



Administrative  
Appeals Tribunal

# Corporate Plan

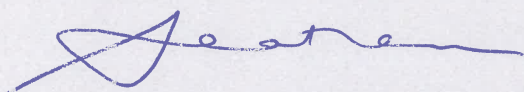
## 2015-16

# AAT Corporate Plan 2015-16

## Contents

1.	Purposes.....	4
2.	Environment .....	4
	Context .....	4
	Internal environmental factors.....	5
	External environmental factors.....	5
3.	Performance.....	6
	What will the AAT do? .....	6
	How will the AAT measure success? .....	6
4.	Capability .....	7
	Consolidating accommodation .....	7
	Building workforce capacity .....	7
	Identifying best practice and enhancing effectiveness and efficiency.....	7
	Measuring success .....	8
	Reviewing IT systems .....	8
5.	Risk oversight and management systems .....	8

I, as the accountable authority of the Administrative Appeals Tribunal (AAT), present the 2015–16 AAT corporate plan, which covers the periods of 1 July 2015 to 30 June 2019 as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.



Sian Leathem  
Registrar  
Administrative Appeals Tribunal

30 July 2015

## 1. Purposes

The role of the Administrative Appeals Tribunal (AAT) is to provide independent review on the merits of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. Merits review of an administrative decision involves considering afresh the facts, law and policy relating to that decision. The AAT decides what is the correct or preferable decision based on the material before it and may affirm, vary or set aside the decision under review.

The AAT has jurisdiction to review decisions made under more than 450 separate Acts and legislative instruments. Its work is organised in eight divisions: Freedom of Information Division, General Division, Migration and Refugee Division, National Disability Insurance Scheme Division, Security Division, Social Services and Child Support Division, Taxation and Commercial Division and Veterans' Appeals Division. The Migration and Refugee Division includes the Immigration Assessment Authority (IAA).

Applicants are able to access the AAT through registries in all state capital cities, in the Australian Capital Territory and on Norfolk Island. The AAT provides services to applicants in the Northern Territory from its other registries.

The AAT's objective is set out in section 2A of the *Administrative Appeals Tribunal Act 1975*. In carrying out its functions, the AAT must pursue the objective of providing a mechanism of review of administrative decisions that:

- is accessible
- is fair, just, economical, informal and quick
- is proportionate to the importance and complexity of the matter
- promotes public trust and confidence in the decision-making of the Tribunal.

The AAT provides administrative justice for individuals and organisations seeking to challenge decisions that affect their interests and, more broadly, contributes to improving the quality of government decision-making.

## 2. Environment

### Context

On 1 July 2015 the Migration Review Tribunal (MRT), the Refugee Review Tribunal (RRT) and Social Security Appeals Tribunal (SSAT) were amalgamated with the AAT. The AAT has grown from an entity with 155 full-time equivalent members and staff in 2014–15 to an entity with over 700 full-time equivalent members and staff in 2015–16.

The Explanatory Memorandum to the Tribunals Amalgamation Bill 2014 described the following intended benefits of amalgamation:

- further enhance the efficiency and effectiveness of the Commonwealth merits review jurisdiction and support high quality and consistent government decision making
- generate savings through shared financial, human resources, information technology and governance arrangements
- provide for greater utilisation of members' specialist expertise across subject matters and facilitate the sharing of expertise between members and staff
- incorporate the successful features of the tribunals as currently constituted.

The amalgamation will primarily affect the corporate areas of the new AAT. In general, the procedures that applied to the conduct of reviews in the MRT, RRT, SSAT and AAT have been preserved in the new AAT. The two levels of merits review that existed for certain decisions reviewed by the SSAT also remain available. The AAT will work with government to increase consistency in procedures relating to the conduct of reviews across divisions where appropriate.

There are two other significant features of the AAT's operational context to be addressed in 2015–16 and the forward years.

The Immigration Assessment Authority (IAA) is a separate office within the AAT's Migration and Refugee Division. It conducts fast-track reviews of certain protection visa decisions and is expected to commence receiving referrals in the first half of 2015–16. The IAA is funded for three years. Reviewers who are employed as APS staff, rather than statutory office holders, will conduct reviews in the IAA.

On 1 July 2013, jurisdiction was conferred on the AAT to review decisions made under the *National Disability Insurance Scheme Act 2013*. The number of applications to the AAT is expected to grow in coming years with the roll-out of the full scheme. Funding has been included in the forward years to reflect this.

## **Internal environmental factors**

### **Organisational development**

A high priority for the AAT in 2015–16 and the forward years is consolidating the newly amalgamated organisation. This includes establishing new governance arrangements, developing a shared vision and culture, and identifying any potential to harmonise practices, improve client service and enhance effectiveness and efficiency across the amalgamated AAT. Careful management will be required to undertake the substantial work associated with the creation of the new AAT while maintaining the level of decision-making activity achieved in the three constituent tribunals prior to amalgamation.

### **Savings associated with amalgamation**

The Government has determined that the amalgamation is to produce savings, the bulk of which are to be delivered from 2016–17. Decisions made on a range of matters, including co-location, in 2015–16 will be critical to sustainability in future years. The AAT must manage the identified savings in a way that will not impact on the achievement of its core function.

## **External environmental factors**

The AAT's ability to plan and achieve goals is significantly affected by two key environmental factors over which the AAT has limited control.

### **Membership**

The AAT consists of the President and other members, who are statutory office holders appointed by the Governor-General. Members are responsible for conducting reviews and making decisions (other than in the IAA). The AAT works with government to identify its membership needs but decisions relating to member appointments are ultimately a matter for government. The AAT therefore has limited control over the size, make up or location of its membership. This can affect the Tribunal's ability to plan for and undertake the review workload, including meeting targets for the number of reviews finalised and timeliness standards.

## Changes in policy, legislation and the activities of decision-making entities

The implementation of government policy decisions and related amendments to legislation can have a significant impact on the size and composition of the AAT's caseload. The AAT's jurisdiction may be expanded or reduced. Examples include the establishment of the IAA and the jurisdiction in relation to the National Disability Insurance Scheme.

The AAT's caseload is also affected by decision-making priorities and strategies in other Commonwealth entities. Initiatives in entities making primary decisions, such as compliance action or the application of additional resources to address backlogs, can result in increased lodgments of applications for review.

The AAT seeks to liaise with departments and agencies in order to plan for the impact of such changes and initiatives. However, the AAT's ability to respond to these developments can be constrained by the inability to easily scale the AAT's membership and staffing up or down in response to changes in caseload.

## 3. Performance

This section describes what the AAT plans to do and how success will be measured. The AAT's Annual Performance Statement for 2015–16, which will be included in the AAT's 2015–16 Annual Report, will report on the achievement of these goals.

### What will the AAT do?

The AAT is a single-programme entity with an objective defined by legislation (see section 2, 'Purposes'). The AAT will review administrative decisions in a way that:

- is accessible; and
- is fair, just, economical, informal and quick; and
- is proportionate to the importance and complexity of the matter; and
- promotes public trust and confidence in the decision-making of the Tribunal.

In each case, the AAT is required to make the correct or preferable decision. The people and financial resources of the AAT are dedicated to delivering this objective.

### How will the AAT measure success?

#### Number of reviews completed

The estimates for the number of applications to be finalised in 2015-16 and the following three years are set out in the Portfolio Budget Statements.

	2015-16	2016-17	2017-18	2018-19
Number of reviews we expect to complete each year	40,669	50,152	55,394	49,994

#### Timeliness of reviews

The AAT aims to finalise 75% of applications within 12 months of lodgement in each of the four years from 2015-16 to 2018-19.

This measure is the AAT's key performance indicator in the Portfolio Budget Statements and will be used in assessing the extent to which the AAT is providing a mechanism of review that is quick.

The timeliness of the review process varies according to a range of factors, including the

type of decision being reviewed. For some types of cases, applications are finalised within shorter timeframes. The AAT will consider the identification of further timeliness indicators during 2015-16.

#### **Judicial review outcomes**

The AAT aims to have less than 5% of all decisions that have been made by the AAT set aside on judicial review.

This measure will be used in assessing the extent to which the AAT is providing a mechanism of review that is fair and just, and that promotes public trust and confidence in the AAT's decision-making.

#### **Customer satisfaction feedback**

The AAT will ask applicants and other stakeholders to share their views about the AAT's services, including by way of a targeted survey in the first half of 2016. The AAT will ask respondents, among other things, about their perception of the AAT's accessibility, fairness, informality and timeliness.

This measure will be used in assessing the extent to which the AAT is achieving the various elements of its statutory objective. The AAT will use the experience gained in carrying out the targeted survey to develop its plans for further customer satisfaction surveys in the forward years.

## **4. Capability**

This section describes the strategies and plans the AAT will use to achieve its goals.

### **Consolidating accommodation**

The amalgamated AAT will rationalise its accommodation requirements in several cities, primarily in 2015-16 and 2016-17. The establishment of a single AAT location in Hobart, Sydney, Perth, Adelaide, Melbourne and Brisbane will improve access for applicants and other stakeholders by providing a single location for seeking information, lodging all types of applications and attending hearings and alternative dispute resolution processes.

### **Building workforce capacity**

As at 1 July 2015, many AAT members who transferred from the MRT, RRT and SSAT were assigned to only one division of the AAT and could only conduct reviews in that division. In order to build capacity and flexibility in the AAT's membership, the AAT will work with government to increase cross-assignment of members to multiple divisions and provide orientation and training for members undertaking new areas of work.

Amalgamation and the consolidation of AAT accommodation will provide opportunities for AAT staff, particularly those in customer service roles, to develop their expertise and experience across the range of review types conducted within the amalgamated AAT.

The AAT will develop its learning and development programs and implement performance management systems to support enhanced workforce capacity for the amalgamated organisation.

### **Identifying best practice and enhancing effectiveness and efficiency**

The AAT will review the practices and procedures that apply in the different divisions in the four years covered by this plan to ensure best practices are identified and applied across the organisation. The AAT will continue to identify and implement improvements in the way

cases are managed, including national management of caseloads, increasing the use of audio-visual technology to conduct hearings and alternative dispute resolution processes, and increasing efficiency in the use of conference and hearing rooms.

### Measuring success

The AAT will develop and implement an enhanced performance framework to support the achievement of the new AAT's legislated objectives. The framework will include measures designed to assess performance against the elements of the AAT's legislated objectives, including timeliness, fairness, proportionality, and public trust and confidence in the AAT's work. The AAT will consider the potential for the 'Tribunal Excellence Framework' developed by the Council of Australasian Tribunals to inform the development of performance measures. The AAT plans to develop an enhanced performance framework in 2015-16 and to implement it in 2016-17.

### Reviewing IT systems

The AAT will review the range of legacy IT systems used by the AAT, MRT, RRT and SSAT. Starting in 2015 with the introduction of single finance and HR systems, the AAT will streamline and harmonise its IT systems. Future areas of focus will include case management, online service delivery and digital records management systems. Introducing consistent online service options will increase the convenience and accessibility of the AAT's services for AAT clients. Improved digital management of records will allow for better collaboration and improved recordkeeping for AAT members and staff as well as providing efficiencies in information exchange within the AAT and with clients, stakeholders, and other entities.

## 5. Risk oversight and management systems

The AAT operates in an environment where a conservative approach to engaging with risk is appropriate. The primary business is the conduct of reviews within a legislative framework, with relevant powers and procedures set out in legislation. The AAT is required to make the correct or preferable decision in each case. The AAT must provide written statements of decision and either oral or written reasons, and a proportion of decisions are published. Most hearings are open to the public. There is a right to seek judicial review of an AAT decision.

The AAT complies with the Commonwealth Risk Management Policy. The AAT has a range of arrangements in place to ensure that risks are identified and managed.

Risk oversight and management systems	
<ul style="list-style-type: none"> <li>• reviews of audit and risk management practices and issues by an Audit and Risk Management Committee</li> <li>• a 3-year internal audit plan and internal audit activity</li> <li>• business risk assessments (every 3 years)</li> <li>• fraud risk assessments (every 2 years)</li> <li>• security reviews (every 3 years)</li> <li>• leadership meetings</li> </ul>	<ul style="list-style-type: none"> <li>• accountable authority instructions issued by the Registrar</li> <li>• general insurance through Comcover, reviewed annually</li> <li>• workers' compensation coverage through Comcare</li> <li>• monthly operational and section reporting</li> <li>• business continuity and disaster recovery plans</li> </ul>