



Administrative
Appeals
Tribunal

Disability Action Plan

2008 – 2011

Administrative Appeals Tribunal

Disability Action Plan 2008 – 2011

Introduction

The Australian Government is committed to achieving an Australian society in which people with a disability can live, work and participate as valued and equal citizens.

The Administrative Appeals Tribunal (AAT) supports this vision and this plan sets out its commitment and approach to raising awareness and increasing access and opportunities for people with a disability in accordance with the *Disability Discrimination Act 1992* and *Commonwealth Disability Strategy 2000*.

This Disability Action Plan 2008 – 2011 builds on and represents our commitment to the principles of workplace diversity and equality of access by ensuring, as far as possible, that discrimination on the grounds of disability is eliminated from our workplace practices, employment and communication with our stakeholders. It provides a mechanism for coordinating the AAT's efforts to meet its responsibilities under the Commonwealth Disability Strategy regarding equity, inclusion, participation, access and, in particular, accountability.

A Disability Action Plan also provides a mechanism for ensuring that in all areas of employment practice and recruitment the Tribunal meets its obligations towards employees and prospective employees who have a disability.

AAT's functions and responsibilities

The AAT was established by the *Administrative Appeals Tribunal Act 1975* (AAT Act) and commenced operations on 1 July 1976. The AAT falls within the portfolio of the Attorney-General. The AAT Act and the *Administrative Appeals Tribunal Regulations 1976* (AAT Regulations) set out the Tribunal's powers, functions and procedures.

The AAT reviews on the merits a broad range of administrative decisions made by Commonwealth (and, in limited circumstances State) Government ministers and officials, authorities; and other tribunals. The AAT aims to provide fair, impartial, high quality and prompt review with as little formality and technicality as possible. Individuals, organisations and government agencies use the services of the AAT.

The AAT offers a diverse workplace, which appreciates and promotes the contributions of employees.

The Disability Legislative Framework

The *Disability Discrimination Act 1992* (DDA) came into effect on 1 March 1993. Its purpose is to make discrimination on the basis of disability unlawful, and to ensure that people with a disability have the same fundamental rights as all members of the community, and equal opportunity to have access to, and participate in, community life.

The DDA defines disability as:

- the total or partial loss of a person's bodily or mental functions or
- the total or partial loss of a part of the body or
- the presence in the body of organisms causing, or capable of causing, disease or illness or
- the malfunction, malformations or disfigurement of a part of the person's body or
- disorder or malfunction that results in the person learning differently from a person without a disability or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement, or results in disturbed behaviour.

and includes a disability that:

- presently exists or
- previously existed but no longer exists or
- may exist in the future or
- is imputed to a person.

Disability discrimination is defined as less favourable treatment against a person because of a disability, or the disability of a relative or associate. It identifies two broad types of discrimination:

- **Direct** discrimination which occurs when an individual is treated less favourably because of their disability.
- **Indirect discrimination** which is treatment that appears neutral at face value, but disadvantages a person with a disability and is not reasonable. Indirect discrimination includes not recognising that changes or adjustments may have to be made for a person with a

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disability, or having conditions or requirements which disadvantage people with a disability

The *Commonwealth Disability Strategy 2000* (CDS) supports the intentions of the DDA. It provides the framework for Australian Government departments and agencies to meet their obligations under the Act by:

- providing information in accessible formats
- employing people with disabilities
- purchasing accessible services
- recognising people with disabilities as consumers of services
- consulting with people with disabilities to find out what they need

The Disability Action Plan 2008–2011 is based on the following broad principles as set out in the CDS.

- **Equity:** people with disabilities have the right to participate in all aspects of the community including the opportunity to contribute to its social, political, economic and cultural life.
- **Inclusion:** all mainstream Australian Government programs, services and facilities should be available to people with disabilities. The requirements of people with disabilities should be taken into account at all stages in the development and delivery of these programs and services.
- **Participation:** people with disabilities have the right to participate on an equal basis in all decision-making processes that affect their lives.
- **Access:** people with disabilities should have access to information in appropriate formats about the programs and services they use.
- **Accountability:** all areas of Australian Government organisations should be clearly accountable for the provision of access to their programs, facilities and services for people with disabilities. Accountability includes specifying the outcomes to be achieved, establishing performance indicators and linking reporting on outcomes of the CDS to mainstream reporting mechanisms.

The CDS identifies five key roles performed by Australian Government agencies defined as follows:

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- **Policy Adviser:** responsible for strategic planning and formulating new initiatives and/or revisions to current Government programs and services.
- **Regulator:** develop and implement regulations in direct response to Government policy or legislation.
- **Purchaser:** establish purchasing guidelines and/or purchase equipment and services.
- **Provider:** deliver services they have been contracted to provide under specified conditions.
- **Employer:** provides employment and ensures workplace procedures and practices support equitable working conditions for employees.

The roles of **Employer** and **Provider** are applicable to the business and core activities of the AAT. For example:

- The AAT employs approximately 162 Australian Public Service staff plus 17 full time Members and approximately 60 part time members as at June 2010
- The AAT provides a service that reviews, on the merits, a broad range of administrative decisions made by Commonwealth (and, in limited circumstances, State) Government ministers and officials, authorities and other tribunals,

AAT's Disability Action Plan

The AAT's Disability Action Plan details our strategies and performance indicators in relation to each of these roles and the functional areas with primary responsibility for ensuring these are met. It should be noted that all AAT employees share responsibility for being proactive in eliminating barriers for people with disabilities.

The Plan's objectives are as follows.

- To maximise the accessibility of the AAT's products and services for people with a disability, and to enable people with a disability to effectively participate in AAT processes. The Plan is designed to ensure that the AAT's key outcomes are delivered in a manner that takes into account the needs of people with a disability wherever possible.

To ensure that the AAT is accessible as a workplace, affording equal opportunity for staff members (and prospective staff members) with a disability. It seeks to

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ensure that processes for recruitment and promotion, as well as workplace conditions, allow equal opportunity for people with a disability.

- To ensure that people with a disability have equal opportunity to participate in and benefit from the AAT's programmes and services.
- To ensure that communication to all our stakeholders, including those with a range of disabilities is appropriate and effective.
- To ensure that all AAT employees, including those who suffer from a disability, have the opportunity to effectively contribute their skills and full potential to the workforce.

To meet the second objective, this Disability Action Plan will complement the AAT's Workplace Diversity Plan, which identifies people with a disability as one of the target groups and includes provision for the removal of physical and cultural barriers in the recruitment process, merit based selection; and making the necessary equipment available so all employees can participate in the workplace.

Roles and Responsibilities

Workplace Diversity and Workplace Harassment Contact Officer

The Workplace Diversity Contact Officer assists the Workplace Diversity Committee in its work. It is his or her role to promote diversity principles and practices in each of the District Registries and to ensure that members and staff adhere to the principles of EEO and diversity. He or she should also gain an understanding of the workplace diversity needs of Tribunal staff and help all staff to be aware of workplace diversity issues.

Workplace Diversity Committee

The Workplace Diversity Committee consists of staff representatives from each Registry and where possible a representative of Tribunal Members. Its role is to assist the Registrar by providing input to significant decisions and in determining those strategies that will most effectively position the Tribunal to achieve its outcomes now and into the future.

The responsibilities of Workplace Diversity Committee include:

- Overseeing the development, implementation, monitoring, review and evaluation of the Tribunal's Disability Action Plan; and
- Actively supporting and encouraging disability access and workplace diversity in the Tribunal.

Managers and Team Leaders

In accordance with the Australian Public Service (APS) Code of Conduct, Values and other legislation, all managers and supervisors must:

- Treat all employees and prospective employees fairly and with respect and select employees on the basis of merit.

Encourage the delivery of services in a manner that is as accessible as possible for people with disability.

Members

Members should encourage a work environment that is conducive to the acceptance and implementation of workplace diversity principles and practice, including the promotion of non-discrimination on the grounds of disability.

All employees

All Tribunal employees must act in accordance with the APS Values and Code of Conduct. This means employees must treat everyone with respect and courtesy, without discrimination and to strive to provide Tribunal services in a manner that will not disadvantage people with a disability.

[Links to other policies and planning documents](#)

This plan is linked to a number of Tribunal policies and planning documents. These documents reinforce the Tribunal's commitment to providing a supportive employment environment and to ensuring equality of access to information and services. These documents are the:

- Organisational Plan of the AAT
- AAT Service Charter
- Workplace Diversity Plan
- Prevention and Elimination of Workplace Harassment (Personnel Direction No 24)
- Health and Safety Management Arrangements
- Employee Assistance Program (Personnel Direction No 16)
- Procedure for Breaches of the Code of Conduct (Personnel Direction No 14)
- Reconciliation Action Plan

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Also relevant are the following documents from the Australian Public Service Commission:

- APS Values and APS Code of Conduct
- APS Values and Code of Conduct in practice
- Guidelines on Workplace Diversity
- Management Advisory Committee (MAC) report - Employment of people with disability in the APS
- Ability at work: Tapping the talent of people with disability

Access-Friendly Initiatives

The Tribunal has implemented initiatives that provide easier access for people with a disability. These initiatives include:

- Providing large print versions of Tribunal information brochures;
- Providing the “Getting Decisions Right” DVD in subtitles and various languages;
- Installing hearing induction loops in Tribunal conference rooms, hearing rooms and at most registry counters;
- Promoting the AAT’s Service Charter, which sets out its commitments in relation to the provision of services;
- Promoting the Reasonable Adjustment Personnel Direction No 9 (adjustments to the workplace and workplace practices to accommodate the needs of people with a disability);
- Providing an Employee Assistance Program (see Personnel Direction No 16) for all employees and their immediate families; and
- Developing, implementing and promoting a Workplace Diversity Plan.

Reporting & Review

The Human Resources section, on behalf of the AAT, will report on progress and development and will contribute to the Australian Public Service Commission (APSC) State of the Service Report and the AAT’s Annual Report.

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The AAT Disability Action Plan 2008-2011 will be reviewed in three years to identify areas for improvement and to ensure that the Tribunal is continuing to apply the principles and spirit of the *Disability Discrimination Act 1992* and the *Commonwealth Disability Strategy 2000*.

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The Administrative Appeals Tribunal as an Employer

The AAT aims to provide a workplace which values skills and diversity of all employees and which address the needs of employees with a disability.

Performance Indicator	Performance Measure	Measurement	Reporting Mechanism	Primary Responsibility
1. AAT employment policies, procedures and practices comply with the requirements of the <i>Disability Discrimination Act 1992</i> .	All employment policies and guidelines are available to employees and potential employees. All policies and guidelines meet the requirements of the <i>Disability Discrimination Act 1992</i> and the needs of people with disabilities.	Review of all policies and guidelines every two years.	APSC State of the Service Report	Human Resources Manager. Health and Safety Committee
2. Employees have access to Disability Action Plan.	AAT Disability Action Plan and links to relevant legislation is available from AAT Intranet.	Employees aware of the AAT Disability Action Plan.	APSC State of the Service Report	Human Resources

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Performance Indicator	Performance Measure	Measurement	Reporting Mechanism	Primary Responsibility
<p>3. Recruitment information for job applicants is available in accessible formats on request.</p>	<p>Recruitment information requested can be provided in alternative formats: e.g. large print, electronic, internet & telephone services.</p> <p>Recruitment information requested can be provided in:</p> <ul style="list-style-type: none"> • accessible electronic formats: and • accessible formats other than electronic. <p>and</p> <p>Time taken to provide accessible information in</p> <ul style="list-style-type: none"> • Accessible electronic formats: and • Accessible formats other than electronic. 	<p>Annual sampling of recruitment information.</p>	<p>APSC State of the Service Report</p>	<p>Human Resources</p>
<p>4. Agency recruiters, staff selection committees, delegates and managers apply the principle of reasonable adjustment.</p>	<p>Staff selection committees, delegates, managers and recruitment agencies used by the AAT provided with information on the principles of 'reasonable adjustment'.</p>	<p>Annual sampling of 'reasonable adjustment' applied in selection processes.</p>	<p>APSC State of the Service Report</p>	<p>Human Resources District Registrars and Principal Registry Managers</p>

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Performance Indicator	Performance Measure	Measurement	Reporting Mechanism	Primary Responsibility
5. Principles of 'reasonable adjustment' are applied in the workplace.	All managers are aware of and apply the principles of 'reasonable adjustment' within the workplace for employees with disabilities.	Annual review of grievances/ complaints	APSC State of the Service Report	Human Resources All District Registrars and Principal Registry Managers Health and Safety Committee
6. Training and development programs consider the needs of people with a disability.	In-house training incorporates information on people with disabilities where relevant.	Annual sample of in-house learning and development programs	APSC State of the Service Report	Human Resources District Registrars and Principal Registry Managers Learning and Development Officer and or Person responsible for organising training
7. AAT's culture reflects the diversity in the workplace.	Diversity is promoted to employees through agency publications.	Annual review of SAP to assess data collected on people with disabilities. Sample of AAT internal information material reviewed every two years.	APSC State of the Service Report	Human Resources District Registrars and Principal Registry Managers Health and Safety Committee
8. AAT has a complaint/ grievance (review of action) process, that includes access to external mechanisms.	Established complaints/grievance (review of action) mechanisms, including access to external counselling are in operation.	Annual Assessment	APSC State of the Service Report	Human Resources

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Performance Indicator	Performance Measure	Measurement	Reporting Mechanism	Primary Responsibility
<p>9. AAT people with a disability have access to technology that considers their needs when designing and/or upgrading information technology systems.</p>	<p>The AAT will provide specialised equipment (adaptive technologies) where possible to people with a disability.</p> <p>Ongoing assessment of alternative adaptive technologies and their compatibility with the AAT systems environment will be undertaken to ensure that the best products are available to employees with disabilities.</p>	<p>People with disabilities are provided with, and are using, adaptive technologies.</p> <p>Any new adaptive technologies reported on during the annual reporting period.</p>	<p>APSC State of the Service Report</p>	<p>District Registrars and Principal Registry Managers</p>
<p>10. AAT people with disabilities have access to information.</p>	<p>Wherever possible internal documentation is available electronically and in accessible formats.</p>	<p>Sample of homepages and documentation available on the intranet.</p>	<p>APSC State of the Service Report</p>	<p>Principal Registry Managers</p>
<p>11. The AAT will ensure that all work places will be accessible to people with disabilities.</p>	<p>All AAT Registries comply with relevant statutory requirements and provide equality of access.</p> <p>People with property management responsibilities to have up-to-date information on accommodation standards, including those which impact on people with a disability.</p>	<p>Annual review of the AAT's property data.</p>	<p>APSC State of the Service Report</p>	<p>District Registrars and Principal Registry Managers</p>

The Administrative Appeals Tribunal as a Provider of Services

The AAT provides independent review of a wide range of administrative decisions made by the Australian government and some non-government bodies. It aims to provide fair, impartial, high quality and prompt review with as little formality and technicality as possible. Both individuals and government agencies use the services of the AAT.

Performance Indicator	Performance Measure	Measurement	Reporting Mechanism	Primary Responsibility
1. Established quality assurance systems are in place which take into account the needs of people with a disability.	Evidence of quality assurance systems in operation (i.e. customer surveys, complaints process).	Review of quality assurance systems every two years.	Service Charter	Registrar, Assistant Registrar and District Registrars
2. The AAT's Service Charter adequately reflects the needs of people with a disability.	The Service Charter adequately reflects the needs of people with disabilities.	Review of the AAT's Service Charter every two years.	APSC State of the Service Report.	Registrar, Assistant Registrar and District Registrars
3. Internal and external complaint and grievance mechanisms are accessible to people with a disability.	People with a disability can access internal and external complaint and grievance mechanisms.	Assessment of mechanisms in operation.	Service Charter	Registrar, Assistant Registrar and District Registrars
4. Consultation with people with disabilities when developing policies, procedures and practices which impact directly on their access to the Tribunal.	Provide evidence that consultation has been undertaken with key stakeholders.	Assessment of consultation processes are in place.	Service Charter	Registrar, Assistant Registrar and District Registrars

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Performance Indicator	Performance Measure	Measurement	Reporting Mechanism	Primary Responsibility
5. Promote the services of the AAT to people with disabilities.	The AAT's services are promoted to people with disabilities through a variety of forums.	Assessment of the information provided to people with disabilities	Service Charter	Tribunal employees as well as Members.
6. Information is available to people with disabilities in accessible formats.	Mechanisms in place to provide people with disabilities equal access to information about the AAT's services.	Assessment of mechanisms is in place.	Service Charter	Tribunal employees as well as Members.
7. People with a disability have equal access to new information technology developed by the AAT for use of parties.	Evidence that people with a disability are consulted when designing or upgrading information technology systems.	Information technology systems are accessible to people with a disability.	Service Charter	Principal Registry Managers, Registry Staff and Members
8. People with a disability have equal access to information on the AAT's website.	People with a disability can access information on the AAT's website. If this is not technically feasible, then the extent to which an accessible alternative is provided.	Site compliant with the Commonwealth Government Accessibility standards for web and online content.	APSC State of the Service Report	Principal Registry Managers, Library, Registry Staff