



Administrative
Appeals Tribunal

Corporate Plan

2017–18

AAT Corporate Plan 2017–18

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I, as the accountable authority of the Administrative Appeals Tribunal, present the 2017–18 Administrative Appeals Tribunal corporate plan, which covers the period of 1 July 2017 to 30 June 2021, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.



Sian Leathem
Registrar
Administrative Appeals Tribunal

11 August 2017

Purpose

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.

Environment

Context

The AAT is the principal tribunal undertaking merits review of administrative decisions made by Australian Government ministers, departments and agencies and, in limited circumstances, decisions made by state government and non-government bodies. The Migration Review Tribunal (MRT), the Refugee Review Tribunal (RRT) and the Social Security Appeals Tribunal (SSAT) were amalgamated with the AAT on 1 July 2015.

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

- Freedom of Information (FOI) Division
- General Division
- Migration & Refugee Division
- National Disability Insurance Scheme (NDIS) Division
- Security Division
- Social Services & Child Support Division
- Taxation & Commercial Division, and
- Veterans' Appeals Division.

The Immigration Assessment Authority (IAA), a separate office with the Migration & Refugee Division, conducts fast track reviews of certain protection visa decisions.

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

- individuals, businesses and other organisations who seek review of decisions or are otherwise parties to a review
- agencies and other organisations whose decisions we review, 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.

The creation of an integrated AAT following the amalgamation of tribunals has been a substantial undertaking. Significant progress has been made, including the implementation of revised governance arrangements, the merging of corporate services and the colocation of many of our offices. Work will continue in 2017–18 and the forward years, particularly to further integrate our services and systems.

Environmental factors

A range of factors in our operational environment affect our activities and performance. The most significant factors are those that impact on our caseload and our ability to deal with it effectively and efficiently. Key factors are discussed below.

Size and composition of the AAT's workload

The AAT is a demand-led organisation and our workload increased in 2016–17. A complex range of factors determines the types and volume of applications or referrals that are made to us. Two of these matters are:

- Government policy decisions that expand or reduce the AAT's jurisdiction to review administrative decisions
- decision-making priorities and strategies adopted by organisations whose decisions we review such as compliance action or the application of additional resources to address backlogs which can result in increased applications.

The AAT seeks to anticipate and plan for likely changes in the number of applications and referrals we receive, including by liaising with decision-making organisations. However, challenges arise when increases are unforeseen, particularly due to constraints in our ability to easily scale the AAT's member and staffing resources in response to changes in caseload.

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 membership needs but decisions relating to member appointments, including the number, level and location, are ultimately a matter for Government. Decisions relating to member appointments directly impact on our ability to deliver our services, particularly meeting targets for the number of finalised reviews and timeliness standards.

Financial environment

Different funding models applied to the AAT, MRT, RRT and SSAT prior to amalgamation and they continue to operate in relation to the work undertaken with the AAT's various divisions. The AAT engages with relevant agencies to seek funding for new jurisdictions and, where identified, areas in which there will be additional workload. However, a consistent funding model with a mechanism for responding to changes in the AAT's workload would assist the AAT to better achieve our purpose.

Like other agencies, the AAT must continue to manage our available financial resources effectively in the current tight fiscal environment. We need to ensure our operational areas are resourced appropriately to deal with the workload while also funding strategic projects that will help us to better perform our activities in the future.

Legislative framework for the conduct of reviews

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 that governs the operations of the AAT's divisions. The AAT has been trialling different approaches to seek to improve the efficiency and effectiveness of the review process within the existing framework. However, some of the procedural differences set out in legislation limit the potential for the AAT to pursue changes or fully realise the benefits of amalgamation in managing our caseload. The AAT has been working with the Attorney-General's Department and other relevant agencies to explore options for further legislative harmonisation.

Stakeholders

The AAT's stakeholder environment has become more complex following amalgamation with the MRT, RRT and SSAT and with the extension of the AAT's jurisdiction in relation to key programs such as the NDIS. The range of users and other stakeholders with an interest in the work of the AAT has expanded as has the degree of interest in relation to the AAT's decisions and operations, including by the Parliament, the media and the public. The AAT's ability to engage effectively with our users and other stakeholders is important in developing and delivering high-quality services for our users as well as enhancing trust and confidence in the Tribunal's processes and decisions.

Expectations in relation to service delivery and technological change

Technological advances are continuing to transform the way in which services are delivered and work is performed in society. 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, we want to use technology to provide improved user-centred services and to allow members and staff to work more effectively and efficiently. Having inherited a range of legacy systems from the amalgamating tribunals and dealing with a wide range of users, there are challenges in developing and funding an integrated suite of digital services that will meet the needs of all stakeholders.

Performance

This section describes what the AAT plans to do and how success will be measured. The AAT's Annual Performance Statement for 2017–18, which will be included in our 2017–18 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 Statements.

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

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

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

How will the AAT measure success?

Performance measure 1: Number of applications finalised											
Description:	The number of applications finalised each financial year.										
When:	Measurement occurs after the end of the financial year in relation to that financial year.										
Method:	Quantitative data measurement.										
Rationale:	<p>This measure is an indicator of the scale of activity undertaken by the AAT.</p> <p>The targets are estimates based on the AAT's past year performance, an assumption that human and financial resources will be maintained at least at the past year's levels and a modest increase resulting from the introduction of greater efficiencies. The AAT's ability to meet or exceed our performance target in a given year is significantly dependent on the resources, particularly the number of members, available to deal with applications during that period.</p> <p>The targets have been revised downwards from those included in the AAT's 2016–17 corporate plan, primarily due to a lower than expected number of applications relating to decisions made under the NDIS.</p>										
Target:	<p>The estimated number of finalisations for the next four financial years, as set out in the Portfolio Budget Statement for the AAT, is as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>2017–18</th> <th>2018–19</th> <th>2019–20</th> <th>2020–21</th> </tr> </thead> <tbody> <tr> <td>Number of applications finalised*</td> <td>44,410</td> <td>45,050</td> <td>45,614</td> <td>43,262</td> </tr> </tbody> </table> <p>* These figures refer to the number of applications finalised by the AAT and do not include referrals finalised by the IAA.</p>		2017–18	2018–19	2019–20	2020–21	Number of applications finalised*	44,410	45,050	45,614	43,262
	2017–18	2018–19	2019–20	2020–21							
Number of applications finalised*	44,410	45,050	45,614	43,262							
Previous result:	<p>2016–17: 42,224 (target of 50,607)</p> <p>2015–16: 38,146 (target of 40,669)</p>										

Performance measure 2: Proportion of applications finalised within a time standard	
Description:	The proportion of applications finalised within 12 months of lodgement each financial year.

Performance measure 2: Proportion of applications finalised within a time standard	
When:	Measurement occurs after the end of the financial year in relation to applications finalised in that financial year.
Method:	Quantitative data measurement.
Rationale:	<p>This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is quick.</p> <p>The AAT reviews a wide range of decisions. The time taken to finalise an application varies between the AAT's divisions and for different types of cases based on a range of factors, including the nature and complexity of the cases, differences in the procedures that apply to the review of decisions, the priority given to certain types of cases and the overall level of resources available to deal with applications. The 75% target has been derived taking into account these variations and reflects a suitable benchmark for the AAT as a whole.</p>
Target:	75% of applications finalised within 12 months of lodgement.
Previous result:	2016–17: 82% 2015–16: 80%

Performance measure 3: Proportion of appeals against AAT decisions allowed by the courts	
Description:	The number of appeals against AAT decisions allowed by the courts as a proportion of all AAT decisions that could have been appealed to the courts.
When:	Measurement occurs after the end of the financial year in relation to appeals allowed in that financial year against AAT decisions that could have been appealed to the courts made in the previous financial year.
Method:	Quantitative data measurement.
Rationale:	<p>This measure is an indicator of 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.</p> <p>The AAT must make the correct or preferable decision when reviewing a decision. The AAT's decisions may be appealed to the courts and an appeal may be allowed if the AAT has made an error of law in relation to how the review was conducted or in reaching the decision. A target of less than 5% reflects that the proportion of AAT decisions set aside for legal error should be low.</p> <p>This measure uses the total number of decisions that could have been appealed to the courts as the base as only a proportion of decisions are ultimately appealed. The measure looks at the number of appeals that were allowed by the courts in the most recent financial year against the number of appealable decisions made by the AAT in the previous year as a majority of appeals lodged in relation to decisions made in a year are finalised in the following year.</p>

Performance measure 3: Proportion of appeals against AAT decisions allowed by the courts	
Target:	The number of appeals allowed is less than 5% of all AAT decisions made that could have been appealed.
Previous result:	2016–17: 3.0% 2015–16: 3.3%

Performance measure 4: Number of AAT decisions published	
Description:	The number of AAT decisions published during the financial year.
When:	Measurement occurs annually after the end of the financial year in relation to that financial year.
Method:	Quantitative data measurement.
Rationale:	<p>This measure is an indicator relating to the AAT providing a mechanism of review that is accessible and promotes public trust and confidence in the AAT’s decision-making by making information available about the decisions we make.</p> <p>The AAT may publish our decisions and the reasons for them, subject to the requirement not to publish information the disclosure of which is prohibited or restricted by legislation or by an order of the Tribunal. In accordance with a revised decisions publication policy, the AAT will transition during 2017–18 to generally publishing:</p> <ul style="list-style-type: none"> – all written decisions made in the Freedom of Information, General, NDIS, Security, Taxation & Commercial and Veterans’ Appeals Divisions – all written decisions made in certain types of cases in the Migration & Refugee Division and proportions of written decisions made in cases in higher-volume areas of the Division’s jurisdiction, and – a proportion of written decisions made in child support cases in the Social Services & Child Support Division. <p>The target represents the estimated minimum number of written decisions the AAT expects to publish based on the number of applications expected to be finalised in 2017–18.</p>
Target:	At least 4,000 decisions published.
Previous result:	2016–17: 2,506 2015–16: 3,022

Capability

This section describes the key strategies and plans the AAT will use to achieve our purpose. They are based on the following strategic priorities:

- creating an integrated, national Tribunal
- improving how we work and maximising our use of technology
- nurturing relationships and partnerships, and
- making the best use of our resources and building capacity.

Access to our services

The AAT strives to provide a mechanism of review that is accessible for the wide range of users and potential users of our services, including people from diverse cultural and linguistic backgrounds and people with disability. We employ various measures to assist people to apply to the AAT and participate in the review process, including making information available in different languages and a variety of formats, providing interpreters, ensuring our website meets accessibility standards, making our premises accessible for people with disability and facilitating access to external advice and assistance services.

In 2017–18, the AAT will review our facilities and services to identify areas for improvement in relation to our accessibility and establish priorities for making changes into the future. We will also consider learning and development needs and opportunities for members and staff in relation to diversity and interacting with our diverse users as well as the AAT's outreach activities that raise awareness of our services in targeted communities and groups.

Harmonisation of procedures and review of case pathways

The harmonisation of our procedures to the greatest extent possible remains a key priority in 2017–18 and future years. While recognising that procedures must vary for the effective and efficient review of different types of decision, harmonising areas of difference that do not serve a functional purpose will 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 continue to engage with the Attorney-General's Department and other agencies in relation to seeking changes to legislation to deal with areas of procedural inconsistency between the AAT's divisions. We will also maintain efforts to harmonise non-legislative areas of difference, ensuring best practices are identified and applied across the organisation.

The AAT will continue to identify and implement improvements in the way that different types of cases are managed. Particular areas of focus include:

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

Consolidating accommodation

On 1 July 2015, the amalgamated AAT was operating from multiple offices in most cities. Consolidating our accommodation is a critical aspect of amalgamating the tribunals. The establishment of a single AAT location improves access for applicants and other AAT users and also assists in the creation of an integrated organisation while delivering efficiencies in relation to the use of space.

At the end of 2016–17, the AAT is operating from a single location in Adelaide, Canberra, Hobart, Perth and Sydney. Colocation will occur in Brisbane and Melbourne in 2017–18. The colocation of offices will continue to be managed carefully to ensure continuity of service for our users.

Integration of registry services

Following amalgamation, AAT members and staff dealing with reviews largely continued to work within a divisional framework, reflecting arrangements in each of the amalgamating tribunals. As single offices have been established, integrated models have been introduced for the delivery of various elements of registry services, particularly for front-line contact with our users. In the forward years, we will continue the process of moving to integrated registry structures that support the work being undertaken across the AAT's divisions.

Digital and ICT strategy

In 2017–18 and the forward years, the AAT will continue work on transitioning to a more integrated digital operating environment. Our 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 the broad range of external stakeholders who use our services or have an interest in our work. Positive relationships with stakeholders allow us to:

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

In 2017–18 and over the following years, we will continue our efforts to implement a more coordinated set of stakeholder engagement arrangements, including undertaking surveys with users about their experiences at the AAT. We will also seek to improve the information we make available about our role and operations, including Tribunal decisions.

Building workforce capacity

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

The AAT will continue to implement initiatives identified in our workforce development plan which was finalised in 2016–17, including undertaking workforce capability planning. We will build capacity and flexibility in our membership to enable members to perform work across multiple divisions where possible. With the completion of our accommodation consolidation program and the move to more integrated registry structures, we will support staff to develop their expertise and experience across the range of review types conducted within the AAT. We will also engage with and develop members and staff as technological changes alter the type of work that is undertaken and how it is managed.

The AAT will continue to implement learning and development programs based on identified training needs and implement performance management systems to support enhanced workforce capacity. We will work on developing our shared vision and culture, including through improved internal communication and engagement with members and staff.

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 purpose. The key areas of risk relate 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

- Risk Management Framework supported by the AAT-wide Risk Register and risk education sessions
- Reviews of audit and risk management practices and issues by our Audit and Risk Committee
- A three-year internal audit plan and regular internal audit activity
- Accountable Authority Instructions issued by the Registrar
- Fraud control plan and risk assessments
- Business continuity and disaster recovery plans
- Security reviews