



CHAPTER 1

THE YEAR IN REVIEW



PRESIDENT'S OVERVIEW



Justice Downes

The Tribunal has had a constructive year, focusing on improving the quality and accessibility of its services while planning its future direction.

The Tribunal continues to review its case management practices to ensure that

it is offering high quality merits review in reasonable time. A number of initiatives were implemented this year aimed at assisting the Tribunal to manage its caseload better. These included regular reporting on the age of cases, systematic review of older cases and a specific review of case management in the workers' compensation jurisdiction. These efforts are proving effective, with an improvement in the proportion of cases finalised within the Tribunal's time standard in 2010-11. This work will continue in 2011-12, with a particular focus on the management of matters in the Tribunal's tax jurisdiction.

A key to the delivery of high quality services is the knowledge and skill of members and staff. Regional professional development conferences for members, conference registrars and district registrars were held in March, April and May 2011. A range of topics of national and regional significance were covered at each conference. I delivered a paper on statutory interpretation, one of the core tasks of members and professional staff, at the conferences. The conferences successfully brought together members and registrars, enabling productive discussion of strategic planning and case management.

The conferences form part of the comprehensive Members' Professional Development Program that the Tribunal implemented in 2006; a program that has become a model for similar programs in other tribunals around the country. The program continues to evolve under the auspices of the Tribunal's Professional Development Committee. The second edition of the *Members' Professional Development Handbook*, which will be published shortly,

incorporates amendments arising from a formal evaluation of the program that was undertaken during 2010-11.

This year the Tribunal has also undertaken significant work on developing a professional development program for conference registrars. Conference registrars manage the bulk of cases during the pre-hearing process, conducting the majority of the Tribunal's alternative dispute resolution processes. A meeting for conference registrars was held in Sydney in June 2011, to enable them to finalise the program. It comprises a framework of competencies, induction and mentoring programs, tools for reflective learning and peer review and appraisal systems. The program will be published shortly in the form of a *Conference Registrars' Professional Development Handbook*. It will help to ensure that the work of the conference registrars is done to a consistently high standard.

Completing a trilogy of handbooks designed to assist members and staff in their work, the Tribunal *Practice Manual* was completed and published this financial year. It provides a readily accessible overview of the law and practice in relation to the review process generally and the Tribunal's main jurisdictions. It complements the range of resources made available through the Tribunal's library that keeps members and staff up-to-date on the law to be applied by the Tribunal.

The Tribunal has developed a new three-year strategic plan, a process overseen by its new Registrar, Philip Kellow, in consultation with members and staff. The plan, which was finalised in August 2011, sets out the Tribunal's vision, mission and values, longer term goals and objectives, strategies and specific outcomes that will be used to evaluate progress made in implementing its goals and objectives. It has been informed by the recommendations of the review of the functions and workload of Tribunal staff conducted by Bendelta Pty Ltd in 2010, a number of which were implemented during the financial year.

The Tribunal also developed an eServices strategy, which will result in the implementation of online service and information delivery, including electronic document lodgement and the capacity to access information about Tribunal cases online. Fortunately, the Tribunal's case management system provides a solid foundation upon which to deliver these services.

The Tribunal continued to be an active member of the Council of Australasian Tribunals and to participate in the meetings of the Commonwealth Heads of Tribunals and Commonwealth Registrars of Tribunals. These meetings provide a valuable opportunity to discuss issues of mutual interest including the processes for the appointment and professional development of members and the opportunities for further sharing knowledge and services. During the year I also met with the heads of various Commonwealth agencies to discuss workload trends and the Tribunal's initiatives to further improve the quality and timeliness of its processes.

In January 2011 the Administrative Appeals Tribunal Act was amended to give the Tribunal jurisdiction to review decisions made in the exercise of powers conferred by Norfolk Island enactments that are specified by regulation. While details of this new jurisdiction are being finalised by the Government, the Tribunal has commenced discussions with the Norfolk Island government to put in place arrangements for the provision of registry services to the Island and the delivery of information sessions to Norfolk Island decision makers and the local community about the role and operation of the Tribunal.

A number of long-standing Tribunal members retired this financial year. I would like to record my personal thanks to Deputy President Graham McDonald, Senior Member Margaret Carstairs and Dr John Campbell for their outstanding contribution to the Tribunal over many years. I also thank Justices Spender and Barry, Mr D Connolly AM, Mr S Ellis AM, Dr E Eriksen and Dr M Miller AO, whose appointments ended during the reporting year.

There were a number of new appointments to the Tribunal during 2010–11. Justices Mansfield, Kenny, Middleton, Logan, Jagot and Barker of the Federal Court of Australia were appointed as presidential members. James Constance, previously a Senior Member in the ACT, was appointed as a full-time Deputy President in Victoria. The Tribunal also welcomed the appointment of two new medical members, Professor D Ben-Tovim and Dr B Hughson.

The following judicial members were re-appointed during the course of the year: Justices Benjamin, Bennett, Dawe, Edmonds, Finn, Greenwood, Lander, Mushin and Siopis. Other re-appointments include Deputy Presidents Block, Hack, Jarvis and Nicholson; Senior Members Cunningham, Isenberg and Taylor; and Members Dr Breen, Air Vice-Marshal Cox, Dr Denovan, Dr Hawcroft, Mr Jenkins, Professor Reilly, Dr Schafer, Dr Toh, Dr Walters and Dr Wilkins. Senior Member Allen, who had been a full-time Senior Member in Sydney, was re-appointed on a part-time basis.

I would like to thank all members and staff of the Tribunal for their contribution to maintaining the high quality of its services. I am looking forward to another productive year as the Tribunal pursues the goals and objectives set out in its strategic plan.

REGISTRAR'S REPORT

The past year has been a productive one in which the Tribunal continued to reduce the number of pending cases and the time it takes to resolve the matters that come before it, undertook two major planning exercises and implemented a range of initiatives to enhance its operations.

During the reporting year the Tribunal again finalised more matters than were lodged, resulting in 3,858 current cases at 30 June 2011 compared to 4,532 cases at the same time last year. There was also a significant improvement in the time to resolve applications, with 72 percent of matters finalised within 12 months of the date of lodgement, compared to 63 percent in the previous year. More information about the Tribunal's workload is set out in Chapter 3 and Appendix 3 of this report.

In late 2010 the Tribunal commenced an extensive planning process which resulted in a new strategic plan that will guide management and operational decisions in relation to priority setting, resource allocation and performance monitoring processes over the next three years. The plan was developed having regard to the views of all members and staff, and incorporates the recommendations of the 2010 review of registry workload and functions. The Tribunal also adopted an eServices Strategy Report that will guide it to a suite of integrated online services, including an electronic lodgement system and an online search facility.

The Tribunal continued to provide registry and other services to several federal tribunals and other bodies. In June 2011 the Tribunal entered an agreement with the Independent Protection Assessment Office to provide meeting rooms and related facilities to its reviewers.

The implementation of the new finance and human resources systems was completed during the reporting year, as was the roll out of new computers, printers and operating system. A working party with staff drawn from across the Tribunal oversaw the development

of policies and the necessary technologies to increase the use of emails as a primary means of communicating with parties and their representatives, and the implementation of a SMS notification system whereby self-represented parties are sent a reminder of upcoming alternative dispute resolution processes or hearings via their mobile phones.

A comprehensive review of library materials and services has recommended changes to the nature and extent of the Tribunal's library collection, including a greater emphasis on online resources, and identified other areas in which the management and delivery of library and information services may be further enhanced. This work will continue in 2011–12. The Tribunal's website was given a new look and structure that improves its usability and satisfies the requirements of the new Information Publication Scheme.

The Tribunal maintained its commitment to providing high quality training and resources to its members, officers and staff. Key activities in this area included an evaluation of the Members' Professional Development Program, the development of a Conference Registrars' Professional Development Program, the conduct of regional conferences and the publication of a Practice Manual.

As in previous years, during 2010–11 there were changes in the membership and staff of the Tribunal. I would like to record my thanks for the contributions made by those members and staff whose time at the Tribunal came to an end during this period, and to welcome the members and staff who have joined us. The President's Overview sets out some of the membership changes. There were also some significant staff movements, including the departure of the Principal Librarian, Jan Corey, and the appointment of Lee Cross as the District Registrar in Brisbane and of Angela Dall'Est, James Barden and Allan Teves as Deputy District Registrars in Melbourne, Brisbane and Sydney respectively.

Finally, I would like to thank the President, members and staff for the warm welcome and support they have given to me since I started at the Tribunal in July 2010.

HIGHLIGHTS AND ACHIEVEMENTS

Better case management

- Received 5,437 applications.
- Finalised 6,177 matters (79% other than by a decision following a hearing).
- Finalised 72% of matters within 12 months of the date of lodgement, and 85% were finalised within 18 months.
- Reduced the number of cases pending at year end by 15% to 3,858.
- Reduced the number of cases over 18 months old from 955 to 566 at year end.
- Introduced regular reviews of matters taking longer than expected and actively managed them to finalisation.
- Settled on new procedures for improving the disposition time for matters in the Tribunal's compensation jurisdiction.

Planning for the future

- Developed the Tribunal's Strategic Plan 2011–14.
- Negotiated a new agency agreement.
- Held four regional conferences for the professional development of members and registrars.
- Conducted workshops on legal editing and project management.
- Improved the Members' Professional Development Program.
- Developed the Conference Registrars' Professional Development Program.
- Published a new *AAT Practice Manual*.

Easier access to the Tribunal

- Developed and adopted an eServices Strategy as a first step along the road to a range of electronic services such as eLodgement.
- Introduced email and SMS notification systems for improved communications with parties and their representatives.
- Revamped the Tribunal website to improve usability and comply with the Information Publication Scheme.

Supporting the Tribunal

- Updated computers, printers and operating system.
- Upgraded servers and PABX system.
- Completed implementation of new finance and human resources systems.
- Reviewed library materials and services to identify enhancements and place greater emphasis on online resources.

Cooperation

- Entered a new service agreement with the Independent Protection Assessment Office to provide meeting rooms and related facilities.
- Continued service arrangements with the Migration Review Tribunal/Refugee Review Tribunal, Veterans Review Board, National Native Title Tribunal and Federal Court.

