



Administrative
Appeals Tribunal

ANNUAL REPORT

2020-21

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**Administrative Appeals Tribunal
Annual Report
2020–21**

Contacting the AAT

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Website

www.aat.gov.au

This report

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Letter of transmittal



Administrative
Appeals Tribunal

24 September 2021

Senator the Hon Michaelia Cash
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 2021 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

A handwritten signature in blue ink, appearing to read 'David Thomas'.

JUSTICE DAVID THOMAS
President

A handwritten signature in blue ink, appearing to read 'Sian Leathem'.

SIAN LEATHEM
Registrar
Accountable Authority

Chapter 1 The year in review

President's overview



Justice David Thomas

The AAT remained focused in 2020–21 on providing high-quality merits review, as we monitored and responded to the circumstances arising from the COVID-19 pandemic. We had earlier adapted our processes and systems for progressing cases during times when access to our registries had to be restricted. As a result, we were able to finalise a significant number of cases during the year. A decline in lodgements allowed us to make modest inroads into our backlog during the reporting year, but the number of cases on hand at the end of the reporting period continues to be an issue to be addressed.

Beyond managing the ongoing challenges of the pandemic, the AAT was also able to make headway on furthering our strategic priorities in 2020–21 as we progressed the implementation of our new operating model.

Developments relating to the AAT's leadership arrangements, caseload management, services for users, ICT capability and member and staff working arrangements are outlined in this overview and in the Registrar's review.

Workload and performance

The AAT received approximately 37,000 applications in 2020–21, 31% fewer than in the previous year. Lodgements were lower across most areas of our work but particularly in the Migration and Refugee Division. The division's migration caseload was most affected with a 71% drop in lodgements due to the impact of the pandemic on visa applications and processing. There was also a 20% decrease in the number of applications for review of Centrelink decisions in the Social Services and Child Support Division. Lodgements increased, however, at a similar rate in the National Disability Insurance Scheme Division.

The AAT finalised more than 44,500 applications in 2020–21. This was 14% fewer than the record number of completed cases in the previous reporting year, primarily due to the greater complexity of the on-hand cases in the Migration and Refugee Division and fewer lodgements in the Social Services and Child Support Division. It is still a significant achievement particularly in the context of the ongoing impact of the pandemic on our operations. I thank all members and staff for their continued efforts in often difficult circumstances.

This was the first year since the 1 July 2015 amalgamation that we finalised more applications than we received. At 30 June 2021, there were 65,374 cases on hand, approximately 10% fewer than at the end of the previous financial year. The caseload in the Migration and Refugee Division accounts for about 86% of the cases on hand. While we anticipate further modest reductions in the number of cases on hand in that division, without additional member and staff resources it will be difficult to sustain this trend given an anticipated increase in lodgements in 2021–22, the complexity of the active caseload, and the unpredictable effects of the COVID-19 pandemic on our ability to finalise cases.

In 2020–21, the Immigration Assessment Authority (IAA) received 894 referred cases, a 49% decrease compared to the previous year related to reduced levels of decision making within the Department of Home Affairs. The IAA finalised 788 cases and maintained its median time to finalise cases of 5 weeks from the date of referral, consistent with the previous year.

With finalisations outpacing lodgements in the reporting year, we exceeded our clearance ratio target of 100%. However, our target of finalising 75% of cases within 12 months in 2020–21 was not met, due to the age of the backlog in the Migration and Refugee Division. While the target was achieved in some parts of our caseload, including in the IAA, the National Disability Insurance Scheme Division, the Small Business Taxation Division and the Social Services and Child Support Division, the overall result for the AAT and the IAA was 54%, 6 percentage points lower than the previous year. We performed strongly against other performance measures. We published more than 5,860 decisions in 2020–21, exceeded our user experience rating target and were well within our target for the proportion of appeals against AAT and IAA decisions allowed by the courts.

Membership

The AAT had 13 fewer members at the end of the reporting period compared to the previous year. There were 324 members who comprised of 115 members appointed on a full-time basis and 209 members appointed on a part-time basis. We welcomed the appointment of 12 new members and the reappointment of 36 existing members in 2020–21. The terms of appointment of 5 judicial deputy presidents, 2 non-judicial deputy presidents, 5 senior members and 17 members ceased during the reporting year.

Among these was Deputy President Stephanie Forgie, appointed in 1988 and the last member of the AAT with tenure. Deputy President Forgie's decades-long dedication to the AAT and to administrative law in general was outstanding.

The appointment of Senior Member Dr Irene O'Connell also came to an end during the reporting period. Dr O'Connell was Deputy Division Head of the Migration and Refugee Division and had a

long career as a tribunal member, having first been appointed to the former Refugee Review Tribunal in 2000 and former Migration Review Tribunal in 2005.

I extend my thanks to all members whose appointments ended during 2020–21.

During the year, we welcomed the appointment of two Deputy Presidents in division head roles. On 17 December 2020, Fiona Meagher was assigned as Division Head of the National Disability Insurance Scheme Division and Karen Synon was assigned as Division Head of the Social Services and Child Support Division. Each has already made significant contributions to their respective divisions, as outlined in Chapter 3 of this annual report.

With divisional leadership arrangements settled, our focus turned to establishing deputy division head, practice leader and executive member roles across all divisions to support the division heads with caseload management, member professional development and stakeholder engagement. We commenced a process to identify suitable candidates for deputy division head roles, particularly for the higher volume jurisdictions such as the Migration and Refugee Division and Social Services and Child Support Division. We worked closely with the Attorney-General's Department to refresh the register of expressions of interest in appointment to the AAT. In April 2021, we advertised an invitation for expressions of interest from individuals who may be suitable for appointment at the senior member level and assignment to a deputy division head role, as well as more generally for appointment to other member levels. The process of assessing deputy division head candidates has commenced. The register remains open for expressions of interest in other member roles until April 2022. Interested individuals may submit an expression of interest at any point in the 12-month period following the advertisement.

During 2020–21, we continued to refine the revised member appraisal scheme which we trialed in 2019–20. We also launched a reinvigorated periodic evaluation and development program which includes a process for engaging with members in the first 12 months of their term of appointment to identify specific learning and development opportunities. Each member who goes through the program will receive an individual professional development plan which will be reviewed annually over the remaining years of their term of appointment. A member curriculum is also in development which will be underpinned by professional development sessions for members offered through e-learning, in-house seminars and facilitated training.

Building back better

Throughout the year, we responded to the ongoing impact of the pandemic by constantly adapting to changing conditions to ensure we continued to deliver our services to the community. In March 2021, we updated the 5 COVID-19 special measures practice directions developed at the beginning of the pandemic to reflect the more flexible approach needed to reflect local conditions.

I have been heartened by the response from members, staff and our users whenever we have needed to quickly change our practices to comply with local health directives, such as limiting access to our registries or rescheduling a hearing that was to be held in person. Following the initial response to the new situation imposed by the pandemic, our focus in 2020–21 has moved to

reviewing and refining the processes and systems put in place during the pandemic, and reflecting on our experiences to ensure we build upon improvements to inform our future state of operating.

Members, staff and users have become more familiar with hearings that are conducted remotely. As mentioned in the Registrar's review, 2020–21 saw a significant boost to our information and technology capability. To support more flexible and accessible methods of conducting and participating in hearings and other case events, we launched a hearing enablement project during the reporting year. This involves reviewing current infrastructure and identifying opportunities to integrate technology and make better use of existing spaces. As part of this project, we are also designing and testing a special purpose hearing room for users with disability; upon which other hearing rooms may be modelled in future.

Looking ahead

Recognising that we are not sufficiently resourced to substantially reduce our significant on hand caseload, we will continue to engage with Government about additional member appointments, commensurate increases to staffing levels to support members and appropriate funding. We will also explore further opportunities to deal more effectively and efficiently with our caseload through improvements to case management, member support arrangements and our use of technology.

During 2020–21 the AAT worked with Government to progress legislative reforms which aim to reduce areas of unnecessary difference in the legislation governing the AAT's procedures and make available a more consistent set of case management powers and procedures across divisions. The statutory review of the amalgamated AAT conducted in 2018 by the Hon Ian Callinan AC included a number of recommendations supporting such harmonisation.

The Courts and Tribunals Legislation Amendment (2021 Measures No.1) Bill 2021 was introduced into Parliament in June 2021. The AAT welcomed the Bill which proposes a range of amendments relating to the operations of the AAT, including changes that harmonise legislative provisions applying to reviews in the Social Services and Child Support Division. For example, the AAT would be able to hold pre-hearing conferences in that division. The changes will enhance consistency and improve our flexibility to tailor procedures to suit different cases.

The AAT will also continue to engage with the Attorney-General's Department and other departments in 2021–22 to pursue opportunities for further legislative harmonisation, particularly in relation to the way in which we can conduct reviews in the Migration and Refugee Division. Such changes will support the Tribunal's operations and the achievement of our statutory objective.

I look forward to working with members and staff, as well as with Government, in the year ahead, to deal with the challenges we face and to further strengthen our capacity to perform the important role conferred on us by the Parliament for the benefit of the people of Australia.

Registrar's review



Registrar Sian Leathem

The AAT completed a number of planned activities in 2020–21 consistent with the strategic priorities and plans identified in our corporate plan. We continued the implementation of our operating model adopted in 2019–20 and the associated transformation program, including achieving significant improvements in the way we use technology to support our work and by enhancing the experience of our users.

With the COVID-19 pandemic continuing to present challenges for the delivery of services, we developed a consistent and agile approach to managing changing health advice in the states and territories. This allowed us to respond quickly and safely to changes and to seek to minimise the impact on our users and operations generally.

I would like to acknowledge again this year the resilience and commitment of our members and staff as we continued to successfully manage the complex

issues posed by the pandemic, while maintaining a focus on providing an effective and accessible mechanism of review to our users.

Governance and structure

During 2020–21, we established the new National Director Tribunal Services role, a key part of our operating model. It brings together responsibility for the areas of the Tribunal that provide services directly to our users, support our members and registrars and otherwise assist to deliver our core review function. Filled initially by Monique Adofaci, Jamie Crew is to commence in the role in July 2021, joining us from the Federal Court where he was the Executive Director, Court and Tribunal Services. With this role filled and the appointment of division heads for the National Disability Insurance Scheme Division and Social Services and Child Support Division, the membership of the Tribunal Leadership Group, the AAT's pinnacle governance body, is now complete.

Changes were also made to how we organise elements of our corporate support areas during the reporting year. A revised Corporate Services Branch was created under a Chief Corporate Officer, Jacqueline Fredman, comprising business support, communications, finance and human resources functions. The Law, Policy and Governance Branch was established under a Chief Legal Officer, Christopher Matthies, consolidating all of the areas providing legal services to the AAT as well as the sections providing governance and executive support and information services.

Caseload management

The effective and efficient management of our caseload continues to be a focus for the AAT. Justice Thomas has set out information relating to our workload and performance for the year, including the impact of the pandemic.

A new Caseload Management Support section with responsibility for caseload management strategy support and whole-of-Tribunal reporting was established under the National Director Tribunal Services. During the reporting year, the section commenced work with division heads to develop caseload management strategies for major areas of work where they did not already exist. As at 30 June 2021, annual caseload management strategies were in place for 3 divisions and strategies for other areas of work were under development.

User-centred services

User-focused design is a central theme in our operating model. During the reporting year, we progressed several projects to enhance our services to our users.

The AAT's new unified online services portal went live in 2020–21, making it simpler for people to interact with the Tribunal electronically. Through the portal, users can apply for a review and upload documents for any type of case. They also have the ability to create an account if they choose and review the details of applications they have made or documents they have lodged at any time. For some types of cases, the portal allows users to find additional information about their case, including past and future case events.

We undertook a range of work to improve the accessibility of our services, including translating some of our fact sheets into frequently used languages and conducting tailored outreach to parties to support remote hearing processes. We also commenced trialling increased use of video hearings in the Social Services and Child Support Division. As noted by the President, our hearing enablement project aims to support the conduct of accessible and timely hearings, conferences and other case events through the use of multi-functional workspaces and fit-for-purpose technology.

Engagement with Tribunal users, including parties to reviews, decision-making agencies and representatives is critical to designing user-centred services. We employed a variety of mechanisms during the reporting year to engage with, and seek feedback from, our users. To complement our annual post-finalisation user feedback survey, we trialled a new survey of parties conducted immediately following their participation in an alternative dispute resolution case event, to gather more proximate feedback about their experience in that part of our review process. The survey produced useful data and will inform our consideration of how we best seek feedback to monitor user sentiment and identify areas where we may be able to improve our services.

Information and technology capability

In January 2021, Andrew Dundon commenced as our ongoing Chief Information Officer and has since led a broad program of work to continue the delivery of an improved modern digital operating environment for the Tribunal.

During the reporting year, we built on the changes made in 2019–20 enabling more mobile ways of working in response to the pandemic. We deployed new devices to our members and staff, installed wi-fi in all of our premises and enhanced the ability of members and staff to remotely access AAT systems. We also strengthened our cyber security arrangements and capabilities, including through the publication of our Cyber Security Strategy 2020–23 and an increased investment in our cyber security program to ensure the protection of the information we hold.

Our critical project to develop a single case management solution for the AAT worked through the discovery phase in 2020–21. We are well placed to make milestone design decisions as the project continues into 2021–22.

Workforce culture, capability and arrangements

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

The APS Employee Census conducted in October and November 2020 had a high participation rate from our staff. We had a positive employee engagement score consistent with other agencies across the APS and an average positive response rate indicating general staff satisfaction. Responses to statements relating to workplace culture were also on par with the APS generally and more positive than in the previous survey. The census information provides us with valuable insights that enable continuous improvement to our workplace.

During 2020–21, members and staff were again offered a diverse range of internal and external professional development opportunities to enhance their knowledge and skills, including online options through LinkedIn Learning and educAATe, our internal learning management system. We also commenced a project to identify the capabilities and skills we need to create a user-focused Tribunal that delivers on our statutory objective into the future and capture these in a business capability model. The model will help identify any capability gaps and inform a range of strategic decisions, including in relation to workforce planning and further changes to our structure.

With many members and staff having rapidly transitioned to working from home during the pandemic, we took the opportunity to review the changed working arrangements, identify what we learnt and consider how we will work into the future. During the reporting year, we published revised working from home policies and procedures. The implementation of the new policies will continue into 2021–22, including the formalisation of arrangements for working regularly from home.

Financial results

The AAT received an unqualified audit report on the 2020–21 financial statements from the Australian National Audit Office. The impacts of the ongoing COVID-19 pandemic affected the Tribunal's revenue and operating expenses, resulting in a deficit of \$10.3 million excluding depreciation, amortisation and principal repayments on leased assets. The 2020–21 deficit result was funded by available Tribunal accumulated cash reserves.

Looking ahead

In the coming year, we will maintain our focus on implementing the operating model and strategies outlined in our corporate plan while managing our significant workload. To support the success of our transformation program, our Transformation Office will finalise and publish a revised project and change management framework and implement changes to reinforce a coordinated approach to resource planning, project scheduling and project execution across the Tribunal.

In relation to our service delivery, we want to look at improving the way we provide basic procedural information and assistance to our users through our digital and in-person service delivery channels, including our website, to ensure we deal with enquiries effectively and efficiently. We will also take further steps to improve the accessibility of the Tribunal for our diverse users.

In consultation with division heads, deputy division heads when appointed and practice leaders, work will continue on developing, monitoring and refining caseload management strategies for all of our major areas of work. We will also continue to work on associated procedural and information documents such as practice directions and fact sheets which help parties and their representatives understand our processes and expectations. We will also undertake further work to harmonise the AAT's procedures and operations across divisions and locations where appropriate and practicable, particularly as we work towards the implementation of our new case management solution.

In the technology space, our modernisation program will continue with the development of a proof of concept for the future case management solution and the further roll out of our Microsoft 365 environment, including collaboration, intranet and workflow capabilities. We will also advance work on a data strategy and associated data and analytics capability to seek to make the most effective use of our information in strategic and operational decision-making.

For our members and staff, a number of important initiatives will be progressed. These include the finalisation and implementation of a revised learning and development strategy and framework as well as further work on refining our working arrangements to support effective operations. We will continue to support members and staff develop their knowledge and skills, as well as navigate technological and other change in the workplace through effective change management and communication.

Chapter 2 Overview of the AAT

Functions and purpose

The Administrative Appeals Tribunal, 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, 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, and
- 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 2020–21 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.

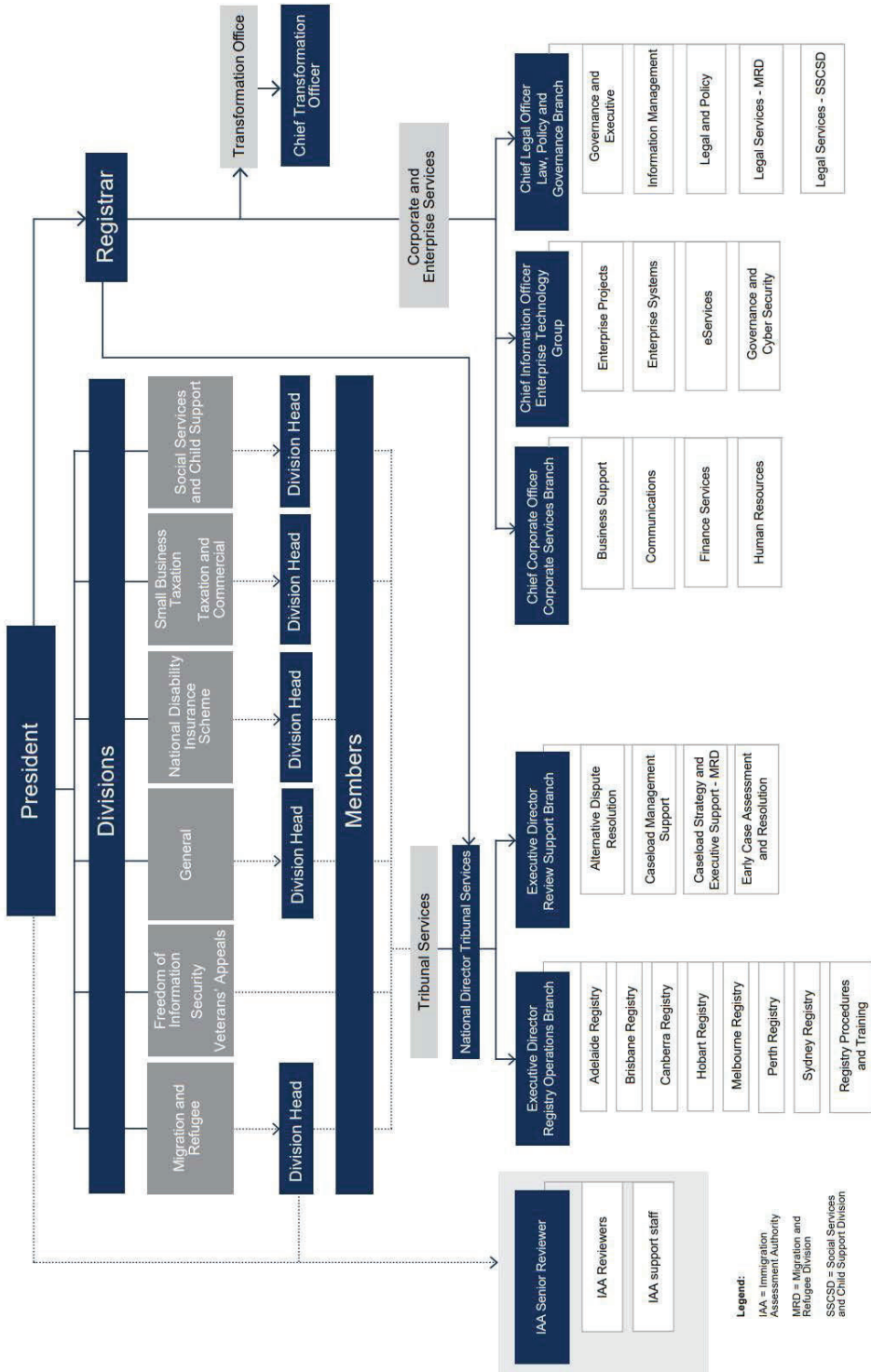
A Deputy President may be assigned as the Head of one or more of our divisions. A Deputy President or Senior Member may be assigned as the Deputy Head of one or more of our divisions.

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 who must be a Senior Executive Service employee and Reviewers. Staff of the AAT are made available to assist the IAA. More information about the IAA can be found in Chapter 4 Immigration Assessment Authority.

Figure 1 shows our organisational structure.

FIGURE 1: ORGANISATIONAL STRUCTURE, 30 JUNE 2021



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 the Federal Circuit and Family Court of Australia (Division 1)
- 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 2021, there were 324 members of the AAT. Appendix 1: Members of the AAT lists all AAT members at 30 June 2021, including the divisions to which each Senior Member and Member was assigned.

TABLE 1: NUMBER OF AAT MEMBERS BY CATEGORY, 30 JUNE 2021

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	3	6	9							3	6	9
Family Court judge	1	2	3							1	2	3
Non-judicial				3	7	10	0	6	6	3	13	16
Senior Member				10	21	31	7	16	23	17	37	54
Member				36	38	74	85	82	167	121	120	241
TOTAL	4	9	13	49	66	115	92	104	196	145	179	324

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 lists the AAT's Division Heads at 30 June 2021.

TABLE 2: DIVISION HEADS, 30 JUNE 2021.

DIVISION	NAME	DATE OF ASSIGNMENT
Division Heads		
General Division	Deputy President Peter Britten-Jones	20 March 2019
Migration and Refugee Division	Deputy President Jan Redfern PSM	21 March 2016
National Disability Insurance Scheme Division	Deputy President Fiona Meagher	17 December 2020
Small Business Taxation Division	Deputy President Bernard McCabe	20 March 2019
Taxation and Commercial Division		25 March 2016
Social Services and Child Support Division	Deputy President Karen Synon	17 December 2020

Prior to Deputy President Synon's assignment as Division Head in December 2020, Senior Member Diana Benk and Members Kate Buxton and Fiona Hewson assisted with the management of the business of the Social Services and Child Support Division. Ms Meagher provided such assistance in relation to the National Disability Insurance Scheme Division prior to her assignment as Division Head.

Senior Member Dr Irene O'Connell was Deputy Division Head of the Migration and Refugee Division until her appointment ended on 25 February 2021.

See Appendix 1: Members of the AAT for profiles of the President, Division Heads and former 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 2020–21, employees in senior executive positions assisted the President, the Division Heads and the Registrar. Table 3 lists the senior executive employees and their areas of responsibility at 30 June 2021.

TABLE 3: SENIOR EXECUTIVE EMPLOYEES, 30 JUNE 2021

Position	Name
Chief Corporate Officer	Jacqueline Fredman
Chief Information Officer	Andrew Dundon
Chief Legal Officer	Christopher Matthies
Chief Transformation Officer*	Yvonne Little
Executive Director, Registry Operations	Jason Cabarrús (Acting)
Executive Director, Review Support	Susan Woodford (Acting)
National Director, Tribunal Services	Sobet Haddad (Acting)
Senior Reviewer, Immigration Assessment Authority	Kylie Allen (Acting)

* Non-APS labour hire position

Elizabeth Connolly is the substantive Executive Director, Registry Operations and Monique Adofaci is the substantive National Director, Tribunal Services. Both were on long-term leave at 30 June 2021.

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

Our services

Tribunal Services

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 2021, dedicated national teams provided caseload support and legal services to the Migration and Refugee Division, the Social Services and Child Support Division and the National Disability Insurance Scheme Division.

Corporate and Enterprise Services

Corporate and Enterprise Services 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, communications support, business strategy 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 that 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 Performance.

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 open to the public, including in cases where they are held by telephone or video, 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 that are 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 and a range of fact sheets to provide more targeted information in relation to some types of cases.

In April 2020, the President issued 5 practice directions which set out special measures for our divisions in response to the COVID-19 pandemic dealing with matters such as the provision of services when our registries are closed to the public, electronic lodgement of documents and the conduct of hearings by telephone or video. The practice directions were updated in March 2021 to modify some requirements and enable the Tribunal to respond with greater flexibility to changing conditions in each of our locations around Australia.

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*.

Only the President and Deputy Presidents may be nominated to exercise the power of some these functions. For other functions, Senior Members and Members may also be nominated, but 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 4: NUMBER OF APPLICATIONS RELATING TO WARRANTS, CONTROLLED OPERATIONS AND OTHER FUNCTIONS, 2019–20 TO 2020–21

	2019–20	2020–21
Number of occasions on which applications considered	2,901	2,640

We are flexible in performing these functions and members are available outside standard business hours. In the reporting period, 131 out-of-hours appointments were held.

In a proportion of applications, the issue of a warrant or other authorisation was only granted after further information was provided at the request of the authorised member. A small number of applications were refused, and some were only granted after conditions were imposed, including conditions in relation to privacy. In some instances, the warrant was 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 5: NUMBER OF EXAMINATIONS HELD UNDER THE PROCEEDS OF CRIME ACT, 2019–20 TO 2020–21

	2019–20	2020–21
Number of examination sessions held	32	83

Chapter 3 Performance

Annual Performance Statement

Introductory statement

I, Sian Leathem, as the accountable authority of the Administrative Appeals Tribunal, present the 2020–21 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 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 of providing a mechanism of review of administrative decisions that:

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

The 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 6 summarises our results against each of the performance measures set out in our Corporate Plan 2020–21 and the Portfolio Budget Statements. We met our target in relation to 4 of the 6 measures.

TABLE 6: RESULTS AGAINST PERFORMANCE MEASURES IN AAT CORPORATE PLAN, 2020–21

Performance measure	Target	Result	Met/Not met
1. Number of AAT applications and IAA referrals finalised	52,040	45,353	Not met
2. Clearance ratio of AAT finalisations and IAA decisions	100%	118%	Met
3. Proportion of AAT applications and IAA referrals finalised within a time standard	75%	54%	Not met
4. Number of AAT and IAA decisions published	At least 5,000	5,860	Met
5. AAT user experience rating	At least 70%	77%	Met
6. Proportion of appeals against AAT and IAA decisions allowed by the courts	Less than 5%	2.3%	Met

Performance measures 1, 2, 3, 4 and 6 in the Corporate Plan 2020–21 covered the work of the both the AAT and IAA.

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

2020–21: 52,040 finalisations

Our 2019–20 performance was 53,336 AAT finalisations against a target of 48,756.

Source

Corporate Plan 2020–21 (pages 15–16) and Program 1.1, 2020–21 Portfolio Budget Statements, Attorney-General's Portfolio (page 64)

Performance achieved

45,353 finalisations (44,565 AAT applications and 788 IAA referrals) – target not met.

Analysis

The AAT and IAA finalised a substantial number of applications and referrals in 2020–21, reaching 84% of the target notwithstanding the ongoing challenges associated with the COVID-19 pandemic. As explained below, the shortfall can be attributed primarily to lower than expected lodgements in

some areas of our work. Pandemic-related factors and the composition of the on-hand caseload in the Migration and Refugee Division also contributed to the result.

The AAT finalised 44,565 applications in the 2020–21 reporting period, 14% fewer than the number finalised in 2019–20. Table 2 sets out the number of applications finalised in each of the AAT’s divisions in 2019–20 and 2020–21.

TABLE 7: AAT APPLICATIONS FINALISED, BY DIVISION

Division	No. of finalisations	
	2019–20	2020–21
Freedom of Information	62	47
General	5,594	5,208
Migration and Refugee	26,402	23,246
National Disability Insurance Scheme	1,527	1,448
Security	5	3
Small Business Taxation	75	418
Social Services and Child Support	16,749	13,088
Taxation and Commercial	904	897
Veterans’ Appeals	287	210
All AAT	51,605	44,565

Finalisations in the Social Services and Child Support Division were 22% lower in 2020–21, primarily due to a 17% decrease in the number of applications lodged in the Division. When we set our target, we had anticipated lodgements and finalisations in this Division would be at an increased level in the reporting year. In our other divisions, the number of applications finalised was only slightly lower than we projected. Our capacity to progress and finalise cases was affected by COVID-19 lockdowns and other restrictions in different locations, particularly cases requiring an in-person hearing. In relation to the Migration and Refugee Division, having completed a large number of more straightforward cases in the first months of the pandemic, the on-hand caseload in the reporting year was also generally more complex, requiring greater effort and time. Only the Small Business Taxation Division recorded an increase in the number of finalisations in the 2020–21 reporting year.

While the number of finalisations was lower than in 2019–20, we were still able to maintain a high level of finalisations overall in the reporting year as a result of consolidating our processes and systems for working remotely and progressing cases during the pandemic, including transitioning to digital files and conducting many hearings and other case events by telephone and video. We also built on case management and procedural measures put in place in earlier years to improve our effectiveness and efficiency, using early case assessment and triaging techniques, alternative

dispute resolution, targeted requests for information and outreach to facilitate early resolution and better preparation of cases for hearings.

The IAA finalised 788 referrals in 2020–21, down from 1,731 in 2019–20. The lower number was due to a 49% drop in the number of decisions referred to the IAA from the Department of Home Affairs during the reporting year compared with 2019–20. At the time we set our finalisation target, a higher number of referrals had been anticipated.

Performance measure 2: Clearance ratio

This measure is the ratio of AAT applications and IAA referrals that were finalised in a financial year to the number of applications and referrals received in the same year, expressed as a percentage. It is an indicator of the extent to which the AAT and IAA are providing mechanisms of review that are quick, by identifying the extent to which the number of cases the AAT and IAA have on hand has increased or decreased during the reporting period.

Target

2020–21: clearance ratio of 100%

Our 2019–20 performance was a clearance ratio of 95%.

Source

Corporate Plan 2020–21 (page 16) and 2020–21 Program 1.1, Portfolio Budget Statements, Attorney-General's Portfolio (page 64)

Performance achieved

Clearance ratio of 118% – target met.

Analysis

The AAT and IAA well exceeded the target for this measure having received 38,377 applications and referrals in 2020–21 while finalising 45,353 applications and referrals. As a result, the total number of cases on hand at 30 June 2021 (65,586) was 9% lower than at 30 June 2020.

The clearance ratio for the AAT in 2020–21 was 119% (37,483 lodgements and 44,565 finalisations), an improvement on the 95% result recorded for 2019–20. The total on-hand caseload in the AAT at the end of the reporting year was 65,374 applications, a 10% decrease from 30 June 2020.

Given that finalisations declined in most divisions in 2020–21, the positive result on this measure is attributable to larger decreases in the number of applications that were lodged in the 5 divisions which had a clearance ratio above 100%: General (109%), Migration and Refugee (146%), Social Services and Child Support (101%), Taxation and Commercial (125%), and Veterans' Appeals (107%). The Migration and Refugee Division experienced the largest reduction in lodgements, dropping 47% from 29,976 in 2019–20 to 15,969 applications in 2020–21, principally due to the effects of the pandemic on migration visa applications and decision-making. The number of

applications lodged in the Social Services and Child Support Division dropped from 15,713 to 13,013.

The AAT's 4 other divisions had a clearance ratio below 100% having finalised fewer applications than were lodged in the reporting year: Freedom of Information (60%), National Disability Insurance Scheme (67%), Security (14%) and Small Business Taxation (76%). Each of these divisions experienced increases in lodgements in 2020–21, particularly the National Disability Insurance Scheme and Small Business Taxation Divisions.

Looking at this result within the context of lodgement and finalisation trends over time, 2020–21 is the first year since the amalgamated AAT was established on 1 July 2015 in which we have finalised more applications than were lodged. Lodgements increased markedly over the period from 2015–16 to 2019–20, particularly in the Migration and Refugee Division. The number of members appointed and staff available to deal with cases did not keep pace with our growing workload resulting in our substantial on-hand caseload. At 30 June 2021, 86% of all active cases were in the Migration and Refugee Division (56,036). While the recent reduction in lodgements has allowed us to make modest inroads into the backlog, if lodgements begin to increase again as anticipated, it will be difficult for the AAT to continue to meet the clearance ratio target and reduce our backlog without additional member and staff resources, particularly given the complexity of the active caseload in the Migration and Refugee Division and the ongoing impact of COVID-19 on our ability to finalise cases.

The IAA had a clearance ratio of 88% in 2020–21 (894 referrals and 788 finalisations). A surge in the number of referrals in the final month of the reporting period resulted in a lower than expected clearance ratio result for the year. From an already low on-hand caseload at the beginning of the reporting period, the active caseload was 212 cases at 30 June 2021.

Performance measure 3: 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

2020–21: 75% of applications are finalised within 12 months of lodgement

Our 2019–20 performance was 60% of applications and referrals finalised within 12 months of lodgement against a target of 75%.

Source

Corporate Plan 2020–21 (pages 16–17) and Program 1.1, 2020–21 AAT Portfolio Budget Statements, Attorney–General's Portfolio (page 64)

Performance achieved

54% of applications and referrals finalised within 12 months of lodgement – target not met.

Analysis

We have been unable to meet the target in relation to this measure since 2017–18. Our performance has been declining each year, primarily as a result of circumstances in the AAT's operating environment which led to the development of the substantial backlog of cases.

The sustained increase in applications lodged in the Migration and Refugee Division from 2015–16 (18,929) reached a peak in 2017–18 (37,933) and 2018–19 (36,172) before beginning to slow in 2019–20. Without sufficient members and staff to deal with the larger workload, the size of the on-hand caseload in that Division grew each year to 63,305 at 30 June 2020. Consequently, over the past 3 years a significant number of the cases finalised in the Migration and Refugee Division were older cases. The proportion of cases completed within 12 months of lodgement in the Division fell from 36% in 2018–19 to 28% in 2019–20 and then 19% in 2020–21. With the Division accounting for more than half of the AAT's finalisations in this 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 this 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. These include the nature and complexity of the cases, differences in the procedures that apply to the review of decisions, the priority given to certain types of cases, and the overall level of resources available to deal with applications, particularly the number of members. Table 8 sets out the proportion of applications finalised within 12 months in each of the AAT's divisions in 2019–20 and 2020–21.

TABLE 8: PROPORTION OF AAT APPLICATIONS FINALISED WITHIN 12 MONTHS, BY DIVISION

Division	% finalised within 12 months	
	2019–20	2020–21
Freedom of Information	34%	60%
General	78%	73%
Migration and Refugee	28%	20%
National Disability Insurance Scheme	90%	85%
Security	40%	33%
Small Business Taxation	100%	90%
Social Services and Child Support	>99%	>99%
Taxation and Commercial	62%	53%
Veterans' Appeals	52%	57%
All AAT	59%	53%

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 National Disability Insurance Scheme, Small Business Taxation and Social Services and Child Support Divisions in 2020–21 and fell just short of

the benchmark in the General Division. The Freedom of Information, Security, Taxation and Commercial and Veterans' Appeals Divisions, each of which had a result below 75%, frequently deal with more complex cases that take longer to resolve.

The IAA generally conducts reviews on the papers and does not hold hearings. In 2020–21, 100% of IAA reviews were finalised within 12 months of referral, with a median time of 5 weeks from referral to finalisation.

Performance measure 4: 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

2020–21: At least 5,000 decisions published

Our 2019–20 performance was 6,655 AAT and IAA decisions published against a target of at least 5,000. This figure is higher than the 6,265 decisions reported in our 2019–20 annual report. It includes decisions made in 2019–20 that had not yet been published at the time that report was prepared.

Source

Corporate Plan 2020–21 (pages 17–18) and Program 1.1, 2020–21 AAT Portfolio Budget Statements, Attorney-General's Portfolio (page 64)

Performance achieved

A total of 5,860 decisions made in 2020–21 published at the time of preparing the report (5,745 AAT decisions and 115 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. The policy specifies that, subject to confidentiality requirements, we will publish:

- all written decisions in the Freedom of Information, General, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions
- all written decisions in certain categories of cases in the Migration and Refugee Division and a randomly selected proportion of decisions in high-volume categories of cases
- a randomly selected proportion of child support cases in the Social Services and Child Support Division.

We review the policy annually, including the targets specified for different categories of cases, to ensure we publish a representative cross-section of our decisions.

The IAA publishes a representative sample of decisions.

The application of the Publication of Decisions Policy to written decisions made by the AAT in 2020–21 and the IAA selection process has resulted in us exceeding our target for 2020–21 by 17%. We published 4,021 Migration and Refugee Division decisions, 364 child support decisions made in the Social Services and Child Support Division, 1,360 decisions made in the AAT's other divisions and 115 IAA decisions. During the reporting year, we also published 68 plain English summaries of our decisions in our e-newsletter, *The Review*.

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 our role and procedures, how we interpret and apply the law and why we have made the decision in individual cases.

Performance measure 5: 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

2020–21: User experience rating is at least 70%

Our 2019–20 performance was a user experience rating of 72% against a target of at least 70%.

Source

Corporate Plan 2020–21 (page 18) and Program 1.1, Portfolio Budget Statements, Attorney-General's Portfolio (page 64)

Performance achieved

User experience rating of 77% – target met.

Analysis

The user experience rating is derived from the results of a feedback survey, administered by ORIMA Research, an independent market research organisation. All individuals and organisations who were applicants or other parties in cases finalised between 1 December 2020 and 31 March 2021 as well as all professional representatives of parties involved in this set of cases, for whom we had an email address or mobile telephone number, were invited to complete an online questionnaire. They were sent a unique link to ensure the survey could be completed only once. Responses were received from 1,259 parties and 398 legal and other representatives, constituting response rates of 10% and 16% respectively.

The survey asked 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. The rating is calculated from the average

proportion of 'strongly agree' and 'agree' or 'always' and 'usually' ratings given in response to questions about aspects of the AAT's review processes, giving the following results:

- Accessibility of information – the usefulness, sufficiency and clarity of the information we provided about the review process: 75% for parties and 88% for representatives (72% and 85% in 2019–20).
- 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: 68% for parties and 84% for representatives (65% and 69% in 2019–20).
- 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: 76% for parties and 88% for representatives (71% and 83% in 2019–20).
- 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: 75% for parties and 91% for representatives (70% and 90% in 2019–20)
- Timeliness – how quick we were to complete the review overall and to provide a decision after a hearing: 62% for parties and 65% for representatives (61% and 56% in 2019–20).

Combining and averaging these results, the overall user experience rating achieved for 2020–21 of 77% was an improvement on 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. In relation to the ratings for accessibility for users with diverse needs, the ratings given by parties were lower in relation to access for people with a disability compared with ratings for access for users from culturally and linguistically diverse backgrounds. 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. The AAT is examining the data closely to identify issues and potential responses.

Performance measure 6: 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

2020–21: Number of appeals allowed is less than 5% of all AAT and IAA decisions that could have been appealed

Our 2019–20 performance was 4.4% against a target of less than 5%.

Source

Corporate Plan 2020–21 (pages 18–19) and Program 1.1, Portfolio Budget Statements, Attorney–General’s Portfolio (page 64)

Performance achieved

Proportion of appeals allowed is 2.3% – 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 (617 in 2020–21) against the number of decisions made by the AAT and IAA in the previous year that could have been appealed (27,311 in 2019–20). This methodology is applied on the basis that, for appeals lodged in relation to decisions made in a year, a majority of successful appeals are finalised in the following year.

The result for this measure was 2.1 percentage points better in 2020–21 than in 2019–20 and consistent with the result achieved in 2018–19. This can be attributed principally to a lower number and proportion of appeals allowed against decisions of the AAT’s Migration and Refugee Division in 2020–21. The result for the previous reporting year was affected by 2 Federal Court decisions which held that the Department had not properly notified the applicants of the original decision to refuse to grant their visa, a matter beyond the control of the AAT. Almost half of the 690 appeals allowed in 2019–20 against decisions of the Migration and Refugee Division flowed from these court decisions.

Table 9 sets out for each division of the AAT the number of appeals that were allowed and the total number of appeals finalised in 2019–20 and 2020–21.

TABLE 9: NUMBER OF APPEALS AGAINST AAT DECISIONS ALLOWED AND FINALISED, BY DIVISION

DIVISION	NO. OF APPEALS			
	2019–20		2020–21	
	Allowed	Total finalised	Allowed	Total finalised
Freedom of Information	0	1	0	1
General	59	154	45	121
Migration and Refugee	690	2,857	399	2,052
National Disability Insurance Scheme	0	1	0	1
Security	0	1	0	0
Small Business Taxation	0	1	0	1
Social Services and Child Support	1	21	4	28
Taxation and Commercial	4	16	6	19
Veterans' Appeals	5	7	5	5
All AAT	759	3,059	459	2,228

The Migration and Refugee Division continued to be the division of the AAT with the highest number of appeals lodged in the reporting period (4,467), reflecting the size of the caseload and the fact that appeal rates are higher for cases in this Division (23% of decisions made in 2020–21 that could have been appealed). The 2,052 appeals finalised in 2020–21 against decisions made in this Division constituted 92% of all appeals finalised against AAT decisions with 19% of appeals allowed. The rate of appeals allowed in 2020–21 (399) as a proportion of all appealable decisions made in this Division in 2019–20 (21,013) was 1.9%, an improvement of 2.2 percentage points on the 2019–20 result.

The number of appeals lodged with the courts relating to decisions made in the AAT's other divisions remained low in 2020–21 (186) with an appeal rate of 1% for the Social Services and Child Support Division and 7% for all other divisions. Of the 176 appeals finalised in relation to these divisions in 2020–21, 60 (36%) were allowed. The rate of appeals allowed as a proportion of all appealable decisions made in these divisions in 2019–20 (4,577) was 1.3%.

As in earlier years and reflecting the nature of the caseload, appeals against IAA decisions were high both in number (688) in 2020–21 and as a proportion of decisions that could be appealed (87%). Of the 523 appeals that were finally determined, 158 appeals were allowed. A large number of appeals remained to be determined as at 30 June 2021.

Analysis of performance against our purpose

In 2020–21 the AAT and IAA continued to operate in a complex environment. Challenges identified in previous years relating to our ability to deal with our large workload remained, while the COVID-19 pandemic required that the Tribunal make adjustments to the way we work and interact with our users to maintain accessible and effective services throughout the year.

While the IAA has consistently been able to manage the number of incoming referrals over time, the number of members and staff available to deal with cases in the AAT did not keep pace with the significant increase in the level of lodgements over the period from 2015–16 to 2019–20, resulting in a growing on-hand caseload. We had 72,466 active cases at the start of the reporting year with an increasingly aged and complex caseload of more than 60,000 cases in the Migration and Refugee Division. The AAT and IAA received 38,377 applications and referrals in 2020–21, 32% fewer than in 2019–20, largely for reasons related to the pandemic. We were able to finalise 45,353 cases despite the impact of COVID-19 restrictions on our ability to progress cases in some locations, particularly to hold in-person case events where required in more complex cases. This is the first reporting year since the amalgamated AAT was established on 1 July 2015 that the AAT and IAA were able to finalise more applications and referrals than we received, achieving a clearance ratio of 118%. We had 65,586 cases on hand at 30 June 2021, 9% fewer than at the same time a year earlier. Our capacity to make more than modest further inroads into the backlog in future years will depend not only on future lodgement trends but also on the availability of additional members and supporting staff.

The varying and unpredictable restrictions associated with the COVID-19 pandemic again shaped the way we operated in 2020–21, impacting the way we held case events and provided our services to users. We consolidated and made extensive use of our enhanced digital platforms to engage with parties and representatives, particularly for hearings and other case events. In March 2021, we updated the 5 special measures practice directions we had developed at the beginning of the pandemic to assist users in understanding how we would operate in a context in which local health directives and COVID-safe requirements periodically affected our registries. Flexibility has been essential as lockdowns frequently disrupted scheduled in-person services, and members and staff were required to work in a more mobile way onsite and from home. This has been facilitated by further improvements to our digital operating environment during the reporting year, including enhancements to the use of digital files across all divisions as well as new devices. We continue to support members, staff and users as we become more accustomed to this new way of working, including ensuring members and staff have access to training and opportunities for professional development.

We undertook a range of projects and initiatives to improve our operations and ability to achieve our statutory objectives. We developed, monitored and refined caseload management strategies for different categories of cases and implemented several initiatives to improve the accessibility of our services for our users, including launching a new unified online services portal and translating fact sheets into frequently used languages. We commenced a hearing enablement project to identify opportunities to make better use of existing spaces and technology to support more flexible and accessible ways for members and registrars to conduct case events in person and remotely. In

relation to our organisation, a key strategic focus was the further implementation of our high-level operating model. We established a new National Director, Tribunal Services role, bringing together responsibility for the areas of the Tribunal that provide services directly to our users and support for our members and registrars. Changes were also made to the structure of our corporate support areas to provide better alignment under a Chief Corporate Officer, Chief Information Officer and Chief Legal Officer. We also commenced a business capability modelling exercise to ensure we will have the capabilities and skills we need to deliver high-quality and efficient services to our users into the future.

Despite the ongoing challenges and the need to continuously adapt to the changing environment, the AAT and IAA continued to provide review of administrative decisions consistent with our statutory objectives during 2020–21. We exceeded the targets in relation to 4 of our 6 performance measures, finalising more cases than were lodged and so starting to reduce our backlog, and performing well in relation to user experience, the quality of our decisions and the publication of decisions. We did not meet our overall finalisation target and our timeliness target, which will remain difficult to achieve in the absence of additional resourcing, but we were able to provide timely review of decisions in a number of caseloads. 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 2020–21 financial statements 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 10 September 2021.

A summary of the AAT's financial performance for departmental activities and the activities administered on behalf of the Government is provided below.

Departmental activities

The 2020–21 operating deficit (excluding depreciation, amortisation and principal repayments on leased assets) of \$10.3 million (2019–20: surplus of \$4.1 million) is reflective of the impact of the COVID-19 pandemic on AAT's operations and performance over the financial year.

Notwithstanding, the AAT has a strong financial position as at 30 June 2021 with total assets of \$361.6 million (2019–20: \$377.5 million), exceeding total liabilities by \$95.1 million (2019–20: \$118.4 million).

Activities administered on behalf of the Australian Government

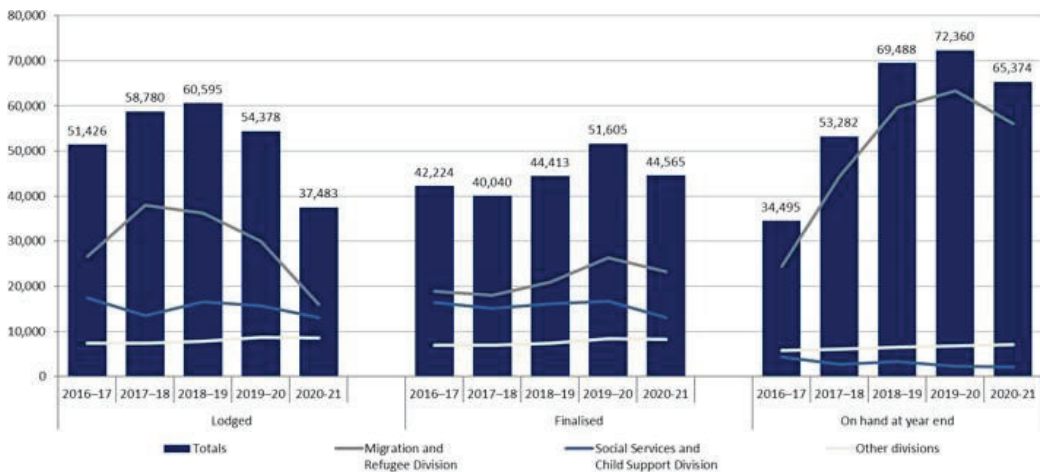
The AAT administers application fees on behalf of the Government. The AAT's 2020–21 administered income was \$36.6 million (2019–20: \$43.0 million).

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

AAT caseload overview

The AAT received 37,483 applications and finalised 44,565 applications in 2020–21. There were 65,374 applications on hand at 30 June 2021. To demonstrate trends over time, Figure 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.

FIGURE 2: APPLICATIONS LODGED, FINALISED, AND ON HAND, 2016–17 TO 2020–21



The number of applications lodged with us in 2020–21 was 31% lower than the number lodged in 2019–20, 38% lower than 2018–19, and the lowest number of applications lodged since amalgamation. The number of applications finalised was 14% lower than in 2019–20, and less than 1% higher than 2018–19. As the number of lodgements received was lower than previous years, the number of applications on hand at 30 June 2021 was 10% lower than the number of applications on hand as at 30 June 2020, and 6% lower than 2018–19.

As shown in Table 10 the size of our workload varies significantly between divisions: almost 90% of the applications made in 2020–21 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: 2% in 2018–19, 3% in 2019–20 and 6% in 2020–21. A combined 4% of applications were in the FOI, Security, Small Business Taxation, Taxation and Commercial, and Veterans’ Appeals Divisions.

TABLE 10: APPLICATIONS LODGED, FINALISED AND ON HAND, 2020–21 – BY DIVISION

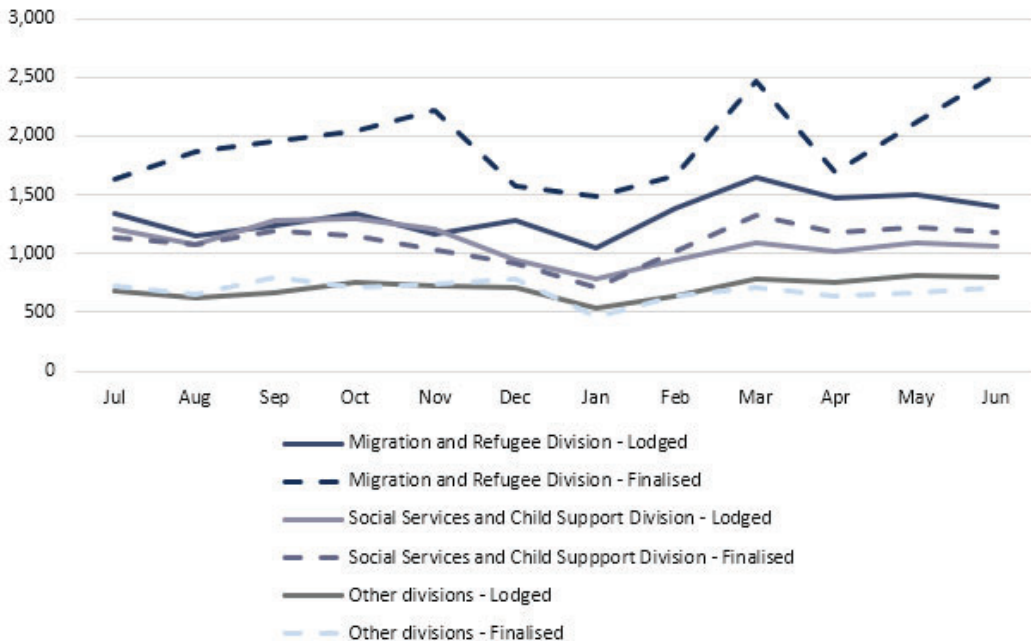
DIVISION	LODGED		FINALISED		ON HAND AT YEAR END	
	No	% of total	No	% of total	No	% of total
Freedom of Information	78	<1%	47	<1%	110	<1%
General	4,775	13%	5,208	12%	3,558	5%
Migration and Refugee	15,969	43%	23,246	52%	56,036	86%
National Disability Insurance Scheme	2,160	6%	1,448	3%	1,631	2%
Security	21	<1%	3	<1%	27	<1%
Small Business Taxation	552	1%	418	<1%	453	<1%
Social Services and Child Support	13,013	35%	13,088	29%	2,186	3%
Taxation and Commercial	718	2%	897	2%	1,151	2%
Veterans' Appeals	197	<1%	210	<1%	222	<1%
TOTAL	37,483	100%	44,565	100%	65,374	100%

The AAT finalised 7,082 more applications than we received, a clearance rate of 119%. This is a strong improvement on previous results, up 24 percentage points from 2019–20, and 46 percentage points from 73% in 2018–19. We finalised as many or more applications than we received in the General, Migration and Refugee Division, Social Services and Child Support, Taxation and Commercial, and Veterans' Appeals Divisions. The Migration and Refugee Division achieved a clearance rate of 146% which is significantly higher than the result of 88% in 2019–20, and 58% in 2018–19, primarily due to the impact of the coronavirus pandemic.

Of the 65,374 applications on hand at 30 June 2021, 86% were in the Migration and Refugee Division, 5% in the General Division and 3% in the Social Services and Child Support Division. On hand applications in the FOI, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions made up 5% of the active caseload.

The impact of the coronavirus pandemic on our caseload varied significantly between divisions. Figure 3 shows lodgements and finalisations in 2020–21 by division and month.

FIGURE 3: APPLICATIONS LODGED AND FINALISED, 2020–21 – BY DIVISION AND MONTH



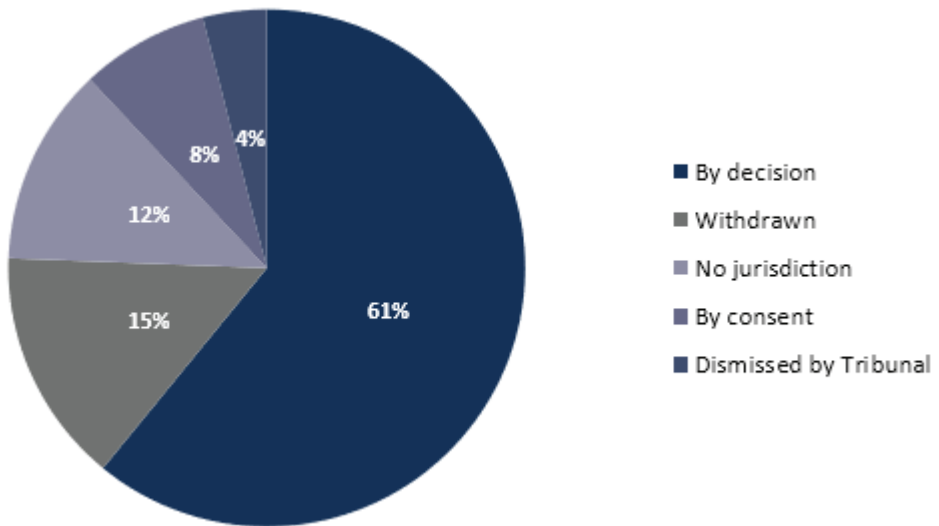
In the Migration and Refugee Division, lodgements declined sharply in March 2020 as Australia’s borders were closed in response to the coronavirus pandemic, and in January 2021 reached their lowest monthly volume since amalgamation, stabilising over the rest of the year at around 1,500 applications per month as migration visa caseloads remained suppressed. The Division was able to sustain finalisations by triaging cases to identify those suitable for hearing by video or for decision notwithstanding restrictions arising from the coronavirus pandemic. 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. Additional statistics about the types of applications lodged and finalised in 2020–21 will be made available on our website later in the year.

Applications may be finalised in different ways, as illustrated in Figure 4. In 2020–21, the majority of applications were finalised by the AAT making a decision on review, usually after conducting a hearing. In 8% 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 31% of applications were withdrawn, finalised on the basis that they did not meet the requirements for a valid application, or otherwise dismissed without the AAT reviewing the decision. The distribution of outcome types was broadly consistent with earlier reporting years.

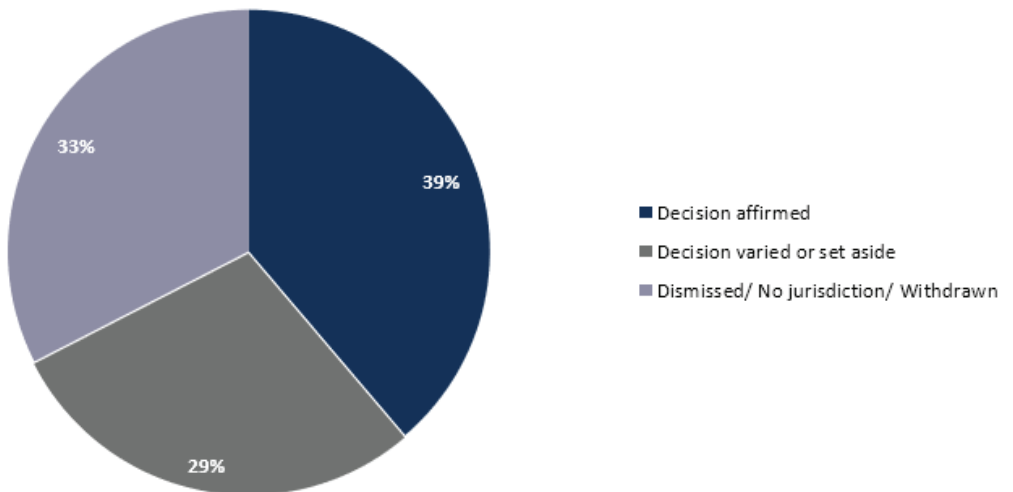
As demonstrated in Figure 5, a decision under review was varied or set aside in 29% of all applications finalised in 2020–21, either by decision or by consent, similar to the result for 2019–20. Further information on outcomes of reviews by division and major caseloads within certain divisions will be made available on our website later in the year.

FIGURE 4: MODE OF FINALISATION OF APPLICATIONS FOR REVIEW OF DECISIONS, 2020–21*



*'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.

FIGURE 5: OUTCOMES OF APPLICATIONS FOR REVIEW OF DECISIONS, 2020–21*



* 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 2020–21.

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 Freedom of Information, General, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions. A total of 8,501 applications were lodged in these Divisions in the reporting year, which is comparable to the 8,689 lodgements for the previous financial year. Table 11 contains key statistics relating to workload and timeliness for each of these divisions and the major caseloads within the Divisions for the last 2 financial years.

TABLE 11: CASELOAD OVERVIEW, 2019–20 TO 2020–21 – 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)	
	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	2019–20	2020–21
Freedom of Information	55	78	42%	62	47	-24%	113%	60%	62	110	77%	34%	60%	119	43
General	5,584	4,775	-14%	5,594	5,208	-7%	100%	109%	3,956	3,558	-10%	78%	73%	24	27
Australian citizenship	815	716	-12%	706	707	0%	87%	99%	575	588	2%	82%	74%	23	30
Centrelink (2nd review)	2,167	1,826	-16%	2,081	1,919	-8%	96%	105%	1,173	1,097	-6%	89%	83%	20	22
Visa-related decisions relating to character	339	380	12%	309	454	47%	91%	119%	145	99	-32%	90%	89%	11	11
Workers' compensation	1,242	1,147	-8%	1,345	1,265	-6%	108%	110%	1,503	1,388	-8%	52%	49%	51	53
Other	1,021	706	-31%	1,153	863	-25%	113%	122%	560	386	-31%	84%	77%	18	22
National Disability Insurance Scheme	1,780	2,160	21%	1,527	1,448	-5%	86%	67%	922	1,631	77%	90%	85%	18	23
Security	5	21	320%	5	3	-40%	100%	14%	8	27	238%	40%	33%	66	95
Small Business Taxation	274	552	101%	75	418	457%	27%	76%	318	453	42%	100%	90%	13	9
Taxation and Commercial	797	718	-10%	904	897	-1%	113%	125%	1,320	1,151	-13%	62%	53%	36	45
Taxation	577	596	3%	719	740	3%	125%	124%	1,142	1,002	-12%	56%	49%	41	53
Other	220	122	-45%	185	157	-15%	84%	129%	178	149	-16%	75%	63%	27	40
Veterans' Appeals	194	197	2%	287	210	-27%	148%	107%	230	222	-3%	52%	57%	49	41
TOTAL	8,689	8,501	-2%	8,454	8,231	-3%	97%	97%	6,816	7,152	5%	78%	74%	24	26

General Division

The General Division's caseload is the most diverse among the AAT's 9 divisions. Consistent with previous years, the practice areas with the largest number of applications during the 2020–21 period were second review of Centrelink decisions and review of decisions made under Commonwealth workers' compensation legislation. The next largest caseloads were review of decisions about Australian citizenship and visa decisions made on character grounds. Decisions relating to vocational education and training regulation and a broad range of other types of decisions comprise the remainder of the workload. Deputy President Peter Britten-Jones was the Division Head responsible for managing the General Division throughout the reporting period.

This year, leadership positions were created to support Deputy President Britten-Jones in the operations of the General Division and the Veterans' Appeals Division. Practice Leaders were appointed to each of the main practice areas, namely workers' compensation, second review of Centrelink and child support decisions, veterans' entitlements, and regulatory matters. Citizenship matters have been added to the responsibility of the Practice Leader for character-related visa decisions. Practice Leaders have a national responsibility for coordinating and managing a designated practice area. An Executive Member has also been designated in each registry to have regional responsibility for supporting and mentoring local members in these and other Divisions in order to facilitate high quality and consistent decision-making, having regard to the objectives in section 2A of the AAT Act.

The COVID-19 Special Measures Practice Direction – Freedom of Information, General and Veterans' Appeals Divisions, which was introduced on 29 April 2020 and updated in March 2021, continues to be in operation. The practice direction was introduced in response to the COVID-19 pandemic and provides for changed practices including 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 decreased slightly from 2019–20, with 1,826 new applications lodged. Senior Member Millar has been appointed Practice Leader for this jurisdiction. As Table 12 shows, the largest cohort in this caseload continues to be applications for review of decisions for disability support pension (36%), followed by applications for review of family tax benefit, age pension, Newstart allowance and parenting payment decisions.

TABLE 12: CENTRELINK SECOND REVIEW CASELOAD, 2019–20 TO 2020–21 – BY PAYMENT TYPE

PAYMENT TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20
Age pension	180	180	0%	173	150	-13%	95	127	34%
Austudy payment	51	34	-33%	39	43	10%	23	14	-39%
Carer allowance	56	40	-29%	46	45	-2%	28	23	-18%
Carer payment	116	79	-32%	91	92	1%	71	59	-17%
Disability support pension	902	662	-27%	991	781	-21%	564	449	-20%
Family tax benefit	208	287	38%	197	251	27%	87	125	44%
Newstart allowance	227	146	-36%	227	181	-20%	100	66	-34%
Parenting payment	136	117	-14%	96	99	3%	69	87	26%
Youth allowance	106	50	-53%	98	62	-37%	22	11	-50%
Other	185	231	25%	123	345	180%	114	204	79%
TOTAL	2,167	1,826	-16%	2,081	2,049	-2%	1,173	1,165	-1%

The below table sets out the types of decisions in respect of which second review was sought. Applications relating to decisions about debt were the most common (45%), followed by applications relating to claim refusals.

TABLE 13: CENTRELINK SECOND REVIEW LODGEMENTS, 2019–20 TO 2020–21 – BY DECISION TYPE*

DECISION TYPE	2019–20		2020–21	
	No	% of total	No	% of total
Cancellation of payment	103	5%	98	5%
Debt	971	45%	819	45%
Rate of payment	76	4%	98	5%
Refusal of claim	872	40%	660	36%
Start date of payment	101	5%	111	6%
Other	44	2%	40	2%
TOTAL	2,167	100%	1,826	100%

* 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 2020–21 remains above our organisational target with 83% of applications finalised within 12 months of lodgement. The average time taken to finalise cases increased by 2 weeks from the 2019–20 period, to 22 weeks. The proportion of reviews in which the decision under review was changed remained stable at 21%. The proportion of applications in this caseload that were finalised without proceeding to a hearing also remained stable at 82%.

The workers' compensation jurisdiction is comprised of applications for review of decisions made under the *Safety, Rehabilitation and Compensation Act 1988* and the *Seafarers Rehabilitation Act 1992*. Senior Member O'Donovan has been appointed Practice Leader for this jurisdiction. Applications lodged in this jurisdiction continued to decline in 2020–21, with a corresponding decrease in finalisations and also cases on hand at 30 June 2021. Timeliness is still below the organisational target in this jurisdiction, with the percentage of cases finalised within 12 months decreasing marginally from the 2019–20 period, with an average time taken to finalise cases for the 2020–21 period of 54 weeks. An internal working group, formed by Deputy President Britten-Jones and Senior Member O'Donovan, continues to review current practices in this jurisdiction and identify opportunities to improve timeliness. The group is also developing a new practice direction for the jurisdiction and regularly consults with affected stakeholders, including Comcare, regarding operational issues arising with this caseload.

There was a decrease in applications for review of decisions relating to Australian citizenship, with lodgements reducing from 815 in the 2019–20 period, to 716 lodgements in 2020–21. Most applications in this case group related to decisions to refuse to approve a person becoming an Australian citizen. These decisions were made on the grounds of the applicant failing to meet the

good character, identity or residence requirements. The remainder of applications in this jurisdiction was made up of reviews of decisions to cancel citizenship approvals, refusals to approve citizenship renunciations, refusals for citizenship resumptions and refusals for citizenship revocations. The proportion of citizenship applications finalised in which the decision under review was changed increased marginally from 27% in 2019–20 to 28% in 2020–21 with 21% changed in accordance with terms of agreement reached between the parties. The proportion of applications in this caseload that were finalised within 12 months decreased slightly in the reporting year, reducing from 82% in 2019–20 to 74% in 2020–21. The average time to finalise a case in this jurisdiction increased from 23 weeks to 30 weeks in the current reporting period.

There was a 12% increase in reviews of character-related visa decisions, consisting of applications for review of decisions made pursuant to the Migration Act to either cancel or refuse a visa under section 501, not to revoke a mandatory visa cancellation under section 501CA, or to refuse a protection visa on either character or security grounds. Most applications in this area are required to be finalised within 12 weeks after the applicant is notified of the decision. Senior Member Theodore Tavoularis continued as the caseload's Practice Leader, ensuring that these applications were handled as a priority and dealt with in a consistent and efficient manner. Finalisations increased substantially from the previous reporting period with 89% of cases finalised within 12 months. The average time to finalise a case was 11 weeks, which is consistent with the requirement for the majority of these applications to be finalised within the legislated timeframe.

During the reporting period, the majority of listings in this practice area were conducted by video as a result of the coronavirus pandemic. For applicants in immigration detention, the Tribunal liaised 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. In 50% of reviews of character-related visa decisions, the decision under review was affirmed. The Tribunal changed the decision under review in 33% of cases. The remaining cases were finalised on the basis of a failure to meet the requirements for a valid application, dismissal or withdrawal by the applicant.

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*. In 2020–21, 78 applications were lodged in the Division, 76 of which related to decisions made under the Freedom of Information Act. This was an increase of 41% compared to 2019–20. The finalisation rate for cases in the Division was lower than some other jurisdictions, with just over half of the cases being finalised within 12 months.

National Disability Insurance Scheme Division

The number of applications lodged in the National Disability Insurance Scheme (NDIS) Division increased by 21% in 2020–21. Table 14 shows that approximately 80% of lodged applications were for review of decisions relating to supports funded under a participant’s plan. There was a decrease of 5% of finalised matters compared to the last reporting year, and the Division finished the year with an additional 709 applications on hand (increase of 77%).

Compared to previous reporting years, the composition of the Division’s caseload changed significantly. Just over half of the applications lodged in 2019–20 were for review of decisions relating to supports, with slightly less than half regarding eligibility for access to the NDIS. In this reporting year, there was a 76% increase in applications for supports and a 47% decrease in applications regarding access. The change in caseload is consistent with the national roll out of the NDIS and the impact of COVID-19 on the delivery of allied health and other services in 2020–21.

TABLE 14: NDIS CASELOAD, 2019–20 TO 2020–21 – BY DECISION TYPE

DECISION TYPE	LODGED			FINALISE D			ON HAND AT YEAR END		
	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20
Access to scheme	797	421	-47%	604	486	-20%	461	388	-16%
Plans	980	1,725	76%	918	957	4%	460	1,233	168%
Other	3	14	367%	5	5	0%	1	10	900%
TOTAL	1,780	2,160	21%	1,527	1,448	-5%	922	1,631	77%

A large proportion of NDIS applications continued to be finalised without a substantive hearing. Timeliness remained comparable to the previous reporting period with 85% of matters finalised within 12 months. The median number of weeks to finalisation increased from 18 to 23 weeks.

In 2020–21, we welcomed the assignment of Deputy President Meagher as the NDIS Division Head on 17 December 2020. Deputy President Meagher has contributed to the coordination and leadership of the Division since 2019 as a Senior Member. She has continued to play a pivotal role in the continuation of the national triage process and establishment of a dedicated team to review all incoming applications. The Division has developed a caseload strategy which encourages responsiveness, flexibility and timely case management by utilising members and conference registrars nationally and leveraging the Tribunal’s recent digital transformation.

Stakeholder engagement has continued to be a priority of the Division with the continuation of regular meetings with representatives of the National Disability Insurance Agency, Department of Social Services, disability advocacy organisations and Legal Aid. In November 2020, the Division conducted its first annual online stakeholder forum using Microsoft Teams.

Input from attendees was sought to inform the agenda and the Division will continue to use the platform moving forward to connect with users and stakeholders about issues, trends and opportunities for efficiency and improvement.

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. The number of lodgements in this area increased from 5 in 2019–20 to 21 in 2020–21, largely as a result of a related set of applications for review of decisions under the Archives Act. 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. Three cases were finalised in the current reporting period.

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 made by 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, 2020–21 was the second full year of operation for the Small Business Taxation Division. The Division experienced an increase in lodgements from its first full year with 552 cases lodged (compared with 274 in the 2019–20 year). Part of this increase was attributable to applications made by small businesses in relation to the JobKeeper Payment and Cash Flow Boost Credits schemes and other stimulus measures. These measures presented the Division with a cohort of cases requiring urgent determination and necessitating flexible case management. The median time to finalise cases in the Division was 9 weeks with many cases resolved during the pre-hearing process. Only 11% of applications for review had to be finalised by a Tribunal decision following a hearing, with all but 2 of those decisions being delivered within 28 days after the hearing.

In the Taxation and Commercial Division, there was a moderate decrease in applications lodged (718 in 2020–21 when compared with 797 in 2019–20) which is likely explained by the shifting focus of the ATO to stimulus measures cases in the short term. However, when combined with applications made in the Small Business Taxation Division, there was a significant increase in overall lodgements in comparison to the 2019–20 year (1,270 in 2020–21 compared to 1,071 in

2019–20). The Division achieved a substantial reduction in the on-hand caseload (some 13%) as a result of finalisation levels being maintained despite the challenges presented by operating in the coronavirus pandemic. There was an increase in the average time to finalise cases in the Division (from a median of 36 weeks to 45 weeks) however this is attributable to the resolution of a number of long-running disputes within the current reporting period and expectations are that this will return to lower levels in future years. A substantial proportion of applications for review of decisions in the Taxation and Commercial Division continued to be resolved during the pre-hearing process with the proportion finalised by a Tribunal decision following a hearing reduced from the previous year (13% of all matters which was down from 20% in 2019–20).

The AAT held liaison meetings with representatives of a number of the Divisions' decision-making agencies during the reporting year, including the Australian Securities and Investments Commission, the Australian Taxation Office and the Tax Practitioners Board in relation to operational issues. Liaison meetings were also held with other key stakeholders including representatives of the Australian Bar Association, the Australian Small Business and Family Enterprise Ombudsman and the Law Council of Australia, and there is broad consideration being given to the feasibility of developing a network of national pro bono schemes and other measures to improve accessibility for applicants. In the ongoing context of the COVID-19 pandemic, consultation has continued with a range of stakeholders on the COVID-19 Special Measures Practice Direction – Small Business Taxation and Taxation and Commercial Divisions, and we continue to engage with the Australian Taxation Office about the surge of cases that have arisen from the JobKeeper Payment scheme and other stimulus measures. Unfortunately, and once again, wider stakeholder forums that had been scheduled did not proceed due to the impact of the pandemic.

Veterans' Appeals Division

The Veterans' Appeals 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*. Senior Member Kirk has been appointed Practice Leader for this jurisdiction. Lodgement of applications in this caseload area remained similar to the 2019–20 period, with lower numbers than previous years, although there was a spike in lodgements at the end of the reporting period. The number of cases finalised and cases on hand decreased during the 2020–21 reporting period. As at 30 June 2021 there were 222 cases on hand.

Timeliness of these cases can often be impacted by the need to procure further evidence, particularly medical evidence. Additionally, many applicants access support throughout the review process and availability of assistance can also delay proceedings. Timeliness results have improved from 2019–20, with 58% of applications being finalised within 12 months. The length of time for applications to be finalised has improved by 9 weeks, with the average for the reporting period being 40 weeks.

Alternative dispute resolution

We use alternative dispute resolution (ADR) in many types of cases in the FOI, General, NDIS, 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.

The successful use of ADR processes continued during COVID-19 restrictions with events previously conducted in person being run by telephone and video instead. The number of in-person ADR events fell from 1,256 in 2019–20 to 82 in 2020–21. The number of ADR events conducted by video increased from 8 in 2019–20 to 320 in 2020–21. The number of ADR events conducted by telephone increased from 9,141 in 2019–20 to 10,040 in 2020–21. Overall, an ADR event was held in 4,299 matters in 2020–21 which is around 90 more matters than in 2019–20.

As set out in Table 15, in 2020–21, 81% 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. On average, parties spent a total of 60 minutes across 2 ADR processes per case, a similar result to last year. While the average days from lodgement to the last ADR event increased slightly to 147 days, it does not appear that COVID-19 had a significant impact on the timeliness of ADR during the reporting period.

The NDIS Division remained the case group with the highest proportion of cases (98%) finalised without a hearing. The ADR section also piloted seeking more timely qualitative feedback from participants in ADR processes. Accuracy of feedback was improved by seeking feedback within one week of the ADR process being held. The feedback received was positive with an overall 90% satisfaction rate with the conduct of ADR processes.

TABLE 15: ALTERNATIVE DISPUTE RESOLUTION STATISTICS – GENERAL AND OTHER DIVISIONS

Measure	Year	Freedom of Information Division	General Division			NDJS Division	Small Business Taxation Division	Taxation and Commercial Division	Veterans' appeals division	All General and Other Divisions
			Centrelink (second review)	Home Affairs	Workers' compensation					
Proportion of applications finalised without the AAT making a decision following a hearing	2019–20	57%	78%	60%	89%	99%	92%	81%	80%	83%
	2020–21	72%	78%	51%	93%	98%	92%	82%	76%	81%
Proportion of validly lodged applications finalised in the period in which at least one ADR process was held	2019–20	54%	66%	49%	86%	55%	22%	44%	84%	65%
	2020–21	59%	73%	48%	89%	69%	39%	45%	76%	65%
Median number of ADR processes held per case	2019–20	2	1	1	3	2	2	1	3	2
	2020–21	1	1	2	3	2	2	2	3	2
Median number of total minutes spent in ADR processes per case	2019–20	60	55	40	72	60	118	90	60	56
	2020–21	50	60	45	82	75	90	120	55	60
Median calendar days from lodgement to final ADR process	2019–20	167	105	105	273	123	71	214	224	141
	2020–21	79	104	118	286	144	76	258	217	147

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. Many of these decisions impact on Australian citizens, permanent residents or businesses. 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. Dr O'Connell's appointment term expired on 25 February 2021.

Caseload

Despite the continuing challenges posed by COVID-19 during this reporting period, the Migration and Refugee Division was able to finalise 23,246 cases. This included increasing finalisations in the refugee caseload and significantly reducing the backlog in business and student visa caseloads, by approximately a third and two thirds respectively. This was a significant achievement given the restrictions on operations through lockdowns, particularly in Melbourne, and the difficulties in conducting reviews remotely. Not all cases are suitable to proceed remotely and it has been necessary to adjust practices, procedures and the constitution of cases to accommodate the changing circumstances.

The Division's success can be attributed in part to initiatives undertaken in previous financial years that allowed it to adapt quickly to shifting COVID-19 restrictions and intermittent lockdowns. These initiatives included the implementation of an enhanced member support model, case management, triaging of cases, transition to digital case files, new technology and procedures for conducting remote hearings, and proactive outreach to applicants, representatives and interpreters.

As set out in Table 16, the Division's on hand caseload reduced by 11% over the financial year, from 63,305 to 56,036 cases. While this was largely due to a significant reduction in migration lodgements, the Division has been able to maintain its momentum from previous years even though membership numbers have not kept pace with lodgements. Finalisations decreased in comparison to the previous year, however this was a result of the types of cases finalised in late 2019–20. At the outset of the pandemic, the Division focussed on the less complex cases that could be finalised without a hearing or through remote hearings. As noted in the previous annual report, this left the Division with a more complex and aged backlog of cases on hand, which presents significant challenges for the years ahead. These cases tend to become more complicated and time consuming as waiting times are progressively extended. In this reporting period, the Division tackled a number of these cases, reducing the number of cases on hand for reviews of all visa cancellations by nearly a third, with a reduction of 63% in student visa cancellations alone.

The number of cases finalised in a reporting period is not the best indication of performance and effectiveness. The diversity and complexity of the cases finalised, and the overall outcomes of judicial review provide a more accurate assessment. The time required to finalise applications varies considerably between caseloads. For instance, some cases are very complex and require the review of extensive country information and submissions, with lengthy hearings. Generally, reviews of refugee visa refusals and cancellations fall into this category. As at 30 June 2021, approximately 57% of the cases on hand were refugee matters. Refugee cases are given a greater overall weighting and the Division estimates that these cases now comprise approximately 69% of the workload on hand.

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 the table below. Unless lodgements continue to decline, the Division will be unable to further reduce its backlog and will be unable to meet timeliness measures, which are expected to continue to decline.

TABLE 16: CASELOAD OVERVIEW, 2019–20 TO 2020–21 – MIGRATION AND REFUGEE DIVISION

	2019–20	2020-21	% change from 2019-20
Migration			
Lodged	18,690	5,448	-71%
Finalised	21,517	17,688	-18%
Clearance ratio	115%	325%	
On hand at year end	36,205	23,972	-34%
% finalised within 12 months	28%	15%	
Median time to finalise (weeks)	79	98	
Refugee			
Lodged	11,286	10,521	-7%
Finalised	4,885	5,558	14%
Clearance ratio	43%	53%	
On hand at year end	27,100	32,064	18%
% finalised within 12 months	25%	34%	
Median time to finalise (weeks)	109	104	
TOTAL			
Lodged	29,976	15,969	-47%
Finalised	26,402	23,246	-12%
Clearance ratio	88%	146%	
On hand at year end	63,305	56,036	-11%
% finalised within 12 months	28%	20%	
Median time to finalise (weeks)	82	99	

Migration cases

The Division received considerably fewer migration applications in 2020–21 compared with previous financial years, which is consistent with the lodgement figures for the final quarter of 2019–20. This has been attributed to fewer decisions made by the Department of Home Affairs, a result of border closures and COVID-19 restrictions. Coupled with strong finalisation rates, on-hand cases reduced across all migration caseloads in the reporting period.

Applications for review of visa refusals formed 79% of lodgements in the migration caseload, applications about nomination and sponsorship decisions comprised 12%, and the remaining 9% of applications were in relation to decisions to cancel visas.

The table below shows the number of applications lodged and finalised in the last 2 financial years for the key visa categories, and the number of cases on hand at the end of those reporting periods.

TABLE 17: MIGRATION CASELOAD, 2019–20 TO 2020–21, BY VISA CATEGORY

VISA CATEGORY	LODGED			FINALISED			ON HAND AT YEAR END		
	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20
Bridging	316	343	9%	291	358	23%	117	101	-14%
Business, skilled and work	7,342	1,995	-73%	8,345	7,232	-13%	18,475	13,226	-28%
<i>Nomination/Sponsor approval</i>	2,556	658	-74%	3,067	2,890	-6%	7,999	5,748	-28%
<i>Permanent business</i>	2,482	390	-84%	2,465	2,338	-5%	5,832	3,888	-33%
<i>Skilled</i>	1,199	302	-75%	1,354	872	-36%	1,483	914	-38%
<i>Temporary work</i>	1,105	645	-42%	1,459	1,132	-22%	3,161	2,676	-15%
Family	565	509	-10%	360	661	84%	1,218	1,089	-11%
Partner	2,195	843	-62%	2,120	1,845	-13%	5,649	4,646	-18%
Student	6,492	295	-95%	8,666	5,718	-34%	8,078	2,653	-67%
<i>Student cancellation</i>	508	81	-84%	1,257	272	-78%	303	111	-63%
<i>Student refusal</i>	5,984	214	-96%	7,409	5,446	-26%	7,775	2,542	-67%
Visitor	1,602	1,337	-17%	1,581	1,666	5%	2,451	2,122	-13%
Other	178	126	-29%	154	208	35%	217	135	-38%
TOTAL	18,690	5,448	-71%	21,517	17,688	-18%	36,205	23,972	-34%

In 2020–21, the Division changed the decision under review, or otherwise remitted the matter to the Department of Home Affairs, in 39% of finalised migration cases and affirmed the original decision in 38% of cases. Decisions are commonly changed on review because of the availability of new or additional evidence, including oral evidence, that was not before the original decision-maker. A change in the applicant’s circumstances since the time of the original decision can also be relevant under the law in many cases.

Refugee cases

In the past 5 reporting years, the Migration and Refugee Division has received sustained, high levels of lodgements relating to decisions about protection (refugee) visas, without a commensurate increase in member resources. This has resulted in a gradual but substantial increase in refugee cases on hand to 32,064 as at 30 June 2021. The active refugee caseload increased by 18% when compared to 30 June 2020 and constituted 57% of all cases on hand in the Division.

Refugee matters comprised 66% of all lodgements in 2020–21 and remains the largest single caseload within the Division. The rate of refugee lodgements continues to be largely unaffected by COVID-19, with lodgements only decreasing by 7% compared to the previous reporting year. This has been attributed to the large on-hand caseload at the primary level. 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.

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 generally successful despite the difficulties in scheduling and conducting in-person hearings, caused by periodic, localised lockdowns.

TABLE 18: REFUGEE CASELOAD, 2019–20 TO 2020–21 – BY COUNTRY OF REFERENCE

Country of reference	LODGED		% change from 2019–20	FINALISED		% change from 2019–20	ON HAND AT YEAR END		% change from 2019–20
	2019–20	2020–21		2019–20	2020–21		2019–20	2020–21	
China	1,321	3,158	139%	2,303	2,070	-10%	12,399	13,339	8%
Malaysia	5,179	3,011	-42%	983	1,473	50%	5,181	6,868	33%
India	411	931	127%	108	534	394%	1,510	1,774	17%
Indonesia	44	599	1261%	154	191	24%	658	1,435	118%
Vietnam	708	455	-36%	137	173	26%	1,503	1,336	-11%
Thailand	1,119	367	-67%	158	171	8%	834	1,051	26%
Fiji	620	296	-52%	187	154	-18%	436	931	114%
Philippines	33	275	733%	87	105	21%	668	649	-3%
Taiwan	213	265	24%	103	79	-23%	556	648	17%
Other	1,638	1,164	-29%	665	608	-9%	3,355	4,033	20%
TOTAL	11,286	10,521	-7%	4,885	5,558	14%	27,100	32,064	18%

The People's Republic of China was the most common country of reference for applications for review of protection visa decisions in 2020–21, accounting for 30% of all new lodgements. When compared to 2019–20, lodgements doubled in the reporting period and exceeded levels from previous years. Applications from Chinese nationals comprised 21% of the active refugee cases on hand as at 30 June 2021.

The number of applications from Malaysian nationals decreased in 2020–21, continuing the downwards trend observed in the previous financial year. These cases were no longer the largest single cohort of lodgements but still represented 29% of all lodgements in 2020–21. With over 26,000 applications relating to Malaysian nationals lodged since 1 July 2015, the Malaysian cases on hand have continued to increase over this period and currently comprise 42% of all refugee cases on hand at 30 June 2021. Cases relating to China and Malaysia represented nearly two-thirds of the Division's refugee backlog at the end of the reporting period.

Applications from nationals from more than 100 other countries, as well as non-citizens claiming to be stateless, made up the balance of the caseload for the reporting period. In addition to increased lodgements from nationals of India in 2020–21, there were notable increases in applications from nationals of Indonesia and the Philippines. Information about the number of lodged, finalised and on hand applications for all countries is available on our website.

Applications lodged by persons who entered Australia by sea as unauthorised maritime arrivals increased to 189 in the reporting period from 93 in 2019–20. However, lodgement rates remained markedly lower than the number of applications received in financial years prior to 2019–20. Generally, these legacy cases related to unauthorised maritime arrivals who entered Australia prior to 13 August 2012. Decisions made in relation to unauthorised maritime arrivals who entered Australia after this time are ordinarily reviewed by the Immigration Assessment Authority.

In relation to the outcomes of reviews in 2020–21, 6% of all finalised cases were remitted to the Department of Home Affairs compared with 7% in 2019–20. The decision under review was affirmed in 46% of cases, substantially lower than the 61% recorded for the previous year. This was the result of increases in the proportion of cases that were found not to have met application requirements (26%) or were dismissed by the Tribunal on the basis that the applicant failed to appear at a hearing (11%). The proportion of applications that were withdrawn remained consistent with the previous year (11%).

Caseload strategy

The Division formulates a caseload strategy each year, which sets out our goals in relation to management of the workload, how those goals will be achieved, and informs the allocation of resources. The strategy is based on projected benchmarks, which assists the Division to plan and implement the constitution of cases to members. In this reporting period, the Division developed a multi-phase caseload strategy to accommodate and adjust to the impacts of COVID-19.

In the first half of the financial year, the Division targeted priority caseloads, including detention matters, court remittals, cancellations and other cases granted priority for compelling circumstances. The strategy allowed for a flexible approach to the allocation of cases and, as

intermittent lockdowns prevented members from holding in-person hearings, identified other case cohorts that could be progressed by alternative means. Adjustments needed to be made because of the extended lockdown in Melbourne and the Division revised its projections when the impact of these restrictions became clear. Fortunately, the Division was able to finalise many of the cases that had been deferred by the second half of the financial year, when restrictions were eased in most regions and the Division was able to hold more face-to-face hearings.

The Division will continue to focus on case management through proactive triaging and outreach but unless there is a significant and sustained decline in lodgements, an increase in membership and staffing and legislative changes to give the Division the power to enforce directions, it is anticipated that the backlog and delay in finalising cases will continue.

Engagement

The pandemic necessitated a shift in the way in which the Division engaged with external stakeholders in 2020–21. Our regular engagement with the Department of Home Affairs transitioned to a completely virtual format and involved the discussion of strategic and high-level operational issues relating to the conduct of reviews and the Division's workload.

We hosted two virtual forums in November 2020 covering all registry locations to exchange information with key external stakeholders, including peak migration agent bodies and advocates, on operational, procedural and caseload issues. Over 200 stakeholders participated across the 2 sessions, with the alternate format providing new opportunities and methods of engaging with our stakeholders.

Throughout the year, members in the Division presented at a number of virtual information sessions or forums, facilitated by migration advice industry or legal professional bodies.

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.

Caseload

The 2020–21 reporting year saw a 17% decrease in overall lodgements in comparison to 2019–20. This can be attributed to a 20% fall in the number of applications for review of Centrelink decisions. Lodgements in relation to child support decisions remained steady during the reporting year. The Division performed strongly to finalise more cases than were lodged in 2020–21 in an average time of 9 weeks.

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

TABLE 18: CASELOAD OVERVIEW, 2019–20 TO 2020–21 – SOCIAL SERVICES AND CHILD SUPPORT DIVISION

	2019–20	2020–21	% change from 2019–20
Centrelink (1st review)			
Lodged	13,040	10,377	-20%
Finalised	13,937	10,531	-24%
Clearance ratio	107%	101%	
On hand at year end	1,628	1,486	-9%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	8	9	
Child support			
Lodged	2,432	2,434	<1%
Finalised	2,569	2,349	-9%
Clearance ratio	106%	97%	
On hand at year end	578	674	17%
% finalised within 12 months	>99%	98%	
Median time to finalise (weeks)	13	11	
Paid parental leave			
Lodged	241	202	-16%
Finalised	243	208	-14%
Clearance ratio	101%	103%	
On hand at year end	33	26	-21%
% finalised within 12 months	100%	>99%	
Median time to finalise (weeks)	7	9	

	2019–20	2020–21	% change from 2019–20
TOTAL			
Lodged	15,713	13,013	-17%
Finalised	16,749	13,088	-22%
Clearance ratio	107%	101%	
On hand at year end	2,239	2,186	-2%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	9	9	

Centrelink

Applications for review of Centrelink decisions declined by 20% in 2020–21. They constituted 80% of lodgements in the Division, similar to the previous year. Table 19 shows the number of applications lodged and finalised and the number of cases on hand at 30 June 2021 for the key payment types for the current and previous reporting period.

TABLE 19: CENTRELINK FIRST REVIEW CASELOAD, 2019–20 TO 2020–21 – BY PAYMENT TYPE

PAYMENT TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20
Age pension	1,058	1,105	4%	1,122	1,116	-1%	163	147	-10%
Austudy payment	396	204	-48%	445	207	-53%	34	28	-18%
Carer allowance	305	232	-24%	317	245	-23%	37	26	-30%
Carer payment	588	409	-30%	635	409	-36%	73	74	1%
Disability support pension	3,713	3,199	-14%	4,294	3,302	-23%	535	432	-19%
Family tax benefit	1,689	1,548	-8%	1,668	1,537	-8%	259	263	2%

PAYMENT TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20
JobSeeker payment ^a	374	830	122%	301	770	156%	72	133	85%
Newstart allowance	1,896	714	-62%	2,050	754	-63%	122	85	-30%
Parenting payment	742	548	-26%	771	550	-29%	92	88	-4%
Youth allowance	1,167	601	-49%	1,231	622	-49%	97	75	-23%
Other	1,112	987	-11%	1,103	1,019	-8%	144	138	-4%
TOTAL	13,040	10,377	-20%	13,937	10,531	-24%	1,628	1,489	-9%

* A single application may relate to more than one type of reviewable decision. These figures relate to the payment type recorded by the AAT for the first reviewable decision.

^a JobSeeker payment commenced on 20 March 2020 and replaced Newstart allowance as the main working age payment.

While the number of applications relating to the disability support pension decreased significantly in the reporting period, it remained the payment type most commonly the subject of applications in the Division, constituting 31% of all Centrelink lodgements. Applications about age pension, family tax benefit, Newstart allowance and JobSeeker payment were the next most common. The Division received 55% more JobSeeker applications in 2020–21 in comparison to the previous reporting year.

Table 20 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 2020–21. The number of primary decisions relating to a debt was 3,507, 56% fewer than in 2019–20, while there were 4,163 primary decisions about refusal of a claim, 21% fewer than in 2019–20.

TABLE 20: CENTRELINK FIRST REVIEW LODGEMENTS, 2019–20 TO 2020–21 – BY DECISION TYPE*

DECISION TYPE	2019–20		2020–21	
	No	% of total	No	% of total
Cancellation of payment	782	6%	687	7%
Debt	5,475	42%	3,507	34%
Rate of payment	564	4%	758	7%
Refusal of claim	5,046	39%	4,163	40%
Start date of payment	802	6%	878	8%
Other	371	3%	384	4%
TOTAL	13,040	100%	10,377	100%

* A single application may relate to more than one type of reviewable decision. These figures relate to the decision type recorded by the AAT for the first reviewable decision.

The 10,531 applications finalised during the reporting year related to 12,278 decisions made by Centrelink. We varied or set aside 20% of these decisions in 2020–21 compared with 21% in 2019–20. The Tribunal affirmed 50% 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, decreased in the reporting year affecting 20% 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.

Child support

Applications for review of decisions about child support remained steady in this reporting period and comprised 19% of all applications received in the Division, 4% higher than the previous reporting period. Table 21 shows the number of child support applications lodged and finalised in 2020–21 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 21: CHILD SUPPORT CASELOAD, 2019–19 TO 2020–21 – BY DECISION TYPE

TYPE	LODGED			FINALISED			ON HAND AT YEAR END		
	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20	2019–20	2020–21	% change from 2019–20
Care percentage decision	826	826	0%	912	708	-22%	122	250	105%
Change of assessment	874	711	-19%	854	812	-5%	348	232	-33%
Non-agency payment	153	185	21%	173	179	3%	23	32	39%
Particulars of the assessment	262	318	21%	282	292	4%	32	74	131%
Refusal of extension of time to object	100	141	41%	131	121	-8%	10	33	230%
Other	217	253	17%	217	237	9%	43	53	23%
TOTAL	2,432	2,434	0%	2,569	2,349	-9%	578	674	17%

Applications increased for most types of decisions in the reporting period. Applications seeking review of determinations about the percentage of time a parent or carer cares for a child were the most common and constituted 34% of all child support lodgements. Applications relating to an assessment of how much child support is payable were the next most common and constituted 29% of all child support lodgements, decreasing by 19% on the previous reporting period. There were modest variations in the volume of most other types of reviewable decisions, with the exception of applications about refusals to extend the time to object which increased by 41% in 2020–21.

The Division achieved a 97% clearance ratio in this reporting period, with the average time from lodgement to finalisation decreasing from 13 weeks to 11 weeks. In relation to the outcomes of reviews, the Tribunal varied or set aside the decision following a hearing in 33% of cases, which is similar to earlier years. The decision was changed in accordance with terms of agreement reached by the parties in less than 2% of applications, similar to that in 2019–20. The Tribunal affirmed the decision in 29% of applications, consistent with the previous reporting year. Applications were otherwise finalised by the applicant withdrawing the application or the Tribunal dismissing the application.

Paid parental leave

Applications for the review of decisions about paid parental leave decreased by 10% in 2020–21 and was the smallest part of the Division's workload. The Division finalised more applications than were lodged, with the average time to finalise applications slightly increasing to 9 weeks in the reporting period. In relation to the 209 decisions that were the subject of finalised applications, the Tribunal set aside or varied 5% of the reviewable decisions and affirmed 63%, an increase of 12 percentage points compared to 2019–20. The AAT did not have power to review 17% of the decisions. The remainder of applications were otherwise withdrawn or dismissed by the Tribunal.

Caseload strategy

In March 2021 the Division established the Caseload Management Allocation Team and centralised listings nationally. The Team had responsibility for managing listings nationally from May 2021, providing a more consistent approach to the assignment of work among the membership.

A case weighting model is being developed and expected to come into effect in early July 2021. The case weighting model further supports a fair and equitable allocation of work to members, by determining the average complexity and time involved with different types of cases. More broadly, the model will facilitate a better understanding of member capacity and performance, and will align with the model already in place for the Migration and Refugee Division, supporting members working across divisions.

The Division employed several case management 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, an early case assessment process was conducted until February 2021 with case assessment registrars reviewing 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 to better understand the issues, prepare for hearings and, where appropriate, facilitate the earlier resolution of cases. Almost 40% 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 2020–21 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 508 cases in the reporting year to explore the potential for resolution by agreement. Approximately 27% of those cases were resolved without the need for a hearing. Cases otherwise proceeded to directions hearings conducted by a Tribunal member or directly to a hearing.

With the continued effects of the coronavirus pandemic and a series of state-based lockdowns, we identified cases requiring an in-person hearing and prioritised these for when in-person hearings could be resumed consistent with public health directions and COVID-safe principles. The COVID-19 Special Measures Practice Direction – Social Services and Child Support Division developed in the last reporting year remained in effect. This ensured we could still deliver our services to applicants who could not otherwise attend AAT registries.

In 2020–21, the Tribunal gave its decision and reasons for decision orally at the end of a hearing in 8% of Centrelink cases, 2.5% of child support cases and 22% of paid parental leave cases finalised by the Division. This approach is an effective strategy in providing a timely outcome and explanation to parties, and will continue to be utilised by 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 1,826 applications for second review of decisions lodged in 2020–21, there were 97 applications about child support decisions, a decrease of 25% when compared to the previous reporting period, and 7 about paid parental leave decisions.

Of the applications made in respect of Centrelink decisions, 122 were lodged by the Secretary of the Department responsible for administering the relevant legislation. As set out in Table 22, the number of Secretary appeals received in 2020–21 was similar to the previous reporting period. The General Division finalised a total of 123 Secretary appeals in the reporting period with the Division's decision remaining unchanged in 50% of the applications finalised and changed either by a Tribunal decision following a hearing or by agreement between the parties in 50% of the applications finalised.

TABLE 22: APPLICATIONS LODGED BY SECRETARY* FOR A SECOND REVIEW OF CENTRELINK DECISION

	2019–20		2020–21	
	No	% of total	No	% of total
Lodged	119		122	
Finalised	75		123	
<i>Decision affirmed by Tribunal^b</i>	5	7%	11	9%
<i>Decision varied or set aside by Tribunal^b</i>	25	33%	39	32%
<i>Decision varied or set aside by consent^c</i>	15	20%	22	18%
<i>Dismissed by operation of law^d</i>	2	3%	1	1%
<i>Withdrawn by applicant</i>	28	37%	50	41%

* 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.

NB: Percentages may not total 100% due to rounding

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 decisions varied or set aside on second review was 24%. The number of decisions varied or set aside on second review for Centrelink and paid parental leave matters was 21%. 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 2020–21. The meetings focused on legislative changes, procedural and workload issues and other matters that affect our work in the Centrelink and child support jurisdictions.

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 and Family Court (Division 2) 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 and Family Court (Division 2) 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 and Family Court (Division 2). 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 23, 4,653 appeals were lodged in 2020–21, 96% 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. The appeal rate for decisions made by the Migration and Refugee Division in the reporting period was 23%, 25% for character-related visa decisions in the General Division and between 1% and 11% for other categories of decisions.

There were 2,228 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 21% of cases with the number of allowed appeals amounting to 1.8% of all decisions

made in 2019–20 that could have been appealed to the courts. These results were an improvement on the results for 2019–20 which were affected by a particular set of circumstances. More than 300 appeals against Migration and Refugee Division decisions were allowed by consent in the previous reporting period following 2 Federal Court decisions which held that the Department had not properly notified the applicants of the original decision to refuse to grant their visa, a matter beyond the control of the AAT.

The rate of appeals allowed against decisions of the Migration and Refugee Division or its predecessor tribunals as a proportion of all finalised appeals improved in the reporting period. However, the rate was still higher than in 2018–19 (and 2019–20 if 2 Federal Court decisions of significant impact are excluded). The number of appeals allowed in relation to child support decisions in the Social Services and Child Support Division increased from 1 in 2019–20 to 4 in the reporting year leading to the increase in the rate of appeals allowed in that Division. The result for other divisions remained consistent with earlier years.

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.

TABLE 23: COURT APPEALS LODGED AND FINALISED, 2019–20 TO 2020–21 – BY DIVISION*

	COURT APPEALS LODGED		COURT APPEALS FINALISED ^c		
	Lodged ^a	Proportion of total AAT decisions ^b	Finalised	Proportion allowed against total appeals finalised	Proportion allowed against total decisions ^d
FOI, General, NDIS, Security, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions					
2019–20	139	5%	181	38%	3.0%
2020–21	164	7%	148	38%	2.2%
Migration and Refugee Division					
2019–20	5,106	24%	2,857	24%	4.1%
Social Services and Child Support Division^e					
2019–20	24	1%	21	5%	0.1%
2020–21	22	1%	28	14%	0.2%
TOTAL					
2019–20	5,269	21%	3,059	25%	3.7%
2020–21	4,653	19%	2,228	21%	1.8%

* 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.

^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 as a proportion of all AAT 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 and Family 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 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.

^e 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 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 on our website.

Significant court decisions

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

Minister for Immigration, Citizenship, Migration Services and Multicultural Affairs v Parata [2021] FCAFC 46

In this judgment, a Full Court of the Federal 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.

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 Federal Circuit Court had 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, finding that the prescribed period for applying for review had not commenced and the application for review made to the AAT was not out of time.

On appeal, the Full Court confirmed that a valid notification of a cancellation decision under section 127 must state whether it is reviewable under Part 5 or Part 7 of the Act. If this information is not included in the notification, it will not be a valid notification under the Act and the prescribed time period for applying for review by the AAT will not have started to run. A plurality of the Court also held that the validity of a defective notification was not dependent upon an assessment of whether any defects in the notification had materially prejudiced the applicant on the facts of the particular case.

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 application for special leave to appeal in the High Court.

Freedom of information

In 2020–21, the Office of the Australian Information Commissioner notified the AAT of 3 applications for review of decisions we made in relation to requests for access to documents under the Freedom of Information Act. One application was finalised during the reporting year which was withdrawn by the applicant. 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 (IPS). 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 5 complaints made by 3 complainants in relation to the AAT in 2020–21. The Commission declined to investigate one complaint and decided to terminate 2 related complaints. The remaining 2 related complaints were resolved through conciliation.

The Commonwealth Ombudsman made preliminary enquiries in relation to 3 complaints concerning the AAT during the reporting year, 2 of which were finalised without progressing to a formal investigation. The third was finalised following an investigation which resulted in the AAT providing a better explanation and an apology to the complainant. The Ombudsman investigated one further complaint concerning the AAT which was finalised with no further action taken.

The Office of the Australian Information Commissioner received 7 privacy complaints relating to the AAT in 2020–21 and finalised 13 complaints. Five of the 13 complaints were related and finalised following conciliation. No action was taken in relation to the other complaints and 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 2020–21.

On 29 March 2021 the AAT appeared at a public hearing held by the Senate Community Affairs References Committee in its inquiry into Centrelink's compliance program. The AAT gave evidence about the AAT's role in reviewing decisions made under Centrelink's income compliance program.

User experience

The AAT seeks to ensure that our services are accessible, user focused 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 with an Auslan interpreter which covers 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 decisions. These resources include:

- fact sheets relating to some common types of decisions
- an interactive tool to help community workers assist people to provide relevant information in support of applications about a disability support pension decision
- the Guide to Refugee Law in Australia which 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.

In 2020–21 we published 2 new resources on our website: the AAT's Interpreter Policy and our Handbook for Interpreters. These resources set out:

- the AAT's arrangements for the use of interpreters during the review process
- our requirements for interpreting at the AAT, including the roles and responsibilities of interpreters
- information for interpreters about the AAT and the review process.

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. As part of this commitment, we educate 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 peoples.

During the reporting year, we established a working group to develop a new Reconciliation Action Plan for the AAT and renewed our commitment to ensuring that everyone at the AAT takes action to make our services and workplaces inclusive and respectful of Aboriginal and Torres Strait Islander peoples.

People with disability

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

- ensuring our website meets Australian Government accessibility guidelines and standards
- having text-to-speech software available on our website
- making documents available in appropriate formats
- using the National Relay Service to facilitate telephone contact for people with a hearing or speech impairment
- undertaking conferences and hearings by telephone or video
- providing hearing augmentation systems in Tribunal premises
- 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 2020–21 (where information is available) is in the table below.

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 24: PERFORMANCE AGAINST SERVICE STANDARDS, 2020–21

COMMITMENT	RESULT FOR 2020–21
We will treat you with respect and courtesy	
<p>We will be polite, respectful, courteous and use language that is clear and understandable.</p>	<p>In our 2021 user feedback survey, most parties and representatives agreed that members, registrars and staff were courteous and respectful: an average of 86% for parties and 94% for representatives. A majority of parties and representatives also agreed that members, registrars and staff explained things clearly: an average of 77% for parties and 91% for representatives. These results are between 4 and 6 percentage points higher than those achieved in 2019–20.</p> <p>Of the 233 complaints finalised in 2020–21, 6 involved adverse findings in relation to issues of this kind.</p>
We will make ourselves accessible	
<p>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.</p>	<p>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.</p>
<p>All correspondence will include our contact details.</p>	<p>All AAT correspondence included relevant contact details for the Tribunal, including the name of a person to contact.</p>
<p>Wheelchair access and portable hearing loop systems are available at each registry.</p>	<p>All AAT premises were wheelchair accessible. Hearing augmentation systems were available at each of our registries.</p>
<p>Hearings will be held in capital cities and in regional centres (where possible).</p>	<p>We held hearings in all capital cities and 2 regional locations.</p>
<p>We conduct many hearings by phone or videoconference.</p>	<p>We recorded that the following number of case events were conducted by telephone or video: 9,709 conferences; 874 other alternative dispute resolution processes; 2,800 directions hearings; 697 interlocutory hearings and 20,373 hearings (9,945 in the Migration and Refugee Division, 9,293 in the Social Services and Child Support Division and 1,135 in other divisions).</p> <p>92% of all case events conducted in 2020-21 were recorded as being by telephone or video, compared with 68% in 2019–20. The limitations on holding case events in person arising from the COVID-19 pandemic contributed to the increase.</p>
<p>If you need an interpreter, we will provide one free of charge.</p>	<p>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.</p>
<p>We have information about our procedures available from our offices and on our website.</p>	<p>Our website contains information about our procedures in written and audio-visual 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 2021 user feedback survey, parties and representatives provided average positive ratings of 75% and 84% in relation to the quality of our information products, including our website. These results are broadly consistent with those achieved in 2019–20.</p>

We will deal with you fairly

You or your representative will have a reasonable opportunity to present your case.

We provide parties with an opportunity to present their case in various ways depending on the type of decision we are reviewing. Parties may provide information and submissions at any time during the review as well as in response to specific requests from the Tribunal. If an application proceeds to a formal determination, we generally hold a hearing at which parties may give evidence and make submissions before the Tribunal makes a decision in a case.

In our 2021 user feedback survey, 78% of parties agreed that registrars gave them a chance to explain their case at a conference, 9 percentage points higher than the result achieved in 2019–20. In relation to hearings, 74% of parties and 84% of representatives agreed that the member gave the parties a chance to present their case. While the result for parties was 4 percentage point lower than in 2019–20, the result was 5 percentage points higher for representatives.

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 233 complaints finalised in 2020–21, 3 involved adverse findings in relation to this issue.

Complaints to the AAT

Complaints may be made to the Tribunal verbally or in writing, including through our online complaints and feedback form. When a matter is raised with us verbally, members and staff are encouraged to address the issue or concern at the time of the interaction where possible. In circumstances where the matter cannot be readily resolved, the person is advised that they may escalate their complaint.

We aim to provide a final response to a written complaint or escalated verbal 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 its progress.

We treat all complaints seriously and conduct investigations in an impartial manner 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.

As shown in Table 25, the AAT received 248 complaints in 2020–21, 27 more than in the previous reporting year. The table also shows the number of complaints received for every 1,000 applications we finalised, a figure which increased in the current reporting period after trending lower in earlier years.

TABLE 25: COMPLAINTS MADE TO THE AAT, 2019–20 TO 2020–21

	2019–20	2020–21
Complaints made	221	248
Applications finalised	51,606	44,565
Complaints per 1,000 applications finalised	4.3	5.6

Table 26 shows the subject matter of the complaints received in the reporting year. There were noted increases in the number of complaints relating to Tribunal decisions (14) and the conduct of members (19).

TABLE 26: ISSUES RAISED IN COMPLAINTS TO THE AAT, 2020–21

Tribunal decisions	66
Conduct of members	56
Delay/timeliness	56
Administrative/procedural errors	33
Conduct of registrars	11
Conduct of staff	10
Fee refund	5
Privacy	5
Online services	3
Fraud	1
Publication of Tribunal decisions	1
Website	1
TOTAL	248

During 2020–21, we provided a response to 233 complaints, including some carried over from the previous reporting year. We responded to 175 complaints within our time standard of 20 working days. 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 45 complaints, compared with 61 complaints in 2019–20. 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, our online lodgement system 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

We conduct an annual survey of people who use our services to evaluate how well we are meeting our statutory objective, and to identify where we can improve. The most recent survey was conducted by an independent researcher on our behalf in May and June 2021.

Survey participants included individuals, organisations and their professional representatives, who were parties to an application finalised between 1 December 2020 and 31 March 2021. We received 1,259 responses from parties and 398 responses from representatives.

We used the results to calculate our user experience rating, one of our performance measures reported earlier in this chapter. This year we received a user experience rating of 77% (against our target of 70%), a significant increase on last year's result of 72%. As in previous years, we noted people who did not receive a favourable review outcome generally responded more negatively to survey questions.

When asked about the experience of applying for a review, 80% of parties and 95% of representatives agreed the process of applying for a review was easy, and 77% of parties reported that they had a good understanding of the review process.

We aim to prepare users for the Tribunal experience by providing information in a range of formats including through website content, letters, fact sheets, practice directions, guides and videos. An average of 77.5% of parties and 89.5% of representatives told us that they found the information we provided helpful and that it was easy to understand. While 76% of parties and 82% of representatives found it easy to find information on our website, only 66% of parties and 70% of representatives said the website included all the information they needed. This indicated our users now expect to find the majority of information they need online rather than looking to additional sources. Our other information products received better scores with 75% of parties and 87% of representatives indicating that they found everything they needed. For those that had questions, 79% of parties and 90% of representatives agreed that that our staff were knowledgeable about AAT processes.

Parties and representatives responded positively to questions about their interactions with our members, registrars, and other staff. Between 74 and 82% of parties, and 81 and 85% of representatives, thought that we were courteous and respectful, and that we provided clear explanations. Seventy-four per cent of parties and 84% of representatives were happy about the opportunity they or their clients had to present their case to a member, while 78% of parties were happy about being able to present their case to a registrar. Parties and representatives both reported satisfaction with the level of formality of conferences (parties: 79% and representatives: 95%) and hearings (parties: 84% and representatives: 93%).

In relation to the review process overall, 68% of parties and 85% of representatives agreed that the process was conducted to a high standard.

69% of parties and 90% of representatives agreed that decisions were clear and explained in a way that they could understand. This result was a significant improvement when compared to the results received in the 2020 survey (64% and 80% respectively).

As to fairness and independence, 82% of representatives agreed the review process was fair and 86% agreed that the AAT was independent from the decision-maker. Noting a strong correlation to review outcomes, 65% of parties thought that the review process was fair and 72% agreed it was independent.

Results on timeliness continues to reflect the ongoing resourcing challenges that we face at the AAT. Only 62% of parties and 58% of representatives considered that the review process was completed in a reasonable time, noting there was some variation between types of cases.

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 2020–21 to discuss issues relating to the operations of the AAT. A key theme for this engagement continued to be the coronavirus pandemic and its impact on our services.

We engaged regularly with the Law Council of Australia and with departments whose administrative decisions we review. 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 as well as the AAT's role and processes. Our 16th National Mooting Competition was held between July and October 2020. It involved 29 teams of students from universities across Australia presenting submissions on scenarios drawn from the AAT's different jurisdictions in mock hearings adjudicated by AAT members. The winning team was from the University of Tasmania.

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

Chapter 4 Immigration Assessment Authority

Immigration Assessment Authority

The Immigration Assessment Authority (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 2021, Ms Kylie Allen was acting Senior Reviewer, with the incumbent, Ms Sobet Haddad acting as National Director Tribunal Services. There were 29 Reviewers at the end of the reporting period. In accordance with section 473JE of the Migration Act, the Registrar made 8 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 are accompanied by 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*.

Performance

Caseload information

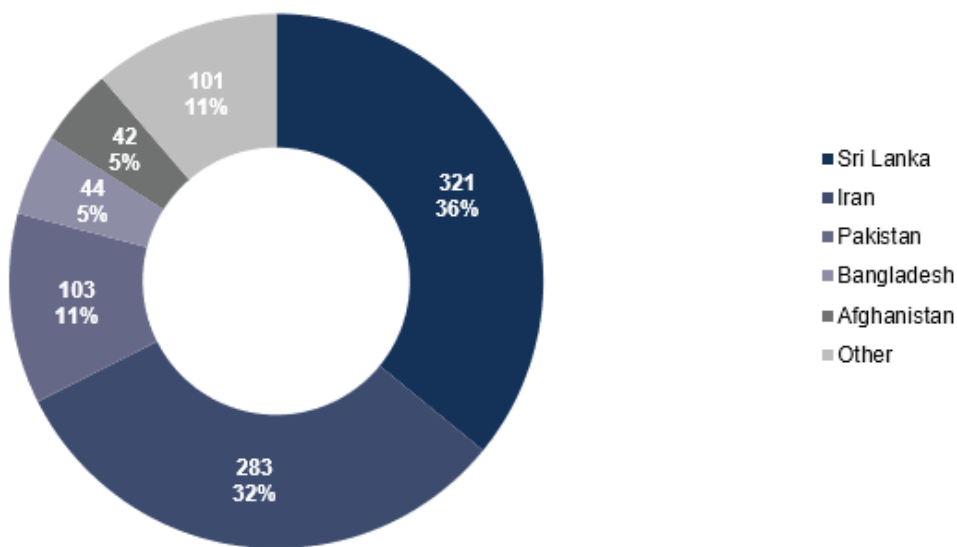
As shown in the table below, the number of referrals to the IAA was significantly lower in 2020–21 than in 2019–20. The IAA received an average of 75 referrals per month in 2020–21, a 49% decrease compared with the previous year. This reduction in referrals was a result of the impacts of COVID-19.

TABLE 27: IAA CASELOAD OVERVIEW, 2019–20 TO 2020–21

	REFERRALS	FINALISATIONS	ON HAND AT YEAR END	MEDIAN TIME TO FINALISE (WEEKS)
2019–20	1,745	1,731	106	5
2020–21	894	788	212	5

The top 5 countries of reference of referred applicants in 2020–21 were Sri Lanka, Iran, Pakistan, Bangladesh and Afghanistan. The chart below shows the number and proportion of referrals made for these and all other countries. Sri Lanka remained the largest single source country of referrals overall and increased its proportion of the IAA’s caseload. Referrals from Iran also increased proportionately, while the number of referrals from Pakistan decreased during this period.

FIGURE 6: IAA REFERRALS BY COUNTRY OF REFERENCE, 2020–21



The IAA finalised 788 cases in 2020–21. There were 212 cases on hand at 30 June 2021 which had a median age of 15 days from referral. The IAA maintained the median 5 weeks from referral to decision for the reporting period as was reported for the previous year.

The IAA affirmed the decision under review in 717 cases during the 2020–21 period. The decision was remitted to the Department for reconsideration in 55 cases. Sixteen cases were finalised on the basis that they were referred to the IAA in error.

TABLE 28: OUTCOMES OF IAA REVIEWS, 2019–20 TO 2020–21

	DECISION AFFIRMED		DECISION REMITTED		OTHER ^a	
	No	% of total	No	% of total	No	% of total
2019–20	1,625	94%	96	6%	10	1%
2020–21	717	91%	55	7%	16	2%

^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. The IAA published 115 decisions made in 2020-21 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 and Family Court and decisions may be subject to further appeal. As shown in the table below, 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 and Family Court finalised 496 judicial review applications relating to IAA decisions. Of those applications, 379 were dismissed and a further 3 set aside the decision under review. In 114 applications, the case was remitted to the IAA: 54 by consent and 60 by judgment. There have been 166 further appeals lodged against decisions of the Federal Circuit and Family Court, including 33 to the Federal Court and one to the High Court. Of these appeals, 6 were lodged by the Minister and the remaining 160 were by applicants appealing a decision to dismiss the judicial review application.

The table below shows the outcomes of judicial review applications that have been finally determined in the last 2 financial years. As at 30 June 2021, a further 4,555 applications remain unresolved, including appeals against decisions of the Federal Circuit and Family Court.

TABLE 29: IAA COURT APPEALS LODGED AND FINALISED, 2019–20 TO 2020–21

	COURT APPEALS LODGED		COURT APPEALS FINALISED ^c			
	Lodged ^a	Proportion of total IAA decisions ^b	Allowed		Dismissed or Discontinued	Total appeals finalised
	No	%	Remitted	Set aside ^d	No	No
2019–20 ^e	1,407	81.3%	255	7	578	840
2020–21	688	87.3%	155	3	365	523
TOTAL	2,095	83.2%	410	10	943	1,363

^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 and Family 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 2019–20 differ from those published in the Annual Report 2019–20. The IAA was notified of additional appeals lodged in the Federal Circuit and Family Court after the figures were prepared for that report, and a number of appeals considered finalised at that time have subsequently become active by an appeal to a higher court.

Significant court decisions

During the reporting year, 3 decisions of the High Court had, or dealt with issues relevant to fast track procedures and decision-making.

***AUS17 v Minister for Immigration and Border Protection* [2020] HCA 37**

In this case the High Court considered the operation of section 473DD of the Migration Act which prohibits the IAA from considering 'new information' unless it is satisfied that there are exceptional circumstances to justify considering the information (subparagraph 473DD(a)), and the applicant satisfies the IAA that the information was not, and could not have been, provided to the Minister before the Minister made the decision (sub subparagraph 473DD(b)(i)) or that it is "credible personal information" which was not previously known and, had it been known, may have affected the consideration of the applicant's claims (sub subparagraph 473DD(b)(ii)). In addressing new information provided by the applicant, the IAA had found that sub subparagraph 473DD(b)(i) was met but that there were no exceptional circumstances to justify considering the information. The

issue on appeal was whether, in finding that the information could not be considered, the IAA had misapplied section 473DD.

Allowing the appeal, the High Court held that section 473DD requires the IAA to assess new information against the criteria in both sub subparagraphs 473DD(b)(i) and (b)(ii), and then, if at least one of those criteria is met, take that assessment into account in its consideration of whether there are exceptional circumstances under subparagraph 473DD(a), before concluding that it is prohibited from considering the new information.

The judgment restores the position established in an earlier decision of the Federal Court and effectively overruled a subsequent line of authority of the Full Federal Court of Australia.

ABT17 v Minister for Immigration and Border Protection [2020] HCA 34

The issue in this appeal was whether it was legally unreasonable for the IAA, in its review of a decision of the Minister's delegate, to depart from the delegate's favourable assessment of the applicant's credibility without inviting him to an interview. The applicant had appeared before the delegate at an interview that was audio recorded. Based in part on his demeanour, the delegate found that his evidence during the interview was plausible; on review however, after reviewing the audio recording of the interview, the IAA did not accept the applicant's account of events.

The High Court unanimously held that in the circumstances of this case it was legally unreasonable for the IAA to depart from the delegate's assessment of the applicant's credibility. The plurality held that the legal unreasonableness arose from the IAA having departed from the delegate's assessment without exercising its power under section 473DC of the Migration Act to invite the applicant to an interview so as to place itself in as good a position as the delegate to assess his credibility. In contrast to the remaining judges, the plurality held that the IAA's impression of the applicant's appearance during such an interview would constitute 'new information' within the meaning of section 473DC of the Act.

The judgment illustrates the kinds of circumstance where the IAA may need to consider its subsection 473DC(3) discretion to obtain new information, highlighting the potential significance where an 'informational gap' arises between the information before the delegate and that which is before the IAA.

Minister for Home Affairs v DUA16; Minister for Home Affairs v CHK16 [2020] HCA 46

In each of these cases the applicant's migration agent had acted fraudulently by providing the IAA with pro forma submissions and concealing that fact. In DUA16's case the submissions referred to some of the applicant's personal circumstances but also contained information relating to a different person. In CHK16's case the entirety of the personal details in the submission related to another person. In each case the IAA was unaware of the fraud but aware that the submissions contained information relating to another person and disregarded that information. The issue was whether the IAA's decision was vitiated by the fraud, and whether it was unreasonable for the IAA not to exercise its power to obtain corrected submissions. The High Court allowed the Minister's appeal in *DUA16* and dismissed the appeal in *CHK16*. In each case the Court held that the IAA's decision

was not vitiated by fraud as it had not been shown that the fraud had affected the IAA's statutory duty, function or power. However, in what it described as the extreme circumstances in CHK16's case, the Court held that it was legally unreasonable in that case to have failed to request submissions pursuant to section 473DC of the Migration Act, knowing that CHK16 intended to provide submissions, that those submissions might contain new information, and that the submissions provided concerned the personal circumstances of another individual entirely.

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 conduct of an interview. The IAA assessed the complaint and provided a written response. While the complaint was not upheld, steps have been taken to review the procedures for the sharing of documents during interviews in a COVID-19 safe environment.

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 2020–21 and their responsibilities are detailed in Chapter 2 Overview of the AAT.

Senior management and committees

The President and the Registrar are supported in carrying out their roles by a number of committees.

The Tribunal Leadership Group is the AAT's pinnacle governance body. Comprising the President, Division Heads, Registrar and National Director Tribunal Services, the group advises and assists the President in relation to setting and monitoring the Tribunal's strategy, budget, priorities, performance and ways of working, including overseeing our ongoing response to the COVID-19 pandemic. The group met 10 times during the reporting year.

The Transformation Committee advises on and monitors the implementation of our transformation program. Comprising the Registrar, Tribunal members acting as nominees of the Division Heads, the National Director Tribunal Services, the Chief Transformation Officer and the Chief Information Officer, the committee met 10 times during the reporting year.

The AAT's other key committees were:

- the Senior Executive Group, comprising the Registrar and senior executive staff, which met 11 times during the reporting year and provided the Registrar with advice and assistance on corporate and operational management issues
- the Audit and Risk Committee, comprising an independent chair, 2 other independent members and 2 AAT representatives in 2020–21, which met 5 times during the reporting year and provided independent advice and assurance to the Registrar by considering financial reporting, performance reporting and systems of internal control and risk management.

More information about the Audit and Risk Committee can be found in in Appendix 5: Other mandatory information.

Business planning

In 2020–21 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 2020–21 described our purpose and key activities, the environment in which we operate, our key strategies and plans to enhance our capability, our risk oversight and management systems, and how we would measure our performance. The Annual Performance Statement, an assessment of our performance against the measures set out in the corporate plan, is in Chapter 3 Performance.

The Corporate Plan 2020–21 identified 4 strategic priorities:

- Building a united and connected Tribunal that is underpinned by sound governance, a structure that best supports effective operations across divisions and locations, and fair, transparent, and logical allocation of resources.
- Establishing efficient, fair, proportionate, and timely review processes for our diverse caseloads in accordance with agreed principles and with consistent national practices.
- Delivering a service that is user focused and based on contemporary and digital ways of working.
- Developing the capabilities of our members and staff.

These priorities and the strategies and plans included in our corporate plan informed more detailed operational plans developed by the Tribunal's business areas for the year. Some of the AAT's key achievements in 2020–21 are noted in Chapter 1 The year in review.

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 2020–21, our Enterprise Risk Register was revised and reviewed by the Audit and Risk Committee. The Risk Register captured strategic risks which were addressed in the Corporate Plan 2020–21, ensured that there were suitable mitigation measures, then assigned completion dates for both strategic and operational mitigation activities. A quarterly risk update setting out risk trends and priorities will be prepared for the Tribunal Leadership Group beginning in the first quarter of 2021–22.

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 completed the following risk reviews during the year:

- Application Data Bases (including critical system failure testing)
- Finance Health Check
- Labour Hire Management

- Records Management
- Training and Development.

Reviews also commenced for a fraud risk assessment update, registry training and knowledge management and an information security review, which includes enhancing IT protections against cyber-attacks and reviewing progress toward achieving desired maturity levels mandated by the Protective Security Performance Framework. 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 support of business continuity operations during the COVID-19 pandemic, the Business Continuity Management Committee revised and expanded the AAT Business Continuity and Disaster Recovery Plan. Specific procedures to address long term and large-scale disruptions were developed and the significant advancements made in developing a robust remote work IT platform are now incorporated and reflected in response and continuity procedures. Online capabilities for hearings, case management, learning and development, and associated policies and procedures, including a flexible work program were finalised.

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. An internal audit of the AAT Fraud Risk Framework commenced in the fourth quarter of 2020–21 and will be completed in the first quarter of 2021–22.

Our Business Continuity Management Committee and Protective Security Committee met regularly during 2020–21. Regular security audits were performed on access control systems nationwide, and all reporting functions and procedures relating to risk areas were reviewed and updated. The Enterprise Technology Group carried out a test of security protections on the IT network with results and recommendations being presented in the first quarter of 2021–22. Emergency procedures for all registries were reviewed and revised to account for reduced staffing and intermittent lockdowns in response to the COVID-19 pandemic.

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. There is also 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. The control framework around mobile assets was revised to account for the increased number of remote work devices acquired during the COVID-19 pandemic. The annual nationwide stocktake was delayed by travel restrictions and lockdowns but commenced in the fourth quarter of 2020–21. The stocktake is now expected to be completed in the second quarter of 2021–22. An internal audit review of financial valuations, that was part of the finance health check, has endorsed the modified stocktake schedule.

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 2021

Maintaining ethical standards

We promote and encourage appropriate standards of ethical behaviour by members and staff. Rules and standards relevant to ethical conduct are incorporated into our policies, guidelines and procedures.

Our 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 regarding 'The role of a member' is available to members through an online learning module, which explores a range of scenarios and ethical challenges members may encounter. All members are provided with training on member conduct as part of our induction and onboarding program.

The AAT enterprise agreement includes a commitment by management and APS staff to work in accordance with the APS Values, APS 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. In late 2020, all staff were invited to attend virtual training on the Code of Conduct, with a recorded version made available and mandatory for any staff unable to attend.

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 2021, there were *310 non-judicial members* appointed to the AAT. More information about members is set out in Chapter 2 Overview of the AAT and Appendix 1: Members of the AAT.

At 30 June 2021, there were 803 staff working in the AAT: 587 employed under the *Public Service Act 1999* and 216 engaged under labour hire arrangements. Of the 587 APS employees, 466 were ongoing and 121 were non-ongoing with 16 of the non-ongoing staff engaged to undertake duties that are irregular or intermittent.

Appendix 2: Additional staffing statistics provides the number of ongoing and non-ongoing employees at 30 June 2020 and 30 June 2021 by employment status, classification, 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 a disability.

The AAT's APS staffing levels at 30 June 2021 were slightly below the mandated Average Staffing Level (ASL) cap of 603 full-time equivalent staff, with an ASL of 598.80, reflecting significant efforts to reduce the ASL over the financial year. There was a corresponding reduction in APS employee headcount over the reporting period from 692 to 587.

The reduction in APS headcount was largely achieved through the establishment of a labour hire program through which the AAT has procured associates to support members in finalising matters. These roles were previously largely filled by non-ongoing APS staff.

Ongoing APS staff turnover increased over the financial year and was slightly higher (1.2%) than ongoing turnover in the APS more broadly (according to Australian Public Service Commission data at 31 December 2020). Changes in workloads as well as some projects were managed with the assistance of non-APS labour hire staff. Labour hire staff increased from 102 to 216 over the reporting period.

Employment agreements and arrangements for staff

The framework for the terms and conditions of employment for APS employees in 2020–21 included an enterprise agreement and a determination made in 2020 under section 24(1) of the *Public Service Act 1999* (the PS Act) to provide pay increases and maintain current conditions for non-SES staff. Section 24(1) determinations under the PS Act are in place 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 2020 section 24(1) determination effectively extended the AAT Enterprise Agreement 2017–2020 for a further three-year period. Due to the COVID-19 pandemic and government direction, the 10 June 2020 salary increase under the section 24(1) determination was deferred for a six-month period ending 10 December 2020.

At 30 June 2021, 579 non-SES APS staff were covered by the enterprise agreement with 18 of these also having an individual flexibility arrangement. Six SES employees were covered by section 24(1) determinations. Appendix 2: Additional staffing statistics shows the salary ranges available to APS employees in 2020–21 by classification level.

Performance pay

The AAT did not have a performance pay or bonus system for any staff in 2020–21 nor did we pay a performance bonus to any staff.

Non-salary benefits

Non-salary benefits available to staff in 2020–21 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
- the ability to participate in a public transport loans scheme
- health and wellbeing benefits such as assistance for group participation in health and fitness activities, access to the Calm application, the Employee Assistance Program, Reach Out program, eyesight testing and flu vaccinations.

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

Executive remuneration

Information relating to the remuneration of the senior leaders of the AAT is set out in Appendix 4.

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 staff in 2020–21 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 Public Sector Workplace Relations Policy 2020, which includes limitations on the quantum of general remuneration increases for SES and non-SES employees (capped in line with the year to date percentage change in the Wage Price Index (WPI) for the Private Sector from the most recently released June quarter)
- an assessment of relativities with other APS agencies, as indicated in the annual APS Remuneration Report produced by the APSC.

The remuneration packages of SES staff 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. This framework describes the essential attributes required by members to perform their functions competently. The professional development program comprises induction, mentoring, appraisal and other learning and development opportunities.

The Member Professional Development Handbook (2nd edition, 2021), was launched by the President in March 2021. The new handbook outlines initiatives such as revised member competencies, the Periodic Evaluation and Development Program, leadership development and a Member Curriculum. All of these initiatives were designed to support ongoing professional development and build the capability of our members.

In 2020–21, in-house training sessions were delivered by external and internal presenters covering division-specific caseload topics as well as more general knowledge and skills development such as the Giving of Evidence, Working with Interpreters and Decision Writing workshops.

As a result of the COVID-19 pandemic, many external conferences were put on hold, but members had the opportunity to attend conferences arranged by the Council of Australasian Tribunals.

Our redesigned Member Appraisal Scheme is now well established. The scheme aims to provide members with the training and support they need to build capacity and provides a basis for the President to make robust and transparent recommendations to the Attorney-General on a member's suitability for reappointment to the Tribunal.

In the period 1 July 2020 to 30 June 2021, 17 members seeking reappointment participated in the appraisal program.

In the same period, the Periodic Evaluation and Development (PED) component of the Member Appraisal Scheme was launched, with 27 members participating. The initial cohort of participants comprised members appointed in the last 2 years.

The PED program will be progressively rolled out to all members who have joined the AAT within the last 2 years. Members first appointed in 2017–2018 and senior members with leadership responsibilities will also be offered the opportunity to participate. Moving forward, all new members will participate within their first 12 months of appointment.

The program involves an assessment of a member's learning needs which will inform the creation of an individual professional development plan. Members will be able to participate in a range of professional development and training sessions throughout the year in line with their individual plan.

Conference registrar professional development

The Conference Registrar Professional Development Program is based on a framework of competencies developed for the AAT and includes induction, mentoring, reflective learning, peer review and performance appraisal. The 2020–21 year involved the delivery of 6 workshops focusing on Alternative Dispute Resolution, covering topics such as confronting complex behaviours, power

and vulnerability in dispute resolution, mediating in cross-cultural spaces and working with victims of family violence in dispute resolution processes.

In addition, a Trauma Informed Supervision program commenced this year, managed by our Employee Assistance Program provider. This program involves small group professional supervision sessions with an experienced psychologist once every 2 months. Conference Registrars will also be trained in conducting and participating in peer-to-peer debriefing as part of this program.

Staff learning and development

We continued to embed the Leadership Capability Framework in our recruitment processes and performance management program throughout 2020–21 as a tool to support ongoing learning and development.

Training and development activities for staff during the reporting period included webinars, external seminars, and conferences. Staff underwent training according to their identified needs, with most programs offered virtually or self-paced online. In-house webinars that focused on privacy awareness, communication, mental health and neurodiversity, and working remotely were also conducted to support staff. Formal virtual training was also provided to help staff to deal with difficult interactions and improve their writing skills.

All staff participated in Code of Conduct training that was presented by a senior lawyer from the Australian Government Solicitor. We also continued to offer training to meet continuing professional development requirements for AAT legal practitioners.

In this reporting period, we continued to build our library of online learning courses including mental health awareness. As part of our response to the COVID-19 pandemic, we developed learning pathways for different work areas through the virtual learning platform, LinkedIn Learning in order to support professional development while working remotely.

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, 11 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 2021, 66% of our APS staff were women, with strong representation across all classification levels, while 21% of our staff identified as being from a non-English speaking background. Five APS staff identified as Indigenous, a decrease from the previous year. Nine APS staff identified as having a disability.

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.

As outlined in our Workplace Diversity Plan, the AAT provided training to staff on interview skills and resume writing to assist with career progression, particularly for those who are culturally and linguistically diverse. The AAT also observed International Women's Day by supporting a number of staff to participate in leadership training programs specifically for women.

A key initiative undertaken during the reporting year was providing an eLearning module on disability awareness. This training provided members and staff the opportunity to improve their understanding and provide a more accessible service to the community.

The AAT established a working group to develop a draft Reconciliation Action Plan, outlining the Tribunal's vision for reconciliation. The AAT observed National Reconciliation Week with all members and staff enrolled in an eLearning course titled 'Reconciliation Walk'.

The AAT participates in the APSC Indigenous Pathways Graduate Program and anticipates engaging a new graduate in 2021–22. The AAT also participated in the Jawun secondment program, with an AAT staff member being approved to participate in a Jawun placement in an Aboriginal or Torres Strait Islander community.

Work health and safety

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

This year, we continued to focus on our response to COVID-19, maintaining operations that were consistent with the Chief Medical Officer and state governments' health advice.

We focused on implementing our Work Health and Safety Management Plan, including embedding our Local Incident Coordinator and Wellbeing Support Officer networks and implementing new working from home policies for members and staff to support a hybrid model of work.

The annual audit of our Rehabilitation Management System against the *Guidelines for Rehabilitation Authorities 2020* achieved 100% conformance, with the auditor again noting our strong commitment to supporting employees through the timely provision of early intervention and rehabilitation programs.

We continued our annual flu vaccination program and provided support to enable our members, APS staff and non-APS employees to receive COVID-19 vaccinations.

Participation rates in our Employee Assistance Program (EAP) have continued to increase with members and staff benefiting from the broad range of support streams available. We continued supporting a range of wellbeing strategies in addition to our EAP, including a Reach Out program and an increased number of subscriptions to the CALM mindfulness application.

In response to the pandemic, we moved to delivering virtual workstation assessments for all staff and members working from home. We continued to reimburse staff for eyesight testing and optical correction costs and supported virtual group fitness classes.

We also developed and launched several learning programs focused on providing support for our members and staff, including mental health awareness, psychological health and safety eLearning modules. We also held webinars on working well from home, leading remote teams, and building resilience, and a Trauma Informed Supervision program to support our Conference Registrars and others working in a similar capacity.

Notifiable incidents and investigations

There were no notifiable incidents reported to Comcare in 2020–21 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 the table below, though this year saw our accepted compensation claims increase, due in part to the move to digital and home-based work. One staff member was provided with early intervention support during the reporting year.

TABLE 30: TRENDS IN COMPENSATION CLAIMS, 2019–20 TO 2020–21

	2019–20	2020–21
Number of claims accepted	1	5

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 2020–21, our 6 Wellbeing Support Officers (including one member), provided staff and members with mental health first aid, and were a first point of contact for difficulties experienced in the workplace, including workplace bullying and harassment.

Productivity gains

In 2020–21, the AAT made productivity improvements as part of several initiatives to enhance the accessibility and effectiveness of our review processes, including in the context of the COVID-19 pandemic.

The AAT's new unified online services portal went live during the reporting year, allowing users to make applications for a review and upload documents for any type of case. Any user can also create an account which enables them to review the details of applications they have made or

documents they have lodged. In addition to making it simpler for people to interact with the Tribunal electronically, the portal has reduced the time and administrative effort involved in managing these processes.

We continued to implement additional early case assessment procedures for triaging cases, identifying appropriate case pathways and undertaking early interventions to promote earlier resolution of cases or better preparation of cases for hearing. We expanded the use of smart forms to gather information in caseloads in the Migration and Refugee Division and we streamlined administrative processes. A centralised triaging and listing function was established in the Social Services and Child Support Division, contributing to a more efficient and coordinated approach to the listing of matters for hearing in that division.

We used technology to further enhance the efficiency of our review processes, particularly at times when COVID-19 restrictions limited access to our registries. Improvements were made to facilitate the better use of digital files and to our remote access systems which enabled members and staff to work digitally and as effectively as possible remotely.

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 2020–21 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 (SMEs) and Small Enterprise participation statistics are available on the Department of Finance website. 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. Changes to the Commonwealth Procurement Rules also provided greater opportunities to engage with SMEs.

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 2020–21 to investigate issues, carry out independent reviews and evaluations, and provide independent advice, information and solutions to assist in our decision-making.

During 2020–21, 26 new consultancy contracts were entered into involving total actual expenditure of \$313,120. In addition, 16 consultancy contracts that were entered into in the previous financial year were still active during the 2020–21 period with total expenditure of \$273,357. The total consultancy spend during the year was \$586,477.

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

TABLE 31: TOTAL ACTUAL EXPENDITURE ON CONSULTANCY CONTRACTS, 2019–20 TO 2020–21

	2019–20	2020–21
Total actual expenditure (incl GST)	\$1,004,601	\$586,477

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

Reportable non-consultancy contracts

Reportable non-consultancy contracts refers to any arrangement that is published on AusTender and is not a reportable consultancy contract. This means that a contract published on AusTender as anything other than a consultancy, is a reportable non-consultancy contract for the purposes of the reporting requirements.

The following table sets out the AAT’s total actual expenditure on all reportable non-consultancy contracts in the reporting period.

TABLE 32: TOTAL ACTUAL EXPENDITURE ON NON-CONSULTANCY CONTRACTS 2020–21

Reportable non-consultancy contracts 2020–21	Number of contracts	Total Expenditure \$ (inc.GST)
New contracts entered into during the reporting period	282	\$25,977,160
Ongoing contracts entered into during a previous reporting period	275	\$46,557,596

Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of individual contracts is available on the AusTender website: www.tenders.gov.au

Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts

Organisations that received a share of reportable consultancy contract expenditure in the 2020–21 reporting period:

TABLE 33: ORGANISATIONS RECEIVING A SHARE OF REPORTABLE CONSULTANCY CONTRACT EXPENDITURE, 2020–21

Name of Organisation	Expenditure \$ (GST inc.)
O'Connor Marsden & Associates	\$219,816
Narelle Bell	\$41,559
Peter Murphy	\$37,384
Jennifer Boland	\$37,261
Weir Consulting Pty Ltd	\$25,971

Organisations that received a share of reportable non-consultancy contract expenditure in the 2020–21 reporting period:

TABLE 34: ORGANISATIONS RECEIVING A SHARE OF REPORTABLE NON-CONSULTANCY CONTRACT EXPENDITURE, 2020–21

Name of Organisation	Expenditure \$ (GST inc.)
SAS Trustee Corporation	\$10,478,344
Hays Specialist Recruitment (Australia) Pty Ltd	\$8,426,060
Deka Australia One GmbH	\$5,504,163
Boss Construction (ACT) Pty Ltd	\$4,988,015
Experis Australia Pty Ltd	\$3,475,195

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 2020–21 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*.



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 2021:

- (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 2021 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 2021 and for the year then ended:

- Statement by the Accountable Authority 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 skepticism 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 Accountable Authority;
- conclude on the appropriateness of the Accountable Authority'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 Accountable Authority 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
Acting Executive Director
Delegate of the Auditor-General
Canberra
10 September 2021



Australian Government
Department of Finance



Administrative Appeals Tribunal Financial Statements 2020-21



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STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2021 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 non-corporate Commonwealth entity will be able to pay its debts as and when they fall due.

Sian Leathem

Sian Leathem
Registrar

10 September 2021

Navaka Arachchige

Navaka Arachchige
Chief Financial Officer

10 September 2021

Statement of Comprehensive Income

for the period ended 30 June 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000	
NET COST OF SERVICES					
Expenses					
Employee benefits	1.1A	124,807	124,820	108,511	1
Suppliers	1.1B	38,161	37,788	31,501	2
Depreciation and amortisation	3.2A	29,798	29,275	25,560	3
Finance costs	1.1C	4,510	4,584	4,446	
Impairment on intangible assets		30	-	-	
Losses from asset sales		5	80	-	
Total expenses		197,311	196,547	170,018	
Own-source income					
Own-source revenue					
Revenue from contracts with customers	1.2A	888	781	600	
Total own-source revenue		888	781	600	
Gains					
Other revenue	1.2B	502	986	600	
Total gains		502	986	600	
Total own-source income		1,390	1,767	1,200	
Net cost of services		(195,921)	(194,780)	(168,818)	
Revenue from Government	1.2C	168,401	181,150	155,232	
Deficit on continuing operations		(27,520)	(13,630)	(13,586)	
OTHER COMPREHENSIVE INCOME					
Items not subject to subsequent reclassification to net cost of services					
Changes in asset revaluation reserve		309	-	-	
Total other comprehensive income		309	-	-	
Total comprehensive (loss)		(27,211)	(13,630)	(13,586)	

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

Budget Variances Commentary

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

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

1. Employee Benefits

The actual employee expense is higher than budget due to the budget reflecting the base activity level for the AAT. The actual expense recorded reflects resourcing required to finalise a higher level of cases as well as an Enterprise Agreement wage increase, increased superannuation, leave and other entitlements. The activity driven employee expense impact was adjusted during the year at Portfolio Additional Estimates Statements (PAES).

2. Suppliers

The variance against supplier expenses was due to increased contractor, communication and software licences costs to support new working arrangements in response to the COVID-19 pandemic.

3. Depreciation and Amortisation

The variance against depreciation and amortisation was due to increased devices, software and other capital assets to support new working arrangements in response to the COVID-19 pandemic.

Statement of Financial Position

as at 30 June 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	3.1A	3,320	3,766	3,766
Trade and other receivables	3.1B	76,463	91,143	81,243
Total financial assets		79,783	94,909	85,009
Non-financial assets¹				
Buildings	3.2A	265,268	269,801	274,757
Plant and equipment	3.2A	5,037	4,586	4,577
Computer software	3.2A	8,762	4,411	5,902
Other non-financial assets		2,792	3,787	3,787
Total non-financial assets		281,859	282,585	289,023
Total assets		361,642	377,494	374,032
LIABILITIES				
Payables				
Suppliers		3,234	2,790	2,790
Other payables	3.3A	2,537	2,099	2,099
Total payables		5,771	4,889	4,889
Interest bearing liabilities				
Leases	3.4A	236,340	232,136	240,162
Total interest bearing liabilities		236,340	232,136	240,162
Provisions				
Employee provisions	6.1A	23,403	21,456	21,456
Other provisions	3.5A	1,045	617	617
Total provisions		24,448	22,073	22,073
Total liabilities		266,559	259,098	267,124
Net assets		95,083	118,396	106,908
EQUITY				
Contributed equity		103,219	99,321	103,219
Reserves		4,398	4,089	4,089
Retained surplus/(Accumulated deficit)		(12,534)	14,986	(400)
Total equity		95,083	118,396	106,908

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

1. Right-of-use assets are included in the Building 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 Computer Software

The increase in computer software was to support new working arrangements put in place in response to the COVID-19 pandemic.

2 Retained surplus/(Accumulated deficit)

The variance against retained surplus/(accumulated deficit) was due to unavoidable additional expenditure to support the new working arrangements put in place in response to the COVID-19 pandemic.

Statement of Changes in Equity

for the period ended 30 June 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY				
Opening balance				
Balance carried forward from previous period		99,321	94,053	99,321
Transactions with owners				
Distributions to owners				
Return of capital		-	(6,367)	-
Contributions by owners				
Equity injection - Appropriations		-	7,752	-
Departmental capital budget		3,898	3,883	3,898
Total transactions with owners		3,898	5,268	3,898
Closing balance as at 30 June 2021		103,219	99,321	103,219
RETAINED EARNINGS				
Opening balance				
Balance carried forward from previous period		14,986	(9,074)	13,186
Adjustment on initial application of AASB 16		-	37,690	-
Adjusted opening balance		14,986	28,616	13,186
Comprehensive income				
Deficit for the period		(27,520)	(13,630)	(13,586) 1
Total comprehensive income		(27,520)	(13,630)	(13,586)
Closing balance as at 30 June 2021		(12,534)	14,986	(400)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		4,089	4,089	4,089
Adjusted opening balance		4,089	4,089	4,089
Other Comprehensive income				
Other comprehensive income		309	-	-
Closing balance as at 30 June 2021		4,398	4,089	4,089

Statement of Changes in Equity - continued

Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
TOTAL EQUITY			
Opening balance			
Balance carried forward from previous period	118,396	89,068	116,596
Adjustment for changes in accounting policies	-	37,690	-
Adjusted opening balance	118,396	126,758	116,596
Comprehensive income			
Surplus/(Deficit) for the period	(27,520)	(13,630)	(13,586) 1
Other comprehensive income	309	-	-
Total comprehensive income	(27,211)	(13,630)	(13,586)
Transactions with owners			
Distributions to owners			
Returns on capital			
Dividends	-	(6,367)	-
Contributions by owners			
Equity injection - Appropriations	-	7,752	-
Departmental capital budget	3,898	3,883	3,898
Total transactions with owners	3,898	5,268	3,898
Closing balance as at 30 June	95,083	118,396	106,908

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 as 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 Deficit for the period

The variance against deficit for the period was due to unavoidable additional expenditure to support the new working arrangement in response to COVID-19.

Cash Flow Statement

for the period ended 30 June 2021

Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations	181,741	172,240	165,132 1
Sale of goods and rendering of services	3,313	212	600
GST received	327	254	-
Other	2,405	2,019	-
Total cash received	187,786	174,725	165,732
Cash used			
Employees	(122,442)	(123,819)	(108,511) 2
Suppliers	(34,150)	(30,324)	(30,901) 3
Interest payments on lease liabilities	(4,510)	(4,584)	(4,446)
GST paid	(6,527)	(5,781)	- 4
Total cash used	(167,629)	(164,508)	(143,858)
Net cash from operating activities	20,157	10,217	21,874
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment	(15,469)	(7,644)	(13,798)
Total cash used	(15,469)	(7,644)	(13,798)
Net cash used in investing activities	(15,469)	(7,644)	(13,798)
FINANCING ACTIVITIES			
Cash received			
Contributed equity	7,752	11,563	3,898 5
Total cash received	7,752	11,563	3,898
Cash used			
Principal payments of lease liabilities	(12,886)	(11,514)	(11,974)
Total cash used	(12,886)	(11,514)	(11,974)
Net cash from/(used by) financing activities	(5,134)	49	(8,076)
Net increase/(decrease) in cash held	(446)	2,622	-
Cash and cash equivalents at the beginning of the reporting period	3,766	1,144	3,766
Cash and cash equivalents at the end of the reporting period	3,320	3,766	3,766
3.1A			

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

Budget Variances Commentary

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

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

1. Operating activities - cash received - appropriations

The variance against operating activities - cash received - appropriations was due to additional migration and protection visa cases finalised during the financial year that were not recognised in the budget until appropriated in the next financial year.

2. Operating activities - cash used - employees

The variance against operating activities- cash used - employees was due to separation costs, superannuation and leave disbursements, and other entitlements.

3. Operating activities - cash used - suppliers

The variance against operating activities - cash used - suppliers was due to increased contractor costs and communication and software licences to support the new working arrangements in response to the COVID-19 pandemic.

4. Operating activities - cash used - GST paid

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.

5. Financing activities - cash received - contributed equity

The variance against financing activities - cash received - contributed equity was due to an equity injection appropriated in FY2019-20 and utilised in FY2020-21.

Administered Schedule of Comprehensive Income*for the period ended 30 June 2021*

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000	
NET COST OF SERVICES					
Expenses					
Impairment loss on financial instruments		5,031	4,767	4,500	1
Refund of Application fees		8,805	7,176	7,500	2
Total expenses		13,836	11,943	12,000	
Income					
Revenue					
Non-taxation revenue					
Revenue from contracts with customers	2.2	36,574	43,009	51,353	3
Total non-taxation revenue		36,574	43,009	51,353	
Total revenue		36,574	43,009	51,353	
Surplus		22,738	31,066	39,353	

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. Impairment loss on financial instruments

The impairment loss on financial instruments are bad debts related to protection visa review post decision fees receivable, budgeted based on historical repayment trends and is beyond the AAT's control.

2. Refund of application fees

The variance against refund of application fees was due to a higher number of cases decided in favour of applicants in the Migration and Refugee Division (MRD) and the General and Other Division (G&OD).

3 Revenue from contracts with customers

The variance against revenue from contracts with customers was 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 to Administered Schedule of Assets and Liabilities.

Administered Schedule of Assets and Liabilities

as at 30 June 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	4.1A	205	247	247	
Trade and other receivables	4.1B	671	630	630	1
Total financial assets		876	877	877	
Total assets administered on behalf of Government					
		876	877	877	
LIABILITIES					
Suppliers					
Trade creditors and accruals	4.2A	2,810	831	831	2
Contract liabilities	4.2A	43,066	64,266	64,266	3
Total payables		45,876	65,097	65,097	
Total liabilities administered on behalf of Government					
		45,876	65,097	65,097	
Net (liabilities)		(45,000)	(64,220)	(64,220)	

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. Trade and other receivables

Trade and other receivables relate to invoices raised in relation to post-decision fees for the review of protection visas. The variance against trade and other receivables was due a reduction in protection visa cases processed and a continuing low debt recovery rate.

2. Trade creditors and accruals

Trade creditors and accruals relate to the refund of application fees payable as at 30 June 2021. The increase in the trade creditors and accruals balance was due to the Tribunal moving to EFT payments for all refunds.

3. 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 are finalised. The variance is due to the lower number of applications received during the year.

Administered Reconciliation Schedule

for the period ended 30 June 2021

	Notes	2021 \$'000	2020 \$'000
Opening assets less liabilities as at 1 July		(64,220)	30
Adjustment to administered cash held		-	(182)
Adjustment on initial application of AASB 15/AASB 1058		-	(68,235)
Adjusted opening assets less liabilities		(64,220)	(68,387)
Net (cost of)/contribution by services			
Income			
Expenses			
Payments to entities other than corporate Commonwealth entities		(13,836)	(11,943)
Transfers from the Australian Government			
Transfers from OPA		6,700	7,104
Appropriation transfers to OPA			
Transfers to OPA		(10,218)	(34,003)
Closing assets less liabilities as at 30 June		(45,000)	(64,220)

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 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000	
OPERATING ACTIVITIES					
Cash received					
Sale of goods and rendering of services		10,302	33,831	46,853	1
Total cash received		10,302	33,831	46,853	
Cash used					
Other - Refund of application fees		(6,826)	(7,063)	(7,500)	2
Total cash used		(6,826)	(7,063)	(7,500)	
Net cash from/(used by) operating activities		3,476	26,768	39,353	
Cash from Official Public Account					
Appropriations		6,700	7,104	7,500	
Total cash from official public account		6,700	7,104	7,500	
Cash to Official Public Account					
Appropriations		(10,218)	(34,003)	(46,853)	3
Adjustment to administered cash held			(182)		
Total cash to official public account		(10,218)	(34,185)	(46,853)	
Cash and cash equivalents at the beginning of the reporting period		247	560	247	
Cash and cash equivalents at the end of the reporting period	4.1A	205	247	247	

This 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 cash flow statement, it is total equity.

1 Sale of goods and rendering of services

The variance against the sale of goods and rendering of services- cash received was due a reduction in the number of MRD -migration visa applications during the year.

2 Other - Refund of application fees

The variance against Other - Refund of application fees was due to a reduced number of finalised cases.

3. Cash to Official Public Account - Appropriations

The variance against Cash to Official Public Account - Appropriations was due to a reduction in the number of MRD -migration visa applications during the year .

Overview

Objectives of the Entity

The Administrative Appeals Tribunal is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the AAT is to provide independent merits review of a wide range of administrative decisions made under Commonwealth laws so as to ensure in each case that 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 the 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 the Government where there is no right for the AAT to retain the revenue as departmental revenue.

Going Concern

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

COVID 19

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

The impact of the COVID-19 pandemic on the AAT has resulted in: reduced face to face hearings; reduced finalisations of cases; reduced travel; increased IT labour hire resources; increased IT licences and other network access costs. The net result of these have contributed to the total comprehensive loss.

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

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.

Taxation

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

Notes to and forming part of the Financial Statements

Reporting of Administered activities

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

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

Events After the Reporting Period

Departmental

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

Administered

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

Financial Performance

This section analyses the financial performance of the AAT for the year ended 30 June 2021.

1.1 Expenses

	2021 \$'000	2020 \$'000
1.1A: Employee benefits		
Wages and salaries	98,229	101,875
Superannuation		
Defined contribution plans	12,154	10,427
Defined benefit plans	4,219	6,174
Leave and other entitlements	9,785	6,164
Separation and redundancies	420	180
Total employee benefits	124,807	124,820

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	480	913
Contractors	11,066	12,226
Travel	170	482
IT services	12,223	6,343
Hearing related expense	3,136	3,080
Properties operation expenses	5,953	5,689
Office support & Internet services	411	1,313
Training and staff development	742	937
Outsourced services	1,024	2,360
Subscription fees	1,370	1,458
Others	814	2,113
Total goods and services supplied or rendered	37,389	36,914
Goods supplied	872	1,155
Services rendered	36,517	35,759
Total goods and services supplied or rendered	37,389	36,914

Other suppliers

Workers compensation and other insurance expenses	772	874
Total other suppliers	772	874
Total suppliers	38,161	37,788

1.1C: Finance costs

Interest on lease liabilities	4,510	4,584
Total finance costs	4,510	4,584

Accounting Policy

All borrowing costs are expensed as incurred.

1.2 Own Source Revenue and gains

	2021	2020
	\$'000	\$'000

Own-Source Revenue**1.2A: Revenue from contracts with customers**

Rendering of services	888	781
Total revenue from contracts with customers	888	781

Disaggregation of revenue from contracts with customers

Major product / service line:

Regulatory services	593	509
Service delivery	295	272
	888	781

Type of customer:

Australian Government entities (related parties)	802	695
Non-government entities	86	86
	888	781

Accounting PolicyRendering of services

Rendering of services are recognised when control has been transferred to the buyer.

A contract is within the scope of AASB15 if the performance obligations are in line with the requirements of an enforceable contract and sufficiently specific for the entity to determine when the terms of the contract have been satisfied.

The AAT recognise revenue when the service has been delivered.

Principal activities where the AAT generates its own source revenue are:

- Provision of photocopying services to applicants
- Hire of the AAT facilities
- Provision of services to other Commonwealth agencies

	2021	2020
	\$'000	\$'000

1.2B Other revenue

Resources received free of charge

Remuneration of auditors	86	86
Liabilities assumed by other departments	416	416
Gain on onerous lease termination	-	484

Total other revenue

502	986
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Accounting PolicyResources 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 administrative arrangement restructures.

	2021 \$'000	2020 \$'000
1.2C: Revenue from Government		
Appropriations		
Departmental appropriations	168,401	181,150
Total revenue from Government	168,401	181,150

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 this case, revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

Income and Expenses Administered on Behalf of Government

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

2.1 Administered - Expenses

	2021 \$'000	2020 \$'000
2.1A: Impairment loss on financial instruments		
Impairment on trade and other receivables	5,031	4,767
Total impairment loss on financial instruments	5,031	4,767
2.1B: Other expenses		
Refund of application fees	8,805	7,176
Total other expenses	8,805	7,176

2.2 Administered income

2.2 Revenue from contracts with customers

Rendering of services - MRD (migration) and General Division	31,052	37,208
Rendering of services - MRD (protection)	5,522	5,801
Total revenue from contracts with customers	36,574	43,009

The application fees for these divisions are paid before the application is accepted. These fees are treated as contract liabilities

The application fees for this division are only charged after the case has been heard and a decision made. These fees are

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

	2021 \$'000	2020 \$'000
3.1A: Cash and cash equivalents		
Cash on hand or on deposit	3,320	3,766
Total cash and cash equivalents	3,320	3,766

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	2,623	534
Total goods and services receivables	2,623	534

Appropriation receivables

Appropriation receivables	72,774	89,968
Total appropriation receivables	72,774	89,968

Other receivables

Statutory receivables	1,066	641
Total other receivables	1,066	641
Total trade and other receivables (gross)	76,463	91,143

Total trade and other receivables (net)

76,463	91,143
---------------	---------------

Credit terms for goods and services were within 28 days (2020:28 days).

Accounting Policy

Financial assets

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

3.2 Non-Financial Assets**3.2.A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles¹**

	Buildings \$'000	Plant and equipment \$'000	Computer Software ¹ \$'000	Total \$'000
As at 1 July 2020				
Gross book value	276,112	7,278	23,567	306,957
Accumulated depreciation, amortisation and impairment	(6,311)	(2,692)	(19,156)	(28,159)
Total as at 1 July 2020	269,801	4,586	4,411	278,798
Additions				
Purchase	7,081	1,915	6,473	15,469
Right-of-use assets	14,324	-	-	14,324
Revaluations recognised in other comprehensive income	-	309	-	309
Impairments recognised in net cost of services	-	-	(30)	(30)
Depreciation and amortisation	(6,575)	(1,780)	(2,080)	(10,435)
Depreciation on right-of-use assets	(19,363)	-	-	(19,363)
Reclassification	-	12	(12)	-
Disposals	-	(5)	-	(5)
Total as at 30 June 2021	265,268	5,037	8,762	279,067
Total as at 30 June 2021 represented by				
Gross book value	297,517	9,193	30,040	336,750
Accumulated depreciation, amortisation and impairment	(32,249)	(4,156)	(21,278)	(57,683)
Total as at 30 June 2021	265,268	5,037	8,762	279,067
Net book value of right-of-use assets	225,932	-	-	225,932

1. The carrying amount of computer software included \$6.5m (2020:\$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 on an annual basis.

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 and include 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 that cost less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items that 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 AAT where an obligation exists 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.

Leased 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 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 the AAT adjusted the ROU assets at the date of initial application by the amount of any provision for onerous leases recognised immediately before the date of initial application. 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. Leased 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 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 reversed a previous revaluation increment for that class.

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

Depreciation

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

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

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

	2021	2020
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
Computer software	3-20 years and reviewed for impairment annually	3-20 years and reviewed for impairment annually

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.

Accounting Policy (continued)

Impairment

All assets were assessed for impairment at 30 June 2021. 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 (2020: 3 to 20 years).

All software assets were assessed for indications of impairment as at 30 June 2021.

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. A desktop valuation was undertaken at 30 June 2021 by an independent valuer and the revalued amount accounted in the balance sheet.

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.

3.3 Payables

	2021	2020
	\$'000	\$'000
<hr/>		
3.3A: Other payables		
Salaries and wages	2,258	1,684
Superannuation	279	415
Total other payables	<u>2,537</u>	<u>2,099</u>

3.4 Interest Bearing Liabilities

	2021	2020
	\$'000	\$'000
3.4A: Leases		
Opening lease liability 30 June 2020	232,136	-
Lease liabilities - transition of AASB16 - Leases held at 1 July 2019	-	240,658
Less principal lease payments	(12,886)	(11,514)
Add new lease liabilities	14,151	9,755
Add lease incentive received post transition	2,939	-
Less cancelled leases	-	(6,763)
Total leases	236,340	232,136

Total cash outflow for leases for the year ended 30 June 2021 was \$20,317 (2020: \$16,098)

Maturity analysis - contractual undiscounted cash flows

Within 1 year	19,383	17,213
Between 1 to 5 years	81,908	72,568
More than 5 years	161,474	181,011
Total leases	262,765	270,792

The AAT in its capacity as lessee has leased premises in the capital cities of each State. All leases are at market prices.

3.5 Other Provisions

	2021	2020
	\$'000	\$'000
3.5A: Other provisions		
	Provision for restoration	Total
	\$'000	\$'000
As at 1 July 2020	617	617
Additional provisions made	428	428
Amounts used	-	-
Gain on onerous lease terminated	-	-
		(54)
		(484)
Total as at 30 June 2021	1,045	1,045
		617

Accounting Judgements and Estimates**Provision for restoration**

The AAT is required to restore 4 (2020: 2) leased commercial office accommodation to their original condition at the conclusion of their leases. The AAT 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 that differs from amounts currently provided. The provision recognised is reviewed annually and updated based on the facts and circumstances known at the time.

Assets and Liabilities Administered on Behalf of the Government

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

4.1 Administered Financial Assets

	2021	2020
	\$'000	\$'000
4.1A: Cash and cash equivalents		
Cash in special accounts	205	247
Total cash and cash equivalents	205	247
4.1B: Trade and other receivables		
Goods and services receivables	25,288	20,217
Total goods and services receivables	25,288	20,217
Less impairment loss allowance	(24,617)	(19,587)
Total trade and other receivables (net)	671	630

Credit terms for goods and services were within 7 days (2020:7 days).

Accounting Policy

Impairment of Receivables

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses. This assessment the general approach that 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.

4.2 Administered Payables

	2021 \$'000	2020 \$'000
4.2A: Suppliers		
Trade creditors and accruals	2,810	831
Contract liabilities	43,066	64,266
Total suppliers	45,876	65,097

Settlement terms for suppliers is 30 days (2020:30 days)

Accounting Policy

The AAT applies AASB 15 *Revenue from Contracts with Customers* to determine the contract liabilities which 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.

Notes to and forming part of the Financial Statements

Funding

This section identifies the AA's funding structure.

5.1 Appropriations

5.1A: Annual appropriations (recoverable GST exclusive¹)

Annual Appropriations for June 2021

	Annual Appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2021 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	177,637	45	177,682	181,741	(4,059)
Capital Budget ⁴	3,898		3,898	-	3,898
Other services					
Equity Injections	-		-	7,752	(7,752)
Total departmental	181,535	45	181,580	189,493	(7,913)
Administered					
Ordinary annual services	-	-	-	-	-
Total administered					

1. In 2020-21 no appropriation was withheld for estimate variations under Section 51 of the PGPA Act (in accordance with Financial Reporting Rules Part 6 Div. 3),

2. *PGA Act Section 74* receipts relate to revenue received for rendering of services.

3. Variance is substantially attributable to caseload variation adjustment (net) for additional cases finalised above the 18,000 base funding.

4. Departmental Capital Budgets are appropriated through the 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 2020

	Annual Appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2020 \$'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)
Other services					
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

5.1B: Unspent annual appropriations (recoverable GST exclusive)

	2021 \$'000	2020 \$'000
Departmental		
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
Appropriation Act (No. 1) 2020-21 - Operating	33,595	-
Appropriation Act (No. 1) 2020-21 Departmental capital budget (DCB)	1,624	-
Supply Act (No.1) 2020-21 Departmental Capital Budget (DCB)	2,274	-
Appropriation Act (No. 3) 2020-21 Operating	22,405	-
Total departmental	59,898	67,810

Notes to and forming part of the Financial Statements

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

Authority	Appropriation applied	
	2021	2020
	\$'000	\$'000
Public Governance, Performance and Accountability Act 2013 s.77 Repayment Act, AAT	6,700	7,104
Total special appropriations applied	6,700	7,104

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

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

2021	\$'000
Total receipts	36,574
Total payments	8,805
<hr/>	
2020	\$'000
Total receipts	43,009
Total payments	7,176

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

	2021	2020
	\$'000	\$'000
6.1A: Employee provisions		
Leave	23,403	21,456
Total employee provisions	23,403	21,456

Accounting policy

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

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

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

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

The liability for long service leave has been determined by the 'short hand' method as at 30 June 2021. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

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

Superannuation

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

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

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes.

The AAT makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The entity 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.

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:

	2021	2020
	\$'000	\$'000
Short-term employee benefits	368	369
Post-employment benefits	57	56
Other long-term employee benefits	9	9
Total key management personnel remuneration expenses¹	434	434

The total number of key management personnel that are included in the above table is 1 (2020:1).

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.

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 entity, it has been determined that there are no related party transactions to be separately disclosed. (2020: no material related party transactions to be separately disclosed).

Managing uncertainties

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

7.1 Contingent Assets and Liabilities

Quantifiable Contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2021.

Unquantifiable Contingencies

There are no unquantifiable or remote contingencies at 30 June 2021.

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 settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

7.1B: Administered contingent assets and liabilities

Quantifiable Administered Contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2021.

Unquantifiable Administered Contingencies

There are no unquantifiable or remote contingencies at 30 June 2021.

7.2 Financial Instruments

	2021	2020
	\$'000	\$'000
7.2A: Categories of financial instruments		
Financial assets at amortised cost		
Cash and cash equivalent	3,320	3,766
Trade and other receivables	2,361	481
Total financial assets at amortised cost	5,681	4,247
Total financial assets	5,681	4,247
Financial Liabilities		
Financial liabilities measured at amortised cost		
Suppliers	2,911	2,511
Total financial liabilities measured at amortised cost	2,911	2,511
Total financial liabilities	2,911	2,511

To be read in conjunction with note: 3.1B

Accounting Policy**Financial assets**

In accordance with AASB 9 *Financial Instruments*, the entity classifies its financial assets in the following categories:

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

The classification depends on both the AAT'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).

Other information

8.1 Current/non current distinction for assets and liabilities

8.1A: Current/non-current distinction for assets and liabilities

	2021 \$'000	2020 \$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	3,320	3,766
Trade and other receivables	76,463	91,143
Other non-financial assets	2,792	3,787
	<u>82,575</u>	<u>98,696</u>
More than 12 months		
Buildings	265,268	269,801
Plant and equipment	5,037	4,586
Computer software	8,762	4,411
	<u>279,067</u>	<u>278,798</u>
Total assets	<u>361,642</u>	<u>377,494</u>
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	3,234	2,790
Other payables	2,537	2,099
Employee provisions	2,093	1,958
Leases	14,129	12,555
	<u>21,993</u>	<u>19,402</u>
More than 12 months		
Employee provisions	21,310	19,498
Other provisions	1,045	617
Leases	222,211	219,581
	<u>244,566</u>	<u>239,696</u>
Total liabilities	<u>266,559</u>	<u>259,098</u>

8.1B: Administered - current/non-current distinction for assets and liabilities

	2021 \$'000	2020 \$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	205	247
Trade and other receivables	671	630
Total assets administered on behalf of Government	<u>876</u>	<u>877</u>
Liabilities expected to be settled in:		
No more than 12 months		
Trade creditors and accruals	2,810	831
Contract liabilities	43,066	64,266
Total liabilities	<u>45,876</u>	<u>65,097</u>

End of the notes forming part of the Financial Statements

Appendix 1: Members of the AAT

Members of the AAT

This appendix contains:

- a list of the AAT's members at 30 June 2021
- a table showing the number of Senior Members and Members assigned to each of the AAT's divisions at 30 June 2021
- lists of members whose term of appointment or reappointment commenced or ended in 2020–21
- profiles of the President, the Division Heads and the former Deputy Division Head.

Members at 30 June 2021

The list of the AAT's members at 30 June 2021 is set out in the table below. 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 2021 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

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	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	09/12/2025	Qld	
The Honourable Justice Craig Colvin	20/07/2018	19/07/2025	WA	
The Honourable Justice Andrew Greenwood	23/11/2005	19/07/2022	Qld	
The Honourable Justice Susan Kenny	24/11/2010	28/11/2023	Vic	
The Honourable Justice Neil McKerracher	20/07/2018	05/12/2021	WA	
The Honourable Justice John Middleton	24/11/2010	25/12/2022	Vic	
The Honourable Justice Melissa Perry	20/07/2018	19/07/2025	NSW	
The Honourable Justice Thomas Thawley	20/07/2018	19/07/2025	NSW	
The Honourable Justice Richard White	10/12/2020	05/01/2022	SA	
Judges of the Federal Circuit and Family Court of Australia				
The Honourable Justice Victoria Bennett AO	10/12/2020	09/12/2025	Vic	
The Honourable Justice David Berman	10/12/2020	28/06/2025	SA	
The Honourable Justice Timothy McEvoy	10/12/2020	09/12/2025	Vic	
Non-judicial Deputy Presidents – Full time				
Stephen Boyle	01/07/2017	30/06/2024	WA	
Peter Britten-Jones	25/03/2016	30/06/2025	Vic	
James Constance	09/12/2010	08/12/2022	NSW	
Bernard McCabe	01/07/2001	24/03/2022	NSW	
Dr Peter McDermott RFD	15/11/2004	30/11/2022	Qld	

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
Fiona Meagher	01/07/2015	16/12/2023	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	
Karen Synon	01/07/2015	16/12/2023	Vic	
Non-judicial Deputy Presidents – Part time				
The Honourable Dennis Cowdroy AO QC	01/03/2016	31/05/2026	NSW	
Ian Hanger QC	01/10/2017	30/11/2024	Qld	
Major General Aziz Gregory Melick AO RFD SC (Rtd)	05/09/2014	04/09/2024	Tas	
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	30/09/2021	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
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
Emeritus Professor 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
Chris Furnell	25/02/2019	24/02/2024	Vic	F G M N Sec So T V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
Matthew Groom	23/07/2018	22/07/2023	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	11/11/2023	NSW	G M N Sm Sec T V
James Lambie	01/12/2017	30/11/2024	Qld	F G M V
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
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	30/09/2021	NSW	G M N
Theodore Tavoularis	13/06/2016	12/06/2026	Qld	F G Sm T V
Rachel Westaway	01/07/2015	30/06/2024	Vic	M So
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
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

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
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
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
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
The Honourable John Rau SC	22/02/2021	21/02/2024	SA	G M So
Shahyar Roushan	01/07/2015	30/06/2024	NSW	M N
Rania Skaros	01/07/2015	30/06/2024	NSW	M
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
Dr Louise Bygrave	30/05/2016	29/05/2026	NSW	F G N Sm So T V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
Kent Chapman	04/04/2016	03/07/2026	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	31/07/2023	Vic	M
Timothy Connellan	01/07/2015	30/11/2024	Vic	M
Denise Connolly	01/07/2015	29/09/2023	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
David Crawshay OAM	25/02/2019	24/02/2024	Vic	F G M N Sec So T V
Jennifer Cripps Watts	30/05/2016	29/05/2026	NSW	M So
Dr Bridget Cullen	01/07/2017	30/06/2024	Qld	G M N V
Rachel Da Costa	22/02/2021	21/02/2024	NSW	M
Brendan Darcy	01/07/2015	29/09/2023	Vic	M
Susan De Bono	01/07/2017	07/04/2026	Vic	N So
Namoi Dougall	22/02/2021	21/02/2024	NSW	M
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
Shane Evans	25/02/2019	24/02/2026	NSW	F G M N Sec So V
The Honourable Joseph Francis	25/02/2019	24/02/2026	WA	F G M N Sec So T V
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	30/06/2021	Qld	F G Sm T

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
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
Dr Colin Huntly	16/01/2017	15/01/2024	WA	G M N So
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 N 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	03/07/2026	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
The Honourable Jane Prentice	22/02/2021	21/02/2024	Qld	M N So
Peter Ranson	25/02/2019	24/02/2024	Qld	F G M N Sec Sm So T V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
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
Perrohean Sperling PSM	01/07/2017	30/06/2024	Vic	N So
The Honourable Michael Sutherland OAM	25/02/2019	24/02/2024	WA	F G M N Sec So V
Linda Symons	01/07/2015	30/06/2024	NSW	M
Jeffrey Thomson	30/05/2016	29/05/2026	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	29/09/2023	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	30/09/2021	Vic	M
Wendy Banfield	01/07/2015	30/06/2024	NSW	M
David Barker	01/07/2015	29/09/2023	NSW	M N V
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

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
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	25/05/2026	SA	G
Michael Biviano	23/11/2018	22/11/2022	Vic	M
Professor 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 Christilde Breheny	01/07/2015	30/06/2023	Tas	So
Tina Bubutievski	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	29/09/2023	Vic	M
Kate Buxton	01/07/2015	15/05/2024	Qld	G N Sm So T V
Alex Byers	01/07/2016	30/06/2024	Qld	So
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
Christine Cody	01/07/2015	29/09/2023	NSW	M
Dr Michael Couch	05/04/2012	30/06/2024	NSW	G V
Angela Cranston	30/05/2016	29/05/2026	NSW	M
Damian Creedon	23/11/2018	22/11/2022	WA	M
Gabrielle Cullen	01/07/2015	30/06/2024	NSW	M N

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
Steven Cullimore	01/07/2015	30/06/2024	SA	So
Robert Cumming	23/11/2018	22/11/2022	Qld	M
The Honourable Philip Dalidakis	22/02/2021	21/02/2024	Vic	Sm So
Jenny 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	29/09/2023	WA	M
Tania Flood	01/07/2015	29/09/2023	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	29/08/2021	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
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
Stavros 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
Harry Grossman	25/02/2019	24/02/2024	Vic	F G M N Sec So T V

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
Peter Haag	23/11/2018	22/11/2022	Vic	M
Adam Halstead	01/07/2015	31/03/2024	NSW	So
Genevieve Hamilton	22/02/2021	21/02/2024	Vic	M
Tamara Hamilton-Noy	01/07/2015	31/03/2024	Vic	M So
Luke Hardy	01/07/2015	30/06/2024	NSW	M
Jason Harkess	23/11/2018	22/11/2022	Vic	M
Michael Hawkins AM	30/05/2016	29/05/2023	Qld	M
Dr Jessica Henderson	22/02/2021	21/02/2024	WA	G M
Dr Susan Hoffman	01/07/2015	31/03/2024	WA	M So
Linda Holub	01/07/2015	29/09/2023	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	29/09/2023	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
Angela Julian-Armitage	22/02/2021	21/02/2024	Qld	G M N
Christine Kannis	01/07/2015	29/09/2023	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
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

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
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	29/05/2026	SA	So
Dr Geoffrey Markov	01/07/2015	30/06/2024	Vic	G So
Jane Marquard	30/05/2016	29/05/2026	NSW	M
Maxina Martellotta	01/07/2015	31/03/2024	WA	M N So
Melissa McAdam	01/07/2015	30/06/2024	NSW	M
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 McMurrin	16/01/2017	15/01/2024	NSW	M N V
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	30/06/2021	Tas	F G M N Sec So T V
Amanda Paxton	22/02/2021	21/02/2024	Vic	M
Amanda Pearson	23/11/2018	22/11/2022	Vic	M
Donna Petrovich	02/12/2018	01/12/2023	Vic	G M So

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
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
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
Naomi Schmitz	22/02/2021	21/02/2024	Vic	M
Dr Harry Schwarz	01/07/2015	25/05/2024	Vic	So
Rodger Shanahan	01/07/2015	30/06/2024	NSW	M Sec
Wan Shum	01/07/2015	30/06/2024	NSW	M
James Silva	02/08/2016	01/08/2026	NSW	M
Frances Simmons	01/07/2015	30/06/2024	NSW	M
Roslyn Smidt	01/07/2015	29/09/2023	NSW	M
Meenakshi Sripathy	01/07/2015	30/06/2024	NSW	M
Frances Staden	01/07/2015	30/09/2024	ACT	So
Dr Leslie Stephan	26/06/2015	25/09/2023	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
David Thompson	23/11/2018	22/11/2022	WA	M
Ian Thompson	05/08/2013	04/11/2023	SA	F G N
Dominic Triaca	23/11/2018	22/11/2022	Vic	M
Susan Trotter	01/07/2015	29/09/2023	Qld	G M N So
Elizabeth Tueno	23/11/2018	22/11/2022	Vic	M

NAME	FIRST APPOINTMENT	APPOINTMENT EXPIRES	STATE/ TERRITORY	DIVISIONS
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
Allison Windsor	01/07/2015	15/11/2024	SA	So
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 30: NUMBER OF SENIOR MEMBERS AND MEMBERS ASSIGNED TO EACH AAT DIVISION, 30 JUNE 2021

Division	Senior Member full time	Senior Member part time	Member full time	Member part time	Total
Freedom of Information	15	8	19	22	64
General	23	14	26	57	120
Migration and Refugee	26	10	61	103	200
National Disability Insurance Scheme	17	4	28	39	88
Security	10	3	15	18	46
Small Business Taxation	8	11	6	7	32
Social Services and Child Support	10	4	30	86	130
Taxation and Commercial	12	13	13	16	54
Veterans' Appeals	15	10	19	33	77

Appointments and cessations

New appointments – term commenced in 2020–21

Deputy President

The Honourable Justice Timothy McEvoy

Senior Member

The Honourable John Rau SC

Member

Rachel Da Costa

The Honourable Philip Dalidakis
Namoï Dougall

Justin Gibbs Genevieve

Hamilton Dr Jessica Henderson

Angela Julian-Armitage Amanda

Paxton

The Honourable Jane Prentice Naomi

Schmitz

Reappointments – term commenced in 2020–21

Deputy President

The Honourable Justice Victoria Bennett AO

The Honourable Justice David Berman

The Honourable Justice Berna Collier

The Honourable Dennis Cowdroy AO QC

The Honourable Justice Peter Greenwood

The Honourable Justice Susan Kenny Fiona
Meagher

The Honourable Justice John Middleton

Karen Synon

The Honourable Justice Richard White

Senior Member

Josephine Kelly

Theodore Tavoularis

Member

David Barker

Professor David Ben-Tovim

Nicole Burns

Dr Louise Bygrave

Kent Chapman

Christine Cody

Denise Connolly

Angela Cranston

Jennifer Cripps Watts

Brendan Darcy

Nicola Findson

Tania Flood Mila

Foster Linda Holub

Penelope Hunter

Christine Kannis

Michael Manetta

Jane Marquard

Justin Meyer

Roslyn Smidt

Dr Leslie Stephan

Jeffrey Thomson

Susan Trotter

Paul Windsor

Members – term ended in 2020–21

Deputy President

The Honourable Justice Robert Benjamin AM

The Honourable Justice Jennifer Davies

Stephanie Forgie

Gary Humphries AO

The Honourable Justice Jayne Jagot

The Honourable Justice John Logan RFD

The Honourable Justice Simon Steward

Senior Member

Donald Davies

Ann Duffield

Peter Nolan

Dr Irene O'Connell William

Stefaniak AM RFD

Member

Genevieve Cleary

Tigiilagi Eteuati

Ian Garnham Justin

Gibbs Dominique

Grigg Lisa Hannon

Geraldine HoebenDr

Eric Knight

Dr Graham Maynard

Adrienne Millbank

The Honourable Stephen Parry

Seamus Rafferty

Douglas Shirrefs

Christopher Smolicz

Sandra Taglieri SC

Andrew Tragardh

Dr Peter Wilkins MBE

Amy Wood

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 the 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.

Fiona Meagher

Deputy President Fiona Meagher is Division Head of the National Disability Insurance Scheme Division. She was appointed as a Deputy President of the AAT and assigned to be Division Head on 17 December 2020 for a term of 3 years.

Deputy President Meagher was appointed as a part-time member of the Migration Review Tribunal and Refugee Review Tribunal on 30 June 2015 and became a part-time member of the AAT on 1 July 2015. She was assigned to the NDIS Division in December 2017 and appointed as a full-time Senior Member in November 2018. Deputy President Meagher is a former member of the Queensland Mental Health Review Tribunal and, prior to her tribunal appointments, she held management consulting, professional development and legal roles in the corporate, legal and professional services sectors.

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, was a legal member then 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.

Karen Synon

Deputy President Karen Dynon is Division Head of the Social Services and Child Support Division. She was appointed as a Deputy President of the AAT and assigned to be Division Head on 17 December 2020 for a term of 3 years.

Deputy President Synon was appointed to the RRT in 2001 and the MRT in 2004. She became a part-time member of the AAT on 1 July 2015 working in the Migration and Refugee Division until her appointment as a Deputy President. Prior to these appointments, Deputy President Synon was a Senator for Victoria between 1997 and 1999 and before that, a First Assistant Secretary in the Victorian Department of Business and Employment from 1992 to 1997.

Deputy Division Head

Dr Irene O'Connell

Senior Member Dr Irene O'Connell was Deputy Division Head of the Migration and Refugee Division until 25 February 2021. 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 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

Additional staffing statistics

This appendix contains:

- statistics on the staff of the AAT (other than members of the AAT) at 30 June 2020 and 30 June 2021
- statistics on the APS employees of the AAT at 30 June 2020 and 30 June 2021, and
- the salary ranges available for APS employees during 2020–21.

TABLE 31: AAT WORKFORCE - WORKFORCE STATUS AND GENDER BY LOCATION, 30 JUNE 2020 AND 30 JUNE 2021

LOCATION	ONGOING						NON-ONGOING ^b						ALL EMPLOYEES				
	Male		Female		Total		Male		Female		Total		Total		Total		
	Full time	Part time	Total male	Full time	Part time	Total female	Full time	Part time	Total male	Full time	Part time	Total female	Total male	Total female	Total	Total	
At 30 June 2020^a																	
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
External territories	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

LOCATION	ONGOING						NON-ONGOING ^b						ALL EMPLOYEES				
	Male			Female			Male			Female			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	Total	Total male	Total female		
At 30 June 2021^a																	
NSW	65	3	68	91	35	126	194	8	52	60	27	54	81	141	128	207	335
Qld	18	1	19	20	8	28	47	5	13	18	11	25	36	54	37	64	101
SA	7	1	8	13	6	19	27	1	6	7	3	4	7	14	15	26	41
Tas	0	0	0	3	3	6	6	1	0	1	1	1	2	3	1	8	9
Vic	57	2	59	79	13	92	151	6	16	22	18	49	67	89	81	159	240
WA	10	0	10	12	9	21	31	1	3	4	3	15	18	22	14	39	53
ACT	7	0	7	1	2	3	10	1	5	6	1	7	8	14	13	11	24
NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
External territories	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	164	7	171	219	76	295	466	23	95	118	64	155	219	337	289	514	803

^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 in each year) 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 for the purpose of this report.

TABLE 32: AAT APS EMPLOYEES - EMPLOYMENT STATUS AND GENDER BY CLASSIFICATION, 30 JUNE 2020 AND 30 JUNE 2021

CLASSIFICATION	ONGOING						NON-ONGOING						ALL EMPLOYEES				
	Male			Female			Male			Female			Total		Total		
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Part time	Total	male	female	
At 30 June 2020^a																	
SES Band 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES Band 1	1	0	1	5	0	5	0	0	0	0	0	0	0	0	1	5	6
Executive Level 2	23	0	23	14	13	27	50	5	14	0	14	19	41	69	28	41	69
Executive Level 1	23	4	27	30	7	37	64	1	2	1	3	4	40	68	28	40	68
APS Level 6	36	0	36	53	8	61	97	2	8	0	8	10	69	107	38	69	107
APS Level 5	21	1	22	42	9	51	73	4	3	2	5	9	56	82	26	56	82
APS Level 4	63	3	66	109	28	137	203	20	42	6	48	69	185	272	87	185	272
APS Level 3	5	1	6	5	2	7	13	4	7	11	33	40	53	107	13	40	53
APS Level 2	0	1	1	2	4	6	7	0	1	16	17	27	34	61	11	23	34
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	1	1	0	1	1
Total	172	10	182	260	72	332	514	36	92	36	128	178	460	692	232	460	692

CLASSIFICATION	ONGOING						NON-ONGOING						ALL EMPLOYEES						
	Male			Female			Total			Male			Female			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	Total male	Total female		
At 30 June 2021^a																			
SES Band 2	0	0	0	1	0	1	1	0	0	0	1	0	0	0	1	1	0	2	2
SES Band 1	2	0	2	2	0	2	4	1	0	1	1	0	1	0	1	2	3	3	6
Executive Level 2	24	0	24	14	13	27	51	5	0	5	11	2	13	18	29	40	69	69	
Executive Level 1	31	3	34	31	12	43	77	2	0	2	2	1	3	5	36	46	82	82	
APS Level 6	28	1	29	51	8	59	88	2	0	2	7	0	7	9	31	66	97	97	
APS Level 5	24	0	24	44	6	50	74	5	0	5	7	0	7	12	29	57	86	86	
APS Level 4	51	1	52	73	31	104	156	7	1	8	23	4	27	35	60	131	191	191	
APS Level 3	4	1	5	1	2	3	8	1	1	2	12	11	23	25	7	26	33	33	
APS Level 2	0	1	1	2	3	5	6	0	4	4	0	10	10	14	5	15	20	20	
APS Level 1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	1	
Total	164	7	171	219	76	295	466	23	6	29	64	28	92	121	200	387	587	587	

^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 2020 and 30 June 2021) or on temporary transfer to another agency.

TABLE 33: APS EMPLOYEES - LOCATION AND EQUAL EMPLOYMENT OPPORTUNITY DATA BY EMPLOYMENT STATUS, 30 JUNE 2020 AND 30 JUNE 2021

	At 30 June 2020			At 30 June 2021		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing	Total
	Location					
NSW	228	59	287	194	42	236
Qld	50	38	88	47	25	72
SA	28	10	38	27	4	31
Tas	4	3	7	6	2	8
Vic	158	44	202	151	34	185
WA	37	15	52	31	5	36
ACT	9	9	18	10	9	19
NT	0	0	0	0	0	0
Overseas	0	0	0	0	0	0
TOTAL	514	178	692	466	121	587
Equal employment opportunity data^a						
Indigenous	6	0	6	4	1	5
Non-English-speaking background	126	16	142	103	21	124
People with disability	10	3	13	5	4	9

^aThese figures are based on information provided voluntarily by staff.

TABLE 34: SALARY RANGES FOR AAT APS EMPLOYEES 2020-21

Classification	Minimum Salary	Maximum Salary
SES 2	0	\$250,000
SES 1	\$179,000	\$196,290
EL 2	\$124,227	\$141,230
EL 1	\$103,747	\$122,112
APS 6	\$81,911	\$93,810
APS 5	\$75,612	\$80,181
APS 4	\$67,794	\$73,607
APS 3	\$63,238	\$65,653
APS 2	\$53,404	\$60,077
APS 1	\$47,189	\$52,152
Other	0	0
<i>Minimum/Maximum range</i>	\$47,189	\$250,000

Appendix 3: Resourcing tables

Resourcing tables

This appendix contains:

- a table summarising the total resources of the AAT and the total payments made by the AAT during 2020–21
- a table showing the total expenses for the AAT's outcome.

Resource statement

TABLE 35: AAT RESOURCE STATEMENT, 2020–21

	Actual available appropriation for 2020–21 \$'000	Payments made 2020–21 \$'000	Balance remaining 2020–21 \$'000
	(a)	(b)	(a) – (b)
Ordinary annual services¹			
Departmental appropriation per Portfolio Budget Statements 2019–202	243,564	195,984	47,580
Prior periods adjustment ³	(7,740)		(7,740)
Section 74 retained revenue receipts adjustment ⁴	2,779		2,779
Departmental appropriation adjustments	-		-
Total available annual appropriations and payments	238,603	195,984	42,619
Special appropriations			
Special appropriations limited by criteria/entitlement			
<i>Public Governance, Performance and Accountability Act 2013 – section 77</i>	6,826	6,826	-
Total special appropriations	6,826	6,826	-
Total net resourcing and payments for Administrative Appeals Tribunal	245,429	202,810	42,619

¹ Appropriation Act (No. 1) 2020–21, includes \$83.8m from prior periods and \$0.6m in section 74 retained revenue receipts.

² Includes an amount of \$3.8m in 2020–21 for the departmental capital budget. For accounting purposes this amount has been designated as 'contributions by owners'.

³ Adjustment to reflect actual 2020–21 closing period appropriation receivables

⁴ Adjustment to reflect actual 2020–21 section 74 receipts. PGPA Act Section 74 receipts relate to revenue received for rendering of services.

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* 2020–21 \$'000	Actual expenses 2020–21 \$'000	Variation 2020–21 \$'000
	(a)	(b)	(a) – (b)
Program 1.1: Administrative Appeals Tribunal			
Administered expenses			
Special appropriations	12,000	13,836	(1,836)
Departmental expenses			
Departmental appropriation ¹	181,705	171,497	10,288
Expenses not requiring appropriation in the Budget year	6,005	10,937	(4,932)
Total expenses for Program 1	199,790	196,270	3,520
Total expenses for Outcome 1	199,790	196,270	3,520
	2019-20	2020–21	
Average staffing level (number)²	627	599	

* Full year budget, including any subsequent adjustment made to the 2020–21 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: Executive remuneration

Executive remuneration

This appendix contains information about executive remuneration for:

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

TABLE 41: INFORMATION ABOUT REMUNERATION FOR KEY MANAGEMENT PERSONNEL

Name	Position title	Base salary	Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
			Bonuses	Other benefits and allowances	Superannuation contributions		Long service leave	Other long-term benefits		
David Thomas	President ^a		0	0	0	0	0	0	0	0
Sian Leathern	Registrar	368,462	0	0	0	46,731	9,097	0	0	424,290

^a The President's salary is paid by the Federal Court rather than the AAT. The AAT has paid for benefits that have attracted FBT.

Note: There is a minor inconsistency between the figures in this table and the Financial Statements in this report. This is due to the use of the Remuneration Tribunal Determination rate for the individual's employer superannuation contribution in this table, compared to the actual salary paid and leave provisions, which were used for the Financial Statements.

TABLE 42: INFORMATION ABOUT REMUNERATION FOR SENIOR EXECUTIVES*

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 long service leave	Average other long-term benefits	Average termination benefits		
\$0 - \$220,000	12	62,203	0	0	8,967	268	0	0	0	71,439
\$220,001 - \$245,000	2	205,751	0	0	32,347	4,705	0	0	0	242,802
\$245,001 - \$270,000	2	222,225	0	0	36,407	4,775	0	0	0	263,407
\$270,001 - \$295,000	1	246,435	0	0	27,705	5,656	0	0	0	279,796
\$445,001 - \$470,000	1	410,199	0	0	36,294	10,610	0	0	0	457,103
\$495,001 - \$520,000	2	457,431	0	0	44,912	10,767	0	0	0	513,110
\$520,001 - \$545,000	1	491,150	0	0	36,294	10,610	0	0	0	538,054

*Where an individual's employer superannuation contribution rate has been determined by a Remuneration Tribunal Determination (RTD), the RTD rate has been used.

^a Senior Executives for this table 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.

TABLE 38: 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		Average other benefits and allowances	Average long service leave		
\$225,001 - \$245,000		0	0	0	0	0	0	0

Appendix 5: 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 2020–21. Non-campaign advertising expenditure of \$25,470.89 was paid to Universal McCann and Seek to advertise employment vacancies. An additional \$28,199.43 was paid to the Attorney-General's Department for their advertisement of an expression of interest in appointment as a member of the AAT.

We paid \$49,422.10 to ORIMA Research in relation to the conduct of surveys of users of the AAT's services. An additional \$27,910.30 was paid to Wallis, in relation to obtaining feedback from parties regarding their experience with our Alternative Dispute Resolution processes.

There were no other reportable payments made in 2020–21.

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.

In 2020–21, the Audit and Risk Committee had 4 external members (including the chair) and 3 internal members. It met 5 times during the reporting year.

The table below shows Audit and Risk Committee membership, the number of meetings attended by each member and, where relevant, remuneration received by each member in 2020–21.

TABLE 39: AUDIT AND RISK COMMITTEE MEMBERS, 2020–21

Name	Role	No of meetings attended/eligible to attend	Remuneration
Maria Storti	External member/chair	5/5	\$17,500 GST exclusive
Stephen Coates	External member	5/5	\$8,000 GST exclusive
Angela-Grace Kelly	External member	2/3	N/A
Sarah Martin	External member	1/1	N/A
Justin Toohey	Internal member	3/3	N/A
Adam Hay	Internal member	2/2	N/A
Stewart Fenwick	Internal member	5/5	N/A

Profiles

Maria Storti

Ms Storti is the Chair of the Audit and Risk Committee. She is an independent member or chair of Australian Government audit committees and a board director. She is a former Ernst & Young partner and has worked with professional services firm PricewaterhouseCoopers in the areas of audit, financial reporting, 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 *Immediate Past* President of The Institute of Internal Auditors - Australia and a member of the International Internal Audit Standards Board (IIASB). He works with boards and committees nationally advising on assurance, risk, governance, and compliance matters. He is a Fellow of 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 was an independent external member of the Audit and Risk Committee up to December 2020. 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.

Sarah Martin

Ms Martin is an independent external member of the Audit and Risk Committee. She is the Chief Financial Officer of the Office of Parliamentary Counsel. Ms Martin is a Chartered Accountant and holds a Bachelor of Business degree. She also holds a fellowship at the Institute of Managers and Leaders (FIML) and is a member of Governance Institute Australia (AGIA).

Justin Toohey

Mr Toohey was an internal member of the Audit and Risk Committee up to December 2020. 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.

Stewart Fenwick

Dr Fenwick is an internal member of the Audit and Risk Committee. He is a qualified lawyer with experience both as a legal adviser and policy adviser in the Australian Public Service. He was previously the Chief Executive and Principal Registrar of the Federal Circuit Court of Australia. Dr Fenwick has extensive experience in the justice sector including with Australian courts and in roles on international development projects. He holds a Doctorate in Law, in addition to masters and undergraduate degrees in law and arts.

Adam Hay

Mr Hay is an internal member of the Audit and Risk Committee. He is a barrister and solicitor, and mediator and has been the District Registrar of the AAT Adelaide Registry since 2017. He has nearly 20 years of Executive Level public sector experience including roles in health compliance, audit and investigation in the Department of Human Services (now Services Australia) and the Department of Health, and as a Senior Government Lawyer in the Department of Human Services. Mr Hay holds a Master of Business Administration, Bachelor of Pharmacy, Graduate Bachelor of Law, Graduate Diploma in Legal Practice, and an Advanced Diploma in Health Services Administration.

Grants

The AAT did not administer any grants programs in 2020–21.

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 2020–21, 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 one long-term lease for additional space in Brisbane in the reporting year; this 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. Further when undertaking new fit-out works, LED lights are used and light fittings were fitted with sensors and timers.

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 2020–21, tenant light and power consumption was 5,645 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 2019–20 contained the following error. Page 51 reported that 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. The correct number is 538 and the correct percentage is 41%.
- The totals for the equal employment opportunity data in the Annual Report 2019–20 should be 142 for Non-English speaking background and 13 for People with disability in Table A2.3 APS employees – Location and equal employment opportunity data by employment status, 30 June 2019 and 30 June 2020 on page 144.

Appendix 6: List of requirements

List of requirements

PGPA Rule Reference	Part of Report	Description	Requirement
17AD(g)	Letter of transmittal		
17AI	Letter of transmittal	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)	Contents	Table of contents.	Mandatory
17AJ(b)		Alphabetical index.	Mandatory
17AJ(c)	Glossary	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)		List of requirements.	Mandatory
17AJ(e)	This report	Details of contact officer.	Mandatory
17AJ(f)	This report	Entity's website address.	Mandatory
17AJ(g)	This report	Electronic address of report.	Mandatory
17AD(a)	Review by accountable authority		
17AD(a)	Chapter 1 The year in review	A review by the accountable authority of the entity.	Mandatory
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	Functions and purpose	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Structure	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Outcome and program	A description of the outcomes and programmes administered by the entity.	Mandatory

17AE(1)(a)(iv)	Functions and purpose	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	Staff of the AAT	Name of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(ii)	Staff of the AAT	Position title of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(iii)	Staff of the AAT	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory
17AE(1)(b)	N/A	An outline of the structure of the portfolio of the entity.	Portfolio departments - mandatory
17AE(2)	N/A	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
17AD(c) Report on the Performance of the entity			
<i>Annual performance Statements</i>			
17AD(c)(i); 16F	Annual Performance Statement	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)	Financial Performance	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Appendix 3: Resourcing tables	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	N/A	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			
<i>Corporate Governance</i>			

17AG(2)(a)	Fraud control	Information on compliance with section 10 (fraud systems)	Mandatory
17AG(2)(b)(i)	Fraud control	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Fraud control	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)	Fraud control	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)	Corporate governance	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d) – (e)	N/A	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
<i>Audit Committee</i>			
17AG(2A)(a)	Audit and Risk Committee	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	Audit and Risk Committee	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	Audit and Risk Committee	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	Audit and Risk Committee	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	Audit and Risk Committee	The remuneration of each member of the entity's audit committee.	Mandatory
<i>External Scrutiny</i>			
17AG(3)	External scrutiny	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	Appeals	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a	If applicable, Mandatory

significant effect on the operations of the entity.

17AG(3)(b)	Functions and purpose	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)	N/A	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
Management of Human Resources			
17AG(4)(a)	Management of human resources	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	Appendix 2: Additional staffing statistics	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: Additional staffing statistics	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: <input type="checkbox"/> Statistics on staffing classification level; <input type="checkbox"/> Statistics on full-time employees; <input type="checkbox"/> Statistics on part-time employees; <input type="checkbox"/> Statistics on gender; <input type="checkbox"/> Statistics on staff location; <input type="checkbox"/> Statistics on employees who identify as Indigenous.	Mandatory
17AG(4)(c)	Employment agreements and arrangements for staff	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)	Employment agreements and arrangements for staff	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: Additional staffing statistics	The salary ranges available for APS employees by classification level.	Mandatory

17AG(4)(c)(iii)	Non-salary benefits	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Performance pay	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	N/A	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory
17AG(4)(d)(iii)	N/A	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	N/A	Information on aggregate amount of performance payments.	If applicable, Mandatory
Assets Management			
17AG(5)	N/A	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)	Purchasing	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
Reportable consultancy contracts			
17AG(7)(a)	Consultants	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7)(b)	Consultants	A statement that “ <i>During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]</i> ”.	Mandatory
17AG(7)(c)	Consultants	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)	Consultants	A statement that “ <i>Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.</i> ”	Mandatory
Reportable non-consultancy contracts			
17AG(7A)(a)	Reportable non-consultancy contracts	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7A)(b)	Reportable non-consultancy contracts	A statement that “ <i>Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.</i> ”	Mandatory
17AD(daa) Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts			
17AGA	Additional information about organisations receiving amounts under consultancy contracts or reportable non-consultancy contracts	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory
Australian National Audit Office Access Clauses			
17AG(8)	Not applicable; see Reporting on purchases	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 Reporting on purchases	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	If applicable, Mandatory

of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.

Small business			
17AG(10)(a)	Purchasing	A statement that “[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”	Mandatory
17AG(10)(b)	Purchasing	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	N/A	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)	Financial statements	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
Executive Remuneration			
17AD(da)	Appendix 4: Executive remuneration	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	Mandatory
17AD(f) Other Mandatory Information			
17AH(1)(a)(i)	N/A	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)	Advertising and market research	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory

17AH(1)(b)	N/A	A statement that “ <i>Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].</i> ”	If applicable, Mandatory
17AH(1)(c)	Disability reporting mechanism	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Information Publication Scheme	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)	Corrections of material errors in previous annual report	Correction of material errors in previous annual report	If applicable, mandatory
17AH(2)		Information required by other legislation	Mandatory
	Work health and safety	Work health and safety information required by the Work Health and Safety Act 2011.	Mandatory
	Advertising and market research	Advertising and market research information required by the Commonwealth Electoral Act 1918.	If applicable, mandatory
	Ecologically sustainable development and environmental performance	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.
Appropriation	An amount authorised by Parliament to be drawn from the Consolidated Revenue Fund or Loan Fund for a particular purpose, or the amount so authorised. Appropriations are contained in specific legislation – notably, but not exclusively, the Appropriation Acts.
APS	Australian Public Service.
APS employee	A person engaged under 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 while they are awaiting the outcome of an application for a substantive visa.
Case appraisal	An alternative dispute resolution process conducted by a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, who assists the parties to resolve the dispute by providing a non-binding opinion on the facts in dispute and likely outcomes.
China	The People's Republic of China.
Complementary protection	Circumstances where there are substantial grounds for believing that, as a necessary and foreseeable consequence of being removed from Australia to a receiving country, there is a real risk a person will suffer significant harm.

Conciliation	An alternative dispute resolution process in which a Tribunal member, conference registrar or other person assists the parties to identify the issues in dispute and endeavour to reach an agreement. The conciliator has no determinative role but may advise on or determine the conciliation process, make suggestions on terms of settlement and actively encourage the parties to reach an agreement.
Conference	A meeting conducted by a Tribunal member, conference registrar or other person with the parties and/or their representatives. Conferences provide an opportunity to discuss and define the issues in dispute, identify further evidence that may be gathered, explore whether the matter can be settled and discuss the future conduct of the matter.
Confidentiality order	An order made by the Tribunal directing that a hearing or part of a hearing be held in private or prohibiting or restricting the publication or other disclosure of information tending to reveal the identity of a party, witness or related person, information comprising evidence or about evidence, or information otherwise lodged with or given to the Tribunal.
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	Short for '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.
FOI	Freedom of information.
Freedom of Information Act	<i>Freedom of Information Act 1982.</i>
FRR	Public Governance, Performance and Accountability (Financial Reporting) Rule 2015.
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.

Guide to Refugee Law	The Guide to Refugee Law in Australia was developed in 1996 as a reference tool for members and staff of the RRT. It contains an analysis of the legal issues relevant to the determination of refugee status in Australia and is regularly updated to reflect developments in the law.
HCA	High Court of Australia.
Hearing	The occasion at which the parties may present evidence and submissions in relation to an application, including for a review of a decision to the Tribunal member(s) who will decide the case.
IAA	Immigration Assessment Authority.
Interlocutory hearing	A hearing in relation to any application made by a party that relates to an application for a review of a decision, including any of the following kinds of application: to extend the time to lodge an application for a review; to be joined as a party to a proceeding; to make a confidentiality order; to stay the operation or implementation of the decision under review; to dismiss an application; or to reinstate an application.
IPS	Information Publication Scheme.
Jurisdiction	The scope of the Tribunal's power to review decisions.
Mediation	An alternative dispute resolution process during which a Tribunal member, conference registrar or other person assists the parties to identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in relation to the content of the dispute but may advise on or determine the mediation process.
Migration Act	<i>Migration Act 1958</i> .
MRT	Migration Review Tribunal.
NAATI	National Accreditation Authority for Translators and Interpreters.
NDIS	National Disability Insurance Scheme.
Neutral evaluation	An alternative dispute resolution process in which a Tribunal member or other person, chosen on the basis of their knowledge of the subject matter, assists the parties to resolve the dispute by evaluating the facts and law at issue in the dispute and providing a non-binding opinion on the likely outcomes.
Non-ongoing APS employee	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 and 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 divisions, the decision-maker or other respondent to the application and any other person joined to the proceeding on the basis their interests are affected by the decision under review.
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013.</i>
PGPA (Financial Reporting) Rule 2015	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. Related term: Outcomes
Protection visa	A class of visas, a criterion for which is that the applicant for the visa is a non-citizen in Australia to whom Australia has protection obligations (the applicant is a refugee or is owed complementary protection) or is a non-citizen in Australia who is the spouse or a dependant of a non-citizen who holds a protection visa.
PSS	Public Sector Superannuation Scheme.
PSSap	Public Sector Superannuation accumulation plan.
Public Governance, Performance and Accountability Act	<i>Public Governance, Performance and Accountability Act 2013.</i>
Public Service Act	<i>Public Service Act 1999.</i>
Refugee	A person who is outside their country and is unable or unwilling to go back because they have a well-founded fear of being persecuted because of their race, religion, nationality, political opinion or membership of a particular social group.
Registry	A public facing 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 (AAO). Each Commonwealth entity and company has a responsible minister, which one depends on the matters that the entity or company deals with, or 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.
Sessional member	A part-time member who works on a sessional basis.
Set aside	If the Tribunal sets aside a decision under review, the original decision no longer stands. The Tribunal may make a new decision or remit the matter to the original decision-maker.
SSAT	Social Security Appeals Tribunal.
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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