



Administrative  
Appeals Tribunal

# Corporate Plan

## 2016-17

# AAT Corporate Plan 2016–17

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I, as the accountable authority of the Administrative Appeals Tribunal (AAT), present the 2016–17 AAT corporate plan, which covers the period of 1 July 2016 to 30 June 2020 as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.



Sian Leathem  
Registrar  
Administrative Appeals Tribunal

**25 August 2016**

# 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. We decide what is the correct or preferable decision based on the material before us and may affirm, vary or set aside the decision under review.

The AAT's objective is set out in section 2A of the *Administrative Appeals Tribunal Act 1975*. In carrying out our 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, and
- 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 the Social Security Appeals Tribunal (SSAT) were amalgamated with the AAT. The AAT became a significantly larger organisation, growing 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 number of applications lodged with the AAT increased from 6,581 in 2014–15 to 41,432 in 2015–16.

The AAT has jurisdiction to review decisions made under more than 400 separate Acts and legislative instruments and our work is organised in the following 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).

In undertaking our activities, the AAT engages with a wide range of:

- individuals, businesses and other organisations who are seeking review of decisions
- agencies and other organisations whose decisions we are reviewing, and
- persons and organisations who represent parties involved in reviews.

Applicants and other users are able to access the AAT through registries in each of the state capital cities and in the Australian Capital Territory, and through arrangements for the provision of registry services on Norfolk Island. We provide services to users in the Northern Territory from our other registries.

There are a number of key factors in our operational environment that influence our activities and performance as outlined below.

## **Membership**

The AAT consists of the President and other members who may be appointed as Deputy Presidents, Senior Members and Members. They are responsible for conducting reviews and making decisions (other than in the IAA). Members are statutory office holders appointed by the Governor-General for terms of up to seven years. We regularly review our membership needs but decisions relating to member appointments, including the number, level and location, are ultimately a matter for Government. The AAT works to ensure that our members are employed as effectively as possible to undertake the review workload. However, decisions relating to member appointments affect our ability to deliver our services, including meeting targets for the number of reviews finalised and timeliness standards.

## **Consolidation of the amalgamated AAT**

The creation of an integrated AAT following the amalgamation of tribunals is a substantial undertaking. Significant progress was made in 2015–16, including the implementation of revised governance arrangements, the merging of corporate service areas and the commencement of office consolidation. Work will continue in 2016–17 and the forward years, particularly in relation to further integrating our services and systems and harmonising our procedures where possible.

In general, the procedures that applied to the conduct of reviews in the AAT, MRT, RRT and SSAT were preserved in the amalgamated AAT. Some of these are embedded in the legislation governing the operations of the AAT's divisions. While the effective and efficient review of different types of decisions does require distinct and tailored procedures, some differences in procedure set out in legislation limit the potential for the AAT to fully realise the benefits of amalgamation, including making the best use of our members and staff across the AAT's caseload.

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

The size and composition of the AAT's caseload is affected by Government policy decisions and the implementation of related amendments to legislation. The AAT's jurisdiction to review administrative decisions may be expanded or reduced as a result of these decisions.

Two examples that will have a significant impact on the workload of the AAT in 2016–17 and the forward years are the IAA and the National Disability Insurance Scheme.

The IAA, a separate office within the Migration and Refugee Division, conducts fast-track reviews of certain protection visa decisions that are referred to the IAA by the Minister for Immigration and Border Protection or his or her delegate. The reviews are conducted by Reviewers who are employed as APS staff rather than statutory office holders. The IAA began receiving referrals in October 2015 and the number is expected to increase significantly in 2016–17.

Jurisdiction has been 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 significantly from 2016–17 with the roll-out of the full scheme from 1 July 2016.

The AAT's caseload is also affected by decision-making priorities and strategies adopted by decision-making organisations. Initiatives 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 new jurisdictions and other changes that may affect workload. We respond proactively to such changes, developing procedures and strategies as necessary to deal with the work. Challenges can arise, however, due to constraints in our ability to easily scale the AAT's membership and staffing up or down in response to changes in caseload.

### **Financial environment**

Like other agencies, the AAT is operating in a tight fiscal environment. We are subject to a range of whole-of-government savings initiatives, including the efficiency dividend, savings arising from the amalgamation and increasing costs in a variety of areas. We must continue to manage our available financial resources effectively and seek efficiencies to perform our activities in a manner which continues to meet our statutory objective.

In relation to our underlying funding, different models applied to the AAT, MRT, RRT and SSAT prior to amalgamation which continue to operate in relation to the work of the AAT's divisions. A consistent funding model with an appropriate mechanism for responding to changes in the AAT's workload would assist the AAT to more effectively achieve our purposes.

### **Expectations in relation to service delivery and technological change**

Technological advances, particularly in relation to the use of mobile devices, are continuing to transform the way in which services are delivered and work is performed. Users of the AAT have changing expectations in relation to how they want to be able to interact with us. Consistent with whole-of-government requirements, the Tribunal wants to use technology to provide improved user-centred services and to allow members and staff to work more effectively and efficiently. As a small agency that has inherited a range of legacy systems from the amalgamating tribunals and deals with a wide spectrum of users, there are challenges in developing and funding an integrated suite of digital services that will meet the needs of all stakeholders.

## **3. Performance**

This section describes what the AAT plans to do and how success will be measured. The AAT's Annual Performance Statement for 2016–17, which will be included in our 2016–17 Annual Report, will report on the achievement of these goals.

## What will the AAT do?

The AAT is a single-outcome and single-program entity as set out in the Portfolio Budget Statement.

**Outcome 1:** Provide correct or preferable decisions through a mechanism of independent review that is accessible, fair, just, economic, informal, quick and proportionate.

**Program 1.1:** The AAT provides administrative justice and contributes to improving the quality of government decision-making by reviewing decisions in accordance with the *Administrative Appeals Tribunal Act 1975*.

The people and financial resources of the AAT are dedicated to delivering this outcome and program.

## How will the AAT measure success?

<b>Performance measure 1: Number of applications finalised</b>											
<b>Description:</b>	The number of applications finalised each financial year.										
<b>When:</b>	Measurement occurs annually after the end of the financial year in relation to that financial year.										
<b>Method:</b>	Quantitative data measurement.										
<b>Rationale:</b>	This measure is an indicator of the scale of activity undertaken by the AAT.										
<b>Target:</b>	<p>The estimated number of finalisations for the next four years as set out in the Portfolio Budget Statement for the AAT is as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>2016–17</th> <th>2017–18</th> <th>2018–19</th> <th>2019–20</th> </tr> </thead> <tbody> <tr> <td>Number of applications finalised*</td> <td>50,670</td> <td>56,662</td> <td>56,061</td> <td>56,799</td> </tr> </tbody> </table> <p>* Refers to the number of applications finalised by the AAT only. Does not include referrals finalised by the IAA.</p>		2016–17	2017–18	2018–19	2019–20	Number of applications finalised*	50,670	56,662	56,061	56,799
	2016–17	2017–18	2018–19	2019–20							
Number of applications finalised*	50,670	56,662	56,061	56,799							
<b>Previous result:</b>	In 2015–16, the AAT finalised 38,146 applications.										

<b>Performance measure 2: Proportion of applications finalised within a time standard</b>	
<b>Description:</b>	The proportion of applications finalised within 12 months of lodgement.
<b>When:</b>	Measurement occurs annually after the end of the financial year in relation to that financial year.
<b>Method:</b>	Quantitative data measurement.
<b>Rationale:</b>	This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is quick, recognising that the timeliness of the review process varies according to a range of factors, including the type of decision being reviewed.
<b>Target:</b>	75% of applications finalised within 12 months of lodgement.
<b>Previous result:</b>	In 2015–16, the AAT finalised 80% of applications within 12 months of lodgement.

<b>Performance measure 3: Judicial review outcomes</b>	
<b>Description:</b>	The number of successful appeals as a proportion of all AAT decisions that could have been appealed to the courts.
<b>When:</b>	Measurement occurs annually after the end of the financial year in relation to appeals allowed in that financial year against decisions made in the previous financial year.
<b>Method:</b>	Quantitative data measurement.
<b>Rationale:</b>	This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is fair and just, and promotes public trust and confidence in the AAT's decision-making.
<b>Target:</b>	The number of appeals allowed is less than 5% of all AAT decisions that could have been appealed.
<b>Previous result:</b>	The number of appeals allowed in 2015–16 amounted to 3.3% of all decisions made by the amalgamating tribunals in 2014–15 that could have been appealed to the courts.

## 4. Capability

This section describes the key strategies and plans the AAT will use to achieve our purposes. They are based on the following four strategic priorities which have been identified by the AAT:

- we will create an integrated, national Tribunal
- we will improve how we work and maximise our use of technology
- we will nurture relationships and partnerships, and
- we will make best use of our resources and build capacity.

### Harmonisation of procedures and review of case pathways

The AAT has identified as a key priority for 2016–17 and future years the harmonisation of our procedures to the greatest extent possible. While recognising that some procedures will continue to vary in important respects for the effective and efficient review of different types of decision, harmonising areas of difference that do not serve a functional purpose will make review processes simpler and have a number of benefits, including:

- enhancing access to justice and service quality for users of the AAT
- enabling us to make the most effective use of our members and staff across divisions leading to improvements in efficiency and output, and
- reducing the complexity and associated costs of developing processes and systems to support the review process.

The AAT will engage with Government in relation to seeking changes to legislation to deal with areas of procedural inconsistency between the AAT's divisions. We will also continue with a program of harmonising non-legislative areas of difference, ensuring best practices are identified and applied across the organisation.

The AAT will also continue to identify and implement improvements in the way that different types of cases are managed. Areas for consideration will include:

- extending models for the national management of caseloads, and
- introducing enhanced case management processes such as triage and early engagement with users where appropriate.

## **Integration of registry services**

In 2015–16, AAT members and staff dealing with applications for review of decisions largely continued to work within a divisional framework, reflecting arrangements in each of the amalgamating tribunals. In 2016–17, we will commence the process of moving to a more integrated registry structure that supports the work being undertaken across the AAT's divisions. A review to be conducted in the first half of 2016–17 will produce a roadmap for transitioning to this more consistent national registry framework over the coming years.

## **Digital strategy**

In 2016–17 and the forward years, the AAT will continue work on transitioning to a more integrated digital operating environment. Our revised digital strategy identifies a range of initiatives, including a more intuitive and usable website, new online service and information exchange options for external users, integrated case management tools, and better systems for managing records. New and more consistent online service options will increase the convenience and accessibility of the AAT's services for our users. Improved internal systems will help our members and staff to work more effectively and efficiently to deliver our services. The AAT will also continue to harmonise and develop our underlying ICT infrastructure to support the Tribunal's work.

## **Stakeholder engagement**

The AAT is committed to engaging with our external stakeholders who include not only the users of our services but also a range of people and organisations who have an impact on our environment and help us to carry out our work. Positive relationships with stakeholders allow us to:

- explain our services, requirements and priorities
- develop cooperative relationships that facilitate the delivery of our services
- obtain feedback on and improve our services, and
- learn about, and plan for, developments that may affect the AAT.

From 2016–17 and over the following years, we will implement a more coordinated set of stakeholder engagement arrangements, including undertaking surveys with users about their experiences at the AAT.

## **Building workforce capacity**

The AAT's people are fundamental to the delivery of high-quality merits review. Ensuring our people are able to develop and apply their knowledge and skills where needed to deliver the AAT's services effectively and efficiently is a high priority.

The AAT will continue to explore and implement opportunities for members to perform work across multiple divisions. We will build capacity and flexibility in our membership, providing orientation and training for members undertaking new areas of work. With the consolidation of AAT accommodation and the move to a more integrated registry structure, the AAT will extend opportunities for our staff to develop their expertise and experience across the range of review types conducted within the AAT. We will also engage with and develop staff as changes in technology alter the type of work that is undertaken.

The AAT will continue work on developing our shared vision and culture, implementing learning and development programs based on training needs analyses and improving performance management systems to support enhanced workforce capacity. Measures to increase workforce flexibility must be managed to ensure the maintenance of expertise.

## Consolidating accommodation

On 1 July 2015, the amalgamated AAT was operating from multiple offices in most cities. Consolidating the AAT's accommodation is a critical aspect of amalgamating the tribunals. The establishment of a single AAT location improves access for applicants and other AAT users by providing a single location for seeking information, lodging all types of applications, and attending alternative dispute resolution processes and hearings in a welcoming environment. Colocation also assists in the creation of an integrated organisation while delivering efficiencies in relation to the use of space.

In 2015–16, the AAT collocated its registries in Sydney and Hobart. We will rationalise our accommodation in Adelaide, Brisbane and Perth in 2016–17, and in Melbourne in the forward years. The collocation of offices will continue to be managed carefully to ensure continuity of service for our users.

## 5. Risk oversight and management systems

The AAT is committed to managing risk effectively in accordance with the Commonwealth Risk Management Policy and other relevant standards and guidelines. A range of strategic and operational risks may affect the achievement of our purposes with the key areas of risk relating to our people, our caseload management, our processes, our technology systems, and our reputation. We have a range of arrangements in place to ensure that risks are identified, analysed, managed and reviewed with risk practices integrated into planning and business processes.

Key risk oversight and management systems	
<ul style="list-style-type: none"><li>• Reviews of audit and risk management practices and issues by our Audit and Risk Committee</li><li>• A 3-year internal audit plan and regular internal audit activity</li><li>• Business risk assessments through the AAT-wide Risk Register</li></ul>	<ul style="list-style-type: none"><li>• Accountable authority instructions issued by the Registrar</li><li>• Fraud control plan and risk assessments</li><li>• Business continuity and disaster recovery plans</li><li>• Security reviews</li></ul>