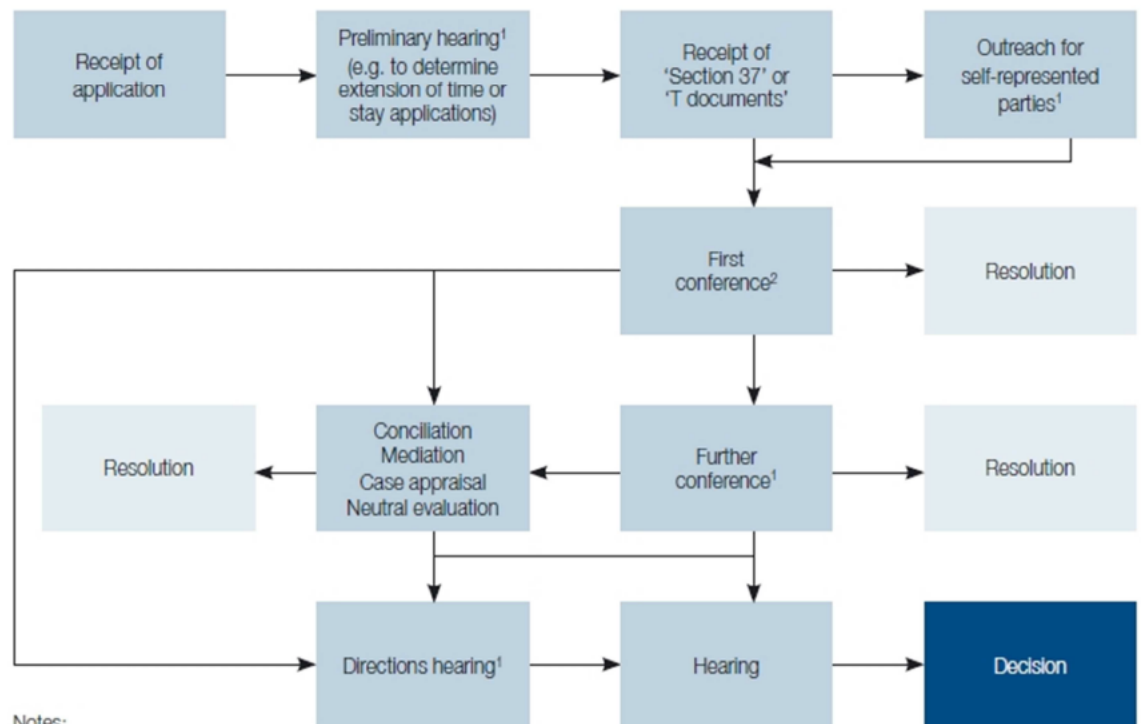


The application process

A summary of the steps in an application

The flow chart outlines how most applications to the AAT will be managed, from receipt of application to resolution. Each stage in the flow chart is summarised below.



Notes:

1. Where necessary
2. Explore possibility of using other ADR process

Receipt of application

After an application is lodged, the Tribunal will notify the person who applied (the Applicant) and the person or agency who made the decision (the decision-maker or Respondent) that the application has been received and provide information about what happens next.

Preliminary hearing

A preliminary hearing may be held if there are issues that must be resolved before the application can be considered by the Tribunal. Such issues include jurisdiction (whether the Tribunal is empowered to review the application) and extension of time (whether the Tribunal will consider an application lodged outside the time limit).

Where it appears that the Tribunal does not have jurisdiction to review a decision, the Tribunal writes to the Applicant asking the person to show that the decision is reviewable. If the Applicant does not respond or is unable to show that the Tribunal has

jurisdiction, the Tribunal may dismiss the application. The Respondent may also ask the Tribunal to dismiss the application on the basis that the decision is not reviewable. A Tribunal member may hold a preliminary hearing and ask for submissions from the parties on whether or not the application should be dismissed.

The Applicant must lodge an application to extend the time for making an application for review of a decision if the application has been lodged outside the time limit. The Tribunal may advise the Applicant that the application is "out of time". The Tribunal's power to extend time may be limited by the legislation under which the decision in dispute is made. The Tribunal will ask the Respondent whether or not it opposes the application for an extension of time and, if it opposes the application, what its reasons are. The Tribunal may hold a preliminary hearing before deciding whether or not to grant an extension of time.

A preliminary hearing may also be held if the Applicant seeks an order to suspend the implementation of the decision under review (a 'stay order').

Receipt of section 37 or 'T documents'

Once the Tribunal has notified a decision-maker that an application for review has been lodged, the decision-maker must prepare and lodge the following documents with the Tribunal under s 37 of the AAT Act: a statement of reasons for the decision; and all documents considered relevant to the review of the decisions.

These are known as the 'T documents'. The decision-maker must also send a copy of the T documents to each of the other parties to the application.

Outreach for self-represented parties

The Tribunal has an outreach program to provide self-represented parties with information and assistance about Tribunal practices and procedures. Outreach usually occurs about the same time the parties are provided with copies of the 'T documents', about five weeks after the application is lodged.

Outreach is conducted over the phone. Where necessary, an AAT officer will arrange for an interpreter to be available to assist before making contact with the self-represented party.

Conference

A conference is conducted by a Tribunal member or Conference Registrar with both parties present. The conference aims to identify issues in dispute, to negotiate a settlement of the case or, if settlement is not possible, to prepare a matter for hearing. Conferences are held in private and nothing said or done at them can be used at a subsequent hearing, unless both parties otherwise agree.

Conciliation, Mediation, Case appraisal, Neutral evaluation

Where an application has not been resolved during the conference process, mediation offers an alternative to the hearing process, if both parties and the Tribunal agree to it being conducted. Mediation is an opportunity for people to try to negotiate a settlement of their case, with the help of a neutral third party (the mediator). It is entirely voluntary. The mediator does not decide the dispute or tell the parties what to do, but helps the parties to reach an agreement. If the matter is not resolved at mediation, it will proceed to a hearing.

Resolution

There are a number of ways in which an application may be resolved following a conference or mediation. The applicant may decide to withdraw the application in writing. Alternatively, the parties may reach an agreement as to the outcome of the application for review. If agreement is reached, the Tribunal may make a decision in accordance with the agreement.

Directions hearing

Directions hearings may be held at any time to deal with procedural matters in relation to an application e.g. exchange of affidavits or documents or clarification of issues. A directions hearing may also be held to progress a matter where a party has failed to comply with legislative or Tribunal requirements.

Hearing

At a hearing, parties and witnesses will appear before a Tribunal member (or members) to present their case. Parties may (but do not have to) be represented by a lawyer. Tribunal hearings are normally open to the public, however they may be held in private if there is good reason to do so.

Where the parties and the Tribunal agree, a decision may be made "on the papers" without a hearing and the Tribunal makes its decision based on the written evidence presented to it.

Decision

At the end of the hearing the Tribunal will either give its decision immediately or it will say that the decision is reserved, which means that it will provide its decision at a later date, usually in writing and accompanied by written reasons.

Contact us if you need more information or if you have any questions

Registry	Tel	Toll free	Email
Adelaide	08 8201 0600	If you live outside a metropolitan area, call toll free 1300 366 700. You will be charged for a local call only and connected to your capital city. Residents of northern NSW (postcodes 2460–2490) and the Northern Territory will be connected to the Brisbane Registry.	adelaide.registry@aat.gov.au
Brisbane	07 3361 3000		brisbane.registry@aat.gov.au
Canberra	02 6243 4611		canberra.registry@aat.gov.au
Hobart	03 6232 1622		hobart.registry@aat.gov.au
Melbourne	03 9282 8444		melbourne.registry@aat.gov.au
Perth	08 9327 7200		perth.registry@aat.gov.au
Sydney	02 9391 2400		sydney.registry@aat.gov.au

Non-English speakers

Call the Translating and Interpreter Service on 131 450 and ask them to call the AAT.

If you are deaf or have a hearing or speech impairment

Users who are deaf or have a hearing or speech impairment can call through the National Relay Service (www.relay.service.com.au): 133 677 then ask for 1300 366 700.

Hearing induction loops are available at our office counters and in hearing and conference rooms.