



Administrative
Appeals Tribunal

Annual Report 2023–24



Acknowledgement of Country

We acknowledge the traditional custodians of Australia and their continuing connection to land, sea and community. We pay our respects to Aboriginal and Torres Strait Islander cultures and to Elders past and present.

Contacting the AAT

You can contact the AAT by phone on **1800 228 333** from anywhere in Australia (calls are free from landline phones, however, calls from mobiles may be charged).

Non-English speakers can call the Translating and Interpreting Service on **131 450** and ask them to call the AAT.

If you are deaf or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit the [National Relay Service website](#).

For other ways to contact the AAT, you can visit our website to find our [contact details](#).

Website

www.aat.gov.au

This report

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Administrative Appeals Tribunal
Annual Report
2023–24

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Administrative Appeals Tribunal

16 September 2024

The Hon Mark Dreyfus KC MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

We are pleased to present to you the annual report of the Administrative Appeals Tribunal for the year ended 30 June 2024 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 and section 16F of the Public Governance, Performance and Accountability Rule, and
- the annual financial statements for the Tribunal in accordance with subsection 43(4) of the Public Governance, Performance and Accountability Act.

Yours sincerely,

The Hon Justice Emilios Kyrou AO

President

Michael Hawkins AM

Registrar

Accountable Authority

Chapter 1 The year in review



The Hon Justice Emilios Kyrrou AO (left) and Registrar Michael Hawkins AM

Our year in review

Throughout 2023–24, we focused on ensuring that the Administrative Appeals Tribunal (AAT) continued to provide high quality merits review while simultaneously preparing for the commencement of the Administrative Review Tribunal (the new Tribunal). Our key priorities for the reporting year were and are, until such time as the AAT no longer exists, to:

- manage our large and diverse caseload, including ensuring the continued delivery of high-quality services to our users
- support our members and staff, during the period of transitioning to the new Tribunal, to continue to deliver high-quality services, and
- assist the Government in developing the new Tribunal through the sharing of operational expertise and corporate knowledge.

While the transitional context added to the complexity of our work during 2023–24, it also provided us with a unique opportunity to address the impact of a number of challenges the AAT has faced for several years in delivering on our key objectives, such as harmonising and automating our operational processes, and establishing a fit-for-purpose funding arrangement.

As we look ahead to a new reporting year which will bring further opportunities and challenges, we remain committed to serving our thousands of users to the best of our collective ability.

Workload and performance

In 2023–24, the AAT received over 50,000 applications which is a 22% increase on the previous year's applications. The increase in applications is attributable to the Migration and Refugee Division (MRD) which saw applications increase by approximately one third over the previous year. Overall, lodgements were lower than the previous year in the Freedom of Information Division, National Disability Insurance Scheme Division (NDISD), Small Business Taxation Division, Social Services and Child Support Division (SSCSD), Taxation and Commercial Division, and Veterans' Appeals Division.

During the reporting period, the AAT and the Immigration Assessment Authority (IAA) finalised more than 43,400 applications and referrals. This is a slight increase of 1.8% compared to the previous financial year and broadly consistent with the last 4 years.

The AAT endeavours to finalise 75% of our applications within 12 months. We did not meet this performance target (achieving a 55% finalisation rate within the 12-month period). This result is down by 6% compared to 2022–23 due to the sharp increase in lodgements during the reporting year (22% increase in applications). This increase in lodgements was mostly in the MRD caseload, which brought down the total finalisation rate across the whole Tribunal. In the SSCSD and NDISD, we met this target with more than 75% of applications being finalised within 12 months. It will continue to be difficult to meet our target of 75% overall while continuing to address our on hand caseload.

In 2023–24, the AAT achieved a clearance ratio of 87% against a performance target of 100%. As of 30 June 2024, excluding the IAA, we had 73,066 cases on hand awaiting finalisation. Most of the cases on hand were in the MRD, the largest of the AAT's jurisdictional areas.

The number of IAA referrals increased by 35% in 2023–24 from the previous reporting year as the IAA worked to complete processing of the fast track caseload. The IAA maintained a clearance rate of 104%, finalising 223 referrals during the reporting period with a median time to finalisation of 6 weeks. Seventeen cases were on hand as of 30 June 2024.

The experience of users will always be a key priority. During the reporting year, we gathered feedback from parties and representatives about their experience of our services and received a user satisfaction rating of 75%. This was an improvement of 3 percentage points compared to our result for the previous financial year.

The AAT published 5,146 AAT and IAA decisions in 2023–24, exceeding our annual target for this measure of our commitment to transparency.

The number of successful appeals as a proportion of all AAT and IAA decisions decreased from 2.1% in 2022–23 to 1.9% in 2023–24. The number of appeals allowed by the courts has remained below the target of 5% since 2015–16.

Governance and structure

During the reporting period, we focused on setting up our governance structure to support both our current organisation and the new Tribunal.

We formed a Transition Committee to oversee the establishment of the new Tribunal, together with a Transition Team to coordinate the significant program of work required. The Transition Committee, comprising the President, Registrar and Chief Operating Officer, has met weekly to make strategic

planning and implementation decisions for the new Tribunal.

During the reporting year, we identified functions that should be located within the President's Chambers and established a new support structure with some new roles, including a General Counsel, to provide more direct support to the President to manage the performance and professional development of members and the drafting of instruments.

We also began work in 2023–24 to reform our organisational structure in a way that will support effective operations for the new Tribunal.

Members and staff

We acknowledge and appreciate members and staff for their dedication to the AAT's important work of reviewing government decisions, especially in this period of uncertainty as we transition to the new Tribunal. Throughout 2023–24, members and staff shared their expert knowledge with the Attorney-General's Department's Administrative Review Taskforce while ensuring that our core business, and the needs of our users, remained their key priority.

In 2023–24, the Government committed funding of \$63.4 million which supported the commencement of an additional 108 members plus support staff for a period of 2 years to address the on hand caseload. These members commenced work at the AAT on a staggered basis from September 2023 through February 2024.

In 2023–24, we farewelled 56 members who resigned or whose appointment ended during the reporting year. We would also like to acknowledge the 42 members whose last day with the Tribunal was 30 June 2024, including Deputy President Jan Redfern PSM. We thank these former members for their steadfast service and commitment to the AAT and wish them well in their future endeavours. As of 30 June 2024, the AAT had a total of 319 appointed (non-judicial) members, including 205 full time members and 114 part time members. We look forward to continuing to work with our members, and welcome newly appointed members in the new financial year.

Our staffing levels increased to 810, as at 30 June 2024, compared with 727 at the end of the previous financial year. This was partially due to the Government's directive to rebalance the workforce to prioritise direct employment of Australian Public Service staff during the reporting year and also due to the additional resources brought on as part of the Government's commitment to addressing the on hand caseload.

More than 62% of eligible staff provided feedback to the APS Census about their experience of working at the AAT. Our Census results showed high levels of engagement with our APS staff, with 87% reporting strong dedication to our role and purpose, and they are motivated, inspired and enabled to improve agency objectives. More than 75% of respondents feel supported by their immediate supervisor and that their supervisor demonstrates strong leadership to ensure that their workgroup delivers on what they are responsible for. Eighty-two per cent of staff feel their request for a flexible work arrangement would be given reasonable consideration.

During the reporting year, we offered a diverse range of internal and external professional development opportunities to members and staff to enhance their knowledge and skills. We also ensured resources were available to support wellbeing and build resilience amongst our people. We visited all the AAT registries to meet members and staff and hosted visits by the Attorney-General of Australia, the Hon. Mark Dreyfus KC, MP, to each registry.

Financial results and funding

The AAT received an unqualified audit report on the 2023–24 financial statements from the Australian National Audit Office. We had a significant increase in expenses in 2023–2024, primarily because of additional members and staff engaged to deal with the backlog of MRD protection matters. Non-employee costs were consistent with previous years. Appropriation revenue during the reporting year reflected the need to fund the AAT at more sustainable levels.

The AAT's revenue and operating expenses resulted in a surplus of \$24.87 million excluding depreciation, amortisation, and principal repayments on leased assets in 2023–24.

A key strategic priority has been to work with Government to ensure that merits review services are sustainably funded into the future. The Government has committed an additional \$206.5 million over 4 years to deliver a user-focused, independent and fair Tribunal. This funding includes \$196.9 million over the forward estimates to provide demand-driven funding for the new Tribunal that will support timely decision-making. We welcomed the announcement of this new funding arrangement as we will now receive funding for 100% of new case lodgements each year. Ensuring we have sufficient members appointed to complement that funding will be critical.

In addition to the Government funding of \$63.4 million to appoint additional members and support staff over 2 years from 1 July 2023 to address the backlog of cases, the Government provided a further \$9.5 million over 3 years from the reporting year to increase capacity to finalise the large backlog of migration cases, particularly protection visa cases.

Technology

In 2023–24, as in previous years, the project to develop a new case management solution (CMS) remained one of our main priorities for designing and establishing systems to improve users' experiences of our services. We continued to deal with significant challenges in supporting our legacy systems, some of which no longer receive vendor support, and ongoing performance issues, to ensure members and staff can complete their work while the significant multi-year CMS project is being delivered.

During the reporting year, the Government provided \$17.9 million in funding over 4 years to enable us to progress the CMS project, including building a cloud-based data platform and initial case management workflow capabilities. We made significant progress on design work on the CMS project during the reporting period, planning for it to be flexible and agile to allow for legislative changes. We have included provision to keep all historical records and decisions and move all current casework to the new Tribunal.

Looking ahead

On 3 June, the *Administrative Review Tribunal Act 2024* received Royal Assent. After the reporting year ended, the Attorney-General of Australia announced the AAT would cease and the new Administrative Review Tribunal would commence on 14 October 2024. The Tribunal staff have been actively engaged with the large program of work to design the new Tribunal's structure, procedures, and culture. While we have a number of staff dedicated to transition work, everyone across the organisation has had a role to play in preparing for the new Tribunal.

As we transition towards the new Tribunal, we will ensure that we fill gaps in accessibility needs. We have started work to improve access to merits review by embedding accessibility into the new Tribunal's policies, procedures, system design and service delivery, as well as bringing merits review

closer to those in regional and remote locations. This suite of work will include developing a First Nations liaison program, increasing resources in the Darwin office, delivering regional sittings and making improvements to the general user experience. These efforts will be integral to doing our part in delivering the Government's objective of a system of administrative review that is user-focused, efficient, accessible, independent and fair.

The establishment of the new Tribunal is one of - if not the biggest - changes in the administrative law landscape in the last 40 years. While we acknowledge the achievements of the AAT since its inception in 1976, we look forward to leading this once-in-a-generation reform of Australia's merits review system.

Chapter 2 Overview of the AAT

Functions and purpose

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

Merits review of an administrative decision involves considering afresh the facts, law and policy relating to that decision. We decide what is the correct or preferable decision based on the material before us and may affirm, vary, set aside or remit the decision under review.

The AAT must pursue the objective set out in section 2A of the *Administrative Appeals Tribunal Act 1975* of providing a mechanism of review of administrative decisions that:

- is accessible
- is fair, just, economical, informal and quick
- is proportionate to the importance and complexity of the 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 Portfolio Budget Statements for the 2023–24 Budget:

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.

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:

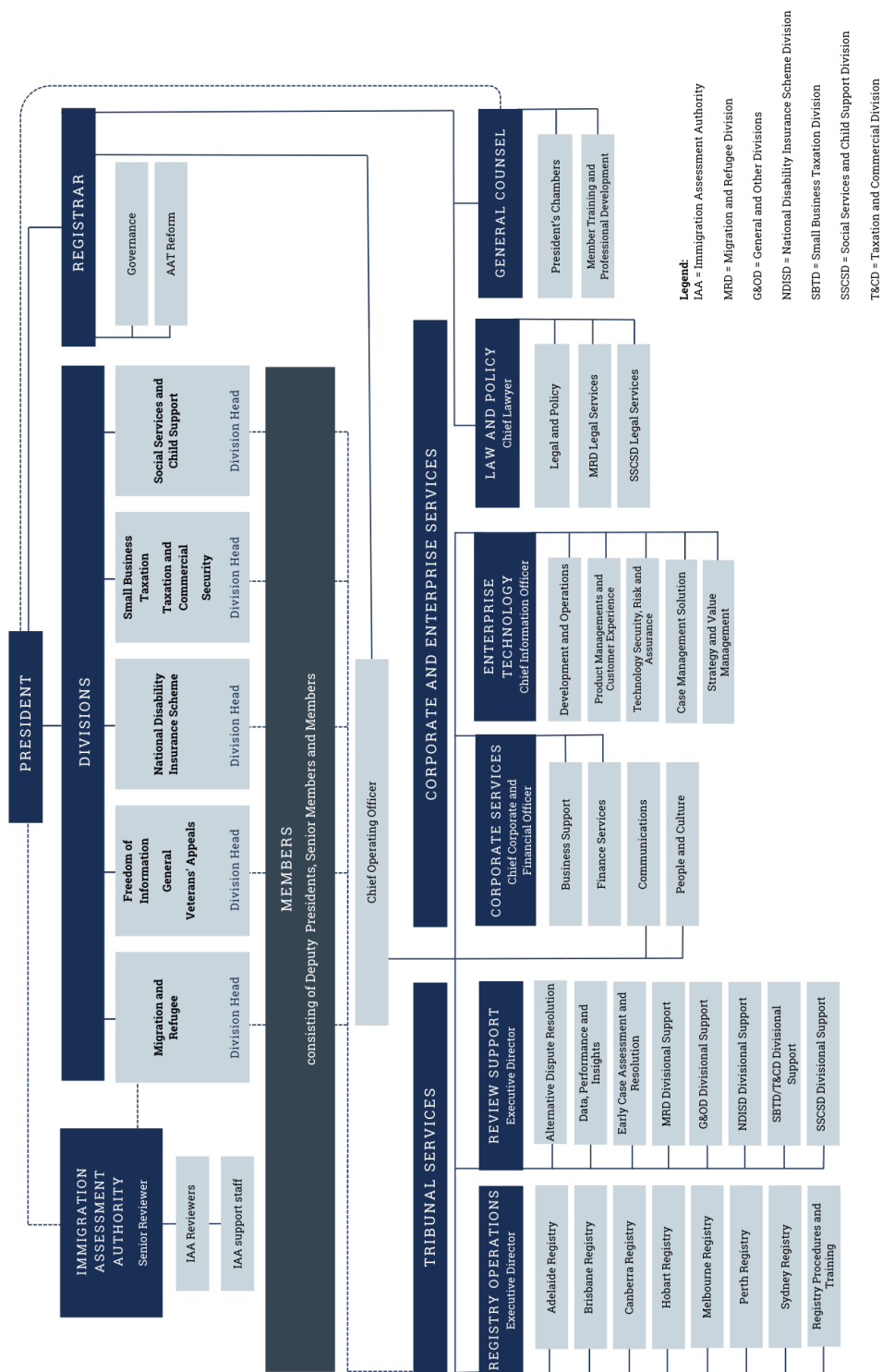
- Freedom of Information Division
- General Division
- Migration and Refugee Division
- National Disability Insurance Scheme Division
- Security Division
- Small Business Taxation Division
- Social Services and Child Support Division
- Taxation and Commercial Division
- Veterans' Appeals Division.

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 work with members 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 2.1: Organisational structure, 30 June 2024



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 are in the *Administrative Appeals Tribunal Act 1975* (AAT Act). The President of the AAT must be a judge of the Federal Court of Australia. Other judges of the Federal Court of Australia and judges of the Federal Circuit and Family Court of Australia (Division 1) may be appointed as a Deputy President. Other persons may be appointed as a deputy president, senior member or member if they:

- are lawyers of at least 5 years' standing, or
- have special knowledge or skills relevant to the duties of a deputy president, senior member or member.

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 2024, there were 330 members of the AAT.

Appendix 1: Members of the AAT lists all AAT members at 30 June 2024, including the division(s) to which each Senior Member and Member was assigned.

Table 2.2: Number of AAT members by category, 30 June 2024

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	5	8							3	5	8
Federal Circuit and Family Court judge	1	1	2							1	1	2
Non-judicial				3	7	10	0	5	5	3	12	15
Senior Member				22	19	41	6	11	17	28	30	58
Member				86	68	154	47	45	92	133	113	246
Total	4	7	11	111	94	205	53	61	114	168	162	330

Legend: F = female; M = male

President and Division Heads

Justice Emilios Kyrou AO was appointed as President of the AAT on 9 June 2023 for a term of 5 years. His appointment will transfer from the AAT to the role of President of the Administrative Review Tribunal when it is established on 14 October 2024.

The President is responsible for ensuring the expeditious and efficient discharge of the AAT's business and for managing the administrative affairs of the Tribunal. Division Heads assist the President by directing business in their divisions.

The table below lists the AAT's Division Heads at 30 June 2024.

Table 2.3: Division Heads, 30 June 2024

Division	Name	Date of assignment as Division Head
Migration and Refugee Division	Deputy President Jan Redfern PSM	21 March 2016
Social Services and Child Support Division	Deputy President Karen Synon	17 December 2020
General Division	Deputy President Peter Britten-Jones	20 March 2019
National Disability Insurance Scheme Division	Deputy President Michael Mischin	9 May 2022
Small Business Taxation Division	Deputy President Bernard McCabe	20 March 2019
Taxation and Commercial Division		25 March 2016

Deputy President Peter Britten-Jones also oversaw the Freedom of Information Division and Veterans' Appeals Division during the reporting period. Deputy President Bernard McCabe also oversaw the Security Division for 2023–24.

See Appendix 1: Members of the AAT for profiles of the President and Division Heads.

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*
- 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 AAT Act and other enactments.

The Registrar is Michael Hawkins AM, who is appointed for a 5-year term from 14 April 2022.

During 2023–24, employees in senior executive positions assisted the President, Registrar and Division Heads in designated areas of responsibility.

Table 2.4: Senior executive employees at 30 June 2024

Position	Name
Chief Operating Officer	Jamie Crew
Chief Corporate and Financial Officer	Kelvin Zhu
Chief Information Officer	Andrew Dundon
Chief Legal Officer	Sobet Haddad
General Counsel	Daniel Slater
Executive Director, Registry Operations	Allan Teves (acting)
Executive Director, Review Support	John Macleod (acting)
Senior Reviewer, Immigration Assessment Authority	Sobet Haddad
AAT Reform, Transition Team Lead	Alison Nesbitt

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 triage and undertake early case assessment for various types of applications, particularly in the Migration and Refugee, Small Business Taxation and Social Services and Child Support Divisions. Dedicated national teams provide caseload support and legal services to the General, Migration and Refugee, Social Services and Child Support, and the National Disability Insurance Scheme, and other divisions.

Corporate and Enterprise Services

Corporate and Enterprise Services staff advise and assist the President and Registrar in managing the AAT's administrative affairs and by providing services to members and staff. During the reporting year, those staff were responsible for business support, corporate legal and policy support, financial and human resource management, library and information services, communications support, strategy and governance support, risk mitigation, and technology services.

Powers and processes

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

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 and visa-related decisions
- the National Disability Insurance Scheme
- taxation
- veterans' entitlements
- Commonwealth workers' compensation.

We also review a wide range of decisions relating to aged care, bankruptcy, childcare services, civil aviation, corporations and financial services regulation, customs, education regulation, electoral matters, FEE-HELP for students, freedom of information, industry assistance, mutual recognition of occupations, occupational licensing and regulation, paid parental leave, passports, privacy, security assessments by the Australian Security Intelligence Organisation, therapeutic goods and unpaid employment entitlements.

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

Processes

The AAT's powers and procedures are set out primarily in the AAT 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 as 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 designed 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 legal representative, migration agent, advocate or other person, our processes are user-friendly and so a significant proportion of parties represent themselves. We aim to facilitate the participation of self-represented parties in reviews. Details of the accessibility measures we use, including the use of interpreters for hearings and other case events, can be found in Chapter 3 Performance.

Steps in a review

When we receive a valid application that meets the application requirements, we will send a letter to the applicant to confirm that we have received the application. We also notify the original decision-maker who must then provide us with a copy of the decision in review and all the documents they hold that are relevant to the review. In divisions other than the Migration and Refugee Division, the decision-maker must also provide a copy of these documents to the applicant and any other party of the review. 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 and Social Services and Child Support Divisions, the decision-making agency does not take an active 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 provide the Tribunal with new information that they think supports their case. 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 to 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. We also ensure that 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 some types of reviews, the case is listed directly for a hearing.

The hearing gives an applicant, and any other party who is participating in the review, 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 a Tribunal 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 AAT 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 either conducted in person, by telephone or by video. They are open to the public, including in cases held by telephone or video, unless the AAT directs that a hearing be held in private or where legislation requires a private hearing. For example, hearings must be held in private in refugee cases, in applications for review of Australian Security Intelligence Organisation security assessments, in cases heard in the Social Services and Child Support Division and in some taxation cases.

We will usually make a decision after conducting a hearing. 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
- set aside a decision and / or remit a decision to the original decision-maker for reconsideration.

The AAT must give reasons for the decision. The decision and reasons may be given verbally on the day of the hearing or 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 for some types of cases.

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

During the 2023–24 financial year, in relation to Practice Directions and Guides, updates were made to:

- the *Giving Documents or Things to the AAT Practice Direction*, to remove references to outdated systems, and update Registry information.
- the *Guide to the Small Business Taxation Division*, to address the increased application fee that came into effect on 1 July 2023.

Additional functions conferred on AAT members

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

Members who meet the qualification requirements in the relevant legislation may be authorised by the responsible Minister to perform these *persona designata* functions.

Warrants, controlled operations and other functions

During the reporting year, members were authorised to:

- 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* until the relevant provisions were repealed on 25 November 2023

- 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, computer access warrants, data disruption warrants and network activity 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*.

For some of these functions, only the President and Deputy Presidents may be nominated to exercise the powers. For other functions, Senior Members and Members may also be nominated, generally only if they have been enrolled as a legal practitioner for at least 5 years.

Table 2.5: Number of applications relating to warrants, controlled operations and other functions, 2022–23 to 2023–24

	2022–23	2023–24
Number of occasions on which applications considered	2,359	2,192

Members are available outside standard business hours to perform these functions. In the reporting period, 268 out-of-hours appointments were held.

Proceeds of crime examinations

The President, any Deputy President, and any Senior Member or Member enrolled as a legal practitioner for at least 5 years, may be appointed by the responsible Minister as an approved examiner under the *Proceeds of Crime Act 2002*. Approved examiners are authorised to issue examination notices at the request of the Australian Federal Police and to oversee compulsory examinations in connection with confiscation proceedings.

Table 2.6: Number of examinations held under the Proceeds of Crime Act, 2022–23 to 2023–24

	2022–23	2023–24
Number of examination sessions held	109	89

Chapter 3 Performance

Annual Performance Statement

Introductory statement

I, Michael Hawkins AM, as the accountable authority of the Administrative Appeals Tribunal (AAT), present the 2023–24 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 entity's performance and complies with subsection 39(2) of the Public Governance, Performance and Accountability Act.

The AAT includes the Immigration Assessment Authority (IAA). For the purposes of 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 fresh consideration of 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 made under more than 400 Commonwealth laws 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 against performance measures

The table below summarises results against each of the performance measures set out in our Corporate Plan and the Portfolio Budget Statements. Performance measures 1, 2, 3, 4 and 6 relate to the work of both the AAT and IAA.

Table 3.1: Results against performance measures in AAT Corporate Plan, 2022–23 to 2023–24

Performance measure		Target	Result	Met/ Not met
1. Number of AAT applications and IAA referrals finalised	2022–23	42,024	42,862	Met
	2023–24	50,637	43,681	Not met
2. Clearance ratio of AAT finalisations and IAA decisions	2022–23	100%	104%	Met
	2023–24	100%	87%	Not met
3. Proportion of AAT applications and IAA referrals finalised within a time standard	2022–23	75%	61%	Not met
	2023–24	75%	55%	Not met
4. Number of AAT and IAA decisions published	2022–23	At least 5,000	5,163	Met
	2023–24	At least 5,000	5,146	Met
5. AAT user experience rating	2022–23	At least 70%	72%	Met
	2023–24	At least 70%	75%	Met
6. Proportion of appeals against AAT and IAA decisions allowed by the courts	2022–23	Less than 5%	2.1%	Met
	2023–24	Less than 5%	1.9%	Met

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 to carry out our role of reviewing decisions that impact individuals and organisations.

Target

2023–24: 50,637 finalisations

Source

Corporate Plan 2023–27 (page 15) and Portfolio Budget Statements 2023–24, Attorney-General's Portfolio (page 55)

Performance achieved

In 2023–24, we did not meet our target, with 43,681 applications and referrals finalised (43,458 AAT applications and 223 IAA referrals).

In the previous reporting year, we finalised 42,862 applications and referrals against a target of 42,024.

Analysis

The AAT and IAA undertake an exercise to estimate the number of applications and referrals we expect to finalise in a financial year. The target is based on a range of inputs, including the past year's performance, anticipated lodgements and referrals, considering the broader operating context, and the financial and human resources that are expected to be available.

While the AAT and IAA finalised more applications and referrals in 2023–24 than in the previous reporting period, our result fell 13.74 percentage points below the target. The higher target we set for 2023–24 took account of the Australian Government's commitment, in December 2022, to appoint additional members for 2-year terms to address large on hand caseloads and reduce wait times. It was anticipated that these new members would commence by 1 July 2023. However, in practice, these new members joined the AAT on a staggered basis between September 2023 and February 2024. We also experienced a higher rate of attrition among our existing members than we had projected when calculating the target. Existing members who left the AAT during the financial year were not replaced. Overall, we did not experience the expected increase to our finalisation rate based on these two factors.

The AAT's total number of finalisations has remained, on average, around the low to mid 40,000s over the last 4 years.

The table below sets out the number of applications finalised in each of the AAT's divisions in 2022–23 and 2023–24.

Table 3.2: AAT applications finalised by division, 2022–23 to 2023–24

Division	No. of finalisations	
	2022–23	2023–24
Freedom of Information	75	126
General	4,333	3,966
Migration and Refugee	20,640	23,584
National Disability Insurance Scheme	5,604	3,952
Security	7	31
Small Business Taxation	193	372
Social Services and Child Support	11,162	10,400
Taxation and Commercial	496	877
Veterans' Appeals	179	150
All AAT	42,689	43,458

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 indicating whether the number of cases on hand has increased or decreased during the reporting period.

Target

2023–24: clearance ratio of 100%

Source

Corporate Plan 2023–27 (page 15-16) and Portfolio Budget Statements 2023–24, Attorney-General's Portfolio (page 55)

Performance achieved

In 2023–24, we did not meet our target, only achieving a clearance ratio of 87%.

Our result in 2022–23 was a clearance ratio of 104%.

Analysis

The AAT and IAA fell below our clearance ratio target by 13 percentage points in 2023–24. The AAT and IAA received 50,460 applications and referrals, an increase of 22.2% on the previous year, while finalising 43,681 applications and referrals. The total number of combined cases on hand at 30 June 2024 (73,083) was a significant increase from the number at 30 June 2023 (66,157) driven by the surge of student visa applications.

The table below sets out the clearance ratio for each of the AAT's divisions in 2022–23 and 2023–24.

Table 3.3: AAT Clearance ratio by division, 2022–23 to 2023–24

Division	Clearance ratio	
	2022–23	2023–24
Freedom of Information	52%	93%
General	110%	99%
Migration and Refugee	108%	73%
National Disability Insurance Scheme	131%	97%
Security	350%	1,550%
Small Business Taxation	46%	171%
Social Services and Child Support	91%	119%
Taxation and Commercial	63%	111%
Veterans' Appeals	108%	107%
All AAT	104%	87%

In this reporting period, the total number of applications received by the AAT increased and fewer applications were finalised in this time period than were received. At the end of 2023–24, our on hand caseload increased by approximately 6,900 matters, exceeding a peak of around 72,000 in 2019–20.

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

2023–24: 75% of applications and referrals are finalised within 12 months of lodgement

Source

Corporate Plan 2023–27 (page 16) and Portfolio Budget Statements 2023–24, Attorney-General's Portfolio (page 55)

Performance achieved

The AAT and IAA did not meet the target in 2023–24, with only 55% of applications and referrals finalised within 12 months of lodgement.

The result for the AAT and IAA in 2022–23 was 61% of applications and referrals finalised within 12 months of lodgement against a target of 75%.

Analysis

We have not been able to meet our timeliness target since 2017–18. As mentioned in previous annual reports, our timeliness is impacted by the fact that historically the AAT has not had the resources required to address the large on hand caseloads generated by increased demand for services in previous years. From 2017–18, our on hand caseload continued to increase to a peak of 72,466 in 2019–20, following which it reduced and remained between 65,300 and 67,800 for three years. At the end of this reporting period, our on hand caseload increased to a record of just over 73,000 cases.

In 2023–24, there was also a significant increase in the total number of AAT applications lodged, notably in student visa applications in the Migration and Refugee Division, and fewer applications were finalised in this period than were lodged. We met this target in the General, Social Services and Child Support and National Disability Insurance Scheme Divisions as well as the IAA.

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.

Table 3.4: Proportion of AAT applications finalised within 12 months by division, 2022–23 to 2023–24

Division	% finalised within 12 months	
	2022–23	2023–24
Freedom of Information	48%	60%
General	73%	76%
Migration and Refugee	32%	28%
National Disability Insurance Scheme	81%	77%
Security	14%	3%
Small Business Taxation	61%	65%
Social Services and Child Support	>99%	>99%
Taxation and Commercial	52%	55%
Veterans' Appeals	55%	44%
All AAT	61%	55%

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

2023–24: At least 5,000 decisions published

Source

Corporate Plan 2023–27 (page 16) and Portfolio Budget Statements 2023–24, Attorney-General's Portfolio (page 55).

Performance achieved

A total of 5,146 AAT and IAA decisions made in 2023–24 was published at the time of preparing the report.

Our 2022–23 performance was 5,163 AAT and IAA decisions published against a target of at least 5,000. This figure is higher than that originally reported in the 2022–23 annual report. It includes decisions made in 2022–23 that had not yet been published at the time that report was prepared but have since been published.

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 publication of written reasons for decisions informs parties,

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

The AAT publishes written 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, and
- a randomly selected proportion of child support cases in the Social Services and Child Support Division.

The IAA publishes a representative sample of decisions.

The application of the Publication of Decisions Policy to written decisions made by the AAT in 2023–24 and the IAA selection process has resulted in us exceeding our target for 2023–24 by 2.9%.

The table below shows the number of AAT decisions published by Division in 2022–23 and 2023–24. The number of 2023–24 decisions published were slightly higher compared to 2022–23 numbers by Division. The number of NDIS decisions increased by 16% in 2023–24, reflecting the increase in that Division's decision-making during the reporting period. Overall, the total AAT and IAA decisions published for 2023–24 was slightly lower than that of the previous financial year.

Table 3.5: Number of AAT decisions published by division, 2022–23 to 2023–24

Division	No. of decisions published	
	2022–23	2023–24
Freedom of Information	22	23
General	891	807
Migration and Refugee	3,508	3,655
National Disability Insurance Scheme	133	154
Security	1	3
Small Business Taxation	19	12
Social Services and Child Support	309	329
Taxation and Commercial	82	107
Veterans' Appeals	33	28
All AAT	4,998	5,118

These figures are higher than the number of published decisions reported in the 2022–23 annual report. It includes decisions made in 2022–23 that had not yet been published at the time that report was prepared but have since been published.

There were 28 IAA decisions made in 2023–24 that have been published compared with 35 in 2022–23. The lower numbers of decisions published reflects the declining caseload of the IAA during the reporting period.

From the commencement of the Administrative Review Tribunal, the IAA's function and any remaining small caseload will be taken over by the new Tribunal, and a new publication of decisions policy will be developed to ensure that a broad range of decisions will continue to be published to promote transparency in decision-making.

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

2023–24: User experience rating is at least 70%

Source

Corporate Plan 2023–27 (page 17) and Portfolio Budget Statements 2023–24, Attorney-General's Portfolio (page 56)

Performance achieved

In 2023–24, the AAT met the target by achieving a user experience rating of 75%.

Our 2022–23 performance was a user experience rating of 72% against a target of at least 70%.

Analysis

The user experience rating is derived from the results of a feedback survey, administered by ORIMA Research, an independent market research organisation. All parties and representatives in cases finalised between 1 December 2023 and 31 March 2024, 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 1,519 parties and 347 legal and other representatives, constituting a response rate of 21% for parties and 21% for legal and other representatives. The number of respondents this year was approximately 20% lower than in 2022–23 (1,941 parties and 395 representatives). As the survey is conducted as a census, the results are not subject to sampling error. They may be subject to non-sampling errors, including the potential for non-response bias which arises if the survey respondents' views systematically differ to those who did not respond. This is a tracking survey that has been conducted over a number of years and the results indicate a relatively stable and broadly consistent pattern of responses over time. Given the relatively low response rates, as a precaution, the responses from parties were weighted according to case type to ensure their profile broadly reflected the underlying sample.

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 user experience rating is calculated from the average proportion of 'strongly agree' and 'agree' or 'always' and 'usually' ratings given in responses to questions about the different aspects of the AAT's review processes grouped according to elements of our statutory objective. The rating is calculated by combining and averaging the individual ratings.

The table below shows the survey results against our objectives of being accessible, fair, informal, and quick, in 2022–23 and 2023–24.

Table 3.6: AAT user experience rating by user group, 2022–23 to 2023–24

Objective	Satisfaction ratings		
		Parties	Representatives
Accessibility: information	2022–23	73%	80%
The usefulness, sufficiency and clarity of information provided about the review process	2023–24	73%	82%
Accessibility: users with diverse needs	2022–23	66%	79%
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	2023–24	67%	79%
Fairness	2022–23	77%	82%
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	2023–24	77%	85%
Informality	2022–23	73%	85%
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	2023–24	75%	88%
Timeliness	2022–23	54%	55%
How quick we were to complete the review overall and to provide a decision after a hearing	2023–24	62%	63%
User experience rating result by user group	2022–23	69%	76%
	2023–24	71%	79%
Overall result	2022–23	72%	
	2023–24	75%	

In 2023–24 we achieved a user experience rating of 75%. This result was higher than the previous financial year, and exceeds our performance target by 5 percentage points.

Except for the result for parties and representatives on timeliness (where there was an improvement of 8 percentage points for each in 2023–24 compared with the previous reporting period), responses from both parties and representatives remained relatively consistent compared to the results in 2022–23.

As in previous years, it is noted that parties who did not receive a favourable outcome in their review tended to give lower ratings.

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

2023–24: Number of appeals allowed is less than 5% of all AAT and IAA decisions that could have been appealed

Source

Corporate Plan 2023–27 (page 18) and Portfolio Budget Statements 2023–24, Attorney-General's Portfolio (page 56)

Performance achieved

In 2023–24, we met our target with the proportion of decisions in relation to which appeal has been allowed being in the AAT and IAA being 1.9%.

Our 2022–23 performance was 2.1% against a target of less than 5%.

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 (389 in 2023–24) against the number of decisions made by the AAT and IAA in the previous year that could have been appealed (20,559 in 2022–23). This methodology is applied on the basis that, for appeals lodged in relation to decisions made in a year, the largest proportion of successful appeals are finalised in the following year.

For the AAT, the proportion of decisions set aside on appeal was 0.3 percentage points lower in 2023–24 than in the previous reporting year.

Table 3.7: Number of appeals against AAT decisions allowed and finalised by division, 2022–23 to 2023–24

Division	Appeals allowed	Appeals finalised	No. of appealable decisions in previous year	% allowed against total appealable decisions
Freedom of Information				
2022–23	0	1	35	0%
2023–24	3	7	32	9.4%
General				
2022–23	63	177	1,745	3.6%
2023–24	87	166	1,668	5.2%
Migration and Refugee				
2022–23	251	2,984	17,335	1.4%
2023–24	153	3,043	16,437	0.9%
National Disability Insurance Scheme				
2022–23	2	6	266	0.8%
2023–24	1	1	272	0.4%
Security				
2022–23	0	2	1	0%
2023–24	0	0	2	0%
Small Business Taxation				
2022–23	1	2	82	1.2%
2023–24	0	0	91	0%
Social Services and Child Support				
2022–23	2	20	1,872	0.1%
2023–24	4	15	1,666	0.2%
Taxation and Commercial				
2022–23	5	14	246	2.0%
2023–24	3	10	171	1.8%
Veterans' Appeals				
2022–23	0	1	43	0%
2023–24	1	1	48	2.1%
All AAT				
2022–23	324	3,207	21,625	1.5%
2023–24	252	3,243	20,387	1.2%

The Migration and Refugee Division continued to have the highest number of appeals finalised by the courts, reflecting a higher appeal rate than other divisions and the larger size of the Division's caseload. The Division had a decrease (0.5%) in the rate of appeals allowed in 2023–24 as a proportion of all appealable decisions made in this Division. The total number of both appealable decisions in the Division and the appeals allowed by the courts also decreased.

The number of appeals allowed by the courts in 2023–24 relating to decisions made in the AAT's other divisions was similar to the previous reporting year. The General Division continued to have the highest percentage of appeals allowed against the total number of appealable decisions. This is primarily due to appeals against decisions about visas made on character grounds which are dealt with in this division rather than in the Migration and Refugee Division.

Like the Migration and Refugee Division, the rate of appeals against IAA decisions is high due to the nature of the caseload. Of the 330 appeals finally determined in 2023–24, 137 appeals were allowed, a similar proportion to that in the previous reporting period. A significant proportion of the finalised appeals related to decisions made in the years prior to 2020–21. At 30 June 2024, a large number of appeals remain to be determined.

Analysis of performance against our purpose

The AAT and IAA continued to operate in a complex environment in 2023–24. The ability to manage a large active caseload in an environment where our financial resources have reduced over a number of years while expenses remain constant has put the Tribunal in a challenging position. The appointment and induction in the reporting period of 108 new members for 2-year terms has provided additional capacity to address our significant on hand caseload. At the same time, however, we experienced higher than anticipated attrition among our existing membership and a significant increase in applications.

An additional complexity to our operating environment has been the Government's decision, announced in December 2022, to abolish the AAT and replace it with a new administrative review body, the Administrative Review Tribunal (new Tribunal). This followed a period of the AAT being subjected to a high level of external scrutiny. The AAT has made a significant contribution to the reform of the federal administrative law system. We have assisted by sharing our operational expertise and corporate knowledge, and implementing the laws establishing the new Tribunal to facilitate seamless service for tribunal users from day one of the new Tribunal's operations on 14 October 2024. The reforms include a sustainable and demand-driven funding arrangement for the new Tribunal.

Despite the challenges, the AAT and IAA continued to deliver merit review services enabling a significant number of people and organisations to exercise their right to challenge administrative decisions, and by contributing to government accountability and transparency.

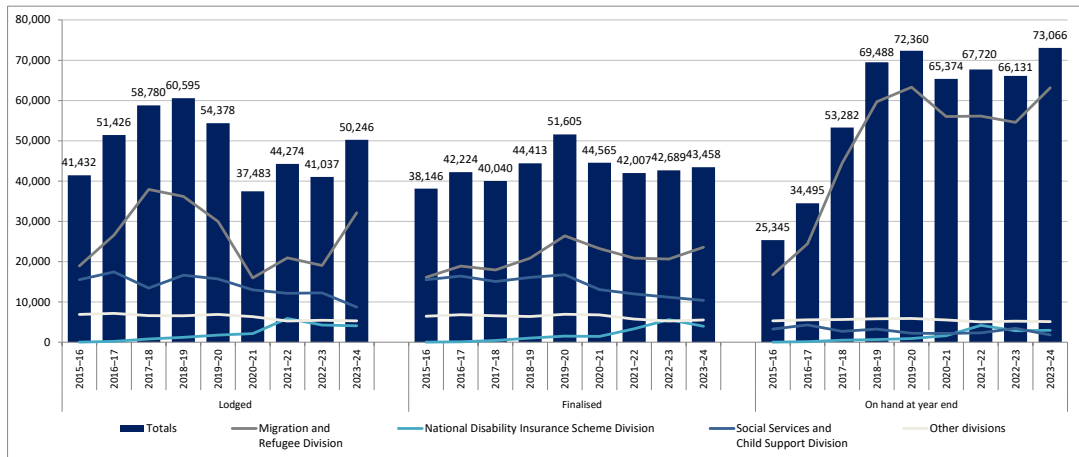
We met our targets in 3 of our 6 performance measures in the reporting year.

AAT and IAA caseload overview

The AAT received 50,246 applications and finalised 43,458 applications in 2023–24. There were 73,066 applications on hand at 30 June 2024.

The chart below illustrates trends over time in the form of key statistics for the last 9 financial years.

Figure 3.8: Applications lodged, finalised and on hand, 2015–16 to 2023–24



We received 22% more applications in 2023–24 than in the previous reporting year, and the number of applications we finalised was almost 2% higher than in 2022–23. The number of applications on hand at 30 June 2024 was 10% higher than the number of applications on hand at 30 June 2023.

Table 3.9: Applications lodged, finalised and on hand by division, 2023–24

Division	Lodged		Finalised		On hand at year end	
	No	% of total	No	% of total	No	% of total
Freedom of Information	135	>1%	126	>1%	175	>1%
General	4,021	8%	3,966	9%	2,721	4%
Migration and Refugee	32,134	64%	23,584	54%	63,177	86%
National Disability Insurance Scheme	4,068	8%	3,952	9%	2,953	4%
Security	2	>1%	31	>1%	2	>1%
Small Business Taxation	218	>1%	372	1%	526	1%
Social Services and Child Support	8,740	17%	10,400	24%	1,829	3%
Taxation and Commercial	788	2%	877	2%	1,521	2%
Veterans' Appeals	140	>1%	150	>1%	162	>1%
Total	50,246	100%	43,458	100%	73,066	100%

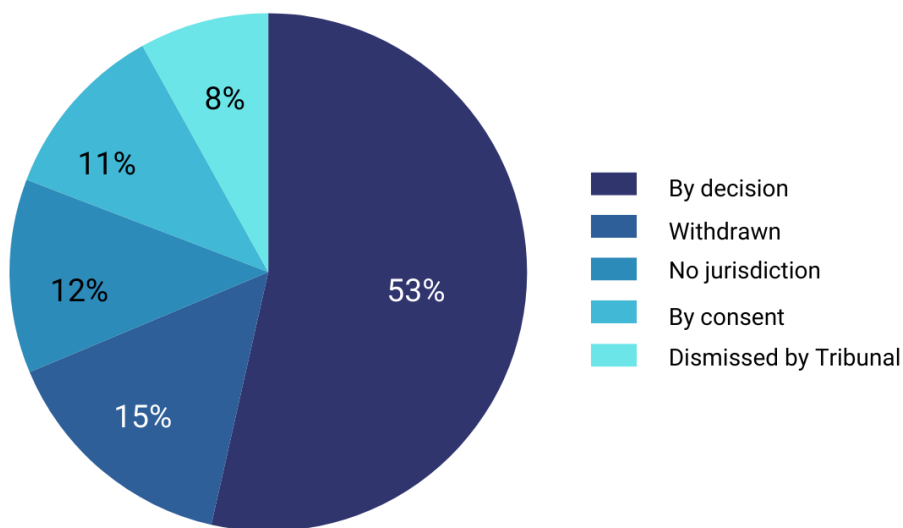
The table above shows how the size of our workload varies between divisions: 81% of the applications lodged during the reporting year were in the Migration and Refugee and Social Services and Child Support Divisions. The National Disability Insurance Scheme and General Divisions each comprised 8% of the total lodgements, with the remaining 3% being for all other divisions.

Of the 73,066 applications on hand at 30 June 2024, the largest proportion was in our Migration and Refugee Division at 86%, with 3% in the Social Services and Child Support Division, 4% in the National Disability Insurance Scheme Division and 4% in the General Division.

The AAT's large on hand caseload developed primarily because member and staff resources have not kept pace with the significant increase in the volume of lodgements, particularly in the Migration and Refugee and the National Disability Insurance Scheme Divisions.

We finalise applications in different ways, as illustrated in the diagram below. In 2023–24, just over half of all applications were finalised by the AAT making a decision on review, usually after conducting a hearing. In 11% of finalised cases, the application was finalised by the Tribunal in accordance with a consent agreement reached between the parties, with the reviewable decision affirmed, varied or set aside or the application dismissed. The remaining 35% of applications were withdrawn, finalised on the basis they did not meet the requirements for a valid application, or otherwise dismissed without the AAT reviewing the decision.

Figure 3.10: Mode of finalisation of applications for review of decisions, 2023–24*



* percentages may not total 100% due to rounding.

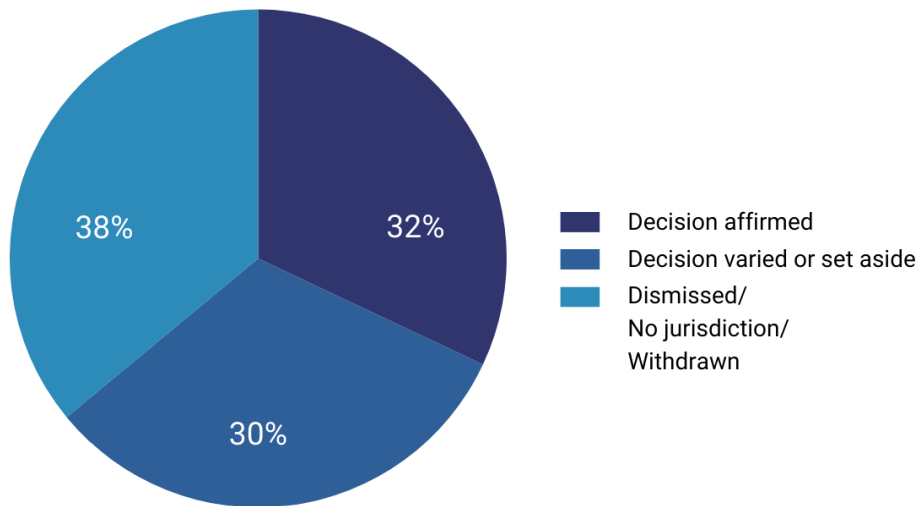
'By decision' comprises applications finalised by a decision of the AAT on the merits under section 43 of the Administrative Appeals Tribunal Act or section 349 or 415 of the Migration Act.

'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.

'Dismissed by Tribunal' comprises applications dismissed on various grounds, including where the applicant fails to appear at a case event or to comply with a direction, or the application is frivolous or vexatious or has no reasonable prospect of success.

Figure 3.11: Outcomes of applications for review of decisions, 2023–24*



*percentages may not total 100% due to rounding.

In relation to the outcomes of applications made to the AAT, as demonstrated in the chart above, a decision under review was varied or set aside in 32% of all applications finalised in 2023–24, either by decision or consent, which is similar to the result for 2022–23 (34%).

The IAA received 214 referrals in 2023–24, 56 more than in the previous year. The on hand caseload at the end of the reporting year was 17. Of the 223 matters finalised by the IAA, 86% were affirmed, 10% were remitted to the Department of Home Affairs for reconsideration, and 4% was otherwise finalised.

More detailed information about the operations of the AAT's divisions, including outcomes of reviews, is set out later in this chapter. Additional statistics about the types of applications lodged and finalised in the AAT in 2023–24 as well as about the location of applicants and the representation of parties (other than decision-makers) are available on our website – www.aat.gov.au.

Further detail about the performance of the IAA in 2023–24 is set out in Chapter 4 Immigration Assessment Authority.

Financial performance

The AAT's 2023–24 financial performance is presented in the financial statements section of this annual report. The Australian National Audit Office issued an unmodified audit opinion for the financial statements on 16 September 2024.

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 AAT's 2023–24 underlying operating result, excluding unfunded depreciation and adjusting for lease principal repayments, was a surplus of \$24.9 million, compared to a deficit of \$20.7 million in 2022–23. This result was primarily due to additional funding appropriated by the Government to support the AAT transition to the new Administrative Review Tribunal as well as to tackle the substantial backlog of cases, particularly in the Migration and Refugee Division.

The AAT financial position as at 30 June 2024 shows total assets of \$300.2 million (2022–23: \$288.1 million), exceeding total liabilities by \$66.7 million (2022–23: \$43.9 million).

Activities administered on behalf of the Australian Government

The AAT administers application fees on behalf of the Government. In 2023–24, the AAT administered income totalling \$43.2 million (2022–23: \$36.9 million).

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

Operation of divisions

This section details operations of our 9 divisions during 2023–24.

Migration and Refugee Division

In this, the AAT's largest division, we review 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. This includes decisions to refuse to grant visas and to cancel visas, and related decisions to refuse to approve business sponsors, nominated positions and business activities. Our decisions impact Australian citizens, permanent residents, businesses, and non-citizens.

Delegates of the Minister administering the Migration Act make most of the original decisions which come to us for review in this division. When the AAT reviews decisions to refuse or cancel refugee (or protection) visas, we must consider whether the applicant is a person to whom Australia has protection obligations. We classify all other decisions under review in the Migration and Refugee Division (MRD) as migration cases. The AAT's considerations vary depending on the decision under review.

Some of the challenges we experienced in this division in 2023–24 arose from lodgements returning to high pre-pandemic levels at a time when we had fewer member resources available to make decisions than we had anticipated for much of the reporting period. The increase in demand for our services compounded the challenges associated with managing a large, ageing, and increasingly complex active caseload across the division but was particularly apparent in the student visa and protection caseloads. In 2023–24, we received the highest ever number of applications for review of both protection and student visa decisions in a single reporting period. Our ability to achieve efficiencies through case management initiatives was limited by such factors as legacy technology issues and the emergence of other organisational priorities as we prepared for the establishment of the Administrative Review Tribunal.

There were several amendments to the Migration Act in 2023–24 which impacted our work in this division, including changes to the way the Tribunal assessed jurisdiction for applications lodged outside of the prescribed period, and an expansion of review rights in offshore partner visa cases.

The *Migration and Refugee Division Practice Direction* sets out our requirements for this area of practice. It provides applicants and representatives with information on preparing submissions and evidence to assist them in their Tribunal review.

Deputy President Jan Redfern PSM was the Division Head throughout the reporting year. As noted in Chapter 1: Overview, she was farewelled at the end of 2023–24.

Caseload strategy

Each year, we consider the volume, age and complexity of the active caseload in this division to develop a strategy to help us manage our work and to establish an annual target. Our target for 2023–24 was to finalise 29,387 cases.

We generally focused on finalising the oldest cases in each caseload during the year. We were particularly focused on protection and partner visa decision reviews, as there were significant numbers of active ageing cases in both caseloads. We also prioritised particular cases, as set out in the *President's Direction on prioritising applications in the Migration and Refugee Division*, including cases where an applicant is in detention, where a visa has been cancelled or remitted by the courts.

During 2023–24, we also triaged cases to identify efficiencies in how cases could be managed. We undertake a national approach to case management by allocating cases to members across the country where appropriate. This helped us address variations in demand for services and member availability in different locations.

When we set our annual target, we had expected 75 new full time equivalent members would be appointed and available to review protection visa decisions from the start of the reporting period. As noted earlier in this chapter, many appointments took place as the year progressed. At the same time, we experienced high levels of attrition of existing members meaning that fewer members overall were available to finalise cases in this division. We adapted our strategy to ensure we could onboard and support new members to steadily increase finalisations over the course of the year, particularly in relation to the review of protection visa decisions where we were able to achieve a marked increase in the number of cases finalised once the new members were fully onboarded.

Caseload

Despite finalising the highest number of MRD cases since 2019–20, we did not meet our finalisation target (see ‘Caseload strategy’ above) for this division in 2023–24. This was due to the factors noted above including our decision to focus on protection and partner visa decision reviews, which generally take longer to finalise than other decisions because of their complexity.

Key data for the last 2 financial years is shown in the tables below.

Table 3.12: Caseload overview – Migration and Refugee Division, 2022–23 to 2023–24

Migration	2022–23	2023–24	% change from 2021–22
Lodged	9,258	19,856	114%
Finalised	13,931	11,704	-16%
Clearance ratio	150%	59%	
On hand at year end	14,438	22,596	57%
% finalised within 12 months	35%	36%	
Median time to finalise (weeks)	100	79	
Refugee			
Lodged	9,792	12,278	25%
Finalised	6,709	11,880	77%
Clearance ratio	69%	97%	
On hand at year end	40,137	40,581	1%
% finalised within 12 months	24%	20%	
Median time to finalise (weeks)	164	243	
Total			
Lodged	19,050	32,134	69%
Finalised	20,640	23,584	14%
Clearance ratio	108%	73%	
On hand at year end	54,575	63,177	16%
% finalised within 12 months	32%	28%	
Median time to finalise (weeks)	132	135	

Table 3.13: Outcomes of reviews – Migration and Refugee Division, 2023–24

Outcome type	Migration		Refugee		Total	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a						
Decision affirmed ^b	3,194	27%	5,348	45%	8,542	36%
Decision varied, remitted or set aside	4,876	42%	1,093	9%	5,969	25%
Subtotal	8,070	69%	6,441	54%	14,511	62%
Other						
Withdrawn by applicant	2,377	20%	1,485	13%	3,862	16%
Dismissed by Tribunal ^b	192	2%	2,761	23%	2,953	13%
No jurisdiction ^c	1,065	9%	1,193	10%	2,258	10%
Subtotal	3,634	31%	5,439	46%	9,073	38%
Total^d	11,704	100%	11,880	100%	23,584	100%

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

^b The Tribunal may dismiss an application if an applicant does not appear before the Tribunal at a hearing under section 362B(1A) or 426A(1A) of the Migration Act. The decision to dismiss the application may be confirmed under section 362B(1C)(b), 362B(1E), 426A(1C)(b) or 426A(1E). Under sections 362B(1F) and 426A(1F), a dismissal decision confirmed by the Tribunal is taken to be a decision to affirm the decision under review. Therefore, the total number of migration decisions affirmed is 3,386 or 23% of all migration decisions (comprised of 3,194 decisions affirmed and 192 applications dismissed by the Tribunal). The total number of refugee decisions affirmed is 8,109 or 68% of all refugee decisions (comprised of 5,348 decisions affirmed and 2,761 applications dismissed by the Tribunal).

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

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

Migration cases

We had more than double the number of migration applications lodged in 2023–24 than in the previous year. Applications for review of student visa decisions increased by 467% compared to 2022–23. Many of these were received towards the end of the reporting period. As a result, our overall clearance ratio for migration cases was lower than in 2022–23. As outlined above in 'Caseload strategy' we focused our efforts on the protection and partner caseloads during this reporting period.

We reduced our backlog of cases in the business and skilled practice areas despite transferring members to review protection and partner visa decisions. We also kept pace with an increased demand for services in the family visa caseload.

The table below details shows key data for migration cases in the MRD for the last 2 financial years.

Table 3.14: Migration cases lodged, finalised and on hand by visa category, 2022–23 to 2023–24

Visa category	Lodged			Finalised			On hand at year end		
	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23
Bridging	222	227	2%	209	257	23%	70	41	-41%
Business, skilled and work	2,529	3,041	20%	6,464	4,627	-28%	5,886	4,306	-27%
<i>Nomination/Sponsor approval</i>	484	695	44%	2,173	1,557	-28%	1,993	1,132	-43%
<i>Permanent business</i>	395	330	-16%	1,892	1,031	-46%	1,273	572	-55%
<i>Skilled</i>	803	914	14%	1,063	931	-12%	1,184	1,169	-1%
<i>Temporary work</i>	847	1,102	30%	1,336	1,108	-17%	1,436	1,433	<1%
Family	206	425	106%	346	363	5%	648	710	10%
Partner	1,692	2,138	26%	2,122	2,041	-4%	3,927	4,023	2%
Student	2,057	11,668	467%	2,508	2,421	-3%	2,278	11,528	406%
<i>Student cancellation</i>	189	530	180%	149	157	5%	178	551	210%
<i>Student refusal</i>	1,868	11,138	496%	2,359	2,264	-4%	2,100	10,977	423%
Visitor	2,466	2,286	-7%	2,137	1,885	-12%	1,545	1,947	26%
Other	86	71	-17%	145	110	-24%	84	41	-51%
Total	9,258	19,856	114%	13,931	11,704	-16%	14,438	22,596	57%

Refugee cases

In 2023–24, 51% of all applications to the division were to review refugee (or protection) visas decisions. With the new designated member resources available progressively throughout the reporting period, we were able to finalise an unprecedented number of these types of cases, at close to double the number finalised in 2022–23. Our clearance rate of 95% was the highest achieved for several years and we finalised 77% more cases than the previous financial year. Both achievements can be attributed to the eventual increase in the number of members reviewing protection visa decisions and our caseload management strategies, which allowed us to respond flexibly to the increase in membership.

The table below details key data for protection cases in the last 2 financial years.

Table 3.15: Refugee cases lodged, finalised and on hand by country of reference, 2022–23 to 2023–24

Lodged				Finalised				On hand at year end			
Country of reference	2022–23	2023–24	% change from 2022–23	Country of reference	2022–23	2023–24	% change from 2022–23	Country of reference	2022–23	2023–24	% change from 2022–23
Vietnam	418	2,293	449%	Malaysia	2,286	4,782	109%	Malaysia	14,922	11,112	-26%
China	2,533	2,203	-13%	China	1,436	2,491	73%	China	9,010	8,725	-3%
Indonesia	447	1,348	202%	Vietnam	435	551	27%	Vietnam	2,381	4,128	73%
India	530	1,070	102%	Fiji	238	452	90%	India	2,024	2,755	36%
Malaysia	2,237	949	-58%	Indonesia	124	408	229%	Indonesia	1,442	2,386	65%
Thailand	551	689	25%	Thailand	315	370	17%	Thailand	1,610	1,933	20%
East Timor	303	600	98%	India	229	340	48%	Fiji	1,267	1,239	-2%
Vanuatu	118	548	364%	Vanuatu	13	321	2369%	Philippines	853	920	8%
Tonga	304	510	68%	Tonga	20	226	1030%	East Timor	503	919	83%
Other	2,351	2,068	-12%	Other	1,613	1,939	20%	Other	6,125	6,466	6%
Total	9,792	12,278	25%	Total	6,709	11,880	77%	Total	40,137	40,581	1%

Engagement

During 2023–24, we engaged with external stakeholders in various ways to support the work of this division. We met with Department of Home Affairs officials regularly to address strategic and operational issues. Also, members assigned to MRD represented the AAT at relevant forums including the Council of Australasian Tribunals 2024 National Conference and the Law Council of Australia 2024 Immigration Law Conference.

Social Services and Child Support Division

The Social Services and Child Support Division (SSCSD) is our second largest division at the AAT. We review a wide range of decisions made under the *Social Security (Administration) Act 1999*, *A New Tax System (Family Assistance) (Administration) Act 1999*, *Child Support (Registration and Collection) Act 1988*, *Farm Household Support Act 2014*, *Paid Parental Leave Act 2010*, and the *Student Assistance Act 1973*. This includes decisions about social security pensions, benefits and allowances, family assistance payments, paid parental leave, and student assistance payments including ABSTUDY. The Division also reviews decisions relating to child support which includes review of percentage of care between parents, child support agreements, change of assessment matters and a number of other child support-related matters.

The decisions we review are generally made by Centrelink authorised review officers and child support objection officers within Services Australia. Many of these decisions impact the lives of Australian citizens, including some of the most vulnerable people in our communities.

In 2023–24, it was challenging to meet demand for services in the SSCSD. We had fewer experienced members available to finalise cases in this division where the caseload is variable, and can be procedurally and technically complex. As with the Migration and Refugee Division, we had higher levels of attrition of experienced members than expected. Further, it was challenging to predict trends and plan for work accordingly due to limited data being available through Services Australia.

The *COVID-19 Special Measures Practice Direction – Social Services and Child Support Division* remained in effect throughout 2023–24, enabling us to deliver services to people who could not attend AAT registries for a variety of reasons, including any lingering impacts of the pandemic.

Deputy President Karen Synon was the Division Head throughout the reporting year.

Caseload strategy

In this division, we aim to reduce the high number of cases on hand and improve our timeliness to finalisation, while allocating cases according to the needs of applicants or parties involved. A key priority for the SSCSD in 2023–24 continued to be to assist people to participate in the review process, including those who are homeless, from culturally and linguistically diverse backgrounds, those with disabilities and other identified vulnerabilities which may impact their ability to access our services.

As in previous years, we weighted SSCSD cases at lodgement according to their level of complexity. We monitored trends in volume and complexity at a national level, and continued to be flexible in how we conducted hearings to ensure our processes remained accessible for applicants and other parties.

With the knowledge that member resourcing would continue to decline in 2023–24, as it had done over the past several years, we prioritised qualification cases (those where an applicant was not receiving a pension or benefit payment as a result of it being rejected, cancelled, or suspended). Also, where a social services applicant was identified as having a vulnerability, we aimed to list and hear their case within 2 weeks of receiving an application. We also focused on improving our ability to respond to the needs of people experiencing family and domestic violence by providing review services attuned to the complexities of this issue, particularly within the child support caseload.

In 2023–24, we continued to utilise a conference registrar for outreach and possible early resolution in child support cases. This had in the past been a useful approach to identify appropriate case management pathways before these cases were allocated to a member, to help applicants better

understand the issues and prepare for hearings and, where possible, to facilitate the early resolution of cases.

Caseload

Due to the effectiveness of our strategy in 2023–24, we finalised almost all SSCSD cases within 12 months. In the Centrelink caseload, matters where an applicant was identified as being vulnerable were finalised within an average of 4 weeks.

The table below details key data for the SSCSD for the last 2 reporting years.

Table 3.16: Caseload overview – Social Services and Child Support Division, 2022–23 to 2023–24

	2022–23	2023–24	% change from 2022–23
Centrelink (1st review)			
Lodged	9,896	6,824	-31%
Finalised	8,890	8,246	-7%
Clearance ratio	90%	121%	
On hand at year end	2,676	1,273	-52%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	11	13	
Child support			
Lodged	2,060	1,748	-15%
Finalised	2,052	1,918	-7%
Clearance ratio	100%	110%	
On hand at year end	683	522	-24%
% finalised within 12 months	99%	>99%	
Median time to finalise (weeks)	15	19	
Paid parental leave			
Lodged	304	168	-45%
Finalised	220	236	7%
Clearance ratio	72%	140%	
On hand at year end	101	34	-66%
% finalised within 12 months	100%	>99%	
Median time to finalise (weeks)	10	18	

	2022–23	2023–24	% change from 2022–23
Total			
Lodged	12,260	8,740	-29%
Finalised	11,162	10,400	-7%
Clearance ratio	91%	119%	
On hand at year end	3,460	1,829	-47%
% finalised within 12 months	>99%	>99%	
Median time to finalise (weeks)	11	15	

The outcome of reviews finalised by the SSCSD within the reporting period is shown in the table below.

Table 3.17: Outcomes of reviews – Social Services and Child Support Division, 2023–24

Outcome type ^a	Centrelink (first review) ^b		Child support		Paid Parental Leave ^b		Total	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^c								
Decision affirmed	3,903	38%	481	28%	145	60%	4,529	37%
Decision varied or set aside	3,003	29%	676	39%	40	17%	3,719	30%
Subtotal	6,906	67%	1,157	66%	185	77%	8,248	67%
By consent								
Decision affirmed ^d	N/A	N/A	0	0%	N/A	N/A	0	0%
Decision varied or set aside ^d	N/A	N/A	22	1%	N/A	N/A	22	<1%
Dismissed by consent ^e	19	<1%	28	2%	0	0%	47	<1%
Dismissed by operation of law ^f	0	0%	N/A	N/A	0	0%	0	0%
Subtotal	19	<1%	50	3%	0	0%	69	<1%

Outcome type ^a	Centrelink (first review) ^b		Child support		Paid Parental Leave ^b		Total	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
Other								
Withdrawn by applicant	763	7%	281	16%	12	5%	1,056	9%
Dismissed by Tribunal ^g	315	3%	121	7%	5	2%	441	4%
No jurisdiction ^h	2,299	22%	140	8%	39	16%	2,478	20%
Subtotal	3,377	33%	542	31%	56	23%	3,975	32%
Totalⁱ	10,302	100%	1,749	100%	241	100%	12,292	100%

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

^b A single application for review of a Centrelink or paid parental leave decision may relate to more than one reviewable decision. These figures include outcomes for all decisions that have been reviewed.

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

^d Applications finalised by the AAT in accordance with terms of agreement reached by the parties under section 42C.

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

^f If an application for a review of a Centrelink or paid parental leave decision relates to the recovery of a debt, the parties may agree in writing to settle the proceedings. On receipt of the agreement, the application is taken to have been dismissed.

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

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

ⁱ Percentages may not total 100% due to rounding.

Centrelink

The table below details key data for Centrelink cases in the SSCSD for the last 2 reporting years.

Table 3.18: Centrelink first review cases lodged, finalised and on hand by payment type, 2022–23 to 2023–24

Payment type	Lodged			Finalised			On hand at year end		
	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23
Age pension	1,146	640	-44%	923	929	1%	441	152	-66%
Austudy payment	209	192	-8%	175	227	30%	61	23	-62%
Carer allowance	228	132	-42%	172	191	11%	129	39	-70%
Carer payment	425	271	-36%	347	350	1%	136	55	-60%
Disability support pension	2,222	1,268	-43%	2,341	1,449	-38%	388	230	-41%
Family tax benefit	1,647	1,439	-13%	1,346	1,703	27%	570	308	-46%
JobSeeker payment ^a	930	742	-20%	827	867	5%	246	121	-51%
Newstart allowance	450	233	-48%	397	311	-22%	111	32	-71%
Parenting payment	446	328	-26%	389	385	-1%	129	69	-47%
Youth allowance	585	473	-19%	490	547	12%	146	73	-50%
Other	1,608	1,106	-31%	1,483	1,287	-13%	319	171	-46%
Total	9,896	6,824	-31%	8,890	8,246	-7%	2,676	1,273	-52%

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.

The table below gives a breakdown of Centrelink applications by the primary decision type recorded by the AAT.

Table 3.19: Centrelink first review lodgements by decision type*, 2022–23 to 2023–24

Decision type	2022–23		2023–24	
	No	% of total	No	% of total
Cancellation of payment	792	8%	618	9%
Debt	4,186	42%	2,851	42%
Rate of payment	586	6%	443	6%
Refusal of claim	3,096	31%	2,188	32%
Start date of payment	693	7%	434	6%
Other	543	5%	290	4%
Total	9,896	100%	6,824	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.

Child support

In 2023–24, a conference registrar conducted outreach with parties in 436 of these types of cases to assist in the preparation for a hearing and, where possible, to facilitate an early resolution. Approximately 28% of these cases were resolved without the need for a hearing by a member.

The table below details key data for child support cases for the last 2 reporting years.

Table 3.20: Child support cases lodged, finalised and on hand by decision type, 2022–23 to 2023–24

Decision type	Lodged			Finalised			On hand at year end		
	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23
Care percentage decision	761	600	-21%	713	734	3%	286	154	-46%
Change of assessment	598	659	10%	649	607	-6%	210	266	27%
Non-agency payment	143	124	-13%	156	138	-12%	37	21	-43%
Particulars of the assessment	257	154	-40%	260	188	-28%	63	33	-48%
Refusal of extension of time to object	108	57	-47%	91	82	-10%	36	12	-67%

Decision type	Lodged			Finalised			On hand at year end		
	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23
Other	193	154	-20%	183	169	-8%	51	36	-29%
Total	2,060	1,748	-15%	2,052	1,918	-7%	683	522	-24%

Paid parental leave

Table 3.21: Paid parental leave first review lodgements by decision type, 2022–23 to 2023–24

Decision type	2022–23		2023–24	
	No	% of total	No	% of total
Not payable	183	60%	111	66%
Start date of payment	36	12%	19	11%
Payment	11	4%	4	2%
Debt	73	24%	34	20%
Rejection	1	0%	0	0%
Total	304	100%	168	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.

Second review outcomes

When a party is dissatisfied with a decision made by the SSCSD to affirm, vary or set aside any Centrelink decision or certain child support and paid parental leave decisions, they can apply to the AAT's General Division for a second review. In 2023–24, there were 1,146 applications lodged for second review of decisions within the General Division, 33 fewer than in the previous reporting year. There were 131 applications relating to child support decisions, an increase of 4% when compared to the previous reporting period, and 8 applications relating to paid parental leave decisions.

The SSCSD decision was varied or set aside in relation to 28% of applications for second review of Centrelink and paid parental leave cases, generally due to agreement reached between the parties.

The table below provides details about applications lodged with the AAT's General Division, during the reporting period, by the Secretary of the Department to review the SSCSD's decisions.

Table 3.22: Applications lodged by Secretary* for a second review of Centrelink decision, 2022–23 to 2023–24

	2022–23		2023–24	
	No	% of total	No	% of total
Lodged	54		92	
Finalised	41		39	
Decision affirmed by Tribunal ^a	4	10%	1	3%
Decision varied or set aside by Tribunal ^a	14	34%	7	18%
Decision affirmed by consent ^b	0	0%	3	8%
Decision varied or set aside by consent ^b	11	27%	18	46%
Dismissed by operation of law ^c	0	0%	4	10%
Withdrawn by applicant	12	29%	6	15%

*The Secretary of the Department responsible for administering the relevant legislation.

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

^b Applications finalised by the AAT in accordance with terms of agreement reached by the parties under section 34D or 42C.

^c 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.

As shown in the 'External scrutiny' section below, other decisions made by the SSCSD can be appealed to the courts.

Engagement

In 2023–24, we engaged on an ongoing basis with agency representatives to discuss issues relating to the management of the Centrelink and child support caseloads.

General, Freedom of Information and Veterans' Appeals Divisions

The AAT reviews a wide range of decisions, made under more than 400 pieces of legislation, in the General, Freedom of Information and Veterans' Appeals Divisions.

The highest volume caseloads in 2023–24 were immigration (visa decisions on character grounds) and citizenship, workers' compensation, social services and child support (second review)¹, veterans' appeals, and regulatory.

The *COVID-19 special measures practice direction - General, FOI and Veterans' Appeals* remained in effect throughout the reporting period, allowing us to deliver services to people who could not attend AAT registries for a variety of reasons in the relevant areas of practice.

Several legislative changes were made during 2023–24 which impacted our work in these divisions. We established a national listing model in line with the legislative changes that were made to replace the AAT with the Administrative Review Tribunal. Throughout the reporting period, we focused on changing the way we allocate cases in these divisions by introducing procedural efficiencies and process improvements in anticipation of the legislation, which received assent on 3 June 2024. On 1 July 2023, the Australian Submarine Agency (ASA) was established with the AAT being able to review decisions of the ASA. The *National Security Legislation Amendment (Comprehensive Review and Other Measures No. 2) Act 2023* commenced on 12 August 2023, impacting applications for review of some decisions under the *Archives Act 1983* and the *Freedom of Information Act 1982*. As mentioned above in this chapter under 'Migration and Refugee Division', a new ministerial direction was issued under s 499 of the *Migration Act* on 21 June 2024, impacting the review of character-related visa decisions.

In 2023–24, as in previous years, we continued to experience pressure associated with an increasing workload, particularly in the character-related visa area of practice, with reduced numbers of members available to manage cases in this division. We also experienced significant challenges associated with the performance of our legacy case management system.

Deputy President Peter Britten-Jones was the Division Head responsible for managing the General, Freedom of Information and Veterans' Appeals Divisions throughout the reporting period.

Caseload strategy

In 2023–24, we focused on the finalisation of aged and complex cases in all caseloads, particularly in the Workers Compensation and Veterans' Appeals areas of practice. Our goal was to improve timeliness for our users in the General, Freedom of Information and Veterans' Appeals Divisions. We reviewed case pathways for these divisions during the reporting period to ensure we were able to progress cases in a user-focused manner.

We refer most applications in these divisions for review to a conference registrar and/or assistant case assessment registrar for case management and alternative dispute resolution (ADR) (see 'Alternative dispute resolution' below) as a first step. This is unless we consider case management by a member to be more appropriate or when we identify a need to expedite a case.

¹ See 'Social Services and Child Support Division' for information on the first level of AAT review.

We are required to finalise reviews of character-related visa decisions within 84 days of the reviewable decision being given to the applicant, so these reviews are case managed by a member from lodgement. During 2023–24, we introduced a policy to assist with managing the distribution of these types of cases flexibly in the context of fewer member resources being available.

Certain cases falling within the regulatory practice area, managed in accordance with the *Taxation and Commercial Practice Direction*, are triaged at lodgement to determine the most appropriate case pathway.

Caseload

We achieved a clearance ratio of 99% in these divisions during 2023–24, despite increased lodgements in the workers' compensation and citizenship caseloads and there being fewer members to undertake work across the entire year.

The tables below set out key statistics for all of these divisions by case type over the past 2 years.

Table 3.23: Caseload overview – General, Freedom of Information and Veterans' Appeals Divisions, 2022–23 to 2023–24

Division caseload	Lodged			Finalised			Clearance ratio		On hand at year end			% finalised within 12 months		Median time to finalise (weeks)	
	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	2022–23	2023–24
General	3,937	4,024	2%	4,333	3,968	-8%	110%	99%	2,587	2,722	5%	73%	76%	24	23
<i>Australian citizenship</i>	453	533	18%	571	486	-15%	126%	91%	244	297	22%	70%	82%	28	20
<i>Centrelink (2nd review)</i>	1,146	1,121	-2%	1,246	1,062	-15%	109%	95%	618	670	8%	83%	84%	22	21
<i>Visa-related decisions relating to character</i>	435	321	-26%	519	455	-12%	119%	142%	146	75	-49%	89%	85%	11	11
<i>Workers' compensation</i>	1,175	1,319	12%	1,259	1,249	<1%	107%	95%	1,211	1,294	7%	54%	60%	49	43
<i>Other</i>	728	730	<1%	738	716	-3%	101%	98%	368	386	5%	84%	82%	13	12
Freedom of Information	143	132	-8%	75	126	65%	52%	93%	165	174	5%	48%	60%	52	40
Veterans' Appeals	166	140	-16%	179	150	-16%	108%	107%	172	162	-6%	55%	44%	48	57
Total	4,246	4,296	1%	4,587	4,242	-8%	108%	99%	2,924	3,058	5%	72%	74%	26	24

Table 3.24: Outcomes of reviews – General, Freedom of Information and Veterans’ Appeals Divisions, 2023–24*

Outcome type	General												Freedom of Information		Veterans' appeals	
	Australian citizenship		Centrelink (2 nd review)		Visa-related decisions relating to character		Workers' compensation		Other		Total					
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision ^a																
Decision affirmed	46	9%	119	11%	181	40%	39	3%	45	6%	430	11%	17	13%	20	13%
Decision varied or set aside	47	10%	88	8%	225	49%	25	2%	41	6%	426	11%	6	5%	14	9%
Subtotal	93	19%	207	19%	406	89%	64	5%	86	12%	856	22%	23	18%	34	23%
By consent																
Decision affirmed ^b	2	<1%	22	2%	0	0%	584	47%	10	1%	618	16%	1	1%	6	4%
Decision varied or set aside ^b	87	18%	209	20%	26	6%	394	32%	59	8%	775	20%	13	10%	31	21%
Dismissed by consent ^c	6	1%	13	1%	0	0%	6	<1%	4	1%	29	1%	2	2%	2	1%
Dismissed by operation of law ^d	0	0%	303	29%	0	0%	0	0%	2	<1%	305	8%	0	0%	0	0%
Subtotal	95	20%	547	52%	26	6%	984	79%	75	11%	1,727	44%	16	13%	39	26%
Other																
Withdrawn by applicant	182	37%	169	16%	10	2%	165	13%	165	23%	691	17%	73	59%	59	39%
Dismissed by Tribunal ^e	6	1%	20	2%	7	2%	3	<1%	25	4%	61	2%	0	0%	4	3%
No jurisdiction ^f	110	23%	119	11%	6	1%	33	3%	365	51%	631	16%	12	10%	14	9%
Subtotal	298	61%	308	29%	23	5%	201	16%	553	77%	1,383	35%	85	69%	77	51%
Total ^g	486	100%	1,062	100%	455	100%	1,249	100%	714	100%	3,966	100%	126	100%	150	100%

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

^a Applications finalised by a decision of the AAT under section 43 of the *Administrative Appeals Tribunal Act 1975*.

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

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

^d If an application for a review of a Centrelink or paid parental leave decision relates to the recovery of a debt, the parties may agree in writing to settle the proceedings. On receipt of the agreement, the application is taken to have been dismissed.

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

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

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

General Division

The General Division manages our most diverse caseload. During 2023–24, the largest number of applications received in this Division were for review of workers' compensation decisions and second review of Centrelink decisions. The next largest caseloads related to decisions about Australian citizenship and character-related visa decisions. Other applications we received in the General Division during the reporting period were to review child support decisions and decisions made by regulators.

Social Services and Child Support (second review)

In this division's Social Services and Child Support (second review) Practice Area, we review first level decisions made by the AAT's SSCSD (see above). These decisions were originally made by authorised delegates of Services Australia under the *Social Security Act 1991*, *Social Security (Administration) Act 1999*, *A New Tax System (Family Assistance) Act 1999*, *A New Tax System (Family Assistance) (Administration) Act 1999*, *Child Support (Registration and Collection) Act 1988*, *Farm Household Support Act 2014*, *Paid Parental Leave Act 2010*, and the *Student Assistance Act 1973*.

The tables below detail key data relating to Centrelink cases reviewed in the General Division during the last 2 financial years.

Table 3.25: Centrelink second AAT review cases lodged, finalised and on hand by payment type, 2022–23 to 2023–24

Payment type	Lodged			Finalised			On hand at year end		
	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23
Age pension	132	142	8%	156	131	-16%	71	82	15%
Austudy payment	14	20	43%	14	21	50%	9	8	-11%
Carer allowance	25	11	-56%	21	20	-5%	15	6	-60%
Carer payment	47	41	-13%	57	32	-44%	23	32	39%
Disability support pension	435	258	-41%	492	350	-29%	256	165	-36%
Family tax benefit	179	262	46%	182	203	12%	91	150	65%
Jobseeker payment	77	65	-16%	77	65	-16%	28	26	-7%
Newstart allowance	56	45	-20%	58	42	-28%	30	32	7%
Parenting payment	45	54	20%	51	44	-14%	35	41	17%
Youth allowance	25	36	44%	27	22	-19%	5	19	280%
Other	111	187	68%	111	132	19%	55	109	98%
Total	1,146	1,121	-2%	1,246	1,062	-15%	618	670	8%

Table 3.26: Centrelink second review lodgements by decision type*, 2022–23 to 2023–24

Decision type	2022–23		2023–24	
	No	% of total	No	% of total
Cancellation of payment	57	5%	62	6%
Debt	525	46%	612	55%
Rate of payment	61	5%	72	6%
Refusal of claim	433	38%	282	25%
Start date of payment	46	4%	54	5%
Other	24	2%	39	3%
Total	1,146	100%	1,121	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.

Workers' compensation

We review decisions made under the *Safety, Rehabilitation and Compensation Act 1988* and the *Seafarers Rehabilitation and Compensation Act 1992* in the workers' compensation practice area. These decisions were originally made by Comcare, licensed authorities and other employers in respect of claims for rehabilitation and compensation in connection with work-related injury and disease.

Freedom of Information Division

In the Freedom of Information Division, we review decisions made under the *Freedom of Information Act 1982*, the *Privacy Act 1988*, the *Archives Act 1983* (except for certain records exempted under subsections 33(1)(a) or (b) of the Archives Act following the passing of the *National Security Legislation Amendment (Comprehensive Review and Other Measures No. 2) Act 2023* or those in respect of access to a record of the Australian Security Intelligence Organisation which are dealt with in the Security Division and certain decisions made under the *Australian Small Business and Family Enterprise Ombudsman Act 2015*.

Most reviews in this division relate to requests for access to documents of an agency or official documents of a Minister. We may constitute reviews in this division to a Deputy President who is a Judge of the Federal Court due to their relative complexity and public interest in the subject matter of the reviews.

Veterans' Appeals Division

We review decisions relating to veterans' entitlements and military compensation for current and former members of the Australian Defence Force and their dependants made under the *Military Rehabilitation and Compensation Act 2004*, the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* and the *Veterans' Entitlements Act 1986* in the Veterans' Appeals Division.

Engagement

During 2023–24, we met with representatives from agencies and departments whose responsibilities spanned across the immigration, citizenship, social services and workers' compensation areas of practice to discuss high level matters associated with the management of these types of cases. The Division Head also presented at the Australian Government Solicitor Freedom of Information and Privacy Law Conference and at the Veterans' Review Board Conference.

National Disability Insurance Scheme Division

In the National Disability Insurance Scheme Division (NDISD), we review decisions made by the National Disability Insurance Agency (NDIA) under the *National Disability Insurance Scheme Act 2013* (NDIS Act).

The most common types of applications for review relate to the level of support funded under a National Disability Insurance Scheme (NDIS) participant's plan and to a person's ability to access to the Scheme.

NDISD decisions affect participants and prospective participants to the Scheme, their families, workplaces, communities, support providers and networks.

In 2023–24, we set aside earlier work to develop an NDISD-specific practice direction. The AAT instead decided to develop a common practice direction to align Tribunal procedures and provide consistency across this and other jurisdictional areas after the Administrative Review Tribunal commences.

We also experienced significant challenges associated with the performance of our legacy case management system.

Eight new members were appointed to the Division in 2023–24, commencing in October 2023 and February 2024. In 2023–24 the Division has also lost experienced members through retirement or workload demands in other Divisions. As with the General Division and many other areas of practice, most cases continued to be referred to a conference registrar for ADR in the first instance.

We continued to experience challenges associated with the inherent complexity of cases in this Division in 2023–24 which resulted in them taking longer to finalise than many other case types. These ongoing challenges include a lack of authoritative jurisprudence to inform decision-making and a lack of adequate legal or skilled advocate representation for applicants.

Observations of the presiding judge in the Federal Court decision in *Klewer v NDIA [2023] FCA 630* were widely discussed within the Division during the reporting period. We considered its impact on a procedural mechanism, routinely used by the Tribunal and NDIA to extend supports in participant plans that were being exhausted, without prejudicing an applicant's ability to have their application meaningfully reviewed.

The Hon Michael Mischin was Division Head throughout the reporting year.

Caseload strategy

Our caseload strategy for the NDISD in 2023–24 was similar to previous years. We focused on refining and improving our processes so that our national network of members and conference registrars were able to manage cases in a responsive and flexible way. We promoted national consistency in decision-making and implemented strategies to use available resources more effectively. As in previous reporting periods, we triaged new applications to determine appropriate pathways for complex matters and to expedite those considered urgent. We further developed the small national team of AAT staff we had set up in 2022–23 to process Terms of Agreement between parties. Plans to further develop this team's remit have been put on hold pending the establishment of the new Tribunal. We aimed to resolve most cases prior to a hearing before a member and prioritised the progress of aged cases and of those relating to Scheme access.

Our strategy for the reporting period also involved actively addressing complaints about NDIA non-compliance with Tribunal directions by increasing monitoring of compliance by it and its legal representatives. The goal was to ensure cases could be progressed in a timely manner, with regular reporting of failures to the NDIA to enable it to identify and address problems.

Caseload

We were able to maintain our performance in this Division in 2023–24, due to lodgements being more stable than in previous years (after a significant reduction in 2022–23), and to the effectiveness of our caseload strategy. We achieved a similar clearance ratio, when compared with the previous year. Of all cases finalised in the reporting year, around 3/4 were finalised by agreements between the parties either during ADR, or after assignment to a member but prior to hearing.

The table below shows key data for the NDISD over the past 2 years.

Table 3.27: Caseload overview – National Disability Insurance Scheme by decision type, 2022–23 to 2023–24

Decision type	2022–23	2023–24	% change from 2022–23
Access to scheme			
Lodged	691	981	42%
Finalised	614	933	52%
Clearance ratio	89%	95%	
On hand at year end	814	869	7%
% finalised within 12 months	57%	58%	
Median time to finalise (weeks)	45	41	
Plans			
Lodged	3,552	3,050	-14%
Finalised	4,976	2,996	-40%
Clearance ratio	140%	98%	
On hand at year end	2,009	2,049	2%
% finalised within 12 months	84%	82%	
Median time to finalise (weeks)	30	23	
Other			
Lodged	28	37	32%
Finalised	14	23	64%
Clearance ratio	50%	62%	
On hand at year end	23	35	52%
% finalised within 12 months	86%	87%	
Median time to finalise (weeks)	6	11	
Total			
Lodged	4,271	4,068	-5%
Finalised	5,604	3,952	-29%
Clearance ratio	131%	97%	
On hand at year end	2,846	2,953	4%
% finalised within 12 months	81%	77%	
Median time to finalise (weeks)	31	26	

The table below shows data relating to the outcomes of NDISD during the reporting period.

Table 3.28: Outcomes of reviews – National Disability Insurance Scheme Division*, 2023–24

Outcome types	Access to scheme		Plans		Other		Total	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a								
Decision affirmed	43	5%	12	<1%	0	0%	55	1%
Decision varied or set aside	18	2%	36	1%	0	0%	54	1%
Subtotal	61	7%	48	2%	0	0%	109	3%
By consent								
Decision affirmed ^b	3	<1%	12	<1%	0	0%	15	<1%
Decision varied or set aside ^b	572	61%	2,337	78%	2	9%	2,911	74%
Dismissed by consent ^c	7	1%	11	<1%	0	0%	18	<1%
Subtotal	582	62%	2,360	79%	2	9%	2,944	74%
Other								
Withdrawn by applicant	223	24%	428	14%	9	39%	660	17%
Dismissed by Tribunal ^d	25	3%	28	1%	0	0%	53	1%
No jurisdiction ^e	42	5%	132	4%	12	52%	186	5%
Subtotal	290	31%	588	20%	21	91%	899	23%
Total^f	933	100%	2,996	100%	23	100%	3,952	100%

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

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

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

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

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

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

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

Engagement

As in previous years, we engaged with stakeholders in a range of ways to support the work of the NDISD during the reporting period. In 2023–24, we liaised with representatives of the NDIA, Department of Social Services, Legal Aid and disability advocacy organisations. We presented at an NDIA training session on 'Model litigant obligations'. We invited external presenters to jointly deliver continuing professional development sessions for members and conference registrars. The Division Head was a panellist at the WA Chapter of the Asian Australian Institute of Administrative Law on the NDIS and also presented at the Legalwise 4th Annual NDIS Law Conference.

Small Business Taxation, Taxation and Commercial, and Security Divisions

We review decisions made by various agencies under different pieces of legislation in the Security, Small Business Taxation, and Taxation and Commercial Divisions. The largest volume of work in these divisions in 2023–24 was in our taxation caseloads, with other significant caseloads including regulatory decisions made within the Taxation and Commercial Division (TCD).

The *COVID-19 Special Measures Practice Direction – Small Business Taxation and Taxation and Commercial Division* remained in effect throughout 2023–24, enabling us to deliver services remotely. As with the NDISD, we set aside previous work to draft a specific practice direction for the TCD in favour of a common practice direction being developed for the new Tribunal.

We experienced similar challenges to other AAT divisions in these practice areas in 2023–24. These arose from having fewer member resources available to hear cases, particularly in the inherently complex work of the TCD where the size of the active caseload fluctuates, and from issues associated with relying on aged case management systems to support our operations.

Despite these challenges, including those associated with operating in a period of uncertainty while the new Tribunal is being established, we maintained our levels of finalisations and timeliness in 2023–24.

Deputy President Bernard McCabe was the Division Head responsible for the Security, Small Business Taxation, and Taxation and Commercial Divisions throughout the reporting year.

Caseload strategy

In 2023–24, our goals for the Small Business Taxation Division (SBTD) and TCD, were to harmonise and administer consistent national procedures in the context of resourcing constraints, and to ensure cases would be heard within a reasonable time frame.

Caseload

The size of our active caseloads decreased in the SBTD and TCD during the reporting period. As in 2023–24, we finalised around a third of applications by consent without the need for a substantive hearing by a member.

The table below sets out key data for the Security, Small Business Taxation, and Taxation and Commercial Divisions during the past 2 financial years.

Table 3.29: Caseload overview – Security, Small Business Taxation and Taxation and Commercial Divisions, 2022–23 to 2023–24

Division/ Caseload	Lodged			Finalised			Clearance ratio		On hand at year end			% finalised within 12 months		Median time to finalised (weeks)	
	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	2022–23	2023–24	% change from 2022–23	2022–23	2023–24	2022–23	2023–24
Security	2	2	0	7	31	343%	350%	1550%	31	2	-94%	14%	3%	98	115
Small Business Taxation	417	218	-48%	193	372	93%	46%	171%	688	526	-24%	61%	65%	43	32
Taxation and Commercial	791	788	<1%	496	877	77%	63%	111%	1,607	1,521	-5%	52%	55%	51	44
<i>Taxation</i>	688	676	-2%	395	746	89%	57%	110%	1,489	1,422	-4%	49%	52%	53	51
<i>Other</i>	103	112	9%	101	131	30%	98%	117%	118	99	-16%	56%	62%	45	34
Total	1,210	1,008	-17%	696	1,280	84%	58%	127%	2,326	2,049	-12%	53%	54%	49	45

The table below shows the outcomes of reviews for these 3 divisions in the reporting year.

Table 3.30 Outcomes of reviews – Security, Small Business Taxation and Taxation and Commercial Divisions, 2023–24 *

Outcome type	Security		Small Business Taxation		Taxation and Commercial					
					Taxation		Other		Total	
	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes	No	% of all outcomes
By decision^a										
Decision affirmed	30	97%	41	11%	143	19%	18	14%	161	18%
Decision varied or set aside	0	0%	66	18%	73	10%	16	12%	89	10%
Subtotal	30	97%	107	29%	216	29%	34	26%	250	29%
By consent										
Decision affirmed ^b	0	0%	1	<1%	11	1%	0	0%	11	1%
Decision varied or set aside ^b	0	0%	116	31%	222	30%	10	8%	232	26%
Dismissed by consent ^c	0	0%	6	2%	0	0%	0	0%	0	0%
Subtotal	0	0%	123	33%	233	31%	10	8%	243	28%
Other										
Withdrawn by applicant	1	3%	84	23%	191	26%	72	55%	263	30%
Dismissed by Tribunal ^d	0	0%	21	6%	17	2%	3	2%	20	2%
No jurisdiction ^e	0	0%	37	10%	89	12%	12	9%	101	12%
Subtotal	1	3%	142	38%	297	40%	87	66%	384	44%
Total^f	31	100%	372	100%	746	100%	131	100%	877	100%

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

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

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

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

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

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

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

Security Division

In the Security Division, we review applications relating to security assessment decisions made by the Australian Security Intelligence Organisation (ASIO) under the *Australian Security Intelligence Organisation Act 1979* and decisions relating to access to ASIO records made under the *Archives Act 1983*.

Applications for review in this division are case managed by a member, given the nature of these reviews, which makes them less likely to be resolved by agreement. Many of the procedures applicable to hearings in the Security Division are set out in the AAT Act, which interact with the provisions of the Australian Security Intelligence Organisation Act or the Archives Act as appropriate. Given the small number of applications and the special circumstances which affect each case, applications are managed on a case-by-case basis to meet their circumstances.

Small Business Taxation, and Taxation and Commercial Divisions

Most of the decisions we review in the TCD are made by delegates of the Commissioner of Taxation. We also review regulator decisions, including those made by the Australian Financial Security Authority, the Australian Securities and Investments Commission, the Tax Practitioners' Board, the Aged Care Quality and Safety Commission and the Civil Aviation Safety Authority.

The SBTD was established as a separate division to make it easier for small businesses to seek review of most decisions of the Commissioner of Taxation. In this Division, we can review any reviewable decision made under a taxation law in relation to a small business entity. There are lower application fees in the SBTD and we use an early case assessment conferencing process to identify the most effective way to resolve each application. We also aim to deliver decisions within 28 days of the conclusion of a hearing process.

We continued to finalise several cases in both of these divisions without the need for a substantive hearing before a member due to the effectiveness of our case management and alternative dispute resolution processes.

Engagement

In 2023–24, we continued to engage regularly with representatives of decision-making agencies, including the Taxation Practitioners Board, Australian Securities and Investments Commission and the Australian Taxation Office, to discuss operational issues. We also liaised with other stakeholders, including representatives of the Australian Bar Association, the Law Council of Australia and the Australian Small Business and Family Enterprise Ombudsman, to address issues and develop a range of initiatives to improve the experience of applicants.

The Division Head and others represented the AAT including by participating in a Law Council of Australia taxation workshop and by speaking at various practitioner and university functions.

Alternative dispute resolution

We use alternative dispute resolution (ADR) in many types of cases in the Freedom of Information, General, NDIA, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions. ADR helps parties to understand and narrow the issues in dispute, identify further evidence that may be gathered, and try to reach agreement about how their case can be resolved.

During the reporting year, the proportion of applications we finalised with at least one ADR event decreased by 5 percentage points (from 67% to 62%) compared to 2022–23. NDIS cases made up most finalisations in which an ADR event was held, at 54% of total relevant finalisations.

The median number of minutes parties spent in ADR processes stayed consistent with the previous year, improving slightly in 2023–24. The median days from lodgement to the last ADR event also decreased marginally when compared with 2022–23, continuing to be on average around 6 months. The proportion of cases that were finalised without the need for a hearing decreased by 2 percentage points in 2023–24 to 85%, after an increase of 4 percentage points over the previous 2 reporting periods.

In 2023–24, conferences continued to be the most frequent ADR process we used, with 10,974 conferences held. The second most frequent ADR process was conciliations, with 952 held in 2023–24. The number of in-person ADR events increased slightly in 2023–24 to 188, up from 175 in the previous year.

The table below sets out key statistics for ADR processes in 2023–24.

Table 3.31: Alternative dispute resolution statistics – Freedom of Information, General, National Disability Insurance Scheme (NDIS), Small Business Taxation, Taxation and Commercial, Veterans' Appeals and Other Divisions, 2022–23 to 2023–24

Measure	Year	Freedom of Information Division	General Division			NDIS 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 ^a	2022–23	63%	81%	48%	93%	98%	79%	79%	82%	88%
	2023–24	82%	81%	48%	95%	97%	82%	72%	77%	85%
Proportion of validly lodged applications finalised in the period in which at least one ADR process was held ^b	2022–23	48%	63%	40%	82%	75%	56%	46%	79%	67%
	2023–24	62%	66%	37%	79%	68%	70%	48%	79%	62%
Median number of ADR processes held per case	2022–23	2	1	1	3	2	2	1	3	2
	2023–24	1.5	2	1	3	2	2	2	2	2
Median number of total minutes spent in ADR processes per case	2022–23	78	60	45	69	98	100	100	65	84
	2023–24	65	60	47	60	106	160	90	72	85
Median calendar days from lodgement to final ADR process	2022–23	135	116	122	278	189	287	258	261	184
	2023–24	219	112	101	247	192	259	268	283	182

^a This measure is the proportion of applications finalised with an outcome other than by a decision following a hearing under section 43 of the Administrative Appeals Tribunal Act. This includes applications finalised by consent, as well as applications withdrawn, dismissed, or where there was no jurisdiction for the Tribunal to review the decision.

^b This measure is of the proportion of applications finalised in the FY, in which at least one ADR process was held, as a proportion of all applications finalised.

External scrutiny

The AAT's operations are subject to external scrutiny through various mechanisms. The principal form of scrutiny in relation to our decisions and how we conduct reviews is by way of review in the courts. Our operations are also subject to scrutiny through requests made under the Freedom of Information Act, complaints to the Commonwealth Ombudsman and other bodies, and 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 Freedom of Information, General, National Disability Insurance Scheme, 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 an 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 review of a child support decision made in the Social Services and Child Support Division may also appeal a final 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.

As shown in the table below, 33% more appeals were lodged in relation to AAT decisions in 2023–24 than in the previous year. The overall rate at which our decisions were appealed was 2% higher than in 2022–23. Most applications for judicial review concerned decisions made by the Migration and Refugee Division and decisions made by the General Division on review of visa-related decisions relating to character, representing 98% of all appeals filed. The appeal rate for these decisions was 22%. For most decisions, other than those migration-related decisions, the appeal rate was below 5% in 2023–24, except for appeals of decisions relating to freedom of information, workers compensation, and taxation and commercial.

There were 3,243 appeals relating to decisions of the AAT, the former Migration Review Tribunal or former Refugee Review Tribunal finally determined in the courts during the reporting year with visa-related appeals constituting 98% of those finalised appeals. These figures are comparable to the previous year. Overall, the courts allowed the appeal in 8% of cases finalised in 2023–24, an improvement of 2 percentage points compared with last year's result.

Notably, the proportion of appeals allowed relating to decisions made by the General Division on review was 16% higher in 2023–24 than in the previous year. For the Migration and Refugee Division, the source of the largest number of appeals, the proportion of appeals allowed dropped to 5%.

We review 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 3.32: Court appeals against decisions of the AAT lodged and finalised by division and major caseloads within divisions, 2022–23 to 2023–24

Division/ Area of work	Court appeals lodged				Court appeals finalised ^c							
	Lodged ^a	Proportion of total AAT decisions ^b	Lodged ^a	Proportion of total AAT decisions ^b	Allowed	Dismissed or discontinued	Total appeals finalised	Proportion allowed against total appeals finalised	Allowed	Dismissed or discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
	2022–23		2023–24		2022–23		2022–23		2023–24		2023–24	
	No	%	No	%	No	No	No	%	No	No	No	%
Freedom of Information	3	8%	3	9%	0	1	1	0%	0	1	1	0%
General	159	9%	159	9%	63	114	177	36%	63	114	177	36%
<i>Australian citizenship</i>	6	2%	6	2%	1	4	5	20%	1	4	5	20%
<i>Centrelink (2nd review)</i>	4	1%	4	1%	2	7	9	22%	2	7	9	22%
<i>Visa-related decision relating to character</i>	129	29%	129	44%	55	80	135	41%	55	80	135	41%
<i>Workers' compensation</i>	10	9%	10	6%	3	8	11	27%	3	8	11	27%
<i>Other</i>	10	2%	10	3%	2	15	17	12%	2	15	17	12%
Migration and Refugee^d	3,201	19%	3,201	18%	251	2,733	2,984	8%	251	2,733	2,984	8%
<i>Migration</i>	1,472	13%	1,472	12%	133	1,692	1,825	7%	133	1,692	1,825	7%
<i>Refugee</i>	1,729	31%	1,729	35%	118	1,041	1,159	10%	118	1,041	1,159	10%
National Disability Insurance Scheme	5	2%	5	2%	2	4	6	33%	2	4	6	33%
Security	0	0%	0	0%	0	2	2	0%	0	2	2	0%
Small Business Taxation	1	1%	1	1%	1	1	2	50%	1	1	2	50%
Social Services and Child Support Division^e	17	1%	17	1%	2	18	20	10%	2	18	20	10%

Division/ Area of work	Court appeals lodged						Court appeals finalised ^c					
	Lodged ^a	Proportion of total AAT decisions ^b	Lodged ^a	Proportion of total AAT decisions ^b	Allowed	Dismissed or discontinued	Total appeals finalised	Proportion allowed against total appeals finalised	Allowed	Dismissed or discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
	2022–23		2023–24		2022–23		2022–23		2023–24		2023–24	
	No	%	No	%	No	No	No	%	No	No	No	%
Taxation and Commercial	5	3%	5	2%	5	9	14	36%	5	9	14	36%
<i>Taxation</i>	4	3%	4	2%	2	4	6	33%	2	4	6	33%
<i>Other</i>	1	3%	1	2%	3	5	8	38%	3	5	8	38%
Veterans' Appeals	0	0%	0	0%	0	1	1	0%	0	1	1	0%
Total	3,391	17%	3,391	16%	324	2,883	3,207	10%	324	2,883	3,207	10%

^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 may include appeals lodged or finalised in relation to decisions made by the Migration Review Tribunal or Refugee Review Tribunal prior to 1 July 2015.

^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.

Significant court decisions

During the reporting year, 2 judicial decisions dealt with issues that had the potential to have a significant impact on our procedures and decision-making.

Miller v Minister for Immigration, Citizenship and Multicultural Affairs [2024] HCA 13

On 17 April 2024, the High Court handed down the judgment in Miller which found that non-compliance with the requirement in section 29(1)(c) of the *Administrative Appeals Tribunal Act 1975* (Cth) (AAT Act) that an application to the Tribunal for review of a decision ‘must contain a statement of the reasons for the application’ did not invalidate an application such that the jurisdiction of the Tribunal to review the decision is not engaged.

The application form lodged by the applicant with the Tribunal did not include any reasons for the application and reasons were not provided until after the time limit for applying for review had expired. The time to apply for review could not be extended in this case. The Tribunal found that the application had substantially complied with the requirements for making an application and proceeded to review the decision.

The Federal Court decided that providing a statement of reasons was an essential requirement to the making of a valid application and held the Tribunal had no jurisdiction to hear and determine the application. On appeal, the Full Court of the Federal Court upheld the decision of the single judge of the Federal Court.

The High Court held that the use of the imperative terminology “must” does not in the context of the AAT Act necessarily point to a legislative purpose to invalidate an application that fails to comply with the condition in section 29(1)(c). The information to be provided in compliance with that provision is not as to any objective circumstance but is limited to the subjective reason of the applicant for making the application. Accordingly, the information to be provided in compliance with section 29(1)(c) need not be information of the slightest assistance to the Tribunal or any other party to the proceeding. Consequently, to discern within the overall context of the AAT Act a legislative purpose to invalidate an application and deprive the Tribunal of jurisdiction for want of compliance with a condition which requires the provision of information entirely subjective to the applicant, compliance with which might be entirely useless and non-compliance with which would be readily remediable by directions made by the Tribunal within jurisdiction, would be to attribute to the legislature an intention which would be arbitrary to the point of being capricious. Further, to discern such a legislative purpose would be to attribute to the legislature an intention wholly at odds with the express legislative imposition on the Tribunal to pursue the objective of providing a mechanism for review that is accessible, fair, just, economical, informal, and quick.

The effect of the High Court’s decision is that an application to the Tribunal made under the AAT Act for review of a decision does not require a statement of reasons for making the application in order for the application to be validly made. This judgment affects all applications to the Tribunal for a review of a decision other than applications dealt with in the Migration and Refugee Division and certain applications in the Security Division.

Lesianawai v Minister for Immigration, Citizenship and Multicultural Affairs [2024] HCA 6

This was an application in the High Court's original jurisdiction seeking to quash a decision of the Minister's delegate to cancel the plaintiff's visa under section 501(2) of the *Migration Act 1958* (Cth). Section 501(6)(a) provides that a person does not pass the character test if they have a 'substantial criminal record' which includes being sentenced to a term of imprisonment of 12 months or more.

In 2010, the plaintiff (aged 27) had been convicted and sentenced to terms of imprisonment for 2 offences of armed robbery and 2 attempts to commit such offences. On appeal, the longest sentence he received was imprisonment for 10 years with a non-parole period of 6 years.

Prior to making the cancellation decision, the delegate received a memorandum prepared by a departmental officer which advised that the plaintiff had other 'serious convictions' for offences similar to that for which he was convicted 'dating back to 1996, when he was a juvenile aged 13'. The delegate's reasons recorded that the delegate took into account the plaintiff's 'convictions' for offences for which he was sentenced by the Children's Court of New South Wales when he was under the age of 16 years.

In *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Thornton* [2023] HCA 17, the High Court held that section 184(2) of the *Youth Justice Act 1992* (Qld) (Youth Justice Act) has the effect that the Youth Justice Act is legislation that operates in the way contemplated by section 85ZR(2) of the *Crimes Act 1914* (Cth) such that the delegate was precluded from taking the conviction into account altogether. The plaintiff contended that section 14(1)(a) of the *Children (Criminal Proceedings) Act 1987* (NSW) (Children Proceedings Act) precluded the Children's Court from proceeding to, or recording, any conviction for the offences for which he was sentenced when he was under 16 years old and so was not materially different from the legislation considered in Thornton.

The High Court held that the relevant provisions of the Children Proceedings Act are not materially different to the provisions of the Youth Justice Act considered in Thornton, and the plaintiff's circumstances were not otherwise materially different to those of the respondent in Thornton. Consequently, the delegate was precluded by section 85ZR and 85AS of the Crimes Act from taking into account the offences for which the plaintiff was sentenced by the Children's Court when he was under the age of 16 years. Further, under the Children Proceedings Act, a finding of guilt is not a conviction and, subject to any statutory provisions that provide to the contrary, is not treated as a conviction for any purpose.

The effect of the High Court's decision is that offending that falls within the provisions of the Children Proceedings Act is not to be considered as a 'conviction' for the purposes of the Migration Act. This is relevant to the Tribunal's consideration of the discretion to cancel visas under sections 109, 116 or 501 of the Migration Act, or whether cancellation decisions under section 501CA should be revoked.

Freedom of information

In 2023–24, the Office of the Australian Information Commissioner received 6 applications for review of decisions we made in relation to requests for access to documents under the *Freedom of Information Act 1982*.

The Office of the Australian Information Commissioner finalised 8 applications in the reporting year. Of the finalised applications: 6 were declined under section 54W(b) (decision to be considered by the AAT).

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. 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 accepted 3 complaints in relation to the AAT during the reporting year. Two complaints investigated or reviewed by the Australian Human Rights Commission in 2023–24. The Commission finalised 6 complaints about the AAT from 1 July 2023 to 30 June 2024. Three were terminated or declined on the basis that the complaint was lacking in substance or misconceived; one was terminated on the basis of an inquiry not being warranted; one was withdrawn, and another was finalised on the basis that the complainant did not wish to proceed.

The Commonwealth Ombudsman received 48 complaints about the AAT in 2023–24. Of the complaints received, 44 were investigated or reviewed and subsequently finalised. The outcomes of these complaints are as follows:

Advised to complain to agency: 6

Advised to pursue elsewhere: 6

Approach lapsed or withdrawn: <5

Complaint already considered: 7

Finalised without investigation: 16

Out of jurisdiction: <5

Better explanation – by Ombudsman: <5

Written complaint not received: <5

The Office of the Australian Information Commissioner received 5 complaints relating to the AAT in 2023–24. Four complaints were finalised during 2023–24. One determination was made against the AAT.

Reports relating to 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 2023–24.

User experience

The AAT seeks to ensure that our services are accessible, user focused and of a high quality. We have a Service Charter, which is published on our website, that sets out the standards of service people can expect when they deal with us. It also includes information about how users can give us feedback.

Accessibility

We strive to be accessible to our wide range of users and potential users, including First Nations peoples, 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.

First Nations peoples

The AAT is committed to improving access for Aboriginal and Torres Strait Islander peoples. As part of this commitment, we educate members and staff on how to work effectively and respectfully with First Nations users and their communities. Members and staff have access to eLearning modules and other resources designed to improve our ability to provide culturally appropriate services.

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. We also seek to address cultural diversity issues in delivering our services through awareness raising and training activities.

The AAT engages and meets the cost for an interpreter if a party or witness requires one for a case event, such as a conference or hearing, including Auslan. We use the Translating and Interpreting Service, as needed, for telephone calls and other interactions with users.

The AAT's Interpreter Policy and the Handbook for Interpreters, which are available on our website, set out more information about interpreting services at the AAT.

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 increase their confidence in delivering appropriate services and supports.

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

We offer information about our role and procedures 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, and an accessible video with an Auslan interpreter.

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, in numerous languages, relating to some common types of decisions
- the Guide to Refugee Law in Australia which provides guidance on legal issues relevant to the assessment of applications about protection visas
- access guides for each registry to assist people with a disability to access our registries.

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, legal aid commissions and university tax clinics
- 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 for self-represented parties in certain types of cases.

Feedback and complaints to the AAT

We published an updated Feedback and Complaints Policy in June 2023. As set out in the policy, complaints may be made to the Tribunal verbally or in writing, including through our online complaints and feedback form.

In late 2023, we developed a new, more streamlined, internal complaint handling process, which centralised responsibility for the coordination of external complaints. This was done to promote consistency in organisational complaint handling and to bring our processes into closer alignment with best practice.

We have established an early resolution complaint process which seeks to finalise issues or concerns close to the time of the interaction. For example, by providing an explanation or further information when the issue arises. Where early intervention is successful, no record of a formal complaint is made. Where an attempt at early resolution is not successful, the person is invited to escalate their issue or concern at which point it is registered as a formal complaint.

We aim to provide a final response to a 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 or procedure, or consideration of additional training and development for AAT personnel.

As shown in the table below, the AAT received 165 complaints in 2023–24, 126 fewer than in the previous reporting year.

Table 3.33: Complaints made to the AAT about our services, 2022–23 to 2023–24

	2022–23	2023–24
Complaints made	291	165
Applications finalised	42,689	43,681
Complaints per 1,000 applications finalised	6.8	3.8

The table below shows the subject matter of the complaints received in the current and previous reporting years. The largest decreases in complaints were those relating to administrative/procedural issues, delay/ timeliness and registrars. Small increases were seen in complaints about the ADR process, publication of decisions and miscellaneous complaints. All other categories experienced declines.

Table 3.34: Issues raised in complaints to the AAT, 2022–23 to 2023–24

Issue	Number of complaints	
	2022–23	2023–24
Members	65	52
Administrative/ procedural issues	63	19
Delay/ timeliness	60	15
Tribunal decisions	54	35
Staff	20	16
Registrars	15	4
Fee and/or fee refund	6	4
Privacy	4	2
ADR processes	1	2
Fraud	1	1
Publication of Tribunal decisions	1	3
Other	1	12
Total	291	165

During 2023–24, we provided a response to 156 complaints. We responded to 72% (112) complaints within the time standard of 20 working days, compared with 41% in 2022–23. The median number of days from complaint to final response for all complaints was 18 working days, lower than the median of 25 working days in the previous reporting year. The time taken to handle a complaint depends on the complexity and volume of issues to be considered, and the resources available. We continue to identify strategies to improve our complaint handling.

We formed the view that we could have acted more appropriately in relation to 21 complaints in 2023–24, compared with 70 complaints in 2022–23. We offered an apology where appropriate and raised the matters with the relevant areas and personnel. The issues that arose in these complaints were staff issues (6), administrative/procedural issues (5), delay/timeliness of the review process (4), the conduct of members (3), complaints about the decision and decision publication (1), privacy (1) and one miscellaneous complaint.

Chapter 4 Immigration Assessment Authority

Function

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.

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 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 2024, Ms Sobet Haddad was the Senior Reviewer and there were 6 reviewers. In accordance with section 473JE of the Migration Act, the Registrar made 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 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

As shown in the table below, the number of referrals to the IAA was higher in 2023–24 than in the preceding reporting year.

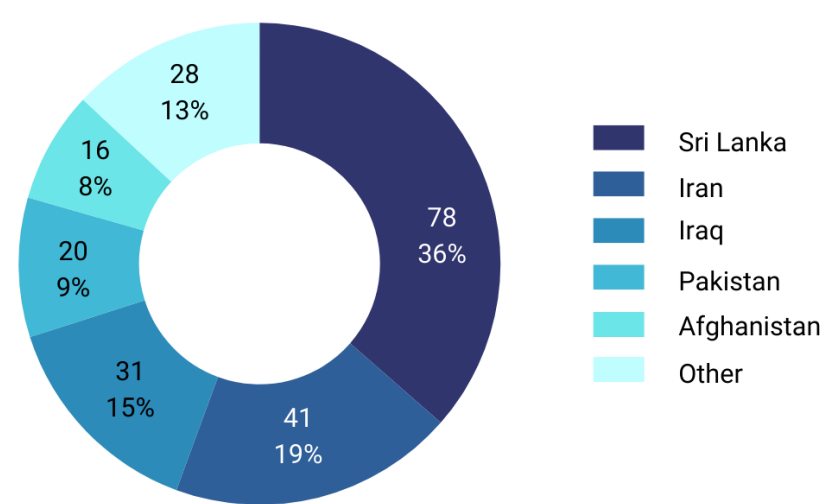
Table 4.1: IAA caseload overview, 2022–23 to 2023–24

	Referrals	Finalisations	On hand at year end	Median time to finalise (weeks)
2022–23	158	173	26	9
2023–24	214	223	17	6

The top 5 countries of reference of referred applicants in 2023–24 were Sri Lanka, Iran, Iraq, Pakistan and Afghanistan.

The chart below shows the number and proportion of referrals made for these and all other countries.

Figure 4.2: IAA referrals by country of reference, 2023–24



The IAA finalised 223 cases in 2023–24. The median timeframe for finalised cases was 6 weeks from referral to decision for the reporting period, a decrease of 3 weeks on the previous year. This decrease was due to the low number of on hand cases throughout the reporting year.

The table below shows the outcomes of IAA reviews for the past 2 financial years.

Table 4.3: Outcomes of IAA reviews, 2022–23 to 2023–24

	Decision affirmed		Decision remitted		Other ^a	
	No	% of total	No	% of total	No	% of total
2022–23	144	83%	28	16%	1	<1%
2023–24	191	86%	22	10%	10	4%

^a Cases referred to the IAA in error.

The IAA publishes written statements of reasons for its decisions that the President thinks are of particular interest. The IAA published 28 decisions made in 2023–24 on the IAA website.

Appeals

An applicant or the Minister may seek judicial review of IAA decisions 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 judicial review applications were lodged by applicants who did not receive a favourable decision from the IAA.

In 2023–24, the Federal Circuit and Family Court finalised 297 judicial review applications relating to IAA decisions. Of those applications, 167 were dismissed. In 130 applications, the case was remitted to the IAA: 85 by consent and 45 by judgment.

There have been 58 further appeals lodged in the Federal Court against decisions of the Federal Circuit and Family Court, all of which were lodged by applicants appealing a decision to dismiss the judicial review application.

These outcomes include appeals lodged in relation to decisions made in a previous year.

The table below shows the outcomes of judicial review applications that have been determined in the last 2 financial years. As at 30 June 2024, a further 4,529 applications remain unresolved, including appeals against decisions of the Federal Circuit and Family Court.

Table 4.4: IAA court appeals lodged and finalised, 2022–23 to 2023–24

	Court appeals lodged		Court appeals finalised ^c			
	Lodged ^a	Proportion of total IAA decisions ^b	Allowed		Dismissed or Discontinued	Total appeals finalised
			Remitted	Set aside ^d		
	No	%	No	No	No	No
2022–23 ^e	170	98.3%	151	2	229	382
2023–24	151	67.7%	137	0	193	330
Total	321	81.1%	288	2	422	710

^a These figures include 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 dismissed or discontinued in 2022–23 differ from those published in the Annual Report 2022–23. A number of appeals considered finalised at that time have subsequently become active by an appeal to a higher court.

Significant court decisions

The High Court did not make any significant decisions on issues relevant to fast track procedures and decision-making during the reporting year.

Complaints

During 2023–24, the IAA did not receive any complaints.

Chapter 5 Management and accountability

Corporate governance

The AAT's governance framework comprises arrangements and practices that enable us to set our strategic 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 and risk management as well as our instructions, policies and procedures.

The names and responsibilities of the AAT's President, Registrar and other senior leaders in 2023–24 are outlined in Chapter 2 Overview of the AAT.

Senior management and committees

The President and the Registrar were supported in carrying out their responsibilities in 2023–24 by a number of committees.

In this year of reform and transition, the AAT established a new internal governance committee (the Transition Committee). The role of this committee, which is comprised of the President, the Registrar and the Chief Operating Officer, includes making decisions about transition project priorities and escalated issues, and providing guidance to enable the effective transition from the AAT to the new Tribunal. The committee met regularly, generally once a fortnight, from November 2023 and weekly from March 2024.

The other key governance committees operating during the reporting period are outlined below.

The Tribunal Leadership Group is the AAT's pinnacle governance body, comprising the President, the Division Heads, the Registrar and the Chief Operating Officer. The group advises and assists the President in relation to setting and monitoring the Tribunal's strategy, budget, priorities, performance, and ways of working. The group met on several occasions throughout the reporting year.

The Senior Executive Group, comprising the Registrar and all senior executive staff, provides the Registrar with advice and assistance on corporate and operational management issues. The group met regularly, generally at least once each month, throughout 2023–24. In the third quarter of the year, the group also began holding regular meetings, generally once a month, focused on the transition to the new Tribunal.

The Portfolio Control Group, comprising the Chief Operating Officer, the Chief Information Officer, and the Chief Corporate and Financial Officer, met 6 times during the reporting year to provide the Registrar with advice and assistance on defining and managing the AAT's portfolio of key programs and projects.

The Audit and Risk Committee provided independent advice and assurance to the Registrar by considering financial reporting, performance reporting and systems of internal control and risk management. The committee comprised an independent chair and 2 other independent members as well as AAT representatives acting as special advisors. The Committee met 4 times in 2023–24. More

information about the Audit and Risk Committee and its membership during the reporting year can be found in in Appendix 5: Other mandatory information.

Business planning

In 2023–24, 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 2023–27 described our purpose and key activities, the environment in which we operate, our key strategies and plans to have the capability to achieve our purpose and undertake these activities, 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 our corporate plan, is in Chapter 3 Performance.

The Corporate Plan 2023–27 sets out 3 priorities that will guide our focus during this period:

- managing our large and diverse caseload, including ensuring the continued delivery of high-quality services to our users
- supporting our members and staff, during the period of developing and transitioning to a new merits review body, to continue to deliver high-quality services
- assist the Government in developing the new merits review body through the sharing of operational expertise and corporate knowledge.

The AAT's key achievements from 2023–24 are noted in Chapter 1 The year in review.

Risk management

An integral part of our work is identifying and managing strategic and operational risks. We have set out our approach in our risk management framework.

In 2023–24, the AAT's Audit and Risk Committee regularly reviewed our Enterprise Risk Register, which captured strategic risks addressed in our Corporate Plan 2022–26, including any emerging risks. During the reporting year, we focused on risks associated with the Australian Government's announcement of its intention to reform the administrative review body.

We regularly reviewed our Risk Register and held discussions with all risk treatment owners in 2023–24. Key risks and treatment plans were tabled at the Audit and Risk Committee for endorsement.

The AAT maturity risk framework rating increased from 'Defined' to 'Embedded' in the biannual 2023 Comcover Benchmarking Survey. The Benchmarking Survey identified the AAT's strongest risk capability is in Risk Governance, with the greatest improvements reflected in the Risk Management Framework and practices, and also Risk Culture areas.

Throughout the reporting year, external and internal audit programs identified opportunities for improvement and provided assurance in relation to our control environment and operations. Registers were regularly reviewed by several standing committees, and we embedded risk review processes into our procedures.

Our internal auditors completed the following risk reviews during the year:

- Third Party Risk Management Review
- Accounts Payable and Travel Expenditure Review
- Stakeholder Engagement and Communication Review.

The internal auditors are also reviewing Tribunal processes to manage the transition to the new Tribunal. This engagement will provide management with recommendations to assist with the transition from the AAT to the new Tribunal.

We addressed issues identified in external and internal audits, and our Audit and Risk Committee monitored the implementation of audit recommendations.

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.

Nationwide security audits were regularly performed on access control systems. We implemented cyber security enhancements and reviewed and updated all reporting functions and procedures relating to risk areas. The AAT continued to operate as a flexible hybrid working environment with strong online platforms maintaining capabilities across all operational areas.

Fraud control

The AAT is committed to preventing, detecting, and dealing with fraud and corruption in relation to our operations and functions. Our approach to fraud and corruption control is linked to our Risk Management Framework and specifically includes our Fraud and Corruption Control Plan, Fraud Risk Assessment and Register. We review and update the Fraud and Corruption Risk Register on an annual basis and provide an update to the Audit and Risk Committee.

We have reviewed our existing Fraud control framework to incorporate the new Fraud and Corruption Rule and our mandatory referral requirements to the National Anti-Corruption Commission.

Our policies, procedures and supporting resources have been updated to provide awareness and guidance on how to recognise and report suspected corruption. We have developed new fraud and corruption training modules and include mandatory training in induction for new employees.

The AAT completed a risk-based nationwide assets stocktake during the reporting year with positive results demonstrating sound assets custodianship.

Certification of AAT fraud control arrangements

I, Michael Hawkins, 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.



Michael Hawkins

Registrar

24 September 2024

Maintaining ethical standards

The Administrative Appeals Tribunal (AAT) is committed to fostering a culture of integrity and ethical behaviour among its members and staff. We integrate relevant standards into our policies and procedures, ensuring alignment with our values.

Our *Conduct Guide for AAT Members* sets clear expectations for professional and personal conduct, supported by professional development resources and an online module addressing ethical challenges. As part of our onboarding program, all members receive training on expected conduct, and in 2023–24, we encouraged additional training to prevent sexual harassment and discrimination.

A new enforceable *Member Code of Conduct* is anticipated to be introduced with the new Tribunal.

For staff, the AAT Enterprise Agreement underscores our commitment to the APS Values, Code of Conduct, and Employment Principles, embedded in our induction processes and reinforced through regular communications. Staff are required to complete Code of Conduct training every 2 years, with additional mandatory training on sexual and gender-based harassment completed in 2023–24.

These initiatives reflect our dedication to maintaining high ethical standards and fostering a respectful and responsible organisational culture.

Management of human resources

Our members and staff are integral to the AAT's ability to perform its role as an independent merits review tribunal. We continue to focus on the needs of our people so they are well-placed to provide the high-quality services required by our users.

Managing and developing members and staff

At 30 June 2024, there were 322 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 2024, there were 810 staff working at the AAT: 771 employed under the *Public Service Act 1999* (the PS Act) and 39 engaged under labour hire or contract arrangements. Of the 771 APS employees, 590 were ongoing and 109 non-ongoing, with 72 of the non-ongoing staff engaged to undertake duties that were irregular or intermittent.

Appendix 2: Additional staffing statistics provides the number of ongoing and non-ongoing employees at 30 June 2023 and 30 June 2024 by employment status, classification, gender and location, as well as information about the number of AAT staff identifying as Indigenous.

Workforce planning and retention

The AAT Workforce Strategy 2022–25 applies to staff. It aims to ensure we have the capacity and capabilities to support delivery now and into the future by attracting, developing and retaining our staff.

In 2023–24, we have focused on the process improvement in key workforce functions to support the transition of AAT staff and members to the new Administrative Review Tribunal in late 2024. We continue to analyse key workforce data including APS Employee Census results, collating workforce data and gathering feedback through our National Consultative Committee.

Consistent with broader labour market trends, in 2023–24, the rate of turnover of ongoing APS employees decreased by 4 percentage points to 12.03%, indicating our work on retention is having impact and more certainty is provided around the establishment of the new Tribunal.

Employment agreements and arrangements for staff

During the reporting year, the AAT participated in service-wide enterprise bargaining consistent with the Australian Government Public Sector Workplace Relations Policy 2023. This extended to agency-level bargaining from August 2023.

On 13 December 2023, a new draft Enterprise Agreement was presented to AAT staff for their consideration and vote, with 80.8% of eligible staff participating in the vote, and 90.9% of those participating, voting yes to the new Enterprise Agreement.

The AAT Enterprise Agreement came into effect on 26 January 2024. Section 24(1) determinations under the PS Act are in place for SES staff.

At 30 June 2024, 765 non-SES APS staff were covered by the enterprise agreement, with 21 of those staff 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 2023–24 by classification level.

Performance pay

The AAT did not have a performance pay or bonus system for any staff in 2023–24 nor did we pay a performance bonus to any staff.

Non-salary benefits

Non-salary benefits available to staff from January 2023 included:

- 18 week paid parental leave for primary caregivers and 8 weeks paid leave for secondary carers
- cultural leave available to all staff and increased cultural and ceremonial leave for First Nations employees
- access to our Studies Assistance Scheme and other learning and development opportunities
- contributions to relevant professional memberships and accreditations
- new principles and consultation provisions supporting a safe, respectful and inclusive workplace culture
- ability to participate in a public transport loans scheme
- health and wellbeing benefits such as assistance for individual and/or group participation in health and fitness activities, the Employee Assistance Program, Reach Out program, eyesight testing and flu vaccinations.

Employees were also able to access salary sacrifice schemes providing benefits in relation to additional superannuation payments, 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.

Remuneration for the President, Registrar and Tribunal members is determined by the Remuneration Tribunal.

Remuneration for SES staff in 2023–24 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
- the Australian Government Public Sector Workplace Relations Policy 2023
- an assessment of relativities with other APS agencies, as indicated in the annual APS Remuneration Report produced by the Australian Public Service Commission (APSC).

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

Member learning and development

The focus on Member professional development in 2023–24 has been the new Member Induction Program, which was deployed to 103 new members between October 2023 and February 2024. The Program comprised an introduction to the Tribunal, the role of a member, merits review, the role and function of the registry, hearing craft and jurisdiction-specific training.

In addition to the Induction Programs, the following professional development programs was delivered to members in 2023–24:

- Timeliness in Decision Making
- Indigenous Cultural Competency
- Trauma Informed Practice
- Vicarious Trauma
- Disability Awareness
- Managing Challenging Hearings and Parties
- Family and Domestic Violence
- Family Violence Issues in Migration
- Neuroaccessibility for Tribunal Users
- Overview of National Legal Aid and the Legal Aid Commissions.

All of the above professional development programs were delivered in-house to members across jurisdictions.

The Tribunal supported a number of members to participate in external conferences including the 2024 Council of Australasian Tribunals National Conference.

Staff learning and development

During 2023–24, the Administrative Appeals Tribunal (AAT) provided our staff with a broad spectrum of development opportunities. We organised workshops on facilitation skills and managing difficult interactions and continued our Staff Mentoring Program. We attended the Minds Count Foundation Annual Lecture that supported legal staff, while specialised Alternative Dispute Resolution (ADR) training was arranged for conference registrars and ADR-trained staff.

Directors of Operations participated in the APS Leadership Edge course with the APS Academy, and staff who deliver training and presentations received Facilitation Skills training. Disability Awareness training was provided to NDIS leaders and other organisational leaders and managers. Training on the Federal Register of Legislation was offered to staff through the AAT Library, and a Financial Literacy series was made available through the Commonwealth Superannuation Corporation. Additionally, we conducted a Navigating Change session for all staff and ran a Yarning Circle through Evolve for all staff, with a future one planned for our Senior Executive Group (SEG). An Interagency Community of Practice Session on Inclusivity in Recruitment allowed AAT staff to engage with colleagues from other APS agencies.

In our commitment to the mental health and wellbeing of our staff, we delivered programs on vicarious trauma, including an eLearning module through the Workplace Mental Health Institute. These

initiatives provided our employees with the necessary knowledge and tools to maintain their mental health.

We maintained our focus on online learning, offering a variety of self-directed eLearning options through our learning management system and an extensive library of courses via LinkedIn Learning. Additionally, we procured e-learning courses on family and domestic violence from the University of New South Wales' Gendered Violence Research Network for staff and managers.

Our Studies Assistance Scheme continued to play a vital role in supporting our staff's educational pursuits, providing financial support and study leave for vocational and tertiary education. We mandated sexual harassment awareness and prevention training for all staff and prioritised Indigenous cultural competency training for managers and employees in client and stakeholder-facing roles.

Workplace diversity

The Administrative Appeals Tribunal (AAT) values the diversity of our workforce. As of 30 June 2024, women comprised 62% of our APS staff, demonstrating strong representation across all classification levels. Additionally, 10% of our staff identified as coming from a non-English speaking background. Over the reporting year, the number of APS staff identifying as Indigenous increased from 5 to 8 employees, and 28 APS staff identified as having a disability.

To ensure our organisation reflects the diversity of the Australian community, we have a Workplace Diversity Plan in place. This plan forms the foundation for the AAT to promote and leverage the opportunities that arise from having an inclusive and diverse workforce.

We remain committed to the initiatives outlined in our Reconciliation Action Plan. To support this commitment, we have renewed our contract with Evolve Communities to provide Indigenous Cultural Competency e-learning courses and virtual Yarning Circles for all staff, the Senior Executive Group, and members. We also curated a library of resources for National Reconciliation Week, NAIDOC Week, International Women's Day, Harmony Day, Pride Month, and IDAHOBIT Day. During 2023–24, we organised various diversity events for our members and staff to foster a respectful and inclusive workplace environment.

As members of the Diversity Council of Australia (DCA) and Pride in Diversity, we ensure that all our members and staff have access to their e-learning courses, webinars, and networking events.

We are in the process of establishing a Diversity and Inclusion Committee, which will include SES Champions and staff representatives. Additionally, we have ongoing training with the Australian Federation of Disabilities Organisation (AFDO) focused on Disability Awareness and Neurodiversity.

Work health and safety

The AAT prioritises the health, safety, and wellbeing of all workers and fulfill obligations under the *Work Health and Safety Act 2011 (Cth)* and the *Safety, Rehabilitation and Compensation Act 1988* by maintaining comprehensive Work Health and Safety (WHS) information, policies and workplace supports.

The AAT's WHS management system outlines health, safety, and wellbeing management arrangements and principles while additionally, facilitating compliance with legislative obligations.

Supplementary health and wellness roles have been established and are maintained in accordance with legislative requirements including but not limited to the Health and Safety Representative (HSR) Network, Wellbeing Support Officers and First Aid Officers. Staff appointed to assist WHS in these

supplementary roles each have responsibilities to maintain these roles and report relevant data back to the People and Culture team. This data is utilised to inform future remedial action, continuous improvement activities and maintain general oversight and governance of WHS across the AAT.

The Work Health and Safety Committee meets on a quarterly basis where collaboration between HSRs, leadership representatives and WHS staff occurs. The Committee work in cohesion to identify, review and discuss WHS and wellbeing matters and determine health and safety focused outcomes, implement corrective actions or recommendations based off incident identification and investigation.

Aligned with the Health and Wellbeing Strategy 2022–2024, the AAT has invested in the health, safety, and wellbeing of all staff through implementation of health and wellness programs which are made readily accessible and available to all AAT staff. These programs are maintained and usage monitored through avenues such as utilisation reporting, census results and staff feedback. The AAT is committed to ensuring these programs are relevant to the risks of the organisation and consistent with staffing needs, ensuring adequate take up and usage. We also continued our annual flu vaccination program during the reporting year, offering free onsite clinics and vouchers for vaccinations obtained offsite.

To provide individualised support to our staff, we offer early intervention initiatives and rehabilitation support for those with health conditions. We conduct workstation assessments and provide ergonomic equipment to address any reasonable adjustments required in the workplace. We also offer eLearning modules and webinars on a wide range of health and wellbeing topics, such as mental health awareness, psychosocial risk management and our positive duty under the *Sex Discrimination Act 1984*. These initiatives aim to enhance our WHS capabilities across the AAT.

The Employee Assistance Program (EAP) continues to be a valuable resource, with steady utilisation rates among members and staff. We renewed this contract and added further services and are planning an enhanced communication strategy to assist in improving this already well functioning service.

Notifiable incidents and investigations

There were no notifiable incidents reported to Comcare in 2023–24 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

During the reporting year, 4 claims for workers compensation were accepted by Comcare. The AAT continued to provide individualised rehabilitation management, advice and support to employees experiencing work related injuries and illnesses.

Table 5.1: Trends in Compensation Claims, 2022–23 to 2023–24

	2022–23	2023–24
Number of claims accepted	3	4

Workplace harassment

At the AAT, we are committed to maintaining a respectful and inclusive workplace environment with a zero-tolerance stance on workplace harassment, bullying and discrimination. Our policy on the prevention and elimination of workplace harassment sets clear expectations for all members, managers and staff.

As mentioned above, we provide conduct-related training to both members and staff to ensure understanding and compliance with our expectations of behaviour. By equipping our workforce with the knowledge and tools to identify and address harassment issues, we foster a culture of respect and accountability.

Our designated Wellbeing Support Officers play a crucial role in responding to workplace harassment. Trained to provide mental health first aid and support, they assist individuals facing difficulties, including workplace bullying, sexual harassment, discrimination and harassment. Their presence supports a safe and supportive environment for our employees.

Productivity gains

Consistent with the previous reporting year, we adopted a conservative approach to implementing changes to service delivery. We have also maintained this approach since the Government's announcement that the AAT will be abolished and replaced with a new administrative review body, the Administrative Review Tribunal.

The Case Management Solution (CMS) remains the central pillar to achieving significant productivity gains for the new Tribunal. Total funding for the CMS Program is \$29.64 million from 2022–23 to 2026–27.

In 2023–24, the CMS program team delivered a refreshed online forms service for external users, including a new payment gateway to manage application fees, core components related to data and security, and commenced the build of the new platform, focused on the new Guidance and Appeals Panel (GAP) in readiness for the commencement of the new Tribunal.

While the above progress does not translate into immediate productivity gains for the AAT, it sets the foundational basis for which gains can be realised in the early years of the new Tribunal when existing databases which are no longer fit for purpose are retired.

The AAT has invested effort in reviewing existing business processes and supports to assess where changes can be made to achieve productivity gains while continuing to deliver high quality services in the new Tribunal. In the reporting year, a member support pilot project was commissioned in the Migration and Refugee Division of the AAT. The pilot was developed in response to the need to develop a member support model that is sustainable, affordable, equitable and standardised, and which provides continuity of support to members. Ultimately the pilot sought to test a service delivery model for members which is more predictable, consistent and timely.

The pilot model was trialed in the three biggest registries, Melbourne, Sydney and Brisbane between November 2023 and March 2024. Following an evaluation process, the pilot model was implemented in the remainder of registries during June 2024. The evaluation and feedback from this pilot is informing consideration by a project group of a suitable member support model for rollout across all of the new Tribunal's jurisdictional areas once it commences.

Purchasing

The AAT's procurement policies and practices reflect the principles and requirements in the Commonwealth Procurement Rules. In 2023–24, our Accountable Authority Instructions and other guidance material focused on supporting staff with their purchasing duties, including 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, we used open tender or limited tender processes 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 three quotes were generally required, together with an assessment of the need justifying the purchase request and an analysis of why the selected quote would achieve value for money.

The AAT supports 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's website.

We supported small business participation in low-risk procurements valued under \$200,000 by utilising the Commonwealth Contracting Suite. We ensured that we were approachable to these businesses by communicating with them in clear, simple language, presenting information in accessible formats, and using electronic systems to facilitate on-time payment of invoices. Changes to the Commonwealth Procurement Rules also provided increased opportunities to engage with SMEs.

Consultants

The AAT uses consultants where there is a need for independent research or assessment, or specialist knowledge or skills. Any decision to engage a consultant is made considering the skills and resources required, internal capacity and the cost effectiveness of contracting.

We select consultants in accordance with the Commonwealth Procurement Rules and relevant internal policies. In 2023–24, we engaged consultants to investigate issues, and provide independent advice, information, and solutions to assist in our decision-making.

During 2023–24, there were 4 new reportable consultancy contracts entered into involving total actual expenditure of \$139,217 (GST inclusive). In addition, 2 ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$179,409 (GST inclusive).

The table below sets out the AAT's total actual expenditure on consultancy contracts in the reporting period.

Table 5.2: Expenditure on reportable consultancy contracts current report period, 2023–24

Reportable consultancy contracts 2023–2024	Number of contracts	Total expenditure \$'000 (GST inc.)
New contracts entered into during the reporting period	4	\$139,217
Ongoing contracts entered into during a previous reporting period	2	\$179,409
Total	6	\$318,626

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 refer to any arrangement published on AusTender which is not a reportable consultancy contract. This means that a contract published on AusTender for anything other than consultancy, is a reportable non-consultancy contract.

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

Table 5.3: Expenditure on reportable non-consultancy contracts current report period, 2023–24

Reportable non-consultancy contracts 2023–24	Number of contracts	Total expenditure \$'000 (inc. GST)
New contracts entered into during the reporting period	148	\$8,816,389
Ongoing contracts entered into during a previous reporting period	177	\$12,410,773
Total	325	\$21,227,162

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

Table 5.4: Organisations receiving a share of reportable consultancy contract expenditure, 2023–24

Reportable non-consultancy contracts 2023–2024	Number of contracts	Total Expenditure \$'000 (inc. GST)
New contracts entered into during the reporting period	148	\$8,816,389
Ongoing contracts entered into during a previous reporting period	177	\$12,410,773
Total	325	\$21,227,162

Table 5.5: Organisations receiving a share of reportable non-consultancy contract expenditure, 2023–24

Name of Organisation	Expenditure \$ (GST inc.)
RSM Australia (ABN 33 009 321 377)	\$146,423
Orima Research (ABN 77 076 347 914)	\$64,078
Grindstone Creative Pty Ltd (ABN 61 051 896 372)	\$49,492
Starpoint Group Pty Ltd (ABN 60 662 685 805)	\$37,290
McGrathNicol Advisory (ABN 34 824 776 937)	\$21,343

Table 5.6: Organisations receiving a share of reportable non-consultancy contract expenditure, 2023–24 (Top 5 by expenditure)

Name of Organisation	Expenditure \$ (GST inc.)
Translationz Pty Ltd (ABN 64 103 334 523)	\$2,631,700
Data#3 Limited (ABN 31 010 545 267)	\$1,781,523
Hays Personnel Services (Australia) Pty Ltd (ABN 47001407281)	\$1,385,979
Macquarie Telecom (ABN 21 082 930 916)	\$1,329,846
BT Automation Pty Ltd (ABN 70 619 362 104)	\$1,014,202

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. The AAT had one contract of \$100,000 or more in 2023–24 that did not include a clause providing for the Auditor-General to have access to the contractor's premises.

Table 5.7: Contracts of \$100,000 or more that did not include a clause providing for the Auditor-General to have access to the contractor's premises, 2023–24

Name of organisation	Contract Value \$ (GST inc.)	Purpose	Reason for non-inclusion of clause
Reed International Books Australia Pty Limited (Lexis Nexis)	\$1,437,345	Online legal information subscription service	Given the nature of the services, access to LexisNexis' premises, systems and personnel was not required for the purposes of verifying performance. This reflects the standard market position for similar services.

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 2024:

- (a) comply with Australian Accounting Standards – Simplified Disclosures 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 2024 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 2024 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 and forming part of the Financial Statements, comprising material accounting policy information 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 their 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 – Simplified Disclosures and the rules made under the Act. The Registrar is also responsible for such internal control as the Registrar determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Registrar is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Registrar is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless the assessment indicates that it is not appropriate.

Auditor's responsibilities for the audit of the financial statements

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

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

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the 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




Shane Svoboda
Audit Principal

Delegate of the Auditor-General

Canberra
16 September 2024



Australian Government
Department of Finance

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Financial Statements 2023-2024

Administrative Appeals Tribunal

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<https://www.finance.gov.au/about-us/copyright>

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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 2024 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.

The Administrative Appeals Tribunal will cease to exist on 14 October 2024 and its functions, assets, liabilities, and equity, will be subsumed by the Administrative Review Tribunal on 14 October 2024 under the *Administrative Review Tribunal Act 2024* and the *Administrative Review Tribunal (Consequential and Transitional Provisions No.1) Act 2024*.

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



Michael Hawkins AM

Accountable Authority

12 September 2024



Kelvin Zhu

Chief Corporate and Financial Officer

12 September 2024

Statement of Comprehensive Income

for the period ended 30 June 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000	
NET COST OF SERVICES					
Expenses					
Employee benefits	1.1A	150,779	130,864	165,507	
Suppliers	1.1B	28,650	30,948	9,788	1
Depreciation and amortisation	3.2A	32,025	30,323	25,560	2
Finance costs	1.1C	3,465	3,722	3,703	
Losses from asset sales/disposal	1.1D	136	269	-	
Total expenses		215,055	196,126	204,558	
Own-source income					
Own-source revenue					
Revenue from contracts with customers	1.2A	818	298	250	
Other revenue	1.2B	542	86	-	
Total own-source revenue		1,360	384	250	
Gains					
Other gains	1.2C	4	83	600	
Total gains		4	83	600	
Total own-source income		1,364	467	850	
Net (cost of) services		(213,691)	(195,659)	(203,708)	
Revenue from Government	1.2D	222,674	159,881	192,548	3
Surplus/(Deficit) on continuing operations		8,983	(35,778)	(11,160)	
OTHER COMPREHENSIVE INCOME					
Items not subject to subsequent reclassification to net cost of services					
Changes in asset revaluation reserve		6,577	1,918	-	
Total other comprehensive income		6,577	1,918	-	
Total comprehensive income/(loss)		15,560	(33,860)	(11,160)	4

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

Budget Variances Commentary

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

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

1. Suppliers

The variance in suppliers was due to higher than anticipated costs to meet the AAT's operational requirements and transition to the Administrative Review Tribunal (ART).

2. Depreciation and amortisation

The variance in depreciation and amortisation was largely due to the increased depreciation expense incurred as a result of prior year's desktop valuation.

3. Revenue from Government

The variance in revenue from government was due to additional appropriation allocated to support the AAT's transition to ART and strengthen the Tribunal's financial position.

4. Total comprehensive income/(loss)

The variance in comprehensive income for the period was due to additional appropriation allocated in the Portfolio Additional Estimates Statement, delays in onboarding additional members and staff and the assets valuation uplift.

Statement of Financial Position

as at 30 June 2024

		2024	2023	Original Budget	
	Notes	\$'000	\$'000	\$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	3.1A	4,931	4,758	11,645	1
Trade and other receivables	3.1B	76,583	48,701	21,557	2
Total financial assets		81,514	53,459	33,202	
Non-financial assets¹					
Buildings	3.2A	191,071	212,195	204,229	
Plant and equipment	3.2A	7,429	5,732	-	3
Computer software	3.2A	14,966	12,749	24,346	4
Other non-financial assets	3.2B	5,243	3,940	5,688	
Total non-financial assets		218,709	234,616	234,263	
Total assets		300,223	288,075	267,465	
LIABILITIES					
Payables					
Suppliers	3.3A	4,909	4,203	2,278	
Other payables	3.3B	8,045	5,505	3,215	5
Total payables		12,954	9,708	5,493	
Interest bearing liabilities					
Leases	3.4A	190,098	205,891	195,914	
Total interest bearing liabilities		190,098	205,891	195,914	
Provisions					
Employee provisions	6.1A	29,331	27,344	26,441	
Other provisions	3.5A	1,190	1,238	745	
Total provisions		30,521	28,582	27,186	
Total liabilities		233,573	244,181	228,593	
Net assets		66,650	43,894	38,872	
EQUITY					
Contributed equity		125,617	118,421	125,282	
Reserves		12,893	6,316	4,398	6
Retained surplus/(Accumulated deficit)		(71,860)	(80,843)	(90,808)	7
Total equity		66,650	43,894	38,872	

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

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

Statement of Financial Position continued

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.

1. Cash and cash equivalents

The reduction in cash and cash equivalents was due to timing of payment and receipts.

2. Trade and other receivables

The increase in the trade and other receivables was substantially attributable to the additional funding appropriated to fund the AAT's operational requirements and transition to ART.

3. Plant and equipment

The increase in plant and equipment was a result of upgrade of hearing room facilities and ICT equipment.

4. Computer software

The reduction in computer software was attributed to development delay of the new Case Management System.

5. Other Payables

The variance to other payables was mainly due to increased FTE and salary increases. Additionally, there was an adjustment to prior year caseload funding which has been quarantined and is not available to the Tribunal.

6. Reserves

The variance in reserves was the result of an independent revaluation of property, plant and equipment.

7. (Accumulated deficit)

The variance against deficit resulted from additional funding to support transition to ART and delays in onboarding members and staff to manage the backlog cases.

Statement of Changes in Equity

for the period ended 30 June 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY				
Opening balance as at 1 July				
Balance carried forward from previous period		118,421	107,121	118,421
Adjusted opening balance		118,421	107,121	118,421
Transactions with owners				
Distributions to owners				
Equity injection - Appropriations		3,135	7,363	2,800
Departmental capital budget		4,061	3,937	4,061
Total transactions with owners		7,196	11,300	6,861
Closing balance as at 30 June		125,617	118,421	125,282
RETAINED EARNINGS				
Opening balance				
Balance carried forward from previous period		(80,843)	(45,065)	(79,648)
Comprehensive income				
Surplus/(Deficit) for the period		8,983	(35,778)	(11,160)
Total comprehensive income		8,983	(35,778)	(11,160)
Closing balance as at 30 June		(71,860)	(80,843)	(90,808)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		6,316	4,398	4,398
Comprehensive income				
Other comprehensive income		6,577	1,918	-
Total comprehensive income		6,577	1,918	-
Closing balance as at 30 June		12,893	6,316	4,398

Statement of Changes in Equity continued

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000	
TOTAL EQUITY					
Opening balance					
Balance carried forward from previous period		43,894	66,454	43,171	
Adjusted opening balance		43,894	66,454	43,171	
Comprehensive income					
Surplus/(Deficit) for the period		8,983	(35,778)	(11,160)	1
Other comprehensive income		6,577	1,918	-	
Total comprehensive income		15,560	(33,860)	(11,160)	
Transactions with owners					
Contributions by owners					
Equity injection - Appropriations		3,135	7,363	2,800	
Departmental capital budget		4,061	3,937	4,061	
Total transactions with owners		7,196	11,300	6,861	
Closing balance as at 30 June		66,650	43,894	38,872	

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

Accounting Policy

Equity Injections

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

Budget Variances Commentary

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

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

1. (Deficit) for the period

The variance against deficit for the period was due to increased appropriation and delays in onboarding members and staff to manage the backlog cases.

Cash Flow Statement

for the period ended 30 June 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000	
OPERATING ACTIVITIES					
Cash received					
Appropriations		191,852	174,591	192,548	
Sale of goods and rendering of services		795	278	250	
GST received		-	-	300	
Other		-	3,104	-	
Total cash received		192,647	177,973	193,098	
Cash used					
Employees		(145,780)	(130,522)	(165,507)	1
Suppliers		(34,378)	(33,226)	(14,888)	2
Interest payments on lease liabilities		(3,465)	(3,722)	(3,703)	
GST refund		4,977	5,249	5,400	
Total cash used		(178,646)	(162,221)	(178,698)	
Net cash from operating activities		14,001	15,752	14,400	
INVESTING ACTIVITIES					
Cash used					
Purchase of property, plant and equipment		(7,855)	(5,476)	(6,861)	3
Total cash used		(7,855)	(5,476)	(6,861)	
Net cash (used by) investing activities		(7,855)	(5,476)	(6,861)	
FINANCING ACTIVITIES					
Cash received					
Contributed equity		10,163	5,839	6,861	4
Total cash received		10,163	5,839	6,861	
Cash used					
Principal payments of lease liabilities		(16,136)	(15,245)	(14,400)	5
Total cash used		(16,136)	(15,245)	(14,400)	
Net cash (used by) financing activities		(5,973)	(9,406)	(7,539)	
Net increase in cash held		173	870	-	
Cash and cash equivalents at the beginning of the reporting period		4,758	3,888	11,645	
Cash and cash equivalents at the end of the reporting period	3.1A	4,931	4,758	11,645	

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.

1. Operating activities - cash used - employees

The variance against operating activities - cash used - employees was due to lower than budgeted member appointments and staff engagements resulting from recruitment delays.

2. Operating activities - cash used - suppliers

The variance against operating activities - cash used - suppliers resulted from an increase in the AAT operating activities and transition related expenditure.

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

The increase in investing activities - cash used - purchase of property, plant and equipment was mainly due to upgrade of hearing room facilities, ICT equipment and development of the Case Management System.

4. Financing activities - cash received - contributed equity

The variance against financing activities - contributed equity was due to the drawdown of unspent prior year equity injections to develop systems to support ART transition.

5. Financing activities - cash used - principal payments of lease liabilities

The increase in financing activities - cash used - principal payments of lease liabilities resulted from rental increases and a new lease to accommodate additional members and APS staff.

Administered Schedule of Comprehensive Income

for the period ended 30 June 2024

		2024	2023	Original Budget	
	Notes	\$'000	\$'000	\$'000	
NET COST OF SERVICES					
Expenses					
Impairment loss on financial instruments	2.1A	10,697	5,006	5,000	1
Refund of application fees	2.1B	8,571	8,399	7,500	2
Total expenses		19,268	13,405	12,500	
Income					
Revenue					
Non-taxation revenue					
Revenue from contracts with customers	2.2A	43,211	36,857	47,697	3
Total non-taxation revenue		43,211	36,857	47,697	
Total revenue		43,211	36,857	47,697	
Surplus		23,943	23,452	35,197	

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.

1. Impairment loss on financial instruments

The impairment loss on financial instruments are bad debts related to protection visa review post decision fees receivable. The actual finalisation number of protection visa reviews was significantly higher than budget.

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 lower than expected number of MRD applications finalised. Fees from applications, which have not had their performance obligation finalised, are recognised as contract liabilities. Refer to the Administered Schedule of Assets and Liabilities.

Administered Schedule of Assets and Liabilities

as at 30 June 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000	
ASSETS					
Financial assets					
Cash and cash equivalents	4.1A	773	422	264	1
Trade and other receivables	4.1B	2,395	354	201	2
Total financial assets		3,168	776	465	
Total assets administered on behalf of Government		3,168	776	465	
LIABILITIES					
Payables					
Trade creditors and accruals	4.2A	6,477	5,301	4,208	3
Contract liabilities	4.2A	73,425	38,497	42,700	4
Total payables		79,902	43,798	46,908	
Total liabilities administered on behalf of Government		79,902	43,798	46,908	
Net (liabilities)		(76,734)	(43,022)	(46,443)	

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.

1. Cash and cash equivalents

The variance against cash and cash equivalents was due to a higher than anticipated number of Migration and Refugee Division (MRD) applications received as at 30 June 2024.

2. 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 budget was due to an increase in invoicing for finalised protection visa review cases.

3. Trade creditors and accruals

Trade creditors and accruals relate to the refund of application fees payable as at 30 June 2024. The variance to budget was due to the unpredictable number of applicants failing to provide their bank details to enable payment of their refund.

4. Contract liabilities

The contract liabilities relate to the adoption of AASB15 *Revenue from Contracts with Customers* where upfront fees received by the AAT are recognised as contract liabilities until their performance obligation are finalised. The variance to budget was due to a higher number of applications received during the year than were originally budgeted for.

Administered Reconciliation Schedule*for the period ended 30 June 2024*

	Notes	2024 \$'000	2023 \$'000
Opening assets less liabilities as at 1 July		(43,022)	(46,443)
Net (cost of) services			
Income		43,211	36,857
Expenses			
Impairment loss on financial instruments		(10,697)	(5,006)
Refund of application fees		(8,571)	(8,399)
Transfers (to)/from the Australian Government			
Appropriation transfers from Official Public Account		7,500	7,210
Appropriation transfers to OPA			
Transfers to OPA		(65,155)	(27,241)
Closing assets less liabilities as at 30 June		(76,734)	(43,022)

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 2024*

	Notes	2024 \$'000	2023 \$'000	23 Budget \$'000	
OPERATING ACTIVITIES					
Cash received					
Sale of goods and rendering of services		65,401	27,495	42,697	1
Total cash received		65,401	27,495	42,697	
Cash used					
Other - Refund of application fees		(7,395)	(7,306)	(7,500)	
Total cash used		(7,395)	(7,306)	(7,500)	
Net cash from operating activities		58,006	20,189	35,197	
Cash from Official Public Account					
Appropriations		7,500	7,210	7,500	
Total cash from official public account		7,500	7,210	7,500	
Cash to Official Public Account					
Appropriations		(65,155)	(27,241)	(42,697)	2
Total cash to official public account		(65,155)	(27,241)	(42,697)	
Net increase in cash held		351	158	-	
Cash and cash equivalents at the beginning of the reporting period		422	264	264	
Cash and cash equivalents at the end of the reporting period	4.1A	773	422	264	

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.

1. Sale of goods and rendering of services

The variance against the sale of goods and rendering of services - cash received was due to a higher than anticipated number of Migration Review Division (MRD) migration and protection visa applications during the year.

2. Cash to Official Public Account - Appropriations

The variance against cash to Official Public Account - Appropriations was due to a higher than anticipated number of applications, which attract a fee, during the year.

Overview

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

The AAT's activities that contribute 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

In accordance with the *Administrative Review Tribunal Act 2024* and the *Administrative Review Tribunal (Consequential and Transitional Provisions No.1) Act 2024*, the AAT will cease to exist and the Administrative Review Tribunal (ART) will consequently be established on 14 October 2024.

In accordance with the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* and Machinery of Government provisions, the AAT's assets and liabilities will be transferred to the ART upon establishment on 14 October 2024. In respect with these requirements, all assets and liabilities of the AAT will become the assets and liabilities of the ART on 14 October 2024 without the need for any conveyance, novation, transfer or assignment and will be settled in the ordinary course of business. Transfer of assets and liabilities will be transferred, as of 14 October 2024, to the ART under section 75 of the *Public Governance, Performance and Accountability Act 2013*.

Transitional arrangements under the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* provide that:

- a) in accordance with Schedule 16, Part 2, section 11 all staff of the AAT will become employees of the ART.
- b) in accordance with Schedule 16, Part 2, Section 13 legislates that any references to the AAT or its legal instruments will after the transition be a reference to the ART.

In accordance with AASB 101 *Presentation of Financial Statements*, paragraph 25, the financial statements have been prepared on a going concern basis of accounting as all functions will transfer to the ART with the exception of entitlements for members detailed below. Under the transitional arrangements the following payments will be provided to members not transferring which have not been provided for in these financial statements as the number of members transferring is uncertain and will be determined in the following financial year.

The *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* sets out members' entitlement resulting from the transition of the AAT to the ART. The relevant sections relating to member payouts is contained in Schedule 16, Part 7.

For members whose current appointment term is post the ART start date of 14 October 2024 but are not reappointed, Section 32 requires that:

(2) The Commonwealth must pay the person compensation as follows:

- (a) if, at the transition time, the remainder of the term for which the person was appointed as a member of the AAT is 4 months or more—an amount equal to 4 months remuneration;
- (b) if, at the transition time, the remainder of the term for which the person was appointed as a member of the AAT is less than 4 months—the amount the person would have received as remuneration for the remainder of that term

Since 30 June 2024 the Australian Government has made a number of appointments to the existing AAT and the new ART. However, the member appointments process was still ongoing at the finalisation of the financial statements.

Further, entitlement to compensation is only available if a person was a full-time member of the AAT immediately before the transition date of 14 October 2024.

Going Concern Continued

Further details about compensation are outlined in section 33 of the Act which states:

(1) If:

(a) apart from this item, the operation of this Part would result in the acquisition of property from a person otherwise than on just terms; and

(b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;

the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia or the Supreme Court of a State or Territory for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

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 – including simplified disclosures for Tier 2 Entities under AASB 1060 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 and values are rounded to the nearest thousand dollars unless otherwise specified.

New Accounting Standards

All new/revised/amended accounting standards or interpretations that were issued prior to the signing of the statement by the Accountable Authority and Chief Corporate and Financial Officer and are applicable to the current reporting period were considered and 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).

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

In accordance with the *Administrative Review Tribunal Act 2024* and the *Administrative Review Tribunal (Consequential and Transitional Provisions No.1) Act 2024*, the AAT will cease to exist and the Administrative Review Tribunal (ART) will consequently be established on 14 October 2024.

Administered

In accordance with the *Administrative Review Tribunal Act 2024* and the *Administrative Review Tribunal (Consequential and Transitional Provisions No.1) Act 2024*, the AAT will cease to exist and the Administrative Review Tribunal (ART) will consequently be established on 14 October 2024.

Financial Performance

This section analyses the financial performance of the AAT for the year ended 2024.

1.1 Expenses

	2024 \$'000	2023 \$'000
1.1A: Employee benefits		
Wages and salaries	118,189	103,701
Superannuation		
Defined contribution plans	13,444	11,049
Defined benefit plans	6,917	5,697
Leave and other entitlements	12,218	10,192
Separation and redundancies	11	225
Total employee benefits	150,779	130,864

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	395	550
Contractors	897	3,797
Travel	605	677
IT services	8,568	10,339
Hearing and related expenses	4,292	3,113
Properties operation expenses	6,019	6,459
Office support & Internet services	551	735
Training and staff development	426	479
Outsourced services	3,012	1,028
Subscription fees	1,382	1,410
Other	1,209	1,280
Total goods and services supplied or rendered	27,356	29,867

Goods supplied	734	699
Services rendered	26,622	29,168
Total goods and services supplied or rendered	27,356	29,867

Other suppliers

Workers compensation expenses	1,294	1,081
Total other suppliers	1,294	1,081
Total suppliers	28,650	30,948

1.1C: Finance costs

Interest on lease liabilities	3,465	3,722
Total finance costs	3,465	3,722

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

Accounting Policy

All borrowing costs are expensed as incurred.

1.1D: Write-down and impairment of other assets and losses from asset sales

Losses from asset sales/disposal	136	269
Total write-down and impairment of other assets	136	269

1.2 Own-Source Revenue and Gains

2024	2023
\$'000	\$'000

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

Rendering of services	818	298
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Total revenue from contracts with customers	818	298
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Disaggregation of revenue from contracts with customers

Regulatory services	558	293
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Service delivery	260	5
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	818	298
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Type of customer:

Australian Government entities (related parties)	811	293
--	-----	-----

Non-government entities	7	5
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	818	298
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Timing of transfer of goods and services:

Point in time	818	298
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	818	298
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Accounting Policy**Rendering 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 recognises revenue when the service has been delivered. Principal activities where the AAT generates its own source revenue are:

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

Receivables for goods and services, which have 28 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at the end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

	2024	2023
	\$'000	\$'000
<u>1.2B: Other Revenue</u>		
Resources received free of charge		
Remuneration of auditors	80	86
Liabilities assumed by other departments	462	-
Total other revenue	542	86

Accounting Policy**Resources Received Free of Charge**

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

1.2C: Other gains

Reversal of impairment of goods and services receivables	4	3
Gains on makegood and lease event	-	80
Total other gains	4	83

1.2D: Revenue from Government

Appropriations		
Departmental appropriations	222,674	159,881
Total revenue from Government	222,674	159,881

Accounting Policy**Revenue from Government**

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the entity gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

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		
	2024	2023
	\$'000	\$'000
2.1A: Impairment loss on financial instruments		
Impairment on trade and other receivables	10,697	5,006
Total impairment loss on financial instruments	10,697	5,006
2.1B: Other expenses		
Refund of application fees	8,571	8,399
Total other expenses	8,571	8,399

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

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

2.2 Administered - Income

	2024 \$'000	2023 \$'000
Revenue		
Non-Taxation Revenue		
<u>2.2A: Revenue from contracts with customers</u>		
Rendering of services - MRD (migration) and General Division	28,865	30,447
Rendering of services - MRD (protection)	14,346	6,410
Total revenue from contracts with customers	43,211	36,857

Accounting Policy

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

Migration and Refugee Division (migration) and General Division

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

Migration & Refugee Division (protection)

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

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

	2024	2023
	\$'000	\$'000

3.1A: Cash and cash equivalents

Cash on hand or on deposit	4,931	4,758
Total cash and cash equivalents	4,931	4,758

Accounting Policy

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

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

3.1B: Trade and other receivables

Goods and services receivables

Goods and services	404	395
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Appropriation receivables

Appropriation receivables	75,614	47,759
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Total appropriation receivables	75,614	47,759
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Other receivables

Statutory receivables	576	562
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Total other receivables	576	562
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Total trade and other receivables (gross)	76,594	48,716
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Less expected credit loss allowance	(11)	(15)
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Total trade and other receivables (net)	76,583	48,701
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Credit terms for goods and services were within 28 days (2023: 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, that are not provided at below-market interest rates, are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance.

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

	Buildings \$'000	Plant and equipment \$'000	Computer Software ¹ \$'000	Total \$'000
As at 1 July 2023				
Gross book value	266,613	3,511	26,735	296,859
Accumulated depreciation, amortisation and impairment	(54,475)	-	(20,384)	(74,859)
Total as at 1 July 2023	212,138	3,511	6,351	222,000
Additions				
Transfers from WIP	414	2,625	954	3,993
Right-of-use assets	343	-	-	343
Revaluations and impairments recognised in other comprehensive income	5,817	760	-	6,577
Disposals of Property, Plant and Equipments	(78)	(1)	-	(79)
Depreciation and amortisation	(9,109)	(2,472)	(1,990)	(13,571)
Depreciation on right-of-use assets	(18,454)	-	-	(18,454)
Total as at 30 June 2024	191,071	4,423	5,315	200,809
Total as at 30 June 2024 represented by				
Gross book value	273,109	6,895	27,689	307,693
Accumulated depreciation, amortisation and impairment	(82,038)	(2,472)	(22,374)	(106,884)
Total as at 30 June 2024	191,071	4,423	5,315	200,809
Carrying amount of right-of-use assets	162,014	-	-	162,014
Carrying amount of non right-of-use assets	29,057	4,423	5,315	38,795

Work in Progress		Buildings	Plant and equipment	Computer Software	Total
		\$'000	\$'000	\$'000	\$'000
Total as at 1 July 2023					
Gross book value		57	2,221	6,398	8,676
Purchase or internally developed		414	3,410	4,207	8,031
Disposal/adjustment		(57)	-	-	(57)
Less WIP transferred to assets		(414)	(2,625)	(954)	(3,993)
Net book value as at 30 June 2024		-	3,006	9,651	12,657
Total as at 30 June 2024 represented by					
Gross book value		273,109	9,901	37,340	320,350
Accumulated depreciation, amortisation and impairment		(82,038)	(2,472)	(22,374)	(106,884)
Total as at 30 June 2024		191,071	7,429	14,966	213,466

Revaluations of non-financial assets and intangible assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 7.3. On 30 June 2024, an independent valuer, CBRE, conducted the revaluations of Buildings (leasehold improvements) and Plant and Equipment as stated in Note 7.3.

1. The carrying amount of computer software (\$14,966m) included \$8.337m purchased software and \$6.629m internally generated software.

<p>Accounting Policy</p> <p>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.</p> <p>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.</p> <p><u>Asset Recognition Threshold</u></p> <p>Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).</p> <p>The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to ‘make good’ provisions in taken up by the AAT where there exists an obligation to restore the property to its original condition. These costs are included in the value of the AAT’s leasehold improvement with a corresponding provision for the ‘make good’ recognised.</p> <p><u>Lease Right of Use (ROU) Assets</u></p> <p>Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.</p> <p>On initial adoption of AASB 16 the AAT has 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. Lease ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, GGS and Whole of Government financial statements.</p> <p><u>Revaluations</u></p> <p>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.</p>		<p>Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.</p> <p>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.</p> <p><u>Depreciation</u></p> <p>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.</p> <p>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.</p> <p>Depreciation rates applying to each class of depreciable asset are based on the following useful lives:</p>													
		<table><tr><th></th><th>2024</th><th>2023</th></tr><tr><td>Buildings</td><td>Lesser of estimated useful life and lease terms</td><td>Lesser of estimated useful life and lease terms</td></tr><tr><td>Plant and equipment</td><td>3-20 years</td><td>3-20 years</td></tr><tr><td>Computer Software</td><td>3-5 years and reviewed for impairment annually</td><td>3-5 years and reviewed for impairment annually</td></tr></table>		2024	2023	Buildings	Lesser of estimated useful life and lease terms	Lesser of estimated useful life and lease terms	Plant and equipment	3-20 years	3-20 years	Computer Software	3-5 years and reviewed for impairment annually	3-5 years and reviewed for impairment annually	
	2024	2023													
Buildings	Lesser of estimated useful life and lease terms	Lesser of estimated useful life and lease terms													
Plant and equipment	3-20 years	3-20 years													
Computer Software	3-5 years and reviewed for impairment annually	3-5 years and reviewed for impairment annually													
		<p>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.</p>													

Accounting Policy (continued)	Accounting Judgements and Estimates
<p><u>Impairment</u></p> <p>All assets were assessed for impairment at 30 June 2024. 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.</p> <p>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.</p> <p><u>Intangibles</u></p> <p>The AAT's intangibles comprise internally developed software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.</p> <p>Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the entity's software are 3 to 5 years (2023: 3 to 5 years).</p> <p>All software assets were assessed for indications of impairment as at 30 June 2024.</p> <p>Internally developed software is assessed during the project and initial research costs are expensed in the year in which they are incurred. Once proof of concept has been established the project costs are then collected in work in progress.</p>	<p>In the process of applying the accounting policies listed in this note, the AAT made the following judgements that have the most significant impact on the amounts recorded in the financial statements:</p> <p>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 considers the nature of each asset and whether there has been any substantial change related to the use of each asset which may cause a reduction in the value of the asset.</p> <p>A comprehensive valuation for property, plant and equipment was undertaken at 30 June 2024 by an independent valuer and revalued amount was accounted for in the balance sheet.</p> <p>Internally developed software is capitalised as an asset on the basis that the costs result in a future economic benefit to the entity and they can be measured reliably; or they are expensed in the year in which they are incurred. The capitalised software is reviewed for impairment on an annual basis.</p>

3.2 Non-Financial Assets continued

	2024	2023
	\$'000	\$'000
<u>3.2B: Other non-financial assets</u>		
Prepayments	5,243	3,940
Total other non-financial assets	5,243	3,940

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

3.3 Payables

	2024	2023
	\$'000	\$'000
<u>3.3A: Suppliers</u>		
Trade creditors and accruals	4,909	4,203
Total suppliers	4,909	4,203
<u>3.3B: Other payables</u>		
Salaries and wages	3,937	2,528
Superannuation	1,564	433
Funding return to government	2,544	2,544
Total other payables	8,045	5,505

3.4 Interest Bearing Liabilities

	2024 \$'000	2023 \$'000
3.4A: Leases		
Lease liabilities	190,098	205,891
Total leases	190,098	205,891
Maturity analysis - contractual undiscounted cash flows		
Within 1 year	20,335	19,515
Between 1 to 5 years	87,596	84,941
More than 5 years	100,924	123,643
Total leases	208,855	228,099

Total cash outflow for leases for the year ended 30 June 2024 was \$19.601m (2023: \$18.967m)

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

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

Accounting Policy

For all new contracts entered into, the AAT considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustments are reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

3.5 Other Provisions

		2024	2023
		\$'000	\$'000
3.5A: Other provisions			
	Provision for restoration	Total	Total
	\$'000	\$'000	\$'000
As at 1 July 2023	1,238	1,238	745
Additional provisions made	-	-	493
Amounts used	(48)	(48)	-
Total as at 30 June 2024	1,190	1,190	1,238

Accounting Judgements and Estimates*Provision for restoration*

The AAT is required to restore 4 (2023: 3) 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, due to 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	2024	2023
	\$'000	\$'000

4.1A: Cash and cash equivalents		
Cash on hand or on deposit	773	422
Total cash and cash equivalents	773	422
4.1B: Trade and other receivables		
Goods and services receivables	47,690	34,952
Total trade and other receivables (gross)	47,690	34,952
Less impairment loss allowance	(45,295)	(34,598)
Total trade and other receivables (net)	2,395	354

Credit terms for goods and services were within 7 days (2023: 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 is the simplified approach that measures the loss allowance based on an amount equal to lifetime expected credit losses.

Notes to and forming part of the Financial Statements**4.2 Administered - Payables**

	2024	2023
	\$'000	\$'000

4.2A: Suppliers

Trade creditors and accruals	6,477	5,301
Contract liabilities from contracts with customers	73,425	38,497
Total suppliers	79,902	43,798

Settlement terms for suppliers is 30 days (2023: 30 days)

Accounting Policy

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

Funding

This section identifies the AAT's funding structure.

5.1 Appropriations

5.1A: Annual appropriations (recoverable GST exclusive¹)

Annual Appropriations for 2024				
	Annual Appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2024 (current and prior years) \$'000
				Variance ³ \$'000
Departmental				
Ordinary annual services	222,674	242	222,916	191,921
Capital Budget ⁴	4,061	-	4,061	-
Other services				
Equity Injections ⁵	3,135		3,135	10,163
Total departmental	229,870	242	230,112	202,084
				28,028

1. In 2023-24, no appropriation was withheld for Estimate Variations under Section 51 of the PGPA Act .

2. PGPA Act section 74 receipts related to revenue received for rendering of services.

3. Variance is substantially attributable to additional funding received in Portfolio Additional Estimates Statements to strengthen financial position and fund transition to ART, as well as lower than anticipated expenditure.

4. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1 and 3). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

5. Equity injection appropriated are through Appropriation Acts (No.2 and 4). They form part of ordinary annual services, and are separately identified in the Appropriation Acts. \$10.163m includes \$2.8m equity injection and \$7.363m CMS rollover from the prior year.

Annual Appropriations for 2023

	Annual Appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2023 \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	165,434	800	166,234	175,391	(9,157)
Capital Budget ⁴	3,937	-	3,937	5,839	(1,902)
Other services					
Equity Injections	7,363	-	7,363	-	7,363
Total departmental	176,734	800	177,534	181,230	(3,696)

1. In 2021-22, \$0.011m in appropriation was withheld for Estimate Variations under section 51 of the PGPA Act.

2. PGPA Act section 74 receipts related to revenue received for rendering of services.

3. Variance is substantially attributable to additional drawdown of prior year unspent funding to finance the cash deficit for the year.

4. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1 and 3). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

5.1B: Unspent annual appropriations ['recoverable GST exclusive']

Departmental		2024	2023
		\$'000	\$'000
Appropriation Act (No. 1) 2021-22 Operating ¹	11		11
Appropriation Act (No. 1) 2022-23 - Operating ²	2,544		6,547
Appropriation Act (No. 3) 2022-23 - Operating	-		396
Supply Act (No.3) 2022-2023 Operating	-		33,453
Appropriation Act (No. 4) 2022-23 - Equity injections	-		7,363
Appropriation Act (No. 1) 2023-24 - Operating	38,548		-
Appropriation Act (No. 1) 2023-24 Departmental Capital Budget (DCB)	4,061		-
Appropriation Act (No. 3) 2023-24 - Operating	30,126		-
Appropriation Act (No. 4) 2023-24 - Equity injections	335		-
Cash and cash equivalents	4,931		4,758
Total departmental	80,556		52,528

1. \$0.011m in Appropriation Act (No.1) 2021-2022 Operating was quarantined and not available for drawdown. The amount was repealed by s.51 in 2023-24

2. \$2.544m in Appropriations Act (No.1) 2022-2023 Operating is in administrative quarantine and is not available to the AAT for drawdown.

5.1C: Special appropriations ['recoverable GST exclusive']

Authority		2024	2023
		\$'000	\$'000
Public Governance, Performance and Accountability Act 2013 s.77 Repayment Act, administered		7,500	7,210
Total special appropriations applied		7,500	7,210

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

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

2024	\$'000
Total receipts	43,211
Total payments	8,571
2023	\$'000
Total receipts	36,857
Total payments	8,399

5.2 Net Cash Appropriation Arrangements

	2024 \$'000	2023 \$'000
Total comprehensive income/(loss) - as per the Statement of Comprehensive Income	8,983	(35,778)
<i>Plus</i> : depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections)	13,571	12,261
<i>Plus</i> : depreciation of right-of-use assets	18,454	18,062
<i>Less</i> : lease principal repayments	(16,136)	(15,245)
Net Cash Operating Surplus/ (Deficit)	24,872	(20,700)

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

	2024	2023
	\$'000	\$'000
6.1A: Employee provisions		
Leave	29,331	27,344
Total employee provisions	29,331	27,344

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 less 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 shorthand method as at 30 June 2024. The estimated present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Superannuation

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

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

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

The AAT makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The 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, including any director (whether executive or otherwise) of the AAT. The AAT has determined the key management personnel to be the Portfolio Minister, AAT President, Registrar. Key management personnel remuneration is reported in the table below:

	2024	2023
	\$'000	\$'000
Short-term employee benefits	413	418
Post-employment benefits	40	28
Other long-term employee benefits	10	10
Total key management personnel remuneration expenses¹	463	456

The total number of key management personnel that are included in the above table is 1 (2023: 1). The current Registrar was appointed in April 2022.

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 this entity are key management personnel including the Portfolio Minister and Executive, 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.

Transactions with related parties of the AAT have occurred within normal customer or supplier relationship on terms and conditions no more favourable than those which it is reasonable to expect the AAT would have entered into on an arm's-length basis. These transactions have not been separately disclosed.

Having regard to relationships with related entities, and transactions entered into during the reporting period by the AAT, it has been determined that there are no related party transactions to be separately disclosed. (2023: Nil).

Managing uncertainties

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

7.1A: Contingent assets and liabilities

Quantifiable Contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2024 (2023: Nil).

Unquantifiable Contingencies

There are a small number of unquantifiable claims against the AAT at 30 June 2024. As at the date of this report there are no matters where costs have been awarded against the Tribunal. The impact of these cases if successful is assessed as immaterial (2023: a small number of unquantifiable claims with immaterial impact).

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 2024 (2023: Nil).

Unquantifiable Administered Contingencies

There are no unquantifiable or remote contingencies at 30 June 2024 (2023: Nil).

7.2 Financial Instruments

	2024 \$'000	2023 \$'000
7.2A: Categories of financial instruments		
Financial assets at amortised cost		
Cash and cash equivalent	4,931	4,758
Trade and other receivables	404	395
Total financial assets at amortised cost	5,335	5,153
Total financial assets	5,335	5,153
Financial Liabilities		
Financial liabilities measured at amortised cost		
Suppliers	4,909	4,203
Total financial liabilities measured at amortised cost	4,909	4,203
Total financial liabilities	4,909	4,203

Accounting Policy**Financial assets**

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

- financial assets at fair value through profit or loss;
- financial assets at fair value through other comprehensive income; and
- 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:

- the financial asset is held in order to collect the contractual cash flows; and
- 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).

7.3 Fair Value Measurement

Accounting Policy

With the exception of ROU assets which continue to be recognised at cost, all other property, plant and equipment is measure at fair value in the Statement of Financial Position.

An annual assessment is undertaken to determine whether the carrying amount of assets differs materially from the fair value. Comprehensive valuations are undertaken at least once every five years and an independent desktop valuation every three years.

The Market Approach

The market approach provides an indication of value by comparing the subject asset with similar assets for which price information is available. Under this approach the first step is to consider the prices for transactions of similar assets that have occurred recently. If few recent transactions have occurred, it may also be appropriate to consider the prices of identical or similar assets that are listed or offered for sale provided the relevance of this information is clearly established and critically analysed. It may be necessary to adjust the price information from other transactions to reflect any differences in the terms of actual transactions as well as for differences in the legal, economic, or physical characteristics of the assets in other transactions and the assets being valued.

The Cost Approach

The cost approach reflects the amount that would be required to replace the service capacity of an assets at the reporting date. That is, the cost a market participant would be prepared to pay to acquire or construct a substitute asset of comparable utility, whether by purchase or reproduction (modern equivalent asset). Often that asset being valued will be less attractive than the alternative that could be purchased or reproduced because of age or obsolescence.

Both the market and cost approaches are utilised to determine the fair value of the asset subject to valuation. The selection of the most appropriate technique to measure fair value is dependent on the nature of the asset being measure and the exit market within which the asset would transact. No individual assets were measured using multiple valuation techniques.

- Buildings (Leasehold Improvements) assets are measured using the cost approach
- Plant & Equipment assets are measured using the combination of the cost and market approach

	Fair value	
	2024 \$'000	2023 \$'000
Non-financial assets		
Buildings (Leasehold improvements)	29,057	32,013
Plant and equipment	4,423	3,511
Total non-financial assets at fair value	33,480	35,524

Other information

8.1 Current/non-current distinction for assets and liabilities

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

	2024	2023
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	4,931	4,758
Trade and other receivables	76,583	48,701
Other non-financial assets	5,134	3,824
Total no more than 12 months	86,648	57,283
More than 12 months		
Buildings	191,071	212,195
Plant and equipment	7,429	5,732
Computer software	14,966	12,749
Other non-financial assets	109	116
Total more than 12 months	213,575	230,792
Total assets	300,223	288,075
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	4,909	4,203
Other payables	8,045	5,505
Leases	17,147	16,056
Employee provisions	13,535	12,889
Total no more than 12 months	43,636	38,653
More than 12 months		
Leases	172,951	189,835
Employee provisions	15,796	14,455
Other provisions	1,190	1,238
Total more than 12 months	189,937	205,528
Total liabilities	233,573	244,181

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

	2024	2023
	\$'000	\$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	773	422
Trade and other receivables	2,395	354
Total no more than 12 months	3,168	776
Total assets	3,168	776
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	6,477	5,301
Other payables	73,425	38,497
Total no more than 12 months	79,902	43,798
Total liabilities	79,902	43,798

Appendix 1: Members of the AAT

Members of the AAT

This appendix contains:

- a list of the AAT's members at 30 June 2024
- a table showing the number of senior members and members assigned to each of the AAT's divisions at 30 June 2024
- lists of members whose term of appointment or reappointment commenced or ended in 2023–24
- profiles of the President and the Division Heads.

Members at 30 June 2024

The list of the AAT's members at 30 June 2024 is set out in the table below. It is ordered by membership category, full-time/part-time status and then alphabetically. The table records the first date from which the member was appointed to the AAT and, if the member has been reappointed, the date from which their most recent appointment commenced or, if after the end of the reporting period, commences. 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 and have held continuous appointments to the AAT, the first appointment date is listed as 1 July 2015. The table also shows the date on which the member's most recent appointment is due to expire.

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 2024 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

For more information about the past appointments of members who have been reappointed to the AAT, see the Table of Statutory Appointments on the AAT website.

Table A1.1: Members of the AAT at 30 June 2024

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
President					
The Hon Justice Emilios Kyrrou AO	9 June 2023	9 June 2023	8 June 2028	Vic	
Deputy Presidents					
Judges of the Federal Court of Australia					
The Hon Justice Berna Collier	12 November 2015	10 December 2020	9 December 2025	Qld	
The Hon Justice Craig Colvin	20 July 2018	20 July 2018	19 July 2025	WA	
The Hon Justice Lisa Hespe	25 May 2023	25 May 2023	24 May 2025	Vic	
The Hon Justice Ian McNeil Jackman	7 December 2023	7 December 2023	6 December 2025	NSW	
The Hon Justice Geoffrey Kennett	25 May 2023	25 May 2023	24 May 2025	NSW	
The Hon Justice Timothy McEvoy	10 December 2020	10 December 2020	9 December 2025	Vic	
The Hon Justice Melissa Perry	20 July 2018	20 July 2018	19 July 2025	NSW	
The Hon Justice Thomas Thawley	20 July 2018	20 July 2018	19 July 2025	NSW	
Judges of the Federal Circuit and Family Court of Australia					
The Hon Justice Victoria Bennett AO	10 December 2020	10 December 2020	9 December 2025	Vic	
The Hon Justice David Berman	10 December 2020	10 December 2020	28 June 2025	SA	
Non-judicial Deputy Presidents – Full time					
Mr Stephen Boyle	1 July 2017	1 July 2017	30 June 2024	WA	
Mr Peter Britten-Jones	25 March 2016	1 July 2018	30 June 2025	Vic	
Dr Denis Dragovic	30 May 2016	9 May 2022	8 May 2029	Vic	
Mr Bernard McCabe	1 July 2001	25 March 2022	24 March 2027	NSW	
The Hon Michael Mischin	9 May 2022	9 May 2022	8 May 2029	WA	
Mr Justin Owen	1 July 2017	9 May 2022	8 May 2029	NSW	
Mr Brian Rayment KC	1 July 2017	1 July 2017	30 June 2024	NSW	

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Ms Jan Redfern PSM	21 March 2016	23 December 2023	30 June 2024	NSW	
Ms Karen Synon	1 July 2015	9 May 2022	8 May 2027	Vic	
Ms Antoinette Younes	1 July 2015	9 May 2022	8 May 2029	NSW	
Non-judicial Deputy Presidents – Part time					
The Honourable Dennis Cowdroy AO KC	1 March 2016	1 June 2021	31 May 2026	NSW	
Mr Richard Ian Hanger AM KC	1 October 2017	1 December 2017	30 November 2024	Qld	
Major General Aziz Gregory Melick AO RFD SC (Rtd)	5 September 2014	5 September 2019	4 September 2024	Tas	
Mr Ian Molloy	11 April 2013	23 December 2023	30 June 2024	Qld	
Mr Francis O'Loughlin KC	23 September 2009	1 July 2017	30 June 2024	Vic	
Senior Members					
Senior Members – Full time					
Ms Rebecca Bellamy	8 April 2019	9 May 2022	8 May 2027	Qld	G, M, S, So, T
Ms Diana Benk	1 July 2015	1 January 2018	31 December 2024	NSW	G, N, S, So, T
Ms Simone Burford	1 October 2017	7 February 2022	6 February 2025	WA	G, M
Ms Kate Buxton	1 July 2015	21 March 2022	20 March 2025	Qld	G, N, S, So, T, V
Mr Robert Cameron	1 December 2017	1 December 2017	30 November 2024	Vic	F, G, M, N, Sec, T, V
Mr John Cipolla	1 July 2015	9 May 2022	8 May 2027	NSW	G, M, N, So
Ms Denise Connolly	1 July 2015	21 March 2022	20 March 2025	NSW	M, N
Mr Michael Cooke	1 July 2015	1 July 2017	30 June 2024	NSW	M
Ms Jennifer Cripps Watts	30 May 2016	9 May 2022	8 May 2027	ACT	M, So
Dr Bridget Cullen	1 July 2017	9 May 2022	8 May 2027	Qld	G, M, N, V
Ms Susan De Bono	1 July 2017	9 May 2022	8 May 2029	Vic	N, So

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Ms Kruna Dordevic	1 July 2015	9 May 2022	8 May 2027	NSW	So
Mr Richard Ellis	1 July 2017	5 November 2018	4 November 2025	WA	N, So
Emeritus Professor Paul Fairall	8 April 2019	8 April 2019	7 April 2026	NSW	F, G, M, N, S, So, T, V
Dr Stewart Fenwick	25 February 2019	25 February 2024	30 June 2024	Vic	F, G, M, N, Sec, So, T, V
Mr Andrew George	2 December 2018	9 May 2022	8 May 2029	NT	F, G, M, N, So, V
Ms Prudence Goward	9 May 2022	9 May 2022	8 May 2027	NSW	N
Ms Katherine Harvey	16 May 2022	16 May 2022	15 May 2027	SA	M
Mr Brenton Illingworth	1 December 2017	1 December 2017	30 November 2024	SA	F, G, M, N, V
Mr Michael Ison	1 July 2017	1 July 2017	30 June 2024	Vic	M
Mr David James	9 May 2022	9 May 2022	8 May 2027	Qld	G, M
Ms Josephine Kelly	1 July 2015	12 November 2023	30 June 2024	NSW	G, M, N, S, Sec, T, V
Mr Marten Kennedy	1 July 2015	9 May 2022	8 May 2027	SA	G, M, So
Dr Linda Kirk	30 January 2017	9 May 2022	8 May 2027	NSW	G, S, T, V
Mr James Lambie	1 December 2017	1 December 2017	30 November 2024	Qld	F, G, M, V
Ms Gina Lazanas	5 April 2012	1 July 2022	30 June 2025	NSW	F, G, S, T, V
Mr John Longo	1 July 2015	9 May 2022	8 May 2027	Vic	M, So
Ms Kathryn Millar	1 July 2015	8 February 2019	30 June 2024	SA	G, M, N, So
Mr Donald Morris	26 February 2016	9 May 2022	8 May 2027	Tas	F, G, M, Sec, So, V
Ms Louise Nicholls	1 July 2015	1 July 2017	30 June 2024	NSW	G, M, N
Mr Andrew Alexander Nikolic AM CSC	16 January 2017	16 January 2024	30 June 2024	Vic	F, G, Sec, V

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Mr Damien O'Donovan	25 February 2019	25 February 2019	24 February 2026	ACT	F, G, M, N, Sec, So, T, V
Ms Kim Parker	16 January 2017	21 March 2022	20 March 2025	Vic	G, N, S, T, V
Mr Jason Pennell	1 July 2017	8 February 2019	30 June 2024	Vic	G, M
Mr Wayne Pennell	9 May 2022	9 May 2022	8 May 2029	Qld	G, M
Ms Belinda Pola	5 November 2018	5 November 2018	4 November 2025	Qld	F, G, M, N, S, So, T, V
Ms Adria Poljak	30 May 2016	30 May 2019	29 May 2026	NSW	G, M, S, Sec, T
Ms Kira Raif	1 July 2015	1 October 2021	30 September 2026	NSW	G, M, N
Mr Theodore Tavoularis	13 June 2016	13 June 2021	12 June 2026	Qld	F, G, S, T, V
Ms Susan Trotter	1 July 2015	9 May 2022	8 May 2027	Qld	G, M, N, So
Ms Rachel Westaway	1 July 2015	9 May 2022	8 May 2027	Vic	M, So
Senior Members – Part time					
Dr Ion Alexander	2 August 2004	22 March 2019	30 September 2024	NSW	F, G, V
Mr Grant Chapman	1 October 2017	1 December 2017	30 November 2024	SA	M
Ms Joanne Collins	1 May 2022	1 May 2022	30 April 2025	Qld	N
Mr Graham Connolly	9 May 2022	9 May 2022	8 May 2027	NSW	M
Dr Damien Cremean	1 June 2015	1 October 2017	30 September 2024	Vic	G, Sec, V
Ms Ann Duffield	25 July 2016	1 June 2022	31 May 2027	ACT	M
Ms Dominique Grigg	25 March 2016	9 May 2022	8 May 2025	Qld	F, G, M, S, T
Mr Louie Hawas	25 March 2016	1 July 2017	30 June 2024	Vic	M
Dr Dominic Katter	25 February 2019	25 February 2019	24 February 2026	Qld	F, G, M, N, Sec, So, T, V
Dr Nicholas Manetta	5 August 2013	5 November 2023	30 June 2024	SA	F, G, M, S, T, V

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Dr Teresa Nicoletti	24 August 2006	1 December 2017	30 November 2024	NSW	F, G, S, T, V
Professor Ann O'Connell	8 April 2019	8 April 2024	30 June 2024	Vic	F, G, S, T, V
Mr Robert Olding	8 April 2019	8 April 2024	30 June 2024	Qld	S, T
The Honourable John Rau	22 February 2021	22 February 2024	30 June 2024	SA	F, G, M, N, So, V
Mr Shahyar Roushan	1 July 2015	1 July 2019	30 June 2024	NSW	G, M, N
Ms Rania Skaros	1 July 2015	1 July 2019	30 June 2024	NSW	G, M
Mr Peter Taylor SC	24 August 2006	1 December 2017	30 November 2024	NSW	F, G, S, T, V
Members					
Members – Full time					
Ms Kylie Allen	9 October 2023	9 October 2023	8 October 2025	NSW	M
Dr Adrienne Anderson	8 November 2023	8 November 2023	7 November 2025	Vic	M
Ms Sheridan Aster	1 December 2017	1 December 2017	30 November 2024	Vic	M
Ms Mia Bailey	9 October 2023	9 October 2023	8 October 2025	Qld	M
Ms Joanne Bakas	1 July 2015	25 September 2023	24 September 2025	SA	M, N, So
Mr Sean Baker	1 July 2015	25 September 2023	24 September 2025	NSW	M
Ms Glynis Bartley	1 July 2015	9 October 2023	8 October 2025	NSW	M
Ms Troy Barty	5 February 2024	5 February 2024	4 February 2026	Vic	M, N, So
Ms Katherine Bean	30 October 2023	30 October 2023	29 October 2025	NSW	M, N
Mr Lee Benjamin	9 May 2022	9 May 2022	8 May 2027	Qld	F, G, S, T, V
Mr Ian Berry	1 July 2017	1 July 2017	30 June 2024	Qld	M
Ms Alicia Bills	16 October 2023	16 October 2023	15 October 2025	SA	M, N, So

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Ms Melissa Bray	8 November 2023	8 November 2023	7 November 2025	Vic	M
Mr Michael Brereton	8 November 2023	8 November 2023	7 November 2025	Vic	M
Ms Moira Brophy	13 June 2016	13 June 2024	30 June 2024	NSW	M, So, V
Ms Anna Burke AO	16 January 2017	16 January 2024	30 June 2024	Vic	F, G, V
Mr Bryn Butler	8 November 2023	8 November 2023	7 November 2025	Vic	M
Mr Jason Cabarrus	9 October 2023	9 October 2023	8 October 2025	NSW	M
Mr Tony Caravella	1 July 2015	8 November 2023	7 November 2025	WA	M
Ms Cheryl Cartwright	9 May 2022	9 May 2022	8 May 2027	Vic	M
Ms Kate Chapple	9 May 2022	9 May 2022	8 May 2027	Qld	M
Ms Helena Claringbold	1 July 2015	1 July 2017	30 June 2024	NSW	M
Ms Justine Clarke	1 August 2016	23 December 2023	30 June 2024	Vic	M
Mr Scott Collins	5 February 2024	5 February 2024	4 February 2026	Vic	M
Mr Stephen Conwell	1 July 2017	1 July 2017	30 June 2024	WA	M
Ms Mary-Ann Cooper	1 July 2015	16 October 2023	15 October 2025	Vic	M
Mr Clyde Cosentino	30 October 2023	30 October 2023	29 October 2025	Qld	M
Mr David Crawshay OAM	25 February 2019	25 February 2024	30 June 2024	Vic	F, G, M, N, Sec, So, T, V
Ms Rachel Da Costa	22 February 2021	22 February 2024	30 June 2024	NSW	M
Mr Brendan Darcy	1 July 2015	23 December 2023	30 June 2024	Vic	M
Ms Gabrielle Deal	9 October 2023	9 October 2023	8 October 2025	Vic	M
Dr Kevin Dodd	5 February 2024	5 February 2024	4 February 2026	WA	N, So
Mr Antonio Dronjic	1 July 2016	1 July 2019	30 June 2024	Vic	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Ms Suseela Durvasula	30 October 2023	30 October 2023	29 October 2025	NSW	M
Ms Suhad Dutra	9 October 2023	9 October 2023	8 October 2025	NSW	M
Mr Michael Edgoose	1 December 2017	1 December 2017	30 November 2024	Vic	M
Ms Jessica Edis	8 November 2023	8 November 2023	7 November 2025	WA	M
Ms Xanthe Emery	30 October 2023	30 October 2023	29 October 2025	NSW	M
Mr Peter Emmerton	1 July 2017	1 July 2017	30 June 2024	SA	M
Mrs Jennifer Ermert	16 October 2023	16 October 2023	15 October 2025	Vic	M
Mr Shane Evans	25 February 2019	25 February 2019	24 February 2026	NSW	F, G, M, N, Sec, So, V
Ms Amy Faram	8 November 2023	8 November 2023	7 November 2025	Vic	M
Mr Garry Fitzgerald	16 October 2023	16 October 2023	15 October 2025	Vic	M
The Honourable Joseph Francis	25 February 2019	25 February 2019	24 February 2026	WA	F, G, M, N, Sec, So, T, V
Mr Patrick Francis	16 October 2023	16 October 2023	15 October 2025	Vic	M
Mr Phillip French	5 February 2024	5 February 2024	4 February 2026	NSW	N
Mr William Frost	25 February 2019	25 February 2019	24 February 2026	ACT	F, G, M, N, Sec, So, T, V
Ms Rosa Gagliardi	1 July 2015	9 October 2023	8 October 2025	ACT	M
Mrs Lana Gallagher	16 January 2017	16 January 2024	30 June 2024	WA	G, M, S, So, T, V
Ms Helen Glass	16 October 2023	16 October 2023	15 October 2025	Vic	M
Mr Nathan Goetz	1 July 2017	1 July 2017	30 June 2024	Vic	M
Ms Amanda Goodier	1 July 2015	30 October 2023	29 October 2025	WA	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Mr Donald Gordon	8 November 2023	8 November 2023	7 November 2025	Vic	M
Mr Benjamin Goulding	8 November 2023	8 November 2023	7 November 2025	Vic	M
Dr Carolyn Graydon	26 February 2024	26 February 2024	25 February 2026	Vic	M
Mr Richard Guerny	30 October 2023	30 October 2023	29 October 2025	NSW	M
Mrs Tina Guthrie	26 February 2024	26 February 2024	25 February 2026	Qld	M, N, So
Mrs Melissa Haag	16 October 2023	16 October 2023	15 October 2025	Vic	M
Mr George Hallwood	1 July 2017	3 November 2018	30 June 2024	SA	G, M, N, So
Ms Karen Hamilton	5 February 2024	5 February 2024	4 February 2026	Qld	N, So
Ms Mary Hanna	16 October 2023	16 October 2023	15 October 2025	Vic	M
Mr Gregory Hanson	16 October 2023	16 October 2023	15 October 2025	Vic	M
Dr Khanh Hoang	9 October 2023	9 October 2023	8 October 2025	Qld	M
Mr James Horsley	8 November 2023	8 November 2023	7 November 2025	Vic	M
Ms Noelle Hossen	23 November 2018	4 December 2023	3 December 2025	WA	M
Mr Denny Hughes	30 October 2023	30 October 2023	29 October 2025	Vic	M
Ms Mireya Hyland	1 July 2017	1 July 2017	30 June 2024	NSW	M
Ms Sarah Irvine	16 October 2023	16 October 2023	15 October 2025	Tas	So
Mr Adam Johnson	4 December 2023	4 December 2023	3 December 2025	NSW	M
Dr Rachelle Johnston	4 December 2023	4 December 2023	3 December 2025	NSW	M
Ms Samira Kamandi	9 October 2023	9 October 2023	8 October 2025	WA	M
Mr Peter Katsambanis	9 May 2022	9 May 2022	8 May 2027	WA	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Ms Hollie Kerwin	4 December 2023	4 December 2023	3 December 2025	Vic	M
Ms Hee-Jung Kim	30 October 2023	30 October 2023	29 October 2025	NSW	M
Mr Matthew King	1 July 2015	9 October 2023	8 October 2025	Qld	N, So
Mr John Kotsifas	4 December 2023	4 December 2023	3 December 2025	Vic	M
Ms Nora Lamont	1 July 2017	1 July 2017	30 June 2024	Qld	M
Ms Deborah Laver	1 July 2015	5 February 2024	4 February 2026	NSW	M, So
Mr Joshua Le Vay	30 October 2023	30 October 2023	29 October 2025	NSW	M
Mr Gary Ledson	8 November 2023	8 November 2023	7 November 2025	Vic	M
Ms Rebecca Lee	30 October 2023	30 October 2023	29 October 2025	WA	M
Mr Simon Letch	1 July 2015	16 May 2024	30 June 2024	Qld	M, N, So
Mrs Lisa Maree Lo Piccolo	1 July 2015	16 October 2023	15 October 2025	Vic	M
Mr Ben Lumsdaine	4 December 2023	4 December 2023	3 December 2025	NSW	M
Mr Paul Maishman	1 December 2017	1 December 2017	30 November 2024	WA	M, N, So
Ms Sophie Manera	4 December 2023	4 December 2023	3 December 2025	NSW	M
Mr Shane Marshall	16 October 2023	16 October 2023	15 October 2025	Vic	M
Ms Maxina Martellotta	1 July 2015	5 February 2024	4 February 2026	WA	M, N, So
Mr Andrew Maryniak KC	1 October 2017	8 February 2019	30 September 2024	Vic	F, G, N, S, T, V
Ms Janette McCahon	4 December 2023	4 December 2023	3 December 2025	WA	M
Ms Maralean McCalman	5 February 2024	5 February 2024	4 February 2026	NSW	M, N
Mr David McCulloch	1 July 2015	1 July 2017	30 June 2024	NSW	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Professor Robert McLaughlin	5 February 2024	5 February 2024	4 February 2026	ACT	M
Ms Jessica McLeod	16 October 2023	16 October 2023	15 October 2025	Vic	M
Mrs Karen McNamara	1 December 2017	1 December 2017	30 November 2024	NSW	F, M
Ms Stefanie Memmott	4 December 2023	4 December 2023	3 December 2025	NSW	M
Ms Amanda Mendes Da Costa	1 October 2017	1 October 2017	30 September 2024	Vic	M
Ms Alison Mercer	1 July 2015	1 July 2019	30 June 2024	Vic	M
Ms Belinda Mericourt	1 July 2015	4 December 2023	3 December 2025	NSW	M
Mr Justin Meyer	4 April 2016	4 July 2021	3 July 2026	Vic	M
Ms Rebecca Mikhail	30 October 2023	30 October 2023	29 October 2025	NSW	M
Ms Deborah Mitchell	3 November 2018	23 December 2023	30 June 2024	Qld	F, G, M, N, S, Sec, So, T, V
Ms Helen Moreland	1 July 2017	1 July 2017	30 June 2024	Vic	So
Ms Sydelle Muling	1 July 2015	8 November 2023	7 November 2025	Vic	M
Ms Alison Murphy	16 January 2017	25 September 2023	24 September 2025	Vic	M
Ms Jade Murphy	1 July 2017	1 July 2017	30 June 2024	Vic	M
Mr Steven Norman	1 July 2015	1 July 2017	30 June 2024	NSW	M
Ms Siran Nyabally	8 November 2023	8 November 2023	7 November 2025	Vic	M
Mr Mark Oakman	9 October 2023	9 October 2023	8 October 2025	NSW	M
Ms Sophia Panagiotidis	5 February 2024	5 February 2024	4 February 2026	Vic	M
Mr Peter Papadopoulos	9 May 2022	9 May 2022	8 May 2027	NSW	M
Ms Linda Pearson	4 December 2023	4 December 2023	3 December 2025	NSW	M
Ms Franca Petrone	9 October 2023	9 October 2023	8 October 2025	SA	M, So

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Ms Donna Petrovich	2 December 2018	9 May 2022	8 May 2025	Vic	G, M, So
Mr Damien Power	30 October 2023	30 October 2023	29 October 2025	NSW	M
Ms Radhika Prasad	30 October 2023	30 October 2023	29 October 2025	NSW	M, So
Ms Victoria Price	16 October 2023	16 October 2023	15 October 2025	Vic	M
Ms Lara Proske	9 October 2023	9 October 2023	8 October 2025	SA	M, N, So
Ms Natalie Purcell	26 February 2024	26 February 2024	25 February 2026	NSW	N
Mr Peter Ranson	25 February 2019	25 February 2024	30 June 2024	Qld	F, G, M, N, S, Sec, So, T, V
Mr Alexander Reilly	5 February 2024	5 February 2024	4 February 2026	SA	M, N
Mr Fraser Robertson	9 October 2023	9 October 2023	8 October 2025	WA	M
Ms Alison Ryan	5 February 2024	5 February 2024	4 February 2026	NSW	M
Ms Amanda Ryding	5 February 2024	5 February 2024	4 February 2026	NSW	N, So
Ms Naomi Schmitz	22 February 2021	22 February 2024	21 February 2026	Vic	M
Ms Hannelore Schuster	6 February 2017	6 February 2024	30 June 2024	NSW	F, So
Ms Mary Sheargold	1 December 2017	1 December 2017	30 November 2024	Vic	M
Mrs Inge Sheck	16 October 2023	16 October 2023	15 October 2025	Vic	M, So
Dr Gabrielle Simm	18 December 2023	18 December 2023	17 December 2025	Vic	M
Mr Michael Simmons	9 October 2023	9 October 2023	8 October 2025	NSW	M
Ms Frances Simmons	1 July 2015	5 February 2024	4 February 2026	NSW	M
Mr Peter Smith	25 February 2019	25 February 2024	30 June 2024	NSW	F, G, M, N, Sec, So, T, V

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Mr Raymond Smith	5 February 2024	5 February 2024	4 February 2026	WA	M, N, So
Ms Shellee Smith	5 February 2024	5 February 2024	4 February 2026	Qld	N
Mr Donald Smyth	1 July 2015	9 October 2023	8 October 2025	Qld	M
Ms Linda Symons	1 July 2015	1 July 2017	30 June 2024	NSW	M
Mr Jeffrey Thomson	30 May 2016	30 May 2021	29 May 2026	Qld	G, So
Ms Kathleen Timbs	1 July 2015	5 February 2024	4 February 2026	NSW	M, So
Mr Rupert Timms	16 October 2023	16 October 2023	15 October 2025	Vic	M
Mr Justin Toohey	5 February 2024	5 February 2024	4 February 2026	Qld	N, So
Mr Matthew Tubridy	9 October 2023	9 October 2023	8 October 2025	NSW	M
Mr David Tucker	1 July 2017	1 July 2017	30 June 2024	NSW	M, N, So
Ms Patricia Tyson	9 October 2023	9 October 2023	8 October 2025	NSW	M
Mr Andrew Verduci	8 November 2023	8 November 2023	7 November 2025	Vic	M
Mr Peter Vlahos	1 July 2015	23 December 2023	30 June 2024	Vic	M
Ms Catherine Wall	1 July 2015	16 October 2023	15 October 2025	Vic	M
Ms Phillippa Wearne	5 February 2024	5 February 2024	4 February 2026	NSW	M
Professor Gregory Weeks	30 October 2023	30 October 2023	29 October 2025	NSW	M
Mr Paul White	9 October 2023	9 October 2023	8 October 2025	NSW	M
Mr Adrian Williams	5 February 2024	5 February 2024	4 February 2026	Tas	G, M, N, So, V
Ms Carolyn Wilson	1 July 2015	16 October 2023	15 October 2025	SA	M
Mr Paul Windsor	1 July 2015	23 December 2023	30 June 2024	Vic	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Mr Stephen Witts	1 December 2017	1 December 2017	30 November 2024	Vic	M, N, Sec, So
Mrs Sue Zelinka	30 October 2023	30 October 2023	29 October 2025	NSW	M
Ms Sophia Ziebell-Barnes	8 November 2023	8 November 2023	7 November 2025	Vic	M
Members – Part time					
Ms Robyn Anderson	1 July 2015	1 July 2019	30 June 2024	Vic	M, So
Dr William Appleton	1 July 2015	1 July 2019	30 June 2024	Vic	G, So
Ms Wendy Banfield	1 July 2015	1 July 2017	30 June 2024	ACT	M
Mr David Barker	1 July 2015	23 December 2023	30 June 2024	NSW	M, N, V
Dr Dawn Barker	30 October 2023	30 October 2023	29 October 2025	WA	So
Ms Angela Beckett	1 July 2015	1 July 2019	30 June 2024	NSW	So
Professor David Ben-Tovim	1 December 2010	26 May 2021	25 May 2026	SA	G
Mr Peter Booth	23 November 2018	23 December 2023	30 June 2024	Vic	M
Ms Alexandra Bordujenko	1 July 2015	1 April 2024	30 June 2024	Qld	G, So
Ms Margaret Bourke	1 July 2015	1 July 2019	30 June 2024	Vic	M
Ms Suzanne Boyce FAICD	1 December 2017	1 December 2017	30 November 2024	Qld	N
Mr Michael Bradford	23 November 2018	23 December 2023	30 June 2024	NSW	M
Dr Christhilde Breheny	1 July 2015	23 December 2023	30 June 2024	Tas	So
Ms Tina Bubutievski	1 July 2015	1 April 2024	30 June 2024	NSW	G, N, So
Ms Nicole Burns	1 July 2015	23 December 2023	30 June 2024	Vic	M
Mr Alex Byers	1 July 2015	1 July 2019	30 June 2024	Qld	So
Ms Catherine Carney-Orsborn	1 July 2015	1 July 2017	30 June 2024	NSW	M
Ms Jennifer Cavanagh	1 July 2015	1 July 2017	30 June 2024	Qld	G, So
Ms Christine Cody	1 July 2015	23 December 2023	30 June 2024	NSW	M

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Mr David Cosgrave	9 May 2022	9 May 2022	8 May 2025	Qld	G
Dr Michael Couch	5 April 2012	1 July 2017	30 June 2024	NSW	F, G, V
Ms Angela Cranston	30 May 2016	30 May 2021	29 May 2026	NSW	M
Mr Damian Creedon	23 November 2018	23 December 2023	30 June 2024	WA	M
Ms Gabrielle Cullen	1 July 2015	1 July 2017	30 June 2024	NSW	G, M, N
Mr Steven Cullimore	1 July 2015	1 July 2019	30 June 2024	SA	So
Professor John Devereux	1 July 2015	1 April 2024	30 June 2024	Qld	So
Mrs Tegen Downes	1 June 2022	1 June 2022	31 May 2025	Qld	M
Mr Anthony Durkin	25 February 2019	25 February 2024	30 June 2024	SA	F, G, N, Sec, So, T, V
Ms Tania Flood	1 July 2015	23 December 2023	30 June 2024	NSW	M
Ms Mila Foster	30 May 2016	30 August 2021	29 August 2026	NSW	M
Mr Neil Foster	1 July 2015	1 October 2017	30 September 2024	Qld	N, So
Mr Nicholas Gaudion	11 April 2013	23 December 2023	30 June 2024	NSW	F, G, S, T
Dr Jonathan Gillis	25 March 2016	25 March 2024	30 June 2024	NSW	So
Ms Anne Grant	1 July 2015	1 April 2024	30 June 2024	Vic	M, N, So
Ms Jocelyn Green	1 July 2015	1 October 2017	30 September 2024	Qld	So
Mr Peter Haag	23 November 2018	23 December 2023	30 June 2024	Vic	M
Ms Genevieve Hamilton	22 February 2021	22 February 2024	30 June 2024	Vic	M
Ms Tamara Hamilton-Noy	1 July 2015	1 April 2024	30 June 2024	Vic	M, So
Dr Jessica Henderson	22 February 2021	22 February 2024	30 June 2024	WA	G, M
Dr Susan Hoffman	1 July 2015	1 April 2024	30 June 2024	WA	M, So
Ms Linda Holub	1 July 2015	23 December 2023	30 June 2024	NSW	M
Mr Michael Horsburgh AM	1 July 2015	1 October 2017	30 September 2024	NSW	So

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Mr Edward Howard	9 May 2022	9 May 2022	8 May 2025	Qld	M
Ms Penelope Hunter	1 July 2015	23 December 2023	30 June 2024	NSW	G, M, N
Mr Peter Jensen	1 July 2015	1 October 2017	30 September 2024	Qld	G, So
Mr Michael Jones	1 July 2015	2 October 2017	1 October 2024	WA	So
Ms Angela Julian-Armitage	22 February 2021	22 February 2024	30 June 2024	Qld	G, M, N
Ms Christine Kannis	1 July 2015	23 December 2023	30 June 2024	WA	M, So
Ms De-Anne Kelly	25 February 2019	25 February 2024	30 June 2024	Qld	F, G, M, N, Sec, So, V
Ms Elisa Kidston	1 October 2017	1 October 2017	30 September 2024	Qld	M, So
Mr Robert King	1 July 2015	1 October 2017	30 September 2024	Qld	So
Ms Donna Lambden	1 July 2015	1 October 2017	30 September 2024	SA	So
Ms Julia Leonard	1 July 2015	1 July 2019	30 June 2024	NSW	N, So
Dr Stephen Lewinsky	1 July 2015	1 October 2017	30 September 2024	Vic	G, So
Mr Roger Maguire	23 November 2018	23 December 2023	30 June 2024	Qld	G, M
Ms Brygyda Maiden	9 May 2022	9 May 2022	8 May 2027	Vic	M
Ms Katie Malyon	1 July 2015	1 July 2017	30 June 2024	NSW	M
Mr Michael Manetta	30 May 2016	30 May 2021	29 May 2026	SA	So
Dr Geoffrey Markov	1 July 2015	1 July 2019	30 June 2024	Vic	G, So
Ms Jane Marquard	30 May 2016	30 May 2021	29 May 2026	NSW	M
Ms Melissa McAdam	1 July 2015	1 July 2017	30 June 2024	NSW	M
Mr David McKelvey	1 July 2015	1 October 2017	30 September 2024	Qld	G, So
Mr Andrew McLean-Williams	25 February 2019	25 February 2024	30 June 2024	Qld	F, G, M, N, Sec, So, T, V

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Mr Alan McMurran	16 January 2017	16 January 2024	30 June 2024	NSW	M, N, V
Ms Lilly Mojsin	1 July 2015	1 July 2017	30 June 2024	NSW	M
Ms Carmel Morfuni	1 July 2017	1 July 2017	30 June 2024	Vic	M
Ms Mara Moustafine	1 July 2015	1 July 2017	30 June 2024	NSW	M, Sec
Mr Jack Nalpantidis	1 July 2015	1 October 2017	30 September 2024	Vic	G, N, So, V
Mr Peter Newton SC	23 November 2018	23 December 2023	30 June 2024	NSW	M
Mr Paul Noonan	1 July 2015	1 July 2019	30 June 2024	Vic	M, So
Mr Mark O'Loughlin	1 December 2017	1 December 2017	30 November 2024	SA	F, G, M, N, V
Lieutenant Colonel Robert Ormston (Rtd)	1 September 2011	1 October 2017	30 September 2024	SA	F, G, Sec, V
Mr Christopher Packer	16 January 2017	16 January 2024	30 June 2024	Vic	M
Professor Julie Quinlivan	1 July 2015	23 December 2023	30 June 2024	Vic	G, So
Ms Tamara Quinn	23 November 2018	23 December 2023	30 June 2024	Vic	M
Mr Robert Reitano	8 April 2019	8 April 2024	30 June 2024	NSW	F, G, N, S, So, T, V
Mr Frank Russo	23 November 2018	23 December 2023	30 June 2024	NSW	M
Mr Rodger Shanahan	1 July 2015	1 July 2017	30 June 2024	NSW	M, Sec
Ms Wan Shum	1 July 2015	1 July 2019	30 June 2024	NSW	M
Mr James Silva	2 August 2016	2 August 2021	1 August 2026	NSW	M
Ms Meena Sripathy	1 July 2015	1 July 2019	30 June 2024	NSW	M
Ms Frances Staden	1 July 2015	1 October 2017	30 September 2024	ACT	So
Mr Warren Stooke AM	1 July 2017	1 July 2017	30 June 2024	Vic	M
Mr David Thompson	23 November 2018	23 December 2023	30 June 2024	WA	M
Dr Robert Walters RFD	16 November 2006	1 December 2017	30 November 2024	Tas	F, G, V

Name	First appointment	Most recent appointment	Appointment expires	Location	Divisions
Mr Alexander Ward	1 July 2017	1 July 2017	30 June 2024	SA	G, V
Brigadier Anthony Gerard Warner AM LVO (Rtd)	15 June 2005	23 December 2023	30 June 2024	WA	F, G, N, S, Sec, T, V
Mr Simon Webb	16 July 2001	5 December 2017	4 December 2024	ACT	F, G, N, Sec, V
Ms Yvonne Webb	1 July 2015	1 July 2019	30 June 2024	SA	So
Mr Richard West	1 July 2017	1 July 2017	30 June 2024	Vic	G, M
Ms Allison Windsor	1 July 2015	16 November 2017	15 November 2024	SA	So
Ms Fiona Zuccala	25 February 2019	25 February 2024	30 June 2024	Vic	F, G, M, N, Sec, So, T, V

Table A1.2: Number of senior members and members assigned to each AAT division at 30 June 2024

Division	Senior Member full time	Senior Member part time	Member full time	Member part time	Total
Freedom of Information	12	8	12	12	44
General	30	11	15	31	87
Migration and Refugee	30	10	139	52	231
National Disability Insurance Scheme	21	4	32	19	76
Security	7	2	8	9	26
Small Business Taxation	11	6	5	3	25
Social Services and Child Support	19	2	37	40	98
Taxation and Commercial	14	7	9	6	36
Veterans' Appeals	17	8	13	15	53

Appointments and cessations

New appointments – term commenced in 2023–24

Deputy President

The Hon Justice Ian Jackman

Member

Kylie Allen	Melissa Bray	Gabrielle Deal
Adrienne Anderson	Michael Brereton	Kevin Dodd
Mia Bailey	Patrick Burgess	Suseela Durvasula
Dawn Barker	Bryn Butler	Suhad Dutra
Glynis Bartley	Jason Cabarrus	Jessica Edis
Troy Barty	Tony Caravella	Xanthe Emery
Katherine Bean	Scott Collins	Jennifer Ermert
Kay Bell	Mary-Ann Cooper	Amy Faram
Alicia Bills	Clyde Cosentino	Garry Fitzgerald

Patrick Francis	Deborah Laver	Alexander Reilly
Phillip French	Joshua Le Vay	Fraser Robertson
Rosa Gagliardi	Gary Ledson	Alison Ryan
Helen Glass	Rebecca Lee	Amanda Ryding
Amanda Goodier	Lisa Maree Lo Piccolo	Inge Sheck
Donald Gordon	Ben Lumsdaine	Gabrielle Simm
Benjamin Goulding	Sophie Manera	Frances Simmons
Carolyn Graydon	Shane Marshall	Michael Simmons
Richard Guemy	Janette McCahon	Raymond Smith
Tina Guthrie	Maralean McCalman	Shellee Smith
Melissa Haag	Robert McLaughlin	Donald Smyth
Jennifer Halbert	Jessica McLeod	Damian Thomas
Karen Hamilton	Stefanie Memmott	Kathleen Timbs
Mary Hanna	Belinda Mericourt	Rupert Timms
Gregory Hanson	Rebecca Mikhail	Justin Toohey
Khanh Hoang	Sydelle Muling	Matthew Tubridy
James Horsley	Siran Nyabally	Patricia Tyson
Denny Hughes	Mark Oakman	Andrew Verduci
Sarah Irvine	Sophia Panagiotidis	Catherine Wall
Adam Johnson	Linda Pearson	Phillippa Wearne
Rachelle Johnston	Franca Petrone	Gregory Weeks
Samira Kamandi	Damien Power	Paul White
Hollie Kerwin	Radhika Prasad	Adrian Williams
Hee-Jung Kim	Victoria Price	Carolyn Wilson
Matthew King	Lara Proske	Sue Zelinka
John Kotsifas	Natalie Purcell	Sophia Ziebell-Barnes

Reappointments – term commenced in 2023–24

Senior Member

Stewart Fenwick	Ann O'Connell
Josephine Kelly	Robert Olding
Andrew Alexander Nikolic AM CSC	John Rau
Nicholas Manetta	

Member

Joanne Bakas	Nicholas Gaudion	Tamara Quinn
Sean Baker	Jonathan Gillis	Peter Ranson
David Barker	Anne Grant	Robert Reitano
Michael Biviano	Peter Haag	Frank Russo
Peter Booth	Genevieve Hamilton	Naomi Schmitz
Alexandra Bordujenko	Tamara Hamilton-Noy	Hannelore Schuster
Michael Bradford	Jessica Henderson	Roslyn Smidt
Christhilde Breheny	Susan Hoffman	Peter Smith
Moira Brophy	Linda Holub	David Thompson
Tina Bubutievski	Noelle Hossen	Ian Thompson
Anna Burke AO	Penelope Hunter	Peter Vlahos
Nicole Burns	Angela Julian-Armitage	Anthony Gerard Warner AM LVO (Rtd)
Justine Clarke	Christine Kannis	Paul Windsor
Christine Cody	De-Anne Kelly	Fiona Zuccala
David Crawshay OAM	Simon Letch	
Damian Creedon	Roger Maguire	
Rachel Da Costa	Maxina Martellotta	
Brendan Darcy	Andrew McLean-Williams	
John Devereux	Alan McMurrin	
Namoi Dougall	Deborah Mitchell	
Anthony Durkin	Alison Murphy	
Tania Flood	Peter Newton SC	
Margaret Forrest	Christopher Packer	
Lana Gallagher	Julie Quinlivan	

Member – term ended in 2023–24

Deputy President

Stephen Boyle	Ian Molloy	Brian Rayment KC
The Hon Justice Susan Kenny	Francis O'Loughlin KC	Jan Redfern PSM
	John Pascoe AC CVO	John Sosso

Senior Member

Mark Bishop	Chris Furnell	Josephine Kelly
Paul Clauson	Milton Griffin	Ann O'Connell
Michael Cooke	Matthew Groom	Rania Skaros
Paul Ehrlich	Louie Hawas	Karen Vernon
Michelle Evans-Bonner	Keith James	

Member

Matt Amundsen	David Cox	Colin Huntly
Stephen Barton	David Crawshay	Mireya Hyland
Michelle Baulch	Steven Cullimore	Michael Judd
Terrence Baxter	Brendan Darcy	Angela Julian-Armitage
Kay Bell	Namoi Dougall	De-Anne Kelly
Ian Berry	Marshal Douglas	Sofia Khan
Michael Biviano	Anthony Durkin	Joseph Lindsay
Peter Booth	Nicola Findson	Roger Maguire
Michael Bradford	Margaret Forrest	Russell Matheson
Patrick Burgess	Mila Foster	Deborah Mitchell
Louise Bygrave	Stavros Georgiadis	Helen Moreland
Niall Cain	Jonathan Gillis	Carmel Morfuni
Catherine Carney-Orsborn	Heidi Gregory	Peter Newton
Kent Chapman	Beverley Grehan	Christopher Packer
Scott Clarey	Harry Grossman	Amanda Paxton
Helena Claringbold	Jennifer Halbert	Jane Prentice
Stephen Conwell	Adam Halstead	Susan Reece Jones
Michael Couch	Luke Hardy	Matthew Reid

Robert Reitano	Leslie Stephan	Peter Vlahos
Hannelore Schuster	Warren Stooke	Anthony Gerard Warner
Harry Schwarz	Michael Sutherland	Yvonne Webb
Rodger Shanahan	Ian Thompson	Fiona Zuccala
Roslyn Smidt	Dominic Triaca	
Peter Smith	David Tucker	

Profiles

President

The Honourable Justice Emilios Kyrrou AO

Justice Kyrrou was appointed as a Judge of the Federal Court of Australia on 8 June 2023 and as the President of the AAT on 9 June 2023 for a term of 5 years. From 2014 to 2023, Justice Kyrrou was a Judge of the Victorian Court of Appeal. From 2008 to 2014, His Honour was a Judge in the Trial Division of the Supreme Court of Victoria, where he was one of the judges in charge of the Supreme Court's Judicial Review and Appeals List.

Justice Kyrrou commenced his legal career in 1983 as an articled clerk at the firm that is now known as Corrs Chambers Westgarth and became a partner of that firm from 1988 until 1990. From 1990 to 2008, Justice Kyrrou was a senior litigation partner in the international legal firm that is now known as King & Wood Mallesons, where he specialised in administrative law and insurance law.

Justice Kyrrou was born in Greece. His family migrated to Australia when he was 8 years of age.

Justice Kyrrou was an inaugural member of the Judicial Council on Diversity and Inclusion. He is the patron of the Australian Greek Welfare Society ('Pronia') and the Victorian patron of the Hellenic Australian Lawyers Association.

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 to be 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. He was reappointed as a

Deputy President and reassigned as Division Head of these 2 divisions from 25 March 2022 for a term of 5 years.

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.

The Honourable Michael Mischin

Deputy President Michael Mischin is Division Head of the National Disability Insurance Scheme Division. He was appointed as a Deputy President of the AAT for a term of 7 years and assigned as Division Head from 9 May 2022.

Prior to his appointment to the AAT, Deputy President Mischin was a member of the Legislative Council of Western Australia from 2009 to 2021. He served in the Government of Western Australia as the Attorney-General from 2012 to 2017 and as the Minister for Commerce from 2013 to 2017. Before entering parliament, he was a senior state prosecutor with the Director of Public Prosecutions of Western Australia.

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. She was reappointed as a Deputy President and reassigned as Division Head from 21 March 2023 until 30 June 2024.

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 Synon 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. Deputy President Synon was reappointed on 9 May 2022 for a 5-year term.

Deputy President Synon was appointed to the Refugee Review Tribunal in 2001 and the Migration Review Tribunal 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.

Appendix 2: Additional staffing statistics

Additional staffing statistics

This appendix contains:

- statistics on the staff of the AAT (which does not include members of the AAT) at 30 June 2023 and 30 June 2024
- statistics on APS employees of the AAT at 30 June 2023 and 30 June 2024
- the salary ranges available for APS employees during 2023–24.

Table A2.1: AAT workforce – work status and gender by location, 30 June 2023 and 30 June 2024

At 30 June 2023	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			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	
NSW	84	20	104	118	53	171	0	0	0	0	0	0	0	0	0	275
Qld	37	4	41	38	14	52	0	0	0	0	0	0	0	0	0	93
SA	10	6	16	18	12	30	0	0	0	0	0	0	0	0	0	46
Tas	1	0	1	8	2	10	0	0	0	0	0	0	0	0	0	11
Vic	70	13	83	102	34	136	0	0	0	0	0	0	0	0	0	219
WA	10	1	11	29	14	43	0	0	0	0	0	0	0	0	0	54
ACT	6	9	15	10	3	13	0	0	0	0	0	0	0	0	0	28
NT	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1
External Territories	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
Total	218	53	271	323	133	456	0	0	0	0	0	0	0	0	0	727

At 30 June 2024	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			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	
NSW	81	32	113	107	64	171	1	0	1	0	0	0	0	0	0	285
Qld	37	2	39	44	21	65	0	0	0	0	0	0	0	0	0	104
SA	16	4	20	19	13	32	0	0	0	0	0	0	0	0	0	52
Tas	2	0	2	7	4	11	0	0	0	0	0	0	0	0	0	13
Vic	81	12	93	121	43	164	1	1	2	0	0	0	0	0	0	259
WA	16	0	16	36	14	50	0	0	0	0	0	0	0	0	0	66
ACT	6	4	10	11	10	21	0	0	0	0	0	0	0	0	0	31
NT	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
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	239	54	293	345	169	514	2	1	3	0	0	0	0	0	0	810

Note: 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.

These figures include non-ongoing APS employees and staff engaged under labour hire or contractor arrangements. Staff engaged under labour hire or contractor arrangements and APS casual employees are classified as non-ongoing, part-time for the purpose of this report.

Table A2.2: AAT APS employees – employment status and gender by classification, 30 June 2023 and 30 June 2024

At 30 June 2023	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			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	
SES 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES 2	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
SES 1	4	0	4	2	0	2	0	0	0	0	0	0	0	0	0	6
EL 2	27	3	30	26	18	44	0	0	0	0	0	0	0	0	0	74
EL 1	31	2	33	35	9	44	0	0	0	0	0	0	0	0	0	77
APS 6	40	1	41	61	11	72	0	0	0	0	0	0	0	0	0	113
APS 5	34	2	36	48	12	60	0	0	0	0	0	0	0	0	0	96
APS 4	74	5	79	133	32	165	0	0	0	0	0	0	0	0	0	244
APS 3	7	4	11	17	14	31	0	0	0	0	0	0	0	0	0	42
APS 2	0	7	7	1	12	13	0	0	0	0	0	0	0	0	0	20
APS 1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	218	24	242	323	109	432	0	0	0	0	0	0	0	0	0	674

At 30 June 2024	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			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	
SES 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES 2	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
SES 1	5	0	5	2	0	2	0	0	0	0	0	0	0	0	0	7
EL 2	20	3	23	19	12	31	0	0	0	0	0	0	0	0	0	54
EL 1	31	2	33	43	16	59	0	0	0	0	0	0	0	0	0	92
APS 6	28	2	30	43	13	56	0	0	0	0	0	0	0	0	0	86
APS 5	33	1	34	41	8	49	0	0	0	0	0	0	0	0	0	83
APS 4	100	4	104	164	34	198	1	0	1	0	0	0	0	0	0	303
APS 3	20	2	22	32	17	49	1	0	1	0	0	0	0	0	0	72
APS 2	1	1	2	1	58	59	0	1	1	0	0	0	0	0	0	62
APS 1	0	11	11	0	0	0	0	0	0	0	0	0	0	0	0	11
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	239	26	265	345	158	503	2	1	3	0	0	0	0	0	0	771

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 each year) or on temporary transfer to another agency.

Table A2.3: APS employees - location by employment status, 30 June 2023 and 30 June 2024

	At 30 June 2023			At 30 June 2024		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing	Total
Location						
NSW	205	48	253	213	50	263
Qld	47	41	88	71	30	101
SA	28	16	44	37	15	52
Tas	8	3	11	11	2	13
Vic	143	58	201	192	58	250
WA	29	22	51	50	16	66
ACT	12	14	26	16	10	26
NT	0	0	0	0	0	0
Overseas	0	0	0	0	0	0
Total	472	202	674	590	181	771
Equal employment opportunity data^a						
Indigenous	4	1	5	4	4	8

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

Table A2.4: Australian Public Service Act Employees by full time and part time status, 2023–24

At 30 June 2024	Ongoing			Non-ongoing			Total
	Full time	Part time	Total ongoing	Full time	Part time	Total non- ongoing	
SES 3	0	0	0	0	0	0	0
SES 2	1	0	1	0	0	0	1
SES 1	5	0	5	2	0	2	7
EL 2	34	13	47	5	2	7	54
EL 1	72	14	86	2	4	6	92
APS 6	66	11	77	5	4	9	86
APS 5	72	8	80	2	1	3	83
APS 4	201	31	232	64	7	71	303
APS 3	38	16	54	15	3	18	72
APS 2	2	5	7	0	66	66	73
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Total	491	98	589	95	87	182	771

Table A2.5: Salary ranges for AAT APS employees 2023–24

Classification	Minimum salary	Maximum salary
SES 2	\$317,122	\$317,122
SES 1	\$221,136	\$260,000
EL 2	\$135,732	\$154,312
EL 1	\$113,357	\$133,423
APS 6	\$90,199	\$102,499
APS 5	\$82,616	\$87,608
APS 4	\$74,072	\$80,424
APS 3	\$69,094	\$71,734
APS 2	\$58,350	\$65,641
APS 1	\$52,000	\$56,983
Other	0	0
Minimum/ maximum range	\$52,000	\$317,122

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 2023–24
- a table showing the total expenses for the AAT's outcome.

Resource statement

Table A3.1: AAT Resource statement, 2023–24

	Current available appropriation \$'000	Payments made \$'000	Balance remaining \$'000
	(a)	(b)	(a) – (b)
Departmental			
Annual appropriations– ordinary annual services ¹	227,553	154,818	72,735
Prior year appropriations available– ordinary annual services ²	40,396	37,852	2,544
Annual appropriations– other services– non-operating ³	3,135	2,800	335
Prior year appropriations available– other services– non-operating ⁴	7,363	7,363	0
Total departmental annual appropriations⁵	278,447	202,833	75,614
Total departmental resourcing	278,447	202,833	75,614
Administered			
Total administered special appropriations ⁶	7,500	7,500	0
Total administered resourcing	7,500	7,500	0
Total resourcing and payments for the AAT	285,947	210,333	75,614

¹Appropriation Act (No. 1) 2023-24, Appropriation Act (No. 3) 2023–24, and retained revenue receipts under section 74 of the *Public Governance, Performance and Accountability Act 2013*.

²Supply Act (No. 1) 2021–22, Appropriation Act (No. 1) 2022–23, Appropriation Act (No. 3) 2022–23 and Supply Act (No. 3) 2022–23.

³Appropriation Act (No. 2) 2023-24 and Appropriation Act (No. 4) 2023–24. This includes Equity Injection of \$3.1m.

⁴Appropriation Act (No. 4) 2022–23. This includes Equity Injection of \$7.4m.

⁵Departmental capital budgets are not separately identified in Appropriation Bill (No.1, 3, 5) and form part of ordinary annual services items. For accounting purposes, this amount has been designated as a 'contribution by owner'.

⁶Repayments under section 77 of the *Public Governance, Performance Accountability Act 2013*.

Expenses by outcomes

Table A3.2: Expenses by outcome, 2023–24

Expenses for outcome 1			
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*	Actual expenses	Variation
	2023–24 \$'000	2023–24 \$'000	2023–24 \$'000
	(a)	(b)	(a) – (b)
Program 1.1: Administrative Appeals Tribunal and Immigration Assessment Authority			
Administered expenses			
Special appropriations	7,500	8,571	(1,071)
Expenses not requiring appropriation in the Budget year ²	5,000	10,697	(5,697)
Administered total	12,500	19,268	(6,768)
Departmental expenses			
Departmental appropriation	222,674	197,802	24,872
s74 External Revenue ¹	250	818	(568)
Expenses not requiring appropriation in the Budget year ²	11,760	16,435	(4,675)
Departmental total	234,684	215,055	19,629
Total expenses for Program 1.1	247,184	234,323	12,861
Outcome 1 totals by appropriation type			
Administered expenses			
Special appropriations	7,500	8,571	(1,071)
Expenses not requiring appropriation in the Budget year ²	5,000	10,697	(5,697)
Administered total	12,500	19,268	(6,768)
Departmental expenses			
Departmental appropriation	222,674	197,802	24,872
s74 External Revenue ¹	250	818	(568)
Expenses not requiring appropriation in the Budget year ²	11,760	16,435	(4,675)
Departmental total	234,684	215,055	19,629
Total expenses for Outcome 1	247,184	234,323	12,861
	2023–24	2023–24	
Average staffing level (number)³	806	689	

* Full-year budget, including any subsequent adjustment made to the 2023–24 budget at Additional Estimates.

¹ Estimated expenses incurred in relation to receipts retained under section 74 of the PGPA Act 2013.

² Expenses not requiring appropriation in the Budget year are made up of depreciation and amortisation expenses, make good expenses, audit fees, and notional contributions under the Judges' Pension Scheme. Includes ROU depreciation expense.

³ Average staffing level numbers exclude 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 A4.1: Information about remuneration for key management personnel

Name	Short-term benefits				Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
	Position title	Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits		
Emilios Kyrou	President ^a	0	0	0	0	0	0	0	0
Michael Hawkins	Registrar	413,374	0	0	39,548	9,840	0	0	462,762

^a The President's salaries are paid by the Federal Court rather than the AAT.

Table A4.2: 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 superannuation contributions*	Average long service leave	Average other long-term benefits	Average termination benefits	Average total remuneration
\$0 - \$220,000	7	60,882			10,117	1,521			72,520
\$270,001- \$295,000	4	236,973			39,006	4,558			280,537
\$295,001- \$320,000	1	246,555			44,646	6,271			297,472
\$345,001- \$370,000	1	301,973			55,656	7,498			365,127

*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 A4.3: Information about remuneration for other highly paid staff

Total remuneration bands	Number of other highly paid staff	Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average other long-term benefits	Average termination benefits	Average total remuneration
\$240,000 - \$245,000	0	0	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 2023–24. Non-campaign advertising expenditure of \$72,134 was paid to Universal McCann and \$1493 on relevant job boards to advertise employment vacancies.

We paid \$64,078 (including GST) to ORIMA Research in relation to the conduct of surveys of users of the AAT’s services.

There were no other reportable payments made in 2023–24.

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 production of our financial and performance statements. The Committee engages with the AAT’s internal and external audit service providers as required.

The Audit and Risk Committee Charter is on the AAT’s website.

The 2023–24 financial year saw the resignation of Ms Ruth Fenwick from the Audit and Risk Committee. In February 2024, Ms Penny McKay was appointed as a voluntary member of the Audit and Risk Committee.

Table A5.1 Audit and risk committee members, 2023–24

Member name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Number of meetings attended	Total number of meetings held	Total annual remuneration (GST inc.)	Additional information (including role on committee)
Maria Storti	Fellow of Chartered Accountants Australia & New Zealand	5	5	\$19,250	Chair
	Fellow of the Australian Institute of Company Directors				
	Member of the Institute of Internal Audit				
	Master of Business Administration and Bachelor of Economics				
	Former Ernst & Young partner and has worked with PricewaterhouseCoopers in the areas of audit, financial reporting, and risk				

Member name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Number of meetings attended	Total number of meetings held	Total annual remuneration (GST inc.)	Additional information (including role on committee)
Shannon Buckley	Member of Institute of Internal Auditors Australia Member of Information System Audit Control Association Member of Association of Fraud Investigators, and Australian Computing Society Certified Practising Accountant (CPA) Bachelor of Accounting and Computing An Assurance professional who has worked across internal and external audit, risk management and cybersecurity	5	5	\$8,800	Member
Penny McKay	Deputy Commonwealth Ombudsman Deputy Secretary, Talent Council Member of the Open Government Partnership Forum Former First Assistant Secretary, Integrity, Security and Assurance Division, Department of Home Affairs Extensive experience in Senior Government Executive and legal roles	2	2	\$0	Member
Ruth Fenwick	Diploma Project Management Certificate III in Government Procurement and Contracting Chief Operating Officer, National Archives of Australia Chief Security Officer and Chief Risk Officer, National Archives of Australia Senior Public Sector executive with experience in governance and risk management	0	2	\$0	Member

Grants

The AAT did not administer any grants programs in 2023–24.

Disability reporting mechanism

Australia's Disability Strategy 2021–2031 presents a vision for fostering inclusivity and accessibility in Australian society. It envisions a future where individuals with disabilities can fully realise their potential as equal members of the community. Aligned with Australia's obligations under the United Nations Convention on the Rights of Persons with Disabilities, this Strategy is instrumental in safeguarding, promoting, and realising the human rights of people with disabilities.

As part of the commitment from all levels of government to enhance reporting transparency, reports developed under the Strategy will be accessible on the Disability Gateway website. This ensures comprehensive and visible reporting on disability-related initiatives and progress.

Furthermore, the Australian Public Service Disability Employment Strategy 2020–25 applies to the Australian Public Service, as the Government takes on the responsibility as an employer. This strategy includes reporting requirements for agencies, including the AAT, highlighting our dedication to supporting disability employment.

Disability reporting is also integrated into the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports can be accessed on the Australian Public Service Commission's website at www.apsc.gov.au.

We have enrolled all of our Recruitment team in Inclusive Recruitment training to ensure rigorous application of the RecruitAbility Scheme, and all managers and team leaders were enrolled in Disability Confidence, to ensure that the principles of reasonable adjustment and inclusivity are optimally applied. We also hosted an interagency collaboration session with other federal agencies.

Ecologically sustainable development and environmental performance

While the AAT does not develop or administer legislation or policy relating to the environment, we take steps to ensure our operations are environmentally sustainable.

During the reporting year, we implemented simple measures to minimise the impact of our operations on the environment. This included ensuring lights and electrical devices were 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. When undertaking new fit-out works, we installed light-emitting diode (LED) lights and fitted lights with sensors and timers.

When arranging new leases and fit-outs, the AAT considers the principles of ecologically sustainable development to align with principles and requirements of the Net Zero in Government Operations Strategy. The AAT's Long-Term Accommodation Masterplan, adopted in May 2015, refers to compliance with a range of Australian Government policies, including the National Waste Policy.

Theme	Steps taken to reduce effect	Measures to review and improve reducing the effect
Energy efficiency	Installed sensor-controlled lighting in any new fit-outs or refurbishments to tenancies.	
	Considered energy ratings of office machines when replacement was necessary.	
	Two tenancies currently have National Australian Built Environment Rating System (NABERS) energy tenancy ratings, and a third tenancy has undergone metering correction work to enable future ratings.	Ensure new leases comply with the principles and requirements of the Net Zero in Government Operations Strategy in regard to NABERS rating targets.
Electrification	The AAT does not currently procure any gas directly and will not procure any new equipment that requires gas.	Work with existing landlords to understand existing gas use and plans for electrification.

		Preference for fully electric buildings in new leasing decisions.
		All registries recycled paper and cardboard during the reporting year.
	Participated in office waste recycling schemes.	All registries also recycled some or all of glass, plastics, metals, toner cartridges, and e-waste such as batteries and equipment.
Waste	Opportunities for more recycling, usually using building owner schemes, are regularly investigated.	One registry recycled organic material and another recycled coffee pods.
		As the AAT participates in whole-of-building recycling schemes with other tenants, separate data on recycling quantities is not currently available.
Water	Installed water saving devices such as dual-flush cisterns and waterless or low-water urinals in new fit-outs or refurbishments to tenancies.	The AAT is not able to access data on water consumption in each of its tenancies.

APS Net Zero 2030 reporting

APS Net Zero 2030 is the Government's policy for the APS to reduce its greenhouse gas emissions to net zero by 2030, and transparently report on its emissions. As part of this, non-corporate and corporate Commonwealth entities are required to report on their operational greenhouse gas emissions. Our organisation's approach is to minimise the greenhouse gas emissions that are within our control.

The Greenhouse Gas Emissions Inventory presents greenhouse gas emissions over the 2023–24 period. Results are presented on the basis of Carbon Dioxide Equivalent (CO₂-e) emissions.

Table A5.2: Greenhouse gas emissions inventory– location-based method, 2023–24

Emission Source	Scope 1 t CO ₂ -e	Scope 2 t CO ₂ -e	Scope 3 t CO ₂ -e	Total t CO ₂ -e
Electricity (Location Based Approach)	N/A	1,067.919	110.159	1,178.078
Natural Gas	0.000	N/A	0.000	0.000
Solid Waste*	N/A	N/A	0.000	0.000
Refrigerants**	0.000	N/A	N/A	0.000
Fleet and Other Vehicles	2.536	N/A	0.645	3.182
Domestic Commercial Flights	N/A	N/A	113.931	113.931
Domestic Hire Car*	N/A	N/A	0.018	0.018
Domestic Travel Accommodation*	N/A	N/A	0.000	0.000
Other Energy	0.000	N/A	0.000	0.000
Total t CO₂-e	2.536	1,067.919	224.753	1,295.209

Note: the table above presents emissions related to electricity usage using the location-based accounting method. CO₂-e = Carbon Dioxide Equivalent.

*indicates emission sources collected for the first time in 2023-24. The quality of data is expected to improve over time as emissions reporting matures.

**indicates optional emission source for 2023-24 emissions reporting.

Table A5.3: Electricity greenhouse gas emissions, 2023–24

Emission Source	Scope 2 t CO ₂ -e	Scope 3 t CO ₂ -e	Total t CO ₂ - e	Percentage of electricity use
Electricity (Location Based Approach)	1,067.919	110.159	1,178.078	100%
Market-based electricity emissions	981.513	121.174	1,102.687	78.67%
Total renewable electricity	-	-	-	21.33%
<i>Mandatory renewables¹</i>	-	-	-	18.72%
<i>Voluntary renewables²</i>	-	-	-	2.61%

Note: the table above presents emissions related to electricity usage using both the location-based and the market-based accounting methods. CO₂-e = Carbon Dioxide Equivalent.

¹ Mandatory renewables are the portion of electricity consumed from the grid that is generated by renewable sources. This includes the renewable power percentage.

² Voluntary renewables reflect the eligible carbon credit units surrendered by the entity. This may include purchased large-scale generation certificates, power purchasing agreements, GreenPower and the jurisdictional renewable power percentage (ACT only).

Greenhouse gas emissions reporting has been developed with methodology that is consistent with the Whole-of-Australian Government approach as part of the APS Net Zero 2030 policy. Not all data sources were available at the time of the report and adjustments to baseline data may be required in future reports.

At present, the Tribunal undertakes the following energy saving techniques:

1. Tenancies are fitted with sensor lighting systems which turn off automatically if no movement is captured.
2. Tenancies are fitted with block out blinds. Blinds are drawn on external windows during warmer months to keep offices and the general open plan areas cool.
3. AC temperatures are set at 24 degrees and shut down at 6.00 pm.
4. Most of our computers and monitors are powered via soft wiring connectors and cannot be switched off at the source. All our equipment has power saver mode when not in use.
5. New fit-outs are fitted with energy saving light fittings.

Corrections of material errors in previous annual report

The AAT's Annual report for 2022–23 contained the following errors. On pages 65 - 66, in Table 3.32, it was incorrectly reported that:

- the proportion of court appeals lodged in 2022–23 for Freedom of Information Division decisions was 9%. The correct figure was 8%.
- the proportion of court appeals lodged in 2022–23 for Visa-related decision relating to character area of work decisions was 44%. The correct figure was 29%.
- the proportion of court appeals lodged in 2022–23 for Workers' compensation area of work decisions was 6%. The correct figure was 9%.
- the proportion of court appeals lodged in 2022–23 for General - Other area of work decisions was 3%. The correct figure was 2%.
- the proportion of court appeals lodged in 2022–23 for Migration and Refugee Division decisions was 18%. The correct figure was 19%.
- the proportion of court appeals lodged in 2022–23 for Migration area of work decisions was 12%. The correct figure was 13%.
- the proportion of court appeals lodged in 2022–23 for Refugee area of work decisions was 35%. The correct figure was 31%.
- the proportion of court appeals lodged in 2022–23 for Tax and Commercial Division decisions was 2%. The correct figure was 3%.
- the proportion of court appeals lodged in 2022–23 for Taxation area of work decisions was 2%. The correct figure was 3%.
- the proportion of court appeals lodged in 2022–23 for Taxation and Commercial – Other area of work decisions was 2%. The correct figure was 3%.
- the total proportion of court appeals lodged in 2022–23 for AAT decisions was 16%. The correct figure was 17%.

Appendix 6: 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 (print only).	Mandatory
17AJ(b)	End matter: Index	Alphabetical index (print only).	Mandatory
17AJ(c)	End matter: Glossary	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	Appendix 6: List of requirements	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)	Chapter 2 Overview of the AAT, Functions and purpose	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Chapter 2 Overview of the AAT, Structure	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Chapter 2 Overview of the AAT, Outcome and program	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	Chapter 2 Overview of the AAT, Functions and purpose	A description of the purposes of the entity as included in corporate plan.	Mandatory

PGPA rule reference	Part of report	Description	Requirement
17AE(1)(aa)(i)	Chapter 2 Overview of the AAT, Staff of the AAT	Name of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(ii)	Chapter 2 Overview of the AAT, Staff of the AAT	Position title of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(iii)	Chapter 2 Overview of the AAT, 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	Chapter 3 Performance, 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)	Chapter 3 Performance, 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>		

PGPA rule reference	Part of report	Description	Requirement
17AG(2)(a)	Chapter 5 Management and accountability, Fraud control	Information on compliance with section 10 (fraud systems).	Mandatory
17AG(2)(b)(i)	Chapter 5 Management and accountability, Fraud control	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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)	Appendix 5: Other mandatory information, Audit and Risk Committee	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	Appendix 5: Other mandatory information, Audit and Risk Committee	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	Appendix 5: Other mandatory information, Audit and Risk Committee	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	Appendix 5: Other mandatory information, Audit and Risk Committee	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	Appendix 5: Other mandatory information, Audit and Risk Committee	The remuneration of each member of the entity's audit committee.	Mandatory

PGPA rule reference	Part of report	Description	Requirement
External Scrutiny			
17AG(3)	Chapter 3 Performance, External scrutiny	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	Chapter 3 Performance, Appeals	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	N/A	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)	Chapter 5 Management and accountability, 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: <ul style="list-style-type: none"> Statistics on staffing classification level; Statistics on full-time employees; Statistics on part-time employees; Statistics on gender; Statistics on staff location; Statistics on employees who identify as Indigenous. 	Mandatory
17AG(4)(c)	Chapter 5 Management and accountability, 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

PGPA rule reference	Part of report	Description	Requirement
17AG(4)(c)(i)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, Non-salary benefits	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, Purchasing	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
Reportable consultancy contracts			
17AG(7)(a)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and	A statement that " <i>During [reporting period], [specified number] new reportable consultancy contracts were</i>	Mandatory

PGPA rule reference	Part of report	Description	Requirement
	accountability, Consultants	<i>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> .	
17AG(7)(c)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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	Chapter 5 Management and accountability, Additional information about organisations receiving amounts under reportable 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)	Chapter 5 Management and accountability, 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

PGPA rule reference	Part of report	Description	Requirement
Exempt contracts			
17AG(9)	N/A	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory
Small business			
17AG(10)(a)	Chapter 5 Management and accountability, 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)	Chapter 5 Management and accountability, 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

PGPA rule reference	Part of report	Description	Requirement
17AH(1)(a)(ii)	Appendix 5: Other mandatory information, 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)	Appendix 5: Other mandatory information, Disability reporting mechanism	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Chapter 3 Performance, 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)	Appendix 5: Other mandatory information, Corrections of material errors in previous annual report	Correction of material errors in previous annual report	If applicable, mandatory
17AH(2)	Appendix 5: Other mandatory information	Information required by other legislation	Mandatory

End matter

Glossary

AASB	Australian Accounting Standards Board
AAT	Administrative Appeals Tribunal
Administrative Appeals Tribunal Act	Administrative Appeals Tribunal Act 1975
ADR	Alternative dispute resolution: the umbrella term for a range of processes for resolving a dispute other than a hearing and decision. Related terms: Case appraisal, Conciliation, Conference, Mediation, Neutral evaluation
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. Related term: Party
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 Public Service Act 1999
APSC	Australian Public Service Commission
ASIO	Australian Security Intelligence Organisation
AusTender	The Australian Government's procurement information system
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. Related term: ADR
China	The People's Republic of China
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. Related term: ADR
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. Related term: ADR

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. These include 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
FCFCOA	Federal Circuit and Family Court of Australia
FOI	Freedom of information
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
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. Related term: ADR
MRT	Migration Review Tribunal
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. Related term: ADR
New Tribunal	Administrative Review Tribunal
Non-ongoing APS employee	A person engaged as an APS employee under subsection 22(2)(b) or 22(2)(c) of the Public Service Act 1999 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 Public Service Act 1999
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. Related term: Applicant
PGPA Act	Public Governance, Performance and Accountability Act 2013
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 wider community, 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. Related term: Refugee
PSS	Public Sector Superannuation Scheme
PSSap	Public Sector Superannuation accumulation plan
Public Governance, Performance and Accountability Act	Public Governance, Performance and Accountability Act 2013
Public Service Act	Public Service Act 1999
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. Related term: Protection visa
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, a 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
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

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