



# Privacy and confidentiality at the AAT

## *What is usually public and what is usually private when the AAT reviews a decision*

The guiding principle set out in the AAT's legislation is that hearings at the AAT should be in public. Information given to the AAT should be made available to all the parties during the review, and to the public in some circumstances. However, not every step in a review, nor all information given to the AAT, will be public.

### **Steps in a review**

In most cases, the AAT uses alternative dispute resolution to help the parties to a review – you and the department or organisation that made the decision you want reviewed – try to reach agreement about how the case should be resolved. Many cases are resolved at this stage.

Alternative dispute resolution processes (conferences, conciliation, mediation, case appraisal and neutral evaluation) are held in private – only the parties and their representatives usually attend.

The AAT will hold a hearing and make a decision if the parties do not reach agreement through alternative dispute resolution. It might also hold a hearing at an earlier stage of the review to consider issues such as whether a late application should be accepted.

AAT hearings are usually open to the public and anyone can attend. Some hearings are held in private because the law requires it. In limited cases, the AAT can order that a hearing be held in private (see 'Confidentiality orders' below).

### **Information the AAT collects**

The AAT collects information to carry out the review under the *Administrative Appeals Tribunal Act 1975*. Most of this information is given to us by the parties.

#### **Who has access to the information?**

In general, the parties and their representatives can access all parts of the AAT file that relate to a review. If you give us information that has not already been given to another party, we usually give them a copy.

Some of the information given to the AAT might be made public (see below).

If an appeal is lodged against an AAT decision, we give a copy of relevant parts of the AAT file to the court. The AAT might also give information to other people or organisations if the law requires it.

#### **What information might be made public?**

If asked, the AAT usually releases basic information about a review such as the names of the parties, dates of conferences, hearings or other events, and the outcome of an application.

A list of the cases that have a conference, hearing or other event is published daily in major newspapers and on the internet.

After a hearing, the public can usually access the evidence in the case and other relevant documents lodged with the AAT. These documents are not usually made public before a hearing.

Other parts of AAT files are not usually made publicly available, although information might be released if access to documents is granted under the *Freedom of Information Act 1982*.

When it decides a case, the AAT usually prepares a written decision that gives the reasons it made that decision. It contains detailed information about the case, and is usually made public and released on the internet.

### **Confidentiality orders**

In limited circumstances, the AAT can order that the name or address of a party or witness, or other information that it holds, be kept confidential. It can also order that a hearing be in private, or that a written decision not be made public.

You can apply for a confidentiality order if you are worried that another party or the public might be able to gain access to information about you.

Please note that the AAT will only make a confidentiality order if it is satisfied there is a good reason for doing so. It must also take into account the guiding principle that hearings at the AAT should be in public, and that evidence and documents are to be made available to all the parties during the review, and to the public after a hearing.

To apply for a confidentiality order, write to the AAT stating what you want kept confidential and why. Please note that the AAT might give a copy of your application to the other party before making a decision.

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

---

<b>Registry</b>	<b>Tel</b>	<b>Toll free</b>	<b>Email</b>
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.relayservice.com.au](http://www.relayservice.com.au)): 133 677 then ask for 1300 366 700.