



Administrative  
Appeals Tribunal

# Corporate Plan

## 2020–21

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I, as the accountable authority of the Administrative Appeals Tribunal, present the 2020–21 Administrative Appeals Tribunal corporate plan, which covers the period of 1 July 2020 to 30 June 2024, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.



Sian Leathem

Registrar

Administrative Appeals Tribunal

27 August 2020

## Purpose

The Administrative Appeals Tribunal (AAT) provides independent merits review of a wide range of administrative decisions made under the laws of the Commonwealth of Australia and of Norfolk Island. The Immigration Assessment Authority (IAA), a separate office within the AAT, provides independent merits review of certain visa decisions.

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, set aside or remit the decision under review.

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.<sup>1</sup>

The IAA must pursue the objective of providing a mechanism of review that is efficient, quick and free of bias.<sup>2</sup>

The AAT and IAA provide administrative justice for individuals and organisations by reviewing decisions in accordance with the *Administrative Appeals Tribunal Act 1975* (AAT Act) and the *Migration Act 1958* (Migration Act) and, more broadly, contribute to improving the quality of government decision-making.

## Key activities

The AAT is the primary Commonwealth 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 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 Division
- General Division
- Migration & Refugee Division
- National Disability Insurance Scheme (NDIS) Division
- Security Division
- Small Business Taxation Division
- Social Services & Child Support Division
- Taxation & Commercial Division, and
- Veterans' Appeals Division.

More than 80 per cent of applications made to the AAT are dealt with in the Migration & Refugee Division and Social Services & Child Support Division.

The IAA, established within the Migration & Refugee Division, conducts fast track reviews of decisions to refuse to grant certain persons a protection (refugee) visa.

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<sup>1</sup> Section 2A of the *Administrative Appeals Tribunal Act 1975*.

<sup>2</sup> Section 473FA(1) of the *Migration Act 1958*.

Our review processes vary according to the type of decision we are reviewing. Differences reflect procedural requirements set out in the AAT Act, Migration Act and social services legislation as well as case management approaches we adopt to deal with the broad range of decisions we review. Our procedures are intended to give an applicant, and any other party to a review, a reasonable opportunity to present their case. Parties can represent themselves or be represented or assisted by a lawyer, migration agent or other person.

In all cases, the decision-maker must give us a copy of the decision and all the documents they hold that are relevant to the review. A copy is given to the applicant and any other party either automatically or on request. The Tribunal invites or directs parties to give us additional information that will be relevant to the case.

In some types of cases, the AAT uses pre-hearing processes such as conferences, other alternative dispute resolution (ADR) processes and directions hearings to talk to the parties about the issues, give directions about what the parties must do and by when to progress the case, and try to resolve cases by agreement. Hearings are held by the AAT to give the applicant, and any other party, an opportunity to provide evidence and present arguments about the decision under review.

If an application to the AAT or a referral to the IAA is not withdrawn or otherwise resolved, the AAT and IAA make a decision on the review and give reasons for that decision. The decision may be published.

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 primarily from our Adelaide Registry.

The AAT is a single-outcome and single-program entity. The strategies and plans we will implement to enhance our capability to undertake our key activities and achieve our purpose are set out in the Capability section of this corporate plan.

## Operating context

### Environment

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

### Size and composition of the workload

The AAT is a demand-led organisation. A complex set of factors determines the types and volume of applications that are made to us. They include:

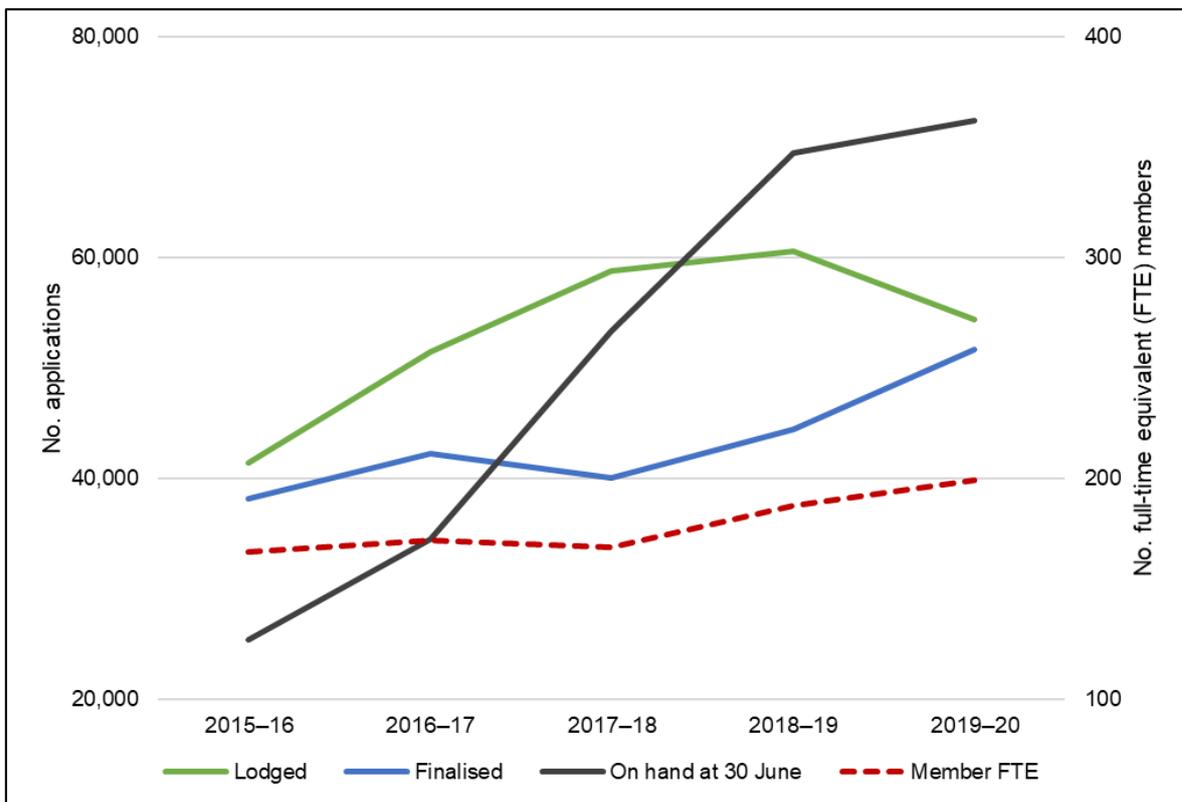
- Government policy decisions that set the AAT's jurisdiction to review decisions
- the volume of primary decision-making activity which is driven primarily by the number of applications, claims or requests that are made as well as decision-making priorities and strategies adopted by organisations whose decisions we review such as compliance action or the application of additional resources to address backlogs
- the availability of mechanisms of internal review or review by another body before an application can be made to the AAT, and
- the multifaceted set of considerations that inform whether a person or organisation will apply for a review.

As Chart 1 shows, the AAT’s workload has increased significantly since 2015–16 with more than 60,000 applications lodged in 2018–19. Alongside consistent increases in applications in the NDIS Division and higher lodgements in the Social Services & Child Support Division in some years, the most substantial growth has been experienced in the Migration & Refugee Division. Lodgements in that division in each of 2017–18 and 2018–19 exceeded 36,000 applications, approximately double the number lodged in 2015–16.

While remaining above average on the five-year trend line, total lodgements in 2019–20 fell by 10 per cent, attributable to a 17 per cent decrease in applications in the Migration & Refugee Division and a modest reduction in the Social Services & Child Support Division. In the final quarter, markedly fewer applications were received in the migration visa caseloads as a result of the effects of the COVID-19 pandemic.

In the short term, we anticipate lodgements in the migration visa caseloads in the Migration & Refugee Division will continue to be at lower levels than in recent years. However, there may be increases in applications in the Social Services & Child Support Division as well as the Small Business Taxation Division and Taxation & Commercial Division, including reviews of decisions relating to stimulus measures. The overall scale and nature of the impacts on the AAT’s future workload flowing from the pandemic are not yet clear.

**Chart 1 AAT workload and membership, 2015–16 to 2019–20**



The IAA is also demand-led. The *Migration Act 1958* and instruments made by the Minister determine the class of persons who are fast track applicants. When a decision is made to refuse to grant a protection visa to a fast track applicant, the case is referred to the IAA automatically. The IAA’s workload is determined by the number of fast track applicants and the rate of referral of these matters to the IAA.

The AAT and IAA seek to anticipate and plan for changes in the number of applications and referrals we receive, including by liaising with decision-making organisations. Particular challenges can arise in responding to increases in workload due to constraints in our ability to easily adjust the AAT’s member, staffing and financial resources.

## Membership and staffing

The AAT consists of the President and other members who may be appointed as Deputy Presidents, Senior Members and Members. The Registrar and staff, primarily employed under the *Public Service Act 1999*, assist in carrying out the functions of the AAT and IAA.

The AAT's members undertake the reviews, principally conducting hearings and making decisions. They are statutory office holders appointed by the Governor-General on the recommendation of the Government for terms of up to seven years. We regularly review our membership needs and provide advice to Government about those needs in accordance with a protocol with the Attorney-General, but decisions relating to 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 and meet targets.

The AAT's staff perform various functions, primarily to support the conduct of reviews. They process applications and referrals, liaise with parties and representatives about their cases, undertake ADR and other early case assessment activities, provide support to the members and, in the IAA, undertake the reviews. Other staff perform a range of corporate support services. The AAT is subject to an Average Staffing Level cap, largely based on historical workload levels and not adjusted to reflect the recent increases. Contractors, who cannot undertake certain statutory functions, must be engaged to meet additional staffing needs.

As Chart 1 indicates, the number of members available to undertake reviews did not increase in line with our growing workload, leading to a significant rise in the number of cases on hand, primarily in the Migration & Refugee Division. Additional member appointments in 2018–19 coupled with the implementation of innovative case management strategies have enabled us to increase the number of applications finalised in the last two years. With the recent reduction in lodgements, we have started to keep pace with the rate of incoming applications and make small inroads into the backlog. However, unless there is a sustained decline in lodgements, it is unlikely we will be able to substantially reduce our backlog with the number of members and staff we currently have.

## Funding

The funding arrangements for the AAT and IAA comprise a single, annual appropriation with an adjustable component which responds to variations in the number of cases finalised in the Migration & Refugee Division. The IAA is funded through a funding agreement that is based on the projected number of referrals from the Department of Home Affairs.

The arrangements for the AAT are largely based on funding models that were in place in the AAT, Migration Review Tribunal (MRT), Refugee Review Tribunal (RRT) and Social Security Appeals Tribunal (SSAT) prior to their amalgamation on 1 July 2015. These legacy arrangements are no longer in step with our changed operating environment, particularly the higher volume of applications. A more flexible funding model which allows the AAT to respond to fluctuations in our workload would better support us to achieve our purpose.

## 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, embedded in the legislation that governs the operations of the AAT's divisions. While the AAT has implemented strategies to improve the review process within the existing framework, some of the procedural differences set out in legislation limit the potential for the AAT to manage cases in the most effective, efficient and proportionate manner.

For example, the AAT's Migration & Refugee Division has more limited flexibility conducting reviews due to some of the codified procedural requirements set out in the *Migration Act 1958*. The lack of any powers under that Act for the AAT to conduct conferences and directions hearings, to give enforceable directions, and to dismiss applications for failure to comply with a direction hampers our ability to manage cases effectively in that division.

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 is complex due to the broad range of decisions we can review which span Australian Government areas of responsibility. The breadth of users and other stakeholders with an interest in our work is extensive and there is a significant degree of interest in relation to the AAT's decisions and operations, including by the Parliament, the media and the public. Our 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 AAT's and IAA's processes and decisions.

## Expectations in relation to service delivery, ways of working and technological change

Technological advances continue to transform the way 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, as do our members and staff in relation to how they want to be able to work. The COVID-19 pandemic has also required that we rapidly adopt different ways of working and of engaging with our users to deliver our services. We have moved to conduct many more hearings by telephone or video, while maintaining access to in-person case events where appropriate for the particular case and consistent with health advice.

Consistent with whole-of-government requirements, we want to use technology to provide improved user-centred services and allow members and staff to work more effectively and efficiently. Having inherited a number of legacy systems from the amalgamating tribunals and with a wide range of users, there are challenges in developing an integrated suite of digital services that best meet the needs of all internal and external stakeholders. The AAT must also be mindful of the need to maintain non-digital service options to ensure access to justice for our diverse users.

## Capability

This section describes the key strategies and plans the AAT will use during the period of 1 July 2020 to 30 June 2024 to enhance the capability we need to undertake our activities and achieve our purpose. They are based on the following strategic priorities:

- building a united and connected Tribunal underpinned by sound governance, a structure that best supports effective operations across divisions and locations, and fair, transparent and logical allocation of resources
- establishing efficient, fair, proportionate and timely review processes for our diverse caseloads in accordance with agreed principles and with consistent national practices
- delivering a service that is user focused and based on contemporary and digital ways of working
- developing the capabilities of our members and staff.

To deliver our statutory objectives and strategic priorities, we have developed a high-level operating model. In 2020–21 and the forward years, we will continue to take steps to implement the model whilst managing our significant workload.

## **Governance and structure**

In 2020–21, we will further enhance our governance arrangements as outlined in the operating model. These include embedding changes to our framework of governance committees as well as undertaking work to review and clarify the responsibilities and accountabilities of the AAT’s senior leaders to support effective management. Given the degree of change associated with implementing the operating model, we will also consolidate our new Transformation Office and its way of working to ensure the transformation program is managed through effective prioritisation, planning and delivery processes.

Work will also proceed in 2020–21 on planning and implementing the changes identified in the operating model for an organisational structure that will more effectively support our operations. We will undertake a business capability modelling exercise for the Tribunal as a whole and commence detailed work on restructuring our corporate support areas. The work in relation to other parts of the Tribunal will continue into the forward years.

## **Resourcing**

Given the significant increase in our workload over recent years and limitations arising from our legacy funding arrangements, the AAT will continue to work with the Government in 2020–21 to seek to ensure the AAT and IAA have the people and financial resources to undertake our work and meet our statutory objectives. This will include:

- determining the number of members and staff required to deal with our backlog and incoming work
- undertaking member appointment and reappointment processes in consultation with the Attorney-General
- seeking changes to our Average Staffing Level cap to ensure we can engage the staff that are needed, and
- pursuing and implementing revised funding arrangements.

We are mindful that the request for additional resourcing must be supported by the AAT and IAA identifying and implementing ongoing changes to our operations that improve efficiency. We must manage the increased workload while still delivering high-quality reviews in accordance with our statutory objectives at a reasonable cost. The key elements of our efforts in this regard follow.

## **Caseload management**

The AAT will maintain our focus in 2020–21 and the forward years on:

- identifying and developing national practice areas for additional categories of cases, and
- identifying and implementing further case management strategies to deal more effectively, efficiently and consistently with different caseloads within the current and any changed legislative framework.

With our increased workload, we will continue to explore opportunities, including using staff as far as appropriate, to resolve cases at the earliest opportunity and ensure cases are well-prepared for hearing so that members are able to make the most effective use of their time when conducting hearings and making decisions.

We will continue work to harmonise the AAT's procedures and operations across divisions and locations, where appropriate and practicable. While some procedures and operational arrangements will necessarily vary for the effective and efficient review of the many different types of decisions within our jurisdiction, harmonising areas of difference that do not serve a functional purpose will have a number of benefits, including:

- enhancing access to justice and consistency of service 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.

In addition to our efforts to harmonise non-legislative areas of difference, the AAT will engage with the Attorney-General's Department and other agencies to seek to progress proposals for legislative changes that reduce areas of procedural inconsistency between our divisions and enhance our flexibility to manage cases in the most effective and proportionate manner. These include the ability for all of the AAT's divisions to use conferencing processes, hold directions hearings and make enforceable directions.

## User-centred services

A key focus for the AAT in 2020–21 and the forward years is to ensure we design services and operate in a way that delivers high-quality, consistent, timely and accessible services to our users. We also want to continue to improve the support we provide to our members and registrars in relation to the work they undertake.

In 2020–21, we will investigate how we can best provide basic procedural information and assistance as well as deal with simple and more complex case enquiries using appropriate digital and in-person channels and plan for the implementation of changed practices. We will also maintain a focus on building the knowledge and skills of staff to engage with our users through improved access to procedural information and training programs.

The AAT and IAA strive to provide review processes that are accessible for the wide range of users and potential users of our services, including Indigenous Australians, people from other diverse cultural and linguistic backgrounds, people with disability and people from regional and remote locations. We employ various measures to assist people to apply to the AAT and participate in the AAT and IAA review processes, particularly those representing themselves. In 2020–21, we will progress identified priorities, including:

- taking steps to better understand needs and barriers in relation to accessing the AAT and IAA for people with disability
- reviewing and consolidating our use of web-based video platforms for conducting ADR processes and hearings, an approach employed extensively due to the COVID-19 pandemic but which will continue to have benefits for users into the future
- increasing the amount of information about our services and process in other languages, and
- learning and development for members and staff in relation to diversity issues and interacting with our diverse users.

More generally, we are committed to engaging with the broad set of external stakeholders who use our services or have an interest in our work in order to:

- help users understand our services, requirements and priorities
- obtain feedback on and improve our services
- develop cooperative relationships that facilitate the delivery of our services, and
- promote public trust and confidence in the AAT and IAA.

We will maintain our efforts to engage stakeholders in a purposeful and coordinated way. This includes ensuring we have effective liaison arrangements in place both nationally for our key areas of jurisdiction and locally to address relevant issues as well as using various other mechanisms to seek feedback from users about their experiences at the Tribunal. In addition to our annual post-finalisation user feedback survey, we will conduct a pilot study in 2020–21 to obtain more immediate feedback after we have conducted ADR processes. We will also maintain our public affairs strategy which seeks to improve the wider community's understanding of what we do and the decisions the Tribunal makes.

## **ICT and data capability**

The AAT will implement a range of initiatives in 2020–21 and future years to deliver an improved digital operating environment for the Tribunal and our users.

In 2020–21, we will pursue a number of projects to modernise the Tribunal's technology infrastructure and internal systems, including:

- completing our migration to the Windows 10 operating system and the rollout of Office 365
- continuing the transition of systems to cloud-based infrastructure
- the deployment of new devices, the installation of wi-fi in our premises and enhanced options for accessing AAT systems remotely to enable more mobile ways of working
- improved collaboration tools and better systems for managing information, including digital case files, and
- development of a single case management solution for the AAT which will continue into 2021–22.

These improved internal systems and contemporary workplace tools help our members and staff to work more effectively, flexibly and efficiently to deliver our services. They also provide a superior platform for the introduction of new online service and information exchange options for external users. In 2020–21, we will:

- consolidate the use of Microsoft Teams as our platform for conducting ADR processes and hearings by telephone and video, and
- launch the first iteration of a unified case portal which will make it easier for users to lodge applications online as well as lodge and be able to access documents relating to a case.

Employing a user-centred design approach, these new and enhanced online service options increase the convenience and accessibility of the AAT's services for our users and enhance the efficiency of the review process. Into the future, work will be undertaken on increasing self-service options available for users, exploring the potential uses of artificial intelligence and seeking to ensure that our systems integrate effectively with those of decision-making organisations and the courts who form part of the continuum of the administrative decision-making system.

We will also progress work in 2020–21 on developing and implementing a data strategy for the AAT to improve the way we collect, store, manage and use our data to make the most effective use of our information in strategic and operational decision-making. The strategy will include initiatives relating to data governance, security and quality, as well as improving data literacy and culture across the agency so we recognise and use our data as a valuable asset.

## Workforce culture, capability and arrangements

Our people are fundamental to the delivery of high-quality merits review. Ensuring that our organisation has a positive culture, our people have the right capabilities and our workplace arrangements are fit for purpose remain high priorities.

Over the four years of this plan, the AAT will work to foster our desired culture and values to support the implementation of our operating model and the effectiveness of our operations. We want to be fair and transparent, user focused, united and connected, accountable and capable, innovative and forward looking, and exhibit trust and respect. In 2020–21, we will introduce an enhanced reward and recognition program and undertake work on articulating and communicating the benefits of working at the AAT.

We will continue to implement learning and development strategies based on identified training needs to support enhanced workforce capability for our people. This includes programs and activities that:

- develop our members' knowledge and skills in relation to the work they are undertaking, especially our newly appointed members
- support staff to develop their expertise and experience across the range of review types conducted within the AAT and to undertake revised roles, and
- support members and staff as technological changes alter the type of work that is undertaken and how it is managed.

In 2020–21, we will pursue activities aimed at ensuring that the working arrangements for our members are best suited to the achievement of the AAT's statutory objective. We will complete a review of the way in which part-time members are remunerated for their work across divisions. A more consistent approach will enhance our ability to deploy members flexibly across caseloads. We will also undertake a review of the Conduct Guide for AAT Members, explore approaches to setting expectations as to workloads and performance across divisions, and refine the member appraisal scheme to support recommendations in relation to reappointment and ongoing professional development.

## Risk

The AAT is committed to managing risk effectively in accordance with the Commonwealth Risk Management Policy and other relevant standards and guidelines. We have a variety of arrangements in place to ensure that risks are identified, analysed, managed and reviewed. Our key risk oversight and management systems include:

- an AAT Risk Management Framework supported by the AAT-wide Risk Register and risk awareness sessions
- regular monitoring of risk issues by the AAT's senior leaders
- reviews of 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
- security policies, procedures and reviews, and
- business continuity and disaster recovery plans.

A range of strategic and operational risks may affect the achievement of the AAT's purpose. Areas of risk relate to our governance and compliance, caseload management and decision-making, people, reputation, resource management and technology.

Some examples of key risks for the AAT and how we are managing and mitigating those risks, to the extent matters are within our control, are outlined in the following table:

<b>Risk</b>	<b>Key risk management and mitigation strategies</b>
Failure to finalise as many applications as we are receiving results in a growing backlog, delay and user dissatisfaction	<ul style="list-style-type: none"> <li>• Engage regularly with Government in relation to workload and make recommendations as to members, staffing and funding arrangements</li> <li>• Liaise with agencies in relation to, and plan for, future workload changes</li> <li>• Monitor and review the allocation of members and staff to different areas of work</li> <li>• Review our ways of working and the tools we use to improve effectiveness and efficiency</li> </ul>
New jurisdiction is conferred on the AAT with unanticipated number of applications resulting in resourcing issues	<ul style="list-style-type: none"> <li>• Liaise with the Attorney-General's Department and the administering department(s) in relation to proposals for new jurisdiction, including appropriate funding</li> <li>• Plan for the implementation of any new jurisdiction</li> </ul>
Fewer members are appointed, including at appropriate levels, or assigned than are needed for the types and volume of cases lodged with the AAT resulting in inability to meet performance targets	<ul style="list-style-type: none"> <li>• Engage with the Attorney-General in relation to member appointments and the assignment of members to multiple divisions.</li> </ul>
Failure to develop the knowledge and skills of members and staff in a changing environment leads to diminution of consistency and quality of service	<ul style="list-style-type: none"> <li>• Undertake workforce development planning</li> <li>• Implement effective performance management frameworks and learning and development programs</li> <li>• Provide appropriate resources, tools and other supports for members and staff</li> </ul>
Failure to have in place robust governance arrangements results in inability to meet statutory objectives and strategic priorities	<ul style="list-style-type: none"> <li>• Review the governance framework at regular intervals for consistency with best practice</li> <li>• Implement a robust conduct and complaint-handling framework for members</li> </ul>
Failure to effectively manage change leads to program or project failure and change fatigue	<ul style="list-style-type: none"> <li>• Establish internal change management capability and supporting processes and tools</li> </ul>
Failure to implement user-centred digital service offerings and ways of working does not meet Australian Government and community expectations and impedes efficiencies	<ul style="list-style-type: none"> <li>• Implement the digital strategy using an agile approach</li> <li>• Engage with users to understand their needs in designing solutions</li> <li>• Build capability and capacity to deliver successful projects</li> </ul>

Risk	Key risk management and mitigation strategies
Failure to engage with stakeholders and the community undermines trust and confidence in the AAT	<ul style="list-style-type: none"> <li>• Implement a comprehensive stakeholder engagement strategy</li> <li>• Build internal stakeholder engagement capability</li> <li>• Explain our role and operations to the community.</li> </ul>

## Cooperation

The AAT engages with, and relies on, a diverse range of people and bodies to achieve our purpose.

In the context of individual cases, the actions of the following individuals and organisations play a key role in the efficiency and effectiveness of the review process:

- the individuals, businesses and other organisations who seek review of decisions or are otherwise parties to a review
- the agencies, organisations and other persons whose decisions we review, and
- persons and organisations who represent or assist parties involved in reviews, which includes legal practitioners in government agencies, community legal centres, legal aid commissions and lawyers in private practice, disability and veterans' advocates, migration agents and tax agents.

The significance of the contribution made by these persons is reflected in the requirement in section 33 of the AAT Act that parties and representatives must use their best endeavours to assist the AAT to fulfil our statutory objective.

We liaise regularly with stakeholders to discuss issues relating to our operations and explore opportunities to improve the delivery of our services. The stakeholders include:

- peak bodies such as the Law Council of Australia, migration agent professional bodies and the National Social Security Rights Network
- organisations whose decisions we review such as the Australian Taxation Office, Comcare, the Department of Home Affairs, the National Disability Insurance Agency and Services Australia, and
- other national and local stakeholders who represent parties or are otherwise involved in relation to aspects of the review process.

Cooperation assists to enhance the overall operation of our review processes.

The Attorney-General and the Attorney-General's Department also make a significant contribution to our ability to achieve our statutory objective. We work closely with the Minister and the Department in relation to matters such as our budget, legislation and membership, which are fundamental to undertaking our activities.

## Performance

This section describes what the AAT plans to do and how success will be measured. The AAT's Annual Performance Statement for 2020–21, to be included in our 2020–21 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.

**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 and IAA provide administrative justice and contribute to improving the quality of government decision-making by reviewing administrative decisions in accordance with the *Administrative Appeals Tribunal Act 1975* and the *Migration Act 1958*.

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

## How will the AAT measure success?<sup>3</sup>

<b>Performance measure 1: Number of applications and referrals finalised</b>	
<b>Description:</b>	The number of AAT applications and IAA referrals finalised in a 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>	<p>This measure identifies the scale of activity undertaken by the AAT and IAA in the year and is related to the extent to which the AAT and IAA are providing mechanisms of review that are quick.</p> <p>The number of cases the AAT and IAA are able to finalise in any given year depends on workload but also the financial and human resources available, particularly the number of members, reviewers and other staff, and how effectively they have been employed.</p> <p>The AAT component of the targets are estimates based on the past year's performance, activity and trends in our broader operating environment, information relating to the resources that will be available and a modest anticipated increase in finalisations resulting from the introduction of greater efficiencies.</p> <p>The IAA component of the 2020–21 target is an estimate based on available financial and human resources and anticipated referral rates. Targets for later years do not include any IAA finalisations as funding for the IAA currently expires in 2020–21.</p>

<sup>3</sup> All performance measures, other than the AAT user experience rating, cover the work of both the AAT and the IAA. The results reported for each measure for the years prior to 2019–20 relate only to the AAT.

### Performance measure 1: Number of applications and referrals finalised

<b>Target:</b>	The estimated number of finalisations for the next four financial years is as follows: <table border="1" data-bbox="523 405 1445 533"> <thead> <tr> <th></th> <th>2020–21</th> <th>2021–22</th> <th>2022–23</th> <th>2023–24</th> </tr> </thead> <tbody> <tr> <td>Number of applications finalised</td> <td>52,040</td> <td>50,742</td> <td>51,250</td> <td>51,762</td> </tr> </tbody> </table>		2020–21	2021–22	2022–23	2023–24	Number of applications finalised	52,040	50,742	51,250	51,762
	2020–21	2021–22	2022–23	2023–24							
Number of applications finalised	52,040	50,742	51,250	51,762							
<b>Previous results:</b>	2016–17: 42,224 (target of 50,670); 2017–18: 40,040 (target of 44,410); 2018–19: 44,413 (target of 45,600); 2019–20: 53,336 (target of 48,756)										

### Performance measure 2: Clearance ratio

<b>Description:</b>	The ratio of AAT applications and IAA referrals finalised in a financial year to the number of AAT applications and IAA referrals received in the same year, expressed as a percentage.
<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>	<p>This measure identifies the extent to which the number of cases the AAT and IAA have on hand has increased or decreased during the reporting period. It is an indicator of the extent to which the AAT and IAA are providing mechanisms of review that are quick.</p> <p>The measure may be affected by a range of factors, including changes in lodgement rates, the resources available to deal with cases and how cases are managed. The results must be considered within the wider context of trends in lodgements and finalisations over time such as the significant backlog that has developed in the AAT over recent years.</p> <p>A target of 100% has been adopted to reflect our aim of finalising at least as many cases as are received so that the on-hand caseload does not increase.</p>
<b>Target:</b>	The clearance ratio is at least 100% in each financial year.
<b>Previous results:</b>	2016–17: 82%; 2017–18: 68%; 2018–19: 73%; 2019–20: 95%

### Performance measure 3: Proportion of applications and referrals finalised within a time standard

<b>Description:</b>	The proportion of applications and referrals finalised within 12 months of lodgement or receipt in a financial year.
<b>When:</b>	Measurement occurs annually after the end of the financial year in relation to applications finalised in that financial year.
<b>Method:</b>	Quantitative data measurement.

### Performance measure 3: Proportion of applications and referrals finalised within a time standard

<b>Rationale:</b>	<p>This measure is an indicator of the extent to which the AAT and IAA are providing mechanisms of review that are quick.</p> <p>The AAT and IAA review a wide range of decisions. The time taken to finalise cases varies 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 and referrals.</p> <p>The 75% target has been derived taking into account these variations and reflects a suitable benchmark for the AAT and IAA as a whole.</p>
<b>Target:</b>	In each financial year, 75% of applications are finalised within 12 months of lodgement.
<b>Previous results:</b>	2016–17: 82%; 2017–18: 77%; 2018–19: 66%; 2019–20: 60%

### Performance measure 4: Number of decisions published

<b>Description:</b>	The number of AAT and IAA decisions made during a financial year that are published.
<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>	<p>This measure is an indicator of the extent to which the AAT and IAA are providing mechanisms of review that are accessible and promote public trust and confidence in our decision-making.</p> <p>The AAT and IAA are authorised to publish decisions that are made 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.</p> <p>In accordance with our decisions publication policy, the AAT generally publishes:</p> <ul style="list-style-type: none"> <li>– all written decisions made in the Freedom of Information, General, NDIS, Security, Small Business Taxation, Taxation &amp; Commercial, and Veterans' Appeals Divisions</li> <li>– all written decisions made in certain types of cases in the Migration &amp; Refugee Division and proportions of written decisions made in cases in higher-volume areas of the Division's jurisdiction, and</li> <li>– a proportion of written decisions made in child support cases in the Social Services &amp; Child Support Division.</li> </ul> <p>The IAA publishes a representative sample of decisions.</p> <p>The target represents the estimated minimum number of written decisions the AAT and IAA expect to publish each financial year.</p>

### Performance measure 4: Number of decisions published

<b>Target:</b>	At least 5,000 decisions made in each financial year.
<b>Previous results:</b>	2016–17: 2,506; 2017–18: 4,918 (target of 4,000); 2018–19: 5,905 (target of 5,000); 2019–20: 6,265 (target of 5,000)

### Performance measure 5: AAT user experience rating

<b>Description:</b>	The average positive ratings derived from the results of a survey of parties and representatives about their experience at the AAT.
<b>When:</b>	Measurement occurs annually after the completion of the survey conducted in relation to cases finalised in that financial year.
<b>Method:</b>	Quantitative data measurement. Data is collected using independently administered online surveys, invitations for which are sent to all parties and representatives involved in a case finalised within a defined period for whom the AAT has an email address or mobile telephone number. The survey asks users to rate the quality of their experience of various aspects of the review process from lodgement to finalisation and their perceptions of the process overall. The user experience rating is calculated by computing the average positive ratings (i.e. 'strongly agree' and 'agree' ratings) given in responses to questions relating to the accessibility, fairness, informality and timeliness of the AAT's mechanism of review.
<b>Rationale:</b>	This measure is an indicator of the extent to which the AAT is providing a mechanism of review that is accessible, fair, informal and quick. Relying on the results of the first survey conducted in 2017–18 as a baseline, an average positive rating of at least 70% has been adopted as a suitable minimum target for the AAT.
<b>Target:</b>	The user experience rating is at least 70% in each financial year.
<b>Previous results:</b>	2017–18: 70%; 2018–19: 73%; 2019–20: 72%

### Performance measure 6: Proportion of appeals against decisions allowed by the courts

<b>Description:</b>	The number of appeals against AAT and IAA decisions allowed by the courts as a proportion of all AAT and IAA 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 AAT and IAA decisions that could have been appealed to the courts made in the previous financial year.
<b>Method:</b>	Quantitative data measurement. The number of appeals allowed in the financial year is divided by the number of AAT and IAA decisions that could have been appealed to the courts made in the previous financial year.

**Performance measure 6: Proportion of appeals against decisions allowed by the courts**

<p><b>Rationale:</b></p>	<p>This measure is an indicator of the extent to which the AAT and IAA are providing mechanisms of review that are fair and just and that promote public trust and confidence in decision-making.</p> <p>The AAT and IAA 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.</p> <p>This measure uses the total number of AAT and IAA decisions that could have been appealed to the courts as the base for the target as only a proportion of those decisions are 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 and IAA in the previous year. For appeals lodged in relation to decisions made in a year, the largest proportion is finalised in the following year.</p> <p>A target of less than 5% has been adopted to reflect that the proportion of AAT and IAA decisions set aside for legal error should be low.</p>
<p><b>Target:</b></p>	<p>In each financial year, the number of appeals allowed is less than 5% of all AAT and IAA decisions made in the previous year that could have been appealed.</p>
<p><b>Previous results:</b></p>	<p>2016–17: 3.0%; 2017–18: 3.1%; 2018–19: 2.3%; 2019–20: 4.4%</p>