Administrative
Appeals Tribunal

Corporate Plan

2018–19

AAT Corporate Plan 2018–19

Contents

I, as the accountable authority of the Administrative Appeals Tribunal, present the 2018–19 Administrative Appeals Tribunal corporate plan, which covers the period of 1 July 2018 to 30 June 2022, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013.*

Sian Leathem
Registrar
Administrative Appeals Tribunal

8 August 2018

Purpose

The role of the Administrative Appeals Tribunal (AAT) is to provide independent review on the merits of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. 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 or set aside the decision under review.

The AAT's objective is set out in section 2A of the *Administrative Appeals Tribunal Act 1975*. In carrying out our functions, 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 Tribunal.

The AAT provides administrative justice for individuals and organisations seeking to challenge decisions that affect their interests and, more broadly, contributes to improving the quality of government decision-making.

Environment

Context

The AAT is the principal tribunal undertaking merits review of administrative decisions made by Australian Government ministers, departments and agencies and, in limited circumstances, decisions made by state government and non-government bodies. The Migration Review Tribunal (MRT), the Refugee Review Tribunal (RRT) and the Social Security Appeals Tribunal (SSAT) were amalgamated with the AAT on 1 July 2015.

The AAT has jurisdiction to review decisions made under more than 400 separate Acts and legislative instruments. Our work is organised in the following divisions:

- Freedom of Information Division
- General Division
- Migration & Refugee Division
- National Disability Insurance Scheme (NDIS) Division
- Security Division
- Social Services & Child Support Division
- Taxation & Commercial Division, and
- Veterans' Appeals Division.

The Immigration Assessment Authority (IAA), a separate office with the Migration & Refugee Division, conducts fast track reviews of certain protection visa decisions.

In undertaking our activities, the AAT engages with a diverse range of:

- individuals, businesses and other organisations who seek review of decisions or are otherwise parties to a review
- agencies, organisations and other persons whose decisions we review, and
- persons and organisations who represent parties involved in reviews.

Applicants and other users are able to access the AAT through registries in each of the state capital cities and in the Australian Capital Territory, and through arrangements for the provision of registry services on Norfolk Island. We provide services to users in the Northern Territory from our other registries.

The creation of an integrated AAT following the amalgamation of tribunals has been a substantial undertaking. Significant progress has been made, including the implementation of revised governance arrangements, the merging of corporate services and the co-location of our offices. Work will continue in 2018–19 and the forward years, particularly to further integrate our services and systems.

Environmental factors

A range of factors in our operational environment affect our activities and performance. The most significant factors are those that impact on our caseload and our ability to deal with it effectively and efficiently. Key factors are discussed below.

Size and composition of the AAT's workload

The AAT is a demand-led organisation and our overall workload has been increasing in recent years. A complex range of factors determines the types and volume of applications or referrals that are made to us. Two of these matters are:

- Government policy decisions that expand or reduce the AAT's jurisdiction to review administrative decisions
- decision-making priorities and strategies adopted by organisations whose decisions we review, including compliance action or the application of additional resources to address backlogs which can result in increased applications.

The AAT seeks to anticipate and plan for likely changes in the number of applications and referrals we receive, including by liaising with decision-making organisations. Challenges arise when increases are unforeseen, particularly due to constraints in our ability to easily scale the AAT's member and staffing resources in response to changes in caseload.

Membership

The AAT consists of the President and other members who may be appointed as Deputy Presidents, Senior Members and Members. They are responsible for conducting reviews and making decisions (other than in the IAA). Members are statutory office holders appointed by the Governor-General on the recommendation of the Government for terms of up to seven years. We regularly review membership needs and provide advice to Government but decisions relating to member appointments, including the number, level and location, are ultimately a matter for Government. Decisions relating to member appointments directly impact on our ability to deliver our services, particularly meeting targets for the number of finalised reviews and timeliness standards.

Resourcing

The AAT's funding arrangements comprise of an annual appropriation with an adjustable component which responds to variations in the number of cases finalised in the Migration & Refugee Division. We must manage our available financial and human resources effectively to ensure our operational areas are resourced to deal with the caseload appropriately while also undertaking strategic projects that will help us to better perform our activities in the future.

We seek to engage with relevant agencies about funding for any new areas of jurisdiction as well as in relation to existing areas of work in which changes in volume are anticipated. A funding model which allows the AAT to effectively manage workload changes in any part of our caseload would assist the AAT to achieve our purpose.

Legislative framework for the conduct of reviews

In general, the procedures that applied to the conduct of reviews in the AAT, MRT, RRT and SSAT were preserved in the amalgamated AAT. Some of these are embedded in the legislation that governs the operations of the AAT's divisions. The AAT has been trialing different approaches to seek to improve the efficiency and effectiveness of the review process within the existing framework. However, some of the procedural differences set out in legislation limit the potential for the AAT to pursue changes or fully realise the benefits of amalgamation in managing our caseload. The AAT is working with the Attorney-General's Department and other relevant agencies to explore options for further legislative harmonisation.

Stakeholders

The AAT's stakeholder environment has become more complex following the amalgamation with the MRT, RRT and SSAT and with the extension of the AAT's jurisdiction in relation to key programs such as the NDIS. The range of users and other stakeholders with an interest in the work of the AAT has expanded as has the degree of interest in relation to the AAT's decisions and operations, including by the Parliament, the media and the public. Our ability to engage effectively with our users and other stakeholders is important in developing and delivering high-quality services for our users as well as enhancing trust and confidence in the Tribunal's processes and decisions.

Expectations in relation to service delivery and technological change

Technological advances are continuing to transform the way in which services are delivered and work is performed in society. Users of the AAT have changing expectations in relation to how they want to be able to interact with us as do our members and staff in relation to how they want to be able to work. Consistent with whole-of-government requirements, we want to use technology to provide improved user-centred services and to allow members and staff to work more effectively and efficiently. Having inherited a range of legacy systems from the amalgamating tribunals and dealing with a wide range of users, there are challenges in developing and funding an integrated suite of digital services that will meet the needs of all stakeholders.

Performance

This section describes what the AAT plans to do and how success will be measured. The AAT's Annual Performance Statement for 2018–19, which will be included in our 2018–19 Annual Report, will report on the achievement of these goals.

What will the AAT do?

The AAT is a single-outcome and single-program entity as set out in the Portfolio Budget Statements.

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.

Program 1.1: The AAT provides administrative justice and contributes to improving the quality of government decision-making by reviewing administrative decisions in accordance with the *Administrative Appeals Tribunal Act 1975*.

The financial and human resources of the AAT are dedicated to delivering this outcome and program.

How will the AAT measure success?

Performance measure 1: Number of applications finalised	
Description:	The number of applications finalised each financial year.
When:	Measurement occurs annually after the end of the financial year in relation to that financial year.
Method:	Quantitative data measurement.
Rationale:	This measure is an indicator of the scale of activity undertaken by the AAT. The targets are estimates based on the AAT's past year performance, information relating to the financial and human resources that will be available and a modest anticipated increase in finalisations resulting from the introduction of greater efficiencies. The AAT's ability to meet or exceed our performance target in any given year is significantly dependent on the resources, particularly the number of members, available to deal with applications during that period.
Target:	The estimated number of finalisations for the next four financial years, as set out in the Portfolio Budget Statement for the AAT, is as follows:

	2018–19	2019–20	2020–21	2021–22
Number of applications finalised*	45,600	46,056	46,516	46,981

* These figures refer to the number of applications finalised by the AAT and do not include referrals finalised by the IAA.

Previous result:	2017–18: 40,040 (target of 44,410) 2016–17: 42,224 (target of 50,670) 2015–16: 38,146 (target of 40,669)

Performance measure 2: Proportion of applications finalised within a time standard	
Description:	The proportion of applications finalised within 12 months of lodgement each financial year.
When:	Measurement occurs annually after the end of the financial year in relation to applications finalised in that financial year.
Method:	Quantitative data measurement.

Performance measure 2: Proportion of applications finalised within a time standard

Rationale:	This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is quick.
	The AAT reviews a wide range of decisions. The time taken to finalise an application varies between the AAT's divisions and for different types of cases based on a range of factors, including the nature and complexity of the cases, differences in the procedures that apply to the review of decisions, the priority given to certain types of cases and the overall level of resources available to deal with applications. The 75% target has been derived taking into account these variations and reflects a suitable benchmark for the AAT as a whole.
Target:	In each financial year, 75% of applications are finalised within 12 months of lodgement.
Previous result:	2017–18: 77%
	2016–17: 82%
	2015–16: 80%

Performance measure 3: Number of AAT decisions published

Description:	The number of AAT decisions made during the financial year that are published.
When:	Measurement occurs annually after the end of the financial year in relation to that financial year.
Method:	Quantitative data measurement.
Rationale:	This measure is an indicator relating to the AAT providing a mechanism of review that is accessible and promotes public trust and confidence in the AAT's decision-making by making information available about our decisions.
	The AAT is authorised to publish our 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. In accordance with our decisions publication policy, the AAT generally publishes:
	– all written decisions made in the Freedom of Information, General, NDIS, Security, Taxation & Commercial, and Veterans' Appeals Divisions
	– all written decisions made in certain types of cases in the Migration & Refugee Division and proportions of written decisions made in cases in higher-volume areas of the Division's jurisdiction, and
	– a proportion of written decisions made in child support cases in the Social Services & Child Support Division.
	The target represents the estimated minimum number of written decisions the AAT expects to publish each financial year based on the number of applications expected to be finalised in that year.

Performance measure 3: Number of AAT decisions published

Target:	At least 5,000 decisions made in each financial year.
Previous result:	2017–18 as at 31 July 2018: 4,562
	2016–17: 2,506
	2015–16: 3,022

Performance measure 4: User experience rating

Description:	The average positive ratings derived from the results of a survey of parties and representatives about their experience at the AAT.
When:	Measurement occurs annually after the completion of the survey conducted during that financial year.
Method:	Quantitative data measurement. Data is collected using independently administered online surveys, invitations for which are sent to all parties and representatives involved in a case finalised within a defined period for whom the AAT has an email address or mobile telephone number. The survey asks users to rate the quality of their experience of various aspects of the review process from lodgement to finalisation and their perceptions of the process overall. The user experience rating is calculated by computing the average positive ratings (i.e. the average of 'strongly agree' and 'agree' ratings) given in responses to questions relating to the accessibility, fairness, informality and timeliness of the AAT's mechanism of review.
Rationale:	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.
	Taking the results of the survey conducted in 2017–18 as a baseline while also striving for further improvement, an average positive rating of at least 70% is considered an appropriate target for the AAT.
Target:	The user experience rating is at least 70% in each financial year.
Previous result:	Survey conducted in 2017–18: 70%

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

Description:	The number of appeals against AAT decisions allowed by the courts as a proportion of all AAT decisions that could have been appealed to the courts.
When:	Measurement occurs annually after the end of the financial year in relation to appeals allowed in that financial year against AAT decisions that could have been appealed to the courts made in the previous financial year.
Method:	Quantitative data measurement. The number of appeals allowed in the financial year is divided by the number of AAT decisions that could have been appealed to the courts made in the previous financial year.

Performance measure 5: Proportion of appeals against AAT decisions allowed by the courts	
Rationale:	This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is fair and just and that promotes public trust and confidence in the AAT's decision-making.
	The AAT must make the correct or preferable decision when reviewing a decision. The AAT's decisions may be appealed to the courts and an appeal may be allowed if the AAT has made an error of law in relation to how the review was conducted or in reaching the decision.
	This measure uses the total number of decisions that could have been appealed to the courts as the base as only a proportion of those decisions are appealed. The measure looks at the number of appeals that were allowed by the courts in the most recent financial year against the number of appealable decisions made by the AAT in the previous year as, for appeals lodged in relation to decisions made in a year, the largest proportion is finalised in the following year.
	A target of less than 5% reflects that the proportion of AAT decisions set aside for legal error should be low.
Target:	In each financial year, the number of appeals allowed is less than 5% of all AAT decisions made that could have been appealed.
Previous result:	2017–18: 3.1%
	2016–17: 3.0%
	2015–16: 3.3%

Capability

This section describes the key strategies and plans the AAT will use to achieve our purpose. They are based on the following strategic priorities:

- creating an integrated, national Tribunal
- improving how we work and maximising our use of technology
- engaging with stakeholders and building public trust and confidence, and
- building capacity and making best use of our resources.

Access to our services

The AAT strives to provide a mechanism of review that is accessible for the wide range of users and potential users of our services, including people from diverse cultural and linguistic backgrounds and people with disability. We employ various measures to assist people to apply to the AAT and participate in the review process, including making information available in different languages and a variety of formats, providing interpreters, ensuring our website meets accessibility standards, making our premises accessible for people with disability and facilitating access to external advice and assistance services.

In 2018–19 and the forward years, we will establish and progress priorities for making our services more accessible with areas of focus to include:

- access for parties in regional and remote locations
- improved information for self-represented parties, including fact sheets on the key legal and evidentiary issues in different categories of cases and information about relevant advice and assistance services, and
- learning and development for members and staff in relation to diversity and interacting with our diverse users.

Harmonisation of procedures and improved case management

The harmonisation of our procedures where practicable remains a key priority in 2018–19 and future years. While recognising that procedures must vary for the effective and efficient review of different types of decisions, harmonising areas of difference that do not serve a functional purpose will have a number of benefits, including:

- enhancing access to justice and service quality for users of the AAT
- enabling us to make the most effective use of our members and staff across divisions leading to improvements in efficiency and output, and
- reducing the complexity and associated costs of developing processes and systems to support the review process.

The AAT will continue to engage with the Attorney-General's Department and other agencies to seek changes to legislation to deal with areas of procedural inconsistency between the AAT's divisions. We will also maintain efforts to harmonise non-legislative areas of difference, ensuring best practices are identified and applied across the organisation.

The AAT will also identify and implement further improvements in the way that different types of cases are managed. Particular areas of focus include:

- enhanced case management processes such as triage and early engagement with users where appropriate, and
- national management of caseloads.

Effective and efficient case pathways and case management practices are essential for dealing with our growing caseload.

Integration of registry services

Since amalgamation, AAT members and staff dealing with reviews have largely worked within a divisional framework, reflecting arrangements in the former tribunals. As single offices have been established in each city, integrated models have been introduced for the delivery of various elements of registry services, particularly front-line contact with our users. In 2018–19 and the forward years, we will proceed with moving to more integrated registry structures that support work being undertaken across divisions.

Digital and ICT strategy

The AAT's digital strategy provides a roadmap for implementing a range of initiatives that will deliver an integrated digital operating environment for the Tribunal. These include a more intuitive and usable website, new online service and information exchange options for external users, integrated case management tools and better systems for managing information. New and more consistent online service options will increase the convenience and accessibility of the AAT's services for our users. Improved internal systems will help our members and staff to work more effectively and efficiently to deliver our services.

In 2018–19 and future years, the AAT will continue work on our digital strategy as well as our strategy for harmonising and developing our underlying ICT infrastructure. This will include developing an enterprise architecture to guide future decisions about platforms, applications and infrastructure.

Stakeholder engagement

The AAT is committed to engaging with the broad range of external stakeholders who use our services or have an interest in our work. Positive relationships with stakeholders allow us to:

- learn about, and plan for, developments that may affect the AAT
- obtain feedback on and improve our services
- develop cooperative relationships that facilitate the delivery of our services
- explain our services, requirements and priorities, and
- promote public trust and confidence in the AAT.

In 2018–19 and over the following years, we will maintain our efforts to implement a more coordinated set of stakeholder engagement arrangements. These include using a variety of mechanisms for seeking and analysing feedback from users about their experiences at the AAT as well as establishing effective liaison arrangements with all key decision-making agencies, peak bodies and other significant stakeholders. We will also progress the implementation of our public affairs strategy which seeks to improve understanding of what we do and the decisions the Tribunal makes.

Building workforce capability

The AAT's people are fundamental to the delivery of high-quality merits review. Ensuring our people have the required capabilities and can develop and apply their knowledge and skills to deliver the AAT's services effectively and efficiently is a high priority.

The AAT will proceed with initiatives identified in our workforce development plan finalised in 2016–17, including undertaking workforce capability planning and improving our recruitment practices. We will build capability and flexibility in our membership to enable members to perform work across multiple divisions where possible, including by pursuing harmonisation of member employment arrangements. With the completion of our accommodation consolidation program and the move to more integrated registry structures, we will support staff to develop their expertise and experience across the range of review types conducted within the AAT. We will also engage with and develop members and staff as technological changes alter the type of work that is undertaken and how it is managed.

The AAT will continue to implement learning and development programs based on identified training needs as well as performance management systems to support enhanced workforce capability. We will work on developing our shared vision and culture, including through improved internal communication and engagement with members and staff.

Governance and program and project management

The AAT is facing a high level of change complexity in 2018–19 and the forward years in pursuing the further harmonisation and integration of our operations, delivering our digital transformation program and managing the significant increase in our workload. A whole-of-organisation response is required to ensure organisational priorities, planning and delivery are aligned and well-executed.

The AAT will continue to review and improve our governance arrangements to support the achievement of our statutory and strategic objectives, ensuring our people are empowered to make decisions at the right level consistent with a clearly defined future state. We will further develop our integrated planning, budgeting and reporting framework, as well as our program and project management capabilities to ensure the portfolio of projects is managed effectively.

Risk oversight and management systems

The AAT is committed to managing risk effectively in accordance with the Commonwealth Risk Management Policy and other relevant standards and guidelines. We have a range of arrangements in place to ensure that risks are identified, analysed, managed and reviewed with risk practices integrated into planning and business processes. Our key risk oversight and management systems include:

- an AAT Risk Management Framework supported by the AAT-wide Risk Register and risk awareness sessions
- regular monitoring of risk issues by the AAT's senior leaders
- reviews of risk management practices and issues by our Audit and Risk Committee
- a three-year internal audit plan and regular internal audit activity
- Accountable Authority Instructions issued by the Registrar
- fraud control plan and risk assessments
- security policies, procedures and reviews, and
- business continuity and disaster recovery plans.

A range of strategic and operational risks may affect the achievement of the AAT's purpose. Areas of risk relate to our:

- caseload management and decision-making
- governance and compliance
- people
- reputation
- resource management, and
- technology.

Some examples of key risks for the AAT and how we are mitigating those risks are outlined in the following table:

Risk	Key mitigation strategies
Failure to finalise as many applications as we are receiving results in a growing backlog, delay and user dissatisfaction	- Engage regularly with Government in relation to member appointments and funding arrangements - Liaise with agencies in relation to, and plan for, future workload changes - Review our ways of working and the tools we use to improve effectiveness and efficiency

Risk	Key mitigation strategies
Failure to develop the knowledge and skills of members and staff in a changing environment leads to diminution of consistency and quality of service	- Undertake workforce development planning - Implement effective performance management frameworks and learning and development programs - Provide appropriate resources, tools and other supports for members and staff
Failure to engage with stakeholders and the community undermines trust and confidence in the AAT	- Develop and implement a comprehensive stakeholder engagement strategy. - Build internal capability around stakeholder engagement - Review and improve arrangements for explaining our role and operations, including our decisions
Failure to implement user-centred digital service offerings and ways of working does not meet Australian Government and community expectations and impedes efficiencies	- Implement the digital strategy using an agile approach - Engage with users to understand their needs in designing solutions - Build capability and capacity to deliver successful projects