

Opinion

Year 2 of the SSAT

The *Annual Report* of the SSAT for the year ending 30 June 1990 was published at the end of last year. The *Report* overlaps with the first *Annual Report* (for the period November 1988 to October 1989), reviewed in (1989) 52 SSR 681.

Appeals and results

In the more recent 12 months, 6649 appeals were lodged (compared with 7207 in the earlier period) and 7291 were finalised (compared with 8496 in the earlier period). There appears to be a clear downward trend in the caseload of the SSAT – the 1987-88 report of the non-determinative SSAT (before it was given legislative basis from November 1988) had shown 11 187 appeals lodged in the 12 months to 30 June 1988.

Of the 7291 appeals finalised in the 12 months to 30 June 1990, 5077 were decided by the Tribunal; the balance being withdrawn, dismissed because of no contact from the applicant or disposed of in some other administrative fashion.

Of the 5077 decided appeals, 2033 were decided wholly or partly in favour of the applicant (1829 set aside and 204 varied); and 3048 were decided in favour of the DSS (affirmed).

This indicates a 'success rate' of 40% in 1989-90, compared with 41% in the November 1988-October 1989 period and 30% in 1987-88, confirming the value of the independent decision-making power of the SSAT, compared with its former recommending power (as in 1987-88).

AAT review

As readers will know, SSAT decisions can be appealed to the AAT by both individual applicants and the DSS. In 1989-90, 663 appeals to the AAT were lodged by appli-

cants and 308 by the DSS (the figures for the November 1988-October 1989 period were 533 and 273 respectively). In 1989-90, the AAT made a decision in 169 cases, and in 81 of these (48%) the SSAT decision was set aside or varied. Another 269 appeals were withdrawn and 104 appeals dismissed.

Major issues

The SSAT's *Annual Report* highlights several substantial legal and policy issues which have arisen in the course of its work. These include the administration of the 'reducing employment prospects' rule in s.116(6A) of the *Social Security Act*, which the DSS has been administering (in a rather crude fashion) as if it referred to 'moving to an area of low employment': this question is taken up by the AAT in *Prince*, noted in this issue of the *Reporter* (p.810).

Also highlighted is the failure of the DSS to supply details of the basis on which overpayments were calculated in the majority of cases where the DSS sought to recover those overpayments. In a sample survey, the SSAT found that 63% of applicants in overpayment cases had not received details of the basis on which the overpayments had been calculated by the time of the hearing of their appeals.

More on the SSAT

In the 'Background' section of this issue, we print the first in a regular information series on the SSAT – its jurisdiction, procedures and decisions. The SSAT does not operate as a public tribunal (unlike the AAT, which as a general rule, sits publicly); so that our reviews of its operations will need to observe principles of privacy. But we hope that the series will provide potential users of the SSAT with valuable practical information.

[P.H.]

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Contributors: Peter Hanks, Regina Graycar, Denny Meadows, Jenny Morgan, Brian Simpson, Beth Wilson, Pam O'Conner and Allan Anforth

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