Statutory Review of the
*Tribunals Amalgamation Act 2015*

Attorney-General’s Department submission
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1. Introduction

1.1 The Attorney-General’s Department (AGD) welcomes the opportunity to provide the Hon Ian Callinan AC (the Reviewer) with this submission as part of the Statutory Review (the Review) of the legislation that gave effect to the amalgamation of the Administrative Appeals Tribunal (AAT) with the former Social Security Appeals Tribunal (SSAT) and Migration Review Tribunal and Refugee Review Tribunal (MRT-RRT).

1.2 AGD has portfolio responsibility for the AAT. AGD also has policy responsibility for administrative law, and in this regard provides legal policy advice to Commonwealth agencies on administrative law issues, including principles of good administrative decision making, and on merits review and judicial review of administrative decisions.

1.3 The AAT is the principal Commonwealth merits review body. It reviews a wide range of government decisions that affect the rights of individuals, in areas including social services, migration, taxation, and national security. The AAT generally conducts merits review of matters afresh, based on the circumstances at the time of review. This may involve consideration of relevant new information if it becomes available after the original agency decision was made. The AAT’s ability to consider new information at the time of review is part of its function to ensure the correct and preferable decision is made (see further paragraph 2.7).

Scope of submission

1.4 AGD notes that section 4 of the Tribunals Amalgamation Act 2015 (TA Act), which is the basis for this review, was included on the basis that it is good policy to review any major reform after its implementation. The amalgamation of the AAT with the MRT-RRT and SSAT was a significant milestone in the history of Australian administrative law. The Review was intended to evaluate the success of amalgamation, identify opportunities for further improvement, and consider any other matter specified by the minister.

1.5 To guide the Reviewer’s considerations, this submission provides background information about:

1. Australia’s administrative review system (chapter 2)
2. the role of the AAT and where it fits in the broader system (chapter 3), and
3. a brief history that led to the amalgamation of the Commonwealth tribunals (chapter 4).

1.6 The submission also provides a high level evaluation of the success of the TA Act against its intended aims, as outlined in the Explanatory Memorandum for the Tribunals Amalgamation Bill 2015 (chapter 5).

1.7 Finally, the submission also outlines particular issues that AGD considers it worthwhile for the Reviewer to consider looking into (chapter 6 and subsequent chapters). These issues have been identified on the basis of AGD policy development processes, discussions with the AAT and issues that the department has encountered through its role as the agency with portfolio responsibility for the AAT.
2. The administrative review system

2.1 Australia’s administrative review system enhances the rule of law and good governance. This system exists to ensure both the lawfulness of Commonwealth decision making, and to protect the rights and interests of individuals and organisations as they relate to government decision making. An effective administrative review framework also acts as a mechanism of ensuring accountability and transparency, which promotes public trust in decision making.

2.2 The key components of this system were established in the 1970s. These include the establishment of the AAT and the Commonwealth Ombudsman, and the passage of the Administrative Decisions (Judicial Review) Act 1977 (Cth).

2.3 The system of review for administrative decisions includes different levels of decision making, each with different processes and objectives.

1. Original decision made by the primary decision maker

2. Merits review in the AAT, involving the independent reconsideration of the original decision

3. Judicial review of the AAT or original decision, on a question of law

2.4 The above diagram broadly represents the administrative review system. However, the review process applying to different administrative decisions differs depending on the relevant legislation. For example, internal merits review within an agency may be available in addition to external AAT review, or merits review may not be available at all. It is generally not possible to exclude the availability of judicial review, for constitutional reasons.

Primary or original decisions

2.5 Commonwealth departments and agencies make a high volume of decisions daily. For example, in the 2016-17 financial year, the then Department of Immigration and Border Protection granted 17,343,035 student visas, 8,411,187 temporary visas and 183,608 permanent visas.¹ In that same period, 2016-17 financial year, the Department of Human Services (DHS) made approximately

¹ Department of Immigration and Border Protection, *Department of Immigration and Border Protection: Annual Report 2016-17*
2.5 million age pension payments. These figures do not account for applications or claims that were rejected (see further paragraph 3.12).

**Merits review**

2.6 Merits review enhances the openness and accountability of decisions made by government. It provides an important and accessible avenue of redress for people affected by administrative decisions. The underlying, long-term objective of merits review is to improve the quality and consistency of primary (agency) decisions (see further chapter 6).

2.7 The principal objective of merits review is to ensure that correct and preferable administrative decisions are made. Correct and preferable’ in this context means:

1. correct, in the sense that decisions are made according to law, and
2. preferable, in the sense that if there is a range of decisions that could be correct in law, that is, where discretion is available in the exercise of the decision making power, the decision made is the best that could have been made on the basis of the relevant facts.

2.8 Merits review of an administrative decision involves an independent review and remaking of a decision made by a government agency or a Minister (the primary decision maker). A person or body, other than the primary decision maker, will:

1. reconsider the facts, law and policy aspects of the original decision, and
2. determine the correct and preferable decision.

2.9 In essence, the person or body conducting the merits review process ‘steps into the shoes’ of the primary decision maker, and remakes the correct and preferable decision according to the merits of the individual case. Generally, the person reviewing the primary decision exercises the same statutory powers and discretions as the original decision maker.

2.10 Such a review is done afresh (or *de novo*) based on the relevant material before the reviewer. De novo review is appropriate and important in most circumstances as relevant new information can come to light at any point in the decision making process. If new information comes to light before an agency makes a primary decision, it can be taken into account by the agency decision maker. Taking into account this information supports the objective of reaching the ‘correct and preferable’ decision at the time that the decision is made. The inclusion of new information on merits review can work to the advantage or to the disadvantage of the person seeking review,

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2 Department of Human Services (Cth), *Department of Human Services: Annual Report 2016-17*
depending on the nature of the information. New information can be provided by the person seeking review or by the agency whose decision is being reviewed.

2.11 While legislation predominantly provides for a minister or secretary of a department to be the primary decision maker, this power is generally delegated from a minister or secretary to agency officers. The vast majority of administrative decisions are made by lower level, delegated decision makers. This is done as a matter of practicality, given the high volume of decisions that Commonwealth departments and agencies can be required to make on a daily basis.

2.12 Merits review should be accessible and fair, and provide a system of review that is more economical and quicker than court processes. These objectives are reflected in the statutory objectives of the AAT, which are stated in section 2A of the Administrative Appeals Tribunal Act 1975 (AAT Act).

2.13 Only a fraction of the millions of primary decisions made each year come to the AAT for merits review. In the period of 1 July 2017 until 31 May 2018, the AAT received 53,683 new applications for review.

**Judicial review**

2.14 Judicial review is a fundamentally different process to merits review. It can only be undertaken by the courts, which review a decision to determine whether it was made in accordance with relevant legal principles or if it has been infected by legal error.  

2.15 Judicial review is concerned with the process by which the decision maker arrived at their decision, rather than considering if the correct and preferable decision was made based on the relevant facts, as with merits review. The courts cannot ‘stand in the shoes of the original decision maker’. Rather, they review whether the decision maker has exceeded their powers or functions when making a decision. As courts cannot remake an administrative decision, the outcome of a judicial review application may be to remit the matter back to the relevant external review body or to the primary decision maker, with an order to remake the decision according to law.

2.16 In general, judicial review cannot be excluded from decisions made under Commonwealth legislation where the decision is infected by jurisdictional error. This is because the Australian Constitution entrenches a minimum provision of judicial review.

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6 *Administrative Decisions (Judicial Review) Act 1977 (Cth); Probuild Constructions (Aust) Pty Ltd v Shade Systems Pty Ltd* [2018] HCA 4 at eg [35], [70]; *Minister for Immigration and Citizenship v SZMDS* [2010] HCA 16, at [5].
3. The Administrative Appeals Tribunal

3.1 The AAT was established by the AAT Act and commenced operations on 1 July 1976. On 1 July 2015, the MRT-RRT and SSAT were merged with the AAT. Amalgamation was intended to enhance the efficiency and effectiveness of the Commonwealth merits review jurisdiction, generate savings, and facilitate the sharing of expertise between members and staff. The former tribunals now form two of the AAT’s divisions, namely the Migration and Refugee Division (MRD) and the Social Services and Child Support Division (SSCSD).

The AAT’s objective

3.2 The AAT’s statutory objective, stated in section 2A of the AAT Act, is to provide a review process 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 Tribunal.

The AAT’s structure

3.3 The AAT is comprised of the President and other members who may be appointed as Deputy Presidents, senior members or members. The President must be a judge of the Federal Court of Australia. Members have professional backgrounds in a range of fields such as law, medicine, academia, and public administration. Members are appointed for a maximum seven year term by the Governor-General on the advice of the Government of the day.

3.4 Applications to the AAT are managed in one of the following eight divisions:

1. FOI Division
2. General Division
3. MRD
4. National Disability Insurance Scheme Division (NDISD)
5. Security Division
6. SSCSD
7. Taxation and Commercial Division (TCD), and
8. Veterans’ Appeals Division

3.5 The President is responsible for the overall management of the AAT with the assistance of:

1. Deputy Presidents who have been assigned as the Heads of one or more Divisions, and
2. the Registrar who is the agency head for the purpose of finance and public service laws.

3.6 The MRD includes the Immigration Assessment Authority (IAA). The IAA conducts reviews of decisions made by the Minister for Home Affairs, or his or her delegate, to refuse to grant a
protection visa to a fast track applicant. Fast track applicants are a particular cohort of protection visa applicants, determined by legislative instrument by the Minister for Home Affairs.

3.7 Divisions other than the MRD and SSCSD are referred to as the ‘General and other Divisions’.

The AAT’s jurisdiction

3.8 The AAT is the key appeals body that conducts independent merits review of administrative decisions made under Commonwealth laws. The AAT Act is the primary legislative source for the Tribunal’s general powers and functions. Other subject-specific Acts and legislative instruments provide the AAT with jurisdiction to deal with applications about specific administrative decisions, and in some cases particular powers and functions in a certain jurisdiction. For example, the Migration Act 1958 and Social Security (Administration) Act 1999 provide the AAT with jurisdiction to review administrative decisions made under those Acts, and prescribes the procedures applicable to the AAT’s review of those decisions.

3.9 The AAT has jurisdiction to deal with applications for merits review across more than 400 pieces of Commonwealth legislation and legislative instruments, including migration, social security, taxation and veterans’ affairs. Section 9 of the Administrative Appeals Tribunal Regulation 2015 also confers jurisdiction to the AAT to review certain decisions made under Norfolk Island laws, including decisions about land valuation and planning.

The AAT’s powers

3.10 The AAT does not have general power to review decisions. Jurisdiction is conferred on the AAT by an Act, regulation or other legislative instrument which states that a decision can be reviewed by the AAT.

3.11 The AAT has the power to affirm, vary, or set aside a decision and substitute a new decision. It may also remit a decision to the decision maker for reconsideration, with a direction that a particular criterion is met. The AAT will often have additional information that was not available to the primary decision maker, including oral evidence given by the applicant, and expert evidence relevant to the issues to be decided. This is because, as discussed in chapter 2, the AAT conducts review on a de novo basis.

The AAT’s caseload

3.12 Of the millions of administrative decisions made in the 2016-17 financial year across the whole of the AAT’s jurisdiction, 51,426 applications for review were lodged and the AAT finalised 42,224 applications. Specifically, the MRD received 26,604 lodgements for review of decisions and finalised 18,908 matters. The SSCSD received 17,450 lodgements for review of decisions and
finalised 16,407 matters. Finally, the General and Other Divisions received 7,372 lodgements for review of decisions and finalised 6,909 matters.\(^9\)

\textbf{3.13} Many of the AAT’s decisions are available on the AUSTLII website\(^{10}\) and some are also highlighted in the weekly AAT Bulletin.\(^{11}\) The AAT also publishes a monthly newsletter called \textit{The Review} (see further paragraph 6.13).\(^{12}\) These publications offer an explanation of how the decision was reached, including case law, evidence, and any other relevant considerations.

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\textsuperscript{9} Administrative Appeals Tribunal, Annual Report 2016-17
\textsuperscript{10} Australasian Legal Information Institute, [www.austlii.edu.au](http://www.austlii.edu.au)
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4. The amalgamation of the Commonwealth administrative tribunals

4.1 The creation of a generalist Commonwealth merits review tribunal was first proposed in the 1971 report of the Kerr Committee. The AAT was initially established as an independent generalist tribunal boasting a range of specialist expertise. The intention was to have a single independent tribunal dealing with merits review of administrative decisions across a wide spectrum of Commonwealth legislation. However, other merits review tribunals with specialist jurisdiction continued and emerged over a period of time.

4.2 The creation of a single Commonwealth merits review tribunal was again recommended in 1995 by the Administrative Review Council (ARC). In 1998 the Australian Government announced its intention to establish the Administrative Review Tribunal by amalgamating the AAT, Immigration Review Tribunal, Refugee Review Tribunal and SSAT. However, the legislation to establish the new tribunal did not pass through Parliament.

4.3 In 2012, the Strategic Review of Small and Medium Agencies in the Attorney-General's Portfolio conducted by Mr Stephen Skehill AO, former Secretary of AGD, recommended that:

1. the ARC’s 1995 proposal for a single tribunal should be endorsed as the Australian Government’s desired end-state, and
2. the Australian Government should take a decision that, except in exceptional circumstances, no new Commonwealth merits review body should be established and that any new merits review jurisdiction should instead be conferred on the AAT.

4.4 In 2014, the National Commission of Audit recommended that the MRT, RRT, SSAT and Classification Review Board (CRB) be amalgamated with the AAT. The Government decided to proceed to amalgamate the MRT-RRT, and the SSAT with the AAT. However, the CRB was not amalgamated, largely on the basis that it is a very small and specialised body.

4.5 On 1 July 2015, with bipartisan support, the Australian Government’s proposal to amalgamate the MRT, RRT and SSAT with the AAT came into effect. The amalgamated AAT continues to have jurisdiction to review all matters over which it had jurisdiction prior to 1 July 2015.

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15 Attorney-General’s Department, D Williams, ‘Reform of merits review tribunals’ (News release, 3 Feb 1998)
4.6 The structure of the amalgamated tribunal was designed to allow for knowledge and skill sharing across the amalgamated tribunal while also maintaining specialisation in key jurisdiction. The TA Act was also designed to maintain key features and procedures from each of the former Tribunals that were essential to the workings of those tribunals, while also harmonising and simplifying procedures where possible.
5. Evaluating the success of the Tribunals Amalgamation

5.1 The Explanatory Memorandum of the Tribunals Amalgamation Bill 2015 outlined the intended aims of what would become the TA Act. The TA Act aimed to achieve the following through amalgamation:

1. further enhance the efficiency and effectiveness of the Commonwealth merits review jurisdiction and support high quality and consistent government decision making
2. generate savings through shared financial, human resources, information technology and governance arrangements
3. provide for greater utilisation of members’ specialist expertise across subject matters and facilitate the sharing of expertise between members and staff
4. incorporate the successful features of the tribunals as currently constituted, and
5. incorporate merits review of freedom of information decisions into the work of the amalgamated tribunal.

5.2 This part of the submission presents AGD’s views on the success of the Tribunals amalgamation, and also suggests ways in which it might be evaluated.

Enhancing the efficiency and effectiveness of merits review jurisdiction and government decision making

5.3 The Reviewer may wish to consider appropriate methods to measure the consistency and quality of government decision making. One approach may be to measure the rates of decisions that are affirmed, varied or set aside by the AAT in different jurisdictions since amalgamation. The Reviewer may also wish to seek information from the AAT and agencies about the rate of appeal of decisions from the AAT, as a demonstration that the ‘correct and preferable’ decision is accepted. However, AGD notes that caution must be applied if using the AAT set aside rate to measure consistency of government decision making because many decisions are set aside due to new information being available at the time of review.

5.4 Appendix 4 of the AAT’s 2015-16 and 2016-17 annual reports provide statistics covering the rates of decisions that are affirmed, varied, or set aside for each division. The AAT also publishes a variety of caseload statistics on their website which are generally updated every quarter.

Generate savings

5.5 Following amalgamation, the AAT consolidated its corporate functions and services. These included human resources, payroll and information technology systems.

5.6 In most cities, the AAT and former MRT-RRT and SSAT were located in separate offices prior to amalgamation. The AAT has successfully co-located all of its office space to one location in each
capital city, except Brisbane and Melbourne where the AAT occupies two locations, significantly reducing leasing costs.

5.7 The amalgamation was expected to save $7.2 million over the forward estimates through the reduction in back office staff and property expenses. AGD considers that the AAT would be able to provide comment on the savings it was able to achieve.

Sharing of members’ expertise

5.8 Co-locating premises has allowed the AAT to operate more efficiently as a single tribunal. One of the objectives of amalgamation was to allow members to utilise their expertise across multiple divisions. Prior to amalgamation, members would have needed to be appointed to individual tribunals to exercise the powers of that tribunal. Members now receive a single appointment to the AAT and can then be assigned to one or more of the AAT’s divisions. This enables the AAT to have greater flexibility to share resources and achieve greater consistency across divisions. AGD understands that the President of some state administrative tribunals has the power to assign members to divisions or lists.

5.9 As at 13 August 2018, 147 of the AAT’s 264 non-presidential members are assigned to more than one division. While practices and procedures can differ for each division, and some particular skill sets are of greater importance to some divisions than others (for example, strong alternative dispute resolution skills are required for child support and NDIS matters), there is similarity in many of the skills required of members of each division. AGD considers that further cross-assignment of members would assist in breaking down silos, and lead to better and more consistent decision making across all divisions of the AAT.

5.10 The AAT would be able to provide more information on the success of sharing its members’ expertise in practice.

Incorporate successful features of the former tribunals

5.11 Following amalgamation, the AAT’s divisions largely continued to work within a divisional framework, reflecting the arrangements of the former tribunals. Now that co-location of its registries has occurred, the AAT has established client service teams to provide consolidated services to its staff and members of the public.

5.12 Differences in statutory procedures retained in the transition of the former tribunals to divisions of the AAT represent impediments to harmonising the AAT’s operations. These differences, which are outside the control of the AAT, limit the AAT’s capacity to utilise its resources most effectively to meet its statutory objectives and realise the full benefits of amalgamation (see further chapter 10).

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18 Presidential members (Deputy Presidents and the President) can exercise powers in any of the AAT’s divisions
Incorporate merits review of Freedom of Information (FOI) decisions into the AAT

5.13 This was included as a key objective given that the policy of the Government at the time was to abolish the Office of the Australian Information Commission and transfer its functions of merits review of FOI decisions to the AAT. The former FOI Commissioner Dr James Popple was appointed as a senior member of the AAT from 1 January 2015 until 31 December 2017.

5.14 The TA Act provided for the establishment of the FOI Division. The FOI Division deals with the review of administrative decisions made under the Freedom of Information Act 1982 (FOI Act), as well as decisions made under the Archives Act 1983 and the Privacy Act 1988.

5.15 The FOI Act provides that persons dissatisfied with a freedom of information decision made by an agency or minister must first apply to the Australian Information Commissioner for review.

5.16 FOI reviews constitute a very small proportion of the AAT’s overall workload. In 2016-17, the FOI Division had 44 lodgements and finalised 37 matters. As at 8 August 2018, there were 36 members assigned to the FOI division, all of whom are cross-assigned to other divisions. Administratively, the FOI Division is managed as part of the General and other Divisions (see paragraph 3.7).
6. Improving Agency Decision Making

6.1 One of the broader objectives of merits review is to improve the quality of decision making by primary decision makers. Chapter 6 of the ARC’s Better Decisions: Review of Commonwealth Merit Review Tribunals provides valuable insight into how agencies can maximise their benefit from tribunal decisions and how they can improve their own decision making.

6.2 The ARC identified two ways in which agencies could derive longer term benefit from tribunal decisions. Firstly, by ensuring that particular tribunal decisions are, where appropriate, reflected by agencies in other similar decisions (normative effect). Secondly, agencies should take into account review decisions in the development of agency policy and legislation.  

6.3 It is important to note that AAT decisions do not create a binding precedent and there is no obligation for agencies to change their decision making processes following AAT decisions. However, the nature of primary decision making and review of primary decisions can lead to differences emerging in the interpretation of legislation and policies.

6.4 Not all tribunal decisions will have wider implications for agencies. For example, because the AAT conducts review on a de novo basis, in some cases the AAT may vary or set aside an original decision on the basis of new information rather than because of any problem with the original decision. However, it is important that agencies are able to identify particular tribunal decisions that have the potential to impact their decision making processes.

6.5 It is imperative that agencies have appropriate structures and systems in place that allow them to analyse the impact that relevant AAT decisions may have on decision making, including seeking clarification from the AAT where appropriate. Agencies should ensure that relevant AAT decisions inform their decision making in terms of new policy proposals (NPPs) or changes to existing policy.

6.6 It is also essential that agencies provide ongoing training to decision makers in appropriate aspects of administrative law, to properly equip decision makers to perform their function, and that this ongoing training includes advice where AAT decisions suggest that agency primary decision making processes should be changed. Decision makers should also understand how their role fits into the administrative review framework.

Considerations

6.7 In order to maximise the potential benefits of the AAT’s decision making, agencies and the AAT must have effective communication channels in place whereby all stakeholders are informed of relevant decisions. Agencies are each responsible for determining best practice for maximising the normative effect of AAT decisions. Effective communication would also allow agencies to consider whether any policy or legislative changes are needed resulting from particular decisions.

6.8 One of the primary objectives of the TA Act was to further enhance the efficiency and effectiveness of the Commonwealth merits review jurisdiction, and support high quality and consistent government decision making. The Reviewer may wish to consider appropriate methods to measure the consistency and quality of Government decision making. One approach may be to measure the rates of decisions that are affirmed, varied or set aside by the AAT in different jurisdictions since amalgamation. However, as indicated in paragraph 5.3, caution must be applied if using the AAT’s set aside rate to measure consistency of government decision making due to the fact that the decisions by the AAT to set aside primary decisions are made on the basis of new information. AGD considers that agencies responsible for a high volume of administrative decisions may be able to advise on what processes they have in place to incorporate AAT decisions into their future operations.

6.9 Where a tribunal member gives an oral decision which varies, sets aside or remits a decision back to an agency, the AAT could consider providing advice to the agency regarding the decision. The absence of advice in such circumstances, particularly when an agency is not represented at a hearing, makes it more difficult for agencies to determine whether the AAT’s decision may have broader impacts on future policy making. AGD understands that the AAT notifies agencies of the oral decision. Agencies then have the option to request a written statement of reasons. Where permitted, AGD considers that agencies should request a written statement of reasons to make it easier to assess whether further consideration needs to be given to their internal processes, amending legislation or to seek further review of a decision.

6.10 Section 43(2A) of the AAT Act and 368D(4) and 430D(4) of the Migration Act 1958, provides that where the AAT does not give reasons in writing for its decision, a party to the proceeding may request the AAT provide that party with a written statement of reasons. Notwithstanding these sections (and any similar sections in other legislation), the AAT could consider providing advice to agencies in which a decision has been varied or set aside about the reasons for the decision to maximise the normative effect. AGD understands that the AAT have expressed a willingness to provide agencies with a recording of the relevant part of the hearing.

6.11 AGD considers that agencies should engage with the AAT on a regular basis to discuss issues, points of difference in interpretation of legislation and particular decisions of relevance. Dialogue of this nature is important to ensure high quality, consistent government decision making. AGD understands that this already occurs with all of the agencies that have high volumes of matters going to the AAT. The AAT would be able to advise how this happens in practice.

6.12 AGD acknowledges that the AAT has recently introduced a monthly newsletter called The Review. The newsletter is intended to inform stakeholders and interested persons about how the AAT operates and features articles about its function, role and processes. It also provides plain English summaries of recent decisions of interest and provides information about how final decisions are reached. Tools such as this can be valuable resources for all stakeholders and agencies should ensure relevant decisions makers are aware of these publications.
6.13 Many of the AAT’s decisions are available on the AUSTLII website\textsuperscript{20} and some are also highlighted in the weekly AAT Bulletin.\textsuperscript{21} AGD also acknowledges that in November 2017, the AAT implemented a new publication of decisions policy which enables the AAT to publish more decisions, with the aim of improving public confidence in the AAT due to the increased transparency\textsuperscript{22}.

\textsuperscript{20} Australasian Legal Information Institute, \url{www.austlii.edu.au}


\textsuperscript{22} Administrative Appeals Tribunal, Publication of decisions, \url{http://www.aat.gov.au/AAT/media/AAT/Files/Policies/AAT-Publication-of-Decisions-Policy.pdf}
7. Complaints Handling Mechanism

7.1 The AAT has procedures in place for responding to complaints about matters such as administrative processes or the conduct of AAT members, tribunal officers or third parties.

7.2 The AAT also has a Conduct Guide for AAT Members which sets out three core values that members must adhere to: independence, impartiality and integrity. The Conduct Guide is intended to set out principles of appropriate conduct for members in their professional duties and in their private conduct as it affects those duties.

7.3 The Conduct Guide is a non-exhaustive guide that builds upon the broader framework of guidelines for decision makers in Australia. Notably, these include the Australian Institute of Judicial Administration ‘Guide to Judicial Conduct’ and the ARC’s ‘Guide to Standards of Conduct for Tribunal Members’.

7.4 Notwithstanding the Conduct Guide for AAT Members, the AAT’s capacity to manage complaints about the conduct of members is somewhat limited.

7.5 Section 13 of the AAT Act provides for the Governor-General to terminate the appointment of a non-judicial member on a number of grounds, including proved misbehaviour. However, as there is no complaint handling mechanism in the AAT Act, the AAT’s authority to address substantiated complaints against members is ambiguous. This is particularly evident in circumstances where a complaint is substantiated and some level of remedial action, falling short of termination of appointment, is considered appropriate.

Considerations

7.6 The Reviewer may wish to consider the merits of introducing a mechanism for managing complaints against AAT members into the AAT Act. The AAT has suggested, and AGD agrees, that a model similar to that contained in the Fair Work Act 2009 relating to the handling of complaints against Fair Work Commission (FWC) members may be appropriate.

7.7 Chapter 5 division 2 of the Fair Work Act provides functions and powers to the President of the FWC, including in relation to dealing with a complaint about a FWC member, the establishment of a code of conduct for members, and to enable the protection of persons involved in the complaints process. In particular, section 581A provides for the President of the FWC to deal with a complaint about the performance of another member in his or her duties and take any measure that they believe reasonably necessary to maintain public confidence in the FWC. This includes, (but is not limited to) temporarily restricting the duties of a member. This section does not provide for the President to terminate the appointment of a member.

7.8 Section 641 of the Fair Work Act states the Governor-General may terminate the appointment of an FWC member following an address from each House of the Parliament in the same session, on the grounds of proved misbehaviour or where the member is unable to perform their duties because of physical or mental incapacity.
7.9 AGD envisions a complaints handling mechanism would provide the AAT with the ability to resolve complaints that do not warrant termination of appointment, but do require remedial action to maintain public confidence in the AAT. For example, the mechanism may be utilised in relation to complaints regarding a member’s performance of their duties, as well as complaints relating to member’s private conduct, including perceived conflicts of interests or partiality.

7.10 The AAT’s role in providing merits review is an integral part of ensuring good governance, accountability and transparency in public administration, and contributes more broadly to better administrative decision making. Public trust and confidence in the Tribunal is essential to this role.

7.11 AGD considers that a legislated complaints handling mechanism would increase the promotion of public trust and confidence in the AAT. It would provide greater certainty to the AAT and the public in relation to the AAT’s ability to handle any substantiated complaints in the future.

7.12 Introducing a provision for a code of conduct in the AAT Act may also enhance public confidence by ensuring members remain independent, impartial and act with integrity.
8. Members and Appointments

8.1 Section 6 of the AAT Act provides that members of the Tribunal shall be appointed by the Governor-General. The Governor-General appoints members on the recommendation from the Government of the day.

Membership and levels

8.2 The AAT consists of four types of members; the President, Deputy Presidents, senior members, and other members.

8.3 The AAT Act provides for a person (other than a judge) to be appointed as a Deputy President, senior member (level 1 or 2) or member (level 1, 2 or 3). Member levels were created on amalgamation for the purpose of setting appropriate levels of remuneration. This was because the former tribunals had differing remuneration conditions, comparable to the varying complexity of matters heard within the former tribunals.

8.4 Senior members and members at any level are eligible for assignment to any division, although at the time of amalgamation it was expected that the levels of members generally allocated to particular divisions may differ based on the complexity of work in a particular division.\(^2\)

8.5 As outlined in the Explanatory Memorandum, the TA Act aimed to provide for greater utilisation of members’ specialist expertise across subject matters and facilitate the sharing of expertise between members and staff. This can be achieved through the cross-assignment of members to more than one division. However, an obstacle to this may be, for example that a member primarily assigned to the MRD or SSCSD, who may generally hear less complex matters being cross-assigned to the General Division. This member may then be hearing more complex matters in the General Division, however may not receive the equivalent remuneration to other members in the General Division.

Considerations

8.6 AGD considers the membership levels were appropriate for transitional purposes upon amalgamation of the former tribunals. However, the Review may wish to explore whether further consideration should be given to restructuring the membership, and consider whether levels within each type of member remain necessary or whether simplifying the membership into four types of members without separate levels would be more appropriate. Clarifying the roles and responsibilities of members at each level, within each category of member, might be an alternative option. For example, member’s level 2 and 3 could be combined and be considered an ‘associate member’, member level 1 could be a ‘member’ and senior member’s level 1 and 2 could be combined.

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\(^2\) Item 92 revised Explanatory Memorandum of the TA Act
Appointment of Deputy Presidents and senior members

8.7 The AAT Act does not specify a maximum number of members allowed to be appointed to the Tribunal at any one time.

8.8 As the principal Commonwealth merits review body, the AAT currently has jurisdiction to hear applications for review of decisions across more than 400 pieces of Commonwealth legislation. Additionally, the AAT’s jurisdiction is fluid and jurisdiction can be conferred on it by legislation or legislative instrument at any time. As such, the flexibility provided for in the AAT Act by not specifying the number of members allowed to be appointed to the Tribunal is essential. This provides the Government with the flexibility to adjust to increases and decreases in workload through appointing members as required.

8.9 The vast majority of matters before the AAT do not require the expertise of a Deputy President or senior member, and can be heard by members. As such, the current AAT membership list is largely comprised of members.

Considerations

8.10 AGD considers the flexibility provided in the AAT Act is essential. However, the review may wish to explore avenues for ensuring the Tribunal continues to have the appropriate numbers of Deputy Presidents, senior members and members. That is, options to ensure the membership of the Tribunal continues to largely consist of members, with the number of Deputy Presidents and senior members appointed being proportionate to the lower level of cases with increased complexity and the need for leadership and mentoring roles. This would assist the AAT in managing their budget, operations of the Tribunal and ensuring the level of a member hearing the matter is proportionate with the complexity of the matter. Additionally, this may enhance public confidence in the Tribunal, as there would be more accountability to ensure matters are being heard by an appropriate type of member. The current number of Deputy Presidents and senior members may be appropriate. However, the AAT would be able to provide views on the current membership structure.

Membership structure and assignments

Division Heads and Deputy Division Heads

8.11 Part III of the AAT Act provides for the organisational structure of the Tribunal. Subdivision C of the Act states the Minister may assign a Deputy President to be the head of one or more divisions of the Tribunal. Division Heads perform the function of assisting the President in the performance of the Presidents functions by directing the business of the Tribunal in the division and exercising functions and powers under delegation from the President.

8.12 Subdivision C also states the Minister may assign a Deputy President or a senior member to be the deputy head of one or more divisions of the Tribunal. A Deputy Division Head performs the

24 AGD notes judicial appointments should not be considered in these numbers.
function of assisting the Division Head in the performance of the Division Heads duties and exercises functions and powers under delegation from the President.

8.13 Currently, the MRD, SSCSD and TCD are the only divisions with a Division Head. The MRD is the only division with a Deputy Division Head.

8.14 The Tribunal currently has certain members in each registry/division performing operational duties. These roles could be performed by Deputy Division Heads and utilise the structure already provided for in the AAT Act. Better utilisation of the leadership structure may lead to an improved culture as members may be more inclined to respond positively to a hierarchical structure rather than being directed by equivalent level members. The AAT would be able to provide views on structural considerations and issues.

Assignment of members

8.15 The AAT Act provides for the Minister to assign senior members and members to one or more divisions of the Tribunal. A senior member or member may only exercise, or participate in the exercise of powers of the Tribunal in a division to which the member is assigned. Assignments can only be made after a member has been appointed.

8.16 The AAT Act also states the Minister must consult the President of the AAT, and in some cases, the Ministers responsible for administrating particular legislation. For example, section 17D states that, before assigning a member to the MRD, the Minister must consult the Minister administering the *Migration Act 1958* in relation to the proposed assignment.

8.17 When consultation on assignments is required, the process can be time consuming and result in delays in members being able to hear matters for some time after their appointment commences. Generally, following an appointment, the President will advise the Attorney-General of their recommended assignments for members. Where required, the Attorney-General will write to Ministers consulting them on any proposed assignments. The Attorney-General is reliant on Ministers responses prior to some assignments being made.

8.18 If a member’s assignment is delayed, their ability to perform their role may be significantly limited, as they are reliant on being assigned before they can perform work in that division. For example, if a new member is proposed for assignment to the MRD and their assignment is delayed, they cannot exercise powers in the MRD until they have been assigned.

8.19 The assignment of a Deputy President or senior member as a Deputy Division Head requires the same consultation process as the assignment of a senior member or member to a division.

**Considerations**

8.20 AGD considers the organisational structure provided for in the AAT Act may be better utilised through the assignment of Division Heads and Deputy Division Heads to perform operational duties in particular registries and divisions, particularly in registries and divisions with larger workloads. This may provide enhanced transparency in the Tribunal’s organisational structure and provide certainty for members preforming these duties.
8.21 AGD considers that there may be merit to the assignment of Division Heads and Deputy Division Heads falling within the purview of the President of the AAT. This could be achieved through legislative change or through a delegation of power by the Attorney-General.

8.22 AGD also considers assignments of senior members and members necessary to ensure only members with the relevant expertise are able to exercise powers in a division. However, the Reviewer may wish to explore whether the consultation process for assigning members is necessary (noting government consideration is required for any appointment) or could be improved to enhance the efficiency of the assignment process. In particular, the power to assign senior members and members may be delegated to the President or amended through legislative change.

8.23 If consultation continues to be required for assignments, AGD considers that the timing of new appointee’s commencement should provide for a gap of four to six weeks between appointment and commencement of new members to allow time for these consultations.

Membership flexibility

8.24 Subsection 6(4) of the AAT Act states a member (other than a judge) shall be appointed either as a full-time or part-time member. Consequently, when a member requests to alter the conditions of their appointment from a full-time to part-time basis or vice versa, a new appointment is required. A new appointment requires consideration from the Government and Executive Council.

8.25 Since amalgamation, there have been instances where a member’s circumstances have changed and they are unable to complete their duties on a full-time basis. For example, if a member is appointed on a full-time basis and subsequently is obligated to take on new caring responsibilities, they may be unable to participate in full-time duties. The member with the support of the AAT may seek a part-time appointment. In such circumstances, currently the member would require a new appointment and would be reliant on the agreement of the Government and Executive Council which is not assured and can be a lengthy process. Conversely, a member may cease to have, or may reduce, caring responsibilities and be in a position to undertake their duties on a full-time basis. Other instances where members may seek to alter the terms of their appointment could include illness or a change in other personal circumstances.

Considerations

8.26 Unlike other statutory appointments, the volume of appointments to the AAT requires greater flexibility to enable the AAT to adapt to changes in a member’s circumstances. It is AGD’s view that a member appointed to the Tribunal is suitably qualified to undertake their duties on either a full-time or part-time basis. As such, the review may wish to explore whether it remains necessary to appoint members (other than a judge) on a full-time or part-time basis. AGD considers it may be appropriate to appoint members to the Tribunal, and not specify either a full-time or part-time basis. Alternatively, a legislative amendment may provide the President with the ability to alter a member’s appointment from full-time to part-time or vice versa.
8.27 Appointing members to the AAT without specifying the status of the appointment would provide the AAT and members with even greater flexibility to respond to changing personal circumstances or fluctuations in the AAT’s workload. This may also provide efficiencies as it would alleviate the requirement for consideration by the Government and Executive Council to vary an appointment. Any budgetary impacts resulting from increases to the AAT’s remuneration liabilities would need to be managed by the AAT.
9. AAT funding

9.1 The AAT receives a single appropriation which it manages through an internal budget allocation process, with funding allocated to Divisions and the Principal Registry. The funding allocated to each of the Divisions is known as ‘base funding’ and can vary based on workload demands in particular Divisions. The AAT’s internal budget is allocated according to the following broad areas:

1. Pre-amalgamated AAT Divisions (General Division, Security Division, TCD, FOI Division, NDISD and Veterans’ Affairs Division) as a group
2. SSCSD
3. MRD, and

9.2 The IAA sits within the MRD, but is independent of the AAT. The IAA is separately funded by the Department of Home Affairs.

9.3 The AAT has funding models which refer to the method used to calculate additional funding provided to the AAT for increases in workload for a particular Division of the AAT. The funding models which apply to the AAT are inherited from the pre-amalgamated tribunals.

General and Other pre-amalgamation Divisions

9.4 The AAT describes the funding model for the General Division and other pre-amalgamation Divisions as a ‘flat’ funding model. While funding for the NDIS jurisdiction was initially estimated using a formula, based on estimated lodgements and an estimated marginal cost per case (consistent with the approach taken for other new areas of jurisdiction), that funding is now part of the annual appropriation for the General and Other Divisions of the AAT. There is no ongoing model or formula for the funding of work managed in these Divisions. Where new jurisdiction is conferred on the AAT, the funding for the NPP varies according to a number of factors including the review pathway (such as number and type of case) and the anticipated volume of lodgements.

SSCSD

9.5 The SSCSD funding model was inherited from the former SSAT, which was agreed between the Department of Social Services (DSS) and Finance in 2013.

9.6 Funding for caseloads in the SSCSD is adjusted to address the impact of approved DSS New Policy Proposals (NPPs) through an inherited SSAT funding model and funding models agreed between DSS and Finance.

9.7 DSS provides increased funding to the AAT for NPPs that are expected to generate increased caseload for the AAT. The amount of increased funding for an NPP is calculated by estimating the
anticipated increase in primary applications for review to the SSCSD and multiplying this by an agreed marginal cost per review.

9.8 While the SSCSD model provides a methodology for calculating resource implications given an estimated workload change, it is still reliant on anticipated workload increases arising, which will be more accurate in some cases than others.

**MRD**

9.9 Funding for the MRD is based on a demand-driven model, inherited from the MRT-RRT, which was agreed with the then Department of Immigration and Border Protection in 2013.

9.10 Funding for caseloads in the MRD varies according to increases or decreases in cases finalised. The AAT is funded to complete 18,000 finalisations in the MRD with adjustments made at Additional Estimates in the subsequent financial year.

9.11 The base number of 18,000 finalisations was set in the 2013-14 Budget and was determined on the understanding that the baseline funding should be at the conservative end of estimates of anticipated applications. Prior to the 2013-14 Budget, the MRT-RRT was funded to resolve a base of 8,300 cases. Revisions to this baseline funding followed large increases in applications to the MRT-RRT.

9.12 The first 2,000 reviews finalised above or below 18,000 are calculated at $2,137 per review. The second tier marginal cost, which covers reviews after the first 2,000 reviews, is calculated at $3,036 per review. These figures are updated each year as funding is subject to Wage Cost Index 25 indexation and efficiency dividends.

9.13 The adjustments are based on actual reviews completed and calculated at a fixed marginal cost per review. The base funding is provided by Home Affairs with any supplementary funding being drawn from Consolidated Revenue Fund. If finalisations fall below 18,000, funding is returned to Consolidated Revenue Fund.

**Seeking funding for non-demand based funding models**

9.14 The general process for seeking additional funding for non-demand driven funding models is as follows:

1. AGD identifies possible workload implications for the AAT when NPPs are received
2. If possible workload implications are identified, AGD consults the department with responsibility for the NPP
3. If AGD considers the implication to be significant, AGD consults with the AAT on the cost per matter for comparable jurisdiction or if the matter would be heard in the SSCSD, use the agreed marginal cost in the SSCSD funding model

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25 This is an index applied to funding provided to account for any increases in wages.
4. AGD prepares a costing justification and costing calculation documents for approval by Finance
5. If Finance agrees to the costing agreement, funding for the AAT will be included in the NPP.

9.15 Departments proposing NPPs may also directly discuss resourcing implications with the AAT, and include funding for the AAT as part of their NPP. This generally occurs more frequently with DSS' and DHS' NPPs, as these agencies more frequently adjust or modify their policies and make a high volume of administrative decisions.

General issues with a non-demand driven funding model

9.16 The difficulty with non-demand driven funding models is that the process for obtaining additional funding can be resource intensive and can lead to inaccuracies if estimates are not correct.

9.17 The process relies on the responsible department having considered administrative review processes, estimates on workloads being accurate, and an accurate comparable jurisdiction being identified. There may also be a mismatch between when funding is needed and when funding is provided. This process can result in underfunding for the AAT if a responsible department's estimates are not accurate or where there is an accumulation of a number of small workload increases for the AAT where review processes are not made clear in NPPs and/or where commensurate funding is not provided.

General issues with the MRD funding model

9.18 AGD considers that demand driven models generally provide a better approach than flat funding models. However, some particular issues remain. The demand-driven funding model provides for the same marginal cost per review whether the adjustment is an increase or decrease in funding. Even when the AAT does not meet the 18,000 finalisations per year threshold, the AAT continues to incur all fixed costs, including staff (especially registry staff), rent, and utilities. The marginal cost that the AAT returns for the number of finalisations under 18,000 does not reflect the fact that the AAT incurs additional costs in anticipation of case finalisations.

9.19 The demand-driven funding model applies the same cost per case regardless of the complexity of cases heard in the MRD. This model could create an unintended incentive to prioritise simple cases in order to increase the number of finalisations in a given year, so as to meet the 18,000 finalisations threshold. This can result in a backlog of complex and older cases, leading to longer finalisation times in the MRD. Delays in the finalisation of review applications not only leads to further complexities, as applicants’ personal circumstances change, it may also impact negatively on the integrity of the review process, where applications for review are used to delay the visa process. While this does not presently appear to be an issue, it remains a potential issue.

9.20 The two tier marginal rates do not account for differences in complexity of cases or time taken to finalise the case. In some complex matters, the actual cost of member fees alone can be more than the marginal funding. Conversely, some matters cost far less than the marginal rate provided.
Importance of appropriate funding

9.21 Providing adequate funding for the AAT is essential to both the AAT and the agencies responsible for the workload of particular divisions. Insufficient funding impedes the AAT’s ability to provide resources to hear matters, resulting in a backlog of cases in that division.

9.22 For example, between 1 July 2017 and 31 May 2018 there were 34,867 applications lodged in the MRD. However, the MRD is only funded to finalise 18,000 cases each year. The discrepancy between funding and the amount of lodgements contributes to a backlog of cases.

9.23 A backlog may result in unintended consequences on the agency responsible for the workload. For example, generally visa applicants in Australia seeking review of a decision are able to stay in Australia until their matter is heard in the MRD. A backlog of cases means applicants wait longer for their matter to be heard, resulting in applicants being able to stay longer in Australia. This could create an incentive for people to lodge applications simply to stay longer and also result in a loss of public confidence in the AAT and its ability to meet its statutory objective of providing ‘quick’ merits review - but the reason for it occurring is funding settings that are outside the control of the AAT.

Considerations

9.24 AGD considers that a demand driven funding model could be considered for the SSCSD due to the relatively predictable fluctuation in the caseload over time, and because the jurisdiction arises from a relatively consolidated set of original administrative decisions. Implementing a new funding model for the SSCSD would likely require consultation with DSS and DHS to assess anticipated future workload trends.

9.25 AGD considers that a demand driven funding model would be considerably more complex for the General and other Divisions. The General and other Divisions’ jurisdiction comprises of a significant number of Commonwealth legislation and legislative instruments administered by multiple portfolios. The types of matters also vary extensively in terms of complexity, volume and costs.

9.26 Any new demand driven funding model would need to address case complexity, ensure that base level of funding is sufficient to cover all fixed costs for current lodgement levels, and variable costs should reflect recent data on the marginal cost to review a matter.

9.27 Prior to 2013, the MRT-RRT was funded to review 8,300 cases per year. In 2013, a new funding model for the MRT-RRT was approved which provided funding to finalise 18,000 cases per year to reflect the increasing lodgements in those tribunals.

9.28 Consideration should be given to amending the MRD funding model so that the baseline number of finalisations more accurately reflects the increasing lodgements in the MRD. Any amendments to the MRD’s current funding model would require consultation with the Department of Home Affairs to assess anticipated future workload trends and to agree on resourcing.
9.29 An appropriation review is conducted every three years (next review will be conducted in 2019), examining the appropriateness of funding models and levels of appropriation. AGD considers periodic reviews essential to ensure to the AAT is funded appropriately.
10. Current efforts to harmonise AAT procedures and other changes

10.1 Differences in statutory procedures retained in the transition of the former tribunals to divisions of the AAT represent impediments to harmonising the AAT’s operations. These differences limit the AAT’s capacity to utilise its resources most effectively to meet its statutory objectives and realise the full benefits of amalgamation.

10.2 An inter-agency review of options to harmonise procedures within the AAT identified a number of options to further integrate the AAT into a single tribunal.

10.3 On 16 June 2016, the then President of the AAT, the Hon Justice Duncan Kerr Chev LH, wrote to the secretaries of the AGD, the then Department of Immigration and Border Protection (now Department of Home Affairs), DSS and DHS, requesting that their departments support a review of the AAT’s practices and procedures, post amalgamation. Key areas for legislative harmonisation were set out in the then President’s letter to the secretaries. The key areas for consideration were:

- making applications to the AAT
- rules governing the AAT receiving and giving documents
- access to documents relevant to the review
- powers to require the decision-maker to investigate or take action and to require persons to provide information or documents
- availability of pre-hearing case management processes and procedures
- power to make directions and the availability of associated sanctions
- rules governing procedural fairness, and
- power to remit a matter for reconsideration during a review, and rules relating to oral decisions.

10.4 Two of the key proposals resulting from that review that the AAT considers would lead to the greatest improvements in its processes are:

- the use of conferencing processes in the MRD and the SSCSD, and
- the introduction of directions hearings and the making of enforceable directions in the MRD.

10.5 AGD understands that these particular measures would bring greater flexibility and efficiency due to offering more case pathways, which can be tailored to suit the specific requirements of similar groups of cases.

10.6 There are challenges in progressing legislative changes to harmonise procedures across the AAT’s divisions due to different portfolios having responsibility for administering legislation that provide avenues and procedures that dictate AAT review. For example, the Department of
Home Affairs have responsibility for administering the Migration Act, which sets out procedures for matters that are reviewed in the MRD.

10.7 Following the letter of the then President, and subsequent agreement from secretaries of partnering agencies, a consultant from EY, Mr Andrew Metcalfe AO was engaged to consider legislative and non-legislative options to harmonise the AAT’s practices and procedures, to realise the full benefits of the amalgamation of tribunals.

10.8 Mr Metcalfe engaged with a range of stakeholders, over the course of the review, including government stakeholders who have caseloads in the AAT or may otherwise have an interest in the review. The primary consultation took place between each of the partnering agencies to the review.

Report implementation

10.9 Following on from the review, AGD has been in the process of considering possible amendments to implement a number of the review’s legislative recommendations.

10.10 Possible legislative amendments to harmonise the AAT’s current practices and procedures across the key areas remain under consideration.

10.11 AGD is currently consulting partnering agencies on these possible measures, therefore it is unable to pre-empt what measures would be contained in any proposed legislation. As any proposed measures would relate directly to the procedures of the AAT, AGD would take carriage of progressing any amendments to legislation subject to agreement through consultation with partnering agencies.

Other administrative and non-legislative efforts to harmonise and improve AAT procedure and practice

10.12 The AAT has also made considerable progress towards integrating many aspects of its operations since amalgamation, such as its corporate management, IT and property.

10.13 The AAT has implemented an integrated intranet for the organisation, a single payroll system and a solution for improved digital management of corporate records. A significant programme of work is also underway to complete the integration of the IT networks of the former MRT-RRT and SSAT with the AAT.

10.14 The AAT launched a single integrated AAT website on 1 July 2015. Since April 2016, applicants have been able to lodge applications online in all divisions of the AAT. In 2016, the AAT also adopted a digital strategy to develop a further suite of integrated systems over a period of three to five years that will offer AAT users a range of online services. These integrated systems will also make it easier for users to interact with the AAT, and will provide AAT members and staff a range of digital tools to help them work more efficiently and effectively.
In 2015-16, three working groups were established to develop recommendations for harmonising and enhancing aspects of the AAT’s core review operations. The working groups focused on three key areas:

1. front-line services for parties and representatives
2. administrative and legal support to members, and
3. case pathways (including pre-hearing processes), case allocation and case event scheduling.

AGD understands from the AAT that these working groups have been effective in identifying and implementing improvements in processes. The AAT would be able to provide further information.

Integrated client services teams have been established to provide harmonised services in key registry areas including:

1. front counter services and general enquiries
2. receipt of new applications, including processing of payments
3. receipt and management of incoming phone enquiries, and
4. logistical support for hearings.

The AAT is working on a strategy to transition from delivering registry services within divisional frameworks to providing a more integrated and harmonised registry service across divisions.