



Administrative
Appeals Tribunal

Annual Report 2019–20

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Annual Report 2019–20



This report

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Administrative
Appeals Tribunal

24 September 2020

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 2020 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 LEATHEM
Registrar
Accountable Authority

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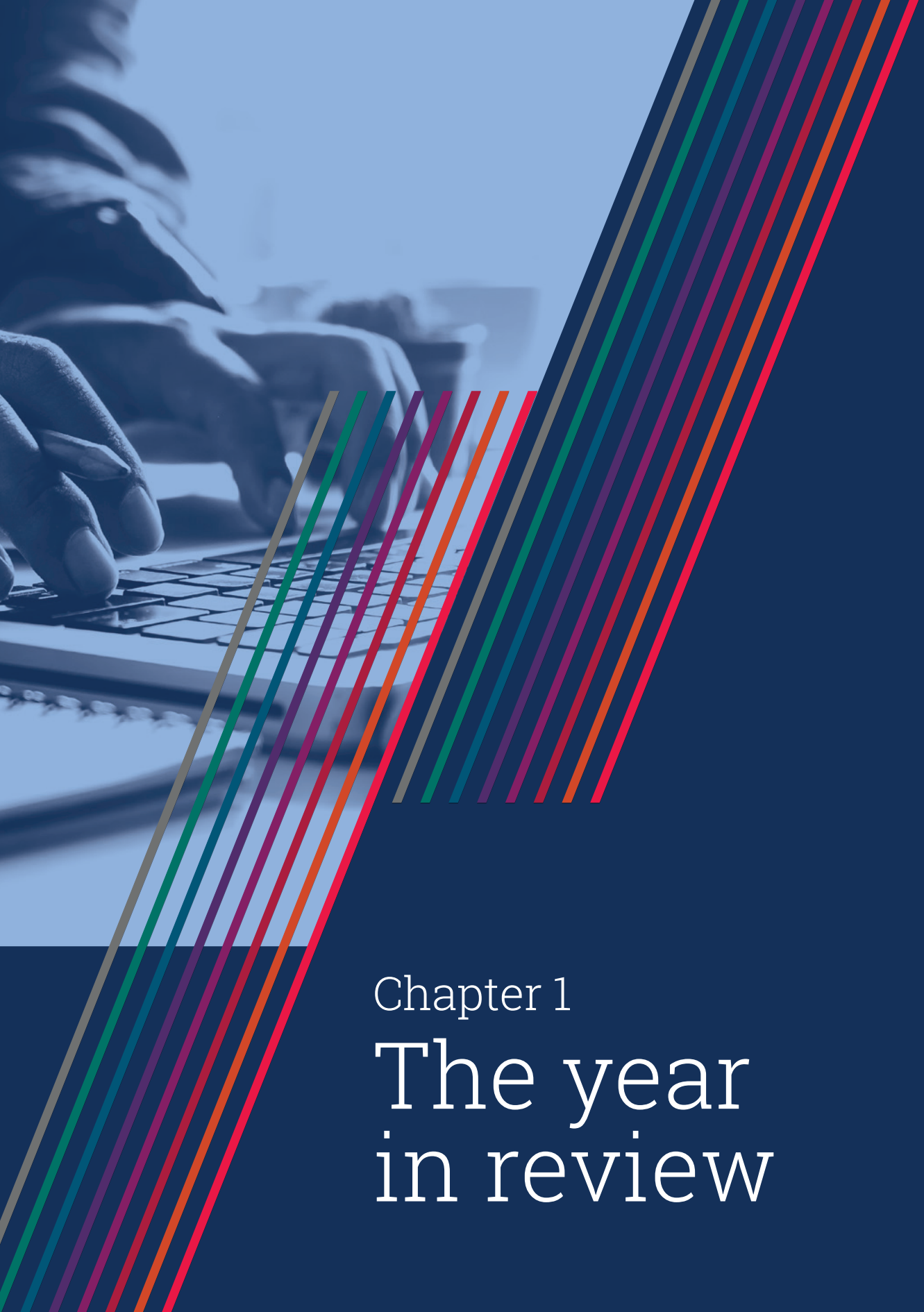
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Chapter 1

The year in review

President's overview

Justice David Thomas



2019–20 proved to be a challenging year for the Administrative Appeals Tribunal as it was for the whole Australian community with the onset of the COVID-19 pandemic. In the first half of the year, our incoming workload was still at the higher levels experienced in recent years leading to a further increase in our substantial on-hand caseload. When restrictions were introduced in March to slow the spread of the virus, it was critical that the Tribunal take steps to ensure we could continue to progress cases during this time. The AAT had to adapt quickly to a different way of operating and I am very grateful to our members and staff, as well as to parties and their representatives, for the flexibility demonstrated in adjusting to changes we introduced. We were able to continue delivering our services and finalise a higher volume of cases in the reporting year than in 2018–19.

Responding to the COVID-19 pandemic

In the early stages of the COVID-19 pandemic, we made the decision to limit the provision of in-person services from AAT premises to protect the health and safety of our users, our members and staff, others involved in our review processes and the wider public. While most of our registry services were already available electronically, we took steps to enhance our electronic systems supporting all parts of the review process. The secure online document upload service we launched in the first

half of 2019–20 was modified further to allow for the lodgement of all types of documents, including the set of documents relevant to a review that agencies and other decision-makers must lodge with the Tribunal, as well as documents required to be produced under summons. We also supplemented our existing capability to conduct alternative dispute resolution processes and hearings using Skype for Business with the rollout of Microsoft Teams. The program we had initiated to modernise the technology and tools our members and staff use to undertake their everyday work was accelerated to ensure they could quickly transition to working remotely from AAT Registries.

To assist our users to understand how the AAT would operate during the period, I issued 5 special measures practice directions following consultation with stakeholders across our divisions, including the Law Council of Australia. I thank those individuals and organisations for the assistance they provided within a short timeframe. The practice directions have sought to facilitate the move to conducting reviews electronically as far as possible. We recognised that not all parties have access to technology, and not every case is suitable for a hearing by telephone or video which would mean that such cases would need to be deferred until the time when in-person hearings can resume. We engaged with parties and representatives about how cases could progress, particularly those requiring urgent determination or involving vulnerable parties, and provided information and support for the conduct of case events remotely.

Workload and performance

Over the course of the full 2019–20 year, the AAT received approximately 54,000 applications, 10% fewer than in the previous year. Lodgements were lower in the second half of the reporting period, particularly in the Migration and Refugee Division. The number of applications lodged in that Division in 2019–20 decreased by 17% compared with 2018–19, driven by a substantial drop in cases in the migration visa caseloads associated with the effects of the COVID-19 pandemic.

Despite the challenges, the AAT finalised more than 51,000 applications in 2019–20, the largest number of finalisations in any year since the AAT was created and 16% higher than the previous reporting year. This achievement is due to the sustained effort of all members and staff in all divisions, with a particularly pleasing result in the Migration and Refugee Division which finalised more than 26,000 applications in the year, an increase of 26% on the result for 2018–19.

Lodgements have consistently exceeded the number of applications the AAT has been able to finalise since 2015–16. While this remained the case in 2019–20, the AAT's clearance ratio of 95% was a 22 percentage point improvement on the 73% result for 2018–19. For each month from January to June 2020, the clearance ratio has been close to or exceeded 100%, enabling us to make small inroads into the backlog in the Migration and Refugee Division for the first time in some years. The 72,360 cases on hand at 30 June 2020 was marginally higher than at the same time in previous year.

In 2019–20, the Immigration Assessment Authority continued to perform well. It received 1,745 cases, a 13% increase compared to the previous year, and finalised 1,735, achieving a clearance rate of 99%. The median time to finalise cases in the reporting year, 5 weeks from the date of referral, was even lower than in 2018–19.

As a result of the growth over time in the number of on-hand cases in the Migration and Refugee Division without a corresponding increase in member numbers to deal with the cases, we did not meet our target of finalising 75% of cases within 12 months in 2019–20. While more than 75% of cases were

completed within that timeframe in several AAT divisions and in the IAA, the overall result for the reporting year was 60%, 6 percentage points lower than the result last year. We continued to perform strongly, however, in relation to other performance measures. We published more than 6,000 decisions in 2019–20, exceeded our user experience target and met the target for our judicial review performance measure.

Membership

The AAT had 337 members at the end of the reporting period, comprising 119 appointed on a full-time basis and 218 appointed on a part-time basis. This compares with 362 members at the same time last year, a reduction of 7%. No new members were appointed to the AAT in 2019–20 but we welcomed the reappointment of 45 existing members. There were 17 members, including judicial Deputy Presidents, who resigned or retired during 2019–20. I thank all of these members for their service to the AAT.

We worked closely with the Attorney-General's Department during 2019–20 to develop a register of expressions of interest in appointment as a member to the AAT. The register is a key aspect of the protocol between the Attorney-General and the President of the AAT relating to appointments, and we received over 800 expressions of interest. The first priority was to identify suitable candidates to fill 2 critical leadership positions in the AAT. Interviews for the roles of Division Head of the National Disability Insurance Scheme Division and the Social Services and Child Support Division were conducted in May 2020 by an independent panel of eminent individuals as part of a merit-based assessment process. The process will be finalised in 2020–21. We also engaged with Government in relation to identifying candidates for additional member appointments.

Another major focus for 2019–20 was reinvigorating our member evaluation and appraisal processes as part of our comprehensive member professional development program. We trialled a revised member appraisal scheme which involved experienced external assessors reviewing the performance of members whose terms were due to expire, including observing or listening to recordings of

hearings and reading a selection of decisions. Each member had the opportunity to be interviewed by the assessor and by an independent panel. The panel's findings informed recommendations to the Attorney-General as to the suitability of members for reappointment. We received positive and constructive feedback from participants about the process and we will work to refine the scheme further during 2020–21.

Looking ahead

The COVID-19 pandemic has required us to reconsider and rapidly reshape how we provide our services. While in-person events will resume in our registries in a COVID-safe way as conditions allow, we also know that some of the changes introduced in response to the pandemic are likely to be retained into the future. For instance, we will continue to harness the advantages of technology to conduct remote ADR processes and hearings in appropriate cases, enhancing the accessibility of our services and our flexibility in delivering those services. It will be important to review how the changes have operated and engage with our users in relation to their ongoing use.

We will also be closely monitoring the effects of the pandemic on our incoming workload. While we anticipate lodgements in the Migration and Refugee Division will be at lower levels than in recent years, at least in the short term, there may be increases in applications for review of other types of decisions, including those relating to stimulus measures. Unless there is a sustained decline in lodgements, it is unlikely we will be able to substantially reduce our backlog with the number of members and staff we had at the end of the 2019–20. We will need to continue to engage with Government about member appointments, the average staffing level cap and appropriate funding for the Tribunal to address the backlog in a reasonable timeframe.

In the meantime, we will maintain our efforts to ensure our organisation operates as effectively and efficiently as possible using the resources available to us. Following consultation with members and staff and taking into account the report of the statutory review of the amalgamated AAT conducted by the Hon Ian Callinan AC, we finalised a new high-level operating model for the AAT in 2019–20.

It articulates how our governance, people, processes and technologies should be brought together to support the delivery of services to our users. One key element of the model is the move towards national practice areas in appropriate caseloads. We have already seen success in several of the AAT's areas of work, including migration and refugee caseloads and the taxation caseload, where national practices relating to early case assessment, case management and work allocation have led to efficiencies as well as other benefits derived from enhanced specialisation. Work on developing national practice models in other caseloads will be pursued in 2020–21.

The AAT will continue to work with Government in the next reporting period to pursue legislative reforms to reduce areas of differences between divisions and make available a more consistent and efficient set of case management powers and tools which can be applied to suit the requirements of different caseloads. This, together with the work we have been undertaking on standardising members' terms and conditions of office across divisions, will support our ability to more flexibly allocate work to members to deal with our large caseload.

As we monitor and respond to the evolving circumstances arising from the coronavirus pandemic in 2020–21, we will maintain our focus on providing high-quality merits review, conscious of the need to support our members, staff and users as we all grapple with the challenges of this period in our history.

Registrar's review

Sian Leathem



The AAT's corporate plan for 2019–20 identified the strategies and plans that we intended to implement during the year to strengthen our organisation and improve our operations. Inevitably, the COVID-19 pandemic required a reassessment of our priorities as we concentrated on revising how we deliver our services in the changed environment. While this led to some of our planned activities being delayed, others that supported business continuity were brought forward.

We achieved much in the reporting year. I would like to acknowledge the capacity and resilience demonstrated by our members and staff as we developed and adapted to different ways of operating and their clear commitment during this time to ensuring that we continue to provide high-quality service to our users.

Governance and structure

Settling our new operating model, which outlines how we want the AAT to work into the future to deliver our statutory objective, was a significant achievement in 2019–20. It is underpinned by a set of principles designed to guide the more detailed implementation of the model and support an improved experience for our users and environment for our people. The implementation of the model forms part of our renewed program to transform the AAT which commenced in the reporting year and will continue over the coming years.

Our governance framework and organisational structure are critical to our success and feature prominently in the operating model. During 2019–20, we implemented key elements of our new governance arrangements and began revising aspects of our structure. We established a new pinnacle governance forum, the Tribunal Leadership Group, which assists the President and Registrar to set and monitor the Tribunal's strategy, budget, priorities, performance and ways of working. A Transformation Committee was created to oversee delivery of the transformation program which is coordinated and driven by a dedicated Transformation Office reporting to the Registrar, led by a Chief Transformation Officer. We also established a new Enterprise Technology Group led by a Chief Information Officer, which brought together staff working on digital services, information management and technology platforms and systems to better coordinate work in these areas.

Caseload management

Managing our caseload effectively and efficiently remained an important area of focus for the AAT throughout the reporting year.

Justice Thomas has set out information relating to our workload and performance and how we modified our operations in response to the pandemic. The decision to cease in-person services at our registries resulted in considerable and urgent effort to implement different ways to progress and conduct reviews. In the Migration and Refugee Division, we utilised our capability in early case assessment to identify cases that could be resolved without the need for an in-person hearing. Across the AAT, members and staff adapted to working from home, conducting ADR processes and hearings by telephone and video in an expanded range of cases. Work was also

undertaken to move all divisions towards digital case files to better support home-based work as well as more flexible allocation of work across registries. In the National Disability Insurance Scheme Division, we introduced a new national triaging process to ensure all urgent cases, particularly any involving vulnerable applicants, were identified and actioned.

Our efforts to manage our caseload in more innovative and efficient ways were recognised during the year. The AAT received a special commendation in the 2019 Australasian Institute of Judicial Administration Awards for Excellence for the development of a smart form to gather and structure required information in student refusal cases. The AAT was also recognised as the Courts and Tribunals ADR Group of the Year at the 2019 Australian ADR Awards organised by the Australian Disputes Centre.

User-centred services

The services provided by our registries are an essential part of what we do. We want our registries to deliver consistent, timely and accessible services to our users, members and registrars.

Further progress was made during the reporting year on our program to transform our registries and improve the services they provide. At the beginning of the year, we implemented in Melbourne and Sydney a revised model for registry services in the Migration and Refugee Division, which places a greater emphasis on early case assessment and resolution and more tailored administrative support to members. Following this successful initiative, the model was adapted and implemented in the Perth Registry. In Canberra, members commenced hearing Migration and Refugee Division cases and registry services were augmented to support this new type of work.

We also completed several initiatives during 2019–20 to make our services more accessible to our diverse range of users.

- We developed a suite of accessibility plans that identify actions to reduce barriers to access for key groups of users, including Indigenous Australians, people from other culturally and linguistically diverse backgrounds, people with disability, users in regional Australia and self-represented parties generally.
- Disability awareness training was offered to members and staff in all registries.

- New and improved information was made available on our website to assist parties find third-party service providers who may be able to help them with their review or provide other kinds of support.
- We reviewed the accessibility of our website and implemented a number of improvements.

Recognising that the review process can be a difficult and stressful experience, particularly for people with a mental health condition, we established a network of staff across our registries who are available to assist parties, members and staff in circumstances in which concerns arise about a person's health or welfare. The staff receive additional training and are supported by a set of guidelines.

Engaging with our stakeholders is an important part of developing and delivering improved services. In addition to conducting our annual user feedback survey, we refreshed our approach to the way we engage with migration and refugee stakeholders during the reporting year. We also participated in stakeholder forums relevant to the National Disability Insurance Scheme Division as well as other areas of our work.

Information and technology capability

Delivering an improved digital operating environment for the Tribunal and our users is a key strategic priority for the AAT. During the reporting year, plans were developed for moving to a more modern operating environment and there was significant effort on the part of staff in the Enterprise Technology Group to bring this work forward as a result of the pandemic to implement Microsoft Teams, upgrade our remote access systems and rapidly deploy new devices to support home-based work. A range of other foundation work was also undertaken to support our transition to cloud-based infrastructure, more mobile ways of working and the introduction of other contemporary workplace tools.

Another area of focus in 2019–20 was improving our arrangements for managing information. We developed a revised information governance framework and information management policy for the Tribunal and obtained approval from the National Archives of Australia for a new records authority covering the AAT's core functions. In May 2020, we took the next step in our improvement strategy, releasing an approach to market for an innovative

electronic document and records management system. We have worked closely with the Department of Finance under its Digital Records Transformation Initiative which aims to support the development of modernised digital records and information capability across the Australian Government.

In relation to our case systems, the online document upload service launched during the reporting year now provides a simple and secure way for parties, representatives and others to send us documents electronically relating to any case in the AAT. Work continued on the development of our unified online lodgement and case portal while the project team leading work on a new case management solution for the Tribunal was established and commenced detailed investigations in relation to our requirements.

Workforce culture, capability and arrangements

Our people are fundamental to the delivery of high-quality merits review. Ensuring our organisation has a positive culture, our people have the right capabilities and our workplace arrangements are fit for purpose are key elements of our operating model.

During the reporting year, members and staff were offered a diverse range of internal and external professional development opportunities to enhance their knowledge and skills, including access to over 5,000 online courses through LinkedIn Learning. Our Member Professional Development Advisory Group commenced work on a comprehensive curriculum for members that will be finalised in 2020–21. For registry staff, our induction materials and processes were improved with the development of a set of dedicated training support guides and videos. We also worked on the information architecture for a new intranet, which will better reflect and promote our desired culture and enhance access to relevant and up-to-date information to support work.

With many more members and staff working from home during the pandemic, we were particularly conscious of the need to enhance the support available to our people during this time. We conducted a series of webinars and developed a range of tools relating to remote working and, for those with management responsibilities, leading remote teams. We also rolled out several initiatives to support wellbeing, including a Reach

Out Program designed to provide additional support to those who may be struggling and webinars on building resilience.

Financial results

The AAT received an unqualified audit report on the 2019–20 financial statements from the Australian National Audit Office. These statements can be found from page 84 of this annual report. We operated within our appropriated funding during what was a challenging year and achieved a surplus of \$4.1 million excluding depreciation, amortisation and principal repayments on leased assets in 2019–20.

Looking ahead

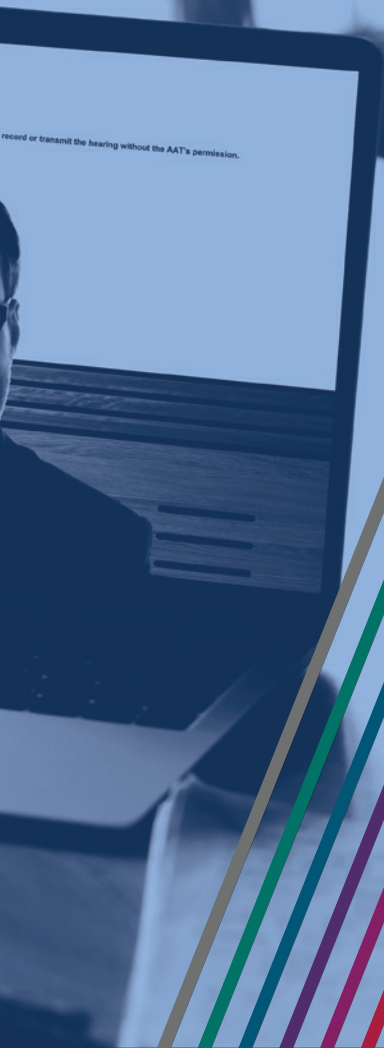
In the coming year, we will take the next steps in implementing our operating model. We will establish the new role of National Director Tribunal Services to lead the work on ensuring our registry and other enabling services are best placed to support the AAT's core review function. With this role filled and the appointment of Division Heads for the National Disability Insurance Scheme Division and the Social Services and Child Support Division, our senior leadership team will be complete, offering the opportunity to clarify responsibilities and accountabilities for our operations and the implementation of our strategic priorities. We will also undertake a capability modelling exercise to inform our revised organisational structure and undertake more detailed work on restructuring the corporate support areas of the Tribunal.

In addition to the ongoing work associated with managing our response to the coronavirus pandemic, we propose to explore options to improve how we provide basic procedural information about the AAT and IAA as well as deal with simple and more complex case enquiries using appropriate digital and in-person channels. Our case portal to be launched in the next reporting period will form part of this landscape as will a new case management solution which will be a key focus in 2020–21. Work will also continue on the rollout of our future technology infrastructure, including WiFi in our premises, as well as access to improved collaboration and information management tools. We will support our members and staff as we make these changes, including through targeted learning and development strategies and programs.



The AAT is recording this hearing. You must not photograph,





Chapter 2

Overview of the AAT



Functions and purpose

The AAT, established on 1 July 1976, provides independent merits review of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. The Immigration Assessment Authority (IAA), a separate office within the AAT, provides independent merits review of certain visa decisions.

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, set aside or remit the decision under review.

The AAT must pursue the objective set out in section 2A of the *Administrative Appeals Tribunal Act 1975* 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
- promotes public trust and confidence in the decision-making of the AAT.

The IAA must pursue the objective set out in section 473FA of the *Migration Act 1958* of providing a mechanism of review that is efficient, quick and free of bias.

The AAT and IAA provide administrative justice for individuals and organisations by reviewing decisions in accordance with the Administrative Appeals Tribunal Act and the Migration Act and, more broadly, contribute to improving the quality of government decision-making.

Outcome and program

The AAT, including the IAA, has a single outcome specified in the 2019–20 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 which covers the AAT and IAA.

Structure

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 9 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
- Veterans' Appeals Division.

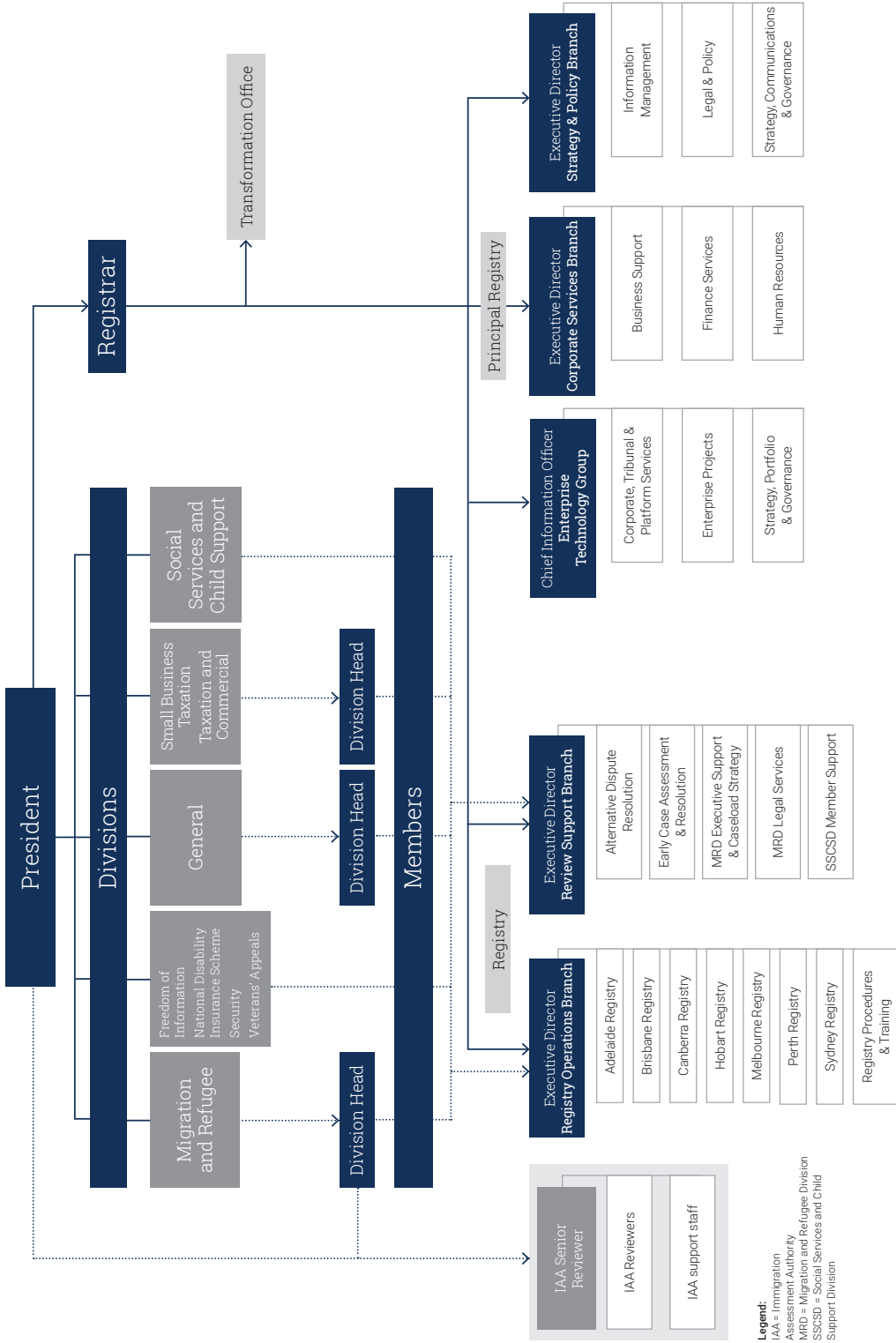
A Deputy President may be assigned as the Head of one or more of our divisions. A Deputy President or Senior Member may be assigned as the Deputy Head of one or more of our divisions.

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 IAA is established within the Migration and Refugee Division. It consists of the President, the Division Head of the Migration and Refugee Division, the Senior Reviewer and Reviewers. Staff of the AAT are made available to assist the IAA. More information about the IAA can be found in Chapter 4.

Figure 2.1 shows our organisational structure.

Figure 2.1 Organisational structure, 30 June 2020



Legend:
 IAA = Immigration Assessment Authority
 SSCSD = Social Services and Child Support Division

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 7 years. Members may be reappointed.

Qualification requirements for the various membership 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 of Australia or Family Court of Australia
- lawyers of at least 5 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 2020, there were 337 members of the AAT. Appendix 1 lists all AAT members at 30 June 2020, including the divisions to which each Senior Member and Member were assigned.

Table 2.2 Number of AAT members by category, 30 June 2020

CATEGORY OF MEMBER	JUDGE			FULL-TIME			PART-TIME			TOTAL		
	F	M	Total	F	M	Total	F	M	Total	F	M	Total
President	0	1	1							0	1	1
Deputy President												
Federal Court judge	5	7	12							5	7	12
Family Court judge	0	1	1							0	1	1
Non-judicial				2	8	10	0	6	6	2	14	16
Senior Member				13	21	34	7	18	25	20	39	59
Member				34	40	74	86	88	174	120	128	248
TOTAL	5	9	14	49	69	118	93	112	205	147	190	337

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 7 years.

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.



Table 2.3 lists the AAT's Division Heads and Deputy Division Head at 30 June 2020.

Table 2.3 Division Heads and Deputy Division Head, 30 June 2020

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

During the reporting year, Senior Member Diana Benk assisted with the management of the business of the Social Services and Child Support Division. Senior Member Fiona Meagher provided such assistance in relation to the National Disability Insurance Scheme Division.

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

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

The Registrar also has statutory functions relating to the management of applications conferred by the Administrative Appeals Tribunal Act and other enactments.

The Registrar is Sian Leathem. Initially appointed for a 5-year term from 7 April 2015, she was reappointed in 2020 until 6 April 2022.

During 2019–20, employees in senior executive positions assisted the President, the Division Heads and the Registrar. Table 2.4 lists the senior executive employees and their areas of responsibility at 30 June 2020.

Table 2.4 Senior executive employees, 30 June 2020

POSITION	NAME
Chief Information Officer	Morag Salter (Acting)
Chief Transformation Officer	Yvonne Little
Executive Director, Corporate Services	Jacqueline Fredman
Executive Director, Registry Operations	Elizabeth Connolly
Executive Director, Review Support	Alison Nesbitt (Acting)
Executive Director, Strategy and Policy	Christopher Matthies
Senior Reviewer, Immigration Assessment Authority	Sobet Haddad

Bernadette Ryan was the Executive Director, Review Support and Ron McLay was the acting Chief Information Officer during part of the reporting year.

Other staff are employed as ongoing, non-ongoing or intermittent employees under the Public Service Act and as labour hire. See Chapter 5 and Appendix 2 for more detailed staffing information.

Registries

District registries

Applicants and other users can 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 hearings and alternative dispute resolution processes
- liaise with parties and representatives about their cases and give them information about our operations and procedures
- provide administrative and other support services to members and registrars.

Conference registrars conduct most alternative dispute resolution processes held by the AAT in the Freedom of Information, General, National Disability Insurance Scheme, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions. Case assessment registrars and caseload practice managers undertake early case assessment and triage in various types of applications, particularly in the Migration and Refugee Division, Small Business Taxation Division and the Social Services and Child Support Division. At 30 June 2020, dedicated national teams provided caseload support and legal services to the Migration and Refugee Division, and member support services to 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 provide services to members and staff. During the reporting year, they were 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.

Powers and processes

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
- 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.

Processes

The AAT's powers and procedures are set out primarily in the Administrative Appeals Tribunal Act, in Parts 5 and 7 of the Migration Act and in social services legislation that confers jurisdiction on us. Our processes vary according to the type of decision we are reviewing, reflecting procedural requirements set out in 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 original 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 is 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 up to 3 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. 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. 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.

The Tribunal must give reasons for the decision. The decision and reasons may be given verbally on the day of the hearing 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 certain types of applications. Other presidential directions and guidelines deal with specific 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 some types of cases.

In April 2020, the President issued 5 practice directions, covering all divisions other than the Security Division, which set out special measures in response to the COVID-19 pandemic. The practice directions deal with matters such as the provision of registry services, electronic lodgement of documents and the conduct of hearings by telephone or video. We also published guides for parties and representatives participating in alternative dispute resolution processes and hearings by video.

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 examination notices under the *Building and Construction Industry (Improving Productivity) Act 2016*
- review a decision to make a temporary exclusion order under the *Counter-Terrorism (Temporary Exclusion Orders) Act 2019*
- 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 and investigation warrants and exercise related powers in relation to the *Narcotic Drugs Act 1967*
- issue surveillance device warrants, retrieval warrants and computer access warrants and exercise related powers under the *Surveillance Devices Act 2004*
- issue telecommunications interception warrants, stored communications warrants and journalist information warrants under the *Telecommunications (Interception and Access) Act 1979*
- issue investigation warrants and exercise related powers in relation to 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 5 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 Number of applications relating to warrants, controlled operations and other functions, 2018–19 to 2019–20

	2018–19	2019–20
Number of occasions on which applications considered	2,594	2,901

We are flexible in performing these functions and members are available outside standard business hours. In the reporting period, 106 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 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.

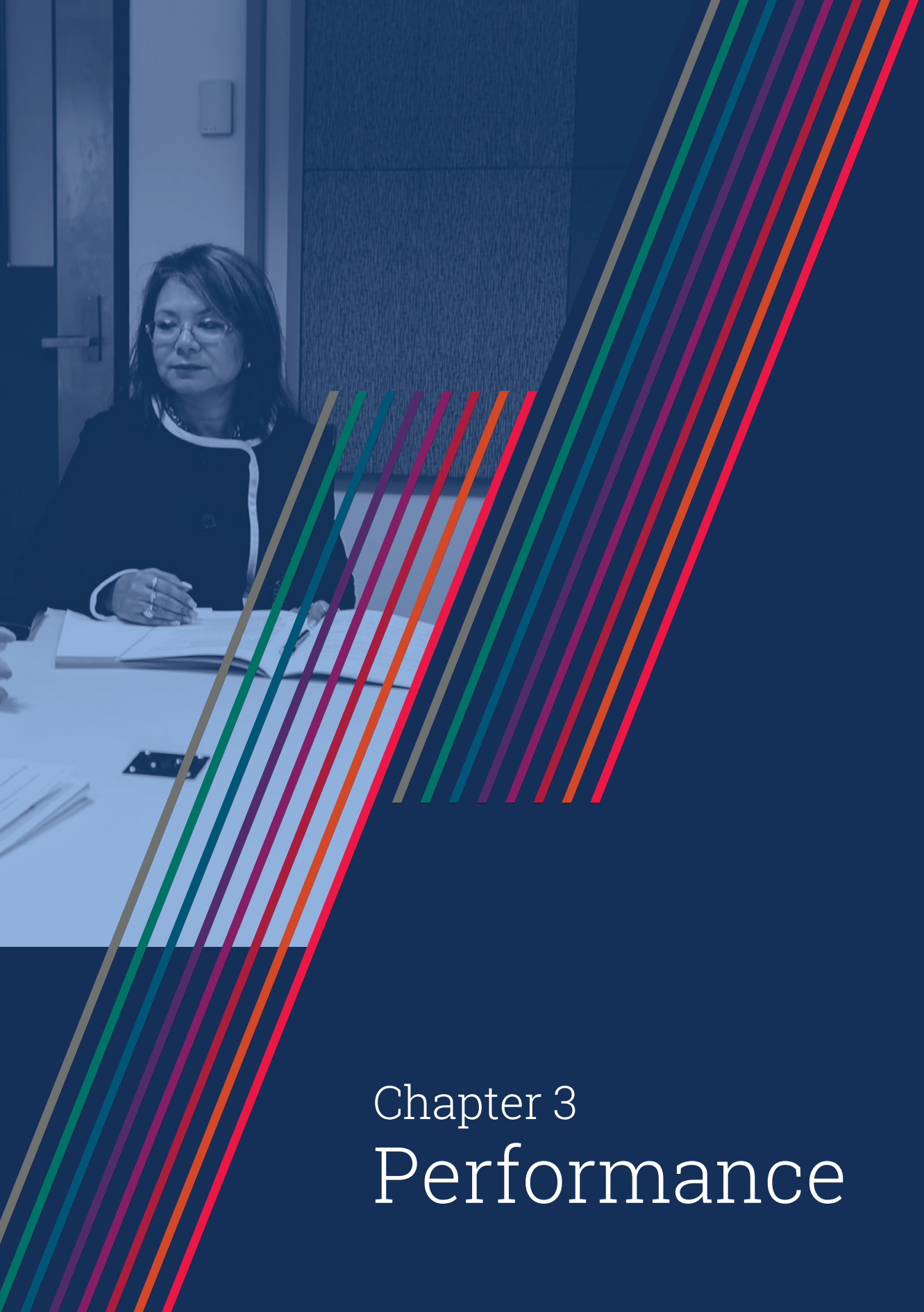
Proceeds of crime examinations

The President, any Deputy President and any Senior Member or Member enrolled as a legal practitioner for at least 5 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 Number of examinations held under the Proceeds of Crime Act, 2018–19 to 2019–20

	2018–19	2019–20
Number of examination sessions held	40	32





Chapter 3
Performance

Annual Performance Statement

Introductory statement

I, Sian Leatham, as the accountable authority of the Administrative Appeals Tribunal, present the 2019–20 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 accurately reflects the performance of the entity and complies with subsection 39(2) of the Public Governance, Performance and Accountability Act.

For the purposes of the finance law, the AAT includes the Immigration Assessment Authority. In this statement, references to the AAT and IAA are to the different entities.

Purpose

The AAT provides independent merits review of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. The IAA, a separate office within the AAT, provides merits review of certain visa decisions.

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, set aside or remit the decision under review.

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
- promotes public trust and confidence in the decision-making of the AAT.

The IAA must pursue the objective of providing a review that is efficient, quick and free of bias.

The AAT and IAA provide administrative justice for individuals and organisations by reviewing decisions in accordance with the *Administrative Appeals Tribunal Act 1975* and the *Migration Act 1958* and, more broadly, contribute to improving the quality of government decision-making.

Results

Table 3.1 summarises our results against each of the performance measures set out in our Corporate Plan 2019–20 and the Portfolio Budget Statements. We met our target in relation to 4 of the 5 measures.

Table 3.1 Results against performance measures in AAT corporate plan, 2019–20

PERFORMANCE MEASURE	TARGET	RESULT
1. Number of AAT applications and IAA referrals finalised	48,756	53,336
2. Proportion of AAT applications and IAA referrals finalised within a time standard	75%	60%
3. Number of AAT and IAA decisions published	At least 5,000	6,265
4. AAT user experience rating	At least 70%	72%
5. Proportion of appeals against AAT and IAA decisions allowed by the courts	Less than 5%	4.4%

Performances measures 1, 2, 3 and 5 in the Corporate Plan 2019–20 covered the work of the IAA for the first time. Results for 2018–19 referred to in this statement relate only to the AAT.

Performance measure 1: Number of AAT applications and IAA referrals finalised

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

Target

2019–20: 48,756 finalisations

Our 2018–19 performance was 44,413 AAT finalisations against a target of 45,600.

Source

Corporate Plan 2019–20 (page 7) and Program 1.1, 2019–20 Portfolio Budget Statements, Attorney-General's Portfolio (page 50)

Performance achieved

53,336 finalisations (51,605 AAT applications and 1,731 IAA referrals) – target met

Analysis

The AAT and IAA finalised a substantial number of applications and referrals in 2019–20, exceeding the annual target for the first time since 1 July 2015 by 9%.

The AAT finalised a record high 51,605 applications in the reporting period, 16% more than the number finalised in 2018–19 and 29% more than the 40,040 finalisations in 2017–18. In relation to the two divisions with the highest volume of work:

- the Migration and Refugee Division finalised 26,402 applications in 2019–20 (20,892 in 2018–19)
- the Social Services and Child Support Division finalised 16,749 applications (16,097 in 2018–19).

Our 7 other divisions finalised 8,454 applications in 2019–20 (7,424 in 2018–19) with all but 2 of the divisions recording a higher number of finalisations:

- Freedom of Information Division: 62 applications (32 in 2018–19)
- General Division: 5,594 applications (5,217 in 2018–19)
- National Disability Insurance Scheme Division: 1,527 applications (1,052 in 2018–19)
- Security Division: 5 applications (13 in 2018–19)
- Small Business Taxation Division: 75 applications (5 in 2018–19)
- Taxation and Commercial Division: 904 applications (738 in 2018–19), and
- Veterans' Appeals Division: 287 applications (367 in 2018–19).

Our improved performance, particularly in the Migration and Refugee Division, reflects the availability of additional members appointed in the previous reporting year, a modest increase in staffing to support the review process and a range of case management and procedural measures put in place to improve our effectiveness and efficiency. These included applying early case assessment and triaging techniques to identify appropriate pathways for cases, the use of alternative dispute resolution, outreach and targeted requests for information to promote earlier resolution and better preparation of cases for hearing as well as the changes introduced to our way of operating to maintain the delivery of our services during the coronavirus pandemic.

The IAA finalised 1,731 referrals in 2019–20. With an already low on-hand caseload at the beginning of the reporting period, the IAA was able to keep pace with the incoming workload from the Department of Home Affairs.

Further information relating to AAT workload by division and major caseloads within divisions, including the number of applications finalised, can be found in Tables 3.7, 3.12 and 3.16. More information about IAA finalisations can be found in Chapter 4.

Performance measure 2: Proportion of AAT applications and IAA referrals finalised within a time standard

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

Target

2019–20: 75% of AAT applications finalised within 12 months of lodgement

Our 2018–19 performance was 66% of AAT applications finalised within 12 months of lodgement against a target of 75%.

Source

Corporate Plan 2019–20 (pages 7–8) and Program 1.1, 2019–20 AAT Portfolio Budget Statements, Attorney-General's Portfolio (page 50)

Performance achieved

60% of applications and referrals finalised within 12 months of lodgement – target not met

Analysis

We did not meet the target in relation to this measure for a second consecutive year. After achieving results of 82% in 2016–17 and 77% in 2017–18, our worsening performance in 2018–19 and 2019–20 can be attributed to challenges in our operating environment, particularly in the Migration and Refugee Division.

The volume of applications made to the AAT increased significantly over recent years. The number of applications lodged in the Migration and Refugee Division in each of 2017–18 and 2018–19 was approximately double the number received in 2015–16. There was not a corresponding increase in the number of members and staff to deal with our larger workload which led to the on-hand caseload in that Division increasing in size and age. As a result, a significant number of the cases finalised by the Migration and Refugee Division in 2019–20 were older cases. The proportion of applications completed within 12 months of lodgement in that Division fell from 36% in 2018–19 to 28% in 2019–20. With the Division accounting for more than half of the AAT's finalisations in the reporting period, we were unable to achieve our overall timeliness target. This situation is likely to continue while we work through the backlog of cases in that Division.

The time taken by the AAT to finalise applications varies between 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 in addition to the overall level of resources available to deal with applications, particularly the number of members. While we did not meet the overall target, the AAT was able to finalise more than 75% of applications within 12 months of lodgement in the General, National Disability Insurance Scheme, Small Business Taxation, and Social Services and Child Support Divisions in 2019–20. This benchmark was not met in the Freedom of Information, Security, Taxation and Commercial, and Veterans' Appeals Divisions which generally deal with more complex cases that take longer to resolve.

The IAA generally conducts reviews on the papers and does not hold hearings. In 2019–20, more than 99% of IAA reviews were finalised within 12 months of referral, with a median time of 5 weeks from referral to finalisation.

Further information relating to the timeliness of the AAT's review process by division and major caseloads within divisions can be found in Tables 3.7, 3.12 and 3.16. More information about the timeliness of the IAA can be found in Chapter 4.

Performance measure 3: Number of AAT and IAA decisions published

This measure is an indicator relating to the AAT and IAA providing mechanisms of review that are accessible and promote public trust and confidence in our decision-making.

Target

2019–20: At least 5,000 decisions published

Our 2018–19 performance was 6,839 AAT decisions published against a target of at least 5,000. This figure is higher than the 5,905 decisions reported in our 2018–19 annual report. It includes decisions made in 2018–19 that had not yet been published at the time that report was prepared.

Source

Corporate Plan 2019–20 (pages 8–9)

Performance achieved

6,265 decisions made in 2019–20 published at the time of preparing the report (6,113 AAT decisions and 152 IAA decisions) – target met

Analysis

The AAT and IAA are authorised to publish decisions and the reasons for them, 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 written statements of reasons for decisions in accordance with our Publication of Decisions Policy which is available on our website. That policy specifies that we will publish:

- a randomly selected proportion of written decisions in high-volume categories of cases in the Migration and Refugee Division and in child support cases in the Social Services and Child Support Division
- all written decisions in our 7 other divisions and in certain types of cases in the Migration and Refugee Division, subject to confidentiality requirements.

The IAA publishes a representative sample of decisions.

The application of the Publication of Decisions Policy to written decisions made by the AAT in 2019–20 and the IAA selection process has resulted in us exceeding our target for 2019–20 by 25%. Publishing this number of statements of reasons for AAT and IAA decisions contributed to the transparency of our operations by informing parties, representatives and the general public about our work, including how we interpret and apply the law and why we have made the decision in individual cases.

Performance measure 4: AAT 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

2019–20: User experience rating is at least 70%

Our 2018–19 performance was a user experience rating of 73% against a target of at least 70%.

Source

Corporate Plan 2019–20 (page 9)

Performance achieved

User experience rating of 72% – target met

Analysis

The user experience rating is derived from the results of a feedback survey, administered by an independent market research organisation, which asks AAT users for their views on matters such as the process of applying for a review, our website and written communications, dealings with staff, conferences and hearings, as well as perceptions of the review process overall.

All individuals and organisations who were applicants or other parties in cases finalised between 1 January 2020 and 30 April 2020 and all professional representatives of parties involved in cases finalised between 1 December 2019 and 30 April 2020, for whom we had an email address or mobile telephone number, were invited to complete an online questionnaire. Responses were received from 1,926 parties and 551 legal and other representatives, constituting response rates of 13% and 18% respectively.

The rating was calculated by computing the average proportion of ‘strongly agree’ and ‘agree’ ratings given in responses to questions about the following aspects of the AAT’s review processes:

- accessibility of information: the usefulness, sufficiency and clarity of the information we provided about the review process (72% for parties and 85% for representatives)
- accessibility for users with diverse needs: the extent to which we met the needs of people with disability and the quality of interpreters engaged to assist people from culturally and linguistically diverse backgrounds (65% for parties and 69% for representatives)
- fairness: the courtesy and respect shown by members and registrars, the opportunity given to parties to present their case and overall perceptions of the fairness of the review and independence of the AAT (71% for parties and 83% for representatives)
- informality: how easy it was to apply for review, the appropriateness of the level of formality of conferences and hearings and how straightforward the review process was overall (70% for parties and 90% for representatives)
- timeliness: how quick we were to complete the review overall and to provide a decision after a hearing (61% for parties and 56% for representatives).

Combining and averaging these results, the overall user experience rating achieved for 2019–20 of 72% was consistent with results in earlier years. Parties and representatives continued to be positive in their overall assessment of the services provided by the AAT with parties who did not receive a favourable outcome in their review tending to give lower ratings. The somewhat lower ratings for accessibility for users with diverse needs related principally to access for people with disability. The AAT is examining the data closely to identify the issues and potential responses. The lower ratings given both by parties and representatives in relation to timeliness reflect the challenges faced by the AAT in finalising applications in a timely manner in some divisions

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

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

This measure is an indicator of the extent to which the AAT and IAA are providing mechanisms of review that are fair and just and that promote public trust and confidence in decision-making.

Target

2019–20: Number of appeals allowed is less than 5% of all AAT and IAA decisions that could have been appealed

Our 2018–19 performance was 2.3% for the AAT against a target of less than 5%.

Source

Corporate Plan 2019–20 (pages 9–10)

Performance achieved

Proportion of appeals allowed is 4.4% – target met

Analysis

Our decisions may be appealed to the courts and an appeal may be allowed if the AAT or IAA 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 or IAA in the previous year. This methodology is applied on the basis that a majority of appeals lodged in relation to decisions made in a year are finalised in the following year.

While we met our target for this measure, the result was 2.1 percentage points higher than the previous year. This had two primary causes relating to the judicial review of migration and refugee decisions. In 2019–20, 95% of appeals finalised related to decisions of the Migration and Refugee Division (or the former Migration Review Tribunal or Refugee Review Tribunal) or the IAA. Almost half of the 690 appeals allowed in 2019–20 against decisions of the Migration and Refugee Division flowed from two Federal Court decisions which held that applicants had not been properly notified of the original decision to refuse to grant their visa, a matter beyond the control of the AAT. When those cases are excluded, the results for the Migration and Refugee Division and the AAT overall were comparable with the previous year. The result for this year was also higher because it took into account for the first time the outcomes of appeals against decisions of the IAA. Similar to the Migration and Refugee Division, this is a caseload with very high appeal rates, affected by rapidly changing case law and in relation to which there is a large number of outstanding appeals.

The number of appeals relating to decisions made in the AAT's other divisions continued to be low in 2019–20. The proportion of appeals allowed in relation to appealable decisions made in those divisions increased marginally in the reporting period but remained well within the target.

Further information relating to outcomes of appeals against AAT decisions by division can be found in Table 3.21 later in Chapter 3 and Table A4.7 in Appendix 4. More information about appeals against IAA decisions can be found in Chapter 4.

Analysis of performance against our purpose

The AAT and IAA continued to operate in a complex and dynamic environment in 2019–20 with ongoing challenges associated with managing our large workload as well as the need for the Tribunal and our users to adapt to different ways of working as a result of the COVID-19 pandemic.

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 and referrals we receive. Since 2015–16 our caseload has become larger and more diverse. While the IAA has been able to manage the number of incoming referrals in recent years, the number of members and staff available to deal with cases in the AAT did not keep pace with the increasing demand for our services over time, leading to an on-hand caseload of 69,580 at 30 June 2019 with the majority of these in the Migration and Refugee Division. During 2019–20, we received 56,123 applications and referrals and finalised 53,336, leaving 72,466 cases on hand at 30 June 2020. A 10% decrease in lodgements in the reporting period coupled with our strong performance in finalising 14% more cases, notwithstanding the impact of the COVID-19 pandemic, contributed to only a modest increase in the active caseload by 30 June 2020. The fall in lodgements we experienced in the second half of the reporting period, particularly in certain caseloads in the Migration and Refugee Division as a result of the pandemic, enabled us to start to reduce the size of our on-hand caseload. While we anticipate continuing to finalise more cases than are lodged in 2020–21, the extent to which we will be able to make substantial inroads into the backlog will depend on lodgement trends and the availability of additional members and supporting staff.

Following the introduction of restrictions associated with the coronavirus pandemic and our decision to limit the provision of in-person services from AAT premises, we made rapid changes to the way in which we operate to ensure we could continue to conduct reviews. Five new practice directions were issued to assist users understand how we would operate, and we employed a range of triage approaches to identify and then engage with parties and representatives about how individual cases could progress. A key element of our response was to enhance our electronic systems, including extending the functionality of our new online document upload service as well as our capability to conduct alternative dispute resolution processes and hearings by telephone and video. We invested significant effort to accelerate our program to modernise our technology infrastructure to enable members and staff to transition to working from home. There was a focus on supporting our members and staff as they adjusted to the new ways of working in addition to ensuring continued access to training and materials to enhance the knowledge and skills they need to undertake their work.

During the reporting year, we also pursued a variety of other projects and initiatives to improve our operations for the benefit of users as well as enhance the capability of our organisation in support of the achievement of our statutory objectives. We undertook several initiatives to improve the accessibility of our services for our diverse users, including disability awareness training for members and staff, and improving the information on our website to assist parties find service providers that may be able to help them with their review. We also reviewed and enhanced the accessibility of our website for people with disability. In relation to our organisation, we settled a new high-level operating model which articulates the vision and guiding principles for building our future organisation, including how our governance, people, processes and technologies should be brought together to support the delivery of our services. Implementation of the model commenced with the establishment of a new pinnacle governance forum to advise and assist the President and Registrar in their management of the AAT and IAA as well as the creation of a Transformation Office to coordinate and drive our change program. An Enterprise Technology Group was established under a new Chief Information Officer position to better coordinate the development of our digital environment to deliver an improved experience both within and outside the Tribunal. Work will continue on implementing the model in 2020–21 as we pursue further changes to ensure our organisation is best placed to provide high-quality and efficient services to our users.

While the operating environment remained challenging in 2019–20, the AAT and IAA were able to provide mechanisms of review of administrative decisions in 2019–20 consistent with the elements of our statutory objectives. We exceeded the targets in relation to 4 of our 5 performance measures, finalising more cases than in any previous year and performing well in relation to the quality of our processes and decision-making and the publication of our decisions. Our overall timeliness performance was below what we would like to achieve but we were still able to provide timely review of decisions in many areas of our work. The AAT and IAA 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 2019–20 financial results are presented in the financial statements of this annual report. The Australian National Audit Office issued an unmodified audit opinion for the financial statements on 11 September 2020.

In relation to departmental activities, the AAT's 2019–20 operating surplus (excluding depreciation, amortisation and principal repayments on leased assets) of \$ 4.1 million (2018–19: \$10.0 million) is reflective of our strong performance and resource management over the financial year. The result is in keeping with the AAT's sound financial position as at 30 June 2020 with total assets of \$377.5 million (2018–19: \$150.8 million), exceeding total liabilities by \$118.4 million (2018–19: \$89.1 million). The implementation impact of AASB16 *Leases* is reflected in this year's departmental results and more information can be found in the financial statements.

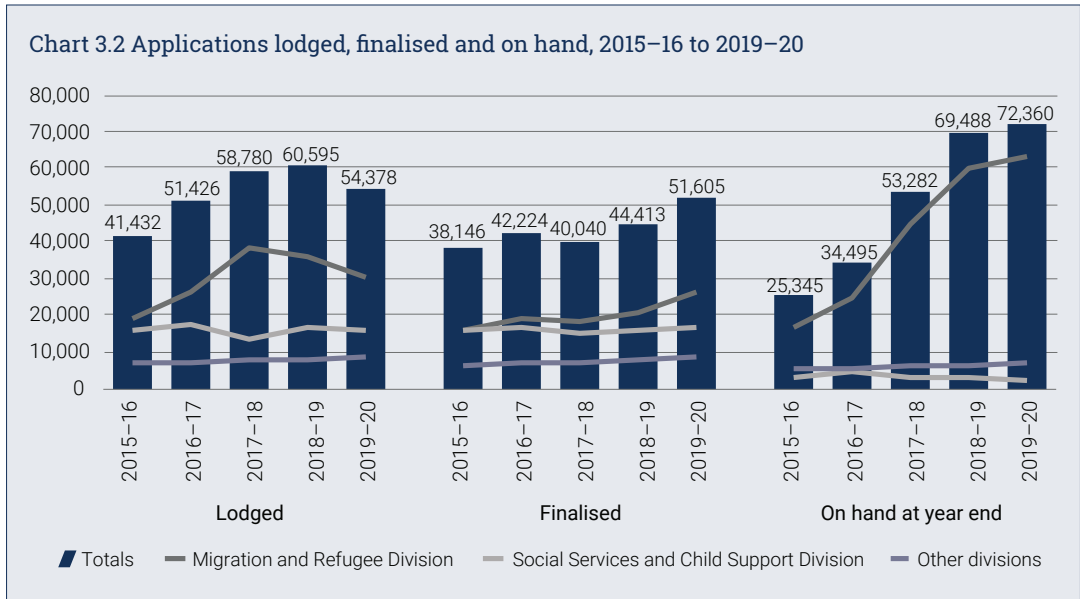
The AAT also administers on behalf of the Government fees that are paid in relation to applications made to the Tribunal for the review of decisions. The AAT's 2019–20 administered income was \$43.0 million (2018–19: \$49.4 million). The implementation impact of AASB15 *Revenue from Contracts with Customers* is reflected in this year's administered results. More information about AASB 15 *Revenue from Contracts with Customers* can be found in the financial statements.

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

AAT caseload overview^a

The AAT received 54,378 applications and finalised 51,605 applications in 2019–20. There were 72,360 applications on hand at 30 June 2020. To demonstrate trends over time, Chart 3.2 illustrates the number of applications lodged and finalised in the last 5 financial years, and the number of applications on hand at 30 June in each year.

^a This section relates to the caseload of the AAT. For information about the caseload of the IAA, see Chapter 4.



The number of applications lodged with us in 2019–20 was 10% lower than the number lodged in 2018–19, while the number of applications finalised was 16% higher than in 2018–19, the highest annual number of AAT finalisations on record. As we did not finalise as many applications as we received across the full year, the number of applications on hand at 30 June 2020 was 4% higher than at 30 June 2019. However, with lodgements decreasing in the second half of the year, our active caseload did trend lower from a peak of more than 76,000 applications at the end of January 2020.

As shown in Table 3.3, the size of our workload varies significantly between divisions: almost 95% of the applications made in 2019–20 were in the Migration and Refugee Division, the Social Services and Child Support Division and the General Division. The NDIS Division comprises a small but steadily increasing proportion of the overall caseload: 1% in 2017–18, 2% in 2018–19 and 3% in 2019–20. A combined 3% of applications were in the FOI, Security, Small Business Taxation, Taxation and Commercial, and Veterans’ Appeals Divisions.

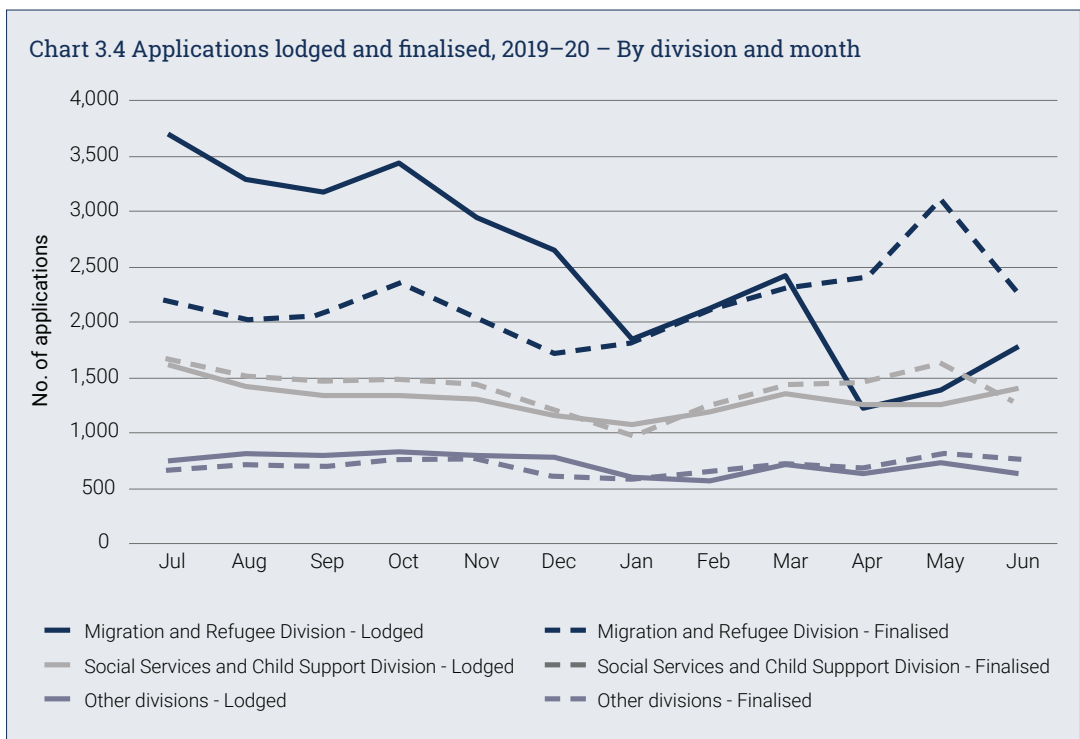
Table 3.3 Applications lodged, finalised and on hand, 2019–20 – By division

DIVISION	LODGED		FINALISED		ON HAND AT YEAR END	
	No	% of total	No	% of total	No	% of total
Freedom of Information	55	<1%	62	<1%	62	<1%
General	5,584	10%	5,594	11%	3,956	5%
Migration and Refugee	29,976	55%	26,402	51%	63,305	87%
National Disability Insurance Scheme	1,780	3%	1,527	3%	922	1%
Security	5	<1%	5	<1%	8	<1%
Small Business Taxation	274	<1%	75	<1%	318	<1%
Social Services and Child Support	15,713	29%	16,749	32%	2,239	3%
Taxation and Commercial	797	1%	904	2%	1,320	2%
Veterans’ Appeals	194	<1%	287	<1%	230	<1%
TOTAL	54,378	100%	51,605	100%	72,360	100%

We finalised 2,773 fewer applications than we received, a clearance rate of 95%. This is a strong improvement on previous results, up 22 percentage points from 73% in 2018–19. We finalised as many or more applications than we received in the Freedom of Information, General, Security, Social Services and Child Support, Taxation and Commercial, and Veterans’ Appeals Divisions. The Migration and Refugee Division achieved a clearance rate of 88% which is significantly higher than the result of 58% in 2018–19, primarily due to the impact of the coronavirus pandemic. As a result of significant increases in lodgements in 2019–20, the NDIS Division and Small Business Taxation Division achieved lower clearance rates of 86% and 27% respectively.

Of the 72,360 applications on hand at 30 June 2020, 87% were in the Migration and Refugee Division, 5% in the General Division and 3% 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 4% of the active caseload.

The impact of the coronavirus pandemic on our caseload varied significantly between divisions. Chart 3.4 shows lodgements and finalisations in 2019–20 by division and month.



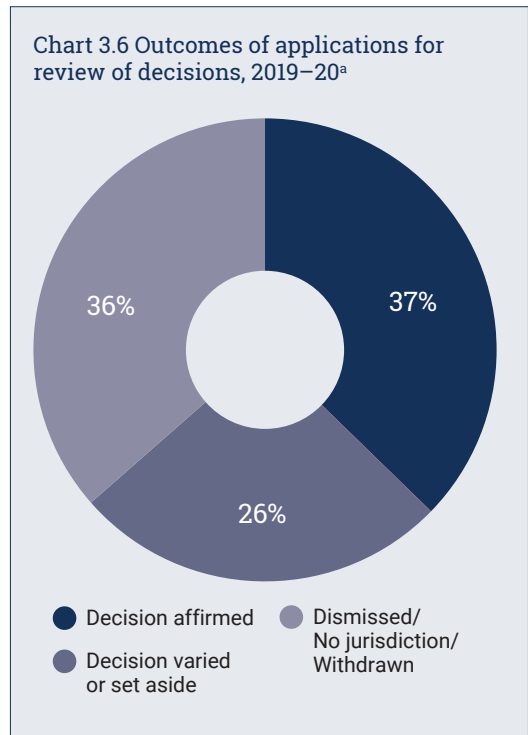
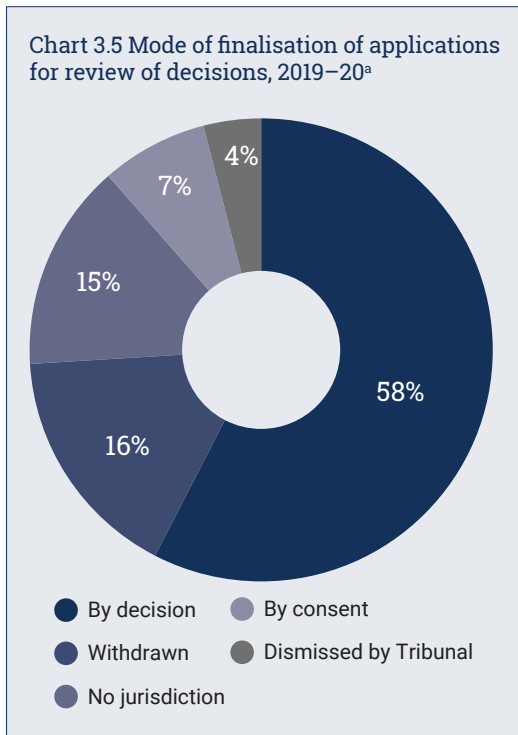
In the Migration and Refugee Division, lodgements had begun to trend lower from October 2019 but fell more sharply in April 2020 and remained at lower levels in the final quarter of the reporting year, particularly in relation to the migration visa caseloads. The Division was able to increase its finalisations by triaging cases to identify those that could be decided notwithstanding the restrictions arising from the pandemic. In contrast, lodgements and finalisations in all other divisions remained relatively steady.

More detailed information about the operations of the AAT’s divisions is set out later in this chapter. Information about the types of applications lodged and finalised in 2019–20 is available in Appendix 4.

Applications may be finalised in different ways, as illustrated in Chart 3.5. In 2019–20, the majority of applications were finalised by the Tribunal making a decision on review, usually after conducting a hearing. In 7% 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 35% 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 was broadly consistent with earlier reporting years.

As demonstrated in Chart 3.6, a decision under review was varied or set aside in 26% of all applications finalised in 2019–20, either by decision or by consent, similar to the result for 2018–19. Further information on outcomes of reviews by division and major caseloads within certain divisions is available in Appendix 4.



^a 'By decision' comprises 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' comprises applications in relation to which the AAT cannot review the decision. 'By consent' comprises applications finalised in accordance with terms of agreement reached by the parties. See the notes to Table A4.5 in Appendix 4 for a full description of the outcome types.

^a Percentages may not total 100% due to rounding

Operation of divisions

This section includes detail about the operations of the AAT's 9 divisions during 2019–20. Additional information can also be found in Appendix 4, including data on the location of applicants and the representation of parties other than decision-makers in the reporting period.

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 3.7 contains key statistics relating to workload and timeliness for each of these divisions and for major caseloads within those divisions for the last 2 financial years.

Table 3.7 Caseload overview, 2018–19 to 2019–20 – Freedom of Information, General, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions

DIVISION/ CASELOAD	LODGED		FINALISED		CLEARANCE RATIO		ON HAND AT YEAR END		% FINALISED WITHIN 12 MONTHS		MEDIAN TIME TO FINALISE (WEEKS)	
	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20
	change from 2018–19		change from 2018–19		change from 2018–19		change from 2018–19					
Freedom of Information	40	55	32	62	80%	113%	69	62	66%	34%	33	119
General	5,342	5,584	5,217	5,594	98%	100%	3,931	3,956	75%	78%	25	24
Australian citizenship	708	815	575	706	81%	87%	464	575	87%	82%	22	23
Centrelink (2nd review)	1,882	2,167	1,708	2,081	91%	96%	1,091	1,173	87%	89%	20	20
Visa-related decisions relating to character	308	339	340	309	110%	91%	71	145	95%	90%	11	11
Workers' compensation	1,368	1,242	1,633	1,345	119%	108%	1,601	1,503	48%	52%	54	51
Other	1,076	1,021	961	1,153	89%	113%	704	560	84%	84%	16	18
National Disability Insurance Scheme	1,206	1,780	1,052	1,527	87%	86%	668	922	89%	90%	23	18
Security	14	5	13	5	93%	100%	9	8	85%	40%	28	66
Small Business Taxation^a	123	274	5	75	4%	27%	118	318	100%	100%	5	13
Taxation and Commercial	800	797	738	904	92%	113%	1,405	1,320	69%	62%	34	36
Taxation	670	577	642	719	96%	125%	1,285	1,142	68%	56%	35	41
Other	130	220	96	185	74%	84%	120	178	73%	75%	31	27
Veterans' Appeals	261	194	367	287	141%	148%	314	230	53%	52%	46	49
TOTAL	7,786	8,689	7,424	8,454	95%	97%	6,514	6,816	75%	78%	27	24

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

General Division

The General Division has the most diverse caseload among the AAT's divisions. The areas of work with the largest volume of applications during 2019–20 were second review of Centrelink decisions, followed by the review of decisions made under Commonwealth workers' compensation legislation, decisions about Australian citizenship and visa decisions made on character grounds. Decisions relating to vocational education and training regulation and a wide range of other types of decisions not specifically allocated to another division comprise the remainder of the workload. Deputy President Peter Britten-Jones was the Division Head throughout the reporting period.

Within the context of the whole-of-Tribunal response to the coronavirus pandemic and the decision to limit the extent to which we would allow personal attendance at our registries, a new COVID-19 Special Measures Practice Direction – Freedom of Information, General and Veterans' Appeals Divisions was introduced with effect from 29 April 2020, setting out how these Divisions would continue to operate during this time. The practice direction covered matters such as the electronic lodgement of documents, the use of electronic signatures, changes to processes relating to summonses to produce documents, the conduct of pre-hearing processes and hearings by telephone or video as well as the use of technology for case events.

The number of applications for second review of Centrelink decisions increased in 2019–20, reflecting to some degree the higher number of finalisations of first reviews of Centrelink decisions in the Social Services and Child Support Division. As Table 3.8 shows, applications for review of decisions about disability support pension were most common (42%) followed by applications about newstart allowance, family tax benefit and age pension which collectively comprised a further 28% of lodgements.

Table 3.8 Centrelink second review caseload, 2018–19 to 2019–20 – By payment type

PAYMENT TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19
Age pension	177	180	2%	161	173	7%	89	95	7%
Austudy payment	38	51	34%	45	39	-13%	11	23	109%
Carer allowance	40	56	40%	33	46	39%	18	28	56%
Carer payment	76	116	53%	72	91	26%	46	71	54%
Disability support pension	931	902	-3%	820	991	21%	655	564	-14%
Family tax benefit	179	208	16%	184	197	7%	76	87	14%
Newstart allowance	202	227	12%	162	227	40%	99	100	1%
Parenting payment	78	136	74%	78	96	23%	29	69	138%
Youth allowance	59	106	80%	63	98	56%	14	22	57%
Other	102	185	81%	90	123	37%	54	114	111%
TOTAL	1,882	2,167	15%	1,708	2,081	22%	1,091	1,173	8%

Table 3.9 sets out the types of decisions in respect of which second review was sought. Applications relating to decisions about a debt represented a higher proportion of lodgements in the reporting year than applications about a refusal of a claim.

Table 3.9 Centrelink second review lodgements, 2018–19 to 2019–20 – By decision type^a

DECISION TYPE	2018–19		2019–20	
	No	%	No	%
Cancellation of payment	142	8%	103	5%
Debt	683	36%	971	45%
Rate of payment	68	4%	76	4%
Refusal of claim	867	46%	872	40%
Start date of payment	71	4%	101	5%
Other	51	3%	44	2%
TOTAL	1,882	100%	2,167	100%

^a A single application may relate to more than one type of reviewable decision. These figures relate to the primary decision type recorded by the AAT for each application.

The timeliness within which we finalised Centrelink second review applications in 2019–20 remained comparable with our results for the previous reporting year with the majority of cases completed within 6 months. The proportion of reviews in which the decision under review was changed increased marginally from 19% last year to 21% this year.

In our workers' compensation jurisdiction, the number of applications for review of decisions made under the *Safety, Rehabilitation and Compensation Act 1988* and the *Seafarers Rehabilitation Act 1992* continued to decline in 2019–20 with a corresponding decrease in finalisations and also cases on hand at 30 June 2020. The 9% decrease in lodgements was largely due to a further reduction in applications for review of decisions made by Comcare. While there were small improvements in the proportion of applications finalised within 12 months and in the average time to finalisation, timeliness continued to be of concern. These cases take longer to finalise than other types of cases because of the significant amount of investigation and evidence gathering required, particularly medical evidence, that takes place only after an application is lodged. Deputy President Britten-Jones formed an internal working group during the reporting period to consider opportunities to improve timeliness within the current legislative framework and develop a new practice direction for the jurisdiction. This work will continue in 2020–21, including broad consultation with affected stakeholders. Informal consultation occurred with Comcare in the context of regular liaison meetings held during 2019–20 to discuss operational issues relating to this caseload.

Applications for review of decisions relating to Australian citizenship increased again in 2019–20 at a similar rate to the previous year. Most applications concerned a decision to refuse to approve a person becoming an Australian citizen with decisions made on various grounds, including failing to meet the good character, identity or residence requirements. Other applications related to decisions to cancel approval of citizenship, to refuse a person resuming citizenship and refusing to approve the renunciation of citizenship. The proportion of all applications finalised in which the decision under review was changed increased from 24% in 2018–19 to 27% in 2019–20: 19% in accordance with terms of agreement reached between the applicant and the Minister and 8% by a Tribunal decision following a hearing. The AAT made a decision to affirm the decision under review following a hearing in 15% of applications, a similar proportion to the previous year. The remaining 59% of applications were either withdrawn, failed to meet the requirements of a valid application or were otherwise dismissed.

The number of applications lodged 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 again in 2019–20, albeit at a slower rate than in the previous year. Senior Member Theo Tavoularis was the list manager for these applications throughout the reporting year. With most applications required to be finalised within 12 weeks after the applicant was notified of the decision, extensive engagement was required with parties and representatives in relation to how cases

would be handled following the decision to limit in-person hearings as a result of the coronavirus pandemic. Liaison was undertaken with the Department of Home Affairs to ensure sufficient facilities would be available in immigration detention centres to support the increased number of hearings conducted by video. More than 80% of applications were finalised by a Tribunal decision following a hearing in the reporting period with the AAT affirming the decision under review in 48% of cases and changing the decision in 35% of cases. In a small number of cases, the decision under review was changed in accordance with terms of agreement reached between the applicant and the Minister.

More information on the outcomes of General Division cases can be found in Table A4.5.1 in Appendix 4.

Freedom of Information Division

The Freedom of Information Division deals with the review of decisions made under the *Freedom of Information Act 1982* as well as reviews of decisions made under 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) and the *Privacy Act 1988*. Of the 55 applications lodged in the Division 2019–20, 53 related to decisions made under the Freedom of Information Act. The increase in finalisations as well as the drop in the proportion of applications finalised within 12 months and the substantial increase in the average time to finalise cases in the Division in the reporting period can be attributed to the completion of a longstanding set of 26 related applications concerning decisions under the Archives Act.

National Disability Insurance Scheme Division

The number of applications lodged in the NDIS Division increased again by almost 50% in 2019–20 with corresponding increases in finalisations and applications on hand at the end of the reporting period. Table 3.10 shows that slightly more than half of the applications lodged were for review of decisions about the plans for participants which set out the funding for supports under the Scheme with slightly less than half about whether a person is eligible to access the Scheme. A higher proportion of the caseload concerned access decisions in 2019–20. Consistent with the previous reporting year, the largest volume of applications were lodged in New South Wales followed by Victoria, Queensland and South Australia. For more information about the location of applicants, see Table A4.2 in Appendix 4.

Table 3.10 NDIS caseload, 2018–19 to 2019–20 – By decision type

DECISION TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19
Access to scheme	466	797	71%	431	604	40%	269	461	71%
Plans	732	980	34%	614	918	50%	396	460	16%
Other	8	3	-63%	7	5	-29%	3	1	-67%
TOTAL	1,206	1,780	48%	1,052	1,527	45%	668	922	38%

Most cases continued to be resolved during the AAT's pre-hearing process with 66% of cases finalised in accordance with terms of agreement lodged by the parties and 27% withdrawn by the applicant. Only 18 of the 1,527 applications completed were finalised by a Tribunal decision following a hearing. The decision under review was changed in 65% of cases, primarily by agreement between the applicant and the National Disability Insurance Agency. See Table A4.5.2 in Appendix 4 for the full breakdown of outcomes. Despite the significant increase in lodgements, the average time to finalise applications reduced to 18 weeks.

In the absence of a Division Head, Senior Member Meagher assisted with the coordination of the work in this Division during 2019–20, taking the leading role in the Division's response to the COVID-19 pandemic, including the development of a COVID-19 Special Measures Practice Direction for the Division. To ensure no applicant was disadvantaged as a result of COVID-19 and recognising that people with disability may be particularly vulnerable to the impact of the pandemic, the Division instigated a national triage process. Every application received was reviewed upon receipt to ensure that all urgent cases were dealt with expeditiously. This process has resulted in the identification of ways to enhance access to justice and create efficiencies through more proactive case management into the future.

Stakeholder engagement was also increased with the establishment of regular COVID-19 specific meetings with representatives of the National Disability Insurance Agency, the Department of Social Services, disability advocacy organisations and legal aid. This facilitated a quick transition to more digital ways of work and provided a forum for rapid consultation with respect to issues, including the special measures practice direction for the Division. Additional liaison meetings were also held with representatives from the Agency during the year.

Security Division

The AAT's 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 in respect of access to an ASIO record under the Archives Act. While there were few cases dealt with in 2019–20, reviews of security assessments are resource intensive, involving tailored case management and multi-member tribunals for hearings. They are subject to specific procedures which require the hearing to be in private and limit the evidence and submissions that may be disclosed to an applicant. The AAT publishes decisions in these cases, consistent with confidentiality requirements, to maximise transparency in relation to our work in this area. Two decisions were published in the reporting year.

Small Business Taxation Division and Taxation and Commercial Division

The Small Business Taxation Division was established to make it easier for small businesses to seek review of decisions of the Australian Taxation Office. The Taxation and Commercial Division deals with the review of all other decisions made by the Australian Taxation Office as well as decisions made by key Australian Government regulators, including the Australian Financial Security Authority, the Australian Securities and Investments Commission and the Tax Practitioners Board. Some other types of applications 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. Deputy President Bernard McCabe was the Division Head of both Divisions throughout the reporting period.

Following its creation on 1 March 2019, 2019–20 was the first full year of operation for the Small Business Taxation Division. The Division consolidated the case management model developed for these cases, particularly the use of early case assessment conferencing undertaken by a registrar with tax experience to help determine the best pathway for the review. The average time to finalise cases in the Division was 13 weeks with many cases resolved during the pre-hearing process. Only 8% of applications for review were finalised by a Tribunal decision following a hearing with all decisions delivered within 28 days after the hearing.

In the Taxation and Commercial Division, applications for review of taxation decisions remained the largest proportion of the cases. When combined with applications made in the Small Business Taxation Division, there was a small increase in taxation lodgements overall in 2019–20. A more significant increase was recorded in applications for review of regulatory decisions with lodgements increasing for a range of case types and particularly decisions about tax agents. The Division achieved a modest decrease in the on-hand caseload as a result of the increase in finalisations. While a substantial proportion of applications for review of taxation

decisions continued to be resolved during the pre-hearing process in the reporting period, the proportion finalised by a Tribunal decision following a hearing was higher than in the previous year. This contributed to the slight deterioration in our timeliness performance. Applications for review of regulatory decisions were finalised in broadly similar ways to 2018–19 with a marginal improvement in timeliness.

The AAT held liaison meetings with representatives of decision-making agencies during the reporting year, including the Australian Securities and Investments Commission and the Australian Taxation Office in relation to operational issues. In the context of the divisional response to the coronavirus pandemic, consultation was undertaken with a range of stakeholders on the COVID-19 Special Measures Practice Direction - Small Business Taxation and Taxation and Commercial Divisions and we also engaged with the Australian Taxation Office about potential workload arising from the JobKeeper Payment scheme and other stimulus measures. Wider stakeholder forums that had been scheduled did not proceed due to the impact of the COVID-19 pandemic.

Veterans' Appeals Division

The Veterans' Appeal Division reviews decisions in relation to 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*. The trend of declining lodgements continued in this reporting period with markedly fewer lodgement relating to veterans' entitlements. The number of finalisations and on-hand cases also decreased.

These cases often require additional evidence, particularly the provision of further medical evidence, which can impact timeliness. Issues relating to the availability of assistance and support for applicants can also affect the way in which applications progress. Timeliness results for 2019–20 were similar to the previous year with 52% of applications finalised within 12 months and applications taking an average of 49 weeks to be completed.

Alternative dispute resolution

We use alternative dispute resolution in many types of cases in the FOI, General, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals 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, but they may also be undertaken by members.

As set out in Table 3.11, in 2019–20, 83% of applications in these divisions were finalised without the AAT making a decision following a hearing. At least one ADR process was held in almost two-thirds of all finalised cases which were validly lodged, marginally lower than in the previous reporting year. On average, parties spent 56 minutes across 2 ADR processes per case, a similar result to last year.

Table 3.11 Alternative dispute resolution statistics

	2018–19	2019–20
Proportion of applications finalised without the AAT making a decision following a hearing	82%	83%
Proportion of validly lodged applications finalised in the period in which at least one ADR process was held	69%	65%
Median number of ADR processes held per case	2	2
Median number of total minutes spent in ADR processes per case	60	56
Median calendar days from lodgement to final ADR process	141	141

Conferences continued to be the most frequently used ADR process in 2019–20 with 9,847 conferences conducted. This was 17% higher than the 8,413 conferences convened in 2018–19, reflecting an increase in the number of applications lodged in the divisions in which ADR is used. ADR processes continued following the imposition of COVID-19 restrictions through an increased use of telephone and video events. In 2019–20, 208 conciliations were conducted using telephone or video compared with 43 conciliations in 2018–19. See Table A4.6 in Appendix 4 for the numbers of all ADR processes held by division.

The excellence of the AAT in delivering ADR processes was recognised by the Australian Disputes Centre industry award for Australian Courts and Tribunals ADR Group of the Year 2019.

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

As set out in Table 3.12, the Division finalised more than 26,000 cases in 2019–20. This is the highest yearly finalisation figure in the Division's history and a 26% increase on the previous reporting year. Finalisations in the business, skilled and work and student caseloads exceeded all previous years and contributed to a 115% clearance rate in the migration caseload, the first positive clearance rate since the Division was established on 1 July 2015. The Division identified and finalised a substantial number of cases that could be expedited or that could be determined without the need for an in-person hearing which contributed to this result.

These achievements are significant given the considerable and unprecedented challenges caused by COVID-19. The Division ceased in-person hearings from 23 March 2020, and quickly transitioned to remote working arrangements including: adopting digital case files; new technologies and procedures for conducting remote hearings; proactive outreach to applicants, representatives and interpreters; and enhanced case management. This coordinated national response was possible because of changes made to the Division's way of operating in previous years, including enhanced member support critical to enabling remote hearings and digital files, early case assessment and the assignment of specialist practice leaders and regional practice managers. The COVID-19 Special Measures Practice Direction - Migration and Refugee Division was developed within a short time with stakeholder input to inform applicants and representatives about the changes being made to our procedures so we could continue reviewing decisions. During this period, the Division conducted 2,719 hearings and finalised 8,357 cases. Despite what has been significant, unprecedented and rapid change, the Division responded with energy and determination in a difficult environment and produced the record high number of finalisations.

However, the Division still faces significant challenges in future years. We were unable to finalise many of the more complex, older cases, particularly in the protection (refugee), partner and visa cancellation caseloads where many cases have been deferred until an in-person hearing can be held. As a result, there was little improvement in the clearance rate and timely finalisation of refugee cases.

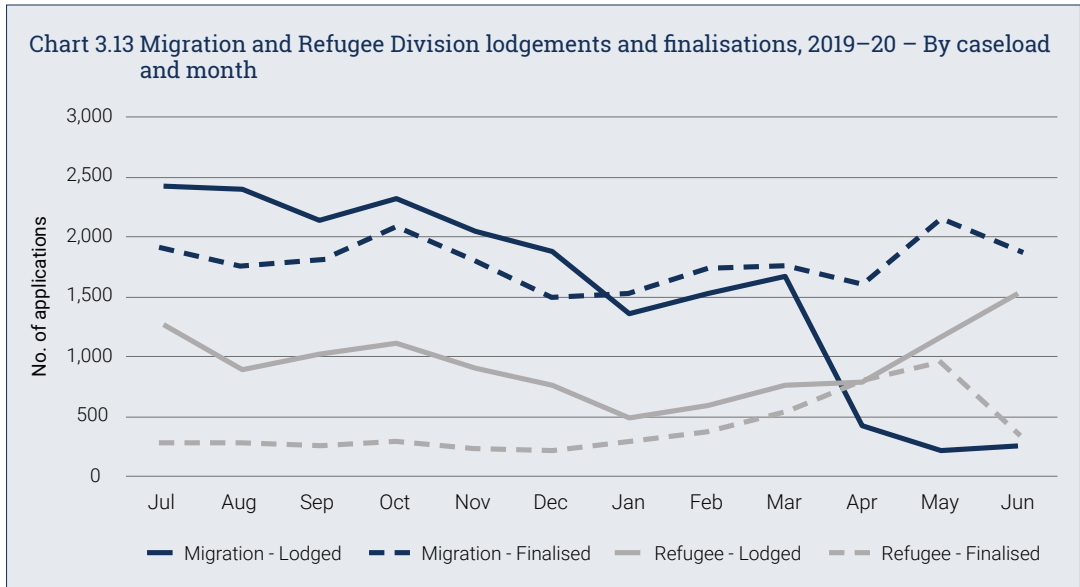
Even though lodgements decreased after the start of the pandemic, the Division still received close to 30,000 applications in 2019–20 and lodgements in relation to refugee cases, already at high numbers, increased by 9%. The Division is attempting to progress our on-hand caseload as quickly as possible, but this is challenging given that overall lodgements doubled between 2015–16 and 2017–18 and have remained at

consistently high levels. The number of cases on hand as at 30 June 2020 was approximately 63,000, 40% of which are refugee cases. Cases in the Division are weighted at different levels according to their complexity and refugee cases are generally weighted at higher levels because more work is required to finalise them. Therefore, the Division estimates that refugee cases now comprise approximately 60% of the workload on hand. This remains the critical challenge for the Division.

The key statistics in relation to workload and timeliness in the Migration and Refugee Division for the last 2 financial years are set out in Table 3.12. More detailed information about the Division's caseloads is set out below and is also available on our website.

Table 3.12 Caseload overview, 2018–19 to 2019–20 – Migration and Refugee Division

	2018–19	2019–20	% change from 2018–19
Migration			
Lodged	25,809	18,690	-28%
Finalised	16,771	21,517	28%
Clearance ratio	65%	115%	
On hand at year end	39,029	36,205	-7%
% finalised within 12 months	36%	28%	
Median time to finalise (weeks)	68	79	
Refugee			
Lodged	10,363	11,286	9%
Finalised	4,121	4,885	19%
Clearance ratio	40%	43%	
On hand at year end	20,689	27,100	31%
% finalised within 12 months	37%	25%	
Median time to finalise (weeks)	72	109	
TOTAL			
Lodged	36,172	29,976	-17%
Finalised	20,892	26,402	26%
Clearance ratio	58%	88%	
On hand at year end	59,718	63,305	6%
% finalised within 12 months	36%	28%	
Median time to finalise (weeks)	68	82	



Migration cases

Applications for review of visa refusals formed 78% of the migration caseload, applications about nomination and sponsorship decisions comprised 14% and the remaining 8% of applications were about decisions to cancel visas. As shown in Chart 3.13, the Division experienced a substantial decrease in migration lodgements between March and June 2020. Coupled with record high finalisations in the business, skilled and work and student caseloads, this meant that, for the first time since 1 July 2015, migration cases on hand decreased, by 7% compared with the end of the previous reporting period.

Table 3.14 shows, for the key visa categories, the number of applications lodged and finalised in the last 2 reporting periods and the number of cases on hand at the end of those reporting periods.

Table 3.14 Migration caseload, 2018–19 to 2019–20 – By visa category

VISA CATEGORY	LODGED			FINALISED			ON HAND AT YEAR END		
	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19
Bridging	374	316	-16%	357	291	-18%	90	117	30%
Business, skilled and work	12,781	7,342	-43%	6,006	8,345	39%	19,490	18,475	-5%
<i>Nomination/ Sponsor approval</i>	5,009	2,556	-49%	2,063	3,067	49%	8,508	7,999	-6%
<i>Permanent business</i>	3,420	2,482	-27%	1,299	2,465	90%	5,816	5,832	0%
<i>Skilled</i>	1,637	1,199	-27%	1,159	1,354	17%	1,637	1,483	-9%
<i>Temporary work</i>	2,715	1,105	-59%	1,485	1,459	-2%	3,529	3,161	-10%
Family	699	565	-19%	386	360	-7%	1,012	1,218	20%
Partner	3,330	2,195	-34%	2,159	2,120	-2%	5,575	5,649	1%

VISA CATEGORY	LODGED			FINALISED			ON HAND AT YEAR END		
	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19
Student	6,207	6,492	5%	6,090	8,666	42%	10,249	8,078	-21%
<i>Student cancellation</i>	708	508	-28%	974	1,257	29%	1,051	303	-71%
<i>Student refusal</i>	5,499	5,984	9%	5,116	7,409	45%	9,198	7,775	-15%
Visitor	2,204	1,602	-27%	1,646	1,581	-4%	2,411	2,451	2%
Other	214	178	-17%	127	154	21%	202	217	7%
TOTAL	25,809	18,690	-28%	16,771	21,517	28%	39,029	36,205	-7%

While COVID-19 resulted in an overall decrease in applications relating to business, skilled and work visas, this group of cases constituted the largest area of work at 39% of all migration lodgements. A focus on those cases in the reporting year resulted in record high finalisations, a positive clearance rate of 114% and the first reduction in the cases on hand since 1 July 2015.

Applications to review student visa refusal and cancellation decisions constituted 35% of migration lodgements in the reporting year. The Division reallocated member and registry resources to these caseloads during the pandemic because hearings in these cases can more easily be conducted remotely. This, together with increased availability of sessional members to undertake these reviews and proactive case management, resulted in a record number of finalisations in this caseload during the reporting period. The clearance rate rose from 98% in 2018–19 to 133% in the reporting year.

Applications relating to partner and family visas constituted 15% of migration lodgements. Although this caseload was targeted as a focus for the Division in 2019–20, members were unable to conduct in-person hearings, generally preferred for these types of cases, for over 3 months as a result of COVID-19, resulting in lower than projected finalisations and a decrease in finalisations compared with 2018–19. Through proactive case management and outreach, the Division nevertheless progressed suitable cases through telephone and video hearings or by making decisions on the papers. While the Division did not finalise the number of partner and family cases originally projected, the reduction in partner and family lodgements resulted in an improved clearance rate. However, the age and high levels of these case on hand is a significant concern for the Division.

The remaining cohorts of cases – bridging visas, visitor visas and others – accounted for 12% of the incoming migration caseload in 2019–20. Visitor applications accounted for 9% of migration lodgements. Despite a decrease in lodgements compared to 2018–19, there was a marginal increase in the 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. A reasonable proportion of the bridging visa cases required an expedited review as the applicants were in immigration detention. We continued to finalise these cases in a timely manner.

In 2019–20, the Division changed the decision under review, or otherwise remitted the matter to the Department of Home Affairs, in 30% of finalised migration cases and affirmed the original decision in 37% of cases, results that are similar to the previous reporting period. 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. More information on the outcomes of migration cases can be found in Table A4.5.3 in Appendix 4.

Refugee cases

Sustained high lodgements relating to decisions about protection visas over the last 4 reporting years and not having a sufficient number of members to deal with the Division's workload has resulted in 27,100 refugee cases on hand at 30 June 2020. This is a 31% increase from the same time last year and constitutes 43% of all cases on hand in the Division.

Refugee matters comprised 38% of all lodgements in the Division in 2019–20, constituting the largest single caseload. As Chart 3.13 above shows, the rate of refugee lodgements appears to have been unaffected by COVID-19 with lodgements increasing by 9% compared to the previous reporting year. The vast majority of refugee applications were for review of a decision to refuse to grant a protection visa. This generally requires the Tribunal to consider whether the applicant is a person in respect of whom Australia has protection obligations: whether they are a refugee or, in the alternative, entitled to complementary protection. Only 63 of the more than 11,000 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 directed towards finalising the older and more complex cases as well as cancellation cases and cases remitted by the courts. These are generally the Division's most complex cases and they carry the maximum case weighting. This strategy was initially successful but projected finalisations were significantly impacted by COVID-19 because many cases could not proceed without an in-person hearing. It was therefore necessary to refocus on cases that would be suitable for a hearing by telephone or video and cases that could be expedited. The impact of COVID-19 also resulted in the deferral of hearings such that a number of cases on hand that had been allocated to members prior to COVID-19 could not be finalised. The Division will return gradually to in-person hearings in 2020–21 where possible, and these cases will be listed for hearing as a priority.

Consistent with the initial focus of the Division, a significant number of the cases that were finalised in this period were older and more complex, contributing to the longer average time to finalisation than in the previous reporting period. The number of applications finalised, including by a decision of the Tribunal, increased from the previous reporting period, largely because the Division changed its strategy from March 2020 and proactively triaged cases to identify those that could proceed.

Table 3.15 Refugee caseload, 2018–19 to 2019–20 – By country of reference

Country of reference	LODGED			FINALISED			ON HAND AT YEAR END		
	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19
Malaysia	5,858	5,179	-12%	1,921	2,303	20%	9,522	12,399	30%
China	1,561	1,321	-15%	561	983	75%	4,838	5,181	7%
Thailand	297	1,119	277%	250	187	-25%	955	1,510	58%
Vietnam	465	708	52%	183	158	-14%	491	1,503	206%
Fiji	175	620	254%	131	154	18%	317	834	163%
India	227	411	81%	66	137	108%	610	668	10%
Lebanon	13	225	1,631%	32	108	238%	433	658	52%
Pakistan	178	215	21%	111	103	-7%	479	556	16%
Taiwan	262	213	-19%	78	87	12%	480	436	-9%
Other	1,327	1,275	-4%	788	665	-16%	2,564	3,355	31%
TOTAL	10,363	11,286	9%	4,121	4,885	19%	20,689	27,100	31%

While the number of applications from Malaysian nationals decreased in 2019–20, they remained the largest single cohort, representing 46% of all lodgements concerning protection visas. With over 23,000 applications relating to Malaysian nationals lodged since 1 July 2015, and lodgements continuing to be in excess of finalisations in the reporting period, the number of Malaysian cases on hand increased markedly over the course of the year. Those cases represented 46% of all refugee cases on hand at 30 June 2020.

The People's Republic of China remained the second most common country of reference for applications about protection visas in 2019–20, accounting for 12% of all lodgements. While the volume fell compared with 2018–19, they continued to be at a higher level than in earlier years. They comprised 19% of the active refugee cases at 30 June 2020. Cases relating to China together with Malaysian cases constituted close to two-thirds of the outstanding caseload at the end of the reporting period.

Applications from nationals from more than 100 other countries as well as from stateless persons made up the balance of the caseload for the reporting period. In addition to more lodgements from nationals of Thailand, Vietnam, Fiji and India in 2019–20, there were notable increases in the volume of applications from nationals of Lebanon, Nigeria and South Africa. 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 decreased markedly to 93 in the reporting period from 354 in 2018–19. Decisions made in relation to unauthorised maritime arrivals who entered Australia after 13 August 2012 are generally reviewed by the Immigration Assessment Authority.

In relation to the outcomes of reviews in 2019–20, 7% of all finalised cases were remitted to the Department of Home Affairs compared with 9% in 2018–19. The decision under review was affirmed in 61% of cases, slightly higher than the 57% recorded for the previous year. The remaining applications either were withdrawn (13%), did not meet application requirements (12%), or were dismissed by the Tribunal on the basis that the applicant failed to appear at a hearing (7%). 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 and Chinese 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 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 2019–20 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.

A range of initiatives were pursued during the reporting year and the Division continued to develop and refine innovative case management practices to consolidate the changes foreshadowed in previous reports. Applications were triaged to identify the most appropriate case management pathway and the registries were reorganised to support these changes. Registry staff, in consultation with highly-skilled early case assessment registrars, assisted practice leaders and practice managers in the management of the Division's caseloads under the direction of the Division Head. Registry staff also provided enhanced case management support for members. This reporting year was the first full year for the operation of the new model.

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

- the 26,402 applications finalised exceeded projections based on the resources available at the time the strategy was developed by 8%
- the proportion of cases finalised by a substantive decision of the Tribunal without the need for a hearing increased from 39% to 46% in 2019–20
- the 8,666 student visa refusal and cancellation cases and 6,991 business, nomination and sponsorship, and temporary work cases finalised in 2019–20 represent the highest number of finalisations ever achieved for these cohorts

- the Division finalised 26% more refugee cases by a substantive decision of the Tribunal than in the previous reporting period
- the number of cancellation cases finalised increased by 4% from 2018–19 and the on-hand cancellation caseload decreased by 52%
- the overall clearance rate increased from 53% in 2018–19 to 88% in 2019–20.

While we exceeded projected benchmarks based on the membership available to undertake reviews, cases on hand at 30 June 2020 were in excess of 63,000 and the average time for cases to be finalised in the Division was 82 weeks. We continued to improve case management through proactive triaging and outreach but without a significant increase in the membership and staff, together with legislative changes to enhance our case management options and powers, the Division will be unable to reduce the current backlog.

Engagement

The Migration and Refugee Division engaged with external stakeholders in several ways in 2019–20, 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.

Members in the Division engaged with key migration agent organisations throughout the year to provide in-depth knowledge on the current state of the Division and to develop better practices. During the COVID-19 pandemic, the Division worked with the Migration Law Committee of the Law Council of Australia and national migration agent organisations to ensure the ongoing operation of the Division and to minimise the impact on review timeframes.

We hosted forums throughout November and December 2019 in 5 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. The forums were a success and attendance was greatly improved over previous years with over 200 stakeholders attending these forums.

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 Services Australia (formerly known as 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
- paid parental leave.

In the absence of a Division Head, Senior Member Diana Benk continued to oversee the management of the Division's work throughout the 2019–20 reporting period.

Caseload

The 2019–20 reporting year saw a slight decrease in overall lodgements in comparison to 2018–19. This can be attributed to a fall in the number of applications for review of Centrelink decisions. In contrast, lodgements in relation to child support decisions increased during the reporting year. The Division performed strongly to finalise more cases in 2019–20 in an average time of 9 weeks, ending the year with 31% fewer cases on hand.

Key statistics in relation to workload and timeliness for the last 2 financial years are set out in Table 3.16.

Table 3.16 Caseload overview, 2018–19 to 2019–20 – Social Services and Child Support Division

	2018–19	2019–20	% change from 2018–19
Centrelink (1st review)			
Lodged	14,091	13,040	-7%
Finalised	13,491	13,937	3%
Clearance ratio	96%	107%	
On hand at year end	2,519	1,628	-35%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	9	8	
Child support			
Lodged	2,279	2,432	7%
Finalised	2,356	2,569	9%
Clearance ratio	103%	106%	
On hand at year end	703	578	-18%
% finalised within 12 months	98%	>99%	
Median time to finalise (weeks)	12	13	
Paid parental leave			
Lodged	267	241	-10%
Finalised	250	243	-3%
Clearance ratio	94%	101%	
On hand at year end	34	33	-3%
% finalised within 12 months	100%	100%	
Median time to finalise (weeks)	8	7	
TOTAL			
Lodged	16,637	15,713	-6%
Finalised	16,097	16,749	4%
Clearance ratio	97%	107%	
On hand at year end	3,256	2,239	-31%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	10	9	

Centrelink

Applications for review of Centrelink decisions declined by 7% in 2019–20. They constituted 83% of lodgements in the Division, similar to the previous year. Table 3.17 shows the number of applications lodged and finalised and the number of cases on hand at 30 June 2020 for the key payment types for the current and previous reporting period.

Table 3.17 Centrelink first review caseload, 2018–19 to 2019–20 – By payment type^a

PAYMENT TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19
Age pension	1,128	1,058	-6%	1,080	1,122	4%	226	163	-28%
Austudy payment	453	396	-13%	411	445	8%	83	34	-59%
Carer allowance	285	305	7%	288	317	10%	48	37	-23%
Carer payment	557	588	6%	532	635	19%	119	73	-39%
Disability support pension	5,348	3,713	-31%	4,943	4,294	-13%	1,113	535	-52%
Family tax benefit	1,685	1,689	<1%	1,717	1,668	-3%	237	259	9%
JobSeeker payment ^a	N/A	374	N/A	N/A	301	N/A	N/A	72	N/A
Newstart allowance	1,947	1,896	-3%	1,925	2,050	6%	275	122	-56%
Parenting payment	685	742	8%	661	771	17%	121	92	-24%
Youth allowance	1,065	1,167	10%	1,033	1,231	19%	161	97	-40%
Other	938	1,112	19%	901	1,103	22%	136	144	6%
TOTAL	14,091	13,040	-7%	13,491	13,937	3%	2,519	1,628	-35%

^a JobSeeker payment commenced on 20 March 2020, replacing newstart allowance as the main working age payment.

While the number of applications about disability support pension decreased significantly in the reporting period, it remained the payment type most commonly the subject of applications in the Division, constituting 28% of all Centrelink lodgements. As in 2018–19, applications about newstart allowance, family tax benefit and age pension were the next most common. The Division received 374 applications regarding the new JobSeeker payment which replaced newstart allowance and some other benefits from 20 March 2020.

Table 3.18 gives a breakdown of Centrelink applications by the primary decision type recorded by the AAT. Decisions about a debt and refusal of a claim continued to be the most common types of reviewable decisions in 2019–20. When applications finalised on the basis that the division could not review the decision are excluded, the number of decisions relating to a debt was 4,054, 2% fewer than in 2018–19, while there were 3,200 decisions about refusal of a claim, 31% fewer than in 2018–19.

Table 3.18 Centrelink first review lodgements, 2018–19 to 2019–20 – By decision type^a

DECISION TYPE	2018–19		2019–20	
	No	% of total	No	% of total
Cancellation of payment	959	7%	782	6%
Debt	5,606	40%	5,475	42%
Rate of payment	626	4%	564	4%
Refusal of claim	5,803	41%	5,046	39%
Start date of payment	654	5%	802	6%
Other	443	3%	371	3%
TOTAL	14,091	100%	13,040	100%

^a A single application may relate to more than one type of reviewable decision. These figures relate to the primary decision type recorded by the AAT for each application.

Despite the challenges faced during the COVID-19 pandemic, we were able to finalise more Centrelink applications this year than in 2018–19. We continued to finalise applications in a timely manner with an average time from lodgement to finalisation of 9 weeks.

The 13,937 applications finalised related to 16,175 decisions made by Centrelink. We varied or set aside 21% of these decisions in 2019–20, a result which is 2 percentage points higher than the rate in 2018–19. The Tribunal affirmed 41% of Centrelink decisions. The number of applications finalised on the basis that the Division could not review a decision, generally because an internal review had not been undertaken by Centrelink, increased in the reporting year affecting 29% of decisions. The AAT will continue to engage with Services Australia about ways in which this issue may be addressed. Applications were otherwise withdrawn by the applicant or dismissed by the Tribunal as set out in Table A4.5.5 in Appendix 4.

Child support

Applications for review of decisions about child support increased by 7% in 2019–20 and comprised 15% of all applications received in the Division which is broadly consistent with the previous reporting period. Table 3.19 shows the number of child support applications lodged and finalised in 2019–20 and the previous reporting period by key decision types and the number of cases on hand at the end of each of those periods.

Table 3.19 Child support caseload, 2018–19 to 2019–20 – By decision type

DECISION TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19	2018–19	2019–20	% change from 2018–19
Care percentage decision	749	826	10%	703	912	30%	208	122	-41%
Change of assessment	787	874	11%	923	854	-7%	317	348	10%
Non-agency payment	143	153	7%	144	173	20%	43	23	-47%
Particulars of the assessment	257	262	2%	260	282	8%	51	32	-37%
Refusal of extension of time to object	152	100	-34%	137	131	-4%	41	10	-76%
Other	191	217	14%	189	217	15%	43	43	0%
TOTAL	2,279	2,432	7%	2,356	2,569	9%	703	578	-18%

Applications increased for most types of decisions in the reporting period. Applications relating to requests to change an assessment of how much child support is payable constituted 36% of all child support lodgements and continued to be the most common type of decision we review. Applications seeking review of determinations about the percentage of time a parent or carer cares for a child were the next most common, constituting 34% of all child support lodgements. There were modest variations in the volume of most of the other types of reviewable decisions other than applications about refusals to extend the time to object.

As in 2018–19, the Division was able to finalise more child support applications than were received in the reporting period with the average time from lodgement to finalisation increasing only marginally to 13 weeks. In relation to the outcomes of reviews, the Tribunal varied or set aside the decision following a hearing in 34% of cases, similar to earlier years. The decision was changed in accordance with terms of agreement reached by the parties in 2% of applications, similar to 2018–19. The Tribunal affirmed the decision in 29% of applications, 8 percentage points higher than in 2018–19. Applications were otherwise finalised by the applicant withdrawing the application or the Tribunal dismissing the application as shown in Table A4.5.5 in Appendix 4.

Paid parental leave

Applications for the review of decisions about paid parental leave, the smallest part of the Division's workload, decreased by 10% in 2019–20. We finalised as many applications as were lodged with the average time to finalise applications in the reporting period improving slightly to 7 weeks. In relation to the 252 decisions that were the subject of finalised applications, the Tribunal changed 4% of the reviewable decisions and affirmed 51%, rates which were broadly similar to 2018–19. The AAT did not have power to review one-third of the decisions. The remainder of the applications were otherwise withdrawn or dismissed by the Tribunal.

Caseload strategy

The Division employed several case management measures and strategies to continue to support effective and timely review processes in this reporting year. In particular, we implemented a number of procedural changes due to the challenges experienced during the coronavirus pandemic.

In Centrelink cases, there was a continued focus on early case assessment. Case assessment registrars reviewed applications to identify those that may be suitable for a fast track hearing. In limited types of cases, case assessment registrars conducted outreach to assist applicants better understand the issues and prepare for hearing and, where appropriate, facilitate the earlier resolution of cases. Outreach was conducted with 369 applicants during the reporting period with almost half of those contacted choosing not to proceed. Almost a third of the cases that were triaged were referred for a fast track hearing with the remainder proceeding to a standard hearing. The Division finalised a total of 7% of Centrelink cases by way of a fast track hearing.

Early case assessment registrars undertook an initial review of all child support cases in 2019–20 to assist with identifying the appropriate case management pathway, a practice which was previously undertaken only on change of assessment cases. A registrar conducted outreach with the parties in 189 cases in the reporting year to explore the potential for resolution by agreement. Approximately 15% of those cases were resolved without the need for a hearing. Cases otherwise proceeded to directions hearings conducted by a Tribunal member or to hearing.

With the onset of the coronavirus pandemic, we introduced a number of strategies to ensure that reviews continued and to minimise the impact of the pandemic as far as possible. Changes to procedures were reflected in the COVID-19 Special Measures Practice Direction - Social Services and Child Support Division developed for the Division. We transitioned all hearings to be held by telephone or, in some cases, by video where appropriate. This ensured we could still deliver our services to applicants who could not otherwise attend AAT registries. Cases identified as requiring an in-person hearing and which could be deferred will be prioritised for listing as the AAT resumes in-person hearings consistent with public health directions and COVID-safe principles.

In 2019–20, the Tribunal gave its decision and reasons for decision orally at the end of a hearing in 8% of Centrelink cases, 3% of child support cases and 14% of paid parental leave cases finalised by the Division. Using this approach has proved to be an effective strategy in providing a timely outcome and explanation to parties and will continue to be utilised in the Division in those cases where it is appropriate taking into account the nature of the issues and the parties involved.

The Division will continue to build on these caseload strategies in the future and assess them, particularly in light of the coronavirus situation.

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 certain child support and paid parental leave decisions can apply to the AAT's General Division for a second review. In addition to the 2,167 applications for second review of decisions lodged in 2019–20, there were 129 applications about child support decisions and 10 about paid parental leave decisions.

Of the applications made in respect of Centrelink decisions, 119 were lodged by the Secretary of the Department responsible for administering the relevant legislation. As set out in Table 3.20, the number of Secretary appeals received in 2019–20 was significantly higher than the 42 applications received in 2018–19, representing a 183% increase. The General Division finalised a total of 75 Secretary appeals in the reporting period with the Division's decision remaining unchanged in 44% of the applications finalised and changed either by a Tribunal decision following a hearing or by agreement between the parties in 53% of the applications finalised.

Table 3.20 Applications lodged by Secretary^a for second review of Centrelink decisions

	2018–19		2019–20	
	No	% of total	No	% of total
Lodged	42		119	
Finalised	59		75	
<i>Decision affirmed by Tribunal^b</i>	4	7%	5	7%
<i>Decision varied or set aside by Tribunal^b</i>	23	39%	25	33%
<i>Decision varied or set aside by consent^c</i>	12	20%	15	20%
<i>Dismissed by operation of law^d</i>	0	N/A	2	3%
<i>Withdrawn by applicant</i>	20	34%	28	37%

^a The Secretary of the Department responsible for administering the relevant legislation.

^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 under section 34D or 42C.

^d If an application for a review of a Centrelink 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.

Information on the outcomes of all applications for second review of Centrelink decisions can be found in Table A4.5.1 in Appendix 4. Overall, the Division's decision was changed in 21% of applications finalised with the majority changed in accordance with terms of agreement reached between the parties. The number of child support and paid parental leave decisions varied or set aside on second review was slightly higher in 2019–20 but remained low overall. Decisions made on second review are assessed by the Social Services and Child Support Division to identify whether an error was made. In many 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 External scrutiny section below for information relating to these appeals.

Engagement

The AAT engaged regularly with Services Australia on a range of operational issues during 2019–20. The Division established a new working group with the child support area of the agency and continued our liaison work with the Centrelink appeals team. The meetings focused on legislative changes, procedural and workload issues and other matters that affect our work in the Centrelink and child support jurisdictions. We also liaised with the National Social Security Rights Network and met with Australia's National Research Organisation for Women's Safety to discuss recommendations relating to the AAT made in a research project on domestic violence in the social security context.

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 and complaints to the Commonwealth Ombudsman and other bodies as well as through audits, reviews and parliamentary scrutiny.

Appeals

There are 3 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 Divisions. 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 in the General Division must be lodged in the Federal Court.

A party may also seek judicial review of certain decisions made during 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 3.21, 5,269 appeals were lodged in 2019–20, 97% of which were applications for judicial review of decisions made by the Migration and Refugee Division. The proportion of migration and refugee decisions that were appealed, including decisions relating to character dealt with in the General Division, continued to be considerably higher than for other types of decisions.

There were 3,059 appeals relating to decisions of the AAT, Migration Review Tribunal or Refugee Review Tribunal finally determined in the courts during the reporting year. Overall, the appeal was allowed in 25% of cases, amounting to 3.7% of all decisions made in 2018–19 that could have been appealed to the courts. These results for 2019–20 were higher than for the last reporting period as a result of more than 300 appeals against Migration and Refugee Division decisions being finalised by consent following the decisions of the Federal Court in *DFQ17 v Minister for Immigration and Border Protection* and *BMV18 v Minister for Home Affairs & Anor*. These decisions are discussed below. When appeals affected by these decisions are excluded, the proportion of allowed appeals was 15% for the Migration and Refugee Division and 16% for the AAT overall while the proportion of appeals allowed against total decisions was 2.3% and 2.1% respectively.

Table 3.21 Court appeals lodged and finalised, 2018–19 to 2019–20 – 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					
2018–19	175	8%	146	38%	2.4%
2019–20	139	5%	181	38%	3.0%
Migration and Refugee Division					
2018–19	3,900	23%	2,650	15%	2.6%
2019–20	5,106	24%	2,857	24%	4.1%
Social Services and Child Support Division^f					
2018–19	27	1%	24	13%	0.2%
2019–20	24	1%	21	5%	0.1%
TOTAL					
2018–19	4,102	20%	2,820	16%	2.3%
2019–20	5,269	21%	3,059	25%	3.7%

^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 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 caseloads within divisions is available in Table A4.7 in Appendix 4.

The AAT reviews court judgments and orders made in relation to our decisions, particularly where the appeal is allowed, to identify the issues arising in each case as well as any issues that may be relevant to other cases.

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.

***BMY18 v Minister for Home Affairs & Anor* [2019] FCAFC 189**

In this judgment, a Full Court of the Federal Court considered whether letters that were sent by the Department of Home Affairs or the former Department of Immigration and Border Protection notifying decisions made to refuse to grant visas stated the time in which an application for review may be made to the AAT as required by section 66(2)(d)(ii) of the Migration Act, and whether the Tribunal was correct to find that it did not have jurisdiction in circumstances where the applications were made outside the time limit.

In the earlier judgment of *DFQ17 v Minister for Immigration and Border Protection & Anor* [2019] FCAFC 64 referred to in our last annual report, a Full Court found that a notification letter sent by post which contained standard form wording about review rights under various headings and on different pages failed to clearly state the time in which an application for review may be made. The consequence of this was that the prescribed period for applying for review had not started to run and the Tribunal was in error to find it did not have jurisdiction. *DFQ17* was distinguished by the Federal Court in *Ali v Minister for Home Affairs & Anor* [2019] FCA 1102 in which the notification was sent by email and the wording about review rights was under differently titled headings.

In this case, the Court applied these authorities and held that the fact that a notification is sent by email is not in itself sufficient to distinguish a case from *DFQ17*, and that the question was still whether a notification is clear. This judgment effectively extended the types of letters affected by the error identified in *DFQ17*.

***Parata v Minister for Home Affairs & Anor* [2020] FCCA 1582**

In this judgment, the Federal Circuit Court considered whether a notification of a decision by the Department of Home Affairs to cancel a visa met the requirements of section 127(2)(b) of the Migration Act, which provides that notification of a decision to cancel a visa must state whether the decision is reviewable under Part 5 or 7 of the Migration Act, and whether the Tribunal was correct to find that it did not have jurisdiction. If there is no valid notification, the prescribed time period for applying for merits review by the AAT does not start to run.

The notification letter sent by the Minister's delegate stated: "You may make an application for merits review of this cancellation decision with the Administrative Appeals Tribunal (AAT)." The Court held that the notice failed to comply with section 127(2)(b) because it did not set out which Part of the Migration Act provided for review of the particular decision. Consequently, the prescribed period for applying for review had not commenced and the application for review made to the AAT was not out of time.

This judgment affects other cancellation cases before the AAT and courts in which the same wording was used in the decision notification. The Minister has lodged an appeal in the Federal Court.

Freedom of information

In 2019–20, the Office of the Australian Information Commissioner notified the AAT of one application for review of a decision we made in relation to a request for access to documents under the Freedom of Information Act. One application carried over from 2018–19 was finalised during the reporting year. In that application, 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 Freedom of Information 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 investigated one complaint in relation to the AAT in 2019–20. This complaint was withdrawn by the applicant during the reporting year.

The Commonwealth Ombudsman received and finalised 80 approaches concerning the AAT during the reporting year. In addition, the Ombudsman conducted one investigation concerning the AAT which was finalised following the provision of a better explanation by the AAT.

The Office of the Australian Information Commissioner received 11 privacy complaints relating to the AAT in 2019–20 and finalised 6 complaints. No determinations were made regarding the AAT.

Reports on the operations of the AAT

The AAT's operations were not the subject of any report by the Auditor-General, any parliamentary committee or the Commonwealth Ombudsman in 2019–20.

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 a variety of formats on our website. Our written materials include guides and fact sheets in plain English. We have a series of videos available in English and 7 community languages. We also have an accessible video which cover key aspects of our processes, including applying for a review, conferences and hearings.

We make resources available online to help people understand how we apply the law and what information is relevant when we review some common types of decisions. These include some interactive tools. The Guide to Refugee Law in Australia on our website provides guidance on legal issues relevant to the assessment of applications about 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 the kinds of assistance or support they might be able to obtain in relation to the review process, including:

- organisations funded to provide assistance in certain types of cases, such as the Australian Small Business and Family Enterprise Ombudsman, community legal centres, disability advocacy services, ex-service organisations and legal aid commissions
- guidance on how to find a private lawyer, migration agent, tax agent or other person who may be able to provide advice, representation or support.

In the Australian Capital Territory, 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 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 can communicate with us effectively and seek to address cultural diversity issues in delivering our services through awareness raising and training activities.

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 Web Content Accessibility Guidelines 2.0 at Level AA
- making text-to-speech software available on our website
- providing Braille signage and hearing augmentation and 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
- providing training to members and staff to improve disability awareness and confidence.

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 2019–20 (where information is available) is in Table 3.22.

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 3.22 Performance against service standards, 2019–20

COMMITMENT	RESULT FOR 2019–20
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 2020 user feedback survey, most parties and representatives agreed that members, registrars and staff were courteous and respectful: an average of 80% for parties and 90% for representatives. A majority of parties and representatives also agreed that members, registrars and staff explained things clearly: an average of 73% for parties and 86% for representatives. These results are broadly consistent with those achieved in 2018–19. Of the 237 complaints finalised in 2019–20, 2 involved adverse findings in relation to issues of this kind.
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 included 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 4 regional locations.

COMMITMENT	RESULT FOR 2019–20
We conduct many hearings by phone or videoconference.	<p>We recorded that the following number of case events were conducted by telephone or video: 8,942 conferences; 210 other alternative dispute resolution processes; 3,177 directions hearings; 804 interlocutory hearings; and 12,877 hearings (3,509 in the Migration and Refugee Division, 9,090 in the Social Services and Child Support Division and 278 in other divisions).</p> <p>68% of all case events conducted in 2019–20 were recorded as being by telephone or video, compared with 57% in 2018–19. The limitations on holding case events in person arising from the COVID-19 pandemic contributed to the increase.</p>
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.	<p>Our website contains information about our procedures in written and audiovisual formats. AAT staff can assist parties to access this information, including providing the information in printed form. Staff also provide verbal information about AAT processes.</p> <p>In our 2020 user feedback survey, parties and representatives provided average positive ratings of 72% and 83% in relation to the quality of our information products, including our website. These results are consistent with those achieved in 2018–19.</p>
We will deal with you fairly	
You or your representative will have a reasonable opportunity to present your case.	<p>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> <p>In our 2020 user feedback survey, 69% of parties agreed that registrars gave them a chance to explain their case at a conference. In relation to hearings, 78% of parties and 79% of representatives agreed that the member gave the parties a chance to present their case. These results are marginally lower than those achieved in 2018–19.</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 verbally at the hearing or in writing.
We will operate in an efficient manner	
We will acknowledge receipt of applications.	We acknowledged receipt of all applications lodged with the AAT within an average time of 2 days during the reporting year.
We will respond to enquiries within a reasonable time.	Of the 237 complaints finalised in 2019–20, one involved adverse findings in relation to this issue.

Complaints to the AAT

Complaints may be made to us verbally or in writing. When issues or concerns are raised 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 2019–20, the AAT received 221 complaints, an increase of 8% compared with the previous reporting year. Table 3.23 shows the number of complaints made to the AAT in the last 2 years. It also shows the number of complaints received for every 1,000 applications we finalised, a figure which has been trending lower over the last 2 years.

Table 3.23 Complaints made to the AAT, 2018–19 to 2019–20

	2018–19	2019–20
Complaints made	207	221
Applications finalised	44,413	51,606
Complaints per 1,000 applications finalised	4.7	4.3

Table 3.24 shows the subject matter of the complaints received in the reporting year.

Table 3.24 Issues raised in complaints to the AAT, 2019–20

ISSUE	NUMBER OF COMPLAINTS
Delay/timeliness	52
Tribunal decisions	45
Conduct of members	37
Administrative/procedural errors	34
Conduct of staff	17
Privacy	8
Conduct of registrars	7
Publication of Tribunal decisions	4
Fee refund	3
Other	14
TOTAL	221

During 2019–20, we provided a response to 237 complaints, including some carried over from the previous reporting year. We responded to 144 complaints within 20 working days. A technical error with our online feedback form affected our ability to provide a response to 25 complaints within the time standard. The average number of days from complaint to final response for all complaints was 18 working days.

We formed the view that we could have acted more appropriately in relation to 61 complaints. The issue that arose most frequently was delay/timeliness in the review process. Other issues raised in these complaints concerned administrative/procedural errors, how members and staff communicated with users, and privacy. 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

The AAT undertakes surveys with people who use our services to assess the extent to which we are meeting our statutory objective and to identify areas where we may be able to improve our services. The most recent survey was undertaken by an independent research organisation in June and July 2020. Findings from the survey were used to calculate a user experience rating, one of our performance measures, which was reported earlier in this chapter.

We invited individuals and organisations who were parties to an application finalised by the AAT between 1 January 2020 and 30 April 2020 and professional representatives of parties involved in cases finalised between 1 December 2019 and 30 April 2020 to complete the survey. We received responses from 1,926 parties and 551 representatives involved in applications across the AAT's divisions. The number of responses from parties was significantly higher than the 1,010 responses received in last year's survey.

Overall, the AAT's services were rated positively both by parties and representatives, at levels broadly comparable with the results for 2019. As in previous years, responses from parties who did not receive a favourable outcome were generally lower than those who received a favourable outcome, leading to lower overall ratings for parties than for representatives.

When asked about the experience of applying for a review, 77% of parties and 95% of representatives agreed the process was easy. In relation to the information provided by the AAT, users were asked what they thought about our website, letters, fact sheets, practice directions, guides and videos. Responses relating to how easy our information was to understand and how helpful it was overall ranged from 74% to 76% for parties and 89% to 92% for representatives. The results were somewhat lower for how easy it was to find information on the website (73% and 78% respectively) and whether our products contained all the information they needed (63% and 66% respectively for our website and 72% and 81% respectively for other information products). 68% of parties reported having a good understanding of the process.

Parties and representatives responded positively to questions about their interactions with AAT members, registrars and other staff, including how courteous and respectful they were, how clearly they explained things, the extent to which members and registrars gave people a chance to present their case and how knowledgeable staff were about AAT processes. For members, the responses from parties ranged from 76% to 81% for these attributes and from 79% to 84% for representatives. The results for registrars ranged from 69% to 75% for parties and 91% to 95% for representatives, while for staff they ranged from 73% to 84% for parties and 83% to 95% for representatives. Parties and representatives both reported satisfaction with the appropriateness of the level of formality of conferences (71% for parties and 94% for representatives) and hearings (80% for parties and 90% for representatives). In relation to how clear and understandable our decisions are, results were marginally lower in 2020 (64% for parties and 80% for representatives).

In relation to the review process overall, 66% of parties and 78% of representatives agreed in 2020 the process was conducted to a high standard. As to fairness and independence, 79% of representatives agreed the review process was fair and 81% agreed the AAT was independent from the decision-maker. These results were consistent with those in 2019 as were the responses in the parties' survey (at 58% for fairness and 68% for independence) which continued to correlate strongly to the outcome of their review. In relation to timeliness, 61% of parties and 56% of representatives considered the review process was completed in a reasonable time with some variation between divisions. These results reflect the ongoing challenges the AAT faces in finalising applications in a timely manner in some divisions.

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.

Engagement and information

The AAT engages with a broad range of external stakeholders who use our services or have an interest in our work. We engage with stakeholders to find out about developments that may affect our work, obtain feedback and information to help us improve our services, build and maintain 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 are committed to sharing information widely and do this in several ways, including by publishing many 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 2019–20 to discuss issues relating to the operations of the AAT. A key theme for engagement, during the second half of the reporting year, was the coronavirus pandemic, particularly consultation with stakeholders on the special measures practice directions developed to set out how the AAT will undertake reviews while COVID-19 impacts on our services. We engaged regularly in 2019–20 with the Law Council of Australia. Senior staff also worked closely with the Attorney-General's Department on matters such as our membership, jurisdiction, legislation and budget.

Further details of jurisdictional engagement were outlined earlier in this chapter.

Engaging with students

The AAT organises competitions for students to learn more about administrative law and the AAT's role and processes. Our 15th National Mooting Competition was held between July and October 2019. It involved 26 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 Bond University.

We were unable to host our annual Negotiating Outcomes on Time (NOOT) Competition during the reporting year as a result of the coronavirus pandemic.

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 2019–20, we undertook a range of activities directed to the achievement of this objective, including publishing our decisions and producing plain English summaries of our decisions.

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 6,113 decisions made by the AAT in 2019–20 at the time of reporting, comprising 4,482 Migration and Refugee Division decisions, 374 child support decisions made in the Social Services and Child Support Division, and 1,257 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 76 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.



MIGRATION ACT 1958

Act No. 6 of 1958

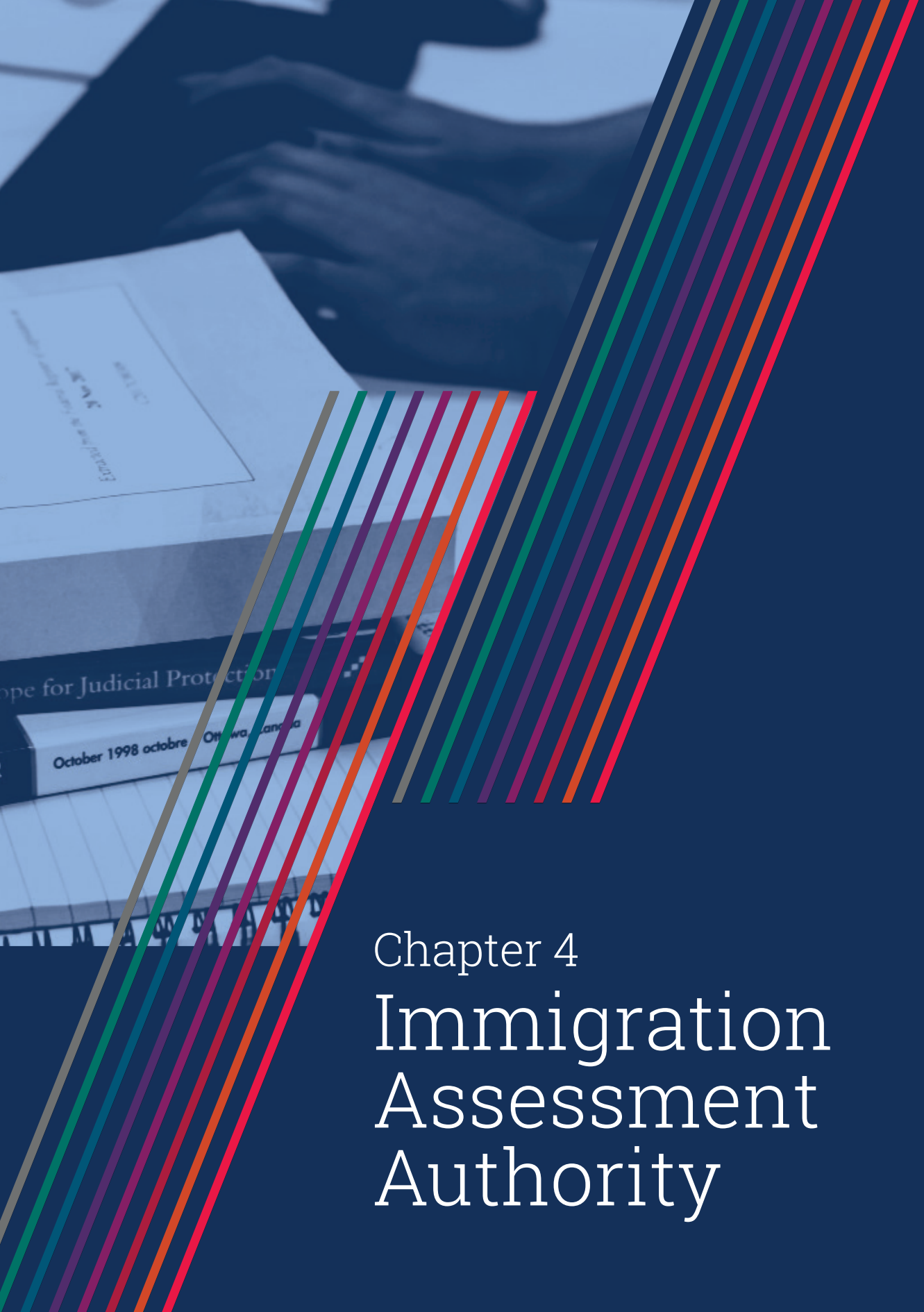
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October 1998 octobre Ottawa, Ontario

Office for Judicial Protection

Chapter 4 Immigration Assessment Authority



The IAA is established under the *Migration Act 1958* as a separate office within the AAT's Migration and Refugee Division. It commenced operations in October 2015.

Function

The IAA conducts merits 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

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 1999*. At 30 June 2020, Ms Sobet Haddad was the Senior Reviewer and there were 30 Reviewers. In accordance with section 473JE of the Migration Act, the Registrar made 7 officers available to assist the IAA in the performance of its administrative functions.

For the purposes of the *Public Governance, Performance and Accountability Act 2013* 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 most cases, the IAA reviews the decision on the papers. While the IAA has no duty to do so, in exceptional circumstances, it may get, request or accept any new information that was not before the Department. The IAA may request new information be provided in writing or at an interview. The IAA does not conduct hearings.

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.

On 1 May 2020, the President issued a revised practice direction relating to the IAA’s procedures, including the giving of new information and submissions.

Performance

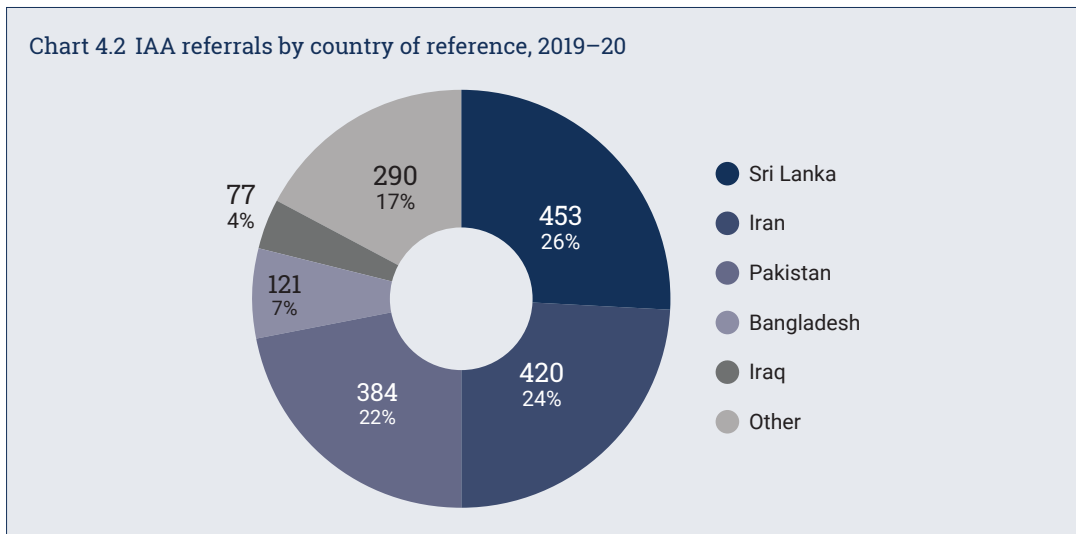
Caseload information

As shown in Table 4.1, the number of referrals to the IAA was higher in 2019–20 than in 2018–19. The IAA received an average of 145 referrals per month in 2019–20, a 13% increase compared with the previous year.

The top 5 countries of reference of referred applicants in 2019–20 were Sri Lanka, Iran, Pakistan, Bangladesh and Iraq. Chart 4.2 shows the number and proportion of referrals made for these 5 and all other countries. While Sri Lanka remained the largest single source country of referrals overall, the number of Sri Lankan cases has been decreasing each year since 2016–17. Referrals relating to nationals of Iran and Vietnam decreased from 2018–19 while referrals relating to nationals of Pakistan and Bangladesh increased significantly in the reporting period.

Table 4.1 IAA caseload overview, 2018–19 to 2019–20

	REFERRALS	FINALISATIONS	ON HAND AT YEAR END	MEDIAN TIME TO FINALISE (WEEKS)
2018–19	1,538	2,382	92	12
2019–20	1,745	1,731	106	5



The IAA finalised 1,731 cases in 2019–20. Having worked to reduce its backlog by the end of the previous reporting period, the IAA was able to manage the incoming workload, achieving a clearance ratio in 2019–20 of 99%. This left 106 cases on hand at 30 June 2020. The median number of weeks from referral to decision for the reporting period was 5 weeks, a further significant reduction from the 12-week median timeframe in 2018–19.

In 2019–20, the IAA affirmed the decision under review in 1,625 cases. The decision was remitted to the Department for reconsideration in 96 cases. Ten cases were finalised on the basis that they were referred to the IAA in error.

Table 4.3 Outcomes of IAA reviews, 2018–19 to 2019–20

	DECISION AFFIRMED		DECISION REMITTED		OTHER ^a	
	No	% of total	No	% of total	No	% of total
2018–19	2,118	89%	184	8%	80	3%
2019–20	1,625	94%	96	6%	10	1%

^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. 152 IAA decisions made in 2019–20 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 4.4, a significant proportion of IAA decisions are subject to judicial review. In the reporting period, all initial applications were lodged by applicants who did not receive a favourable decision.

During the reporting year, the Federal Circuit Court finalised 808 judicial review applications relating to IAA decisions. In 173 of those applications, the case was remitted to the IAA: 116 by consent and 57 by judgment. There have been 291 further appeals lodged against decisions of the Federal Circuit Court, including 290 to the Federal Court and one to the High Court. Of these appeals, one was lodged by the Minister and the remaining 290 were by applicants appealing a decision to dismiss the judicial review application.

Table 4.4 shows the outcomes of judicial review applications that have been finally determined in the last 2 financial years. As at 30 June 2020, a further 4,350 applications remain unresolved, including appeals against decisions of the Federal Circuit Court.

Table 4.4 IAA court appeals lodged and finalised, 2018–19 to 2019–20

	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
2018–19 ^e	1,968	82.6%	217	232	476	925
2019–20	1,391	80.4%	256	7	625	888
TOTAL	3,359	81.7%	473	239	1,101	1,813

^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 v Minister for Immigration and Border Protection* [2018] FCAFC 178.

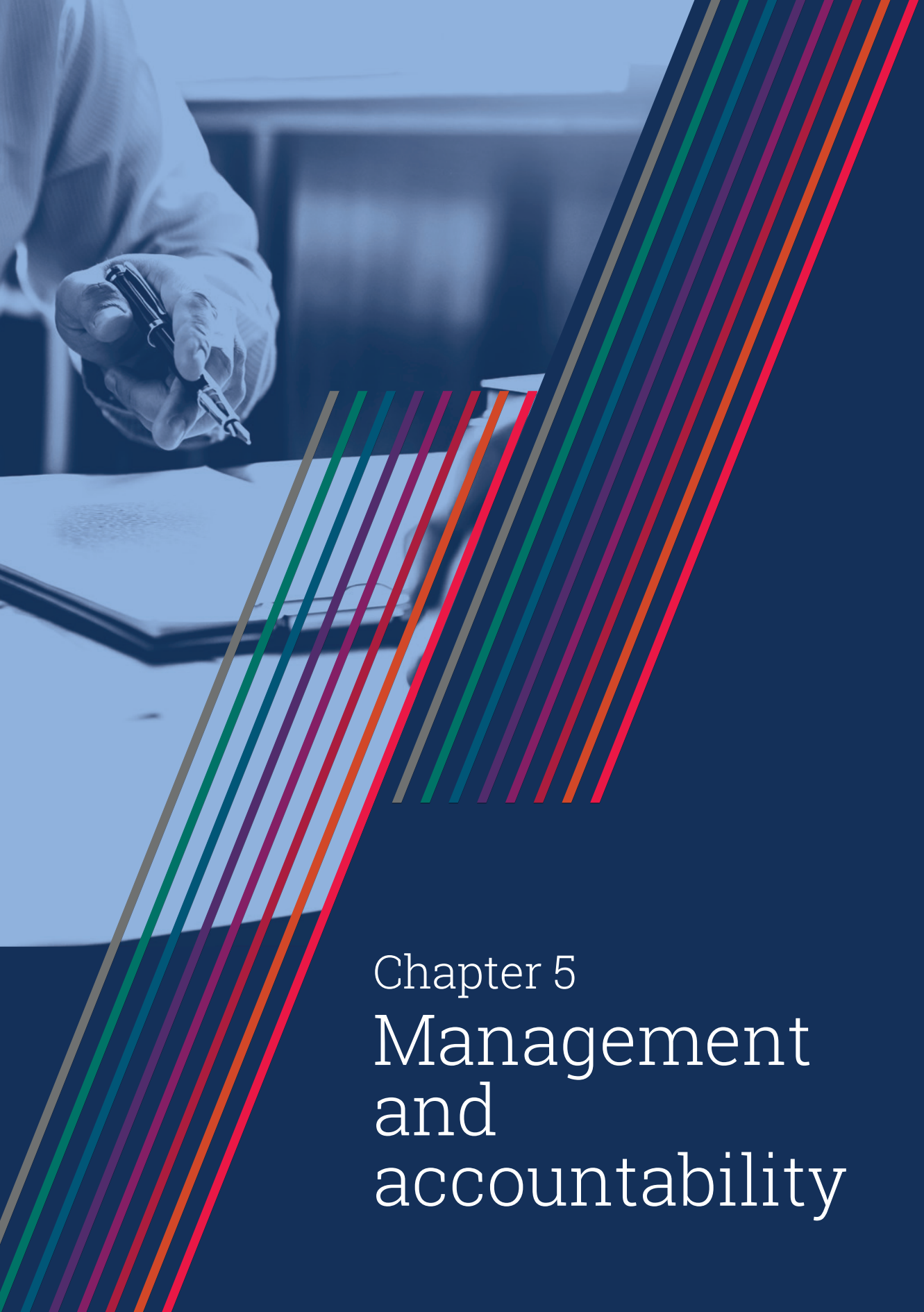
^e The figures for the number of appeals lodged and finalised in 2018–19 differ from those published in the *Annual Report 2018–19*. The IAA was notified of additional appeals lodged in the Federal Circuit Court and further appeals lodged in the higher courts after the figures were prepared for that report.

Complaints

Complaints may be made verbally 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 the reporting year, the IAA received one complaint relating to procedural issues in the review process. The IAA assessed the complaint and provided a written response. While the complaint was not upheld, the issue underlying the complaint was incorporated into a review of IAA practices aimed at clarifying processes for applicants, representatives and authorised recipients.





Chapter 5
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 and committee structures, business planning, risk management and our instructions, policies and procedures.

The names of the AAT's President, Registrar and other senior leaders in 2019–20 and their responsibilities are detailed in Chapter 2.

Senior management and committees

The President and the Registrar are supported in carrying out their roles by a number of committees. During the reporting period, we made changes to our senior management committee framework to clarify and strengthen governance arrangements as the Tribunal implements a wide-ranging transformation program while continuing to manage a significant ongoing workload.

The Senior Leadership Group, comprising the President, Division Heads, Registrar and senior executive staff, met until November 2019. The Tribunal Leadership Group then became the AAT's pinnacle governance body. Comprising the President, Division Heads, Registrar and Chief Transformation Officer, the Group met regularly to advise and assist the President in relation to setting and monitoring the Tribunal's strategy, budget, priorities, performance and ways of working, including overseeing our response to the COVID-19 pandemic.

To promote robust governance of our transformation program, a Transformation Committee was established in February 2020. Comprising the Registrar, Tribunal members acting as nominees of the Division Heads, the Chief Transformation Officer and the Chief Information Officer, the Committee met 3 times during the remainder of the reporting year to advise on and review the delivery of the program.

The other key committees were:

- the Senior Executive Group, comprising the Registrar and senior executive staff, which met regularly to provide the Registrar with advice and assistance on corporate and operational management issues
- the Audit and Risk Committee which comprised an independent chair, 2 other independent members and 2 AAT representatives. It met 5 times in 2019–20. Its role is to provide independent advice and assurance to the Registrar by considering financial reporting, performance reporting as well as systems of internal control and risk management.

More information about the Audit and Risk Committee can be found in Appendix 7.

Business planning

In 2019–20 the AAT developed and published a corporate plan as required by section 35 of the *Public Governance, Performance and Accountability Act 2013*. The Corporate Plan 2019–20 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, set out 4 high-level strategies for achieving our vision and mission to:

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

The strategies and priorities set out in our corporate plan and strategic plan informed more detailed operational plans developed for the year by the Tribunal's business areas. Some of our key achievements in 2019–20 are noted in Chapter 1.

Risk management

The AAT's approach to identifying and managing strategic and operational risks is set out in our risk management framework and is an integral part of our work. During 2019–20, our whole-of-AAT Risk Register was revised and reviewed by the Audit and Risk Committee. The Risk Register incorporated new strategic risks which are also identified in the Corporate Plan 2020–21, ensured that there were suitable mitigation measures, then assigned completion dates for both strategic and operational mitigation activities.

In addition to external audit requirements, 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. Our internal auditors undertook the following reviews during the year – internal budgeting process, revenue completeness, procurement and tendering processes, contract management, complaints handling and privacy management. We also reviewed a number of human resources processes including payroll and personnel security, particularly employee vetting and offboarding. We responded to issues identified in internal and external audit activities, and the Audit and Risk Committee monitored implementation of audit recommendations. Risk review processes are embedded in procedures and registers are regularly reviewed by several committees.

In response to the COVID-19 pandemic, the Business Continuity Management Committee activated the AAT's business continuity and disaster recovery plans. This included mobilising an Incident Management Team to execute plans, implementing health precautions and prioritising time-sensitive caseloads for video hearings conducted online. During this time, we fast-tracked our transition to more electronic ways of working to allow for more work to be conducted remotely and rapidly rolled-out remote access for the majority of our members and staff. Business continuity planning to have all members and staff return to working on AAT premises is progressing in accordance with Department of Health guidelines.

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 2019–20. Regular security audits were performed on access control systems nationwide, and all reporting functions and procedures relating to risk areas were reviewed and updated. During the reporting period, a nationwide IT server shutdown and annual restart test was performed successfully, and a video training module was produced for members and staff about appropriate hearing room security response procedures. During this period, our SMS alert system was used successfully for 2 major public incidents in the vicinity of our premises, and security procedures for lockdowns, protests and mail handling were refreshed.

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 specifically includes our Fraud Control Plan, Fraud Risk Assessment and Register, and a summary guide for employees on recognising and reporting fraud. Fraud control awareness forms part of the induction program for new employees and it is mandatory for all APS staff to complete our online fraud awareness training module at least every 2 years. Further, as we issued an increased number of mobile devices, the Asset Management Plan was reviewed to ensure that our processes for accountability were still suitable. We performed a stocktake of our assets during the financial year and had an exceptional result of only one asset reported missing nationwide.

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
24 September 2020

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. Professional development sessions on 'The role of a member' were delivered in 2019 which explored a range of scenarios and challenges that members may encounter. The sessions remain 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 ethics 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 procedures.

Management of human resources

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

Staffing overview

At 30 June 2020, there were 337 members appointed to the AAT. More information about members is set out in Chapter 2 and Appendix 1.

At 30 June 2020, there were 796 staff working in the AAT: 692 employed under the *Public Service Act 1999* and 104 engaged under labour hire arrangements. Of the 692 APS employees, 514 were ongoing and 178 were non-ongoing with 31 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 2019 and 30 June 2020 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 2019 and 30 June 2020 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's APS staffing levels exceeded the mandated Average Staffing Level cap of 610 full-time equivalent staff with an ASL of 627.38 at 30 June 2020. The staffing in excess of the ASL cap was offset within the Attorney General's Department Portfolio agencies. There was a corresponding increase in APS headcount over the reporting period from 669 to 692. Staffing levels decreased in Brisbane while increasing or maintaining level in all other cities. These changes were associated in part with the program to transform registry operations that involves exploring ways of organising registries to better support efficient case management and assist members in finalising matters. Ongoing APS staff turnover reduced over the financial year and is slightly less (2.8%) than ongoing turnover in the APS more broadly (according to Australian Public Service Commission data at 31 December 2019). Changes in workloads as well as some projects are managed with the assistance of non-APS labour hire staff. Labour hire staff increased to 104 over the reporting period.

We are unable to report on the results of the 2020 APS Employee Census as the survey has been deferred until October 2020 due to COVID-19 and falls outside of the reporting period.

Employment agreements and arrangements for staff

The framework for the terms and conditions of employment for APS employees in 2019–20 included an enterprise agreement and a new determination made under section 24(1) of the *Public Service Act* to provide pay increases and maintain current conditions for non-SES staff, and also 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 and was nominally due to expire on 9 June 2020. The new section 24(1) determination effectively extended the *AAT Enterprise Agreement 2017–2020* for a further 3-year period. It should be noted that due to the COVID-19 pandemic and government direction, salary increases were deferred under the section 24(1) determination for a six-month period ending 10 December 2020.



At 30 June 2020, 686 non-SES APS employees were covered by the enterprise agreement with 18 of these also having an individual flexibility arrangement. Four SES employees were covered by section 24(1) determinations. Table A2.4 shows the salary ranges available to APS employees in 2019–20 by classification level.

Performance pay

The AAT did not have a performance pay or bonus system for any staff in 2019–20 nor did we pay a performance bonus to any staff.

Non-salary benefits

Non-salary benefits available to staff in 2019–20 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
- 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.

Executive remuneration

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

The remuneration for the President and Registrar and for other members who are identified as senior executives is determined by the Remuneration Tribunal.

Remuneration for SES employees in 2019–20 was determined by the Registrar and set out in determinations made under section 24(1) of the Public Service Act. Remuneration levels are reviewed annually by the Registrar having regard to:

- the APS Executive Remuneration Management Policy (issued and amended from time to time by the APS Commissioner)
- the Australian Government Workplace Bargaining Policy 2018, which includes limitations on the quantum of general remuneration increases for SES and non-SES employees (capped at an average of 2% per annum during 2019–20)
- an assessment of relativities with other APS agencies, as indicated in the annual APS Remuneration Report produced by the APSC.

The remuneration package can include cash in lieu of a motor vehicle in accordance with common Australian Government practice.

Developing our members and staff

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

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 2019–20, in-house training sessions were delivered by external and internal presenters that covered division-specific caseload subjects as well as more general knowledge and skills development. This included 3 two-day workshops on the business, family and protection visa jurisdictions and decision writing workshops.

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.

An AAT National Conference was planned for May 2020 with a detailed skills-based conference program organised. As a result of the COVID-19 pandemic, the conference was cancelled. The AAT worked to ensure that member professional development continued safely throughout the pandemic and provided a range of opportunities for members to continue their development remotely.

A revised member appraisal process was introduced in this reporting period. The appraisal process, which is aligned to the framework of competencies, is intended to provide the President of the AAT with sound evidence for making recommendations to the Attorney-General about member reappointments.

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 a three-day in-house workshop offering mediation and dispute resolution skills training including a one-day session on managing vicarious trauma.

Staff learning and development

We continued to embed the Leadership Capability Framework in our recruitment processes and performance management program throughout 2019–20 as a tool to support ongoing learning and development.

Training and development activities for staff during the reporting period responded to identified training needs and involved various delivery methods, including in-house courses, online learning and webinars, external seminars and conferences. In-house workshops and webinars were also conducted to support supervisors and focused on a range of topics including wellbeing, managing teams remotely, managing performance, influencing and decision making, and duty of care. To promote an understanding of potential barriers to the inclusion of people with disability, face-to-face disability awareness training was delivered around the country. We also continued to offer training to meet continuing professional development requirements for AAT legal practitioners.

In this reporting period we continued to build courses for our online learning management system. As part of our response to COVID-19, we also introduced other virtual learning platforms such as LinkedIn Learning and Cahoot Webinars to support professional development while working remotely.



To support the development of our leaders and the implementation of the Tribunal's Leadership Capability Framework, Executive Level 2 staff participated in a targeted leadership development program which included 360-degree feedback, psychometric profiling and one-on-one coaching. Individualised development plans were created as part of this program.

Our Studies Assistance Scheme provided ongoing and certain non-ongoing staff with access to financial support and/or study leave to develop their capabilities, and that of the AAT, through vocational and tertiary education. In the reporting period, 20 employees accessed support for studies in areas such as business, commerce, international studies, law, project management and public sector management.

Workplace diversity

The AAT is an organisation that values diversity in the workplace. At 30 June 2020, 66% of our APS staff were women, with strong representation across all classification levels. 21% of our staff identified as being from a non-English speaking background. Six APS staff identified as Indigenous, a decrease 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 providing face-to-face training for members and staff in disability confidence. This training was presented in the form of interactive workshops that helped members and staff develop their skills and provide a more accessible service to the community. The AAT also rolled out an eLearning program to all members and staff titled 'Reconciliation Walk' in observance of National Reconciliation Week.

The AAT participates in the APSC Indigenous Pathways Graduate Program and anticipates engaging a new graduate in 2020–21.

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, a significant focus was our response to COVID-19, maintaining operations consistent with Chief Medical Officer and State health advice, and adjusting our practices to minimise risks to people in our workplaces. We focused on implementing our Work Health and Safety Management Plan, including the introduction of networks of Local Incident Coordinators and Wellbeing Support Officers. We also introduced mental wellbeing strategies such as a Reach Out Program, where trained staff provide additional support to colleagues who are experiencing difficulties. The annual audit of our Rehabilitation Management System against the *Guidelines for Rehabilitation Authorities 2019* achieved 100% conformance, with the auditor noting our strong commitment to supporting employees through the timely provision of early intervention and rehabilitation programs.

This year we modified access to health and wellbeing support to consider social distancing requirements related to COVID-19. We continued our annual flu vaccination program, extending access to labour hire workers, with a take-up rate of 44% of staff and labour hire workers. We undertook workstation assessments for new employees and reimbursed staff for eyesight testing and optical correction costs. We developed and launched several WHS eLearning programs to ensure members and staff are aware of their obligations. Due diligence training was also provided for the Tribunal Leadership Group and other key staff.

Participation rates in our employee assistance program have continued to increase with members and staff benefitting from the broad range of support streams. We also improved access to flexible working arrangements over the period, in part due to the pandemic. Most workers accessed some form of home-based work through this period and the AAT provided equipment, webinars and resources to support working remotely.

Notifiable incidents and investigations

There were no notifiable incidents reported to Comcare in 2019–20 under 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 5.1. One staff member was provided with early intervention support during the reporting year.

Table 5.1 Trends in compensation claims, 2018–19 to 2019–20

	2018–19	2019–20
Number of claims accepted	1	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. During 2019–20, our Workplace Harassment Contact Officers were replaced with Wellbeing Support Officers. Wellbeing Support Officers are trained as both Harassment Contact Officers and Mental Health First Aiders to create a broader and more holistic support role. The 8 Wellbeing Support Officers, including 2 members, were available to members and staff during 2019–20.

Productivity gains

In 2019–20, significant productivity improvements were delivered through several key projects and as part of the AAT's response to COVID-19.

The Registry Transformation Program continued to explore new business processes and ways of organising registries to better support efficient case management, assist members in finalising matters, and provide more defined career paths for staff. The RTP includes both cross-training of staff and restructuring of operational areas. As it rolls out, the RTP will provide improved staff utilisation, better quality support to our members, a consistent experience for all users regardless of location or the division to which their case relates, and higher levels of staff engagement and satisfaction due to increased variety of work and improved opportunities for career progression.

The AAT has implemented expanded early case assessment and resolution procedures for triaging cases, identifying case pathways, and providing early interventions to ensure that parties are fully informed and have the information necessary to progress to a hearing or decision. The processes have significantly improved the AAT's productivity in managing the high volume of applications and in reducing the significant number of cases on hand.



A new high-level operating model for the AAT was launched in November 2019, designed to support the Tribunal in changing the way we work and operate to deliver a better experience for our users, members and staff. A plan to implement the new operating model was endorsed in March 2020, with technology modernisation and digitisation streams of work enhancing the AAT's response to COVID-19. During the pandemic, implementation of these workstreams enabled the AAT to:

- design and implement a virtual private network for remote access to supplement our existing remote access capacity, which was in turn also increased to improve resilience
- upgrade our standard operating environment to Windows 10
- distribute more than 670 Surface Pros, laptops and desktop computers to members and staff working remotely
- move from a face-to-face, paper-based hearing environment to conducting audio and video hearings online with digitised files.

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 2019–20 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 limited tender processes were employed unless the procurement was covered by a mandatory whole-of-government arrangement or a standing offer was available and appropriate in the particular circumstances. For purchases and contracts below the mandatory tender threshold, at least 3 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/government/procurement/statistics-australian-government-procurement-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 2019–20 to investigate issues, carry out independent reviews and evaluations, and provide independent advice, information and solutions to assist in our decision-making.

During 2019–20, 29 new consultancy contracts were entered into involving total expenditure of \$828,082. In addition, 8 ongoing consultancy contracts were active during the period with total expenditure of \$176,519. The total consultancy spend during the year was \$1,004,601.

Table 5.2 Total actual expenditure on consultancy contracts, 2018–19 to 2019–20

	2018–19	2019–20
Total actual expenditure (incl GST)	\$1,086,309	\$1,004,601

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 are current in the most recent calendar or financial year are available on the AusTender website in accordance with the Senate order on agency contracts.

There were no contracts of \$100,000 or more in 2019–20 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 1982*.



Portfolio Additional Estimates Statements 2019-20

Attorney-General's Portfolio

Explanations of Additional Estimates 2019-20

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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 2020:

- (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 2020 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 as at 30 June 2020 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 the financial statements, comprising a summary of significant accounting policies and other explanatory information.

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 (including Independence Standards)* (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 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, 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 the Registrar 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



Mark Vial
Senior Director
Delegate of the Auditor-General
Canberra
11 September 2020



Australian Government
Department of Finance



Administrative Appeals Tribunal Financial Statements 2019-20

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STATEMENT BY THE REGISTRAR AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2020 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

Sian Leathem
Registrar

11 September 2020

Navaka Arachchige

Navaka Arachchige
Chief Financial Officer

11 September 2020

Statement of Comprehensive Income

for the period ended 30 June 2020

	Notes	2020 \$'000	2019 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	124,820	114,853	129,328
Suppliers	1.1B	37,788	39,829	22,281
Depreciation and amortisation	3.2A	29,275	10,466	25,379
Finance costs	1.1C	4,584	-	4,572
Losses from asset sales		80	9	-
Total expenses		196,547	165,157	181,560
Own-source revenue				
Revenue from contracts with customers	1.2A	781	691	1,018
Total own-source revenue		781	691	1,018
Gains				
Other revenue	1.2B	86	82	-
Other resources	1.2B	-	88	-
Other gains	1.2B	900	416	800
Total gains		986	586	800
Total own-source income		1,767	1,277	1,818
Net cost of services		(194,780)	(163,880)	(179,742)
Revenue from government	1.2C	181,150	163,468	165,624
Deficit on continuing operations		(13,630)	(412)	(14,118)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation surplus		-	(951)	-
Total other comprehensive (loss)		-	(951)	-
Total Comprehensive (loss)		(13,630)	(1,363)	(14,118)

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. Suppliers

The variance against supplier expenses was due to increased contractor costs related to higher caseload finalisations.

2. Revenue from government

The variance against revenue from government was due to higher than expected Migration & Refugee Division (MRD) case finalisations.

Statement of Financial Position
as at 30 June 2020

	Notes	2020 \$'000	2019 \$'000	Original Budget \$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	3.1A	3,766	1,144	1,144	1
Trade and other receivables	3.1B	91,143	88,200	86,200	2
Total financial assets		94,909	89,344	87,344	
Non-financial assets¹					
Buildings	3.2A	269,801	47,886	275,446	
Plant and equipment	3.2A	4,586	4,104	5,115	
Computer software	3.2A	4,411	4,726	5,072	
Other non-financial assets		3,787	4,789	4,735	
Total non-financial assets		282,585	61,505	290,368	
Total assets		377,494	150,849	377,712	
LIABILITIES					
Payables					
Suppliers	3.3A	2,790	2,401	2,415	
Other payables	3.3B	2,099	36,407	7,409	3
Total payables		4,889	38,808	9,824	
Interest bearing liabilities					
Leases	3.4A	232,136	-	222,814	
Total interest bearing liabilities		232,136	-	222,814	
Provisions					
Employee provisions	6.1A	21,456	21,818	21,657	
Other provisions	3.5A	617	1,155	1,155	
Total provisions		22,073	22,973	22,812	
Total liabilities		259,098	61,781	255,450	
Net assets		118,396	89,068	122,262	
EQUITY					
Contributed equity		99,321	94,053	105,689	
Reserves		4,089	4,089	4,089	
Retained earnings		14,986	(9,074)	12,484	
Total equity		118,396	89,068	122,262	

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

1. Right-of-use assets are included in the Buildings category.

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 Cash and cash equivalents

The increase in cash and cash equivalents balance was due to anticipated Covid-19 related creditors payments. This is a year end timing difference.

2 Trade and other receivable

The variance against trade and other receivable was due to higher than expected Migration & Refugee Division (MRD) case finalisations.

3 Other payables

The variance against other payables relates to landlord fit-out incentive adjustments due to application of accounting standard AASB16 Leases. This information was not available at the time of developing the budget. For commentary on variances in equity, refer to the Statement of Changes in Equity.

Statement of Changes in Equity

for the period ended 30 June 2020

Notes	2020 \$'000	2019 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY			
Opening balance			
Balance carried forward from previous period	94,053	90,175	94,053
Transactions with owners			
Return of capital	(6,367)	-	-
Contributions by owners			
Equity injection - Appropriations	7,752	-	7,752
Departmental capital budget	3,883	3,878	3,884
Total transactions with owners	5,268	3,878	11,636
Closing balance as at 30 June	99,321	94,053	105,689
RETAINED EARNINGS			
Opening balance			
Balance carried forward from previous period	(9,074)	(8,662)	(9,069)
Adjustment on initial application of AASB 16	37,690	-	35,671
Adjusted opening balance	28,616	(8,662)	26,602
Comprehensive income			
Deficit for the period	(13,630)	(412)	(14,118)
Total comprehensive income	(13,630)	(412)	(14,118)
Closing balance as at 30 June	14,986	(9,074)	12,484
ASSET REVALUATION RESERVE			
Opening balance			
Balance carried forward from previous period	4,089	5,040	4,089
Comprehensive income			
Other comprehensive income	-	(951)	-
Total comprehensive income	-	(951)	-
Closing balance as at 30 June	4,089	4,089	4,089

Notes	2020 \$'000	2019 \$'000	Original Budget \$'000
TOTAL EQUITY			
Opening balance			
Balance carried forward from previous period	89,068	86,553	89,073
Adjustment for changes in accounting policies	37,690	-	35,671
Adjusted opening balance	126,758	86,553	124,744
Comprehensive income			
Deficit for the period	(13,630)	(412)	(14,118)
Other comprehensive income	-	(951)	-
Total comprehensive income	(13,630)	(1,363)	(14,118)
Transactions with owners			
Distributions to owners			
Return of capital	(6,367)	-	-
Contributions by owners			
Equity injection - Appropriations	7,752	-	7,752
Departmental capital budget	3,883	3,878	3,884
Total transactions with owners	5,268	3,878	11,636
Closing balance as at 30 June	118,396	89,068	122,262

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

Accounting Policy

Equity Injections

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

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 Return of capital

The variance against return of capital was due to the reversal of unused appropriation received in 2016-17 for capital related activity. This information was not available at the time of finalising the budget.

Cash Flow Statement

for the period ended 30 June 2020

	Notes	2020 \$'000	2019 \$'000	Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		172,240	157,211	167,624
Sale of goods and rendering of services		212	1,771	1,018
GST received		254	-	-
Other		2,019	10,489	-
Total cash received		174,725	169,471	168,642
Cash used				
Employees		(123,819)	(115,739)	(129,328)
Suppliers		(30,324)	(48,238)	(21,481) 1
Interest payments on lease liabilities		(4,584)	-	(4,572) 1
GST paid		(5,781)	(711)	- 2
Total cash used		(164,508)	(164,688)	(155,381)
Net cash from operating activities		10,217	4,783	13,261
INVESTING ACTIVITIES				
Cash used				
Purchase of property, plant and equipment		(7,644)	(7,880)	(13,636) 3
Total cash used		(7,644)	(7,880)	(13,636)
Net cash used in investing activities		(7,644)	(7,880)	(13,636)
Cash received				
Contributed equity		11,563	3,878	11,636
Total cash received		11,563	3,878	11,636
Cash used				
Principal payments of lease liabilities		(11,514)	-	(11,261)
Total cash used		(11,514)	-	(11,261)
Net cash used in financing activities		49	3,878	375
Net increase in cash held		2,622	781	-
Cash and cash equivalents at the beginning of the reporting period		1,144	363	1,144
Cash and cash equivalents at the end of the reporting period	3.1A	3,766	1,144	1,144

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 used - suppliers

The variance against operating activities - cash used - suppliers was predominantly due to increased contractor and agency resources engaged during the year. The introduction of AASB16 *Leases* has changed the recognition of rents paid with the monthly payment charged to the lease liability. Refer to the Statement of Comprehensive Income and interest bearing liabilities note 3.4.

2 Operating activities - cash used - GST

The AAT collects GST on behalf of the Federal Government. The variance against operating activities - cash used - GST is due to the budget for GST Paid being incorporated under Suppliers.

3 Investing activities - cash used - purchase of property, plant and equipment

The variance against operating activities - cash used - purchase of property, plant and equipment is predominantly due to the timing delays in capital projects as a result of COVID-19.

Administered Schedule of Comprehensive Income

for the period ended 30 June 2020

	Notes	2020 \$'000	2019 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Impairment loss on financial instruments		4,767	4,092	4,500
Refund of Application fees		7,176	6,772	7,000
Total expenses		11,943	10,864	11,500
Income				
Revenue				
Non-taxation revenue				
Revenue from contracts with customers	2.1A	43,009	49,358	50,346 ¹
Total non-taxation revenue		43,009	49,358	50,346
Total revenue		43,009	49,358	50,346
Total income		43,009	49,358	50,346
Net contribution by services		31,066	38,494	38,846
Surplus		31,066	38,494	38,846

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 Revenue from contracts with customers

The AAT previously recognised revenue at the date of receipt of application fees. The variance against revenue from contracts with customers was due to the adoption of the new accounting standard AASB15 *Revenue from Contracts with Customers* which recognises revenue upon completion of the identified performance obligations and due to the reduction in the number of applications lodged. Fees from applications which have not had their performance obligation finalised are recognised as contract liabilities, refer Administered Schedule of Assets and Liabilities.

Administered Schedule of Assets and Liabilities

as at 30 June 2020

	Notes	2020 \$'000	2019 \$'000	Original Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	4.1A	247	560	560
Trade and other receivables	4.1B	630	188	188
Total financial assets		877	748	748
Total assets administered on behalf of Government				
		877	748	748
LIABILITIES				
Payables				
Trade creditors and accruals	4.2A	831	718	717
Contract liabilities	4.2A	64,266	-	-
Total liabilities administered on behalf of Government		65,097	718	717
Net (liabilities)/assets		(64,220)	30	31

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 (liabilities) / assets.

1 Contract liabilities

The contract liabilities relate to the adoption of AASB15 *Revenue from Contracts with Customers* where upfront application fees received by the AAT are recognised as contract liabilities until their performance obligation is finalised. Refer to the Administered Schedule of Comprehensive Income.

Administered Reconciliation Schedule

	Notes	2020 \$'000	2019 \$'000
Opening assets less liabilities as at 1 July		30	2,835
Adjustment for adoption of AASB 9 <i>Financial Instruments</i>		-	(1,941)
Adjustment to administered cash held		(182)	-
Adjustment on initial application of AASB 15			
<i>Revenue from Contracts with Customers</i>		(68,235)	-
Adjusted opening assets less liabilities		(68,387)	894
Net (cost of)/contribution by services			
Income		43,009	49,358
Expenses			
Payments to entities other than corporate Commonwealth entities		(11,943)	(10,864)
Transfers from the Australian Government			
Payments to entities other than corporate Commonwealth entities		7,104	6,400
Appropriation transfers to OPA			
Transfers to OPA		(34,003)	(45,758)
Closing assets less liabilities as at 30 June		(64,220)	30

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 entity for use by the Government rather than the entity 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 entity 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 2020

	Notes	2020 \$'000	2019 \$'000
OPERATING ACTIVITIES			
Cash received			
Sale of goods and rendering of services		33,831	45,950
Total cash received		33,831	45,950
Cash used			
Other - Refund of application fees		7,063	6,341
Total cash used		7,063	6,341
Net cash from operating activities		26,768	39,609
Cash from Official Public Account			
Appropriations		7,104	6,400
Total cash from official public account		7,104	6,400
Cash to Official Public Account			
Appropriations		(34,003)	(45,757)
Adjustment to administered cash held		(182)	-
Total cash to official public account		(34,185)	(45,757)
Cash and cash equivalents at the beginning of the reporting period		560	308
Cash and cash equivalents at the end of the reporting period	4.1A	247	560

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

Notes to and forming part of the Financial Statements

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 are 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. The financial statements are presented in Australian dollars.

New Accounting Standards

Apart from AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases* all new accounting standards and/or interpretations that were issued prior to the sign-off date and are applicable to the current reporting period did not have a material effect on the AAT's financial statements.

COVID-19 Impact

The AAT has assessed the impact of COVID-19 pandemic on the balances included in its financial statements. The recoverability of receivables and values of its property, plant and equipment are two areas that may be potentially impacted by the COVID-19 pandemic. The AAT has concluded that the COVID-19 has not had a material impact on either

Notes to and forming part of the Financial Statements	
Standard/ Interpretation	Nature of change in accounting policy, transitional provisions ¹ , and adjustment to financial statements
<p>AASB 15 <i>Revenue from Contracts with Customers</i> / AASB 2016-8 <i>Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities</i> and AASB 1058 <i>Income of Not-For-Profit Entities</i></p>	<p>AASB 15, AASB 2016-8 and AASB 1058 became effective 1 July 2019.</p> <p>AASB 15 <i>Revenue from Contracts with Customers</i> establishes a comprehensive framework for determining whether, how much and when revenue is recognised. It replaces existing revenue recognition guidance, including AASB 118 <i>Revenue</i>, AASB 111 <i>Construction Contracts</i> and Interpretation 13 <i>Customer Loyalty Programmes</i>. The core principle of AASB 15 <i>Revenue from Contracts with Customers</i> is that an entity recognises revenue to depict the transfer of promised services to customers in an amount that reflects the consideration to which the entity expects to be entitled in exchange for those services.</p> <p>AASB 1058 <i>Income of Not-For-Profit Entities</i> is relevant in circumstances where AASB 15 <i>Revenue from Contracts with Customers</i> does not apply. AASB 1058 <i>Income of Not-For-Profit Entities</i> replaces most of the not-for-profit (NFP) provisions of AASB 1004 <i>Contributions and applies to transactions where the consideration to acquire an asset is significantly less than fair value principally to enable the entity to further its objectives, and where volunteer services are received</i>.</p> <p>The details of the changes in accounting policies, transitional provisions and adjustments are disclosed below and in the relevant notes to the financial statements.</p>
<p>AASB 16 <i>Leases</i></p>	<p>AASB 16 <i>Leases</i> became effective on 1 July 2019.</p> <p>This new standard has replaced AASB 117 <i>Leases</i>, Interpretation 4 <i>Determining whether an Arrangement contains a Lease</i>, Interpretation 115 <i>Operating Leases—Incentives and Interpretation 127 Evaluating the Substance of Transactions Involving the Legal Form of a Lease</i>.</p> <p>AASB 16 <i>Leases</i> provides a single lessee accounting model, requiring the recognition of assets and liabilities for all leases, together with options to exclude leases where the lease term is 12 months or less, or where the underlying asset is of low value. AASB 16 substantially carries forward the lessor accounting in AASB 117 <i>Leases</i>, with the distinction between operating leases and finance leases being retained.</p> <p>The details of the changes in accounting policies, transitional provisions and adjustments are disclosed below and in the relevant notes to the financial statements.</p>

Notes to and forming part of the Financial Statements

Application of AASB 15 Revenue from Contracts with Customers

The AAT adopted AASB 15 *Revenue from Contracts with Customers* using the modified retrospective approach, under which the cumulative effect of initial application is recognised in retained earnings at 1 July 2019. Accordingly, the comparative information presented for 2019 is not restated, that is, it is presented as previously reported under the various applicable AASBs and related interpretations.

Under the new income recognition model the AAT shall first determine whether an enforceable agreement exists and whether the promises to transfer goods or services to the customer are 'sufficiently specific'. If an enforceable agreement exists and the promises are 'sufficiently specific' (to a transaction or part of a transaction), the Entity applies the general AASB 15 principles to determine the appropriate revenue recognition.

Migration & Refugee Division (migration), General Division and Small Business Tax application fees

Application fees are currently payable to the 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 affirmed or not. 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. In prior years, application fees were recognised as revenue in the Administered Schedule of Comprehensive Income upon receipt of the application fee.

From 1 July 2019 the AAT recognises Migration & Refugee Division (migration) 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. the AAT has fulfilled its performance obligation), the full fee will be recognised as revenue in the Administered Schedule of Comprehensive Income.

Migration & Refugee Division (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 AASB 15 *Revenue from Contracts with Customers* does not require a change to AAT's current practices in this area.

The accounting treatment for refund of fees is unchanged. Refunds are recognised when the case in question is finalised and the liability is certain.

Transitional disclosure	AASB 15	Prior to AASB 15	Increase / (decrease)
	\$'000	\$'000	\$'000
Revenue			
Application fees from Migration & Refugee Division, General and Other Divisions	37,208	33,213	3,995
Total Revenue	37,208	33,213	3,995
Net cost (surplus) of services	(37,208)	(33,213)	(3,995)
Liabilities			
Contract liabilities	(64,266)	-	(64,266)
Total Liabilities	(64,266)	-	(64,266)
Retained earnings	27,058	(33,213)	60,271

Contract liabilities

Under the previous Standard revenue was recognised for application fees at the time the fee was received. Upon transition to AASB 15 *Revenue from Contracts with Customers* the AAT's revenue recognition policy changed to reflect a recognition pattern consistent with the provision of performance obligations specific to the contract in question. For the AAT this means application fees received for Migration & Refugee (migration) Division and General and Other Divisions are initially recognised as a contract liability and only recognised as revenue when the case is finalised.

This results in application fees for all open cases at transition date 1 July 2019 being recognised as contract liabilities, with a corresponding adjustment to opening retained earnings.

Notes to and forming part of the Financial Statements

Application of AASB 16 Leases

The AAT adopted AASB 16 *Leases* using the modified retrospective approach, under which the cumulative effect of initial application is recognised in retained earnings at 1 July 2019. Accordingly, the comparative information presented for 2019 is not restated, that is, it is presented as previously reported under AASB 117 *Leases* and related interpretations.

The AAT elected to apply the practical expedient to not reassess whether a contract is, or contains a lease at the date of initial application. Contracts entered into before the transition date that were not identified as leases under AASB 117 *Leases* were not reassessed. The definition of a lease under AASB 16 *Leases* was applied only to contracts entered into or changed on or after 1 July 2019.

AASB 16 *Leases* provides for certain optional practical expedients, including those related to the initial adoption of the standard. The AAT applied the following practical expedients when applying AASB 16 *Leases* to leases previously classified as operating leases under AASB 117 *Leases*:

- Apply a single discount rate to a portfolio of leases with reasonably similar characteristics;
- Exclude initial direct costs from the measurement of right-of-use assets at the date of initial application for leases where the right-of-use asset was determined as if AASB 16 had been applied since the commencement date;
- Reliance on previous assessments on whether leases are onerous as opposed to preparing an impairment review under AASB 136 *Impairment of assets* as at the date of initial application; and
- Exclude leases less than 12 months and less than \$10,000 as they are considered short-term and of low value.

As a lessee, the AAT previously classified leases as operating or finance leases based on its assessment of whether the lease transferred substantially all of the risks and rewards of ownership. Under AASB 16 *Leases*, the AAT recognises right-of-use assets and lease liabilities for most leases.

On adoption of AASB 16 *Leases*, the AAT recognised right-of-use assets and lease liabilities in relation to leases of office space, which had previously been classified as operating leases.

The lease liabilities were measured at the present value of the remaining lease payments less the value of any lease incentive, discounted using the AAT's incremental borrowing rate as at 1 July 2019. The AAT's incremental borrowing rate is the rate at which a similar borrowing could be obtained from an independent creditor under comparable terms and conditions. The weighted-average rate applied was 1.9% for incremental borrowing rates based on the term of the lease.

The right-of-use assets were measured as follows - Office space: measured at an amount equal to the lease liability, adjusted by the amount of any prepaid or accrued lease payments.

Impact on transition

On transition to AASB 16 *Leases*, the AAT recognised right-of-use assets and lease liabilities, recognising the difference in retained earnings. The impact on transition is summarised below:

Departmental	1 July 2019 \$'000
Right-of-use assets - property, plant and equipment	240,658
Lease liabilities	240,658

Adjustment entry upon transition to AASB 16 Leases

Retained earnings - derecognition of lease incentives at the date of transition	(37,690)
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The following table reconciles the Departmental minimum lease commitments disclosed in the entity's 30 June 2019 annual financial statements to the amount of lease liabilities recognised on 1 July 2019:

	Amount \$'000
Operating lease commitments at 30 June 2019	130,500
Add: Impact of change in lease terms due to adoption of AASB 16 <i>Leases</i>	161,615
Less: Short term lease outside of AASB 16 <i>Leases</i>	(963)
Less provision for lease restoration	(603)
Effect of discounting at an incremental borrowing rate of 1.9%	(49,891)
Lease liabilities at 1 July 2019 under AASB 16 <i>Leases</i>	240,658

Taxation

The entity 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 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.

Notes to and forming part of the Financial Statements

Financial Performance

This section analyses the financial performance of the AAT for the year ended 30 June 2020.

1.1 Expenses

	2020	2019
	\$'000	\$'000
1.1A: Employee benefits		
Wages and salaries	101,875	90,640
Superannuation		
Defined contribution plans	10,427	8,651
Defined benefit plans	6,174	6,352
Leave and other entitlements	6,164	9,119
Separation and redundancies	180	91
Total employee benefits	124,820	114,853

Accounting Policy

Accounting policies for employee related expenses is contained in the People and relationships section.

1.1B: Suppliers

Goods and services supplied or rendered

Consultants	913	1,567
Contractors	12,226	6,932
Travel	482	1,756
IT services	6,343	3,218
Hearing related expense	3,080	2,877
Properties operation expenses	5,689	5,603
Office support & Internet services	1,313	745
Training and staff development	937	708
Outsourced services	2,360	1,518
Subscription fees	1,458	1,318
Others	2,113	1,444
Total goods and services supplied or rendered	36,914	27,686
Goods supplied	1,155	1,030
Services rendered	35,759	26,656
Total goods and services supplied or rendered	36,914	27,686
Other suppliers		
Workers compensation and other insurance expenses	874	197
Operating lease rentals ¹	-	11,946
Total other suppliers	874	12,143
Total suppliers	37,788	39,829

1. The AAT has applied AASB 16 *Leases* using the modified retrospective approach and therefore the comparative information has not been restated and continues to be reported under AASB 117 *Leases*.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C, 3.2 and 3.4A.

	2020	2019
	\$'000	\$'000
1.1C: Finance costs		
Interest on lease liabilities ¹	4,584	-
Total finance costs	4,584	-

1. The AAT has applied AASB 16 *Leases* using the modified retrospective approach and therefore the comparative information has not been restated and continues to be reported under AASB 117 *Leases*.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 3.2 and 3.4A.

Notes to and forming part of the Financial Statements

1.2 Own-Source Revenue and gains

	2020	2019
	\$'000	\$'000

Own-Source Revenue

1.2A: Revenue from contracts with customers

Rendering of services	781	691
Total revenue from contracts with customers	781	691

1.2B: Other revenue

Resources received free of charge

Remuneration of auditors	86	82
Liabilities assumed by other departments	416	416
Other resources	-	88
Gain on onerous lease termination	484	-
Total other revenue	986	586

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.

1.2C: Revenue from government

Appropriations

Departmental appropriations	181,150	163,468
Total revenue from Government	181,150	163,468

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. Funding received or receivable from non-corporate Commonwealth entities (appropriated to the non-corporate Commonwealth entity as a corporate Commonwealth entity payment item for payment to this entity) is recognised as Revenue from Government by the corporate Commonwealth entity unless the funding is in the nature of an equity injection or a loan.

Notes to and forming part of the Financial Statements

2.1 Administered - Income

	2020	2019
	\$'000	\$'000
Revenue		
Non-Taxation Revenue		
2.1A: Revenue from contracts with customers		
Rendering of services - MRD (migration) & General division	37,208	45,001
Rendering of services - MRD (refugee)	5,801	4,357
Total revenue from contracts with customers	43,009	49,358

Accounting Policy

All administered revenues are revenues relating to ordinary activities performed by the AAT on behalf of the Australian Government. As such, administered appropriations are not revenues of the individual entity that oversees distribution or expenditure of the funds as directed.

Migration & Refugee Division (migration) and General Division

The application fees for these divisions are paid before the application is accepted. These fees are treated as contract liabilities until the performance obligation is completed upon finalisation of the case.

Migration & Refugee Division (refugee)

The application fees for this division are only charged after the case has been heard and a decision made. These fees are recognised as revenue upon the issue of an invoice for payment after the case has been decided.

Refunds

Refunds for all divisions are recognised at time the case is finalised.

Notes to and forming part of the Financial Statements

Financial Position

This section analyses the 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

	2020	2019
	\$'000	\$'000

3.1A: Cash and cash equivalents

Cash on hand or on deposit	3,766	1,144
Total cash and cash equivalents	3,766	1,144

Accounting Policy

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

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

3.1B: Trade and other receivables

Goods and services receivables

Goods and services	534	279
Total goods and services receivables	534	279

Appropriations receivables

Appropriation receivable	89,968	87,026
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Total appropriations receivables	89,968	87,026
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Other receivables

Statutory receivables	641	895
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Total other receivables	641	895
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Total trade and other receivables (gross)	91,143	88,200
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Total trade and other receivables (net)	91,143	88,200
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Credit terms for goods and services were within 28 days (2019:30 days).

Accounting Policy

Financial assets

Trade receivables 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 ¹ \$'000	Total \$'000
As at 1 July 2019				
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 1 July 2019	47,886	4,104	4,726	56,716
Recognition of right of use asset on initial application of AASB 16	240,658	-	-	240,658
Adjusted total as at 1 July 2019	288,544	4,104	4,726	297,374
Additions				
Purchase	2,600	3,046	1,998	7,644
Right-of-use assets	3,135	-	-	3,135
Depreciation and amortisation	(6,617)	(2,493)	(2,304)	(11,414)
Depreciation on right-of-use assets	(17,861)	-	-	(17,861)
Write off/down	-	(71)	(9)	(80)
Total as at 30 June 2020	269,801	4,586	4,411	278,798
Total as at 30 June 2020 represented by				
Gross book value	57,950	9,313	26,592	93,855
Accumulated depreciation, amortisation and impairment	(14,081)	(4,727)	(22,181)	(40,989)
Total as at 30 June 2020	43,869	4,586	4,411	52,866
Carrying amount of right-of-use assets	225,932	-	-	225,932
Total as at 30 June 2020	269,801	4,586	4,411	278,798

1. The carrying amount of computer software included \$2m (2019:\$2m) purchased software. Intangible assets are reviewed on an annual basis by all asset owners for obsolete assets due to improvement of technology. All obsolete assets are disposed off on an annual basis.

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 AAT's leasehold improvement with a corresponding provision for the 'make good' recognised.

Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

On initial adoption of AASB 16 *Leases*, the AAT has ROU assets at the date of initial application which are not adjusted for the amount of any provision for onerous lease. The onerous lease had been terminated within 12 months of the commencement of AASB 16 *Leases*. Following initial application, an impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Lease ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, GGS and Whole of Government financial statements.

Revaluations

Following initial recognition at cost, property, plant and equipment (**excluding ROU assets**) are carried at fair value (or an amount not materially different from 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:

- a) eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount; or
- b) restated proportionately with the change in the gross carrying amount of the asset so that the carrying amount of the asset after revaluation equals its revalued amount.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the AAT 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:

	2020	2019
Buildings	Lessor or estimated useful life and lease terms	Lessor or estimated useful life and lease terms
Plant and equipment	3-20 years	3-20 years

The depreciation rates for ROU assets are based on the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

Notes to and forming part of the Financial Statement

Accounting Policy (continued)

Impairment

All assets were assessed for impairment at 30 June 2020. 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 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 (2019: 3 to 20 years).

All software assets were assessed for indications of impairment as at 30 June 2020.

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 every 5 years for a comprehensive valuation and every 3 years for a desktop valuation. During the intervening years the AAT consider the nature of each asset, whether there has been any substantial change in the technology related to the use of each asset which may cause a reduction in the value of the asset. A comprehensive valuation was undertaken at 30 June 2019. The AAT has considered the nature of its assets and do not believe there has been a material variance in market price since that date.

The AAT has assessed the impact of COVID-19 on the financial statements, including the potential for movements in the fair value of non-current assets and the potential for impairment of other assets. The AAT has concluded that COVID-19 is not expected to have a significant impact on transactions and balances recorded in the financial statements.

Notes to and forming part of the Financial Statements

3.3 Payables

	2020	2019
	\$'000	\$'000

3.3A: Suppliers

Trade creditors and accruals	2,790	2,401
Total suppliers	2,790	2,401

The settlement terms for suppliers is 7 days

3.3B: Other payables

Salaries and wages	1,684	617
Superannuation	415	119
Lease incentive ¹	-	35,671
Total other payables	2,099	36,407

1. The AAT has applied AASB 16 *Leases* using the modified retrospective approach and therefore the comparative information has not been restated and continues to be reported under AASB 117 *Leases*, refer the accounting policy note.

3.4 Interest Bearing Liabilities

	2020	2019
	\$'000	\$'000

3.4A: Leases

Opening lease liability 30 June 2019	-	-
Lease liabilities - transition of AASB16 - <i>Leases</i> held at 1 July 2019 ¹	240,658	-
Less principal lease payments	(11,514)	-
Add new lease liabilities	9,755	-
Less cancelled leases	(6,763)	-
Total lease liability 30 June 2020	232,136	-

1. The AAT has applied AASB 16 *Leases* using the modified retrospective approach and therefore the comparative information has not been restated and continues to be reported under AASB 117 *Leases*, refer to transition note in Overview section.

Notes to and forming part of the Financial Statements

3.5 Other Provisions

	2020	2019
	\$'000	\$'000

3.5A: Other provisions

	Provision for onerous contract \$'000	Provision for restoration \$'000	Total \$'000	Total \$'000
As at 1 July 2019	552	603	1,155	3,322
Amounts used	(68)	14	(54)	(2,167)
Gain on onerous lease terminated	(484)	-	(484)	-
Total as at 30 June 2020	-	617	617	1,155

Accounting Judgements and Estimates

Provision for Onerous contract

The AAT had one onerous lease contract which required the business operation to provide a rental payment to the external party. This contract expired at the end of December 2019. The lease has been terminated and the liability no longer exists.

Provision for restoration

The AAT is required to restore two (2019: 2) leased commercial office accommodation to their original condition at the conclusion of their 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, involves 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.

Notes to and forming part of the Financial Statements

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 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

	2020	2019
	\$'000	\$'000
4.1A: Cash and cash equivalents		
Cash in special accounts	247	560
Total cash and cash equivalents	247	560
4.1B: Trade and other receivables		
Goods and services receivables	20,217	15,008
Total goods and services receivables	20,217	15,008
Total trade and other receivables (gross)	20,217	15,008
Less impairment loss allowance	(19,587)	(14,820)
Total trade and other receivables (net)	630	188

Credit terms for goods and services were within 7 days (2019:7 days).

Notes to and forming part of the Financial Statements

4.2 Administered - Payables

	2020 \$'000	2019 \$'000
4.2A: Payables		
Trade creditors and accruals	831	718
Contract liabilities	<u>64,266</u>	-
Total payables	<u>65,097</u>	<u>718</u>

Settlement terms for suppliers is 30 days (2019:30 days)

Accounting Policy

Contract liabilities are associated with upfront application fees received by the AAT and an obligation to finalise each case. Contract liabilities arise until the performance obligation is delivered, being when a final decision is made to individual appeal cases.

Due to transition arrangements AAT has recognised all cases from prior years that have not been finalised as contract liabilities until their performance obligation is delivered. This required an adjustment to opening equity, refer Administered Reconciliation Schedule.



Notes to and forming part of the Financial Statements

Funding

This section identifies the AAT's funding structure.

5.1 Appropriations

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

Annual Appropriations for 2020

	Annual Appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2020 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	165,624	2,604	168,228	172,240	(4,012)
Capital Budget ⁴	3,884	-	3,884	11,563	(7,679)
Equity Injections	7,752	-	7,752	-	7,752
Total departmental	177,260	2,604	179,864	183,803	(3,939)

1. In 2019-20 \$0.119m in appropriation has been withheld under *Section 51 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 unspent prior year appropriations 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
Annual Appropriations for 2019

	Annual Appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2019 \$'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 unspent prior year appropriations 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')

	2020	2019
	\$'000	\$'000
Departmental		
Section 51 Determination of the PGPA Act (in accordance with Financial Reporting Rules Part 6 Div. 3)		
Appropriation Act (No. 2) 2016-17 ¹	-	6,367
Appropriation Act (No. 1) 2017-18	-	20,953
Appropriation Act (No. 1) 2018-19	-	53,027
Supply Act 2019-20	22,740	
Appropriation Act (No. 1) 2019-20	29,380	-
Appropriation Act (No. 2) 2019-20 Equity Injections	4,522	-
Supply Act (No.2) 2019-20 Equity Injections	3,230	-
Appropriation Act (No. 3) 2019-20	7,938	-
Total departmental	67,810	80,347

1. The Appropriation Act (No.2) in 2016-17 of \$6.367m has lapsed.

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

Authority	Appropriation applied	
	2020	2019
	\$'000	\$'000
Public Governance, Performance and Accountability Act 2013 s.77 Repayment Act, AAT	7,104	6,400
Total special appropriations applied	7,104	6,400

The AAT is appropriated funds from the Consolidated Revenue Fund on behalf of the Department of Home Affairs to pay refunds to approved applicants.

5.1D: Disclosures by agent in relation to annual and special appropriations ('recoverable GST exclusive')

2020	\$'000
Total receipts	43,009
Total payments	7,176
<hr/>	
2019	\$'000
Total receipts	49,358
Total payments	6,772

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

	2020	2019
	\$'000	\$'000
6.1A: Employee provisions		
Leave	21,456	21,818
Total employee provisions	21,456	21,818

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 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 the 'short hand' method as at 30 June 2020. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

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 based on a matrix of probability of an employee working for AAT, and in accordance with AASB 119 *Employee Benefits* and reflects the expected value of those benefits at the reporting date.

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, directly or indirectly. The AAT has determined its key management personnel to be the Portfolio Minister, AAT President and Registrar.

Key management personnel remuneration is reported in the table below:

	2020 \$'000	2019 \$'000
Short-term employee benefits	397	339
Post-employment benefits	56	55
Other long-term employee benefits	9	37
Total key management personnel remuneration expenses¹	462	431

The total number of key management personnel that are included in the above table is 1 (2019:1).

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

Notes to and forming part of the Financial Statements

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 related party transactions to be separately disclosed (2019 no material related party transactions to be separately disclosed).



Notes to and forming part of the Financial Statements

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 2020.

Unquantifiable Contingencies

There are no unquantifiable or remote contingencies at 30 June 2020.

Accounting Policy

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

Notes to and forming part of the Financial Statements

7.1B: Administered - contingent assets and liabilities

Quantifiable Administered Contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2020.

Unquantifiable Administered Contingencies

There are no unquantifiable or remote contingencies at 30 June 2020.



Notes to and forming part of the Financial Statements

7.2 Financial Instruments

	2020	2019
	\$'000	\$'000

7.2A: Categories of financial instruments**Financial assets at amortised cost**

Cash and cash equivalent	3,766	1,144
Trade and other receivables	91,143	88,200
Total financial assets at amortised cost	94,909	89,344

Total financial assets

94,909	89,344
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Financial Liabilities**Financial liabilities measured at amortised cost**

Suppliers	2,790	2,401
Total financial liabilities measured at amortised cost	2,790	2,401

Total financial liabilities

2,790	2,401
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Notes to and forming part of the Financial Statements

Accounting Policy

Financial assets

The AAT uses AASB 9 *Financial Instruments* to classify 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.

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).



Notes to and forming part of the Financial Statements

7.3 Fair Value Measurement

7.3A: Fair value measurement

	Fair value measurements at the end of the reporting period	
	2020	2019
	\$'000	\$'000
Non-financial assets		
Buildings (includes lease assets on adoption of AASB 16 <i>Leases</i>)	269,801	47,886
Plant and equipment	4,586	4,104
Total Non-financial assets at fair value	274,387	51,990

Accounting Policy

The AAT performs a review of the fair value of its non-financial assets at least once every 12 months, with a desktop valuation undertaken every 3 years and a comprehensive valuation undertaken every 5 years. The AAT engages an independent valuer 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.

Notes to and forming part of the Financial Statements

Other information

8.1 Aggregate Assets and Liabilities

8.1A: Aggregate assets and liabilities

	2020	2019
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months	98,695	94,129
More than 12 months	278,799	56,716
Total assets	377,494	150,845
Liabilities expected to be settled in:		
No more than 12 months	37,924	24,233
More than 12 months	221,174	37,545
Total liabilities	259,098	61,778

8.1B: Administered - aggregate assets and liabilities

	2020	2019
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months	877	748
Total assets	877	748
Liabilities expected to be settled in:		
No more than 12 months	65,097	718
Total liabilities	65,097	718

End of the notes forming part of the Financial Statements





Appendices



Appendix 1: Members of the AAT

This appendix contains:

- a list of the AAT's members at 30 June 2020
- a table showing the number of Senior Members and Members assigned to each of the AAT's divisions at 30 June 2020
- lists of members whose term of appointment or reappointment commenced or ended in 2019–20
- profiles of the President, the Division Heads and the Deputy Division Head.

Members at 30 June 2020

The list of the AAT's members at 30 June 2020 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 2020 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 2020

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	

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
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	
The Honourable Justice Melissa Perry	20/07/2018	19/07/2025	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	
Judges of the Family Court of Australia				
The Honourable Justice Robert Benjamin AM	23/11/2005	23/11/2020	Tas	
Non-judicial Deputy Presidents – Full-time				
Stephen Boyle	01/07/2017	30/06/2024	WA	
Peter Britten-Jones	25/03/2016	30/06/2025	SA	
James Constance	09/12/2010	08/12/2022	NSW	
Stephanie Forgie	08/09/1988	03/11/2021	Vic	
Gary Humphries AO	01/01/2015	31/12/2024	ACT	
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	
Brian Rayment QC	01/07/2017	30/06/2024	NSW	
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	
Richard Hanger QC	01/10/2017	30/11/2024	Qld	
Major General Gregory Melick AO RFD SC (Rtd)	05/09/2014	04/09/2024	Tas	
Ian Molloy	11/04/2013	10/04/2023	Qld	
Francis O'Loughlin QC	23/09/2009	30/06/2024	Vic	
John Sosso	30/05/2016	31/10/2024	Qld	
Senior Members				
Senior Members – Full-time				
Diana Benk	01/07/2015	31/12/2024	NSW	G N Sm So T
Robert Cameron	01/12/2017	30/11/2024	Vic	F G M N Sec T V
John Cipolla	01/07/2015	30/06/2021	NSW	G M
Paul Clauson AM	01/12/2017	30/11/2024	Qld	F G M N Sec V
Michael Cooke	01/07/2015	30/06/2024	NSW	M
Dr Denis Dragovic	30/05/2016	29/05/2023	Vic	M
Ann Duffield	25/07/2016	30/06/2024	Qld	M
Richard Ellis	01/07/2017	04/11/2025	WA	N So
Dr Michelle Evans-Bonner	01/12/2017	30/11/2024	WA	F G M N Sm T V
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



Appendix 1: Members of the AAT

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

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



Appendix 1: Members of the AAT

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

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



Appendix 1: Members of the AAT

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

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



Appendix 1: Members of the AAT

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
David McKelvey	01/07/2015	30/09/2024	Qld	G So
Andrew McLean-Williams	25/02/2019	24/02/2024	Qld	F G M N Sec So T V
Alan McMurrnan	16/01/2017	15/01/2024	NSW	M N V
Adrienne Millbank	30/05/2016	29/05/2021	Qld	M
Lilly Mojsin	01/07/2015	30/06/2024	NSW	M
Carmel Morfuni	01/07/2017	30/06/2024	Vic	M
Mara Moustafine	01/07/2015	30/06/2024	NSW	M Sec
Alison Murphy	16/01/2017	15/01/2024	Vic	M
Benjamin Murphy	23/11/2018	22/11/2022	Vic	M
Jack Nalpantidis	01/07/2015	30/09/2024	Vic	G N So V
Peter Newton	23/11/2018	22/11/2022	NSW	M
Paul Noonan	01/07/2015	30/06/2024	Vic	M So
Glenn O'Brien	23/11/2018	22/11/2022	Qld	M
Peter O'Farrell	23/11/2018	22/11/2022	Vic	M
Mark O'Loughlin	01/12/2017	30/11/2024	SA	F G M N V
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
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
Amanda Pearson	23/11/2018	22/11/2022	Vic	M
Donna Petrovich	02/12/2018	01/12/2023	Vic	G M So
Vanessa Plain	23/11/2018	22/11/2022	Vic	M
Dr Julie Quinlivan	01/07/2015	30/06/2023	ACT	G So
Tamara Quinn	23/11/2018	22/11/2022	Vic	M
Seamus Rafferty	30/05/2016	29/05/2021	WA	G M So
Dr Aruna Reddy	01/07/2015	30/06/2024	Vic	G So
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
Robert Reitano	08/04/2019	07/04/2024	NSW	F G N Sm So T V
Darren Renton	23/11/2018	22/11/2022	WA	M
Frank Russo	23/11/2018	22/11/2022	NSW	M
Andrea Schiwy	01/07/2015	30/06/2024	Tas	So
Dr Harry Schwarz	01/07/2015	25/05/2024	Vic	So
Rodger Shanahan	01/07/2015	30/06/2024	NSW	M Sec
Douglas Shirrefs	23/11/2018	22/11/2022	Vic	M
Wan Shum	01/07/2015	30/06/2024	NSW	M
James Silva	02/08/2016	01/08/2021	NSW	M
Frances Simmons	01/07/2015	30/06/2024	NSW	M
Roslyn Smidt	01/07/2015	29/09/2020	NSW	M
Meena Sripathy	01/07/2015	30/06/2024	NSW	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE	DIVISIONS
Frances Staden	01/07/2015	30/09/2024	ACT	So
Dr Leslie Stephan	26/06/2015	25/09/2020	SA	G V
Warren Stooke AM	01/07/2017	30/06/2024	Vic	M
Jennifer Strathearn	01/07/2015	30/09/2024	SA	M So
Jens Streit	23/11/2018	22/11/2022	Qld	G M V
Dr Bruce Swanson	01/07/2015	30/06/2022	SA	G So
Karen Synon	01/07/2015	29/09/2020	Vic	M
Sandra Taglieri SC	05/08/2013	04/11/2023	Tas	F G N V
David Thompson	23/11/2018	22/11/2022	WA	M
Ian Thompson	05/08/2013	04/11/2023	SA	F G N
Andrew Tragardh	23/11/2018	22/11/2022	Vic	M
Dominic Triaca	23/11/2018	22/11/2022	Vic	M
Susan Trotter	01/07/2015	29/09/2020	Qld	G M N So
Elizabeth Tueno	23/11/2018	22/11/2022	Vic	M
Amanda Upton	23/11/2018	22/11/2022	Vic	M
Dr Robert Walters RFD	16/11/2006	30/11/2024	Tas	F G V
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
Simon Webb	16/07/2001	04/12/2024	ACT	F G N Sec V
Yvonne Webb	01/07/2015	30/06/2024	SA	So
Richard West	01/07/2017	30/06/2024	Vic	G M
Dr Peter Wilkins MBE	24/08/2006	25/02/2021	ACT	G
Allison Windsor	01/07/2015	15/11/2024	SA	So
Amy Wood	01/07/2017	30/06/2024	Vic	G
Lynda Young	23/11/2018	22/11/2022	NSW	M
Fiona Zuccala	25/02/2019	24/02/2024	Vic	F G M N Sec So T V

Table A1.2 Number of Senior Members and Members assigned to each AAT division, 30 June 2020

DIVISION	SENIOR MEMBER FULL-TIME	SENIOR MEMBER PART-TIME	MEMBER FULL-TIME	MEMBER PART-TIME	TOTAL
Freedom of Information	15	10	18	24	67
General	23	16	25	61	125
Migration and Refugee	29	10	62	105	206
National Disability Insurance Scheme	19	5	24	40	88
Security	10	3	15	18	46
Small Business Taxation	8	11	5	7	31
Social Services and Child Support	9	3	27	88	127
Taxation and Commercial	12	15	12	17	56
Veterans' Appeals	15	11	18	36	80



Appointments and cessations

Reappointments – term commenced in 2019–20

Deputy Presidents

Gary Humphries AO
Major General Gregory Melick
AO RFD SC (Rtd)

Senior Members

Shahyar Roushan
Rania Skaros

Members

Robyn Anderson
William Appleton
David Barker
Michelle Baulch
Angela Beckett
Margret Bourke
Nicole Burns
Alex Byers
Christine Cody

Denise Connolly
Steven Cullimore
Brendan Darcy
Antonio Dronjic
Bronte Earl
Tigiilagi Eteuati
Nicola Findson
Tania Flood
Ian Garnham
Steve Georgiadis
Geraldine Hoeben
Linda Holub
Penelope Hunter
Mark Hyman
Christine Kannis
Julia Leonard
Susan Lewis

Dr Geoffrey Markov
Alison Mercer
Paul Noonan
Dr Aruna Reddy
Hugh Sanderson
Andrea Schiwy
Wan Shum
Roslyn Smidt
Christopher Smolicz
Meena Sripathy
Dr Leslie Stephan
Dr Bruce Swanson
Karen Synon
Susan Trotter
Yvonne Webb
Paul Windsor

Members – term ended in 2019–20

Deputy Presidents

Justice Victoria Bennett AO
Justice David Berman
Justice Colin Forrest
Justice Alan Robertson
Justice Janine Stevenson
Justice Richard White

Senior Members

John Black

Members

The Honourable Robert Baldwin
Bronte Earl
Anne-Marie Elias
Dawn Fitzgerald
Ian Fletcher AM
Mark Hyman
Dr William Isles
Dr Keith Kendall
Professor Ronald McCallum AO
Paul Millar
Dr Bennie Ng
Gregory Sarginson
Rosemary Stafford
Robert Wilson

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 7 years.

Division Heads

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 in 2018 for a term of 7 years and assigned to be Division Head on 20 March 2019.

Deputy President 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.

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.

Deputy President 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.

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 7 years.

Deputy President 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, Deputy President 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.



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 5 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 Deputy President 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 2019 and 30 June 2020
- statistics on the APS employees of the AAT at 30 June 2019 and 30 June 2020, and
- the salary ranges available for APS employees during 2019–20.

Table A2.1 AAT workforce – Employment status and gender by location, 30 June 2019 and 30 June 2020^a

LOCATION	ONGOING						NON-ONGOING ^b						ALL EMPLOYEES				
	Male			Female			Male			Female			Total	Total	Total		
	Full time	Total male	Part time	Full time	Total female	Part time	Full time	Total male	Part time	Full time	Total female	Part time	Full time	Total male	Part time	Full time	Total female
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

LOCATION	ONGOING						NON-ONGOING ^b						ALL EMPLOYEES				
	Male			Female			Male			Female			Total	Total	Total		
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total		
At 30 June 2020																	
NSW	73	2	75	120	33	153	228	12	38	50	41	28	69	119	125	222	347
Qld	17	3	20	23	7	30	50	9	6	15	16	15	31	46	35	61	96
SA	8	1	9	11	8	19	28	1	3	4	6	2	8	12	13	27	40
Tas	0	0	0	2	2	4	4	0	1	1	1	1	2	3	1	6	7
Vic	58	4	62	83	13	96	158	10	11	21	21	27	48	69	83	144	227
WA	12	0	12	18	7	25	37	4	5	9	5	9	14	23	21	39	60
ACT	4	0	4	3	2	5	9	0	5	5	2	3	5	10	9	10	19
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	172	10	182	260	72	332	514	36	69	105	92	85	177	282	287	509	796

^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 2019 and 30 June 2020) or on temporary transfer to another agency.

^b These figures include non-ongoing APS employees and staff engaged under labour hire arrangements. Note: Staff engaged under labour hire arrangements are classified as non-ongoing, part time.

Table A2.2 AAT APS employees – Employment status and gender by classification, 30 June 2019 and 30 June 2020^a

CLASSIFICATION	ONGOING						NON-ONGOING						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	male	female			
At 30 June 2019																	
SES Band 1	1	0	1	4	0	4	5	0	0	0	0	0	0	0	0	1	4
Executive Level 2	14	0	14	16	13	29	43	7	0	7	14	2	16	23	0	21	45
Executive Level 1	25	6	31	25	5	30	61	3	1	4	5	1	6	10	0	35	36
APS Level 6	34	0	34	48	10	58	92	4	0	4	8	0	8	12	0	38	66
APS Level 5	23	1	24	37	10	47	71	2	0	2	5	0	5	7	0	26	52
APS Level 4	49	4	53	93	22	115	168	20	1	21	42	7	49	70	0	74	164
APS Level 3	6	1	7	10	2	12	19	3	2	5	14	11	25	30	0	12	37
APS Level 2	0	1	1	2	3	5	6	0	12	12	0	18	18	30	0	13	23
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1
Other	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	39	16	55	88	39	127	182	220	428	648
At 30 June 2020																	
SES Band 1	1	0	1	5	0	5	6	0	0	0	0	0	0	0	0	1	5
Executive Level 2	23	0	23	14	13	27	50	5	0	5	14	0	14	19	0	28	41
Executive Level 1	23	4	27	30	7	37	64	1	0	1	2	1	3	4	0	28	40
APS Level 6	36	0	36	53	8	61	97	2	0	2	8	0	8	10	0	38	69
APS Level 5	21	1	22	42	9	51	73	4	0	4	3	2	5	9	0	26	56
APS Level 4	63	3	66	109	28	137	203	20	1	21	42	6	48	69	0	87	185
APS Level 3	5	1	6	5	2	7	13	4	3	7	22	11	33	40	0	13	40
APS Level 2	0	1	1	2	4	6	7	0	10	10	1	16	17	27	0	11	23
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	172	10	182	260	72	332	514	36	14	50	92	36	128	178	232	460	692

^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 2019 and 30 June 2020) or on temporary transfer to another agency.

Table A2.3 APS employees – Location and equal employment opportunity data by employment status, 30 June 2019 and 30 June 2020^a

	AT 30 JUNE 2019			AT 30 JUNE 2020		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing	Total
Location						
NSW	216	63	279	228	59	287
Qld	47	43	90	50	38	88
SA	27	6	33	28	10	38
Tas	3	1	4	4	3	7
Vic	131	45	176	158	44	202
WA	33	15	48	37	15	52
ACT	9	9	18	9	9	18
NT	0	0	0	0	0	0
Overseas	0	0	0	0	0	0
TOTAL	466	182	648	514	178	692
Equal employment opportunity data^a						
Indigenous	6	2	8	6	-	6
Non-English speaking background	94	15	109	126	16	100
People with disability	8	4	12	10	3	10

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

Table A2.4 Salary ranges for AAT APS employees, 2019–20

CLASSIFICATION	MINIMUM SALARY	MAXIMUM SALARY
SES Band 1	\$183,000	\$221,293
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 2019–20
- a table showing the total expenses for the AAT's outcome.

Resource statement

Table A3.1 AAT resource statement, 2019–20

	Actual available appropriation for 2019–20 \$'000	Payments made 2019–20 \$'000	Balance remaining 2019–20 \$'000
	(a)	(b)	(a) – (b)
Ordinary annual services¹			
Departmental appropriation per Portfolio Budget Statements 2019–20 ²	248,777	183,666	65,111
Prior periods adjustment ³	16,121		16,121
Section 74 retained revenue receipts adjustment ⁴	2,352		2,352
Departmental appropriation adjustments ⁵	352		352
Total available annual appropriations and payments	267,602	183,666	83,936
Special appropriations			
Special appropriations limited by criteria/entitlement			
<i>Public Governance, Performance and Accountability Act 2013 – section 77</i>	7,063	7,063	-
Total special appropriations	7,063	7,063	-
Total net resourcing and payments for Administrative Appeals Tribunal	274,665	190,729	83,936

¹ Appropriation Act (No. 1) 2019–20, includes \$77.6m from prior periods and \$1m in retained revenue receipts under section 74 of the Public Governance, Performance and Accountability Act.

² Includes an amount of \$3.8m in 2019–20 for the departmental capital budget and \$7.7m in equity injection from the government. For accounting purposes this amount has been designated as 'contributions by owners'.

³ Adjustment to reflect actual 2019–20 closing period appropriation receivables.

⁴ Adjustment to reflect actual 2019–20 section 74 receipts. Section 74 receipts relate to lease incentives received and revenue received for rendering of services.

⁵ Appropriation Act (No. 1) 2019–20 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* 2019–20 \$'000	Actual expenses 2019–20 \$'000	Variation 2019–20 \$'000
	(a)	(b)	(a) – (b)
Program 1.1: Administrative Appeals Tribunal			
Administered expenses			
Special appropriations	11,500	11,943	(443)
Departmental expenses			
Departmental appropriation ¹	170,526	174,996	(4,470)
Expenses not requiring appropriation in the Budget year	14,918	12,480	2,438
Total expenses for Program 1	196,944	199,419	(2,475)
Total expenses for Outcome 1	196,944	199,419	(2,475)
	2018–19	2019–20	
Average staffing level (number)²	604	627	

* Full year budget, including any subsequent adjustment made to the 2019–20 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, 2019–20
- A4.2 Applications lodged, 2019–20 – Number by applicant location
- A4.3 Representation of parties (other than decision-makers) in applications finalised, 2019–20 – Number by representation type
- A4.4 Outcomes of reviews: Proportion of applications in which the decision under review was changed, 2018–19 to 2019–20
- A4.5 Outcomes of reviews, 2019–20 – By division and major caseloads within divisions
- A4.6 Number of alternative dispute resolution processes, directions hearings and hearings, 2019–20
- A4.7 Court appeals lodged and finalised against AAT decisions, 2019–20 – By division and major caseloads within divisions

Table A4.1 Applications lodged and applications finalised, 2019–20

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
APPLICATIONS FOR REVIEW OF DECISIONS UNDER COMMONWEALTH LAWS – BY AUSTRALIAN GOVERNMENT PORTFOLIO				
AGRICULTURE, WATER AND THE ENVIRONMENT				
Biosecurity	2		2	
Environment protection and biodiversity	2		2	
Export and import control	1		0	
Grapes and wine	1		1	
Hazardous waste	1		0	
Subtotal	7	<1%	5	<1%
ATTORNEY-GENERAL'S				
Archives (other than decisions relating to ASIO records)	1		29	
Archives decisions relating to ASIO records	1		0	
ASIO security assessments	4		5	
Bankruptcy	30		21	
Fair entitlements guarantee	33		21	
Freedom of information	53		31	
Marriage celebrants	4		4	
Personal property securities	10		4	
Privacy	1		2	
<i>Safety, Rehabilitation and Compensation Act 1988</i>	1,194		1,315	



Appendix 4: Additional caseload statistics

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
Seafarers rehabilitation and compensation	48		30	
Waiver of fees in courts	3		2	
Subtotal	1,382	3%	1,464	3%
DEFENCE				
Defence home ownership assistance scheme	2		1	
Defence Force retirement and death benefits	1		2	
Subtotal	3	<1%	3	<1%
EDUCATION, SKILLS AND EMPLOYMENT				
Child care services/registered carers	8		16	
Education services for overseas students	53		99	
Higher Education Loan Program/VET Student Loans	77		76	
Mutual recognition of occupations	37		62	
National vocational education and training regulation	190		282	
Tertiary education quality and standards	8		3	
Trade support loans	3		1	
Subtotal	376	<1%	539	1%
FINANCE				
Electoral matters	1		2	
Lands acquisition	0		1	
Superannuation Acts	0		1	
Subtotal	1	<1%	4	<1%
FOREIGN AFFAIRS AND TRADE				
Export market development grants	4		7	
Passports	14		9	
Subtotal	18	<1%	16	<1%
HEALTH				
Aged care	44		41	
Medicare	4		2	
My Health records	2		2	
Narcotic drugs	1		1	
Pharmacists	7		14	
Sports anti-doping matters	1		2	
Therapeutic goods	1		1	
Subtotal	60	<1%	63	<1%
HOME AFFAIRS				
Aviation and maritime transport security	2		3	
Background checking	4		3	
Citizenship	815		706	

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
Customs	23		27	
Migration agent registration	12		11	
Visa-related decisions	30,344		26,725	
Subtotal	31,200	57%	27,475	53%
INDUSTRY, SCIENCE, ENERGY AND RESOURCES				
Clean energy regulation	0		1	
Industry research and development	28		43	
Patents, designs and trade marks	5		0	
Tradex orders	0		1	
Subtotal	33	<1%	45	<1%
INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS				
Airports	1		0	
Civil aviation	16		16	
Communications and media	2		3	
Maritime safety	4		1	
Motor vehicle standards	10		13	
Tax offset for films	0		1	
Subtotal	33	<1%	34	<1%
PRIME MINISTER AND CABINET				
Aboriginal corporations, councils and associations	1		1	
Subtotal	1	<1%	1	<1%
SOCIAL SERVICES				
Centrelink (first review and second review)	15,207		16,018	
Child support (first review and second review)	2,580		2,702	
National Disability Insurance Scheme	1,780		1,527	
National rental affordability scheme	0		1	
Paid parental leave (first review and second review)	251		253	
Subtotal	19,818	36%	20,501	40%
TREASURY				
Auditors and liquidators registration	0		1	
Business names registrations	10		11	
Charities and not-for-profit entities	3		1	
Consumer credit	1		8	
Corporations and financial services	40		32	
Tax agents	75		51	
Taxation	847		789	
Subtotal	976	2%	893	2%



Appendix 4: Additional caseload statistics

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	32		41	
<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	73		82	
Veterans' entitlements	89		164	
Subtotal	194	<1%	287	<1%
SUBTOTAL for PORTFOLIOS	54,102	99%	51,330	99%
APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT – OTHER				
Applications for extension of time without application for review	80		85	
Applications relating to decisions about AAT application fees	3		3	
Applications relating to decisions not subject to AAT review	192		186	
Application under the AAT Act relating to a finalised case	1		1	
Subtotal	276	<1%	275	<1%
TOTAL^a	54,378	100%	51,605	100%

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

Table A4.2 Applications lodged, 2019–20 – Number by applicant location

DIVISION/CASELOAD	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	OTHER ^a	TOTAL
Freedom of Information	6	14	16	3	6	0	10	0	0	55
General	1,704	1,561	801	530	402	82	253	33	218	5,584
Australian citizenship	228	227	132	98	44	3	5	10	68	815
Centrelink (2nd review)	626	658	345	176	162	55	48	4	93	2,167
Visa-related decisions relating to character	132	64	33	89	5	0	0	1	15	339
Workers' compensation	394	348	119	90	79	18	176	14	4	1,242
Other	324	264	172	77	112	6	24	4	38	1,021
Migration and Refugee	11,002	10,882	3,099	2,492	1,235	292	464	270	240	29,976
Migration	6,585	5,774	2,580	1,675	941	282	382	242	229	18,690
Refugee	4,417	5,108	519	817	294	10	82	28	11	11,286
National Disability Insurance Scheme	627	463	297	115	203	16	51	7	1	1,780
Security	3	1	0	0	0	0	0	0	1	5
Small Business Taxation	105	77	36	27	19	5	3	0	2	274
Social Services and Child Support	4,643	3,979	3,362	1,516	1,494	319	175	97	128	15,713
Centrelink (1st review)	3,857	3,391	2,720	1,214	1,311	263	124	70	90	13,040
Child support	698	542	596	270	165	52	45	26	38	2,432
Paid parental leave	88	46	46	32	18	4	6	1	0	241
Taxation and Commercial	325	163	157	65	35	2	33	3	14	797
Taxation	232	106	122	49	19	2	31	2	14	577
Other	93	57	35	16	16	0	2	1	0	220
Veterans Appeals	52	35	59	15	15	2	13	1	2	194
TOTAL	18,467	17,175	7,827	4,763	3,409	718	1,002	411	606	54,378

^a These figures include applicants with addresses outside Australia and with no address recorded.

Table A4.3 Representation of parties (other than decision-makers) in applications finalised, 2019–20
– Number by representation type^a

DIVISION/CASELOAD	ADVOCATE OR AGENT ^b	FRIEND, RELATIVE OR OTHER	LEGAL REPRESENTATIVE	SELF-REPRESENTED	TOTAL ^c
Freedom of Information	0	1	37	28	66
General	309	503	1,862	3,102	5,776
<i>Australian citizenship</i>	93	151	113	358	715
<i>Centrelink (2nd review)</i>	86	255	163	1,628	2,132
<i>Visa-related decisions relating to character</i>	31	17	144	125	317
<i>Workers' compensation</i>	13	14	1,050	283	1,360
<i>Other</i>	86	66	392	708	1,252
Migration and Refugee	14,836^d	638		10,928	26,402
<i>Migration</i>	13,826	589		7,102	21,517
<i>Refugee</i>	1,010	49		3,826	4,885
National Disability Insurance Scheme	765	322	371	400	1,858
Security	0	0	1	4	5
Small Business Taxation	22	1	16	36	75
Social Services and Child Support	563	1,536	371	16,330	18,800
<i>Centrelink (1st review)</i>	549	1,468	265	11,856	14,138
<i>Child support</i>	14	46	105	4,254	4,419
<i>Paid parental leave</i>	0	22	1	220	243
Taxation and Commercial	124	17	507	280	928
<i>Taxation</i>	116	17	393	200	726
<i>Other</i>	8	0	114	80	202
Veterans' Appeals	82	14	118	82	296
TOTAL	16,701	3,032	3,283	31,190	54,206

^a These figures relate to representation status at the time the application was finalised.

^b This category includes accountants and financial advisors, disability advocates, migration agents, veterans' advocates, welfare advocates and other non-legal advocacy organisations.

^c A single application can involve more than one party other than the decision-maker and a single party may have more than one representative. As a result, the total is higher than the number of finalised applications.

^d A registered migration agent may be a legal practitioner. The Migration and Refugee Division records only whether a party is represented by a migration agent and does not record whether the migration agent is also a legal practitioner.

Table A4.4 Outcomes of reviews: Proportion of applications in which the decision under review was changed, 2018–19 to 2019–20^a

DIVISION/CASELOAD	2018–19	2019–20
Freedom of Information	16%	10%
General	26%	29%
<i>Australian citizenship</i>	24%	27%
<i>Centrelink (2nd review)</i>	19%	21%
<i>Visa-related decisions relating to character</i>	26%	36%
<i>Workers' compensation</i>	33%	36%
<i>Other</i>	23%	35%
Migration and Refugee	26%	26%
<i>Migration</i>	30%	30%
<i>Refugee</i>	9%	7%
National Disability Insurance Scheme	59%	65%
Security	0%	0%
Small Business Taxation^b	50%	40%
Social Services and Child Support	20%	22%
<i>Centrelink (1st review)</i>	19%	19%
<i>Child support</i>	32%	35%
<i>Paid parental leave</i>	8%	4%
Taxation and Commercial	44%	42%
<i>Taxation</i>	48%	45%
<i>Other</i>	16%	30%
Veterans' Appeals	43%	32%
ALL AAT	25%	26%

^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 A4.5 Outcomes of reviews – By division and major caseloads within divisions, 2019–20

Table A4.5.1 General Division^a

OUTCOME TYPE	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	103	15%	335	16%	149	48%	87	6%	94	9%	768	14%
Decision varied or set aside	58	8%	109	5%	107	35%	58	4%	43	4%	375	7%
Subtotal	161	23%	444	21%	256	83%	145	11%	137	13%	1,143	21%
By consent												
Decision affirmed ^c	2	<1%	8	<1%	0	0%	493	37%	15	1%	518	9%
Decision varied or set aside ^c	131	19%	327	16%	4	1%	426	32%	331	31%	1,219	22%
Dismissed by consent ^d	4	1%	24	1%	1	<1%	6	<1%	18	2%	53	<1%
Dismissed by operation of law ^e	N/A	N/A	558	27%	N/A	N/A	N/A	N/A	0	0%	558	10%
Subtotal	137	19%	917	44%	5	2%	925	69%	364	34%	2,348	43%
Other												
Withdrawn by applicant	250	35%	476	23%	14	5%	245	18%	223	21%	1,208	22%
Dismissed by Tribunal ^f	39	6%	88	4%	3	1%	16	1%	43	4%	189	3%
No jurisdiction ^g	119	17%	156	7%	31	10%	14	1%	303	28%	623	11%
Subtotal	408	58%	720	35%	48	16%	275	20%	569	53%	2,020	37%
TOTAL^h	706	100%	2,081	100%	309	100%	1,345	100%	1,070	100%	5,511	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 A4.5.2 Freedom of Information, National Disability Insurance Scheme, Security and Veterans' Appeals Divisions^a

OUTCOME TYPE	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	37	60%	5	<1%	3	60%	38	13%
Decision varied or set aside	3	5%	13	<1%	0	0%	19	7%
Subtotal	40	65%	18	1%	3	60%	57	20%
By consent								
Decision affirmed ^c	0	0%	16	1%	0	0%	11	4%
Decision varied or set aside ^c	3	5%	985	65%	0	0%	74	26%
Dismissed by consent ^d	0	0%	11	<1%	0	0%	2	<1%
Subtotal	3	5%	1,012	66%	0	0%	87	30%
Other								
Withdrawn by applicant	6	10%	413	27%	2	40%	124	43%
Dismissed by Tribunal ^e	2	3%	22	1%	0	0%	4	1%
No jurisdiction ^f	11	18%	62	4%	0	0%	15	5%
Subtotal	19	31%	497	33%	2	40%	143	50%
TOTAL^g	62	100%	1,527	100%	5	100%	287	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 A4.5.3 Migration and Refugee Division

OUTCOME TYPE	MIGRATION		REFUGEE		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a						
Decision affirmed ^b	8,029	37%	2,962	61%	10,991	42%
Decision varied, remitted or set aside	6,406	30%	361	7%	6,767	26%
Subtotal	14,435	67%	3,323	68%	17,758	67%
Other						
Withdrawn by applicant	4,776	22%	613	13%	5,389	20%
Dismissed by Tribunal ^b	1,013	5%	342	7%	1,355	5%
No jurisdiction ^c	1,293	6%	607	12%	1,900	7%
Subtotal	7,082	33%	1,562	32%	8,644	33%
TOTAL^d	21,517	100%	4,885	100%	26,402	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 9,042 or 42% of all migration decisions (comprised of 8,029 decisions affirmed and 1,013 applications dismissed by the Tribunal). The total number of refugee decisions affirmed is 3,304 or 68% of all refugee decisions (comprised of 2,962 decisions affirmed and 342 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 A4.5.4 Small Business Taxation, and Taxation and Commercial Divisions^a

OUTCOME TYPE	SMALL BUSINESS TAXATION		TAXATION AND COMMERCIAL					
			TAXATION		OTHER		TOTAL	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^b								
Decision affirmed	6	8%	70	10%	18	10%	88	10%
Decision varied or set aside	0	0%	98	14%	10	5%	108	12%
Subtotal	6	8%	168	23%	28	15%	196	22%
By consent								
Decision affirmed ^c	0	0%	23	3%	6	3%	29	3%
Decision varied or set aside ^c	29	40%	225	31%	45	24%	270	30%
Dismissed by consent ^d	0	0%	22	3%	0	0%	22	2%
Subtotal	29	40%	270	38%	51	28%	321	36%
Other								
Withdrawn by applicant	20	28%	195	27%	90	49%	285	32%
Dismissed by Tribunal ^e	1	1%	15	2%	2	1%	17	2%
No jurisdiction ^f	16	22%	71	10%	14	8%	85	9%
Subtotal	37	51%	281	39%	106	57%	387	43%
TOTAL^g	72	100%	719	100%	185	100%	904	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 A4.5.5 Social Services and Child Support Division^a

OUTCOME TYPE	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	6,651	41%	731	29%	128	51%	7,510	40%
Decision varied or set aside	3,324	21%	852	34%	11	4%	4,187	22%
Subtotal	9,975	62%	1,583	63%	139	55%	11,697	62%
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	44	2%	N/A	N/A	44	<1%
Dismissed by consent ^e	19	<1%	141	6%	0	0%	160	1%
Dismissed by operation of law ^f	0	0%	N/A	N/A	0	0%	0	0%
Subtotal	19	<1%	185	7%	0	0%	204	1%
Other								
Withdrawn by applicant	1,061	7%	309	12%	21	8%	1,391	7%
Dismissed by Tribunal ^g	422	3%	142	6%	2	<1%	566	3%
No jurisdiction ^h	4,698	29%	284	11%	90	36%	5,072	27%
Subtotal	6,181	38%	735	29%	113	45%	7,029	37%
TOTALⁱ	16,175	100%	2,503	100%	252	100%	18,930	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 A4.6 Number of alternative dispute resolution processes, directions hearings and hearings, 2019–20 – By division

DIVISION	CONFERENCES ^a	CONCILIATIONS ^a	OTHER ADR PROCESSES ^{a,b}	DIRECTIONS HEARINGS ^c	INTERLOCUTORY HEARINGS ^d	HEARINGS
Freedom of Information	24	0	0	33	8	6
General	6,954	427	4	1,766	737	1,176
Migration and Refugee						11,000
National Disability Insurance Scheme	2,050	93	0	267	79	17
Security	2	0	0	11	0	2
Small Business Taxation	130	13	0	66	4	5
Social Services and Child Support				490		11,231
Taxation and Commercial	261	96	8	633	102	73
Veterans' Appeals	426	23	1	159	27	49
TOTAL	9,847	652	13	3,425	957	23,559

^a The AAT holds alternative dispute resolution processes in all divisions other than the Migration and Refugee, and Social Services and Child Support Divisions.

^b The other ADR processes are case appraisal, mediation and neutral evaluation.

^c The AAT holds directions hearings in all divisions other than the Migration and Refugee Division.

^d 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.

Table A4.7 Court appeals lodged and finalised against decisions of the AAT – By division and major caseloads within divisions, 2019–20

DIVISION/CASELOAD	COURT APPEALS LODGED		COURT APPEALS FINALISED ^c			
	Lodged ^a	Proportion of total AAT decisions ^b	Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
	No	%	No	No	No	%
Freedom of Information	1	2%	0	1	1	0%
General	112	6%	59	95	154	38%
<i>Australian citizenship</i>	3	1%	2	1	3	67%
<i>Centrelink (2nd review)</i>	7	1%	4	12	16	25%
<i>Visa-related decision relating to character</i>	81	28%	42	60	102	41%
<i>Workers' compensation</i>	13	7%	9	9	18	50%
<i>Other</i>	8	1%	2	13	15	13%
Migration and Refugee^d	5,106	24%	690	2,167	2,857	24%
<i>Migration</i>	3,664	22%	271	1,343	1,614	17%
<i>Refugee</i>	1,442	34%	419	824	1,243	34%
National Disability Insurance Scheme	2	2%	0	1	1	0%
Security	2	67%	0	1	1	0%
Small Business Taxation	1	4%	0	1	1	0%
Social Services and Child Support Division^e	24	1%	1	20	21	5%
Taxation and Commercial	19	6%	4	12	16	25%
<i>Taxation</i>	12	5%	3	8	11	27%
<i>Other</i>	7	16%	1	4	5	20%
Veterans' Appeals	2	3%	5	2	7	71%
TOTAL	5,269	21%	759	2,300	3,059	25%

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

^b This figure represents the number of appeals lodged in 2019–20 as a proportion of all AAT decisions that could have been appealed to the courts in 2019–20.

^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 include appeals lodged or finalised in relation to decisions made by the MRT or RRT prior to 1 July 2015.

^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, publications 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, and 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 2019–20 is in 4 lists:

- speeches and presentations
- training and other engagement activities
- publications
- service on committees.

Table A5.1 Speeches and presentations, 2019–20

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
<i>Alternate dispute resolution in the Federal Court and the Administrative Appeals Tribunal</i>	Dispute Management Masters Course, Australian National University, Canberra	Conference Registrar Kim Lackenby	9 July 2019
<i>Preparing for the Migration and Refugee Division</i>	Members support networking afternoon, Migration Institute of Australia, Sydney	Deputy President Jan Redfern Senior Member Antoinette Younes	11 July 2019
<i>Contemporary challenges in merits review: The AAT in a changing Australia</i>	2019 National Administrative Law Conference, Australian Institute of Administrative Law, Canberra	Justice David Thomas	18 July 2019
<i>Decision making in tribunals and quasi-tribunals</i>	Briefing evening, State Insurance Regulatory Authority, Sydney	Deputy President Jan Redfern	25 July 2019
<i>Lessons from the Administrative Appeals Tribunal</i>	Commonwealth Management Safety Forum, Canberra	Deputy President Gary Humphries	1 August 2019
<i>National Disability Insurance Scheme appeals at the Administrative Appeals Tribunal</i>	National Disability Insurance Scheme Appeals Forum, Sydney	Conference registrars Athena Harris Ingall and Kate Lynch	20 August 2019
<i>Preparing and presenting a case at the Social Services and Child Support Division</i>	Annual National Social Security Rights Network Conference, Brisbane	Joe Guthrie, Senior Advisor	23 August 2019
<i>The role of judicial and tribunal review in improving government decision-making</i>	Annual Conference, Commonwealth Magistrates and Judges' Association, Papua New Guinea	Deputy President Bernard McCabe	12 September 2019



Appendix 5: Speeches, publications and other external activities

TITLE/ROLE	EVENT/ORGANISATION	SPEAKER(S)	DATE
<i>Application of refugee law</i>	International Refugee Law Masters Course, University of Melbourne, Melbourne	Member Sean Baker	10 October 2019
<i>Callinan review: Past reflections, future directions</i>	Seminar, Law Council of Australia, Sydney	Justice David Thomas	29 October 2019
<i>Recent decisions from the Federal Court, Federal Circuit Court and the Administrative Appeals Tribunal</i>	Migration Law Conference, Leo Cussen Centre for Law, Melbourne	Member Sheridan Lee	14 November 2019
<i>Representing applicants in the Migration and Refugee Division</i>	Migration Alliance Conference, Sydney	Deputy President Jan Redfern Members Bridget Cullen and Jane Marquard	15 November 2019
<i>The Administrative Appeals Tribunal's Taxation and Commercial and Small Business Taxation Divisions</i>	Revenue Law Committee meeting, Law Council of Australia, Brisbane	Justice David Thomas Deputy President Bernard McCabe	23 November 2019
<i>Conciliation and Alternative Dispute Resolution in the Administrative Appeals Tribunal</i>	Conciliation seminar, La Trobe University, Melbourne	Conference Registrar Mersina Stratos	6 February 2020
<i>Capital gains tax provisions for non-residents and the main residence exemption</i>	Seminar, Leo Cussen Centre for Law, Melbourne	Member Keith Kendall	12 February 2020
<i>The Administrative Appeals Tribunal in practice</i>	Administrative Law seminar, University of Canberra, Canberra	Conference Registrar Kim Lackenby	19 February 2020
<i>Merits review for the National Disability Insurance Scheme and the appeals process</i>	Legal Aid Western Australia, Perth	Conference Registrar Rowena Hodgson	9 March 2020
<i>Emerging issues in fact-finding in the Administrative Appeals Tribunal</i>	Immigration Law Conference 2020, Law Council of Australia, Melbourne	Member Cathrine Burnett Wake	7 March 2020
<i>Code of conduct obligations of the Office of the Migration Agents Registration Authority and the Administrative Appeals Tribunal</i>	Webinar, Legal Training Australia, Brisbane	Member Bridget Cullen	9 June 2020

Table A5.2 Training and other engagement activities, 2019–20

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Adjudicators	Administrative Appeals Tribunal National Mooting Competition	Justice David Thomas Deputy Presidents Stephen Boyle, Peter Britten-Jones, Gary Humphries, Bernard McCabe, Peter McDermott, Gregory Melick, and Brian Rayment Senior Members Robert Cameron, Stewart Fenwick, Matthew Groom, Lisa Hesse, Fiona Meagher, Damien O'Donovan, Josephine Kelly, Christopher Puplick, and Theo Tavoularis Members Bridget Cullen, Tigiilagi Eteuati, Shane Evans, Joseph Francis, William Frost, Dominique Grigg, Adam Halsted, Colin Huntly, Michael Judd, Maxina Martellotta, Deborah Mitchell, Helen Moreland, Kim Parker and Susan Trotter	July – October 2019
Mentor	Young Lawyers Mentoring Program, The Law Society of NSW, Sydney	Member Katie Malyon	1 July 2019 – 30 June 2020
Mentor	Mentoring Program, University of New South Wales Law Society, Sydney	Member Katie Malyon	1 July 2019 – 30 June 2020
Host	Visit to the Administrative Appeals Tribunal by Justice Dr Markus Thoma, Austrian Supreme Administrative Court, Sydney	Justice David Thomas	4–5 September 2019
Chair	<i>Social Media – The power and perils</i> , 2019 NSW Chapter Conference, Council of Australasian Tribunals, Sydney	Justice David Thomas	6 September 2019
Panel member	Women in Public Law seminar, University of New South Wales, Sydney	Jacqueline Fredman, Executive Director Corporate Services	3 October 2019
Participant	Question & Answer session, A night in chambers: Meet the Judge, Western Sydney University Law Students' Association, Sydney	Member Meena Sripathy	10 October 2019
Participants	Housing and Health Expo, Shelter South Australia, Adelaide	Adelaide Registry staff	21 October 2019
Participants	Migration and refugee stakeholder forums, Adelaide	Deputy President Jan Redfern (Chair) Deputy President Peter Britten-Jones Members Steve Georgiadis and Chris Smolicz Adam Hay, District Registrar John Macleod, Executive Manager	21 October 2019



Appendix 5: Speeches, publications and other external activities

TITLE/ROLE	EVENT/ORGANISATION	PARTICIPANT(S)/ PRESENTER(S)	DATE
Participants	Migration and refugee stakeholder forums, Perth	Deputy President Jan Redfern (Chair) Deputy President Peter Britten-Jones Senior Member Kate Millar Members Simone Burford and Michelle East Alicia Le’Roy, District Registrar John Macleod, Executive Manager	23 October 2019
Participants	Migration and refugee stakeholder forums, Brisbane	Deputy President Jan Redfern (Chair) Senior Members Ann Duffield and Theodore Tavoularis Members Bridget Cullen and Susan Trotter Senior Reviewer Sobet Haddad Katrina Fairburn, District Registrar Diana Tao, Case Assessment Registrar John Macleod, Executive Manager	14 November 2019
Participants	Migration and refugee stakeholder forums, Sydney	Deputy President Jan Redfern (Chair) Senior Members John Cipolla, Justin Owen, Shahyar Roushan and Theodore Tavoularis Senior Reviewer Sobet Haddad Ashyley Haydon, Acting District Registrar Diana Tao, Case Assessment Registrar John Macleod, Executive Manager	18 November 2019
Participants	Migration and refugee stakeholder forums, Melbourne	Deputy President Jan Redfern (Chair) Deputy President Stephanie Forgie Senior Members Jason Pennell, Theodore Tavoularis, Rachel Westaway and Perry Wood Angela Dall’Est, Acting District Registrar John Macleod, Executive Manager	20 November 2019
Chair	Women in Public Law Conference, Legalwise Seminars, Canberra	Conference Registrar Kim Lackenby	26 November 2019
Panel member	2019 Kaldor Centre for International Refugee Law Annual Conference, University of New South Wales, Sydney	Senior Member Shahyar Roushan	26 November 2019
Chair	Hot Topics in Commonwealth Compensation seminar, Law Council of Australia, Sydney	Justice David Thomas Deputy President Gary Humphries	6 December 2019
Chair	Heads of Tribunal meeting, Council of Australasian Tribunals, Brisbane	Justice David Thomas	25 March 2020

Table A5.3 Publications, 2019–20

TITLE	AUTHOR	CITATION/PUBLISHER
<i>Representation in the Migration and Refugee Division</i>	Member Bridget Cullen	Immigration Review Bulletin (November 2019), Lexis Nexis
<i>The way forward for my Tribunal</i>	Justice David Thomas	The Australian (22 November 2019)
<i>The National Disability Insurance Scheme and Administrative Decision-Making: Unique Challenges and Opportunities</i>	Members Louise Bygrave and Professor Ron McCallum	Australian Journal of Administrative Law (2020) 26 AJ Admin L 191, Thomson Reuters

Table A5.4 Service on committees, 2019–20

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
Council of Australasian Tribunals – National Executive	Justice David Thomas	Treasurer
Council of Australasian Tribunals – New South Wales Chapter	Elizabeth Connolly, Executive Director Registry Operations	Secretary
	Christopher Matthies, Executive Director Strategy and Policy	Committee member
	District Registrar Jason Cabarrús	Committee member
Council of Australasian Tribunals – Victorian Chapter	Member Kim Parker	Committee member
Council of Australasian Tribunals – 2019 New South Wales Conference Organising Committee	Christopher Matthies, Executive Director Strategy and Policy	Organising committee member
The College of Law – Migration Agents Capstone Assessment Advisory Committee	Member Katie Malyon	Committee member
International Association of Supreme Administrative Jurisdictions	Justice David Thomas	Board member



Appendix 6: Executive remuneration

This appendix contains information about executive remuneration for:

- key management personnel
- senior executives
- other highly paid staff.

Table A6.1 Information about remuneration for key management personnel

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*	-	-	\$14,698	-	-	-	-	\$29,068
Sian Leather	Registrar	\$368,551	-	-	\$55,971	\$9,097	-	-	\$433,619
Christopher Matthes	Registrar (Acting)	\$29,916	-	-	\$3,385	\$451	-	-	\$33,752

* The President's salary is paid by the Federal Court rather than the AAT. The AAT has paid for benefits which attracted FBT.

Table A6.2 Information about remuneration for senior executives^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	Average termination benefits		
\$0 - \$225,000 ^b	6	\$98,319	-	-	\$16,916	\$651 ^c	-	-	-	\$114,585
\$225,001 - \$250,000	1	\$198,484	-	-	\$31,849	\$4,259	-	-	-	\$234,592
\$250,001 - \$275,000	2	\$222,294	-	-	\$32,388	\$4,778	-	-	-	\$259,459
\$350,001 - \$375,000	1	\$331,582	-	-	\$21,003	\$7,617	-	-	-	\$360,202
\$475,001 - \$500,000	1	\$453,705	-	-	\$34,046	\$11,404	-	-	-	\$499,155
\$500,001 - \$525,000	1	\$468,552	-	-	\$34,046	\$11,404	-	-	-	\$514,002
\$525,001 - \$550,000	1	\$451,839	-	-	\$64,313	\$10,924	-	-	-	\$527,076

^a Senior executives for Table A6.2 include Division Heads and Senior Executive Service employees.

^b Some of the individuals in this remuneration band have been in these roles for only a portion of the reporting period and/or accessed long service leave during the period.

^c The \$651 disclosed for average long service leave comprises leave taken with a value of \$18,965 plus movement in the long service leave provision of \$15,061.

Table A6.3 Information about remuneration for other highly paid staff

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				
\$225,001 - \$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 2019–20. Non-campaign advertising expenditure of \$24,339.59 was paid to Universal McCann to advertise employment vacancies.

We paid \$35,262.40 to ORIMA Research in relation to the conduct of surveys of users of the AAT's services.

There were no other reportable payments made in 2019–20.

Audit and Risk Committee

The Audit and Risk Committee provides independent advice to the Registrar on the appropriateness of the AAT's performance and financial reporting and systems relating to risk and control. It also provides advice on the adequacy of the AAT's financial statements production. The Committee works closely with the AAT's internal and external audit service providers.

The Audit and Risk Committee Charter is on the AAT's website:

<http://www.aat.gov.au/about-the-aat/corporate-information/audit-and-risk>.

In 2019–20, the Audit and Risk Committee had 4 external members (including the chair) and 2 internal members. It met 5 times during the reporting year.

Table A7.1 shows Audit and Risk Committee membership, the number of meetings attended by each member and, where relevant, remuneration received by each member in 2019–20.

Table A7.1 Audit and Risk Committee members, 2019–20

NAME	ROLE	NO OF MEETINGS ATTENDED/ ELIGIBLE TO ATTEND	REMUNERATION
Claudia Bels	External member/chair	3/3	\$9,600 GST exclusive
Maria Storti	External member/chair	2/2	\$7,000 GST exclusive
Stephen Coates	External member	5/5	\$8,000 GST exclusive
Angela-Grace Kelly	External member	5/5	N/A
John Sosso	Internal member	3/4	N/A
Justin Toohey	Internal member	4/5	N/A

Profiles

Claudia Bels

Ms Bels was the independent Chair of the AAT's Audit and Risk Committee until December 2019. She is a Non-Executive Director of Australian Settlements Limited, Local Government Super, CBHS Corporate Health Pty Ltd and Australia & New Zealand Recycling Platform Limited. She chairs Committees for these organisations with responsibility for finance, audit and risk. She has over 25 years' experience across the international banking and finance, government and member services sectors. Ms Bels holds a Bachelor of Economics/Law (Hons), and a Graduate Certificate in Business Administration (Exec). She is also a Graduate of the Australian Institute of Company Directors.

Maria Storti

Ms Storti became the Chair of the Audit and Risk Committee in January 2020. She serves as an independent member of several Australian Government audit committees and is the Deputy CEO of Defence Housing Australia and Vice-President of Governance and Development at the University of Canberra. She is a former Ernst & Young advisory partner and has worked with professional services firm PwC in the areas of audit, consultancy and risk. She has also held senior executive roles in various sectors, including government and education. Ms Storti is a Fellow of Chartered Accountants Australia & New Zealand, a Fellow of the Australian Institute of Company Directors and a member of the Australian Institute of Internal Auditors. She holds a Master of Business Administration and degrees in economics.

Stephen Coates

Mr Coates is an independent external member of the Audit and Risk Committee. He is also President (Chair of the Board) of The Institute of Internal Auditors of Australia and a member of the International Internal Audit Standards Board. He works with boards and committees nationally advising on assurance, risk, governance and compliance matters. He holds fellowships at the Institute of Internal Auditors (PFIIA) and Governance Institute Australia (FGIA). Mr Coates holds a Bachelor of Commerce degree and a Certificate in Software Quality Assurance and Management. He is a Certified Internal Auditor, Certified Information Systems Auditor, Certified Government Auditing Professional and Certified in Risk Management Assurance.

Angela-Grace Kelly

Ms Kelly is an independent external member of the Audit and Risk Committee. She is acting Assistant Secretary of the Provider Engagement and Management Branch, Department of Veterans' Affairs. She has over 20 years of public sector experience including senior management roles such as Director, Strategic Procurement. Ms Kelly holds a Bachelor of Business degree and a Graduate Certificate in Public Sector Management.

John Sosso

Deputy President Sosso was an internal member of the Audit and Risk Committee. He is a part-time Deputy President with the AAT. He served as a senior public official, including Director General for many years with the Queensland public service. He was a Member of the National Native Title Tribunal for 12 years, including 5 years as Deputy President.

Justin Toohey

Mr Toohey is an internal member of the Audit and Risk Committee. He is a lawyer and mediator and has been the Director of the AAT's Alternative Dispute Resolution section since 2013. He has over 20 years of public sector experience including senior management roles such as First Assistant Information Commissioner with the Office of the Information Commissioner, Queensland, and Chief Information Officer for the Registrar of Indigenous Corporations. Mr Toohey holds a Master of Laws, Graduate Certificate in Management, Bachelors in Laws and Science and has completed the Company Directors Course.



Grants

The AAT did not administer any grants programs in 2019–20.

Disability reporting mechanism

The National Disability Strategy 2010–2020 is Australia's overarching framework for disability reform. It acts to ensure the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities are incorporated into Australia's policies and programs that affect people with disability, their families and carers.

All levels of government will continue to be held accountable for the implementation of the strategy through biennial progress reporting to the Council of Australian Governments. Progress reports can be found at www.dss.gov.au.

Disability reporting is included in 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.

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 2019–20, 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 (EEGO) and the National Waste Policy. The AAT entered into 3 long-term leases for additional space in Adelaide, Canberra and Sydney in the reporting year; each lease included the required Green Lease Schedule.

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 A7.2 Environmental performance reporting, 2019–20

THEME	STEPS TAKEN TO REDUCE EFFECT	MEASURES TO REVIEW AND IMPROVE REDUCING THE EFFECT
Energy efficiency	<p>Install sensor-controlled lighting in any new fit-outs or refurbishments to tenancies.</p> <p>Consider energy ratings of office machines when replacement is necessary.</p>	<p>Across the AAT's property portfolio in 2019–20, tenant light and power consumption was 6,493 megajoules (MJ) per full time equivalent (FTE), below the EEGO target of 7,500 MJ/FTE.</p>
Waste	<p>Participate in office waste recycling schemes. Opportunities for more recycling, usually using building owner schemes, are regularly investigated.</p>	<p>All registries recycled paper and cardboard during the reporting year.</p> <p>All registries also recycled some or all of glass, plastics, metals, toner cartridges, and e-waste such as batteries and equipment. One registry recycled organic material and another recycled coffee pods.</p> <p>As the AAT participates in whole-of-building recycling schemes with other tenants, separate data on recycling quantities is not currently available.</p>
Water	<p>Install water saving devices such as dual-flush cisterns and waterless or low-water urinals in any new fit-outs or refurbishments to tenancies.</p>	<p>The AAT is not able to access data on water consumption in each of its tenancies.</p>

Corrections of material errors in previous annual report

- The AAT's annual report for 2018–19 contained the following error. Table A4.5 (page 147) reported that the 12 appeals lodged in the General Division's 'Other' category represented 16% of all AAT decisions within that category that could have been appealed to the courts. The correct proportion is 2%.
- The AAT's annual reports include information about the number of occasions on which members, acting in their personal capacity, consider applications to issue warrants or exercise other powers under a range of Acts, including the *Surveillance Devices Act 2004* and the *Telecommunications (Interception and Access) Act 1979*. The annual reports include information about the number of these appointments that have been held outside standard business hours. The AAT has become aware of an issue with the report used since 2009–10 to count the number of these out-of-hours appointments.



The following table identifies, for each annual report from 2009–10 to 2018–19, the page of the report on which this information appeared, the number of out-of-hours appointments originally recorded and the revised number.

**Table A7.3 Appointments relating to warrants, controlled operations and other functions
– Number of out-of-hours appointments, 2009–10 to 2018–19**

YEAR	PAGE	STATED NO OF OUT-OF-HOURS APPOINTMENTS	REVISED NO OF OUT-OF-HOURS APPOINTMENTS
2009–10	30	82	65
2010–11	29	129	83
2011–12	35	199	146
2012–13	42	251	186
2013–14	37	171	116
2014–15	34	162	104
2015–16	17	157	102
2016–17	15	137	98
2017–18	17	183	121
2018–19	17	195	109

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)	Page iv–vii	Table of contents.	Mandatory
17AJ(b)	Pages 185–190	Alphabetical index.	Mandatory
17AJ(c)	Pages 180–4	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	Appendix 8, pages 173–7	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, page 10	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Chapter 2, pages 10–12	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Chapter 2, page 10	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	Chapter 2, page 10; Chapter 3, page 22	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 22–9	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, page 29	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Appendix 3, pages 145–6	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 5, page 73	Information on compliance with section 10 (fraud systems)	Mandatory
17AG(2)(b)(i)	Chapter 5, page 74	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Chapter 5, page 74	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 5, page 74	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 5, pages 72–4	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 5, page 73	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
	Audit Committee		
17AG(2A)(a)	Appendix 7, page 168	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	Appendix 7, page 168	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	Appendix 7, page 169	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	Appendix 7, page 168	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	Appendix 7, page 168	The remuneration of each member of the entity's audit committee.	Mandatory
	External Scrutiny		
17AG(3)	Chapter 3, pages 53–6	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
17AG(3)(a)	Chapter 3, page 55	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)	Not applicable: see Chapter 3, page 56	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 5, pages 75–80	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	Appendix 2, pages 141–2	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
17AG(4)(b)	Appendix 2, pages 143–4	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: • 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 5, page 75–6	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 5, page 76	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 144	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	Chapter 5, page 76	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Chapter 5, page 76	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	Not applicable: see Chapter 5, page 76	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

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
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 5, page 80	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
Consultants			
17AG(7)(a)	Chapter 5, page 80	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 5, page 80	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 5, page 80	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 5, page 81	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 5, page 81	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
Exempt contracts			
17AG(9)	Not applicable: see Chapter 5, page 81	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 5, page 80	A statement that " <i>[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.</i> "	Mandatory
17AG(10)(b)	Chapter 5, page 80	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory

PGPA RULE REFERENCE	PART OF REPORT	DESCRIPTION	REQUIREMENT
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 84–125	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
Executive Remuneration			
17AD(da)	Appendix 6, pages 166–7	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 168	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 170	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Chapter 3, page 56	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 171–2	Correction of material errors in previous annual report	If applicable, mandatory
17AH(2) Information required by other legislation			
	Chapter 5, pages 78–9	Work health and safety information required by the <i>Work Health and Safety Act 2011</i> .	Mandatory
	Appendix 7, page 168	Advertising and market research information required by the Commonwealth Electoral Act 1918.	If applicable, mandatory
	Appendix 7, page 170	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.
APSC	Australian Public Service Commission.
APS employee	A person engaged under section 22, or a person who is engaged as an APS employee under section 72, of 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 that 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.
Corporate governance	The process by which entities are directed and controlled. It is generally understood to encompass authority, accountability, stewardship, leadership, direction and control.
COVID-19	Coronavirus Disease 2019; the name of the disease caused by the novel coronavirus. COVID-19 was officially declared by the World Health Organization as a pandemic on 11 March 2020.
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.
FCCA	Federal Circuit 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>
Grant	An arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth and covered by the Commonwealth Grants Rules and Guidelines.
GST	Goods and Services Tax.
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.



Glossary

Interlocutory hearing	hearing in relation to an application for review of a decision, that considers one or more of the following issues: 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	A person engaged as an APS employee under subsection 22(2)(b) or 22(2)(c) of the <i>Public Service Act 1999</i> for a specific period of time.
On the papers	A decision based on the documents before the AAT or IAA, made without a hearing or interview.
Ongoing APS employee	A person engaged as an APS employee under subsection 22(2)(a) of the <i>Public Service Act 1999</i>
OPA	Official Public Account.
Outcomes	The results, impacts or consequences of a purpose or activity, as defined in the annual Appropriation Acts and the Portfolio Budget Statements, by a Commonwealth entity or company.
Party	A participant in a proceeding before the Tribunal. A party includes the person who makes the application to the Tribunal and, in certain types of cases, 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	Public Governance, Performance and Accountability (Financial Reporting) Rule 2015.
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.
Programs	Commonwealth programs deliver benefits, services or transfer payments to individuals, organisations or the community as a whole, and/or policy advice to inform government decisions. A program is comprised of activities or groups of activities, as defined in the annual Appropriations Acts and Portfolio Budget Statements.
Protection visa	A class of visas, a criterion for which is that the applicant for the visa is a non-citizen in Australia, and 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.
Responsible Minister	The minister who is responsible for matters described under the Administrative Arrangements Order. Each Commonwealth entity and company has a responsible minister, which one depends on the matters that the entity or company deals with, or is otherwise prescribed by the rules.
RRT	Refugee Review Tribunal.
Rtd	Retired.
Service charter	A public statement about the service that an entity will provide and what customers can expect from the entity. In particular, the service charter advises what the entity does, how to contact and communicate with the entity, the standard of service that customers can expect, and their basic rights and responsibilities, and how to provide feedback or make a complaint.
SES	Senior Executive Service.



Glossary

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.
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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