Family tax benefit	1,715	1,685	-2%	1,961	1,717	-12%	268	237	-12%
Newstart allowance	1,429	1,947	36%	1,602	1,925	20%	253	275	9%
Parenting payment	526	685	30%	669	661	-1%	97	121	25%
Youth allowance	787	1,065	35%	925	1,033	12%	129	161	25%
Other	712	938	32%	804	901	12%	92	136	48%
TOTAL	10,913	14,091	29%	12,550	13,491	7%	1,912	2,519	32%

Child support

Applications for review of decisions about child support comprised 14 per cent of all applications received by the division in 2018–19 with marginally fewer applications lodged in the reporting period than in 2017–18. The volume is similar to earlier years. Chart and Table 3.11 show the numbers of child support applications lodged and finalised in 2018–19 and the previous reporting period and the number of cases on hand at the end of each of those periods.

Chart and Table 3.11 Child support caseload by key decision types, 2017–18 to 2018–19



DECISION TYPE	LODGED			FINALISED			ON HAND		
	2017–18	2018–19	% change from 2017–18	2017–18	2018–19	% change from 2017–18	2017–18	2018–19	% change from 2017–18
Care percentage decision	623	749	20%	660	703	7%	162	208	28%
Change of assessment	973	787	-19%	852	923	8%	452	317	-30%
Non-agency payment	124	143	15%	121	144	19%	44	43	-2%
Particulars of the assessment	234	257	10%	251	260	4%	54	51	-6%
Refusal of extension of time to object	171	152	-11%	189	137	-28%	26	41	58%
Other	203	191	-6%	226	189	-16%	31	43	39%
TOTAL	2,328	2,279	-2%	2,299	2,356	2%	769	703	-9%

While lower in number than in 2017–18 and earlier years, applications relating to requests to change an assessment of how much child support is payable continued to be the most common type of decision we review at 34 per cent of all lodgements. Applications seeking review of determinations about the percentage of time a parent or carer cares for a child have been increasing in recent years and represented a further third of the lodgements. There were modest variations in the volume of other types of reviewable decisions from the previous reporting year.

The division was able to finalise more child support applications than we received in the reporting year and achieved a lower average time from lodgement to finalisation compared with 2017–18, returning to the level of earlier years. In terms of the outcomes of finalised applications, the Tribunal varied or set aside the decision following a hearing in a third of applications, similar to the two previous reporting periods. The decision was changed in accordance with terms of agreement reached by the parties in a further three per cent of applications and the Tribunal affirmed the decision in 21 per cent of applications. Applications were otherwise finalised in a range of ways as shown in Table A4.3.4 in Appendix 4 and in proportions broadly consistent with 2017–18.

Paid parental leave

Applications for the review of decisions about paid parental leave increased somewhat in 2018–19 compared with the previous reporting period and were similar to the number of lodgements in 2016–17. With more lodgements, the number of applications finalised also increased. The average time to finalise applications in the reporting period was slightly higher than in 2017–18 but still lower than earlier years. The division finalised 250 applications relating to 253 decisions made by Centrelink, eight per cent of which were changed by the Tribunal and 49 per cent affirmed, similar to 2017–18. The AAT did not have power to review one-third of the decisions, a higher proportion than previously. Applications were otherwise withdrawn or dismissed by the Tribunal.

Caseload strategy

The division continued to employ and refine a range of case management measures to support effective and efficient review processes in 2018–19, particularly in light of the increased number of applications for review. As in previous years, there was a focus on using experienced senior staff to help parties understand the issues in the review, better prepare for hearing and, where appropriate, facilitate the earlier resolution of cases. Our early case assessment approach in various caseloads and other measures contributed to the reduction in the average length of time it took to finalise cases in the division.

In relation to Centrelink and paid parental leave decisions, triaging is undertaken to identify straightforward matters in some types of cases which are referred for outreach or for a fast track hearing. In the reporting period, approximately half of the applicants contacted during the outreach stage elected not to proceed with their application, having discussed their matter in full with a case assessment registrar. About a quarter of these cases were subsequently referred for a fast track hearing with the remaining quarter proceeding to a standard hearing. Overall, we finalised nine per cent of cases in the Centrelink jurisdiction using fast tracking.

Early case assessment conducted by a registrar was used in most child support change of assessment cases. It has proven effective in assisting parties to seek resolution by agreement without the need for a hearing. In other types of child support applications, directions hearings were conducted by a Tribunal member with the applicant and any other party in some cases to clarify the issues in dispute and determine whether the application could be resolved without a hearing. Approximately one-third of validly lodged child support applications were resolved without the need for a hearing. The remainder proceeded to hearing.

During the reporting period, the Tribunal delivered its decision and reasons for the decision orally at the end of a hearing in 15 per cent of all applications finalised in relation to Centrelink decisions, four per cent of child support finalisations and 30 per cent of paid parental leave finalisations. In addition to providing applicants and any other parties with a timely outcome and explanation for the Tribunal's decision, this approach enables cases to be finalised more efficiently.

In anticipation of further growth in demand for our services, we will continue to build on these caseload strategies in the future.

Second review outcomes

A party who is dissatisfied with a decision made by the division to affirm, vary or set aside any Centrelink decision or select child support and paid parental leave decisions can apply to the AAT's General Division for a second review. In addition to the 1,882 applications for second review of Centrelink decisions lodged in 2018–19, there were 88 applications about child support decisions and 12 about paid parental leave decisions.

Of the applications made in respect of Centrelink decisions, 42 were lodged by the Secretary of the Department responsible for administering the relevant legislation. The volume of Secretary appeals in this reporting period was significantly lower than the 80 applications received in 2017–18. In relation to the 59 Secretary appeals finalised in the reporting period, the division's decision remained unchanged in 24 cases (41 per cent) with 20 applications withdrawn and the decision affirmed by the Tribunal following a hearing in four cases. The decision was changed in 35 applications (59 per cent), 23 by way of Tribunal decision after a hearing and 12 in accordance with terms of agreement reached by the parties, a slightly higher proportion than in the previous reporting year.

Information on the outcomes of all applications for second review of Centrelink decisions can be found in Table A4.3.1 in Appendix 4. Overall, the division's decision was changed by way of a Tribunal decision following a hearing in only five per cent of cases finalised in the reporting period and in a slightly larger proportion of cases resolved by agreement between the parties. The number of child support and paid parental leave decisions varied or set aside on second review in 2018–19 remained low.

Decisions made on second review are reviewed by the division to identify whether the division has made an error. In the majority of cases, however, the division's decision has been changed as a result of further information being made available that was not available at first review or the Tribunal on second review taking a different view of the evidence or the application of the law in the particular circumstances of the case.

Other decisions made by the division can be appealed to the courts: see the following section for information relating to these appeals.

Engagement

During 2018–19, the AAT engaged regularly with the Department of Human Services on a range of operational issues. These included legislative, procedural and workload issues and other matters that affect our work in the Centrelink and child support jurisdictions. We also liaised with Legal Aid NSW and Welfare Rights Centres in relation to matters arising in the division.

External scrutiny

The AAT's operations are subject to external scrutiny through various mechanisms. The principal form of scrutiny in relation to how we conduct reviews and our decisions is by way of review in the courts. Our operations are also subject to scrutiny through requests made under the Freedom of Information Act, complaints to the Commonwealth Ombudsman and other bodies, audits and reviews, and parliamentary scrutiny.

Appeals

There are three primary pathways for review by the courts of our decisions.

- Section 44 of the Administrative Appeals Tribunal Act: a party may appeal, on a question of law, to the Federal Court against most final decisions made in the FOI, General, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Division. Section 44 also applies to final child support decisions and employer-related paid parental leave decisions made in the Social Services and Child Support Division. The Federal Court may transfer the appeal to the Federal Circuit Court unless the Tribunal was constituted by, or included, the President or a Deputy President.
- Section 44AAA of the Administrative Appeals Tribunal Act: a party to a first review of a child support decision made in the Social Services and Child Support Division may also appeal such a decision, on a question of law, to the Federal Circuit Court unless the Tribunal was constituted by, or included, the President or a Deputy President.
- Part 8 of the Migration Act: an applicant or the Minister administering the Migration Act may seek judicial review of most AAT decisions relating to visas. Applications relating to decisions made in the Migration and Refugee Division must be lodged in the Federal Circuit Court. Applications relating to decisions made about visas on character-related grounds in the General Division must be lodged in the Federal Court.

A party may also seek judicial review of certain decisions made in the course of the review process and in respect of certain final decisions under the *Administrative Decisions (Judicial Review) Act 1977*, section 39B of the *Judiciary Act 1903*, or section 75(v) of the Constitution.

As shown in Table 3.12, 4,102 appeals were lodged in 2018–19, 95 per cent of which were applications for judicial review of decisions made by the Migration and Refugee Division or the former MRT or RRT. The proportion of migration and refugee decisions that were appealed continued to be considerably higher than for our other divisions.

There were 2,820 appeals relating to decisions of the AAT, MRT or RRT finally determined in the courts during the reporting year. Overall, the Tribunal's decision was set aside in 16 per cent of those appeals, seven percentage points fewer than in 2017–18. This amounted to only 2.3 per cent of all decisions made in 2017–18 that could have been appealed to the courts.

Table 3.12 Court appeals lodged and finalised, 2017–18 to 2018–19 – By division^a

	COURT APPEALS LODGED		COURT APPEALS FINALISED ^d		
	Lodged ^b	Proportion of total AAT decisions ^c	Finalised	Proportion allowed against total appeals finalised	Proportion allowed against total decisions ^e
FOI, General, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions					
2017–18	146	6%	104	39%	1.8%
2018–19	175	8%	146	38%	2.4%
Migration and Refugee Division					
2017–18	3,393	23%	2,735	22%	3.6%
2018–19	3,900	23%	2,650	15%	2.6%
Social Services and Child Support Division^f					
2017–18	26	1%	25	8%	0.1%
2018–19	27	1%	24	13%	0.2%
TOTAL					
2017–18	3,565	19%	2,864	23%	3.1%
2018–19	4,102	20%	2,820	16%	2.3%

^a These figures include appeals lodged or finalised in the relevant reporting year in relation to decisions made by the AAT or decisions made by the MRT or RRT prior to 1 July 2015.

^b These figures include some appeals lodged in relation to decisions made in a previous year.

^c These figures represent the number of appeals lodged in each period as a proportion of all AAT decisions made in that reporting year that could have been appealed to the courts.

^d Where a decision of a judge of the Federal Circuit Court, 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.

^e These figures represent the number of successful appeals as a proportion of all decisions of the AAT made in the previous financial year that could have been appealed to the courts.

^f Only child support and employer-related paid parental leave decisions may be appealed to the courts under section 44 or 44AAA of the Administrative Appeals Tribunal Act. In general, other decisions made on first review in the Social Services and Child Support Division are subject to second review in the AAT.

More information on appeals lodged and determined during the reporting year by major areas of work within divisions is available in Table A4.5 in Appendix 4.

Significant court decisions

During the reporting year, a small number of judicial decisions had, or dealt with issues that had the potential to have, a significant impact on our procedures and decision-making.

Bautista v Minister for Immigration and Border Protection [2018] FCA 1114

This judgment concerned the validity of the prescribed further period for responding to an invitation to comment on or respond to adverse information in certain migration cases in the Migration and Refugee Division. The AAT sent the appellant an invitation under section 359A of the Migration Act to comment on or respond to adverse information that it considered would be part of the reason for affirming the decision under review. Under the Act, an applicant loses their entitlement to a hearing and the AAT has no power to conduct a hearing if comments or a response are not provided within the period prescribed by the Migration Regulations or as extended under section 359B(4) for the prescribed further period under the Regulations. In response to a request from the appellant, the AAT extended the period for comment or response for the prescribed further

period. Regulation 4.18A(4) provided that the prescribed further period commences when the person receives notice of the extension and, in general, ends at the end of 14 days after that day. The appellant provided her response the day after the prescribed further period ended and the AAT proceeded to make a decision without a hearing.

The Federal Court held that regulation 4.18A(4) was inconsistent with section 359B(4) of the Act and was invalid as it potentially created arbitrary results. Depending on when an applicant applies to the Tribunal for more time, the terms of regulation 4.18A(4) could have the result that the 'prescribed further period' granted by the Tribunal would be, in a practical sense, meaningless. As there was no longer a valid 'prescribed further period' under the Regulations, the Court concluded that the AAT's power to extend time to respond to an invitation was at the AAT's discretion. The case was remitted to the AAT.

The reasoning on the invalidity of regulation 4.18A(4) appears equally applicable to similarly worded provisions for extensions for prescribed further periods for responding to invitations in other migration cases and in refugee cases. The AAT must decide the appropriate length of any extension.

Beni v Minister for Immigration and Border Protection [2018] FCAFC 228

In this judgment, a Full Court of the Federal Court considered whether the AAT's Migration and Refugee Division has the power under the Administrative Appeals Tribunal Act to extend the prescribed period for applying for a review set out in the Migration Act or Regulations. A single judge of the Federal Court held in *Brown v Minister for Home Affairs (No. 2)* [2018] FCA 1787 that this power was available. The Full Court held that sections 29(7) and (8) of the Administrative Appeals Tribunal Act, which permit the AAT to extend the time to apply for a review if satisfied that it is reasonable to do so, do not apply to a proceeding in the Migration and Refugee Division because of the operation of section 24Z of the Administrative Appeals Tribunal Act. That section provides that Part IV of the Administrative Appeals Tribunal Act, which includes section 29, does not apply in relation to a proceeding in the Migration and Refugee Division. The Full Court concluded that *Brown* was wrongly decided and should not be followed.

Commonwealth of Australia v Snell [2019] FCAFC 57

This judgment considered whether issue estoppel applies when the AAT reviews a decision under the *Seafarers Rehabilitation and Compensation Act 1992*. In the course of reviewing a decision about the claimant's entitlement to ongoing payments of compensation, the Tribunal declined to consider new expert evidence presented by the Commonwealth on the basis that his present condition was the same as, or derived from, a disease in relation to which the Commonwealth had previously accepted liability as reflected in a consent decision made by the Tribunal in 2013. The Tribunal found that it could not reconsider the issues dealt with in the earlier decision.

A Full Court of the Federal Court held that the Tribunal erred by concluding that the evidence it may consider was constrained by reason of an earlier decision on the same issue. No principle of issue estoppel or other procedural rule taken from judicial or quasi-judicial contexts, the purpose of which are the determination of matters finally, should restrict what is to be drawn from the statute governing the decision-making. The *Seafarers Rehabilitation and Compensation Act* provides for a progressive and evolving decision-making process with ongoing review of a person's entitlements including, where appropriate, the reconsideration of earlier determinations. The Court considered that, in these circumstances, it would be wrong for the Tribunal to prevent the consideration of factual matters relevant to the making of the preferable decision that is under review. The case was remitted to the AAT.

The reasoning appears to be applicable to workers' compensation cases generally and other areas of the AAT's jurisdiction with similar legislative frameworks.

DFQ17 v Minister for Immigration and Border Protection [2019] FCAFC 64

In this judgment, a Full Court of the Federal Court considered whether the notification of a decision to refuse to grant a visa by the then Department of Immigration and Border Protection met the requirements of section 66(2)(d)(ii) of the Migration Act which provides that, if the visa applicant has a right to have the decision reviewed by the AAT, the notification must state the time in which the application for review may be made. If there is no valid notification, the prescribed time period for applying for merits review by the AAT does not start to run.

The Minister's delegate sent a letter to the appellant informing her that her protection visa had been refused. The letter contained standard form wording about review rights under various headings and on different pages. The Court held that the information in the letter about the timeframe for making an application for review was piecemeal and obscure and did not 'state' the matter specified in section 66(2)(d)(ii). It held the word 'state' means that the notification must set out the required information in a way which is not only complete, but clear as well. Consequently the prescribed period for applying for review had not commenced and the application for review by the AAT was not out of time.

This judgment affected other cases before the AAT and the courts in which the same wording was used in relation to the time to apply for a review.

Frugniet v Australian Securities and Investments Commission [2019] HCA 16

This judgment considered whether the AAT may take into account on review a consideration which the primary decision-maker must not take into account when making the decision. It related to a banning order made by the Australian Securities and Investments Commission (ASIC) under section 80(1) of the *National Consumer Credit Protection Act 2009*. The banning order was made on the basis that the appellant was not a fit and proper person to engage in credit activities and prohibited him from engaging in those activities. In affirming ASIC's decision, the Tribunal had taken into account the appellant's spent convictions.

The High Court held that the Tribunal erred by taking into account the spent convictions. Except where altered by statute, the jurisdiction conferred on the AAT is to stand in the shoes of the decision-maker and exercise the same power conferred on the primary decision-maker. The Tribunal was subject to the same constraints as ASIC, and the spent convictions could not be taken into account. The case was remitted to the AAT.

Russell v Minister for Home Affairs [2019] FCAFC 110

This judgement considered when an application sent by email is lodged with the AAT. The Tribunal found it did not have jurisdiction to consider the appellant's application for review of a decision because it had not been lodged within the nine-day time limit. The appellant had sent the application to the Tribunal by email within the nine days, but it had not been received because the electronic file was too big. A non-delivery message was sent but the appellant discovered this after the nine-day period had ended.

A Full Court of the Federal Court considered that the crucial issue was the time the message became capable of being retrieved at the electronic address designated by the AAT. Although the appellant's email was correctly addressed, it was never received at that address. The Court also considered whether section 14A of the *Electronic Transactions Act 1999* operated so that an email becomes capable of being retrieved when it comes within the "information system" of the recipient organisation. However, the Court decided that the relevant legislation required actual receipt of the email at the electronic address specified by the AAT which is more than merely coming within the AAT's information system. In this case, the fact of non-delivery within the review period was fatal to the application.

Freedom of information

In 2018–19, the Office of the Australian Information Commissioner notified the AAT of two applications for review of decisions we made in relation to requests for access to documents under the Freedom of Information Act. Two applications were finalised during the reporting year. In both applications, a decision was made not to undertake the review under section 54W(a)(i) of the Act. No decisions were made that have had, or may have, a significant effect on our operations.

Information Publication Scheme

Agencies subject to the FOI Act are required to publish information to the public as part of the Information Publication Scheme. This requirement is in Part II of the Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements. The AAT's plan is on our website.

Complaints to external bodies

The Australian Human Rights Commission did not notify the AAT of any complaints in 2018–19.

The Commonwealth Ombudsman received 79 approaches concerning the AAT during the reporting year. The Ombudsman finalised 79 approaches within the reporting year and no investigations were conducted.

The Office of the Australian Information Commissioner received four privacy complaints relating to the AAT in 2018–19 and finalised four complaints. No investigations were conducted.

Reports on the operations of the AAT

The AAT's operations were not the subject of any report by the Auditor-General or the Commonwealth Ombudsman in 2018–19.

The statutory review of the amalgamated AAT, required under section 4 of the *Tribunals Amalgamation Act 2015* was carried out during the reporting period by the Honourable Ian Callinan AC. The Attorney-General released the terms of reference for the review on 27 July 2018. The AAT made a submission to the review, participated in meetings with the reviewer and provided further written information on areas of interest. The Attorney-General tabled the report of the review in Parliament on 23 July 2019. The AAT is considering the report in detail and will work with Government in relation to developing its response to the report.

On 21 February 2019, the Joint Standing Committee on Migration tabled *The report of the inquiry into review processes associated with visa cancellations made on criminal grounds*. The Committee made a number of comments on the AAT's processes for dealing with these cases, including that the AAT's process is designed to be accessible and navigable for unrepresented applicants, the AAT generally hears reviews quickly and efficiently, AAT members conduct the reviews with close consideration of the legislation, regulations and ministerial directions and decisions published by the AAT are detailed, suggesting that due care and attention is being applied to weighing up the considerations to make the decision in each case. The report included one recommendation relating to the review process which is for the Australian Government to regulate to guarantee that victims of crime, or their families, are provided with an opportunity to make a written or oral statement as part of the review process.

User experience

The AAT seeks to ensure that our services are accessible and of a high quality in accordance with our Service Charter. We respond to complaints and also seek feedback from our users about their experience at the AAT in a number of ways.

Accessibility

We strive to be accessible to our wide range of users and potential users, including people from different cultural and linguistic backgrounds and people with disability. We employ various measures to assist people to make an application and participate in the review process, particularly where a person is representing themselves. We have an internal Accessibility Advisory Group which provides advice on accessibility issues and acts as a point of coordination for activities aimed at improving accessibility.

Information about the AAT and assistance in relation to the review process

We offer information about our role and procedures in plain language in a variety of formats on our website. Our written materials include practice directions, guides, guidelines and fact sheets. We also have a series of videos available in English, seven community languages and in an accessible version which cover key aspects of our processes, including applying for a review, conferences and hearings.

We make a range of resources available online to help people understand how we apply the law and what information is relevant when we review a decision. These include fact sheets for some commonly reviewed decisions and an interactive tool that community workers can use to assist people who are seeking review of a decision about disability support pension. The Guide to Refugee Law in Australia on our website provides guidance on legal issues relevant to the assessment of protection visas. AAT decisions are published on the Australasian Legal Information Institute website: www.austlii.edu.au.

AAT staff respond to enquiries from parties and representatives about the review process and proactively contact self-represented parties in some types of cases to explain our processes as well as identify where a party may require an interpreter or assistance because of a disability. We make information available to parties about legal aid services, community legal centres, disability advocacy services, the small business concierge service offered by the Australian Small Business and Family Enterprise Ombudsman, and other people or organisations that may be able to provide advice and assistance in relation to the review process or guidance how to find such assistance.

In New South Wales, Queensland, South Australia, Victoria and Western Australia, the AAT has worked with legal aid commissions and community legal centres to establish legal advice schemes. A solicitor attends the AAT and provides advice and minor assistance to self-represented parties in certain types of cases, particularly reviews of Centrelink decisions. Further assistance, such as representation, may be provided if a person meets eligibility requirements.

People from culturally and linguistically diverse backgrounds

We take steps to ensure our users from culturally and linguistically diverse backgrounds are able to communicate with us effectively and seek to address cultural diversity issues in delivering our services.

Interpreting services

If a party or witness requires an interpreter for a case at the AAT, such as a conference or a hearing, we engage one and meet the cost. We generally use interpreters certified by the National Accreditation Authority for Translators and Interpreters at the Certified Interpreter level. If an interpreter is not available in a language at that level, we may use a Certified Provisional Interpreter or, if NAATI does not offer certification testing in the language, an interpreter recognised by NAATI.

We also use the Translating and Interpreting Service as needed for telephone calls and other interactions with users.

We have developed information for interpreters in relation to our procedures and terminology, as well as guidelines relating to the role of the interpreter. Our internal Interpreter Advisory Group provides advice on interpreter issues and acts as a point of coordination for activities aimed at improving our interpreter arrangements.

Indigenous Australians

The AAT is committed to improving access for Indigenous Australians, including by educating members and staff on how to work effectively and respectfully with Indigenous users and their communities. Members and staff have access to an eLearning module designed to improve Indigenous cultural awareness, as well as our internal guide on working with Aboriginal and Torres Strait Islander people.

People with disability

We aim to make access easier for people with disability by:

- ensuring our website meets the World Wide Web Consortium's Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) web standard to Level AA
- making ReadSpeaker, a text-to-speech software service, available on our website
- providing hearing augmentation and hearing loop systems in Tribunal premises
- facilitating telephone contact for people with a hearing or speech impairment
- making all of our premises wheelchair accessible and ensuring other premises used by the AAT are accessible, and
- providing facilities for participation in conferences and hearings by telephone or video-link.

Service Charter

Our Service Charter sets out the standards of service that people can expect when they deal with us. Information on the extent of our compliance with those standards during 2018–19 (where information is available) is in Table 3.13.

The Service Charter includes information about how users can give us feedback, including how to make a complaint about the AAT. It also sets out our standards for responding to complaints. More information relating to the handling of complaints made to us during the reporting year is set out below.

Table 3.13 Performance against service standards, 2018–19

COMMITMENT	RESULT FOR 2018–19
We will treat you with respect and courtesy	
We will be polite, respectful and courteous and use language that is clear and understandable.	In our 2019 survey of users, most parties and representatives agreed that members, registrars and staff were courteous and respectful: an average of 81 per cent for parties and 91 per cent for representatives. A majority of parties and representatives also agreed that members, registrars and staff explained things clearly: an average of 76 per cent for parties and 86 per cent for representatives. These results are higher than those achieved in 2017–18. Of the 188 complaints finalised in 2018–19, four involved adverse findings in relation to issues of this kind.

COMMITMENT	RESULT FOR 2018–19
We will make ourselves accessible	
Staff will answer telephone queries from 8:30 am to 5:00 pm on working days. You can contact us on 1800 228 333 from anywhere in Australia.	Staff were available to answer telephone queries from 8:30 am to 5:00 pm on each working day throughout the year. Our national 1800 telephone number was available throughout the year.
All correspondence will include our contact details.	All AAT correspondence includes relevant contact details for the Tribunal, including the name of a person to contact.
Wheelchair access and portable hearing loop systems are available at each registry.	All AAT premises were wheelchair accessible. Hearing augmentation and hearing loop systems were available at each of our registries.
Hearings will be held in capital cities and in regional centres (where possible).	We held hearings in all capital cities and four regional locations.
We conduct many hearings by phone or videoconference.	We conducted the following number of case events by telephone or video-link: <ul style="list-style-type: none"> conferences – 7,328 other alternative dispute resolution processes – 42 directions hearings – 2,973 interlocutory hearings – 683 hearings – 9,216 (1,066 in the Migration and Refugee Division, 8,093 in the Social Services and Child Support Division and 57 in other divisions).
If you need an interpreter we will provide one free of charge.	We arranged for an interpreter to participate in any alternative dispute resolution process, directions hearing or hearing where needed. Interpreters were provided free of charge.
We have information about our procedures available from our offices and on our website.	Our website contains information about our procedures in written and audiovisual formats. AAT staff assist applicants to access this information, including providing the information in printed form. Staff also provide verbal information about AAT processes. <p>In our 2019 survey of users, parties and representatives provided average positive ratings of 71 per cent and 83 per cent in relation to the quality of our information products, including our website. These results are consistent with those achieved in 2017–18.</p>
We will deal with you fairly	
You or your representative will have a reasonable opportunity to present your case.	We provide parties with an opportunity to present their case in various ways depending on the type of decision we are reviewing. Parties may provide information and submissions at any time during the review as well as in response to specific requests from the Tribunal. If an application proceeds to a formal determination, we generally hold a hearing at which parties may give evidence and make submissions before the Tribunal makes a decision in a case. <p>In our 2019 survey of users, 71 per cent of parties agreed that registrars gave them a chance to explain their case at a conference. In relation to hearings, 78 per cent of parties and 84 per cent of representatives agreed that the member gave the parties a chance to present their case. These results are higher than those achieved in 2017–18.</p>
We will give you the reasons for making the decision in your case. These may be given orally or in writing.	Reasons for the Tribunal's decision in a review were given to parties either orally at the hearing or in writing.
We will operate in an efficient manner	
We will acknowledge receipt of applications.	The average time for acknowledging receipt of applications during the reporting year was two days.
We will respond to enquiries within a reasonable time.	Of the 188 complaints finalised in 2018–19, one involved adverse findings in relation to this issue.

Complaints to the AAT

Complaints may be made to us orally or in writing. When issues or concerns are raised by people directly with members and staff, we encourage them to address the matters at the time of the interaction where possible. In circumstances where issues cannot be readily resolved, people are advised that they may make a written complaint, including by way of our online feedback form.

We aim to provide a final response to a written complaint within 20 working days. If more time is required because of the complexity of the complaint or the need to consult with other people before providing a response, we advise the complainant of progress in handling the complaint.

We treat all complaints seriously and conduct investigations in an impartial manner as quickly as possible having regard to the principles of procedural fairness. Possible responses to complaints include the provision of information or an explanation, an apology, a change to practice and procedure, or consideration of additional training and development for AAT personnel.

During 2018–19, the AAT received 208 complaints, a decrease of seven per cent compared with the previous reporting year. Table 3.14 shows the number of complaints made to the AAT in the last two years and the number of complaints received for every 1,000 applications we finalised.

Table 3.14 Complaints made to the AAT, 2017–18 to 2018–19

	2017–18	2018–19
Complaints made	223	207
Applications finalised	40,040	44,413
Complaints per 1,000 applications finalised	5.6	4.7

Table 3.15 shows the subject matter of the complaints received in the reporting year.

Table 3.15 Issues raised in complaints to the AAT, 2018–19

ISSUE	NUMBER OF COMPLAINTS
Conduct of members	60
Procedural issues	42
Tribunal decisions	41
Delay/timeliness	40
Privacy	9
Conduct of staff	5
Fee refund	3
Conduct of alternative dispute resolution processes	2
Publication of Tribunal decisions	1
Other	4
TOTAL	207

We provided a response to 188 complaints in 2018–19, responding to 158 of those complaints within 20 working days. Due to a technical error related to our online feedback form, 25 complaints were not responded to within 20 working days. The average number of days from complaint to final response was 12 working days.

We formed the view that we could have acted more appropriately in 29 complaints. These complaints raised issues concerning administrative error, alternative dispute resolution processes, how members and staff communicated with users, privacy, procedural issues and timeliness. We offered an apology in each case and raised the matters with the relevant areas and personnel.

Feedback from parties and representatives

In addition to the information we obtain through complaints, we ask our users for feedback in a variety of ways. We use this information to better understand their experience at the AAT, and to identify and implement ways to improve our services.

User feedback survey

Our most recent online user feedback survey was conducted by an independent research organisation over a period of four weeks in May and June 2019. Invitations were sent by email and SMS to individuals and organisations who were parties to an application finalised by the AAT between 1 December 2018 and 31 March 2019, as well as to representatives of parties involved in cases finalised in the same period. We received responses from 1,010 parties and 510 representatives involved in applications across the AAT's divisions.

Overall, the AAT's services continued to be rated positively by both parties and representatives, and generally at higher levels than in the 2018 survey. As in earlier surveys, representatives mostly provided more strongly positive ratings than parties. Responses given by parties who did not receive a favourable outcome were generally lower, and sometimes significantly lower, than those who received a favourable outcome, leading to lower overall ratings.

When asked about their experience of applying for a review, 79 per cent of parties and 94 per cent of representatives agreed the process was easy, a four percentage point improvement for parties compared with the 2018 results. In relation to the information we make available about the AAT and our processes, our new website released in February 2019 received markedly better ratings from both parties and representatives, including in relation to how easy it was to find information and how easy the information was to understand. Our letters, fact sheets, videos and other written information products were also considered helpful overall by 75 per cent of parties and 92 per cent of representatives, a slight improvement on the 2018 results.

Parties and representatives responded positively to questions about their interactions with AAT members, conference registrars and other staff, including how courteous and respectful they were and how clearly they explained things, with results generally higher than in the 2018 survey. Staff received average favourable responses of 78 per cent from parties and 87 per cent from representatives with particular improvement recorded in relation to how knowledgeable staff were considered to be about AAT processes. Questions relating to conferences and the conduct of conference registrars elicited average favourable responses of 72 per cent from parties and 86 per cent from representatives. For hearings and the conduct of members, the results were 81 per cent for parties and 85 per cent for representatives. Higher proportions of both parties and representatives agreed that the level of formality of conferences and hearings was appropriate and that parties were given a chance to explain their case. In relation to decisions, more parties and representatives agreed in 2019 that the AAT's reasons were clear and explained in a way that was easy to understand with a six percentage point improvement recorded for parties compared with the 2018 result.

In relation to the review process overall, 68 per cent of parties and 79 per cent of representatives considered the process was conducted to a high standard, an improvement on the 2018 results, particularly for parties. Similar to 2018, 80 per cent of representatives agreed the review process was fair and 81 per cent agreed the AAT was independent from the decision-maker. The ratings given by parties in relation to these matters continued to be lower in this year's survey at 59 per cent and 69 per cent respectively with responses correlating strongly to the outcome of their review. The results were, however, six percentage points higher this year than the previous year. Small improvements were also recorded in relation to the proportion of parties who considered they had a good understanding of the review process, that they were able to present their case and that the AAT listened to them and they felt respected. In relation to timeliness, there was some variation in the results for different divisions but, overall, 60 per cent of parties and only 52 per cent of representatives agreed the review was completed in a reasonable time. These results reflect the challenges the AAT faces in finalising applications in a timely manner in some divisions.

The AAT is examining the results of the survey in detail, as well as the comments and suggestions made by participants, to identify areas for further investigation and inform future service improvements.

Other feedback mechanisms

Parties and representatives who use our online services, including when applying for a review, are invited to respond to a brief survey about their experience. Users are also able to opt in to being contacted at a later time to provide input to the design of new and enhanced services. For example, during the reporting year, we commenced research with selected representatives to inform the development of our future online portal for users.

Engagement and information

The AAT is committed to engaging with the broad range of external stakeholders who use our services or have an interest in our work. By actively engaging with stakeholders, we are able to learn about developments that may affect us, obtain feedback on and improve our services, develop cooperative relationships to facilitate the delivery of our services, and promote a wider understanding of our role and operations to help build public trust and confidence in our decision-making. We share information in a variety of ways, most notably through the publication of our decisions with written reasons.

Engaging with stakeholders

The President, Registrar, Division Heads and other senior representatives of the AAT met with a range of people and organisations in 2018–19, including the Secretaries of the Attorney-General's Department and the Department of Home Affairs, to discuss issues relating to the operations of the AAT. Regular liaison meetings continued with the Law Council of Australia and representatives of the United Nations High Commissioner for Refugees. Senior staff worked closely with the Attorney-General's Department during the reporting year on matters such as our membership, jurisdiction, legislation and budget.

During 2018–19, the AAT expanded its approach to more targeted liaison with stakeholders in relation to the operation of the review process in particular areas of the AAT's caseload and key areas of practice including at the local registry level. Further details of jurisdictional and local engagement were outlined earlier in this chapter.

Engaging with students

The AAT offered two competitions during 2018–19 for students to learn more about administrative law and the AAT's role and processes. Our 14th National Mooting Competition was held between July and October 2018. It involved 23 teams of students from universities across Australia presenting submissions on scenarios drawn from the AAT's different jurisdictions in mock hearings, adjudicated by AAT members. The winning team was from the University of Notre Dame. Our sixth Negotiating Outcomes on Time (NOOT) Competition was held in May 2019. It involved 11 teams of students from universities in Queensland, South Australia and Western Australia participating in developed conciliation scenarios adjudicated by AAT members and conference registrars. The winning team was from the University of Southern Queensland.

Publication of decisions and other information

In carrying out our functions, the AAT must pursue the objective of promoting public trust and confidence in our decision-making. In 2018–19, we undertook a range of activities directed to the achievement of this objective, including publishing our decisions, producing plain English summaries of our decisions and launching a new website.

The publication of written statements of reasons for AAT decisions informs parties, representatives and the public about our role and procedures, how we interpret and apply the law, and why we have made the decision in individual cases. We publish decisions in accordance with the AAT Publication of Decisions Policy which is available on our website. We generally publish:

- all written decisions in the FOI, General, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions
- all written decisions in certain types of cases in the Migration and Refugee Division and a randomly selected proportion of decisions in the higher volume categories of cases
- a randomly selected proportion of child support decisions in the Social Services and Child Support Division.

In accordance with the policy, we have published 5,905 decisions made by the AAT in 2018–19, comprising 4,367 Migration and Refugee Division decisions, 323 child support decisions made in the Social Services and Child Support Division and 1,215 decisions made in our other divisions. We review the policy annually, including the targets specified for different categories of cases, to ensure we meet our target of publishing at least 5,000 decisions each financial year with a representative cross-section of our decisions.

During the reporting year, we published 91 plain English summaries of our decisions in our monthly newsletter, *The Review*. Each issue also includes topical information about different aspects of the AAT's work. The publication enhances understanding about our role, operations and decisions.

In February 2019, the AAT launched our new website. It was redesigned to make it easier for people to find information relating to the type of decision they want reviewed, including a tool with guided questions for first-time users. Information about each step in the process for a particular type of decision, from applying for a review to receiving a decision, can be easily accessed from every page relating to that type of decision. The content was also rewritten in plain English to make it easier to understand.



CHAPTER 4

Management and accountability

Corporate governance

The AAT's governance framework comprises arrangements and practices that enable us to set our direction and manage our operations to achieve our purpose in an effective, ethical and accountable way. Key elements of the framework include our management structures, committees, business planning, risk management and our instructions, policies and procedures.

Senior management and committees

Under the *Administrative Appeals Tribunal Act 1975*, the President is responsible for ensuring the expeditious and efficient discharge of the AAT's business and for managing the administrative affairs of the Tribunal. Division Heads assist the President by directing business in their divisions.

The Registrar assists the President in managing the AAT's administrative affairs and is:

- the Accountable Authority for the AAT under the *Public Governance, Performance and Accountability Act 2013*, and
- the Agency Head for the purposes of the *Public Service Act 1999*.

APS Senior Executive Service employees support the President, Division Heads and the Registrar to manage the Tribunal's operations.

The names of the AAT's senior leaders in 2018–19 and their areas of responsibility are detailed in Chapter 2.

The President and the Registrar were supported in carrying out their roles during the reporting period by a number of committees. The key committees were as follows:

- the Senior Leadership Group, comprising the President, Division Heads, Registrar and SES staff, met regularly throughout the year to review and provide advice on significant and complex matters relating to the management of the Tribunal, including caseload, finances, planning, risk and other significant whole-of-AAT issues
- the Tribunal Executive Group, comprising the Registrar and SES staff, met regularly to review and provide advice on corporate and operational management issues
- the Audit and Risk Committee, comprising an independent chair, two other independent members and two AAT representatives, provide independent advice and assurance to the Registrar on a range of aspects of governance including audit, financial management, risk management and other compliance obligations.

Several other committees provided forums for consulting with staff during the year, including:

- the National Consultative Committee, the peak staff consultative body, comprising management representatives and at least one staff representative from each state and territory in which the AAT is located
- the District Registrars' Management Group and Principal Registry Management Group, which involve senior managers in the operational and corporate areas respectively.

Business planning

In 2018–19 the AAT developed and published a corporate plan as required by section 35 of the *Public Governance, Performance and Accountability Act*. The Corporate Plan 2018–19 described our purpose, the environment in which we operate, and how we planned to measure our performance and achieve our goals. The Annual Performance Statement, an assessment of our performance against the measures in the plan, is in Chapter 3.

Our Strategic Plan 2015–20, developed in 2015–16 and reviewed in 2017–18, sets out four high-level strategies for achieving our vision and mission:

- create an integrated, national Tribunal
- improve how we work and maximise our use of technology
- engage with stakeholders and build public trust and confidence, and
- build capacity and make the best use of our resources.

These strategies informed operational plans and priorities developed for the year. Some of our key achievements in 2018–19 are noted in Chapter 1.

Risk management

The AAT's Risk Management Framework sets out our approach to identifying and managing strategic and operational risks as an integral part of our activities. Our whole-of-AAT Risk Register was revised during 2018–19, particularly our strategic risks, and reviewed by the Audit and Risk Committee.

In addition to external audit by the Australian National Audit Office, we have an internal audit program to provide assurance in relation to our control environment and other aspects of our operations as well as to identify opportunities for improvement. The program is reviewed annually.

During 2018–19, our internal auditors undertook a number of reviews, including in relation to: our arrangements for whole-of-AAT planning, performance measurement and risk management; aspects of our human resources management, including recruitment and leave management; our processes for dealing with application fees; and some of our information technology projects. Management responded to issues identified through external and internal audit activities, and the Audit and Risk Committee monitored implementations of agreed recommendations.

We continue to review and improve our approach to managing risk, integrating risk management into our organisational decision-making and our day-to-day processes.

No instances of significant non-compliance with finance law were reported to the Minister for Finance under paragraph 19(1)(e) of the Public Governance, Performance and Accountability Act in relation to the reporting year.

Our Business Continuity Management Committee and Protective Security Committee met regularly during 2018–19. We carried out a number of security audits on our systems and procedures. We also undertook a range of awareness-raising activities, including focused training for relevant staff on dealing with security scenarios and expanding available online training modules.

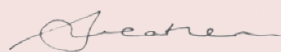
Fraud control

The AAT is committed to preventing, detecting and dealing with fraud in relation to our operations. Our fraud control framework is linked to our Risk Management Framework and includes our Fraud Control Plan, Fraud Risk Assessment and Fraud Risk Register, and a summary guide for employees on recognising and reporting fraud. The Fraud Control Plan and potential for fraud was reviewed by the Audit and Risk Committee during the reporting year. Fraud control awareness forms part of the induction program for new employees and a new online fraud awareness training module was introduced in 2018–19, which all staff were required to complete.

CERTIFICATION OF AAT FRAUD CONTROL ARRANGEMENTS

I, Sian Leathem, certify that the AAT:

- has prepared fraud risk assessments and fraud control plans
- has in place appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the AAT, and
- has taken all reasonable measures to deal appropriately with fraud relating to the AAT.



Sian Leathem
Registrar
25 September 2019

Maintaining ethical standards

We promote and encourage the maintenance of appropriate standards of ethical behaviour for members and staff.

The AAT's Conduct Guide for AAT Members provides guidance for members on appropriate conduct and behaviour in relation to their professional duties and in their private conduct as it affects those duties. In 2018–19 professional development sessions on 'The Role of a Member' were developed and conducted, exploring a range of scenarios and challenges that members may encounter. The sessions have also been made available as online learning modules.

In relation to staff, the AAT enterprise agreement includes a commitment by management and staff to work in accordance with the APS Values, Code of Conduct and Employment Principles. Information relating to the APS ethical framework forms part of our induction process and ongoing awareness-raising activities are undertaken in relation to the framework and its application in different areas of activity.

Rules and standards relevant to ethical conduct are incorporated into our policies, guidelines and instructions.

Management of human resources

The AAT's members and staff are integral to carrying out our role as an independent merits review tribunal effectively. We continue to develop our workforce and the workplace environment so that members and staff are able to provide high-quality services that meet the needs of users.

Staffing overview

At 30 June 2019, there were 362 members appointed to the AAT. More information about members is set out in Chapter 2 and Appendix 1.

At 30 June 2019, there were 714 staff working in the AAT: 648 employed under the Public Service Act and 66 engaged under labour hire arrangements. Of the 648 APS employees, 466 were ongoing and 182 were non-ongoing with 34 of the non-ongoing staff engaged to undertake duties that are irregular or intermittent.

Table A2.1 in Appendix 2 sets out statistics on the number of ongoing and non-ongoing employees at 30 June 2018 and 30 June 2019 in relation to employment status, gender and location. Tables A2.2 and A2.3 set out statistics on ongoing and non-ongoing APS employees at 30 June 2018 and 30 June 2019 in relation

to classification, employment status, gender and location as well as information about the number of AAT staff identifying as Indigenous, as being from a non-English speaking background, and as a person with disability.

The AAT maintained our APS staffing levels within the mandated Average Staffing Level cap of 610 full-time equivalent staff. There was a slight decrease in APS headcount over the reporting period from 660 to 648. The reduced APS headcount was mostly the result of short-term vacancies pending recruitment outcomes as well as higher uptake of long leave provisions at that time. Staffing levels decreased in Melbourne and Sydney while increasing or maintaining level in most other cities. These changes were associated in part with the program to transform registry operations that involves moving some operational roles to support a full-service registry model in other locations. APS staff turnover reduced slightly over the financial year but continues to be consistent with turnover in the APS more broadly. Changes in workloads as well as some projects are managed with the assistance of non-APS labour hire staff. Labour hire staff reduced from 82 to 66 over the reporting period.

The APS employee census was conducted in May and June 2019 with an overall AAT response rate of 69 per cent, up nine percentage points from our 2018 rate and our highest response rate since the AAT amalgamated in 2015. The results for the Tribunal were positive. In relation to employee engagement, the AAT achieved an index score of 74 per cent, two percentage points higher than the result for 2018. It shows the extent to which our employees are motivated, inspired and feel enabled to improve our organisation's outcomes. The innovation index score for the AAT improved from 63 per cent in 2018 to 65 per cent in the reporting year indicating that our employees feel willing and able to be innovative and that the AAT has a culture which enables them to be so. In relation to wellbeing, the census measures both the practical and cultural elements that allow for a sustainable and healthy working environment. The AAT scored 68 per cent, up from 64 per cent in 2018.

Employment agreements and arrangements for staff

The framework for the terms and conditions of employment for APS employees includes an enterprise agreement for non-SES staff and section 24(1) determinations under the Public Service Act for SES staff. The *AAT Enterprise Agreement 2017–2020* came into effect on 9 June 2017, remaining in operation for three years, and nominally expires on 9 June 2020.

At 30 June 2019, 643 non-SES APS employees were covered by the enterprise agreement with 15 of these also having an individual flexibility arrangement. Five SES employees were covered by section 24(1) determinations. Table A2.4 shows the salary ranges available to APS employees in 2018–19 by classification level.

Executive remuneration

Information relating to the remuneration of the senior leaders of the AAT is set out in Appendix 6.

The remuneration for Executives who are members is determined by the Remuneration Tribunal, which is also included in Appendix 6.

Senior Executive Service employee remuneration

Remuneration for SES employees in 2018–19 was determined having regard to the remuneration for SES staff in similar Australian Government agencies. The remuneration package included cash in lieu of a motor vehicle in accordance with common Australian Government practice.

Performance pay

The AAT did not have a performance pay or bonus system for any staff in 2018–19, nor did we pay a performance bonus to any staff.

Non-salary benefits

Non-salary benefits available to staff in 2018–19 included:

- two weeks of paid maternity/parenting leave in addition to the legislated minimum
- access to our Studies Assistance Scheme
- contributions to relevant professional memberships
- ability to participate in a public transport loans scheme, and
- health and wellbeing benefits such as assistance for group participation in health and fitness activities, the Employee Assistance Program, eyesight testing and flu vaccinations.

Employees were also able to access a range of salary sacrifice benefits, including additional superannuation, leased motor vehicles, and airline lounge memberships.

Developing our members and staff

Professional development continues to be a priority for the AAT to optimise and build the capability of our members and staff.

Two key activities that will support improved learning and development outcomes into the future came to fruition in the reporting year. In July 2018, we launched our new online learning management system known as educAATe, which enables us to deliver more flexible learning options for members and staff to assist with knowledge and skills development. In October 2018, we finalised our Leadership Capability Framework that provides a shared understanding of critical leadership capabilities across the organisation. It will support an assessment of our current capability and help us achieve the capability we require for the future.

In addition to these activities, we delivered and facilitated access to a wide range of training and development opportunities during 2018–19 to meet the learning needs of members and staff. These included a mediation accreditation training program to expand the number of both members and staff able to conduct alternative dispute resolution processes.

Member professional development

We have a comprehensive Member Professional Development Program based on a framework of competencies specific to the AAT, which describes the essential attributes required by members to perform their functions competently. The program comprises induction, mentoring, appraisal, and other learning and development opportunities.

In 2018–19, we held induction programs for four groups of new members. The program ensures all new members are made aware of their role and responsibilities as members of the Tribunal and the resources available to support them. They also receive specific training in relation to the legal and procedural issues that arise in the caseloads they will be handling. Arrangements were made for new members to have access to a mentor.

Beyond induction, a comprehensive range of professional development opportunities was offered to our members. In-house sessions were delivered by external and internal presenters and covered division-specific caseload topics as well as more general knowledge and skills development, including mediation training and the sessions on the role of a member.

Members also attended a range of external seminars, workshops and other professional activities, including conferences arranged by the Australian Institute of Administrative Law, the Council of Australasian Tribunals, the International Association of Refugee and Migration Judges and the Law Council of Australia.

Conference registrar professional development

The Conference Registrar Professional Development Program is also based on a framework of competencies developed for the AAT and includes induction, mentoring, reflective learning, peer review and performance appraisal. The key professional development activity for Conference Registrars in the reporting year was

the 2019 National Mediation Conference, a three-day conference offering workshops, panels and oral presentations in relation to mediation and dispute resolution skills.

Staff learning and development

In 2018–19 we began to embed the new Leadership Capability Framework in our recruitment processes and performance management program and as a tool to support ongoing learning and development. The SES group participated in a pilot assessment program using the framework and assessments will be undertaken with other senior managers in 2019–20.

Other training and development activities for staff in the reporting year responded to identified training needs and involved various delivery methods, including in-house courses, online learning, external seminars and conferences. To complement enhancements to our performance appraisal scheme and system, refresher training was provided for supervisors on establishing effective performance agreements, giving performance feedback and having meaningful performance conversations. In-house workshops were also conducted to support supervisors to effectively engage with staff, including having difficult conversations, and thereby manage and aid improved performance as well as foster a workplace environment that supports psychological safety.

Our Studies Assistance Scheme provided ongoing and certain non-ongoing staff with access to financial support and/or study leave to develop their own capabilities, and that of the AAT, through vocational and tertiary education. During 2018–19, 18 employees accessed support for studies in areas such as business, commerce, public sector management and law.

Workplace diversity

The AAT is an organisation that values diversity in the workplace. At 30 June 2019, 66 per cent of our APS staff were women, with strong representation across all classification levels. Seventeen per cent of our staff identified as being from a non-English speaking background. Eight APS staff identified as Indigenous, an increase from the previous year.

Our Workplace Diversity Plan sets the foundation for the AAT to build an organisation reflective of the diversity in the Australian community. It is intended to assist the AAT in promoting and maximising the opportunities and knowledge that can be gained from an inclusive and diverse workforce. The objectives of the plan are: to promote and uphold the APS Values and Code of Conduct embedding the principles of diversity; to attract, retain and support staff from culturally and linguistically diverse backgrounds; to increase the recruitment and retention of Aboriginal and/or Torres Strait Islander employees; to support gender equality and the advancement of women; and to provide an inclusive and flexible work environment for all staff.

A key initiative undertaken during the reporting year was rolling out online learning modules covering a range of topics, including diversity in the workplace, disability awareness, general cross-cultural communication and a specific cultural learning module relating to Aboriginal and Torres Strait Islanders.

We participate in the APSC Indigenous Pathways Graduate Program and anticipate engaging a new graduate in 2019–20.

Work health and safety

We are committed to maintaining the health and safety of our people and those who come into contact with, or are affected by, our operations.

This year we made significant progress in integrating better health and safety practices into our operations. We updated our Work Health and Safety Management System to reflect international standards and codes of practice. We surveyed our people to better understand the risks they perceive to their health, safety and wellbeing and incorporated actions to address these risks in our more proactive Work Health and Safety

Management Plan. Our work health and safety policy was also revised to provide greater clarity of roles and responsibilities. The annual audit of our Rehabilitation Management System against the *Guidelines for Rehabilitation Authorities 2012* achieved a 100 per cent conformance with the auditor noting our strong commitment to providing assistance to employees through the timely provision of early intervention and rehabilitation programs.

We reviewed our health and wellbeing policy during the report year to improve equity of access and undertook a variety of health and wellbeing initiatives. We continued our annual flu vaccination program with a take up rate of 46 per cent, undertook workstation assessments for new employees and reimbursed staff for eyesight testing and optical correction costs. We implemented a number of wellbeing activities, including the Global Challenge, a holistic program to help employees develop healthy activity and lifestyle habits. We offered Calm App subscriptions to support mindfulness practice and supported events such as Ride2Work and R U OK? Day. We also developed a Slips, Trips and Falls Prevention seminar and an online learning module to support incident prevention.

Participation rates in our employee assistance program have increased over the past two years, with members and staff benefitting from a broader range of support streams. We also improved access to flexible working arrangements through our workplace diversity and home-based work policies.

Notifiable incidents and investigations

We reported one notifiable incident to Comcare in 2018–19 year in accordance with the requirements of section 38 of the *Work Health and Safety Act 2011*. No investigations were conducted in relation to the AAT and no notices were given to the AAT under Part 10 of the Act.

Compensation

The AAT continues to have low numbers of accepted compensation claims over time, as shown in Table 4.1. Four staff were provided with early intervention support during the reporting year.

Table 4.1 Trends in compensation claims, 2017–18 to 2018–19

	2017–18	2018–19
Number of claims accepted	3	1

Workplace harassment

Our comprehensive policy on the prevention and elimination of harassment, bullying and discrimination in the workplace articulates our expectations of members, managers and other staff. A new online learning module relating to sexual harassment prevention was made available during the reporting year to assist with awareness raising. Eight Workplace Harassment Contact Officers, including one member, were available to members and staff during 2018–19.

Productivity gains

In 2018–19, productivity improvements were delivered primarily by using technology to improve the efficiency of our operations. Internally, we introduced a unified communications system that allows members and staff across locations to collaborate more effectively using web conferencing, including real-time content sharing. We expanded our internet gateway and made other changes to our ICT infrastructure which has led to improved system speed and reliability. Our Finance Services Section also automated a number of manual processes and forms and provided improved access to information in relation to budgeting and reporting.

Further enhancements were to our external-facing digital service offerings. A new online form was developed for use in the student visa refusal caseload to obtain relevant information from applicants in a more structured way that is also integrated with our case management system. We also launched a pilot service enabling parties, representatives and others to lodge documents online in any case at any stage of the review process. Automating these kinds of processes produces time savings for members and staff.

Purchasing

The AAT's procurement policies and practices reflect the principles and requirements in the Commonwealth Procurement Rules. We relied on our Accountable Authority Instructions and other guidance material in 2018–19 to ensure that staff with purchasing duties focused on securing value for money, encouraging competition, ensuring the efficient, effective, economical and ethical use of government resources, providing accountability and transparency, and ensuring compliance with other Australian Government policies.

In relation to major purchases and contracts, open tender or prequalified tender processes were employed unless the procurement was covered by a mandatory whole-of-government arrangement or a standing offer was available or limited tender was appropriate in the particular circumstances. For purchases and contracts below the mandatory tender threshold, at least three quotes were generally required, together with an assessment of the need justifying the purchase request and an analysis of why the selected quote would achieve value for money.

We support small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises and Small Enterprise participation statistics are available on the Department of Finance's website: www.finance.gov.au/procurement/statistics-on-commonwealth-purchasing-contracts. We supported small business participation by utilising the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000, by communicating in clear, simple language, presenting information in accessible formats and by using electronic systems to facilitate on-time payment of invoices.

Consultants

The AAT uses consultants where there is a need for independent research or assessment, or for specialist knowledge or skills that are not available within the AAT. Any decision to engage a consultant is made after considering the skills and resources required for the task, internal capacity and the cost effectiveness of contracting an external service provider. Consultants are selected in accordance with the Commonwealth Procurement Rules and relevant internal policies noted above. Consultants were engaged in 2018–19 to investigate issues, carry out independent reviews and evaluations, and provide independent advice, information and solutions to assist in our decision-making.

During 2018–19, 28 new consultancy contracts were entered into involving total actual expenditure of \$954,924. In addition, five ongoing consultancy contracts were active during the period, involving total actual expenditure of \$131,385.

The following table sets out the AAT's total actual expenditure on all consultancies in the previous and current reporting years.

Table 4.2 Total actual expenditure on consultancy contracts, 2017–18 to 2018–19

	2017–18	2018–19
Total actual expenditure (incl GST)	\$928,717	\$1,086,309

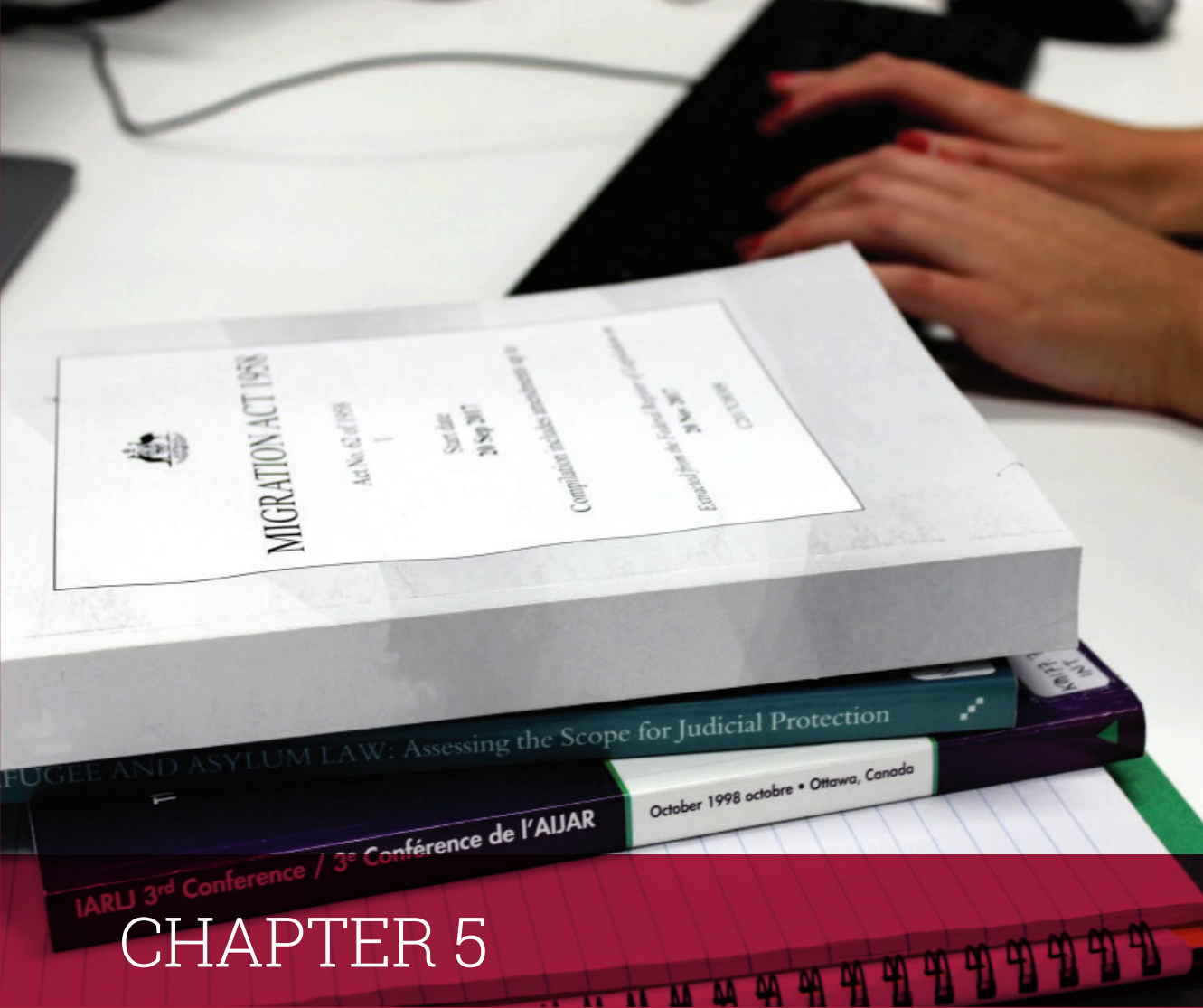
Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website: www.tenders.gov.au.

Reporting on purchases

Details of all contracts of \$100,000 or more that were current in the most recent calendar or financial year were available on the AusTender website in accordance with the Senate order on agency contracts.

There were no contracts of \$100,000 or more in 2018–19 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.



CHAPTER 5

Immigration Assessment Authority

The Immigration Assessment Authority is established under the Migration Act as a separate office within the AAT's Migration and Refugee Division. It commenced operations in October 2015. For more information on the operations of the IAA, visit the IAA website: www.iaa.gov.au.

Role and function

The role of the IAA is to conduct reviews of fast track reviewable decisions. These are decisions, generally made by delegates of the Minister administering the Migration Act, to refuse to grant a protection visa to a fast track applicant. Fast track applicants are unauthorised maritime arrivals who entered Australia between 13 August 2012 and 31 December 2013 who have not been taken to an offshore processing country and have been permitted by the Minister to make a protection visa application. Fast track applicants are also other persons specified by the Minister by instrument.

The IAA's objective is set out in section 473FA of the Migration Act. In carrying out its functions, the Authority must provide a mechanism of limited review that is efficient, quick, free of bias and consistent with the procedural requirements set out in the Migration Act. The IAA is independent of the Minister and the Department of Home Affairs.

Structure of the IAA

The IAA consists of the President of the AAT, the Division Head of the Migration and Refugee Division, the Senior Reviewer and the Reviewers.

The President and the Division Head are responsible for the overall operation and administration of the IAA. The Senior Reviewer is responsible for managing the IAA, subject to the directions of, and in accordance with policies determined by, the President and the Division Head. The Senior Reviewer must be a Senior Executive Service employee and the Reviewers must also be engaged under the Public Service Act. At 30 June 2019, Ms Sobet Haddad was the Senior Reviewer and there were 32 Reviewers. In accordance with section 473JE of the Migration Act, the Registrar has made available 10 officers to assist the IAA in the performance of its administrative functions.

For the purposes of the Public Governance, Performance and Accountability Act and the Public Service Act, the IAA is considered to be part of the AAT.

Steps in a review

The Department of Home Affairs automatically refers fast track reviewable decisions to the IAA unless the applicant is an excluded fast track review applicant. Referrals are electronic and contain the decision-maker's statement of reasons for the decision. The Department must also give the IAA any material provided by the referred applicant to the decision-maker before the decision was made and any other material considered by the Department to be relevant to the review.

In the majority of cases, the IAA reviews the decision on the papers. While the IAA has no duty to do so, it can get, request or accept any new information that was not before the Department, but may only consider it in exceptional circumstances. The IAA may request new information be given to it in writing or at an interview. The IAA does not conduct hearings. On 17 December 2018, the President issued a revised practice direction relating to the IAA's procedures which clarified requirements relating to giving new information to the IAA.

The IAA can:

- affirm the fast track reviewable decision to refuse the referred applicant a protection visa, or
- remit the matter to the Department for reconsideration with directions, including that the referred applicant is a refugee within the meaning of subsection 5(1) of the Migration Act.

Performance

Caseload information

As shown in Table 5.1, the number of referrals to the IAA was lower in 2018–19 than in 2017–18 and 2016–17. The IAA received an average of 128 referrals per month in 2018–19, a 31 per cent reduction compared with the previous year.

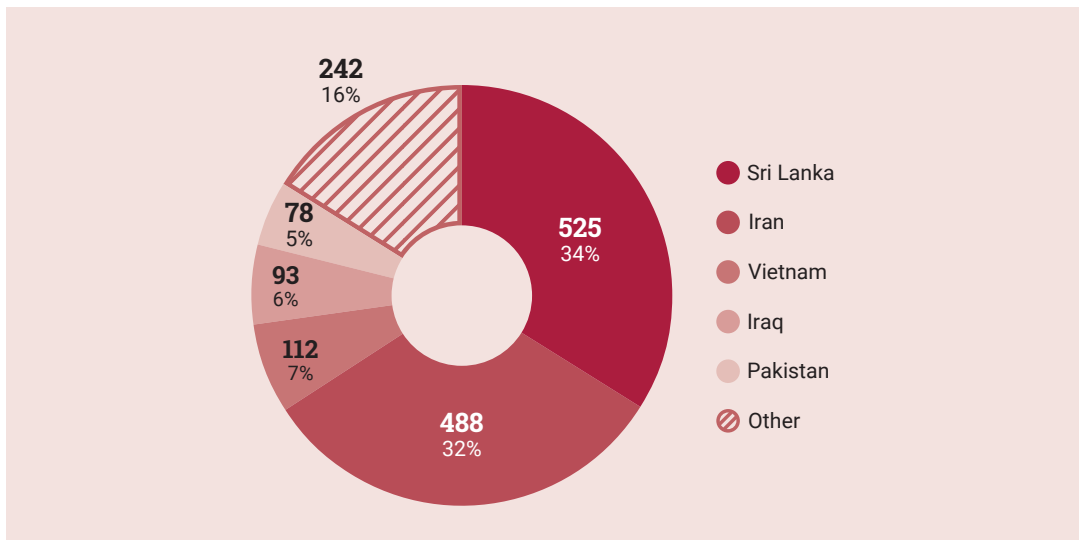
The top five countries of reference of referred applicants in 2018–19 were Sri Lanka, Iran, Vietnam, Iraq and Pakistan. Chart 5.2 shows the number and proportion of referrals made for these five and all other countries. While Sri Lanka remained the largest source country of referrals overall, the IAA has seen a decrease in the proportion of Sri Lankan cases referred in 2017–18 and 2018–19 compared with 2016–17 and a corresponding increase in the proportion of cases relating to Iran referred over those same years.

Table 5.1 IAA caseload overview, 2015–16 to 2018–19

	REFERRALS	FINALISATIONS	ON HAND AT YEAR END	MEDIAN TIME TO FINALISE (WEEKS)
2015–16 ^a	264	130	134	5
2016–17	2,664	1,604	1,194	11
2017–18	2,223	2,481	936	28
2018–19	1,538	2,382	92	12

^a The IAA commenced operations in October 2015.

Chart 5.2 IAA referrals by country of reference, 2018–19



The IAA finalised 2,382 cases in 2018–19, four per cent fewer than the number finalised in 2017–18, leaving 92 cases on hand at 30 June 2019. The median number of weeks from referral to decision for the reporting period was 12 weeks, a reduction from the 28-week median timeframe in 2017–18. This can largely be attributed to the reduction in referrals and backlog of cases.

In 2018–19, the IAA affirmed the decision under review in 2,118 cases. The decision was remitted to the Department for reconsideration in 184 cases. Eighty cases were finalised on the basis that they were referred to the IAA in error. The increase in cases found to be referred in error during 2018–19 was primarily a consequence of the decision of the Federal Court in *DBB16 v Minister for Immigration and Border Protection* [2018] FCAFC 178. A summary of the case is set out below.

Table 5.3 shows the outcomes for cases finalised in 2017–18 and 2018–19.

Table 5.3 Outcomes of IAA reviews, 2017–18 to 2018–19

	DECISION AFFIRMED		DECISION REMITTED		OTHER ^a	
	No	% of total	No	% of total	No	% of total
2017–18	2,217	89%	238	10%	26	1%
2018–19	2,118	89%	184	8%	80	3%

^a Cases referred to the IAA in error.

The IAA may publish written statements of reasons for its decisions that the President thinks are of particular interest: 237 IAA decisions made in 2018–19 were published on the IAA website.

Appeals

An applicant or the Minister may seek judicial review of decisions made by the IAA under Part 8 of the Migration Act. Applications must be made to the Federal Circuit Court and decisions may be subject to further appeal. As shown in Table 5.4, a significant proportion of IAA decisions are subject to judicial review. In the period to 30 June 2019, all initial applications have been lodged by applicants who did not receive a favourable decision.

During the reporting year, the Federal Circuit Court finalised 1,121 judicial review applications. In 169 of those applications (15 per cent), the case was remitted to the IAA: 118 by consent and 51 by judgment. There have been 553 further appeals lodged against decisions of the Federal Circuit Court, including 505 to the Federal Court and 48 to the High Court. Of these appeals, 65 were lodged by the Minister (60 of which related to *DBB16*-affected matters) and the remaining 488 were by applicants appealing a decision to dismiss the judicial review application.

Table 5.4 shows the outcomes of judicial review applications that have been finally determined in the last two financial years. As at 30 June 2019, a total of 3,738 applications remain unresolved, including appeals against decisions of the Federal Circuit Court.

Table 5.4 IAA court appeals lodged and finalised, 2017–18 to 2018–19

	COURT APPEALS LODGED		COURT APPEALS FINALISED ^c			
	Lodged ^a	Proportion of total IAA decisions ^b	Allowed		Dismissed or Discontinued	Total appeals finalised
			Remitted	Set aside ^d		
	No	%	No	No	No	No
2017–18 ^e	1,970	79.4%	100	0	209	309
2018–19	1,956	82.1%	215	230	500	945
TOTAL	3,926	80.7%	315	230	709	1,254

^a These figures include some appeals lodged in relation to decisions made in a previous year.

^b These figures represent the number of appeals lodged in each period as a proportion of all IAA decisions made in that reporting year that could have been appealed to the courts.

^c Where a decision of a judge of the Federal Circuit Court, 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.

^d These figures relate to cases where the courts have determined the IAA had no jurisdiction to conduct the review following the judgment in *DBB16*.

^e The figures for the number of appeals lodged and finalised in 2017–18 differ from those published in the *Annual Report 2017–18*. The IAA was notified of additional appeals lodged in the Federal Circuit Court and further appeals lodged in the higher courts after the figures were prepared for that report.

Significant court decision

DBB16 v Minister for Immigration and Border Protection [2018] FCAFC 178

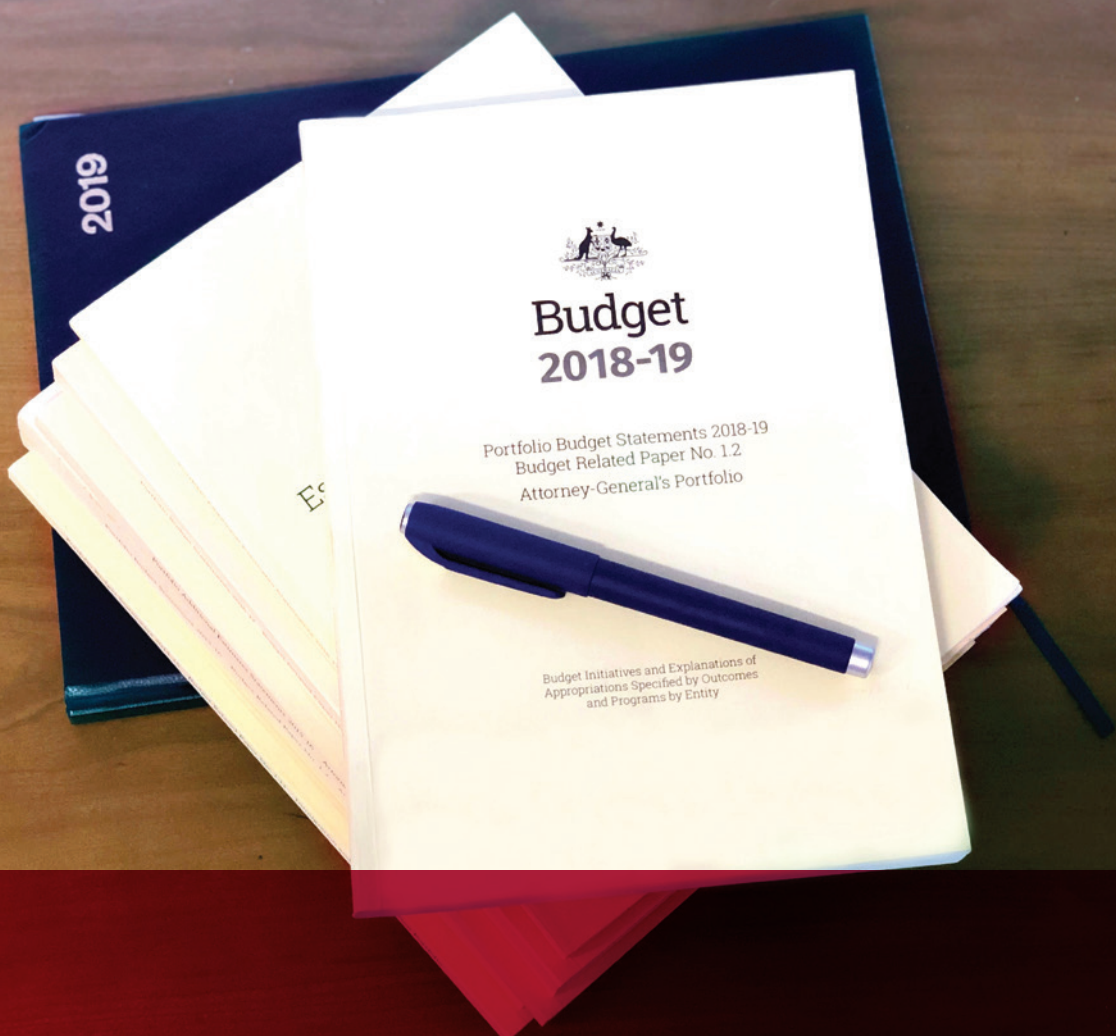
This case was an appeal from a judgment of the Federal Circuit Court dismissing an application for judicial review of a decision of the IAA. The appellant had arrived in Australia on a boat escorted to Western Lagoon within Ashmore Reef. The IAA can only review a ‘fast track decision in relation to a fast track applicant’. In order to be a ‘fast track applicant’, a person must be an ‘unauthorised maritime arrival’ as defined in the Migration Act which includes a person who entered Australia by sea at an ‘excised offshore place at any time after the excision time for that place’. The Territory of Ashmore and Cartier Islands is an ‘excised offshore place’ and the Western Lagoon had been declared a ‘port’ for the purpose of entering Australia by sea. The Federal Court determined that the instrument appointing the Western Lagoon as a port was invalid. As a result, the appellant was found not to be an ‘unauthorised maritime arrival’ and therefore not a ‘fast track applicant’. The IAA’s decision was quashed as it had no jurisdiction to review the delegate’s decision.

Following the judgment, the Department of Home Affairs confirmed that 74 cases before the IAA were affected by the Full Federal Court’s judgment in *DBB16*. As a result, these cases were determined to have been referred to the IAA in error. Additionally, a significant number of cases already finalised by the IAA relating to persons who had arrived at Ashmore Reef were subsequently overturned by the courts.

Complaints

Complaints may be made orally or in writing. The IAA encourages staff to address any issues or concerns raised by applicants or their representatives at the time of interaction where possible. In circumstances where an issue cannot be readily resolved, the person is advised that they may make a written complaint.

During 2018–19, the IAA received four complaints relating to decisions of the IAA and procedural issues in the review process. The IAA assessed each complaint and provided a written response. While none of the complaints finalised in the reporting period were upheld, the IAA identified areas in which administrative processes could be, and have since been, improved.



Financial statements



INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Opinion

In my opinion, the financial statements of the Administrative Appeals Tribunal ('the Entity') for the year ended 30 June 2019:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2019 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following statements as at 30 June 2019 and for the year then ended:

- Statement by the Registrar and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement; and
- Notes to and forming part of the financial statements, comprising an Overview note.

Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the Registrar is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Reduced Disclosure Requirements and the rules made under the Act. The Registrar is also responsible for such internal control as the Registrar determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Registrar is responsible for assessing the ability of the Entity's to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Registrar is also responsible for disclosing, as applicable,

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matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Auditor's responsibilities for the audit of the financial statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit 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 Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Registrar;
- conclude on the appropriateness of the Registrar's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Rahul Tejani
Audit Principal
Delegate of the Auditor-General

Canberra
11 September 2019

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ADMINISTRATIVE APPEALS TRIBUNAL

STATEMENT BY THE REGISTRAR AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2019 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Administrative Appeals Tribunal will be able to pay its debts as and when they fall due.



Sian Leathem
Registrar

10 September 2019



Navaka Arachchige
Chief Financial Officer

10 September 2019

Statement of Comprehensive Income

for the period ended 30 June 2019

	Notes	2019 \$'000	2018 \$'000	Original budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	114,853	106,992	128,908 1
Suppliers	1.1B	39,829	35,080	33,191 2
Depreciation and amortisation	3.2A	10,466	10,069	8,001
Write-down and impairment of assets	1.1C	-	(490)	-
Losses from asset sales	3.2A	9	111	-
Other expenses	1.1D	-	2,373	-
Total expenses		165,157	154,135	170,100
Own-source income				
Own-source revenue				
Sale of goods and rendering of services	1.2A	691	831	900
Other revenue	1.2B	82	80	-
Total own-source revenue		773	911	900
Gains				
Other gains	1.2C	504	525	800
Total gains		504	525	800
Total own-source income		1,277	1,436	1,700
Net cost of services		(163,880)	(152,699)	(168,400)
Revenue from Government	1.2D	163,468	152,450	160,399
Deficit before income tax on continuing operations				
		(412)	(249)	(8,001)
Income tax expense		-	-	-
Deficit after income tax on continuing operations				
		(412)	(249)	(8,001)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation surplus		(951)	87	-
Total other comprehensive income/(loss)		(951)	87	-

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

Budget variances commentary

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the Statement of Comprehensive Income, they are total expenses or total revenue.

1 Employee benefits

The variance against employee benefits was due to lower than budgeted member appointments and staff engagements.

2 Suppliers

The variance against supplier expenses was due to increased contractor costs related to higher application volume and Tribunal workload.

Statement of Financial Position

as at 30 June 2019

	Notes	2019 \$'000	2018 \$'000	Original budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	3.1A	1,144	363	367
Trade and other receivables	3.1B	88,200	81,977	85,669
Total financial assets		89,344	82,340	86,036
Non-financial assets				
Buildings	3.2A	47,886	50,854	46,516
Plant and equipment	3.2A	4,104	4,641	2,070
Computer software	3.2A	4,726	4,768	2,812
Other non-financial assets	3.2B	4,789	2,108	991
Total non-financial assets		61,505	62,371	52,389
Total assets		150,849	144,711	138,425
LIABILITIES				
Payables				
Suppliers	3.3A	2,401	1,775	10,500
Other payables	3.3B	36,407	30,734	25,327
Total payables		38,808	32,509	35,827
Provisions				
Employee provisions	6.1A	21,818	22,327	20,799
Other provisions	3.4A	1,155	3,322	8,507
Total provisions		22,973	25,649	29,306
Total liabilities		61,781	58,158	65,133
Net assets		89,068	86,553	73,292
EQUITY				
Contributed equity		94,053	90,175	94,053
Reserves		4,089	5,040	4,953
Accumulated deficit		(9,074)	(8,662)	(25,714)
Total equity		89,068	86,553	73,292

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

Budget variances commentary

Variances are considered to be “major” based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the statement of financial position, it is total equity.

1 Plant and equipment

The variance against plant and equipment is due to increased investment in technology and hardware infrastructure to enhance operational efficiency.

2 Computer software

The variance against computer software is the result of continued system developments in case management and financial management reporting systems to support AAT operations.

3 Other non-financial assets

The variance against non financial assets relate to prepayments for subscriptions and support of security and telecommunications technology as a result of moving to multi year subscriptions and maintenance contracts.

4 Other payables

The variance against other payables relates to landlord fit-out incentives received from co-located premises in Brisbane and Melbourne. This information was not available at the time of developing the original budget.

5 Other provisions

The variance against other provisions relates mainly to the anticipated cost impact of right sizing/aligning AAT's staffing and skill sets with future requirements that was not completed during the year.

Statement of Changes in Equity

for the period ended 30 June 2019

	Notes	2019 \$'000	2018 \$'000	Original budget \$'000
CONTRIBUTED EQUITY				
Opening balance				
Balance carried forward from previous period		90,175	86,374	90,175
Adjusted opening balance		90,175	86,374	90,175
Transactions with owners				
Contributions by owners				
Departmental capital budget	5.1A	3,878	3,801	3,878
Total transactions with owners		3,878	3,801	3,878
Transfers between equity components		-	-	-
Closing balance as at 30 June		94,053	90,175	94,053
RETAINED EARNINGS				
Opening balance				
Balance carried forward from previous period		(8,662)	(8,413)	(17,713)
Adjusted opening balance		(8,662)	(8,413)	(17,713)
Comprehensive income				
Deficit for the period		(412)	(249)	(8,001)
Total comprehensive income		(412)	(249)	(8,001)
Transfers between equity components		-	-	-
Closing balance as at 30 June		(9,074)	(8,662)	(25,714)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		5,040	4,953	4,953
Adjusted opening balance		5,040	4,953	4,953
Comprehensive income				
Other comprehensive income		(951)	87	-
Total comprehensive income		(951)	87	-
Transfers between equity components		-	-	-
Closing balance as at 30 June		4,089	5,040	4,953
TOTAL EQUITY				
Opening balance				
Balance carried forward from previous period		86,553	82,914	77,415
Adjusted opening balance		86,553	82,914	77,415
Comprehensive income				
Deficit for the period		(412)	(249)	(8,001)
Other comprehensive income		(951)	87	-
Total comprehensive income		(1,363)	(162)	(8,001)
Transactions with owners				
Contributions by owners				
Departmental capital budget		3,878	3,801	3,878
Total transactions with owners		3,878	3,801	3,878
Transfers between equity components		-	-	-
Closing balance as at 30 June		89,068	86,553	73,292

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

Budget variances commentary

Variances are considered to be “major” based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the statement of changes in equity, it is total equity.

1 Comprehensive income - deficit for the period

For detailed commentary, refer to statement of comprehensive income.

Cash Flow Statement

for the period ended 30 June 2019

	Notes	2019 \$'000	2018 \$'000	Original budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		157,211	161,535	163,890
Sale of goods and rendering of services		1,771	1,069	900
Other		10,489	9,594	-
Total cash received		169,471	172,198	164,790
Cash used				
Employees		(115,739)	(105,435)	(128,908)
Suppliers		(48,238)	(55,480)	(32,382)
Net GST paid		(711)	(204)	-
Total cash used		(164,688)	(161,119)	(161,290)
Net cash from/(used by) operating activities		4,783	11,079	3,500
INVESTING ACTIVITIES				
Cash used				
Purchase of property, plant and equipment		(7,880)	(21,846)	(7,378)
Total cash used		(7,880)	(21,846)	(7,378)
Net cash from/(used by) investing activities		(7,880)	(21,846)	(7,378)
FINANCING ACTIVITIES				
Cash received				
Contributed equity	5.1A	3,878	10,763	3,878
Cash received on restructuring of administrative arrangements		-	-	-
Total cash received		3,878	10,763	3,878
Net cash from/(used by) financing activities		3,878	10,763	3,878
Net increase/(decrease) in cash held		781	(4)	-
Cash and cash equivalents at the beginning of the reporting period		363	367	367
Cash and cash equivalents at the end of the reporting period	3.1A	1,144	363	367

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

Budget variances commentary

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the cash flow statement, it is total equity.

1 Operating activities - cash received - other

The variance against operating activities - cash received - other relates to fit-out incentives received for AAT's property leases that was not anticipated at the time of developing the original budget.

2 Operating activities - cash used - employees

The variance against operating activities - cash used - employees is due to an underspend in employee benefits. For commentary refer to the statement of comprehensive income.

3 Operating activities - cash used - suppliers

The variance against operating activities - cash used - suppliers is predominantly due to increased contractor and agency resource.

Administered Schedule of Comprehensive Income

for the period ended 30 June 2019

	Notes	2019 \$'000	2018 \$'000	Original budget \$'000
NET COST OF SERVICES				
Expenses				
Bad debts				
(Refugee review post decision fees)	2.1	4,092	4,288	2,600 ¹
Other expenses	2.1	6,772	5,020	6,400
Total expenses		10,864	9,308	9,000
Income				
Non-taxation revenue				
Other revenue	2.2	49,358	49,749	46,924
Total non-taxation revenue		49,358	49,749	46,924
Total revenue		49,358	49,749	46,924
Total income		49,358	49,749	46,924
Net (cost of)/contribution by services		38,494	40,441	37,924
Surplus/(Deficit)		38,494	40,441	37,924
Total comprehensive income/(loss)		38,494	40,441	37,924

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

Budget variances commentary

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the administered schedule of comprehensive income, they are total administered expenses or total administered revenue.

1 Bad debts (Refugee review post decision fees)

Bad debts are provided on refugee review post decision fees receivable on an annual basis, based on repayment history. The variance is predominantly driven by repayment history and is beyond AAT's control.

Administered Schedule of Assets and Liabilities

as at 30 June 2019

	Notes	2019 \$'000	2018 \$'000	Original budget \$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	4.1A	560	308	218	1
Trade and other receivables	4.1B	188	2,814	2,727	2
Total financial assets		748	3,122	2,945	
Total assets administered on behalf of Government		748	3,122	2,945	
LIABILITIES					
Payables					
Suppliers	4.2A	718	287	283	3
Total payables		718	287	283	
Total liabilities administered on behalf of Government		718	287	283	
Net assets		30	2,835	2,662	

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

Budget variances commentary

Variances are considered to be "major" based on the following criteria:

- variance between budget and actual is greater than 10% at item level; and
- variance is greater than 2% of the relevant categories. In the case of the administered schedule of assets and liabilities, it is administered net assets.

1 Cash and cash equivalents

The variance against cash and cash equivalents is due to higher volumes of applications received by the AAT in 2018-19.

2 Trade and other receivables

Trade and other receivables balance is made up of refugee review post decision fees receivable and is driven by the number of applications received and finalised by the AAT. The variance is the impact of the adoption of AASB 9.

3 Suppliers

The variance against suppliers relates to refunds due to applicants as at 30 June 2019. Amounts outstanding are minor and unpredictable due to the timing of decisions and payment runs.

Administered Reconciliation Schedule			
	Notes	2019 \$'000	2018 \$'000
Opening assets less liabilities as at 1 July		2,835	2,661
Adjustment from adoption of AASB 9		(1,941)	-
Adjusted opening assets less liabilities		894	2,661
Net (cost of)/contribution by services			
Income		49,358	49,749
Expenses			
Payments to entities other than corporate Commonwealth entities		(10,864)	(9,308)
Special appropriations (limited)			
Transfers from Official Public Accounts		6,400	4,994
Appropriation transfers to OPA			
Transfers to OPA		(45,758)	(45,261)
Closing assets less liabilities as at 30 June		30	2,835

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

Accounting policy

Administered cash transfers to and from the official public account

Revenue collected by the AAT for use by the Government rather than AAT is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. 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 AAT on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

Administered Cash Flow Statement*for the period ended 30 June 2019*

	Notes	2019 \$'000	2018 \$'000
OPERATING ACTIVITIES			
Cash received			
Application fees		45,950	45,373
Total cash received		45,950	45,373
Cash used			
Refund of application fees		6,341	5,016
Total cash used		6,341	5,016
Net cash from operating activities		39,609	40,357
FINANCING ACTIVITIES			
Cash from Official Public Account			
Appropriations		6,400	4,994
Total cash from Official Public Account		6,400	4,994
Cash to Official Public Account			
Appropriations		(45,757)	(45,261)
Total cash to Official Public Account		(45,757)	(45,261)
Cash and cash equivalents at the beginning of the reporting period		308	218
Cash and cash equivalents at the end of the reporting period	4.1A	560	308

This schedule should be read in conjunction with the accompanying notes.

Overview

Objectives of the entity

The Administrative Appeals Tribunal (AAT) is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the AAT is to provide independent review on the merits of a wide range of administrative decisions made under Commonwealth laws so as to ensure in each case the correct or preferable decision is made.

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

The AAT's administered activities on behalf of the Government are generally limited to collection and refund of application fees as prescribed by the *Administrative Appeals Tribunal Act 1975*, the *Administrative Appeals Tribunal Regulation 2015*, the *Migration Act 1958* and the *Migration Regulations 1994*. Additional administered revenues may be remitted by the AAT to Government where there is no right for the AAT to retain the revenue as departmental revenue.

The continued existence of the AAT in its present form and with its present programmes is dependent on Government policy and on continued funding by Parliament for the AAT's administration and programmes.

The basis of preparation

The financial statements are general purpose financial statements and are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- b) Australian Accounting Standards and Interpretations – Reduced Disclosure Requirements 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 in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. Where necessary, the comparative information for the preceding financial year has been reclassified to achieve consistency in disclosure with current financial year amounts. The financial statements are presented in Australian dollars.

Changes in accounting policy and disclosure

AASB 9 *Financial Instruments*

The AAT applied AASB 9 *Financial Instruments* for the first time in 2018-19. The comparative information for 2017-18 has not been restated and continues to be reported under AASB 139 *Financial Instruments: Recognition and Measurement*.

Lease receivables

Lease receivables relate to incentives for accommodation contracts/leases and are covered under AASB 117 *Leases*.

Contract assets

The AAT currently does not have any arrangements that fall within the definition of contract assets. Certain Memoranda of Understanding currently in place relate to fee for service and therefore are deemed outside the scope of AASB 9 *Financial Instruments*.

Trade receivables

Trade receivables include Refugee Review debts. The Refugee Review debts are within the scope of AASB 9 *Financial Instruments*. The AAT has applied the simplified approach for trade receivables whereby forward-looking assumptions and information regarding expected future conditions have been considered when reviewing historical customer default rates.

On the transition to AASB 9, the new impairment model decreased the administered accumulated surplus by \$1.9m at 1 July 2018.

Notes to and forming part of the financial statements

New accounting standards

A number of new accounting standards, amendments to standards and interpretation are effective for annual period after 1 July 2019 and have not been applied in preparing these financial statements.

AASB 16 Leases

This standard will first apply to the AAT in the 2019-20 financial year. When applied, the standard supersedes AASB 117 *Leases*. Under AASB 16, the majority of operating leases will be reported on the statement of financial position as right-of-use assets and lease liabilities.

The right-of-use asset will be initially recognised at cost, consisting of the initial amount of the associated lease liability, plus any lease payments made to the lessor at or before the effective date, the initial estimate of restoration costs and any initial direct costs incurred by the lessee. The right-of-use asset will give rise to a depreciation expense.

The lease liability will be initially recognised at an amount that equates to the present value of the lease payments during the lease term that are not yet paid. Current operating lease rental payments will no longer be expensed in the statement of comprehensive income. They will be apportioned between a reduction in the recognised lease liability and the implicit finance charge (the effective rate of interest) in the lease. The finance cost will also be recognised as an expense.

The major impact of AASB 16 will be the derecognition of lease incentives and straight lining provisions against retained earnings, and the recognition of Right of Use (ROU) assets and lease liabilities on the balance sheet.

AASB 1058 Income of Not-for-Profit Entities and AASB 15 Revenue from Contracts with Customers

The transition date for both AASB 15 and AASB 1058 is 1 July 2019. These standards will first apply to the AAT in 2019-20 financial year. The anticipated impact of the new Standards is detailed below.

Departmental

Other Sources of Departmental Revenue

Other sources of departmental revenue (included in the Statement of Comprehensive Income in note 1.2A) relate to cost recovery activities such as photocopying charges and revenue received from other agencies for goods and services including hearing room hire and issuing of warrants. Revenue is currently recognised at the point of sale, or immediately after the service has been performed. The implementation of this Standard does not require a change to any of AAT's current practices in this area.

Administered

Migration Review Division, General Division and Small Business Tax Application Fees

Application fees are currently payable to AAT at the time of lodgement of an application. The fee is in consideration of an assessment of the application documents and a decision whether they meet the criteria set out under various visa class and subclass requirements or whether the primary departments' decision is upheld or turned over. For the application to be a valid application for review by the AAT, the correct fee must be paid (except in the case of a waiver or reduction of fees under certain circumstances). The assessment of the application commences once the valid application is lodged with AAT and completed once a member has made a decision. Currently application fees are recognised as revenue in the Administered Schedule of Comprehensive Income upon receipt of the application fee. From 1 July 2019 the AAT will recognise Migration Review Application Fees, General Division and Small Business Application Fees as a liability in the Administered Schedule of Assets and Liabilities. After a final decision has been made and the case finalised (i.e. AAT has fulfilled its performance obligation), revenue will be recognised in the Administered Schedule of Comprehensive Income.

Refugee Review Application Fees

Application Fees are currently payable, post decision, after a final decision has been made and the case is finalised (i.e. after the AAT has fulfilled its performance obligation). Therefore, the implementation of this Standard does not require a change to AAT's current practices in this area.

Notes to and forming part of the financial statements

Taxation

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

Reporting of administered activities

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

Except where otherwise stated, 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.

Events after the reporting period

Departmental

There were no events after the reporting period that had the potential to significantly affect the ongoing structure and financial activities of the Administrative Appeals Tribunal.

Administered

There were no events after the reporting period that had the potential to significantly affect the ongoing structure and financial activities of the Administrative Appeals Tribunal.

Financial Performance

This section analyses the financial performance of the AAT for the year ended 30 June 2019.

1.1 Expenses

	2019 \$'000	2018 \$'000
1.1A: Employee benefits		
Wages and salaries	90,640	83,728
Superannuation		
Defined contribution plans	8,651	7,348
Defined benefit plans	6,352	6,809
Leave and other entitlements	9,119	7,459
Separation and redundancies	91	1,648
Total employee benefits	114,853	106,992

Accounting policy

Accounting policies for employee related expenses are contained in Note 6.1A of the People and relationships section.

1.1B: Suppliers**Goods and services supplied or rendered**

Property operating	5,603	5,554
IT services	3,218	2,773
Hearing related	2,877	2,773
Contractors	6,932	2,355
Travel	1,756	1,890
Subscriptions	1,318	1,291
Outsourced services	1,518	1,444
Consultants	1,566	1,054
Office support	745	892
Training & development	708	746
Other	1,445	1,157
Total goods and services supplied or rendered	27,686	21,929
Goods supplied	1,030	787
Services rendered	26,656	21,142
Total goods and services supplied or rendered	27,686	21,929
Other suppliers		
Operating lease rentals	11,946	12,995
Workers compensation expenses	197	156
Total other suppliers	12,143	13,151
Total suppliers	39,829	35,080

Leasing commitments

AAT in its capacity as lessee holds commercial office accommodation leases in Canberra, Sydney, Melbourne, Brisbane, Adelaide and Perth where lease payments are subject to fixed or market review increases as listed in the lease agreements. No commitment is recorded in relation to the AAT's occupancy of the Commonwealth-owned law courts in Hobart, which are occupied under a memorandum of understanding with the Department of Finance.

Commitments for minimum lease payments in relation to non-cancellable operating leases are payable as follows:

Within 1 year	18,460	18,685
Between 1 to 5 years	73,528	72,027
More than 5 years	38,512	56,342
Total operating lease commitments	130,500	147,054

Accounting policy

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

	2019	2018
	\$'000	\$'000
<u>1.1C: Write-down and impairment of assets</u>		
Impairment of property, plant and equipment	-	(490)
Total write-down and impairment of assets	-	(490)
<u>1.1D: Other expenses</u>		
Onerous lease expense	-	2,373
Total other expenses	-	2,373

Notes to and forming part of the financial statements

1.2 Own-source revenue and gains

	2019	2018
	\$'000	\$'000

Own-source revenue

1.2A: Sale of goods and rendering of services

Rendering of services	691	831
Total sale of goods and rendering of services	691	831

Accounting policy

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The stage of completion is determined by reference to services performed to date as a percentage of total services to be performed.

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

1.2B: Other revenue

Remuneration of auditors	82	80
Total other revenue	82	80

Gains

1.2C: Other gains

Resources received free of charge	88	173
Liabilities assumed by other departments	416	352
Total other gains	504	525

Accounting policy

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.

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 entity as a consequence of a restructuring of administrative arrangements.

1.2D: Revenue from government

Appropriations		
Departmental appropriations	163,468	152,450
Total revenue from government	163,468	152,450

Accounting policy

Revenue from government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as revenue from Government when the entity 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.

Notes to and forming part of the financial statements

Income and Expenses Administered on Behalf of Government

This section analyses the activities that the AAT does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental

2.1 Administered - expenses

	2019 \$'000	2018 \$'000
2.1: Other expenses		
Refund of application fees	6,772	5,020
Bad debts expense	4,092	4,288
Total other expenses	10,864	9,308

2.2 Administered - income

	2019 \$'000	2018 \$'000
Revenue		
2.2: Other revenue		
Application fees	49,358	49,749
Total other revenue	49,358	49,749

Accounting policy

Application fees

Application fees are payable to the AAT at the time of lodgement of an application and recognised as revenue in the Administered Schedule of Comprehensive Income upon receipt of the fee. The adoption of AASB 15 from 1 July 2019 requires the AAT to recognise application fees as revenue only when a final decision has been made and the case is finalised (i.e. AAT has fulfilled its performance obligation).

Notes to and forming part of the financial statements

Financial Position

This section analyses AAT's assets used to conduct its operations and the operating liabilities incurred as a result. Employee related information is disclosed in the People and Relationships section.

3.1 Financial assets

	2019 \$'000	2018 \$'000
3.1A: Cash and cash equivalents		
Cash on hand or on deposit	1,144	363
Total cash and cash equivalents	1,144	363
3.1B: Trade and other receivables		
Goods and services receivables		
Goods and services	279	600
Total goods and services receivables	279	600
Appropriations receivables		
Appropriation receivable	87,026	80,741
Total appropriations receivables	87,026	80,741
Other receivables		
Statutory receivables	895	636
Total other receivables	895	636
Total trade and other receivables (gross)	88,200	81,977
Total trade and other receivables (net)	88,200	81,977

Credit terms for goods and services were within 30 days (2018: 30 days).

Accounting policy

Financial assets

Trade receivables, loans and other receivables that are held for the purpose of collecting the contractual cash flows where the cash flows are solely payments of principal and interest, that are not provided at below-market interest rates, are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance.

Notes to and forming part of the financial statements

3.2 Non-financial assets

3.2A: Reconciliation of the opening and closing balances of property, plant and equipment and intangibles

	Buildings \$'000	Plant and equipment \$'000	Computer Software \$'000	Total \$'000
As at 1 July 2018				
Gross book value	50,854	4,641	22,594	78,089
Accumulated depreciation, amortisation and impairment	-	-	(17,826)	(17,826)
Total as at 1 July 2018	50,854	4,641	4,768	60,263
Additions				
Purchases	4,496	1,383	2,000	7,879
Revaluations and impairments recognised in other comprehensive income	(1,194)	243	-	(951)
Reversal of impairments recognised in net cost of services	-	-	-	-
Depreciation and amortisation	(6,270)	(2,154)	(2,042)	(10,466)
Disposals				
Other	-	(9)		(9)
Total as at 30 June 2019	47,886	4,104	4,726	56,716
Total as at 30 June 2019 represented by				
Gross book value	55,350	6,267	24,594	86,211
Accumulated depreciation, amortisation and impairment	(7,464)	(2,163)	(19,868)	(29,495)
Total as at 30 June 2019	47,886	4,104	4,726	56,716

As the AAT does not own any buildings, the building category consists of leasehold improvements.

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy. On 30 June 2019, an independent valuer conducted the revaluations. Total revaluation decrease recognised in other comprehensive loss is \$0.951m. (2018: revaluation increase recognised in other comprehensive income is \$0.087m).

Contractual commitments for the acquisition of property, plant, equipment and intangible assets

As at the reporting date, the AAT has no contractual commitments for the acquisition of leasehold improvements, property, plant and equipment.

Notes to and forming part of the financial statements

Accounting policy

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.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income 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's accounts immediately prior to the restructuring.

Asset recognition threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, 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 taken up by the entity where there exists an obligation to restore the property to its original condition. These costs are included in the value of the entity's leasehold improvement with a corresponding provision for the 'make good' recognised.

Revaluations

Following initial recognition at cost, property, 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 did not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depended 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 it reversed 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 to the revalued amount.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the entity using, in all cases, the straight-line method of depreciation.

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:

	2019	2018
Leasehold improvements	Lessor or estimated useful life and lease term	Lessor or estimated useful life and lease term
Plant and equipment	3 to 20 years	3 to 20 years

Impairment

All assets were assessed for impairment at 30 June 2019. 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 of disposal 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 on the asset's ability to generate future cash flows, and the asset would be replaced if the entity were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

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

Intangibles

The entity's intangibles comprise internally developed and 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 its anticipated useful life. The useful lives of the entity's software are 3 to 20 years (2018: 3 to 20 years).

All software assets were assessed for indications of impairment as at 30 June 2019.

Accounting judgements and estimates

In the process of applying the accounting policies listed in this note, the AAT has made the following judgements that have the most significant impact on the amounts recorded in the financial statements:

- the fair value of property, plant and equipment has been taken to be the fair value of similar assets as determined by an independent valuer.

Notes to and forming part of the financial statements

3.2 Non-financial assets continued

	2019	2018
	\$'000	\$'000

3.2B: Other non-financial assets

Prepayments	4,789	2,108
Total other non-financial assets	4,789	2,108

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

3.3 Payables

	2019	2018
	\$'000	\$'000

3.3A: Suppliers

Trade creditors and accruals	2,401	1,775
Total suppliers	2,401	1,775

Settlement was usually made within 30 days.

3.3B: Other payables

Salaries and wages	736	1,112
Lease incentives	35,671	29,622
Total other payables	36,407	30,734

Accounting judgements and estimates

The AAT received incentives in the form of rent free periods and contributions on entering operating leases. Lease incentives are amortised on a straight line basis which is representative of the pattern of benefits derived.

3.4 Other provisions

3.4A: Other provisions

	Onerous contract provision \$'000	Provision for restoration \$'000	Total \$'000
As at 1 July 2018	2,734	588	3,322
Additional provisions made	-	-	-
Amounts used	(2,182)	15	(2,167)
Unwinding of discount or change in discount rate	-	-	-
Total as at 30 June 2019	552	603	1,155

Accounting judgements and estimates

Provision for restoration

The AAT is required to restore two (2018: 2) of its leased commercial office accommodation to their original condition at the conclusion of the leases. The AAT has made a provision to reflect the present value of the anticipated future costs. The calculation of this provision requires assumptions in determining the costs required to restore the premises to their original condition, which, because of the long-term nature of the liability, is the most significant uncertainty. This uncertainty may result in future actual expenditure differing from amounts currently provided. The provision recognised is reviewed annually and updated based on the facts and circumstances known at the time.

Onerous contract provision

Present obligations arising under onerous contracts are recognised and measured as a provision. An onerous contract is considered to exist where the AAT has a contract under which the unavoidable costs of meeting the obligations under the contract exceed the economic benefits expected to be received under it, it is probable that the AAT will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation. The amount recognised as a provision is the best estimate of the expenditure required to settle the obligation as at the end of the reporting period, taking into account the risks and uncertainties.

Assets and Liabilities Administered on Behalf of the Government

This section analyses assets used to conduct operations and the operating liabilities incurred as a result the AAT does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

4.1 Administered - financial assets		
	2019	2018
	\$'000	\$'000
4.1A: Cash and cash equivalents		
Cash on hand or on deposit	560	308
Total cash and cash equivalents	560	308
4.1B: Trade and other receivables		
Other receivables		
Fees	15,008	12,792
Total other receivables	15,008	12,792
Total trade and other receivables (gross)	15,008	12,792
Less impairment allowance	(14,820)	(9,978)
Total trade and other receivables (net)	188	2,814
Credit terms for goods and services were within 30 days (2018: 30 days).		
Reconciliation of the impairment allowance		
		Other receivables
Movements in relation to 2019		\$'000
As at 1 July 2018		9,978
Amounts written off		(1,191)
Amounts recovered and reversed		-
Increase/(Decrease) recognised in net cost of services		4,092
Adjustment from adoption of AASB 9		1,941
Total as at 30 June 2019		14,820
Movements in relation to 2018		Other receivables
		\$'000
As at 1 July 2017		7,343
Amounts written off		(1,653)
Amounts recovered and reversed		-
Increase/(Decrease) recognised in net cost of services		4,288
Total as at 30 June 2018		9,978
Other receivable fees		
Fees represents application fee payable to AAT at the time of lodgement of an application. Fees are held for the purpose of collecting the contractual cash flow adjusted for any loss allowance.		
4.2 Administered - payables		
	2019	2018
	\$'000	\$'000
4.2A: Suppliers		
Trade creditors and accruals	718	287
Total suppliers	718	287
Settlement was usually made within 30 days.		

Notes to and forming part of the financial statements

Funding

This section identifies AAT's funding structure.

5.1 Appropriations

5.1A: Annual appropriations ('Recoverable GST exclusive')

Annual appropriations for 2019

	Annual appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2019 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	156,690	12,260	168,950	169,471	(521)
Capital budget ⁴	3,878	-	3,878	3,878	-
Total departmental	160,568	12,260	172,828	173,349	(521)

1. In 2018-19 \$3.709m in departmental appropriation was permanently withheld under a Section 51 Determination of the PGPA Act (in accordance with Financial Reporting Rules Part 6 Div 3), for estimate variations.

2. PGPA Act Section 74 receipts relate to lease incentives received and revenue received for rendering of services.

3. Variance is substantially attributable to cash overspend during the year and timing of payments.

4. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

Annual appropriations for 2018

	Annual appropriation \$'000	Adjustments to appropriation ¹ \$'000	Total appropriation \$'000	Appropriation applied in 2018 (current and prior years) \$'000	Variance ² \$'000
Departmental					
Ordinary annual services	156,037	10,251	166,288	172,198	(5,910)
Capital budget ⁴	3,801	-	3,801	10,763	(6,962)
Other services					
Equity injections	-	-	-	-	-
Loans	-	-	-	-	-
Total departmental	159,838	10,251	170,089	182,961	(12,872)

1. In 2017-18 \$1.478m in departmental appropriation was permanently withheld under a Section 51 Determination of the PGPA Act (in accordance with Financial Reporting Rules Part 6 Div 3), for estimate variations.

2. PGPA Act Section 74 receipts relate to lease incentives received and revenue received for rendering of services.

3. Variance is substantially attributable to cash overspend during the year and timing of payments.

4. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

Notes to and forming part of the financial statements

5.1B: Unspent annual appropriations ('Recoverable GST exclusive')

	2019	2018
	\$'000	\$'000
Departmental		
Appropriation Act (No. 1) 2016-17		10,458
Appropriation Act (No. 2) 2016-17	6,367	6,367
Appropriation Act (No. 1) 2017-18	20,953	64,044
Appropriation Act (No. 1) 2018-19	53,027	-
Cash at bank	1,144	363
Total departmental	81,491	81,232
Administered		
Cash at bank	560	308
Total administered	560	308

5.1C: Special appropriations ('Recoverable GST exclusive')

	Appropriation applied	
	2019	2018
	\$'000	\$'000
Authority		
<i>Public Governance, Performance and Accountability Act 2013 s.77, Administered</i>	6,400	4,994
Total special appropriations applied	6,400	4,994

Notes to and forming part of the financial statements

People and relationships

This section describes a range of employment and post employment benefits provided to our people and our relationships with other key people.

6.1 Employee provisions

	2019	2018
	\$'000	\$'000

6.1A: Employee provisions

Leave	21,818	20,684
Separations and redundancies	-	1,643
Total employee provisions	21,818	22,327

Accounting policy

Liabilities for short-term employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

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.

Leave

The liability for employee benefits includes provision for annual leave and long service leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the entity'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 has been determined by reference to the work of an actuary as at 30 June 2019. 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 separation and redundancy benefit payments. The AAT 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

The AAT's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), or the PSS accumulation plan (PSSap), or other superannuation funds held outside the Australian Government.

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 in the Department of Finance's administered schedules and notes.

The AAT makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The AAT accounts for the contributions as if they were contributions to defined contribution plans. The liability for superannuation recognised as at 30 June represents outstanding contributions.

Accounting judgements and estimates

The employee benefits provisions have been estimated in accordance with AASB 119 Employee Benefits and reflect the expected value of those benefits.

Notes to and forming part of the financial statements

6.2 Key management personnel remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the AAT. The AAT has assessed and determined its key management personnel to be the Portfolio Minister, AAT President and Registrar.

Key management personnel remuneration is reported in the table below:

	2019 \$'000	2018 \$'000
Short-term employee benefits	339	322
Post-employment benefits	55	54
Other long-term employee benefits	37	36
Total key management personnel remuneration expenses¹	431	412

The total number of key management personnel that are included in the above table is 1 (2018: 1).

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister and the AAT President, which are set by the Remuneration Tribunal. The Portfolio Minister's remuneration and other benefits are not paid by the AAT. The AAT President's remuneration and other benefits are reimbursed to the Federal Court of Australia by the AAT, which in accordance with PGPA (Financial Reporting) Rule 2015, paragraph 27(2), is not required to be included in the above.

6.3 Related party disclosures

Related party relationships:

The AAT is an Australian Government controlled entity. Related parties to the AAT are key management personnel including the Commonwealth Cabinet, and other Australian Government entities.

Transactions with related parties:

Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes, receipt of a Medicare rebate or higher education loans. These transactions have not been separately disclosed in this note.

Significant transactions with related parties can include:

- purchases of goods and services;
- asset purchases, sales transfers or leases; and
- debts forgiven.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the AAT, it has been determined that there are no material related party transactions to be separately disclosed (2018: no material related party transactions to be separately disclosed).

Managing uncertainties

This section analyses how the AAT manages financial risks within its operating environment.

7.1 Contingent assets and liabilities

Quantifiable contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2019.

Unquantifiable contingencies

There are no unquantifiable or remote contingencies at 30 June 2019.

Quantifiable administered contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2019.

Unquantifiable administered contingencies

There are no unquantifiable or remote contingencies at 30 June 2019.

7.2 Financial instruments

	2019	2018
	\$'000	\$'000

7.2A: Categories of financial instruments

Financial Assets under AASB 139

Loans and receivables

Trade and other receivables	-	81,977
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Total loans and receivables	-	81,977
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Financial assets at fair value through profit or loss (designated)

Cash or cash equivalent ¹	-	363
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Total financial assets	-	82,340
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Financial Assets under AASB 9

Financial assets at amortised cost

Cash or cash equivalent ¹	1,144	-
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Trade and other receivables	88,200	-
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Total financial assets at amortised cost	89,344	-
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Total financial assets	89,344	-
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Financial liabilities at amortised cost

Suppliers	2,401	1,775
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Total financial liabilities at amortised cost	2,401	1,775
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Total financial liabilities	2,401	1,775
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Classification of financial assets on the date of initial application of AASB 9.

Financial assets class	Note	AASB 139 original classification	AASB 9 new classification	AASB 139	AASB 9 carrying
				carrying amount at 1 July 2018	amount at 1 July 2018
				\$'000	\$'000
Cash and Cash Equivalents	3.1A	Held-to-maturity	Amortised Cost	363	363
Trade receivables	3.1B	Held-to-maturity	Amortised Cost	81,977	81,977
Total financial assets				82,340	82,340

The change in the carrying amount of financial assets based on measurement under AASB 139 is nil. The change in measurement on transition to AASB 9 is nil.

Accounting Policy

Financial assets

With the implementation of AASB 9 *Financial Instruments* for the first time in 2019, the entity classifies its financial assets in the following categories:

- a) financial assets at fair value through profit or loss;
- b) financial assets at fair value through other comprehensive income; and
- c) financial assets measured at amortised cost.

The classification depends on both the entity's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the entity becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

Comparatives have not been restated on initial application.

Financial Assets at Amortised Cost

Financial assets included in this category need to meet two criteria:

1. the financial asset is held in order to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

Effective Interest Method

Income is recognised on an effective interest rate basis for financial assets that are recognised at amortised cost.

Financial Assets at Fair Value Through Other Comprehensive Income (FVOCI)

Financial assets measured at fair value through other comprehensive income are held with the objective of both collecting contractual cash flows and selling the financial assets and the cash flows meet the SPPI test.

Any gains or losses as a result of fair value measurement or the recognition of an impairment loss allowance is recognised in other comprehensive income.

Financial Assets at Fair Value Through Profit or Loss (FVTPL)

Financial assets are classified as financial assets at fair value through profit or loss where the financial assets either doesn't meet the criteria of financial assets held at amortised cost or at FVOCI (i.e. mandatorily held at FVTPL) or may be designated.

Financial assets at FVTPL are stated at fair value, with any resultant gain or loss recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest earned on the financial asset.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to *lifetime expected credit losses* where risk has significantly increased, or an amount equal to *12-month expected credit losses* if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

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.

Financial Liabilities at Amortised Cost

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

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).

	2019 \$'000	2018 \$'000
<u>7.2B: Net Gains or Losses on Financial Assets</u>		
Financial assets at amortised cost		
Gains/(Losses) on disposal	504	525
Net gains/(losses) on financial assets at amortised cost	504	525
Net gains on financial assets	504	525

The net interest income/expense from financial assets not at fair value through profit or loss is \$0.504m (2018: \$0.525m).

7.3 Administered - Financial Instruments

	2019	2018
	\$'000	\$'000

7.3A: Categories of Financial Instruments**Financial Assets under AASB 139****Financial assets at amortised cost**

Cash on hand or on deposit	560	308
Trade and services receivable	15,008	2,814
Total loans and receivables	15,568	3,122

Financial assets at fair value through profit or loss

Bad debt write off	4,092	4,288
Total financial asset at fair value through profit or loss	4,092	4,288
Total financial assets	19,660	7,410

2019	2018
\$'000	\$'000

Financial Liabilities**Financial liabilities measured at amortised cost**

Trade creditors	718	287
Total financial liabilities measured at amortised cost	718	287
Total financial liabilities	718	287

Classification of financial assets on the date of initial application of AASB 9.

Financial assets class	Note	AASB 139 original classification	AASB 9 new classification	AASB 139 carrying amount at 1 July 2018	AASB 9 carrying amount at 1 July 2018
				\$'000	\$'000
Cash and Cash Equivalents	4.1A	Held-to-maturity	Amortised Cost	308	308
Trade receivables	4.1B	Held-to-maturity	Amortised Cost	12,792	12,792
Total financial assets				13,100	13,100

Reconciliation of carrying amounts of financial assets on the date of initial application of AASB 9.

	AASB 139 carrying amount at 30 June 2018	Reclassification	Remeasurement	AASB 9 carrying amount at 1 July 2018
	\$'000	\$'000	\$'000	\$'000
Financial assets at amortised cost				
Held to maturity				
Current cash or cash equivalent	308	-	-	308
Loans and receivables				-
Current receivables	2,814	-	(1,941)	873
Total amortised cost	3,122	-	(1,941)	1,181

1. The change in carrying amount of financial assets based on measurement under AASB 139 is nil. The change in measurement on transition to AASB 9 is \$1.9m.

Notes to and forming part of the financial statements

7.4 Fair Value Measurement

	Fair value measurements at the end of the reporting period	
	2019 \$'000	2018 \$'000
Non-financial assets		
Buildings	47,886	50,854
Plant and equipment	4,104	4,641
Computer software	4,726	4,768
Other non-financial assets	4,789	2,108
Total employee benefits	61,505	62,371

1. There has been no change to valuation techniques.
2. The AAT's assets are held for operational purposes and not held for the purposes of deriving a profit. The current use of all controlled assets is considered their highest and best use.
3. The remaining assets reported by the AAT are not measured at fair value in the statement of financial position.

Accounting policy

The AAT performs a review of the fair value of its non-financial assets at least once every 12 months, with comprehensive valuations undertaken on a triennial basis. The AAT engages an independent party to determine fair value using the Depreciated Replacement Cost (DRC) approach. The DRC approach reflects the amount a market participant would be prepared to pay to acquire or construct a substitute asset of comparable utility, adjusted for physical depreciation and obsolescence.

The different levels of the fair value hierarchy are defined below.

- Level 1 : Quoted prices (unadjusted) in active markets for identical assets or liabilities that the AAT can access at measurement date.
- Level 2 : Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.
- Level 3 : Unobservable inputs for the asset or liability.

Other information

8.1 Aggregate Assets and Liabilities

8.1A: Aggregate Assets and Liabilities

	2019	2018
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months	94,129	83,476
More than 12 months	56,716	60,263
Total assets	150,845	143,739
Liabilities expected to be settled in:		
No more than 12 months	24,233	27,565
More than 12 months	37,545	29,622
Total liabilities	61,778	57,187

8.1B: Administered - Aggregate Assets and Liabilities

	2019	2018
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months	747	305
More than 12 months	-	-
Total assets	747	305
Liabilities expected to be settled in:		
No more than 12 months	718	287
More than 12 months	-	-
Total liabilities	718	287



Appendices

Appendix 1: Members of the AAT

This appendix contains:

- a list of the AAT's members at 30 June 2019
- a table showing the number of Senior Members and Members assigned to each of the AAT's divisions at 30 June 2019
- lists of members whose term of appointment or reappointment commenced or ended in 2018–19
- profiles of the President, the Division Heads and the Deputy Division Head.

Members at 30 June 2019

The list of the AAT's members at 30 June 2019 is set out Table A1.1. It is ordered by membership category, full-time/part-time status, and then alphabetically. For members who have been reappointed to the AAT, the first appointment date is the date from which there have been continuous appointments to the AAT. For members of the former Migration Review Tribunal, Refugee Review Tribunal or Social Security Appeals Tribunal who became members of the AAT on 1 July 2015, the first appointment date is listed as 1 July 2015.

The President and Deputy Presidents can exercise the powers of the AAT in any of the divisions.

Senior Members and Members may exercise the powers of the AAT only in the divisions to which they have been assigned. The divisions to which Senior Members and Members were assigned as at 30 June 2019 are indicated in the table as follows:

F	Freedom of Information Division
G	General Division
M	Migration and Refugee Division
N	National Disability Insurance Scheme Division
Sec	Security Division
Sm	Small Business Taxation Division
So	Social Services and Child Support Division
T	Taxation and Commercial Division
V	Veterans' Appeals Division

Table A1.1 Members of the AAT, 30 June 2019

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
President				
The Honourable Justice David Thomas	27/06/2017	26/06/2024	Qld	
Deputy Presidents				
Judges of the Federal Court of Australia				
The Honourable Justice Berna Collier	12/11/2015	11/11/2020	Qld	
The Honourable Justice Craig Colvin	20/07/2018	19/07/2025	WA	
The Honourable Justice Jennifer Davies	12/11/2015	11/11/2020	Vic	
The Honourable Justice Andrew Greenwood	23/11/2005	23/11/2020	Qld	
The Honourable Justice Jayne Jagot	24/11/2010	23/11/2020	NSW	
The Honourable Justice Susan Kenny	24/11/2010	23/11/2020	Vic	
The Honourable Justice John Logan RFD	24/11/2010	23/11/2020	Qld	
The Honourable Justice Neil McKerracher	20/07/2018	05/12/2021	WA	
The Honourable Justice John Middleton	24/11/2010	23/11/2020	Vic	

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
The Honourable Justice Melissa Perry	20/07/2018	19/07/2025	NSW	
The Honourable Justice Alan Robertson	12/11/2015	09/05/2020	NSW	
The Honourable Justice Simon Steward	20/07/2018	19/07/2025	Vic	
The Honourable Justice Thomas Thawley	20/07/2018	19/07/2025	NSW	
The Honourable Justice Richard White	29/05/2015	28/05/2020	SA	
Judges of the Family Court of Australia				
The Honourable Justice Robert Benjamin AM	23/11/2005	23/11/2020	Tas	
The Honourable Justice Victoria Bennett AO	29/05/2015	28/05/2020	Vic	
The Honourable Justice David Berman	29/05/2015	28/05/2020	SA	
The Honourable Justice Colin Forrest	29/05/2015	28/05/2020	Qld	
The Honourable Justice Janine Stevenson	29/05/2015	28/05/2020	NSW	
Non-judicial Deputy Presidents – Full time				
Mr Stephen Boyle	01/07/2017	30/06/2024	WA	
Mr Peter Britten-Jones	25/03/2016	30/06/2025	SA	
Mr James Constance	09/12/2010	08/12/2022	NSW	
Miss Stephanie Forgie	08/09/1988	03/11/2021	Vic	
Mr Gary Humphries AO	01/01/2015	31/12/2024	ACT	
Mr Bernard McCabe	01/07/2001	24/03/2022	NSW	
Dr Peter McDermott RFD	15/11/2004	30/11/2022	Qld	
The Honourable John Pascoe AC CVO	25/02/2019	24/02/2024	NSW	
Mr Brian Rayment QC	01/07/2017	30/06/2024	NSW	
Ms Jan Redfern PSM	21/03/2016	20/03/2023	NSW	
Non-judicial Deputy Presidents – Part time				
The Honourable Dennis Cowdroy AO QC	01/03/2016	28/02/2021	NSW	
Mr Richard Hanger QC	01/10/2017	30/11/2024	Qld	
Major General Aziz Gregory Melick AO RFD SC (Rtd)	05/09/2014	04/09/2024	Tas	
Mr Ian Molloy	11/04/2013	10/04/2023	Qld	
Mr Francis O'Loughlin QC	23/09/2009	30/06/2024	Vic	
Mr John Sosso	30/05/2016	31/10/2024	Qld	
Senior Members				
Senior Members – Full time				
Ms Diana Benk	01/07/2015	31/12/2024	NSW	So
Mr John Billings	01/07/2015	30/06/2019	Vic	M N
Mr Robert Cameron	01/12/2017	30/11/2024	Vic	F G M N Sec T V
Mr John Cipolla	01/07/2015	30/06/2021	NSW	G M
Mr Paul Clauson AM	01/12/2017	30/11/2024	Qld	F G M N Sec V
Mr Michael Cooke	01/07/2015	30/06/2024	NSW	M
Dr Denis Dragovic	30/05/2016	29/05/2023	Vic	M
Ms Ann Duffield	25/07/2016	30/06/2024	Qld	M
Mr Richard Ellis	01/07/2017	04/11/2025	WA	N So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Dr Michelle Evans	01/12/2017	30/11/2024	WA	F G M N Sm T V
Mr Paul Fairall	08/04/2019	07/04/2026	NSW	F G M N Sm So T V
Dr Stewart Fenwick	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Mr Chris Furnell	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Mr Matthew Groom	23/07/2018	22/07/2023	Vic	F G M N Sec Sm T V
Mr Brenton Illingworth	01/12/2017	30/11/2024	SA	F G M N V
Mr Michael Ison	01/07/2017	30/06/2024	Vic	M
Ms Josephine Kelly	01/07/2015	11/11/2020	NSW	G M N Sec Sm T V
Mr James Lambie	01/12/2017	30/11/2024	Qld	F G M V
Ms Fiona Meagher	01/07/2015	02/11/2023	Qld	M N
Ms Kathryn Millar	01/07/2015	30/06/2024	SA	G M N So
Mr Donald Morris	26/02/2016	30/11/2024	Vic	F G M Sec So V
Ms Louise Nicholls	01/07/2015	30/06/2024	NSW	M N
Mr Andrew Nikolic AM CSC	16/01/2017	15/01/2024	Vic	F G Sec V
Dr Irene O'Connell	01/07/2015	25/02/2021	NSW	M N
Mr Damien O'Donovan	25/02/2019	24/02/2026	ACT	F G M N Sec So T V
Mr Justin Owen	01/07/2017	30/06/2024	NSW	M
Mr Jason Pennell	01/07/2017	30/06/2024	Vic	M
Ms Belinda Pola	05/11/2018	04/11/2025	Qld	F G M N Sm So T V
Ms Adria Poljak	30/05/2016	29/05/2026	NSW	G M Sec Sm T
Mr Christopher Puplick AM	18/12/2017	17/12/2022	NSW	F G N
Ms Kira Raif	01/07/2015	30/06/2021	NSW	G M
Mr Theo Tavoularis	13/06/2016	12/06/2021	Qld	F G Sm T V
Ms Rachel Westaway	01/07/2015	30/06/2024	Vic	M
Mr Perry Wood	25/03/2016	30/06/2024	Vic	G M
Ms Antoinette Younes	01/07/2015	30/06/2024	NSW	G M
Senior Members – Part time				
Dr Ion Alexander	02/08/2004	30/09/2024	NSW	F G V
Mr John Black	01/10/2017	30/11/2024	Qld	M So
Mr Grant Chapman	01/10/2017	30/11/2024	SA	M
Dr Damien Cremean	01/07/2015	30/09/2024	Vic	G Sec V
Mr Donald Davies	01/03/2016	28/02/2021	Qld	G M N T V
Mr Paul Ehrlich QC	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Ms April Freeman	30/05/2016	29/05/2023	Qld	So
Mr Milton Griffin QC	16/01/2017	15/01/2024	Qld	G M N
Mr Roger Hamilton SC	08/04/2019	07/04/2024	NSW	Sm T
Mr Louie Hawas	25/03/2016	30/06/2024	Vic	M
Ms Lisa Hespe	01/07/2017	30/06/2024	Vic	G Sm T
Mr Keith James	08/04/2019	07/04/2024	Vic	Sm T
Dr Dominic Katter	25/02/2019	24/02/2026	Qld	F G M N Sec So T V
Ms Linda Kirk	30/01/2017	29/01/2024	ACT	G Sm T V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Gina Lazanas	05/04/2012	30/06/2024	NSW	F G Sm T V
Dr Nicholas Manetta	05/08/2013	04/11/2023	SA	F G Sm T V
Mr Michael McGrowdie	30/05/2016	29/05/2022	NSW	F G V
Dr Teresa Nicoletti	24/08/2006	30/11/2024	NSW	F G Sm T V
Mr Peter Nolan	30/05/2016	29/05/2021	Qld	F G
Professor Ann O'Connell	08/04/2019	07/04/2024	Vic	Sm T
Mr Robert Olding	08/04/2019	07/04/2024	Qld	Sm T
Mr Rodrigo Pintos-Lopez	01/07/2017	30/06/2024	Vic	G M Sm T
Mr Shahyar Roushan	01/07/2015	30/06/2024	NSW	M
Mr William Stefaniak AM RFD	25/03/2016	24/03/2021	NSW	F G T
Mr Peter Taylor SC	24/08/2006	30/11/2024	NSW	F G Sm T V
Members				
Members – Full time				
Mr Ian Berry	01/07/2017	30/06/2024	Qld	M
Mr Mark Bishop	01/07/2017	30/06/2024	Vic	M
Ms Moira Brophy	13/06/2016	12/06/2024	NSW	M So V
Ms Simone Burford	01/10/2017	30/09/2024	WA	G M
Ms Anna Burke AO	16/01/2017	15/01/2024	Vic	F G V
Ms Catherine Burnett-Wake	01/12/2017	30/11/2024	Vic	M
Mr Kent Chapman	04/04/2016	03/04/2021	Qld	M So
Mr Scott Clarey	01/12/2017	30/11/2024	Vic	M Sec
Ms Helena Claringbold	01/07/2015	30/06/2024	NSW	M
Ms Justine Clarke	01/08/2016	31/07/2021	Vic	M
Mr Timothy Connellan	01/07/2015	30/11/2024	Vic	M
Ms Denise Connolly	01/07/2015	29/06/2020	NSW	M N
Mr Stephen Conwell	01/07/2017	30/06/2024	Vic	M
Mr David Cox	25/02/2019	24/02/2024	SA	F G N Sec So V
Ms Angela Cranston	30/05/2016	29/05/2021	NSW	M
Mr David Crawshay OAM	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Ms Jennifer Cripps Watts	30/05/2016	29/05/2021	NSW	M So
Dr Bridget Cullen	01/07/2017	30/06/2024	Qld	G M
Mr Brendan Darcy	01/07/2015	29/06/2020	Vic	M
Ms Susan De Bono	01/07/2017	07/04/2026	Vic	N So
Mr Antonio Dronjic	01/07/2016	30/06/2024	Vic	M
Ms Phoebe Dunn	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Ms Michelle East	06/02/2017	05/02/2024	WA	G M
Mr Michael Edgoose	01/12/2017	30/11/2024	Vic	M
Mr Peter Emmerton	01/07/2017	30/06/2024	SA	M
Mr Tigilagi Eteuati	01/07/2015	29/06/2020	Qld	G M
Mr Shane Evans	25/02/2019	24/02/2026	NSW	F G M N Sec So V
The Honourable Joseph Francis	25/02/2019	24/02/2026	WA	F G M N Sec So T V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Mr William Frost	25/02/2019	24/02/2026	ACT	F G M N Sec So T V
Ms Rosa Gagliardi	01/07/2015	30/06/2024	Vic	M
Mr Nathan Goetz	01/07/2017	30/06/2024	NSW	M
Mr Steven Griffiths	25/02/2019	24/02/2022	SA	F G M N Sec So T V
Ms Dominique Grigg	25/03/2016	30/06/2024	Qld	F G Sm T
Mr George Hallwood	01/07/2017	30/06/2024	SA	G M N So
Ms Fiona Hewson	01/07/2015	30/09/2024	Vic	So
Ms Geraldine Hoeben	01/07/2015	29/06/2020	NSW	M
Dr Colin Huntly	16/01/2017	15/01/2024	WA	M
Ms Mireya Hyland	01/07/2017	30/06/2024	NSW	M
Mr Michael Judd	16/01/2017	15/01/2024	WA	M
Dr Keith Kendall	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Ms Nora Lamont	01/07/2017	30/06/2024	Vic	M
Ms Sheridan Lee	01/12/2017	30/11/2024	Vic	M
Mr Simon Letch	16/05/2016	15/05/2024	Qld	M So
Mr Joseph Lindsay	01/07/2017	30/06/2024	Vic	M
Mr Paul Maishman	01/12/2017	30/11/2024	WA	M N So
Mr Andrew Maryniak QC	01/10/2017	30/09/2024	Vic	F G N Sm T V
Mr Russell Matheson	16/01/2017	15/01/2024	NSW	M
Mr David McCulloch	01/07/2015	30/06/2024	NSW	M
Mr Nicholas McGowan	01/07/2015	30/06/2024	Vic	M
Ms Karen McNamara	01/12/2017	30/11/2024	NSW	F M
Ms Amanda Mendes Da Costa	01/10/2017	30/09/2024	Vic	M
Ms Alison Mercer	01/07/2015	30/06/2024	Vic	M
Mr Justin Meyer	04/04/2016	03/04/2021	Vic	M
Ms Deborah Mitchell	03/11/2018	02/11/2023	Qld	F G M N Sec Sm So T V
Ms Helen Moreland	01/07/2017	30/06/2024	Vic	So
Ms Jade Murphy	01/07/2017	30/06/2024	Vic	M
Mr Steven Norman	01/07/2015	30/06/2024	NSW	M
Ms Kim Parker	16/01/2017	15/01/2024	Vic	G N Sm T V
Ms Regina Perton OAM	09/08/2004	04/09/2024	Vic	F G N Sec So V
Mr Peter Ranson	25/02/2019	24/02/2024	Qld	F G M N Sec So T V
Ms Lynette Rieper	25/02/2019	24/02/2024	Tas	F G M N Sec So T V
Mr Hugh Sanderson	01/07/2015	30/06/2024	NSW	M
Ms Hannelore Schuster	06/02/2017	05/02/2024	NSW	F So
Ms Mary Sheargold	01/12/2017	30/11/2024	Vic	M
Mr Peter Smith	25/02/2019	24/02/2024	NSW	F G M N Sec So T V
Mr Christopher Smolicz	01/07/2015	30/06/2024	SA	M
Ms Perrohean Sperling PSM	01/07/2017	30/06/2024	Vic	N So
The Honourable Michael Sutherland OAM	25/02/2019	24/02/2024	WA	F G M N Sec So V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Linda Symons	01/07/2015	30/06/2024	NSW	M
Mr Jeffrey Thomson	30/05/2016	29/05/2021	Qld	G So
Mr David Tucker	01/07/2017	30/06/2024	NSW	M N So
Ms Mary Urquhart	01/07/2015	30/06/2024	Vic	M
Mr Peter Vlahos	30/05/2016	29/05/2023	Vic	M
Mr Robert Wilson	01/07/2015	02/07/2019	NSW	M
Mr Paul Windsor	01/07/2015	29/06/2020	Vic	M
Mr Stephen Witts	01/12/2017	30/11/2024	Vic	M N Sec So
Members – Part time				
Mr Paul Adami	23/11/2018	22/11/2022	Vic	M
Mr Matt Amundsen	01/07/2015	30/09/2024	Qld	So
Ms Robyn Anderson	01/07/2015	30/06/2024	Vic	M So
Dr William Appleton	01/07/2015	30/06/2024	Vic	G So
Ms Rebecca Arends	08/04/2019	07/04/2024	Qld	Sm T
Ms Joanne Bakas	01/07/2015	31/12/2024	SA	M So
Mr Sean Baker	01/07/2015	30/06/2021	Vic	M
The Honourable Robert Baldwin	25/02/2019	24/02/2024	NSW	F G M N Sec So V
Ms Wendy Banfield	01/07/2015	30/06/2024	NSW	M
Mr David Barker	01/07/2015	29/06/2020	NSW	M
Mr Anthony Barry	25/02/2019	24/02/2024	Vic	F G M N Sec So V
Mr Stephen Barton	25/02/2019	24/02/2024	WA	F G M N Sec So T V
Ms Michelle Baulch	01/07/2015	30/06/2024	Tas	So
Mr Terrence Baxter OAM	25/02/2019	24/02/2022	Qld	F G M N Sec So T V
Ms Angela Beckett	01/07/2015	30/06/2024	NSW	So
Ms Jane Bell	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Professor David Ben-Tovim	26/02/2016	25/02/2021	SA	G
Mr Michael Biviano	23/11/2018	22/11/2022	Vic	M
Professer Timothy Bohane	01/07/2015	25/05/2024	NSW	G So
Mr Peter Booth	23/11/2018	22/11/2022	Vic	M
Ms Alexandra Bordujenko	01/04/2016	31/03/2024	Qld	G So
Ms Margret Bourke	01/07/2015	30/06/2024	Vic	M
Ms Suzanne Boyce FAICD	01/12/2017	30/11/2024	Qld	N
Mr Michael Bradford	23/11/2018	22/11/2022	NSW	M
Ms Rhonda Bradley	30/05/2016	29/05/2022	Qld	N So
Ms Stephanie Brakespeare	16/01/2017	15/01/2024	WA	M So
Dr Christhilde Breheny	01/07/2015	30/06/2023	Tas	So
Ms Tina Bubutievski	01/04/2016	31/03/2024	NSW	So
Dr William Budiselik	01/07/2015	30/09/2024	WA	So
Ms Nicole Burns	01/07/2015	29/06/2020	Vic	M
Ms Kate Buxton	01/07/2015	15/05/2024	Qld	G So
Mr Alex Byers	01/07/2015	30/06/2024	Qld	So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Dr Louise Bygrave	30/05/2016	29/05/2021	NSW	F G N So V
Dr Niall Cain	01/07/2015	15/05/2024	Vic	G So
Mr Brian Camilleri	23/11/2018	22/11/2022	NSW	M
Ms Catherine Carney-Orsborn	01/07/2015	30/06/2024	NSW	M
Mr Andrew Carson	25/03/2016	24/03/2022	Vic	So
Ms Jennifer Cavanagh	01/07/2015	30/06/2024	Qld	G So
Ms Genevieve Cleary	23/11/2018	22/11/2022	WA	M
Ms Christine Cody	01/07/2015	29/06/2020	NSW	M
Dr Michael Couch	05/04/2012	30/06/2024	NSW	G V
Mr Damian Creedon	23/11/2018	22/11/2022	WA	M
Ms Gabrielle Cullen	01/07/2015	30/06/2024	NSW	M
Mr Steven Cullimore	01/07/2015	30/06/2024	SA	So
Mr Robert Cumming	23/11/2018	22/11/2022	Qld	M
Ms Jennifer D'Arcy	01/07/2015	30/09/2024	NSW	So
Professor John Devereux	01/04/2015	31/03/2024	Qld	So
Ms Kruna Dordevic	01/07/2015	30/06/2024	NSW	So
Mr Marshal Douglas	30/05/2016	29/05/2024	NSW	G So V
Ms Amanda Ducrou	01/07/2015	31/03/2022	Vic	M So
Mr Anthony Durkin	25/02/2019	24/02/2024	SA	F G N Sec So T V
Mr Bronte Earl	01/07/2015	30/06/2024	SA	So
Ms Anne-Marie Elias	25/03/2016	01/08/2019	NSW	So
Ms Nicola Findson	01/07/2015	29/06/2020	WA	M
Ms Dawn Fitzgerald	25/02/2019	24/02/2024	WA	F G M N Sec So V
Mr Ian Fletcher AM	25/02/2019	24/02/2024	WA	F G M N Sec So T V
Ms Tania Flood	01/07/2015	29/06/2020	NSW	M
Ms Julie Forgan	30/05/2016	29/05/2024	SA	N So
Ms Margaret Forrest	23/11/2018	22/11/2022	Qld	M
Ms Mila Foster	30/05/2016	29/05/2021	NSW	M
Mr Neil Foster	01/07/2015	30/09/2024	Qld	So
Dr Peter Fricker	02/12/2018	01/12/2023	ACT	G N So V
Ms Lana Gallagher	16/01/2017	15/01/2024	WA	G M Sm So T V
Ms Danielle Galvin	01/12/2017	30/11/2024	Vic	M
Mr Ian Garnham	01/07/2015	29/06/2020	Vic	M
Mr Nicholas Gaudion	11/04/2013	10/04/2023	NSW	F G Sm T
Mr Andrew George	02/12/2018	01/12/2023	SA	F G M N So V
Mr Steve Georgiadis	01/07/2015	30/06/2024	SA	M N
Dr Jonathan Gillis	25/03/2016	24/03/2024	NSW	So
Dr Martin Glasson	01/07/2015	30/06/2019	NSW	So
Ms Anne Grant	01/07/2015	31/03/2024	Vic	M So
Ms Jocelyn Green	01/07/2015	30/09/2024	Qld	So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Dr Heidi Gregory	30/05/2016	29/05/2024	Vic	G So V
Dr Beverley Grehan	16/05/2016	15/05/2024	Qld	So
Mr John Griffin	25/02/2019	24/02/2022	Vic	F G M N Sec So V
Mr Harry Grossman	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Mr Peter Haag	23/11/2018	22/11/2022	Vic	M
Ms Patricia Hall	01/07/2015	30/06/2019	Qld	So
Mr Adam Halstead	01/07/2015	31/03/2024	NSW	So
Ms Tamara Hamilton-Noy	01/07/2015	31/03/2024	Vic	M So
Ms Lisa Hannon	23/11/2018	22/11/2022	Vic	M
Mr Luke Hardy	01/07/2015	30/06/2024	NSW	M
Mr Jason Harkess	23/11/2018	22/11/2022	Vic	M
Mr Michael Hawkins	30/05/2016	29/05/2023	Qld	M
Dr Susan Hoffman	01/07/2015	31/03/2024	WA	M So
Ms Linda Holub	01/07/2015	29/06/2020	NSW	M
Mr Michael Horsburgh AM	01/07/2015	30/09/2024	NSW	So
Ms Noelle Hossen	23/11/2018	22/11/2022	WA	M
Ms Penelope Hunter	01/07/2015	29/06/2020	NSW	M
Dr William Isles	05/04/2012	30/06/2024	NSW	F G N V
Ms Meredith Jackson	01/12/2017	30/11/2024	Qld	M N So
Mr Peter Jensen	01/07/2015	30/09/2024	Qld	G So
Mr Michael Jones	01/07/2015	01/10/2024	WA	So
Ms Kate Juhasz	30/05/2016	29/05/2023	Qld	So
Ms Christine Kannis	01/07/2015	29/06/2020	WA	M So
Ms De-Anne Kelly	25/02/2019	24/02/2024	Qld	F G M N Sec So V
Mr Marten Kennedy	01/07/2015	27/09/2024	SA	G M So
Dr Sofia Khan	30/05/2016	29/05/2024	NSW	G So V
Ms Elisa Kidston	01/10/2017	30/09/2024	Qld	M So
Mr Robert King	01/07/2015	30/09/2024	Qld	So
Dr Eric Knight	30/05/2016	29/05/2021	NSW	So
Ms Helen Kroger	01/10/2017	30/09/2024	Vic	G M
Ms Donna Lambden	01/07/2015	30/09/2024	SA	So
Ms Julia Leonard	01/07/2015	30/06/2024	NSW	So
Mr Stephen Lewinsky	01/07/2015	30/09/2024	Vic	G So
Ms Susan Lewis	01/07/2015	30/06/2024	Vic	So
Ms Christine Long	01/07/2017	30/06/2024	NSW	M So
Mr John Longo	01/07/2015	31/12/2024	Vic	M So
Mr Roger Maguire	23/11/2018	22/11/2022	Qld	G M
Ms Katie Malyon	01/07/2015	30/06/2024	NSW	M
Mr Michael Manetta	30/05/2016	29/05/2021	SA	So
Dr Geoffrey Markov	01/07/2015	30/06/2024	Vic	So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Jane Marquard	30/05/2016	29/05/2021	NSW	M
Ms Maxina Martellotta	01/07/2015	31/03/2024	WA	M N So
Dr Graham Maynard	16/01/2017	15/01/2024	Qld	G V
Ms Sally Mayne	01/07/2015	30/06/2019	NSW	So
Ms Melissa McAdam	01/07/2015	30/06/2024	NSW	M
Professor Ronald McCallum AO	05/08/2013	08/07/2019	NSW	F G N
Mr David McKelvey	01/07/2015	30/09/2024	Qld	G So
Mr Andrew McLean-Williams	25/02/2019	24/02/2024	Qld	F G M N Sec So T V
Mr Alan McMurrin	16/01/2017	15/01/2024	NSW	M
Mr Paul Millar	01/07/2015	29/06/2020	NSW	M
Ms Adrienne Millbank	30/05/2016	29/05/2021	Qld	M
Ms Lilly Mojsin	01/07/2015	30/06/2024	NSW	M
Ms Carmel Morfuni	01/07/2017	30/06/2024	Vic	M
Ms Mara Moustafine	01/07/2015	30/06/2024	NSW	M Sec
Ms Alison Murphy	16/01/2017	15/01/2024	Vic	M
Mr Benjamin Murphy	23/11/2018	22/11/2022	Vic	M
Mr Jack Nalpantidis	01/07/2015	30/09/2024	Vic	So
Mr Peter Newton	23/11/2018	22/11/2022	NSW	M
Dr Bennie Ng	25/03/2016	24/03/2021	Vic	F G So T
Mr Paul Noonan	01/07/2015	30/06/2024	Vic	M So
Mr Glenn O'Brien	23/11/2018	22/11/2022	Qld	M
Mr Peter O'Farrell	23/11/2018	22/11/2022	Vic	M
Mr Mark O'Loughlin	01/12/2017	30/11/2024	SA	F G M N V
Mr Robert O'Neill	23/11/2018	22/11/2022	Vic	M
Lieutenant Colonel Robert Ormston (Rtd)	01/09/2011	30/09/2024	SA	F G Sec V
Mr Christopher Packer	16/01/2017	15/01/2024	Vic	M
The Honourable Stephen Parry	25/02/2019	24/02/2026	Tas	F G M N Sec So T V
Ms Amanda Pearson	23/11/2018	22/11/2022	Vic	M
Ms Donna Petrovich	02/12/2018	01/12/2023	Vic	G M So
Ms Vanessa Plain	23/11/2018	22/11/2022	Vic	M
Dr Julie Quinlivan	01/07/2015	30/06/2023	ACT	G So
Ms Tamara Quinn	23/11/2018	22/11/2022	Vic	M
Mr Seamus Rafferty	30/05/2016	29/05/2021	WA	G M So
Dr Aruna Reddy	01/07/2015	30/06/2024	Vic	G So
Ms Susan Reece Jones	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Dr Matthew Reid	25/02/2019	24/02/2024	Vic	F G M N Sec So V
Mr Robert Reitano	08/04/2019	07/04/2024	NSW	F G N Sm So T V
Mr Darren Renton	23/11/2018	22/11/2022	WA	M
Mr Frank Russo	23/11/2018	22/11/2022	NSW	M
Mr Gregory Sarginson	23/11/2018	22/11/2022	NSW	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Ms Andrea Schiwy	01/07/2015	30/06/2024	Tas	So
Dr Harry Schwarz	01/07/2015	25/05/2024	Vic	So
Mr Rodger Shanahan	01/07/2015	30/06/2024	NSW	M Sec
Mr Douglas Shirrefs	23/11/2018	22/11/2022	Vic	M
Ms Wan Shum	01/07/2015	30/06/2024	NSW	M
Mr James Silva	02/08/2016	01/08/2021	NSW	M
Ms Frances Simmons	01/07/2015	30/06/2024	NSW	M
Ms Rania Skaros	01/07/2015	30/06/2024	NSW	M
Ms Roslyn Smidt	01/07/2015	29/06/2020	NSW	M
Ms Alison Smith	01/07/2015	30/06/2019	Vic	M So
Ms Meena Sripathy	01/07/2015	30/06/2024	NSW	M
Ms Frances Staden	01/07/2015	30/09/2024	ACT	So
Ms Rosemary Stafford	01/07/2015	30/09/2024	Qld	G So
Dr Leslie Stephan	26/06/2015	25/06/2020	SA	G V
Mr Warren Stooke AM	01/07/2017	30/06/2024	Vic	M
Ms Jennifer Strathearn	01/07/2015	30/09/2024	SA	M So
Mr Jens Streit	23/11/2018	22/11/2022	Qld	M
Dr Bruce Swanson	01/07/2015	30/06/2022	SA	G So
Ms Karen Synon	01/07/2015	29/06/2020	Vic	M
Ms Sandra Taglieri SC	05/08/2013	04/11/2023	Tas	F G N V
Mr David Thompson	23/11/2018	22/11/2022	WA	M
Mr Ian Thompson	05/08/2013	04/11/2023	SA	F G N
Mr Andrew Tragardh	23/11/2018	22/11/2022	Vic	M
Mr Dominic Triaca	23/11/2018	22/11/2022	Vic	M
Ms Susan Trotter	01/07/2015	29/06/2020	Qld	M N So
Ms Elizabeth Tueno	23/11/2018	22/11/2022	Vic	M
Ms Amanda Upton	23/11/2018	22/11/2022	Vic	M
Dr Robert Walters RFD	16/11/2006	30/11/2024	Tas	F G V
Mr Alexander Ward	01/07/2017	30/06/2024	SA	G V
Brigadier Anthony Warner AM LVO (Rtd)	15/06/2005	31/08/2023	WA	F G N Sec Sm T V
Mr Simon Webb	16/07/2001	04/12/2024	ACT	F G Sec V
Ms Yvonne Webb	01/07/2015	30/06/2024	SA	So
Mr Richard West	01/07/2017	30/06/2024	Vic	G M
Dr Peter Wilkins MBE	24/08/2006	25/02/2021	ACT	G
Ms Allison Windsor	01/07/2015	15/11/2024	SA	So
Ms Amy Wood	01/07/2017	30/06/2024	Vic	G
Ms Lynda Young	23/11/2018	22/11/2022	NSW	M
Ms Fiona Zuccala	25/02/2019	24/02/2024	Vic	F G M N Sec So T V

Table A1.2 shows the number of Senior Members and Members assigned to each of the AAT's divisions at 30 June 2019.

Table A1.2 Number of Senior Members and Members assigned to each AAT division, 30 June 2019

DIVISION	SENIOR MEMBER FULL-TIME	SENIOR MEMBER PART-TIME	MEMBER FULL-TIME	MEMBER PART-TIME	TOTAL
Freedom of Information	15	10	19	30	74
General	22	16	24	61	123
Migration and Refugee	30	9	64	111	214
National Disability Insurance Scheme	18	4	23	33	78
Security	10	3	16	21	50
Small Business Taxation	7	11	4	5	27
Social Services and Child Support	9	4	28	98	139
Taxation and Commercial	11	15	13	16	55
Veterans' Appeals	15	11	18	35	79

Appointments and cessations

New appointments – term commenced in 2018–19

Deputy Presidents

Justice Craig Colvin
Justice Neil McKerracher
John Pascoe
Justice Melissa Perry
Justice Simon Steward
Justice Thomas Thawley

Members

Paul Adami
Rebecca Arends
Robert Baldwin
Anthony Barry
Stephen Barton
Terrence Baxter
Jane Bell
Michael Biviano
Peter Booth
Michael Bradford
Brian Camilleri
Genevieve Cleary
David Cox
David Crawshay
Damian Creedon
Robert Cumming
Phoebe Dunn
Anthony Durkin
Shane Evans
Dawn Fitzgerald
Ian Fletcher
Margaret Forrest
Joseph Francis
Dr Peter Fricker
William Frost
Andrew George
John Griffin
Steven Griffiths
Harry Grossman
Peter Haag
Lisa Hannon
Jason Harkess
Noelle Hossen
De-Anne Kelly
Dr Keith Kendall
Roger Maguire
Andrew McLean-Williams
Deborah Mitchell
Benjamin Murphy
Peter Newton

Senior Members

Paul Ehrlich
Paul Fairall
Dr Stewart Fenwick
Chris Furnell
Matthew Groom
Roger Hamilton
Keith James
Dr Dominic Katter
Professor Ann O'Connell
Damien O'Donovan
Robert Olding
Belinda Pola

Glenn O'Brien
Peter O'Farrell
Robert O'Neill
Stephen Parry
Amanda Pearson
Donna Petrovich
Vanessa Plain
Tamara Quinn
Peter Ranson

Susan Reece Jones
Dr Matthew Reid
Robert Reitano
Darren Renton
Lynette Rieper
Frank Russo
Gregory Sarginson
Douglas Shirrefs
Peter Smith

Jens Streit
Michael Sutherland
David Thompson
Andrew Tragardh
Dominic Triaca
Elizabeth Tueno
Amanda Upton
Lynda Young
Fiona Zuccala

Reappointments – term commenced in 2018–19

Deputy Presidents

Peter Britten-Jones
Bernard McCabe

Senior Members

Dr Ion Alexander
Richard Ellis
Dr Nicholas Manetta
Michael McGrowdie
Fiona Meagher
Kathryn Millar
Jason Pennell
Adria Poljak

Members

Professor Timothy Bohane
Alexandra Bordujenko
Rhonda Bradley
Dr Christhilde Breheny
Moirá Brophy
Tina Bubutievski
Anna Burke
Kate Buxton
Dr Niall Cain
Andrew Carson
Susan De Bono
Professor John Devereux
Marshal Douglas
Amanda Ducrou
Julie Forgan
Dr Jonathan Gillis
Anne Grant
Dr Heidi Gregory

Dr Beverley Grehan
George Hallwood
Adam Halstead
Tamara Hamilton-Noy
Fiona Hewson
Dr Susan Hoffman
Dr Sofia Khan
Simon Letch
Maxina Martellotta
Andrew Maryniak
Professor Ronald McCallum
Dr Julie Quinlivan
Dr Harry Schwarz
Frances Simmons
Sandra Taglieri
Ian Thompson
Brigadier Anthony Warner (Rtd)

Members – term ended in 2018–19

Deputy Presidents

Justice Michael Barker
Jim Walsh

Senior Members

John Billings
Anthony Cotter
Ann Cunningham
Bruce Harvey

Members

Danica Buljan
Andrew Cameron
Erika Cornwell
Jean Cuthbert
Kathryn Edmonds
Colin Edwardes
Paul Glass
Dr Martin Glasson
Patricia Hall

Mark Hyman
William Kennedy
Shane Lucas
Sally Mayne
Neil Pope
Alison Smith
Kate Timbs
Judith Williams

Profiles

President

The Honourable Justice David Thomas

Justice Thomas was appointed as a Judge of the Federal Court of Australia and President of the AAT on 27 June 2017. His Honour previously served as a Justice of the Supreme Court of Queensland and as President of the Queensland Civil and Administrative Tribunal from 2013. Prior to his judicial appointment, Justice Thomas was a commercial litigation solicitor for more than 30 years and was a partner in the law firm Minter Ellison.

His Honour's appointment to the AAT is for seven years.

Division Heads

Mr Peter Britten-Jones

Deputy President Peter Britten-Jones is Division Head of the General Division. He was appointed as a Deputy President of the AAT from 1 July 2018 for a term of seven years and assigned to be Division Head on 20 March 2019.

Mr Britten-Jones was first appointed as a part-time Senior Member of the AAT in 2016. Prior to this he was a solicitor and then a barrister practising in civil and commercial litigation.

Mr Bernard McCabe

Deputy President Bernard McCabe is Division Head of the Small Business Taxation Division and Taxation and Commercial Division. He was appointed as a Deputy President of the AAT and assigned as Division Head of the Taxation and Commercial Division on 25 March 2016. He was assigned as Division Head of the Small Business Taxation Division on 20 March 2019.

Mr McCabe was first appointed as a part-time Member of the AAT in 2001 and later as a full-time Senior Member in 2003. Prior to his appointment as a full-time member, he was an Associate Professor of Law at Bond University. He was also a member of the Legal Committee of the Companies and Securities Advisory Committee.

Ms Jan Redfern PSM

Deputy President Jan Redfern is Division Head of the Migration and Refugee Division. She was appointed as a Deputy President of the AAT and assigned to be Division Head from 21 March 2016 for a term of seven years.

Ms Redfern previously served the AAT as a Senior Member from 2009 to 2014. She was a Principal Member of the NSW Civil and Administrative Tribunal's Guardianship Division from 1 January 2015 and, before that, a legal member and Deputy President of the NSW Guardianship Tribunal.

Prior to these appointments, Ms Redfern held a number of senior executive positions with the Australian Securities and Investments Commission from 1999 to 2008. In 2007 she was awarded a Commonwealth Public Service Medal for outstanding public service in the field of corporate and financial services regulation and enforcement.

Mr Jim Walsh

Deputy President Jim Walsh was Division Head of the Social Services and Child Support Division. He was appointed as a Deputy President of the AAT and assigned to be Division Head on 25 March 2016 for a term of three years. Mr Walsh's appointment ended on 24 March 2019.

Prior to his appointment, Mr Walsh served as an acting Deputy President of the AAT and acting Division Head of the Social Services and Child Support Division from July 2015. Mr Walsh was previously a Deputy Principal Member of the SSAT (2012–2015) and, before that, a Senior Member (2010–2012) and Director (2002–2010) for the Queensland Registry.

Prior to these appointments, Mr Walsh held senior positions in Centrelink and the then Department of Social Security.

Deputy Division Head

Dr Irene O'Connell

Senior Member Dr Irene O'Connell is Deputy Division Head of the Migration and Refugee Division. She was appointed as Deputy Principal Member of the MRT and RRT on 30 June 2015 for a term of five years and became a Senior Member of the Migration and Refugee Division of the AAT upon amalgamation on 1 July 2015. She was assigned to be Deputy Division Head on 1 July 2015 as well as being appointed as an acting Deputy President and assigned to be acting Division Head. Her acting roles ceased upon Ms Redfern's appointment as Head of the Migration and Refugee Division from 21 March 2016.

Dr O'Connell was a Member of the RRT from 2000 to 2005, the MRT and RRT from 2005 to 2007 and a Senior Member from 2007 to 2014. She was Principal Reviewer for the Independent Protection Assessment Authority from 2010 to 2012.

Dr O'Connell previously held positions as an academic at the University of Sydney lecturing in jurisprudence and as an Examiner for the NSW Legal Practitioners Admission Board.

Appendix 2: Additional staffing statistics

This appendix contains:

- statistics on the employees of the AAT (other than members of the AAT) at 30 June 2018 and 30 June 2019
- statistics on the APS employees of the AAT at 30 June 2018 and 30 June 2019, and
- the salary ranges available for APS employees during 2018–19.

Table A2.1 AAT employees – Employment status and gender by location, 30 June 2018 and 30 June 2019^a

LOCATION	ONGOING						NON-ONGOING ^b						ALL EMPLOYEES				
	Male			Female			Male			Female			Total male	Total female			
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Total male	Total female			
At 30 June 2018																	
NSW	70	7	77	118	32	150	227	42	1	43	68	12	80	123	120	230	350
Qld	19	3	22	24	5	29	51	14	3	17	19	9	28	45	39	57	96
SA	6	1	7	13	6	19	26	1	3	4	2	3	5	9	11	24	35
Tas	0	0	0	1	1	2	2	0	1	1	1	0	1	2	1	3	4
Vic	49	2	51	71	13	84	135	20	2	22	30	10	40	62	73	124	197
WA	7	0	7	9	8	17	24	8	1	9	7	4	11	20	16	28	44
ACT	3	0	3	4	2	6	9	0	3	3	2	2	4	7	6	10	16
NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	154	13	167	240	67	307	474	85	14	99	129	40	169	268	266	476	742

LOCATION	ONGOING						NON-ONGOING ^b						ALL EMPLOYEES				
	Male			Female			Male			Female			Total	Total			
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	male	female	Total	Total	
At 30 June 2019																	
NSW	66	5	71	120	25	145	216	32	2	34	62	8	70	104	105	215	320
Qld	17	3	20	20	7	27	47	15	5	20	21	8	29	49	40	56	96
SA	6	1	7	11	9	20	27	2	1	3	3	1	4	7	10	24	34
Tas	0	0	0	2	1	3	3	0	0	0	1	0	1	1	0	4	4
Vic	49	4	53	67	11	78	131	18	3	21	26	14	40	61	74	118	192
WA	12	0	12	10	11	21	33	2	2	4	8	5	13	17	16	34	50
ACT	2	0	2	5	2	7	9	1	3	4	2	3	5	9	6	12	18
NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	152	13	165	235	66	301	466	70	16	86	123	39	162	248	251	463	714

^a These figures do not include members of the AAT (see Chapter 2 and Appendix 1 for more information on members), or APS employees on long-term leave (more than 3 months as at 30 June 2018 and 30 June 2019) or on temporary transfer to another agency.

^b These figures include non-ongoing APS employees and staff engaged under labour hire arrangements.

Table A2.2 AAT APS employees – Employment status and gender by classification, 30 June 2018 and 30 June 2019^a

CLASSIFICATION	ONGOING						NON-ONGOING						ALL EMPLOYEES		
	Male			Female			Male			Female			Total male	Total female	
	Full time	Total male	Part time	Full time	Total female	Part time	Total	Full time	Total male	Part time	Full time	Total female	Total	Total	
At 30 June 2018															
SES Band 1	1	0	1	4	0	4	5	0	0	0	0	0	0	0	0
Executive Level 2	13	0	13	17	11	28	41	9	0	9	12	2	14	23	64
Executive Level 1	26	5	31	26	5	31	62	2	0	2	4	1	5	7	69
APS Level 6	37	1	38	54	9	63	101	1	0	1	4	1	5	6	107
APS Level 5	21	0	21	29	11	40	61	4	0	4	7	2	9	13	74
APS Level 4	52	5	57	99	28	127	184	19	1	20	34	5	39	59	243
APS Level 3	3	1	4	7	0	7	11	13	3	16	20	12	32	48	59
APS Level 2	1	1	2	4	2	6	8	2	10	12	1	17	18	30	38
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	154	13	167	240	67	307	474	50	14	64	82	40	122	186	660
At 30 June 2019															
SES Band 1	1	0	1	4	0	4	5	0	0	0	0	0	0	0	5
Executive Level 2	14	0	14	16	13	29	43	7	0	7	14	2	16	23	66
Executive Level 1	25	6	31	25	5	30	61	3	1	4	5	1	6	10	71
APS Level 6	34	0	34	48	10	58	92	4	0	4	8	0	8	12	104
APS Level 5	23	1	24	37	10	47	71	2	0	2	5	0	5	7	78
APS Level 4	49	4	53	93	22	115	168	20	1	21	42	7	49	70	238
APS Level 3	6	1	7	10	2	12	19	3	2	5	14	11	25	30	49
APS Level 2	0	1	1	2	3	5	6	0	12	12	0	18	18	30	36
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	152	13	165	235	66	301	466	39	16	55	88	39	127	182	648

^a These figures do not include members of the AAT (see Chapter 2 and Appendix 1 for more information on members), or APS employees on long-term leave (more than 3 months as at 30 June 2018 and 30 June 2019) or on temporary transfer to another agency.

Table A2.3 AAT APS employees – Location and equal employment opportunity data by employment status, 30 June 2018 and 30 June 2019^a

	AT 30 JUNE 2018			AT 30 JUNE 2019		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing	Total
Location						
NSW	227	65	292	216	63	279
Qld	51	36	87	47	43	90
SA	26	9	35	27	6	33
Tas	2	2	4	3	1	4
Vic	135	52	187	131	45	176
WA	24	16	40	33	15	48
ACT	9	6	15	9	9	18
NT	0	0	0	0	0	0
Overseas	0	0	0	0	0	0
TOTAL	474	186	660	466	182	648
Equal employment opportunity data^a						
Indigenous	6	4	10	6	2	8
Non-English speaking background	124	43	167	94	15	109
People with disability	9	4	13	8	4	12

^a These figures are based on information provided voluntarily by staff.

Table A2.4 Salary ranges for AAT APS employees, 2018–19

CLASSIFICATION	MINIMUM SALARY	MAXIMUM SALARY
SES Band 1	\$183,000	\$213,924
Executive Level 2	\$119,403	\$135,746
Executive Level 1	\$99,718	\$117,370
APS Level 6	\$78,730	\$90,167
APS Level 5	\$72,676	\$77,067
APS Level 4	\$65,161	\$70,749
APS Level 3	\$60,782	\$63,104
APS Level 2	\$51,330	\$57,744
APS Level 1	\$45,357	\$50,127
Other	-	-

Appendix 3: Resourcing tables

This appendix contains:

- a table summarising the total resources of the AAT and the total payments made by the AAT during 2018-19
- a table showing the total expenses for the AAT's outcome.

Resource statement

Table A3.1 AAT resource statement, 2018–19

	Actual available appropriation for 2018-19 \$'000	Payments made 2018-19 \$'000	Balance remaining 2018-19 \$'000
	(a)	(b)	(a) – (b)
Ordinary annual services¹			
Departmental appropriation per Portfolio Budget Statements 2018–19 ²	248,322	172,568	75,754
Prior periods adjustment ³	3,881	-	3,881
Section 74 retained revenue receipts adjustment ⁴	11,881	-	11,881
Departmental appropriation adjustments ⁵	(3,709)	-	(3,709)
Total available annual appropriations and payments	260,375	172,568	87,807
Special appropriations			
Special appropriations limited by criteria/entitlement			
<i>Public Governance, Performance and Accountability Act 2013 – section 77</i>	6,400	6,341	59
Total special appropriations	6,400	6,341	59
Total net resourcing and payments for Administrative Appeals Tribunal	266,775	178,909	87,866

¹ Appropriation Act (No. 1) 2018–19. Includes \$83,145m from prior periods and \$0.9m in retained revenue receipts under section 74 of the Public Governance, Performance and Accountability Act.

² Includes an amount of \$3.878m in 2018–19 for the departmental capital budget. For accounting purposes this amount has been designated as 'contributions by owners'.

³ Adjustment to reflect actual 2018–19 closing period appropriation receivable.

⁴ Adjustment to reflect actual 2018–19 section 74 receipts. Section 74 receipts relate to lease incentives received and revenue received for rendering of services.

⁵ Appropriation Act (No. 1) 2018–19 adjustments and withholdings under section 51 of the Public Governance, Performance and Accountability Act.

Expenses by outcome

Table A3.2 Expenses by outcome

Outcome 1: Provide correct or preferable decisions through a mechanism of independent review of administrative decisions that is accessible, fair, just, economical, informal, quick and proportionate.	Budget* 2018–19 \$'000	Actual expenses 2018–19 \$'000	Variation 2018–19 \$'000
	(a)	(b)	(a) – (b)
Program 1.1: Administrative Appeals Tribunal			
Administered expenses			
Special appropriations	9,000	10,864	(1,864)
Departmental expenses			
Departmental appropriation ¹	161,299	154,178	7,121
Expenses not requiring appropriation in the Budget year	8,801	10,979	(2,178)
Total expenses for Program 1	179,100	176,021	3,079
Total expenses for Outcome 1	179,100	176,021	3,079
	2017–18	2018–19	
Average staffing level (number)²	582	604	

*Full year budget, including any subsequent adjustment made to the 2018–19 budget at Additional Estimates.

¹ Departmental appropriation combines ordinary annual services (Appropriation Act Nos. 1, 3 and 5) and retained revenue receipts under section 74 of the Public Governance, Performance and Accountability Act.

² Average staffing level numbers do not include Tribunal members.

Appendix 4: Additional caseload statistics

This appendix contains the following tables providing additional information about the AAT's activities:

- A4.1 Applications lodged and applications finalised, 2018–19
- A4.2 Outcomes of reviews – Proportion of applications in relation to which the AAT has changed the decision under review, 2017–18 to 2018–19
- A4.3 Outcomes of applications for review of decisions – By division and major areas of work within divisions, 2018–19
- A4.4 Number of alternative dispute resolution processes, directions hearings and hearings, 2017–18 to 2018–19
- A4.5 Court appeals lodged and finalised – By division and major areas of work within divisions, 2018–19

Table A4.1 Applications lodged and applications finalised, 2018–19

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
APPLICATIONS FOR REVIEW OF DECISIONS UNDER COMMONWEALTH LAWS – BY AUSTRALIAN GOVERNMENT PORTFOLIO				
AGRICULTURE				
Agricultural and veterinary chemicals	1		1	
Biosecurity	2		3	
Meat and live-stock	2		0	
Subtotal	5	<1%	4	<1%
ATTORNEY-GENERAL'S				
Archives (other than decisions relating to ASIO records)	5		4	
Archives decisions relating to ASIO records	1		0	
ASIO security assessments	13		13	
Bankruptcy	14		13	
Fair entitlements guarantee	29		37	
Freedom of information	33		25	
Marriage celebrants	18		18	
Personal property securities	3		3	
Privacy	2		3	
<i>Safety, Rehabilitation and Compensation Act 1988</i> (other than defence-related claims)	1,337		1,588	
Seafarers rehabilitation and compensation	31		45	
Waiver of fees in courts	4		4	
Subtotal	1,490	2%	1,753	4%

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
COMMUNICATIONS AND THE ARTS				
Communications and media	3		2	
National Library of Australia regulation	0		1	
Protection of movable cultural heritage	0		1	
Tax offset for films	1		1	
Subtotal	4	<1%	5	<1%
DEFENCE				
Defence home ownership assistance scheme	2		2	
Defence Force retirement and death benefits	4		5	
Subtotal	6	<1%	7	<1%
EDUCATION				
Child care services/registered carers	23		29	
Education services for overseas students	101		61	
Higher Education Loan Program/VET Student Loans	72		64	
Tertiary education quality and standards	4		10	
Subtotal	200	<1%	164	<1%
EMPLOYMENT, SKILLS, SMALL AND FAMILY BUSINESS				
Australian Small Business and Family Enterprise Ombudsman – Publication of information	1		1	
Mutual recognition of occupations	23		31	
National vocational education and training regulation	285		189	
Trans-Tasman mutual recognition	0		1	
Subtotal	309	1%	222	<1%
ENVIRONMENT AND ENERGY				
Clean energy regulation	2		4	
Environment protection and biodiversity	1		2	
Great Barrier Reef Marine Park	0		2	
Subtotal	3	<1%	8	<1%
FINANCE				
Electoral matters	1		1	
Lands acquisition	3		2	
Subtotal	4	<1%	3	<1%
FOREIGN AFFAIRS AND TRADE				
Export market development grants	4		10	
Passports	8		15	
Subtotal	12	<1%	25	<1%

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
HEALTH				
Aged care	31		28	
Food standards	2		0	
Medicare	1		1	
Narcotic drugs	0		1	
Pharmacists	11		4	
Sports anti-doping matters	1		0	
Therapeutic goods	0		4	
Subtotal	46	<1%	38	<1%
HOME AFFAIRS				
Anti-money laundering and counter-terrorism financing	1		0	
Aviation and maritime transport security	2		1	
Background checking	3		5	
Citizenship	708		575	
Customs	18		21	
Migration agent registration	23		14	
Visa-related decisions (other than relating to character)	36,172		20,892	
Visa-related decisions relating to character	308		340	
Subtotal	37,235	61%	21,848	49%
INDUSTRY, INNOVATION AND SCIENCE				
Industry research and development	34		17	
Patents, designs and trade marks	2		1	
Tradex order	1		0	
Subtotal	37	<1%	18	<1%
INFRASTRUCTURE, TRANSPORT, CITIES AND REGIONAL DEVELOPMENT				
Airports	0		1	
Civil aviation	27		29	
Maritime safety	1		1	
Motor vehicle standards	10		17	
Subtotal	38	<1%	48	<1%
SOCIAL SERVICES				
Centrelink (first review and second review)	15,973		15,199	
Child support (first review and second review)	2,404		2,469	
National Disability Insurance Scheme	1,206		1,052	

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
National rental affordability scheme	18		1	
Paid parental leave (first review and second review)	279		259	
Subtotal	19,880	33%	18,980	43%
TREASURY				
Auditors and liquidators registration	2		2	
Banking	0		1	
Business names registration	8		13	
Charities and not-for-profit entities	3		0	
Consumer credit	2		3	
Corporations and financial services	28		31	
Insurance and superannuation	3		4	
Tax agents	28		17	
Taxation	791		646	
Subtotal	865	1%	717	2%
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	34		72	
<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	76		125	
Veterans' entitlements	151		170	
Subtotal	261	<1%	367	<1%
SUBTOTAL for PORTFOLIOS	60,395	100%	44,207	100%
APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT – OTHER				
Applications for extension of time without application for review	87		89	
Applications relating to decisions about AAT application fees	2		3	
Applications relating to decisions not subject to AAT review	110		111	
Application under the AAT Act relating to finalised cases	1		2	
Subtotal	200	<1%	205	<1%
APPLICATIONS UNDER NORFOLK ISLAND LAWS				
Planning	0		1	
Subtotal	0	0%	1	<1%
TOTAL^a	60,595	100%	44,413	100%

^a Percentages may not total 100% due to rounding.

Table A4.2 Outcomes of reviews – Proportion of applications in relation to which the AAT has changed the decision under review, 2017–18 to 2018–19

DIVISION/AREA OF WORK	PROPORTION OF APPLICATIONS IN RELATION TO WHICH DECISION UNDER REVIEW CHANGED ^a	
	2017–18	2018–19
Freedom of Information	28%	16%
General	23%	26%
<i>Australian citizenship</i>	19%	24%
<i>Centrelink (2nd review)</i>	21%	19%
<i>Visa-related decisions relating to character</i>	24%	26%
<i>Workers' compensation</i>	27%	33%
<i>Other</i>	18%	23%
Migration & Refugee	22%	26%
<i>Migration</i>	29%	30%
<i>Refugee</i>	5%	9%
National Disability Insurance Scheme	42%	59%
Security	0%	0%
Small Business Taxation^b	N/A	50%
Social Services & Child Support	24%	21%
<i>Centrelink (1st review)</i>	22%	19%
<i>Child support</i>	35%	36%
<i>Paid parental leave</i>	9%	8%
Taxation & Commercial	34%	44%
<i>Taxation</i>	35%	48%
<i>Other</i>	16%	16%
Veterans' Appeals	37%	43%
ALL AAT	23%	25%

^a The decision under review is treated as having been changed if the AAT varies or sets aside the decision or remits the matter to the decision-maker for reconsideration by way of a decision under section 43 of the Administrative Appeals Tribunal Act or section 349 or 415 of the Migration Act, or by way of a decision made in accordance with terms of agreement reached by the parties under section 34D or 42C of the Administrative Appeals Tribunal Act.

^b The Small Business Taxation Division commenced on 1 March 2019.

Table A4.3 Outcomes of applications for review of decisions – By division and major areas of work within divisions, 2018–19

Table A4.3.1 General Division^a

	AUSTRALIAN CITIZENSHIP		CENTRELINK (2ND REVIEW)		VISA-RELATED DECISIONS RELATING TO CHARACTER		WORKERS' COMPENSATION		OTHER		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^b												
Decision affirmed	91	16%	312	18%	196	58%	111	7%	63	7%	773	15%
Decision varied or set aside	33	6%	93	5%	76	22%	100	6%	32	4%	334	7%
Subtotal	124	22%	405	24%	272	80%	211	13%	95	11%	1,107	22%
By consent												
Decision affirmed ^c	0	0%	5	<1%	0	0%	528	32%	6	<1%	539	10%
Decision varied or set aside ^c	103	18%	241	14%	11	3%	447	27%	187	21%	989	19%
Dismissed by consent ^d	7	1%	21	1%	2	<1%	5	<1%	16	2%	51	1%
Dismissed by operation of law ^e	0	0%	402	24%	0	0%	N/A	N/A	1	<1%	403	8%
Subtotal	110	19%	669	39%	13	4%	980	60%	210	24%	1,982	39%
Other												
Withdrawn by applicant	238	41%	396	23%	19	6%	384	24%	285	32%	1,322	26%
Dismissed by Tribunal ^f	29	5%	88	5%	1	<1%	36	2%	68	8%	222	4%
No jurisdiction ^g	74	13%	150	9%	35	10%	22	1%	221	25%	502	10%
Subtotal	341	59%	634	37%	55	16%	442	27%	574	65%	2,046	40%
TOTAL^h	575	100%	1,708	100%	340	100%	1,633	100%	879	100%	5,135	100%

^a The figures in this table relate only to the outcomes of applications for review of decisions, including where a related application for extension of time is refused.

^b Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

^c Applications finalised by the AAT in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D) or at any stage of review proceedings (section 42C).

^d Applications dismissed by consent under section 42A(1).

^e If an application for a review of a Centrelink or paid parental leave decision 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.

^f Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

^g Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit, the AAT has refused to extend the time for applying for a review or the application fee has not been paid.

^h Percentages may not total 100% due to rounding.

Table A4.3.2 FOI, NDIS, Security and Veterans' Appeals Divisions^a

	FREEDOM OF INFORMATION		NATIONAL DISABILITY INSURANCE SCHEME		SECURITY		VETERANS' APPEALS	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^b								
Decision affirmed	8	25%	12	1%	1	8%	36	10%
Decision varied or set aside	1	3%	14	1%	0	0%	21	6%
Subtotal	9	28%	26	2%	1	8%	57	16%
By consent								
Decision affirmed ^c	1	3%	16	2%	0	0%	21	6%
Decision varied or set aside ^c	4	13%	606	58%	0	0%	138	38%
Dismissed by consent ^d	0	0%	9	<1%	0	0%	4	1%
Subtotal	5	16%	631	60%	0	0%	163	44%
Other								
Withdrawn by applicant	11	34%	332	32%	9	69%	136	37%
Dismissed by Tribunal ^e	0	0%	8	<1%	1	8%	5	1%
No jurisdiction ^f	7	22%	55	5%	2	15%	6	2%
Subtotal	18	56%	395	38%	12	92%	147	40%
TOTAL^g	32	100%	1,052	100%	13	100%	367	100%

^a The figures in this table relate only to the outcomes of applications for review of decisions, including where a related application for extension of time is refused.

^b Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

^c Applications finalised by the AAT in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D) or at any stage of review proceedings (section 42C).

^d Applications dismissed by consent under section 42A(1).

^e Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

^f Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit, the AAT has refused to extend the time for applying for a review or the application fee has not been paid.

^g Percentages may not total 100% due to rounding.

Table A4.3.3 Migration and Refugee Division

	MIGRATION		REFUGEE		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a						
Decision affirmed ^b	5,850	35%	2,360	57%	8,210	39%
Decision varied, remitted or set aside	4,978	30%	362	9%	5,340	26%
Subtotal	10,828	65%	2,722	66%	13,550	65%
Other						
Withdrawn by applicant	3,719	22%	418	10%	4,137	20%
Dismissed by Tribunal ^b	888	5%	195	5%	1,083	5%
No jurisdiction ^c	1,336	8%	786	19%	2,122	10%
Subtotal	5,943	35%	1,399	34%	7,342	35%
TOTAL^d	16,771	100%	4,121	100%	20,892	100%

^a Applications finalised by a decision of the AAT under section 349 or 415 of the Migration Act.

^b The Tribunal may dismiss an application if an applicant does not appear before the Tribunal at a hearing under section 362B(1A) or 426A(1A) of the Migration Act. The decision to dismiss the application may be confirmed under section 362B(1C)(b), 362B(1E), 426A(1C)(b) or 426A(1E). Under sections 362B(1F) and 426A(1F), a dismissal decision confirmed by the Tribunal is taken to be a decision to affirm the decision under review. Therefore, the total number of migration decisions affirmed is 6,738 or 40% of all migration decisions (comprising 5,850 decisions affirmed and 888 applications dismissed by the Tribunal). The total number of refugee decisions affirmed is 2,555 or 62% of all refugee decisions (comprising 2,360 decisions affirmed and 195 applications dismissed by the Tribunal).

^c Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit or the application fee has not been paid.

^d Percentages may not total 100% due to rounding.

Table A4.3.4 Social Services and Child Support Division^a

	CENTRELINK (FIRST REVIEW) ^b		CHILD SUPPORT		PAID PARENTAL LEAVE ^b		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^c								
Decision affirmed	6,874	45%	489	21%	123	49%	7,486	42%
Decision varied or set aside	2,895	19%	762	33%	21	8%	3,678	21%
Subtotal	9,769	64%	1,251	55%	144	57%	11,164	63%
By consent								
Decision affirmed ^d	N/A	N/A	0	0%	N/A	N/A	0	0%
Decision varied or set aside ^d	N/A	N/A	60	3%	N/A	N/A	60	<1%
Dismissed by consent ^e	11	<1%	211	9%	0	0%	222	1%
Dismissed by operation of law ^f	0	0%	N/A	N/A	0	0%	0	0%
Subtotal	11	<1%	271	12%	0	0%	282	2%
Other								
Withdrawn by applicant	1,392	9%	283	12%	22	9%	1,697	10%
Dismissed by Tribunal ^g	388	3%	174	8%	3	1%	565	3%
No jurisdiction ^h	3,592	24%	315	14%	84	33%	3,991	23%
Subtotal	5,372	35%	772	34%	109	43%	6,253	35%
TOTALⁱ	15,152	100%	2,294	100%	253	100%	17,699	100%

^a The figures in this table relate only to the outcomes of applications for review of decisions, including where a related application for extension of time is refused.

^b A single application for review of a Centrelink or paid parental leave decision may relate to more than one reviewable decision. These figures include outcomes for all decisions that have been reviewed.

^c Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

^d Applications finalised by the AAT in accordance with terms of agreement reached by the parties under section 42C.

^e Applications dismissed by consent under section 42A(1).

^f If an application for a review of a Centrelink or paid parental leave decision 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.

^g Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

^h Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit or the AAT has refused to extend the time for applying for a review.

ⁱ Percentages may not total 100% due to rounding.

Table A4.3.5 Small Business Taxation, and Taxation and Commercial Divisions^a

	SMALL BUSINESS TAXATION ^b		TAXATION AND COMMERCIAL					
			TAXATION		OTHER		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^c								
Decision affirmed	0	0%	44	7%	20	21%	64	9%
Decision varied or set aside	0	0%	34	5%	9	9%	43	6%
Subtotal	0	0%	78	12%	29	30%	107	14%
By consent								
Decision affirmed ^d	0	0%	17	<1%	0	0%	17	<1%
Decision varied or set aside ^d	2	50%	274	43%	6	6%	280	38%
Dismissed by consent ^e	0	0%	6	1%	4	4%	10	1%
Subtotal	2	50%	297	46%	10	10%	307	42%
Other								
Withdrawn by applicant	0	0%	175	27%	35	36%	210	28%
Dismissed by Tribunal ^f	0	0%	7	<1%	4	4%	11	1%
No jurisdiction ^g	2	50%	85	13%	18	19%	103	14%
Subtotal	2	50%	267	42%	57	59%	324	44%
TOTAL^h	4	100%	642	100%	96	100%	738	100%

^a The figures in this table relate only to the outcomes of applications for review of decisions, including where a related application for extension of time is refused.

^b The Small Business Taxation Division commenced on 1 March 2019.

^c Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

^d Applications finalised by the AAT in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D) or at any stage of review proceedings (section 42C).

^e Applications dismissed by consent under section 42A(1).

^f Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

^g Applications finalised on the basis that the decision is not subject to review by the AAT, the applicant does not have standing to apply for a review, the application has not been made within a prescribed time limit, the AAT has refused to extend the time for applying for a review or the application fee has not been paid.

^h Percentages may not total 100% due to rounding.

Table A4.4 Number of alternative dispute resolution processes, directions hearings and hearings, 2017–18 to 2018–19

EVENT TYPE	2017–18	2018–19
Conferences ^a	8,460	8,413
Conciliations ^a	683	674
Other ADR processes (case appraisals, mediations and neutral evaluations) ^a	11	4
Directions hearings ^b	3,054	3,333
Interlocutory hearings ^c	917	940
Hearings ^d	22,116	22,054

^a The AAT holds alternative dispute resolution processes in all divisions other than the Migration and Refugee, Security, and Social Services and Child Support Divisions.

^b The AAT holds directions hearings in all divisions other than the Migration and Refugee Division.

^c Interlocutory hearings are hearings listed in all divisions other than the Migration and Refugee Division and Social Services and Child Support Division in relation to the AAT's jurisdiction and applications for orders of the following kind: to extend the time to lodge an application for a review, to be joined as a party to a proceeding, to make a confidentiality order, to stay the operation or implementation of a decision under review, to dismiss an application or to reinstate an application.

^d The figure for the number of hearings conducted in 2017–18 differs from the figure published in the *Annual Report 2017–18*. The AAT became aware of a technical issue with the report used to generate the figure which excluded certain hearings.

Table A4.5 Court appeals lodged and finalised against decisions of the AAT – By division and major areas of work within divisions, 2018–19^a

DIVISION/AREA OF WORK	COURT APPEALS LODGED		COURT APPEALS FINALISED ^d			
	Lodged ^b	Proportion of total AAT decisions ^c	Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
	No	%	No	No	No	%
Freedom of Information	0	0%	0	1	1	0%
General	160	8%	48	76	124	41%
<i>Australian citizenship</i>	7	1%	4	2	6	67%
<i>Centrelink (2nd review)</i>	19	3%	5	18	23	22%
<i>Visa-related decisions relating to character</i>	110	32%	31	37	68	46%
<i>Workers' compensation</i>	12	4%	8	11	19	42%
<i>Other</i>	12	16%	0	8	8	0%
Migration and Refugee	3,900	23%	391	2,259	2,650	15%
<i>Migration</i>	2,681	21%	219	1,240	1,459	15%
<i>Refugee</i>	1,219	33%	172	1,019	1,191	14%
National Disability Insurance Scheme	1	1%	1	1	2	50%
Security	0	0%	0	0	0	N/A
Small Business Taxation	0	0%	0	0	0	N/A
Social Services and Child Support Division^e	27	1%	3	21	24	13%
Taxation and Commercial	12	6%	5	10	15	33%
<i>Taxation</i>	8	5%	2	7	9	22%
<i>Other</i>	4	8%	3	3	6	50%
Veterans' Appeals	2	3%	2	2	4	50%
TOTAL	4,102	20%	450	2,370	2,820	16%

^a These figures include appeals lodged or finalised in relation to decisions made by the AAT or decisions made by the MRT or RRT prior to 1 July 2015.

^b These figures include some appeals lodged in relation to decisions made in a previous year.

^c These figures represent the number of appeals lodged in 2018–19 as a proportion of all AAT decisions made in that year that could have been appealed to the courts.

^d Where a decision of a judge of the Federal Circuit Court, 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.

^e Only child support decisions and employer-related paid parental leave decisions may be appealed to the courts under section 44 or 44AAA of the Administrative Appeals Tribunal Act. In general, other decisions made on first review in the Social Services and Child Support Division are subject to second review in the AAT.

Appendix 5: Speeches and other external activities

AAT members and staff undertake a wide range of activities that assist in raising awareness of our role, procedures and activities. They give speeches and are panel members at conferences and seminars, participate in training and other engagement activities. Members and staff also serve on the committees of bodies relevant to the work of the AAT. The record of activities for 2018–19 is in three lists:

- speeches and presentations
- training and other engagement activities
- service on committees.

Table A5.1 Speeches and presentations, 2018–19

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
<i>The benefits of mentoring and sponsorship</i>	NSW Young Lawyers Seminar, Sydney	Member Katie Malyon	4 August 2018
<i>Administrative Appeals Tribunal and domestic violence</i>	National Social Security Rights Network Annual Conference 2018, Sydney	Deputy President Jim Walsh	26 August 2018
<i>Administrative Appeals Tribunal update including early case assessment</i>		Deputy President Jim Walsh David Gillespie, Caseload Practice Manager	26 August 2018
<i>Migration and Refugee Division update</i>	Non-Government Organisation Dialogue, Department of Home Affairs, Sydney	Senior Member Louise Nicholls	31 August 2018
<i>Application of refugee law</i>	Lecture, International Refugee Law Course, University of Melbourne, Melbourne	Member Sean Baker	14 September 2018
<i>Diversity and inclusion</i>	APSwide Conference, Sydney	Sian Leatham, Registrar	27 September 2018
<i>The New Frontier of Administrative Law – the NDIS (Panel members)</i>	2018 National Administrative Law Conference, Australian Institute of Administrative Law, Sydney	Deputy President James Constance Member Professor Ron McCallum	28 September 2018
<i>About the Administrative Appeals Tribunal</i>	Information session, Mannkal Economic Education, Perth	Senior Member Dr Michelle Evans District Registrar Alicia Le’Roy	11 October 2018
<i>Preparing for the Administrative Appeals Tribunal review process</i>	Migration Institute of Australia National Conference, Sydney	Deputy President Jan Redfern Senior Member Antoinette Younes	18 October 2018

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
<i>Family unity principle</i> (Panel member)	Asia Pacific Biennial Conference 2018,	Member Alison Murphy	15 November 2018
<i>Behaviour modification: no duty to be discreet</i> (Panel member)	International Association of Refugee and Migration Judges, Wellington, New Zealand	Member Sean Baker	16 November 2018
<i>Human trafficking in Asia – Challenges for decision-makers</i> (Panel member)		Member Frances Simmons	16 November 2018
<i>Choice and control under the NDIS – Are we there yet?</i> (Panel member)	Seminar, Scope and University of Melbourne, Melbourne	Member Professor Ron McCallum	20 November 2018
<i>Negotiation and dispute resolution skills</i>	Women in Public Law: Leadership, Influence, Advancement Seminar, Legalwise, Canberra	Conference Registrar Kim Lackenby	27 November 2018
<i>Role of alternative dispute resolution at the Administrative Appeals Tribunal</i>	Conciliation Theory and Practice Seminar, La Trobe University, Melbourne	Conference Registrar Mersina Stratos	15 January 2019
<i>The Administrative Appeals Tribunal in practice</i>	Seminar, Administrative Law, University of Canberra, Canberra	Conference Registrar Kim Lackenby	25 February 2019
Keynote address	Administrative Law Forum 2019, Australian Government Solicitor, Canberra	Justice David Thomas	7 March 2019
<i>The role of the Migration and Refugee Division and merits review</i>	Lecture, Immigration Law, Griffith University, Brisbane	Member Bridget Cullen	16 March 2019
<i>Advocacy skills/persuasion before decision-makers, tribunals and courts</i>	2019 Immigration Law Conference, Law Council of Australia, Canberra	Deputy President Jan Redfern	22 March 2019
<i>AAT General – How to run an AAT case</i> (Panel member)			
<i>Immigration Assessment Authority – Hot topics</i> (Panel member)		Senior Reviewer Sobet Haddad	23 March 2019
<i>Getting practical about public interest</i> (Panel member)	Public Interest Symposium, NSW Ombudsman and University of New South Wales Canberra, Sydney	Deputy President Jan Redfern	16 April 2019
<i>Co-constructing the mediation conversation and lived experiences of mental health challenges</i>	National Mediation Conference 2019, Canberra	Conference Registrar Athena Ingall	16 April 2019
<i>A conversation between interpreters and tribunal members</i> (Panel member)	Legal Interpreting Symposium 2019, University of New South Wales, Sydney	Senior Member Shahyar Roushan	1 May 2019

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
<i>Effective engagement with Senate committees</i>	Australian Small Business and Family Enterprise Ombudsman, Canberra	Deputy President Gary Humphries	3 May 2019
<i>Briefing expert witnesses and going behind the concurrent evidence curtain (Panel member)</i>	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Sydney	Deputy President Gary Humphries	17 May 2019
<i>The important of storytelling and narrative in decision-making</i>	2019 National Conference, Council of Australasian Tribunals, Melbourne	Deputy President Bernard McCabe	7 June 2019
<i>The modern tribunal and what it looks like</i>	Biennial Conference 2019, Veterans' Review Board, Brisbane	Deputy President Gary Humphries	14 June 2019

Table A5.2 Training and other engagement activities, 2018–19

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Adjudicators	Administrative Appeals Tribunal National Mooting Competition	Justice David Thomas Deputy Presidents Stephen Boyle, Justice John Logan, Bernard McCabe and Brian Rayment Senior Members Dr Damian Cremean, Ann Cunningham, Matthew Groom, Josephine Kelly, Christopher Puplick, Bill Stefaniak and Theodore Tavoularis Members Simone Burford, Tigiilagi Eteuati and Susan Trotter	July – October 2018
Mentor	Women Lawyers and Young Lawyers Mentoring Programs, The Law Society of NSW, Sydney	Member Katie Malyon	1 July 2018 – 31 December 2018
Mentor	Mentoring Program, University of New South Wales Law Society, Sydney	Member Katie Malyon	1 July 2018 – 30 June 2019
Session Chair	2018 NSW Chapter Conference, Council of Australasian Tribunals, Sydney	Justice David Thomas	7 September 2018
Participants	Homeless Expo, Adelaide	Ian Phillips, Registry Manager Adelaide Registry staff	18 October 2018
Panel chair	Family unity – balancing human rights and border integrity, Asia Pacific Biennial Conference 2018, International Association of Refugee and Migration Judges, Wellington, New Zealand	Deputy President Jan Redfern	15 November 2018

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Participants	Migration and Refugee Division and Immigration Assessment Authority Community Liaison Meeting, Melbourne	Deputy Presidents Jan Redfern (Chair) and Stephanie Forgie Senior Members Dr Irene O'Connell, Louise Nicholls and Kira Raif Senior Reviewer Sobet Haddad District Registrar Susan Woodford	21 November 2018
Participants	Migration and Refugee Division and Immigration Assessment Authority Community Liaison Meeting, Adelaide	Senior Member Denis Dragovic (Chair) Senior Review Sobet Haddad District Registrar Adam Hay Ian Phillips, Registry Manager	27 November 2018
Participants	Migration and Refugee Division and Immigration Assessment Authority Community Liaison Meeting, Perth	Senior Member Denis Dragovic (Chair) Senior Reviewer Sobet Haddad District Registrar Alicia LeRoy	28 November 2018
Participants	Migration and Refugee Division and Immigration Assessment Authority Community Liaison Meeting, Sydney	Deputy President Jan Redfern (Chair) Senior Members Louise Nicholls and Kira Raif Senior Reviewer Sobet Haddad District Registrar Jason Cabarrús	3 December 2018
Chair	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Sydney	Justice David Thomas	6 December 2018
Adjudicator	Negotiation Competition, University of New South Wales, Sydney	Conference Registrar Athena Ingall	11 April 2019
Adjudicators	Administrative Appeals Tribunal Negotiating Outcomes On Time Competition, Adelaide, Brisbane and Perth	Deputy President Bernard McCabe Members Michelle East and Deborah Mitchell Justin Toohey, Director Alternative Dispute Resolution Angela Durocher, Assistant Director Alternative Dispute Resolution Conference Registrars Nicole Barker, Jodie Gamble, Dilhari Gustavino, Jennifer Lock, Franca Petrone and Mersina Stratos District Registrar Alicia LeRoy Assistant Case Assessment Registrars Rosalinda Casamento and Jocelyn Luff Senior Advisers/Legal Officers Joe Guthrie and Lara Proske	7 – 31 May 2019
Chair	Hot Topics in Commonwealth Compensation Seminar, Law Council of Australia, Melbourne	Justice David Thomas	17 May 2019

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Presenters	Small Business Taxation Division and Taxation and Commercial Division Information Sessions, Melbourne	Deputy President Bernard McCabe Assistant Case Assessment Registrar Michael Abood	20 May 2019
Presenters	Small Business Taxation Division and Taxation and Commercial Division Information Sessions, Perth	Deputy President Bernard McCabe Assistant Case Assessment Registrar Michael Abood	23 May 2019
Presenters	Small Business Taxation Division and Taxation and Commercial Division Information Sessions, Sydney	Deputy President Bernard McCabe Assistant Case Assessment Registrar Michael Abood	25 May 2019
Presenters	Small Business Taxation Division and Taxation and Commercial Division Information Sessions, Brisbane	Deputy President Bernard McCabe Assistant Case Assessment Registrar Michael Abood	28 May 2019
Presenters	Small Business Taxation Division and Taxation and Commercial Division Information Sessions, Canberra	Deputy President Bernard McCabe Michael Abood, Assistant Case Assessment Registrar	30 May 2019

Table A5.3 Service on committees, 2018–19

ORGANISATION	PARTICIPANT	ROLE
Australian Government Leadership Network New South Wales	Elizabeth Connolly, Executive Director Registry Operations	Member
Australian Institute of Administrative Law – National Executive	Deputy President Gary Humphries	National President
Australian Institute of Administrative Law – Victorian Chapter	Member Regina Perton	Committee member
Council of Australasian Tribunals – National Executive	Justice David Thomas	Treasurer
Council of Australasian Tribunals – New South Wales Chapter	Member Jennifer D’Arcy	Committee member
	Elizabeth Connolly, Executive Director Registry Operations	Committee member
	District Registrar Jason Cabarrús	Committee member
Council of Australasian Tribunals – South Australia Chapter	Member Marten Kennedy	Secretary
Council of Australasian Tribunals – Victorian Chapter	District Registrar Susan Woodford	Vice President
	Member Kim Parker	Committee member
	Member Regina Perton	Committee member
Council of Australasian Tribunals – 2019 National Conference Organising Committee	District Registrar Susan Woodford	Organising committee member
International Association of Refugee and Migration Law Judges – Asia Pacific Chapter	Member Sean Baker	Secretary
The College of Law – Migration Agents Capstone Assessment Advisory Committee	Member Katie Malyon	Committee member
The Law Society of South Australia – Alternative Dispute Resolution Special Interest Committee	Member Steve Georgiadis	Chair
Women Lawyers Association of NSW	Member Katie Malyon	Committee member

Appendix 6: Executive remuneration

This appendix contains information about executive remuneration for:

- key management personnel
- senior executives, and
- other highly paid staff.

Table A6.1 Information about remuneration for key management personnel, 2018–19

Name	Position title	SHORT-TERM BENEFITS		POST-EMPLOYMENT BENEFITS		OTHER LONG-TERM BENEFITS			TERMINATION BENEFITS	TOTAL REMUNERATION
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits			
David Thomas	President ^a	-	-	-	-	-	-	-	-	-
Sian Leatham	Registrar	\$388,972	-	\$27,735	\$54,873	\$8,919	-	-	-	\$430,498

^a The President's remuneration is paid by the Federal Court not the AAT. Therefore, this information is not included in our report.

Table A6.2 Information about remuneration for senior executives, 2018–19^a

Total remuneration bands	Number of senior executives	SHORT-TERM BENEFITS		POST-EMPLOYMENT BENEFITS		OTHER LONG-TERM BENEFITS			TERMINATION BENEFITS	TOTAL REMUNERATION
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average other long-term benefits			
\$220,001 - \$245,000	4	\$168,237	-	\$27,447	\$33,670	\$4,707	-	-	-	\$234,061
\$245,001 - \$270,000	1	\$170,909	-	\$39,956	\$34,822	\$4,658	-	-	-	\$250,345
\$495,001 - \$620,000	3	\$421,546	-	\$34,446	\$44,468	\$11,025	-	-	-	\$511,486

^a Senior executives for Table A6.2 include Division Heads and Senior Executive Service employees.

Table A6.3 Information about remuneration for other highly paid staff, 2018–19

Total remuneration bands	Number of other highly paid staff	SHORT-TERM BENEFITS		POST-EMPLOYMENT BENEFITS		OTHER LONG-TERM BENEFITS			TERMINATION BENEFITS	TOTAL REMUNERATION
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average other long-term benefits			
\$220,001 - \$245,000	0	-	-	-	-	-	-	-	-	-

Appendix 7: Other mandatory information

Advertising and market research

Under section 311A of the *Commonwealth Electoral Act 1918*, the AAT is required to set out particulars of any payments above the applicable threshold paid to advertising agencies, market research organisations, polling organisations, direct mail organisations or media advertising organisations.

We did not undertake any advertising campaigns in 2018–19. Non-campaign advertising expenditure of \$34,251 was paid to Universal McCann for advertising employment vacancies.

We paid \$14,719 to ORIMA Research to conduct a survey of users of the AAT's services.

There were no other reportable payments made in 2018–19.

Grants

The AAT did not administer any grants programs in 2018–19.

Disability reporting mechanism

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

The Commonwealth Disability Strategy has been overtaken by the National Disability Strategy 2010–2020, which sets out a 10-year national policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. A high-level, two-yearly report will track progress against each of the six outcome areas of the strategy and present a picture of how people with disability are faring. Copies of these reports can be found at www.dss.gov.au.

Ecologically sustainable development and environmental performance

The AAT does not develop or administer legislation or policy relating to the environment but takes steps to ensure our operations are environmentally sustainable.

When arranging new leases and fit-outs in 2018–19, we considered the principles of ecologically sustainable development. The AAT's Long Term Accommodation Masterplan, adopted in May 2015, states a preference for leases in buildings with NABERS ratings of at least 4.5 and refers to compliance with a range of Australian Government policies, including the Energy Efficiency in Government Operations Policy and the National Waste Policy. We signed one long-term lease for additional space in Perth in 2018–19, which included the required Green Lease Schedule. The building has a NABERS rating of 4.5.

We also limit our impact on the environment in day-to-day operations by implementing simple measures such as ensuring lights and electrical devices are switched off when not required, encouraging double-sided printing, providing facilities to support members and staff who walk or cycle to work, and recycling office waste.

Table A7.1 Environmental performance reporting, 2018–19

THEME	STEPS TAKEN TO REDUCE EFFECT	MEASURES TO REVIEW AND IMPROVE REDUCING THE EFFECT
Energy efficiency	Install sensor-controlled lighting in any new fit-outs or refurbishments to tenancies. Consider energy ratings of office machines when replacement is necessary.	The AAT is not able to access consolidated data on electricity consumption across all tenancies.
Waste	Participate in office waste recycling schemes.	All registries recycled paper during the reporting year. Some registries also recycled glass, plastics, metals, toner cartridges, organic material and e-waste such as batteries and equipment. As the AAT participates in whole-of-building recycling schemes with other tenants, separate data on recycling quantities is not currently available.
Water	Install water saving devices such as dual-flush cisterns and waterless or low-water urinals in any new fit-outs or refurbishments to tenancies.	The AAT is not able to access data on water consumption in each of its tenancies.

Corrections of material errors in previous annual report

The AAT’s annual report for 2017–18 contained the following errors.

- Chart 3.2 (page 25) set out the number of applications lodged, finalised and on hand in each of the AAT’s divisions for that year. The information for the Freedom of Information Division was incorrect. The chart showed there were 63 applications lodged and 47 applications on hand at 30 June 2019. It should have showed there were 47 applications lodged and 63 applications on hand.
- In Table 3.13 (page 48), the average time for acknowledging receipt of an application was recorded as one day. The correct figure is two days.
- Table A4.4 (page 135) set out the number of hearings conducted in each of the three financial years from 2015–16 to 2017–18. The AAT has become aware that a small number of hearings were excluded from those figures. The correct number of hearings conducted in each of the years are: 24,877 in 2015–16; 26,696 in 2016–17; and 22,166 in 2017–18.

Appendix 8: List of requirements

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
17AD(g)	Letter of transmittal		
17AI	Page iii	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory
17AD(h)	Aids to access		
17AJ(a)	Pages iv–v	Table of contents.	Mandatory
17AJ(b)	Pages 166–172	Alphabetical index.	Mandatory
17AJ(c)	Pages 162–165	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	Appendix 8, pages 156–159	List of requirements.	Mandatory
17AJ(e)	Page ii	Details of contact officer.	Mandatory
17AJ(f)	Page ii	Entity's website address.	Mandatory
17AJ(g)	Page ii	Electronic address of report.	Mandatory
17AD(a)	Review by accountable authority		
17AD(a)	Chapter 1, pages 2–7	A review by the accountable authority of the entity.	Mandatory
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	Chapter 2, pages 10–11; Chapter 5, page 70	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Chapter 2, pages 11–12	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Chapter 2, page 11	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	Chapter 3, page 20	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	Chapter 2, page 14	Name of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(ii)	Chapter 2, page 14	Position title of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(iii)	Chapter 2, page 14	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory
17AE(1)(b)	Not applicable	An outline of the structure of the portfolio of the entity.	Portfolio departments mandatory
17AE(2)	Not applicable	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
17AD(c)	Report on the performance of the entity		
	Annual Performance Statements		
17AD(c)(i); 16F	Chapter 3, pages 20–24	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
17AD(c)(ii)	Report on Financial Performance		
17AF(1)(a)	Chapter 3, pages 24–25	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Appendix 3, page 134–135	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	Not applicable	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory.
17AD(d)	Management and accountability		
	Corporate governance		
17AG(2)(a)	Chapter 4, page 61	Information on compliance with section 10 (fraud systems)	Mandatory
17AG(2)(b)(i)	Chapter 4, page 62	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Chapter 4, page 62	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory
17AG(2)(b)(iii)	Chapter 4, page 62	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory
17AG(2)(c)	Chapter 4, pages 60–62	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d) – (e)	Not applicable: see Chapter 4, page 61	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance.	If applicable, Mandatory
	External scrutiny		
17AG(3)	Chapter 3, pages 46–50	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	Chapter 3, pages 47–49	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	Chapter 3, page 50	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory
17AG(3)(c)	Not applicable	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
	Management of Human Resources		
17AG(4)(a)	Chapter 4, pages 62–66	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	Appendix 2, pages 130–131	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender (d) statistics on staff location	Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
17AG(4)(b)	Appendix 2, pages 132–133	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: <ul style="list-style-type: none"> • Statistics on staffing classification level; • Statistics on full-time employees; • Statistics on part-time employees; • Statistics on gender; • Statistics on staff location; • Statistics on employees who identify as Indigenous. 	Mandatory
17AG(4)(c)	Chapter 4, page 63	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory
17AG(4)(c)(i)	Chapter 4, page 63	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	Mandatory
17AG(4)(c)(ii)	Appendix 2, page 133	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	Chapter 4, page 64	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Not applicable: see Chapter 4, page 63	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	Not applicable	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory
17AG(4)(d)(iii)	Not applicable	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	Not applicable	Information on aggregate amount of performance payments.	If applicable, Mandatory
Assets management			
17AG(5)	Not applicable	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities.	If applicable, mandatory
Purchasing			
17AG(6)	Chapter 4, page 67	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
Consultants			
17AG(7)(a)	Chapter 4, page 67	A summary statement detailing the number of new contracts engaging consultants entered into during the period; the total actual expenditure on all new consultancy contracts entered into during the period (inclusive of GST); the number of ongoing consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST).	Mandatory
17AG(7)(b)	Chapter 4, page 67	A statement that " <i>During [reporting period], [specified number] new consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing consultancy contracts were active during the period, involving total actual expenditure of \$[specified million].</i> "	Mandatory
17AG(7)(c)	Chapter 4, page 67	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory
17AG(7)(d)	Chapter 4, page 67	A statement that " <i>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.</i> "	Mandatory
Australian National Audit Office Access Clauses			
17AG(8)	Not applicable: see Chapter 4, page 67	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
Exempt contracts			
17AG(9)	Not applicable: Chapter 4, page 67	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory
Small business			
17AG(10)(a)	Chapter 4, page 67	A statement that “[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”	Mandatory
17AG(10)(b)	Chapter 4, page 67	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	Not applicable	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that “[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury’s website.”	If applicable, Mandatory
Financial Statements			
17AD(e)	Pages 75–113	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
Executive remuneration			
17AD(da)	Appendix 6, page 153	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 23 of the Rule.	Mandatory
17AD(f) Other mandatory information			
17AH(1)(a)(i)	Not applicable	If the entity conducted advertising campaigns, a statement that “During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.”	If applicable, Mandatory
17AH(1)(a)(ii)	Appendix 7, page 154	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	Not applicable	A statement that “Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].”	If applicable, Mandatory
17AH(1)(c)	Appendix 7, page 154	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Chapter 3, page 50	Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory
17AH(1)(e)	Appendix 7, page 155	Correction of material errors in previous annual report	If applicable, mandatory
17AH(2) Information required by other legislation			
	Chapter 4, pages 65–66	Work health and safety information required by the Work Health and Safety Act 2011.	Mandatory
	Appendix 5, page 154	Advertising and market research information required by the Commonwealth Electoral Act 1918.	If applicable, mandatory
	Appendix 5, page 154	Ecological sustainable development and environmental performance information required by the Environment Protection and Biodiversity Conservation Act 1999.	Mandatory

End matter

Glossary

AASB	Australian Accounting Standards Board.
AAT	Administrative Appeals Tribunal.
Administrative Appeals Tribunal Act	<i>Administrative Appeals Tribunal Act 1975.</i>
ADR	Alternative dispute resolution: the umbrella term for a range of processes for resolving a dispute other than a hearing and decision.
Affirm	If the Tribunal affirms a decision, the original decision is not changed.
Applicant	The individual or organisation that has lodged an application with the Tribunal.
Application for extension of time	An application for a review of a decision must be lodged with the Tribunal within a certain time limit. However, in some jurisdictions, an application may be made to the Tribunal to extend the time for lodging an application.
Appropriation	An amount authorised by Parliament to be drawn from the Consolidated Revenue Fund or Loan Fund for a particular purpose, or the amount so authorised. Appropriations are contained in specific legislation – notably, but not exclusively, the Appropriation Acts.
APS	Australian Public Service.
APS employee	A person engaged under the <i>Public Service Act 1999</i> .
ASIO	Australian Security Intelligence Organisation.
AusTender	The Australian Government's procurement information system.
Bridging visa	A bridging visa is a temporary visa generally granted to an eligible non-citizen to enable them to remain lawfully in Australia for one of a number of specified reasons, the most common being while they are awaiting the outcome of an application for a substantive visa.
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.
China	The People's Republic of China.
Complementary protection	Circumstances where there are substantial grounds for believing that, as a necessary and foreseeable consequence of being removed from Australia to a receiving country, there is a real risk a person will suffer significant harm.
Conciliation	An alternative dispute resolution process in which a Tribunal member, conference registrar or other person 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, conference registrar or other person 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	An order made by the Tribunal directing that a hearing or part of a hearing be held in private, or prohibiting or restricting the publication or other disclosure of information tending to reveal the identity of a party, witness or related person, information comprising evidence or about evidence, or information otherwise lodged with or given to the Tribunal.
CSS	Commonwealth Superannuation Scheme.
Directions hearing	A brief hearing conducted by a Tribunal member to discuss the progress of a case or deal with issues arising in a case, particularly if there has been delay by a party.
Dismissed	The Tribunal may dismiss an application without proceeding to review the decision in defined circumstances, including if the applicant: fails to appear at an ADR process, directions hearing or hearing; fails to proceed with an application; or fails to comply with a direction.
FBT	Fringe Benefits Tax.
FCA	Federal Court of Australia.
FCAFC	Full Court of the Federal Court of Australia.
FOI	Freedom of information.
Freedom of Information Act	<i>Freedom of Information Act 1982.</i>
FRR	<i>Public Governance, Performance and Accountability (Financial Reporting) Rule 2015.</i>
GST	Goods and Services Tax.
Guide to Refugee Law	The Guide to Refugee Law in Australia was developed in 1996 as a reference tool for members and staff of the RRT. It contains an analysis of the legal issues relevant to the determination of refugee status in Australia and is regularly updated to reflect developments in the law.
HCA	High Court of Australia.
Hearing	The occasion at which the parties may present evidence and submissions in relation to an application, including for a review of a decision to the Tribunal member(s) who will decide the case.
IAA	Immigration Assessment Authority.
Interlocutory hearing	A hearing in relation to any application made by a party that relates to an application for a review of a decision, including any of the following kinds of application: to extend the time to lodge an application for a review; to be joined as a party to a proceeding; to make a confidentiality order; to stay the operation or implementation of the decision under review; to dismiss an application; or to reinstate an application.
IPS	Information Publication Scheme.
Jurisdiction	The scope of the Tribunal's power to review decisions.

Mediation	An alternative dispute resolution process during which a Tribunal member, conference registrar or other person 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.
Migration Act	<i>Migration Act 1958.</i>
MRT	Migration Review Tribunal.
NAATI	National Accreditation Authority for Translators and Interpreters.
NDIS	National Disability Insurance Scheme.
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.
Non-ongoing APS employee	An APS employee engaged for a specific term or the duration of a specified task.
On the papers	A decision based on the documents before the AAT or IAA, made without a hearing or interview.
Ongoing APS employee	An APS employee employed on a continuing basis.
OPA	Official Public Account.
Outcome	In relation to the Portfolio Budget Statements, the results, impacts or consequences of actions by government on the Australian community.
Party	A participant in a proceeding before the Tribunal. A party includes the person who makes the application to the Tribunal and, in certain divisions, the decision-maker or other respondent to the application and any other person joined to the proceeding on the basis their interests are affected by the decision under review.
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013.</i>
PGPA (Financial Reporting) Rule 2015	<i>Public Governance, Performance and Accountability (Financial Reporting) Rule 2015.</i>
Portfolio Additional Estimates Statements	Portfolio Additional Estimates Statements inform parliament of changes in resourcing since the Budget, providing information on new measures and their impact on the financial and non-financial planned performance of agencies.
Portfolio Budget Statements	Portfolio Budget Statements explain the Budget appropriations for entities within a portfolio in terms of outcomes and programs.
Program	An activity or group of activities that deliver benefits, services or transfer payments to individuals, industry/business or the community as a whole and are the primary vehicles for government entities to achieve the intended results of their outcome statements.

Protection visa	A class of visas, a criterion for which is that the applicant for the visa is a non-citizen in Australia to whom Australia has protection obligations (the applicant is a refugee or is owed complementary protection) or is a non-citizen in Australia who is the spouse or a dependant of a non-citizen who holds a protection visa.
PSS	Public Sector Superannuation Scheme.
PSSap	Public Sector Superannuation accumulation plan.
Public Governance, Performance and Accountability Act	<i>Public Governance, Performance and Accountability Act 2013.</i>
Public Service Act	<i>Public Service Act 1999.</i>
Refugee	A person who is outside their country and is unable or unwilling to go back because they have a well-founded fear of being persecuted because of their race, religion, nationality, political opinion or membership of a particular social group.
Registry	An office of the AAT.
Remit	If the Tribunal remits a matter, it sends the matter back to the original decision-maker to be reconsidered in accordance with any directions or recommendations of the Tribunal.
RRT	Refugee Review Tribunal.
Rtd	Retired.
SES	Senior Executive Service.
Sessional member	A part-time member who works on a sessional basis.
Set aside	If the Tribunal sets aside a decision under review, the original decision no longer stands. The Tribunal may make a new decision or remit the matter 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.
Tribunal	Administrative Appeals Tribunal.
Unauthorised maritime arrivals	Asylum seekers that arrive in Australia by sea without a visa.
Vary	If the Tribunal varies a decision under review, the original decision is changed or altered in some way.
WHS	Work health and safety.
Withdrawn	An applicant can decide to withdraw or discontinue an application at any time before the Tribunal makes a decision or dismisses the application.
Work Health and Safety Act	<i>Work Health and Safety Act 2011.</i>

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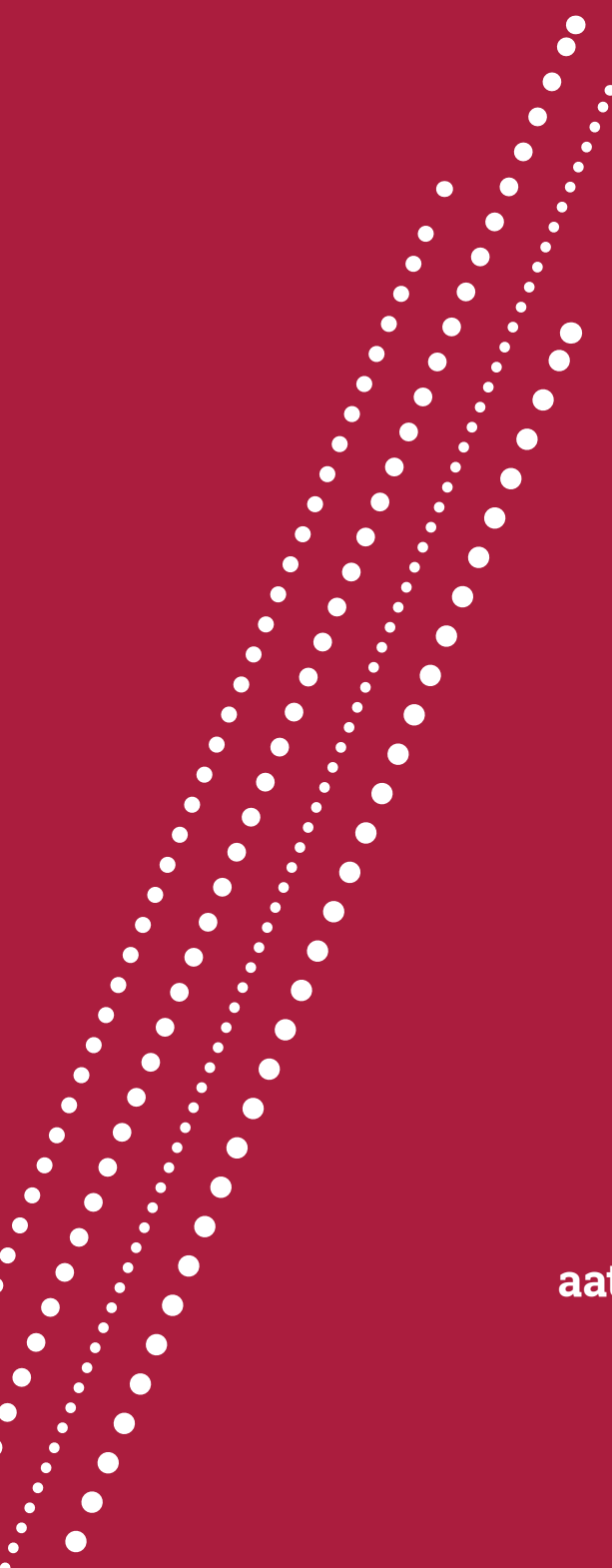
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