

Chapter 1: The year in review

President's overview



On 1 July 2006, the Administrative Appeals Tribunal celebrated its thirtieth anniversary. As I noted in last year's Annual Report, a commemorative ceremony was held at Old Parliament House in August to mark the occasion.

While a thirtieth anniversary is significant for any organisation, it is quite an achievement for an organisation that was such a bold experiment at the time of its establishment. The Australian Parliament created a generalist merits review tribunal with jurisdiction to review a wide range of administrative decisions. The membership would consist of legally-qualified members and members with expertise in areas of the Tribunal's jurisdiction. Conferences would be conducted with the parties to explore whether a matter could be settled. Hearings would be held to determine those matters that did not settle. The Tribunal would not be bound by the rules of evidence and its procedures would be less formal than the courts.

In the Second Reading Speech on the Administrative Appeals Tribunal Bill 1975, the then Attorney-General, the Hon. Keppel Enderby stated:

The establishment of the Administrative Appeals Tribunal will be a significant milestone in the development in the administrative law of this country. It will provide an opportunity to build up a significant body of administrative law and practice of general application, as well as providing the machinery to ensure that persons are dealt with fairly and properly in their relationships with government.

The Tribunal was able to fulfil the promise of its creation to provide an accessible forum for individuals and organisations to challenge a wide range of government decisions and to improve the quality of government decision-making more generally. Its success is a testament to the vision of the members of the Commonwealth Administrative Review Committee and the Committee on

Administrative Discretions and the work of those who established, and have worked in, the Tribunal over the years.

Looking to the future, the Tribunal recognises that its ongoing value and relevance as an institution will be assured only if its review process continues to be effective and efficient, and its decisions are of the highest quality. The Tribunal has been reviewing aspects of its operations and has undertaken a range of other activities during the year under review to meet this challenge.

The Tribunal's workload is diverse. This diversity relates not only to the many different types of decisions that the Tribunal can review but also to the types of parties involved in Tribunal proceedings, the extent to which parties are represented and the types of material that it may be relevant for the Tribunal to consider. Flexibility is required to ensure that each case progresses towards resolution in the most appropriate way.

For many years, the majority of applications lodged with the Tribunal have been managed in accordance with the General Practice Direction. It has become clear that this is no longer the most appropriate means of managing the Tribunal's diverse workload. Over time, the Tribunal is conducting a review of practice and procedure in each of its major areas of jurisdiction – social security, taxation, veterans' entitlements and workers' compensation. The review of each jurisdiction will result in the publication of a guide which sets out general information about the way in which the Tribunal will manage cases in that jurisdiction. Specific requirements to be met in individual cases will be set by Conference Registrars and Tribunal members and adapted to the nature of the case.

The first part of the review focused on practice and procedure in the workers' compensation jurisdiction. The *Guide to the Workers' Compensation Jurisdiction* was published in March this year and took effect on 30 April. The Tribunal has commenced its review of the social security jurisdiction and will be releasing a draft guide for comment in 2007–08.

One of the key purposes of the jurisdictional guides is to assist parties and their representatives to understand how the Tribunal operates and what is expected of them during the review process. Effective communication with parties and their representatives is an essential aspect of ensuring that the review process operates efficiently. To this end, the Tribunal is undertaking a review of the way in which it communicates with its users generally.

The first stage of the communications review involved engaging a consultant to assess the Tribunal's existing communication strategies and information products. The consultant's report confirms that the Tribunal's general approach is sound, particularly the emphasis that the Tribunal places on personal contact with self-represented parties. The report identifies a number of ways in which the Tribunal can improve its communication with users which the Tribunal will begin implementing in 2007–08.

Since 1999, the Tribunal has received a large number of applications for review of decisions relating to taxation schemes. More than 7,000 applications were lodged between January 1999 and June 2003. The Tribunal developed a case management strategy to progress these longstanding applications, many of which had been deferred pending the outcome of test cases in the courts. I am pleased to report that almost all of these older applications have now been finalised. Applications relating to taxation schemes lodged since July 2003 have also been managed closely by the Tribunal to ensure that they move efficiently towards resolution.

One of the Tribunal's great strengths over time has been the appointment of members who have special knowledge or skills in areas of decision-making that are subject to review by the Tribunal. The Tribunal's ability to draw on this expertise contributes significantly to the quality of its decisions. It is also valuable for alternative dispute resolution processes such as neutral evaluation and case appraisal which may involve issues that require specialised knowledge.

I have been keen to increase the range of expertise available in the Tribunal and note with pleasure that a number of new members with specialist expertise were appointed during 2006–07. These include: Dr Teresa Baker, a chemist with significant experience in the pharmaceutical industry; David Connolly who has a range of relevant experience including in relation to superannuation; Stephen Frost, a taxation lawyer; Dr Tim Hawcroft, a veterinarian; Tim Jenkins, an actuary; and Peter Taylor, a barrister. Dr Kerry Breen, Professor Peter Reilly, Dr Saw Hooi Toh, Dr Robert Walters and Dr Peter Wilkins add to the Tribunal's existing expertise in medical matters. Air Vice Marshal Frank Cox (Rtd), Stuart Ellis and Warren Evans bring a range of experience to the Tribunal, particularly in military matters.

There has been a range of other membership changes during the year. We farewelled a number of expert members who had been with the Tribunal for some time: Dr Patricia Fricker, Air Marshal Barry Gration (Rtd), Brigadier Russell Lloyd (Rtd) and Dr Patrick Lynch. We also farewelled Senior Member Mary Imlach. A number of members were reappointed for further terms and I am particularly pleased to note that Margaret Carstairs, Ann Cunningham, Naida Isenberg and Dr Ken Levy were appointed during the year as Senior Members of the Tribunal.

The Tribunal benefits from the appointment of members from a range of backgrounds and with a range of skills and experience. Given that many new members have not worked in a tribunal previously and some have not worked in a legal environment, it is essential that new members are given adequate training and support over time to carry out their role effectively. Existing members also benefit from ongoing training and development. The Tribunal's professional development program for members is designed to achieve this.

During the year, the Tribunal conducted induction training for new members. A number of conferences, seminars, tutorials and other training opportunities were also organised for members. In particular, I note that two workshops were held on decision-writing, a particular focus of professional development

within the Tribunal in recent times. I am a firm advocate for decisions that provide a simple, clear explanation of the issues in dispute and their resolution. Decisions should readily explain to the parties why the particular decision has been made. Clearly written reasons for decision will also contribute to the normative effect of the Tribunal's decision-making. A further decision-writing workshop will be held in 2007–08.

Another significant event during 2006–07 was a capacity-building project that was undertaken with the Administrative Courts of Thailand. A delegation comprising senior judges from the Supreme Administrative Court and the Central Administrative Court and officials from the Office of the Administrative Courts came to Australia in February 2007. In April, a delegation comprising members and senior staff from the Tribunal and Justice Brian Tamberlin of the Federal Court visited the courts in Thailand.

A series of workshops was held to explore the Australian and Thai systems of administrative law as well as the case management processes and case management systems employed by the Tribunal, the Federal Court and the Administrative Courts of Thailand. The workshops provided a valuable opportunity for the participants to understand how the different institutions operate and to consider ways of improving their processes and systems. A presentation given to a large number of Thai judges on developments in Australia in writing reasons for decision was particularly well received. The Tribunal will seek to continue to build on the strong ties developed with the Thai courts through this project.

One aspect of the Tribunal's operations of particular interest to the Thai delegation was the Tribunal's new electronic case management system which was introduced during the course of 2006–07. The Tribunal has moved from a system which served the Tribunal well for some 20 years to a system which will be able to meet the Tribunal's needs well into the future. I would like to acknowledge the significant amount of work undertaken by Tribunal staff in developing and implementing the new system.

The Tribunal has been active in relation to a range of projects in 2006–07. It has also continued to undertake its core work: the review of a wide range of decisions on the merits. I would like to extend my thanks to the members, Conference Registrars and other staff of the Tribunal who work so hard to provide a high-quality review process for the Tribunal's users. In this way, the Tribunal continues to fulfil the promise of its establishment and provide a valuable service to the Australian community.

A handwritten signature in black ink, consisting of several loops and a long horizontal tail extending to the right.

Garry Downes

Registrar's report



2006–07 has been a very exciting year for the Tribunal with a major project coming to fruition. The Tribunal's new electronic case management system, TRaCS, was rolled out progressively in late

2006 and early 2007. This has been a huge undertaking, requiring dedicated effort from the full range of staff within the Tribunal. The system will improve the Tribunal's capacity to manage and report on its work. With time, and the addition of further modules, I am confident that TRaCS will assist us to provide a more efficient and user-friendly service than before.

Work has continued on the refurbishment of various registries. The work in Sydney and Hobart is complete. Tenders have been let for Melbourne and preliminary work is well underway for Adelaide. This work has ensured we have registry facilities that will remain in good condition for staff and users for the next 10 years.

As with any service organisation, staff members are our greatest asset. The Tribunal has an active staff training calendar which looks at both individual and group training needs. The highlight of the past year has been the biennial staff conference that was held in Melbourne in October 2006. The conference provided an opportunity for registry staff from across the country to meet and receive training on common areas of need. I thank the conference committee for its work on the content and organisation of a very successful conference.

2007–08 marks the beginning of a new broad-banding structure for staff that was agreed to in the agency agreement that commenced in July 2006. This new structure allows for better recognition of skills and work actually undertaken within registries. It removes some artificial barriers to advancement and ensures a consistent basis for grading of staff across Australia. In a similar vein, the recommendations of the staffing review have been implemented with a common registry structure now in place. This structure will allow

more flexibility in the transfer of staff within the Tribunal and a capacity to deal with short-term vacancies by placing staff from other registries in vacant positions.

Another notable initiative carried out during the reporting period was the Work Organisation Review. The review was undertaken by a group comprising staff members from every registry who perform a range of different roles from District Registrar to Case Service Officer. The group visited every registry and collected information about the Tribunal's processes and procedures. The group's report identified inconsistent practices, highlighted areas of best practice and made recommendations for change. The quality of the report is a testament to the talent and dedication of the group members. Their efforts were formally recognised with an Australia Day Medallion in January 2007.

This year has seen the departure of a number of long-serving staff who have made a large contribution to the Tribunal over the years. In particular, I would like to thank Chris Shead, Manager Corporate Services, and Jill Patterson, Personal Assistant to the Registrar and Assistant Registrar, for their contribution to the Tribunal and wish them well in the future.

I am pleased that the Tribunal has been able to continue with its Indigenous employment program by recruiting a further trainee in the Queensland Registry. Trainees have an opportunity to study at TAFE while working at the Tribunal. This program thus offers not only a training opportunity but also relevant job experience, increasing the opportunity to secure long-term employment in the clerical area.

A handwritten signature in black ink that reads "Doug Humphreys". The signature is written in a cursive, flowing style.

Doug Humphreys

Chart 1.1 Administrative Appeals Tribunal 2006–07 Organisational Plan and Statement of Achievements

Our Vision		Our Mission		Our Values	
To improve the quality of administrative decision-making through the provision of a review mechanism that is fair, just, economical, informal and quick.		To deliver high-quality independent merits review of administrative decisions in a timely fashion using alternative dispute resolution processes where appropriate.		Integrity Professionalism Efficiency Accessibility Independence	
Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR USERS	To provide a high quality national merits review process that contributes to community confidence in a system of open and accountable government.	<ul style="list-style-type: none"> Continue to review case management practices and procedures. Full use of ADR powers. Seek and respond appropriately to feedback from users. Ensure Tribunal information products meet user expectations. 	<ul style="list-style-type: none"> Commence consultation on revised case management procedures in social security matters. Conduct information sessions on new ADR process models and referral guidelines. Conduct regular liaison meetings. Develop a comprehensive communication strategy for the Tribunal. 	<ul style="list-style-type: none"> Australians have equitable access to fair, just, economical, informal and quick merits review. Processes are monitored and improved, in response to user comments. New workers' compensation guidelines implemented. 	<ul style="list-style-type: none"> Guide to the Workers' Compensation Jurisdiction released in March 2007. Draft Guide to the Social Security Jurisdiction circulated to Tribunal members and staff for comment. Draft to be circulated to external stakeholders for comment in 2007–08. Information sessions on new ADR process models and referral guidelines conducted in all registries. Liaison meetings held. Review of communications strategies and products undertaken by external consultant. Implementation of recommendations to commence in 2007–08.

Chart 1.1 Administrative Appeals Tribunal 2006–07 Organisational Plan and Statement of Achievements (continued)

Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR PEOPLE	To maintain professional standards and a positive, safe and productive workplace that values diversity.	<ul style="list-style-type: none"> Maintain occupational health and safety practices. Ensure appropriate staffing and terms and conditions of employment of staff. Maintain and promote employment diversity strategies. Provide and support enhanced learning and development opportunities for members and staff. 	<ul style="list-style-type: none"> Reduce workplace injuries in 2006–07. Implement staffing review findings. Continue Indigenous program. Provide training for EEO/Diversity Committee. Explore Certificate IV for staff. Continue succession planning for key positions. Maintain ongoing learning and development program. Implement professional development program for members. Develop induction program for staff. Hold biennial national staff conference. Conduct staff training needs analysis. 	<ul style="list-style-type: none"> Appropriate workplace policies in all areas. We have a healthy and safe working environment. Members and staff have the skills, knowledge and commitment to deliver high quality services. Increase in ATSI employee numbers. Tribunal has appropriate staffing and structure to deliver efficient and effective services. 	<ul style="list-style-type: none"> Staffing review findings implemented. New Indigenous trainee commenced in Brisbane. Training undertaken by Workplace Diversity Committee. Certificate IV course in training and assessment undertaken by a number of staff. Succession planning continued with attention given to providing opportunities for staff to act in more senior positions. Learning and development plan for staff implemented. Professional development program for members implemented. Work commenced on revised induction program incorporating materials developed by the Australian Public Service Commission. Biennial staff conference held. Staff training needs analysis completed.

Chart 1.1 Administrative Appeals Tribunal 2006–07 Organisational Plan and Statement of Achievements (continued)

Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR ORGANISATION	To be an organisation with systems and processes that maximise effective and efficient use of Tribunal resources.	<ul style="list-style-type: none"> - Review accommodation facilities in order to meet Tribunal current and future needs. - Improve IT systems. - Improve resources management. - Minimise exposure to system or other risks, fire or natural disaster. 	<ul style="list-style-type: none"> - Sydney, Melbourne, Adelaide and Canberra accommodation refurbishment completed or underway. - Implement new case management system: TRaCS. - Continue work towards accreditation of compliance with ACSI 33 standards. - Investigate options for HR/Finance systems. - Complete risk assessment process. 	<ul style="list-style-type: none"> - Accommodation and facilities meet user needs. - Planning and organisational decisions are based on timely and accurate information. - IT and other systems and processes allow staff to work more efficiently and provide high quality service. - Business continuity plans in place covering known risks. 	<ul style="list-style-type: none"> - Sydney refurbishment complete. - Canberra refurbishment substantially complete. - Tender let for refurbishment in Melbourne. - Preliminary work undertaken in relation to refurbishment in Adelaide. - TRaCS implemented. - Investigations in relation to Human Resources/ Finance systems underway. - Work undertaken on risk assessment review.

Chart 1.1 Administrative Appeals Tribunal 2006–07 Organisational Plan and Statement of Achievements (continued)

Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR PARTNERS	To co-operate with government, other tribunals, the legal profession and other interested groups.	<ul style="list-style-type: none"> - Develop and enhance our links with government, other tribunals and our partners in administrative review. - Develop links with universities and law education providers. - Increase Tribunal participation in community and continuing legal education. 	<ul style="list-style-type: none"> - Participate fully and provide expert advice to government and legal forums relevant to the work of the Tribunal. - Pursue resource-sharing arrangements with courts and tribunals. - Continue expanded Tribunal moot competition. - Participate in training and convention opportunities for users in administrative law, Tribunal practice and procedure. - Identify and pursue additional opportunities to participate in community education activities. 	<ul style="list-style-type: none"> - Legislators and policy makers value the Tribunal's expertise on matters of administrative review. - Better understanding of the Tribunal and its role in the administrative decision-making process. - Government and other tribunals view the Tribunal as a centre of excellence in administrative review. 	<ul style="list-style-type: none"> - Information provided and submissions made in relation to issues and proposals that affect the Tribunal. - Tribunal members and staff participated in activities of the Council of Australasian Tribunals. - Resource sharing arrangements continued. - Planning commenced for moot competition to be conducted in August/September 2007. - Tribunal members and staff participated in a range of conferences, seminars and training activities. - Capacity-building project undertaken with the Administrative Courts of Thailand.

