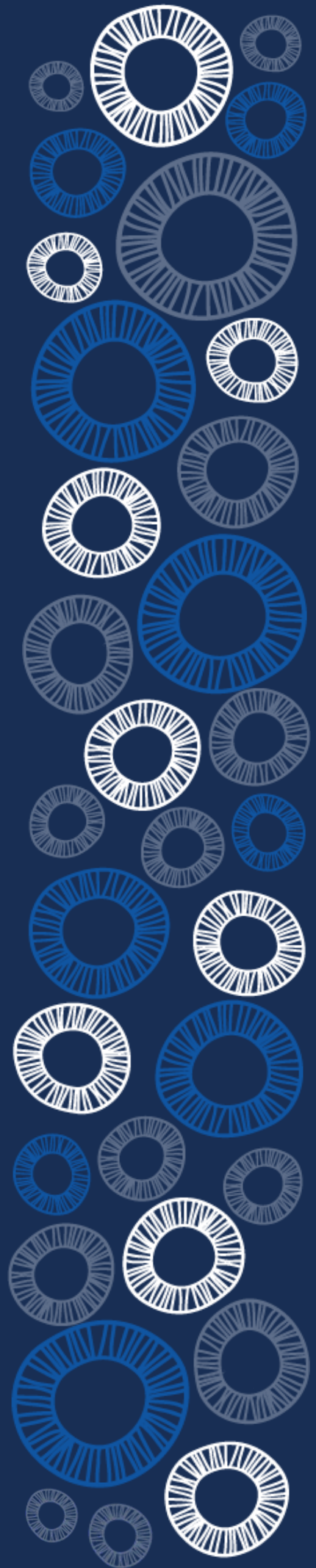




Administrative
Appeals Tribunal

Corporate Plan 2022–26



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I, as the accountable authority of the Administrative Appeals Tribunal, present the 2022–26 Administrative Appeals Tribunal corporate plan, which covers the period of 1 July 2022 to 30 June 2026, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).



Michael Hawkins AM
Registrar
Administrative Appeals Tribunal

16 August 2022

Our 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.

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.¹

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

The AAT and IAA provide administrative justice for individuals and organisations by reviewing decisions made under more than 400 Commonwealth laws 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.

Our key activities

The AAT is the primary Commonwealth tribunal undertaking merits review of administrative decisions that are made by Australian Government ministers, departments and agencies and, in limited circumstances, decisions made by state government and non-government bodies. 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 or vary the decision, set aside the decision and substitute a new decision, or remit the matter to the decision-maker for reconsideration.

The AAT's work is organised in the following divisions:

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

The majority of applications made to the AAT are in the Migration & Refugee Division (47% of all lodgements in 2021–22), the Social Services & Child Support Division (27%), the National Disability Insurance Scheme Division (13%) and the General Division (9%). The other divisions accounted for the remaining 4% of applications lodged in 2021–22.

¹ Section 2A of the *Administrative Appeals Tribunal Act 1975*.

² Section 473FA(1) of the *Migration Act 1958*.

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

Our review processes vary according to the type of decision under review. 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 may be represented or assisted by a lawyer, migration agent, advocate 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 in dispute, 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.

In most cases, the IAA reviews decisions on the papers. In exceptional circumstances, it may get or accept new information, including in writing or at an interview.

If an application to the AAT or a referral to the IAA is not withdrawn or otherwise resolved, the AAT and IAA will 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 in the Northern Territory and on Norfolk Island.

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

Our 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.

Over a number of years, the AAT has not had the funding and people required to manage the increasing volume of cases lodged with the Tribunal, resulting in a significant backlog. There have also been challenges in progressing changes to the legislation governing our activities as well as the implementation of a modern, single case management solution, both of which would enable the AAT to operate more effectively and efficiently. These issues continue to adversely affect our ability to achieve aspects of our purpose, most particularly to provide a quick mechanism of review.

These and other key factors in our operational environment are discussed below.

Size and composition of the caseload

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

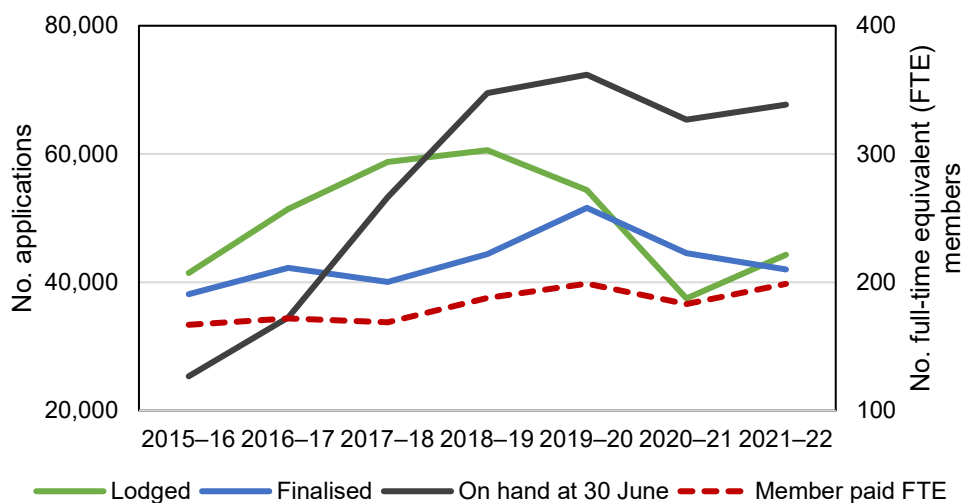
- Government policy decisions that set the AAT’s jurisdiction to review decisions
- the volume of primary decision-making activity, driven by the number of applications, claims or requests made to the organisations whose decisions we review, as well as their decision-making priorities, strategies and resourcing
- 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 increased significantly from 2016–17, with annual lodgements peaking at more than 60,000 in 2018–19. The most substantial growth was 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. There were also higher lodgements in the Social Services & Child Support Division in some years and a consistent increase over time in applications in the National Disability Insurance Scheme Division.

In 2019–20 and 2020–21 lodgements to the AAT decreased, largely for reasons related to the COVID-19 pandemic affecting some caseloads. There was a substantial decline in the number of applications to the Migration & Refugee Division for review of decisions about migration visas (that is, visas other than protection visas) following the border closure, as well as fewer lodgements in the Social Services & Child Support Division relating to Centrelink decisions. In contrast, applications for review in the National Disability Insurance Scheme Division continued to grow as the full rollout of the scheme was completed.

Lodgements increased again in 2021–22, primarily due to a rise in applications for review in the migration visa caseloads in the Migration & Refugee Division. There was also a sharp upsurge in applications to the National Disability Insurance Scheme Division with close to 5,900 lodgements, almost 3 times the number lodged in 2020–21. In most other caseloads, the number of applications remained lower than pre-pandemic levels, particularly lodgements relating to Centrelink decisions in the Social Services & Child Support Division.

Chart 1 AAT workload and membership, 2015–16 to 2021–22



While the AAT was able to achieve a 10% reduction in our substantial on-hand caseload in 2020–21, we received more applications than we were able to finalise with our resourcing in 2021–22 as was the case in earlier years. The number of active cases exceeded 67,700 at 30 June 2022 with cases in the Migration & Refugee Division comprising 83% of those cases and including an increasing number of older and more complex cases, particularly cases relating to protection visas. This is due, in part, to limitations on our ability to hold in-person hearings for these types of cases during the pandemic. Workload pressures on the AAT will likely increase in 2022–23 as lodgements in the migration visa caseloads are expected to rise further. Lodgements in some other caseloads are also anticipated to increase such as applications for review of Centrelink decisions. While lodgements in the NDIS Division may not remain at the significantly higher volume experienced in 2021–22, they are likely to continue at levels reflective of the number of participants in the Scheme.

The IAA is also demand-driven. The Migration Act and instruments made by the Minister determine the classes of persons who are fast track applicants.³ 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 which has varied over time. Subject to any decisions of Government relating to the IAA, referral rates in 2022–23 are anticipated to remain broadly consistent with those seen in 2020–21 and 2021–22 as the Department of Home Affairs finalises the remaining legacy caseload and increases the level of decision-making activity in relation to the associated secondary caseload.

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. 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 members appointed as Deputy Presidents, Senior Members and Members. Deputy Presidents assigned as Division Heads assist the President in managing the AAT's business. The Registrar and staff, primarily employed under the *Public Service Act 1999* (APS staff), 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 7 years. We regularly review our membership needs and provide advice to Government about those needs. However, decisions relating to appointments are ultimately a matter for Government. The AAT supports members to perform their statutory functions, including by providing training and other professional development. Consistent with the AAT's commitment to delivering quality decisions, the proportion of decisions that could have been appealed to the courts that have been set aside on appeal averages at 2.6% across the 7 years since 1 July 2015.

The AAT's staff perform a range of functions, primarily to support the conduct of reviews. They process applications and referrals, liaise with parties and representatives about cases, undertake ADR and other case assessment activities, provide support to the members and, in the IAA, undertake the reviews. Other staff perform various corporate support services.

³ Fast track applicants are persons who arrived in Australia by boat without a valid visa on or after 13 August 2012 but before 1 January 2014 and have been permitted by the Minister to make an application for a protection visa. Instruments specify certain other persons as fast track applicants.

As Chart 1 indicates, the number of members available to undertake reviews did not increase in line with our growing workload from 2016–17. This has led to the significant rise in the number of cases on hand, particularly in the Migration & Refugee Division. In relation to the number of staff, the AAT has been subject to an Average Staffing Level cap, largely based on historical workload levels which, even with a modest increase in 2021–22, has not kept pace with the increased workload and has not been adequate to support the needs of the Tribunal. Contractors, who cannot undertake certain statutory functions, had to be engaged to meet additional staffing needs with the roles later filled by APS staff where possible.

The AAT has implemented a range of innovative case management strategies over time which have enabled us to increase the number of applications finalised with the available members and staff. However, the AAT will not be able to reduce the backlog and deal with the incoming caseload in a reasonable time with the number of members and staff we currently have.

Like many public sector agencies, the AAT is facing challenges attracting and retaining appropriately skilled staff as the labour market tightens, particularly in data and technology roles where significant shortages exist across both public and private sectors. This is of particular significance in relation to continuing to support our legacy case management systems while also prioritising the development of a new case management solution. We have experienced an increase in both specialist and non-specialist staff leaving the AAT for career-advancing roles elsewhere and have had difficulty recruiting suitable replacements, risking loss of corporate knowledge and resulting in additional workload pressures.

Funding

The funding arrangements for the AAT and IAA comprise a single, annual appropriation with an adjustable component which responds only 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 the 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, resulting in funding pressures and operating deficits. A more flexible funding model which is responsive to fluctuations in the volume and complexity of all parts of our workload, as well as changes in member appointments and related staffing and other support resources, 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. Over time, the AAT has identified areas of difference in the current legislative framework which it believes would benefit from greater harmonisation. The 2017 review of options to harmonise AAT procedures led by Mr Andrew Metcalfe AO and the 2018 statutory review of the amalgamated AAT conducted by the Hon Ian Callinan AC included recommendations supporting such harmonisation.

The *Courts and Tribunals Legislation Amendment (2021 Measures No.1) Act 2022* was a first step on the pathway to further procedural harmonisation in relation to the operations of the Social Services & Child Support Division. The Division is now able to hold conferences during a review and it can use the same powers as other divisions to require parties to give the AAT documents or information or to summon a person to give evidence or produce documents for the purposes of a review.

Proposals for harmonising and otherwise improving procedures within the Migration & Refugee Division are yet to be addressed. 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. The lack of 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 in that division as effectively as we could. The AAT also urgently requires powers to be able to appoint a litigation guardian to facilitate access to the Tribunal for parties who lack capacity to participate in the review process.

The AAT has been working with the Attorney-General's Department and other relevant agencies to explore the options for further legislative harmonisation and other changes which will improve the operations of the Tribunal and enhance our ability to meet our statutory objective.

Stakeholders and scrutiny

The AAT's stakeholder environment is complex. This is due to the broad range of Australian Government decisions we can review as well as the diversity of the users of our services and of other stakeholders who have an interest in our work. There is significant interest in the AAT's decisions and operations, including from parliamentarians, government agencies, the media and, through them, the wider community. Our ability to engage effectively with stakeholders is critical to the delivery of user-centred merits review services, as well as in building public trust and confidence in our processes and decisions.

The AAT's operations are subject to external scrutiny through a range of mechanisms. The principal form of scrutiny of how we conduct reviews and the decisions we make on review is by way of review in the courts, with the rate of appeal against decisions of the Migration & Refugee Division and the IAA substantially higher than for other AAT divisions. Our operations are also subject to scrutiny through requests made under the *Freedom of Information Act 1982*, complaints to the Commonwealth Ombudsman and other bodies as well as through audits, reviews and parliamentary scrutiny.

The degree of scrutiny of the AAT has intensified in recent years and, in 2021–22, included the inquiry conducted by the Senate Legal and Constitutional Affairs References Committee into the performance and integrity of Australia's administrative review system. The Committee's interim report canvassed a range of issues about the AAT's performance. It recommended that consideration be given to the AAT Act, the divisional structure and membership as well as the AAT's case management practices, practice directions, guides and guidelines. The interim report also made recommendations relating to the process for appointing members of the AAT. While the Committee recommendations are ultimately a matter for Government to consider, the AAT has a commitment to improving our practices and procedures to best achieve our statutory objective. We also support merit-based appointment processes.

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 AAT reacted swiftly to the impacts of the COVID-19 pandemic, rapidly adopting new ways of working to enable members and staff to work remotely, and engaging with our users digitally to continue to deliver our services. We continue to conduct many more hearings by telephone or video, while maintaining access to in-person case events where appropriate for the particular case.

We continue to focus on providing improved user-centred services and allow members and staff to work more effectively and efficiently through mobility and new cloud-based services. The AAT inherited a number of legacy systems from the amalgamating tribunals which are now well past their end of life and without vendor support, providing an imperative for the AAT to develop a modern single case management solution. With our diverse jurisdictions and wide range of users, there are continuing challenges in developing an integrated suite of digital services that will best meet the needs of all internal and external stakeholders. The AAT must also remain mindful of the need to maintain non-digital service options to ensure access to justice for our diverse users.

Cooperation

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

In the context of individual cases, the actions of the following people 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 people whose decisions we review, and
- people 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.

Parties and representatives are required by section 33 of the AAT Act to use their best endeavours to assist the AAT to fulfil our statutory objective. This reflects the significance of the contribution others make to our work.

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, bar associations, law societies and migration agent professional bodies
- organisations whose decisions we review such as the Australian Taxation Office, Comcare, the Department of Home Affairs, the Department of Veterans' Affairs, the National Disability Insurance Agency and Services Australia
- other national and local stakeholders who represent parties or are otherwise involved in relation to aspects of the review process such as legal aid commissions and disability representative organisations.

The overall operation of our review processes is enhanced through cooperation.

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 Attorney-General and the Department as well as the Department of Finance in relation to matters such as our budget, legislation and membership, which are fundamental to undertaking our activities.

Capability

This section describes the key strategies and plans the AAT will use during the period 1 July 2022 to 30 June 2026 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 fit-for-purpose structure and organisational decision-making informed by better data, including the fair, transparent and logical allocation of resources in the context of a challenging fiscal environment
- establishing efficient, fair, proportionate and timely review processes for our diverse caseloads in accordance with agreed principles
- delivering a service that is user focused and based on contemporary and digital ways of working, supported by the implementation of a single case management solution
- undertaking effective workforce planning, developing the capabilities of our members and staff and strengthening workplace culture.

In 2022–23 and the forward years, we will review our operations and continue to take steps to improve the way we work whilst managing our significant workload.

Governance and structure

With the appointment of a new President of the AAT and a new Registrar in April 2022, the AAT will take the opportunity in 2022–23 to consider whether any changes should be made to our governance arrangements to ensure the President, the Registrar and the Division Heads are best supported to carry out their responsibilities under the AAT Act, PGPA Act and other relevant legislation and to promote the AAT and IAA achieving their purpose. This will include confirming the responsibilities and accountabilities of the AAT’s senior leaders, including other members in leadership positions and senior staff, to support effective management of the Tribunal.

Following the development of an Enterprise Capability Model in 2021–22 which identifies the high-level capabilities the AAT needs to perform our role well into the future, work will be undertaken in 2022–23 to determine and implement a structure that will most effectively support the way we plan to operate into the future, including across divisions and locations, and to ensure clarity of roles within that structure. In 2022–23 and the forward years, there will also be an increased focus on ensuring a coordinated approach to the selection and implementation of priority projects, using a fit-for-purpose project management framework, including enhanced resource planning, scheduling and execution. The development of a single case management solution is the AAT’s highest priority and any additional projects undertaken by the AAT will be subject to rigorous scrutiny to establish their impact and importance.

Resourcing

Given the significant increase in our on-hand caseload over time as well as the operating deficits of increasing size experienced by the AAT in the last 2 financial years and projected for 2022–23, the AAT will work with the Government in 2022–23 and the forward years to seek to ensure we have the people and financial resources to undertake our work and meet our statutory objectives. This will include:

- identifying the number of members and staff required to deal with our backlog and incoming work
- advising the Attorney-General of member appointment needs
- seeking further changes to our Average Staffing Level cap as necessary to ensure we can engage the staff that are needed, and
- pursuing and implementing revised funding arrangements to ensure the AAT has a sustainable financial basis, including the development of a funding model which can adapt to changes in the caseload volume into the future, and adequately supports member appointments.

We are mindful that the request for additional resourcing must be supported by the AAT and IAA seeking to identify and implement ongoing changes to our operations that improve efficiency. We must manage the 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 are set out in the following sections.

We will also review the way we allocate and manage resources internally, including to support the work of each division. Improvements to organisational decision-making in relation to resource allocation will be enabled by enhanced approaches to identifying need and measuring capacity, assessing and determining priorities within and between divisions, and monitoring resource use. The President and Registrar are committed to a comprehensive review of our structure and operations to ensure the organisation is fit for purpose and is best placed to deliver our statutory objectives.

Caseload management

The AAT will maintain a focus in 2022–23 and the forward years on reviewing and improving national areas of practice and our caseload management strategies in order to deliver fair processes which deal more effectively, efficiently and consistently with different caseloads within the current and any changed legislative framework. We will complete a review of practice directions, guides and guidelines which set out the procedures that apply in different divisions and caseloads. We will continue to explore opportunities for innovation, including using staff where appropriate, to resolve cases at the earliest opportunity and ensure cases are well-prepared for hearing. This, together with a renewed focus on aligning and improving arrangements for high-quality and tailored member support, as well as a new case management solution, will ensure that members are able to make the most effective use of their time when conducting hearings and making decisions.

We will undertake further work to harmonise the AAT's procedures and operations across divisions and locations, where appropriate and practicable, with the aim of:

- 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 work with the Attorney-General's Department and other agencies to progress further 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 as well as empowering the Tribunal to appoint a litigation guardian to promote access and fairness in circumstances where an applicant or other party does not have capacity to participate in the review process.

User-centred services

A key focus for the AAT in 2022–23 and the forward years continues to be improving our performance on delivering high-quality, consistent and accessible services to our users.

In 2022–23, we will continue to undertake work on improving the way we provide basic procedural information and assistance to users. We will take steps to enhance our digital and in-person service delivery channels, including our website, to ensure we can deal effectively and efficiently with simple as well as more complex case enquiries. We will maintain our commitment to building the capability of our staff to engage with our users through ongoing improvements to procedural material and training.

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 Aboriginal and Torres Strait Islander peoples, people from diverse cultural and linguistic backgrounds, people with disability, people who have experienced domestic and family violence, and people living in 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. We have identified related priorities for 2022–23, including:

- implementing actions outlined in our Reconciliation Action Plan to improve the way we engage with First Australians
- taking steps to improve aspects of access for people with different kinds of disability
- increasing the amount of information about our services and processes available in other languages, and
- providing further learning and development opportunities for members and staff in relation to diversity issues and interacting with our diverse users.

Stakeholder engagement

We remain committed to engaging with the broad range of external stakeholders who use our services or have an interest in our work in order to:

- help users prepare by being informed and understanding 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.

Engagement with our users, including parties to reviews, decision-making organisations and representatives, is a priority. In 2022–23, we will review our arrangements to ensure we have effective liaison both nationally for all of our key areas of jurisdiction and at the registry level in relation to local issues and will clarify the ways in which we can best seek the views of users to

inform the design of our services. We will also consider opportunities for improving engagement with decision-making organisations in relation to systemic issues arising on review to contribute to improving the quality of decision-making.

We use a range of mechanisms to seek feedback from users about their experiences at the Tribunal to monitor sentiment and inform improvements to our services, including the annual post-finalisation user feedback survey which forms the basis for our performance measure on user experience. We will examine the way we undertake user feedback research in 2022–23, including opportunities to obtain more immediate feedback from users at specific points in the review process.

In relation to the AAT’s engagement with the parliament, the AAT will continue to refine our processes and systems to ensure we provide accurate, comprehensive and timely information to the extent possible to support the parliament’s role in scrutinising the AAT’s operations. We will also maintain a commitment to engaging with the media, academia and others to improve the wider community’s understanding of what we do and the decisions the Tribunal makes.

ICT and data capability

The AAT will undertake a range of digital and data initiatives in 2022–23 and the forward years to deliver a significantly improved digital operating environment for the Tribunal and our users. With our legacy case management systems well past their end of life and no longer supported by vendors, our primary focus will be the development and implementation of a single case management solution.

Utilising the AAT’s system design framework and approach, we will pursue a number of programs and projects in 2022–23 to further advance our modernisation approach and secure the Tribunal’s technology at a higher maturity level. In relation to work which contributes to continuing to improve our service delivery to users, we will:

- finalise our proof of concept for a new case management solution for the AAT then commence implementation of the solution via pilot, followed by a graduated scale-up to cover more divisions and workflows
- extend the capabilities and services delivered through the AAT online services portal
- implement the final phases of the upgrade of the AAT’s hearing room equipment and systems, blending options for digital and in-person attendance to ensure all user needs are met.

The continued investment in case management and enhanced online service options will increase the convenience and accessibility of the AAT’s services for our users, particularly additional self-service options, and enhance the efficiency of the review process. The maturing internal systems and contemporary workplace tools not only help our members and staff to work more effectively, flexibly and efficiently in delivering our services but reduce the overhead cost of service provision.

In 2022–23, the AAT will deliver the next phase of our move to cloud-based services, finalise the update of the AAT infrastructure to a modern software-defined capability, continue to retire legacy infrastructure, systems and network components and reduce our total cost of ownership for technology services. We will continue to implement our Cyber Security Strategy 2020–23 to strengthen the integrity of our systems. We will also continue to explore the potential to utilise machine learning and automation within our modern platforms and seek all opportunities for more effective integration of our systems with decision-making agencies and the courts as part of the whole administrative decision-making system.

We will further progress work in 2022–23 on our data strategy and expand our developing data and analytics capabilities 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 is critical in the support and modernisation of our case management system and includes initiatives relating to data governance, security and quality, as well as improving data literacy and culture across the agency so that we recognise and use our data as a valuable asset.

Workforce planning, capability and culture

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

In 2022–23 and the forward years, the AAT will implement our Workforce Strategy 2022–2025 which was developed in partnership with the Australian Public Service Commission. The strategy identifies key workforce risks and challenges in our operating environment, current and future capability needs taking into account our Enterprise Capability Model, and articulates strategies to mitigate the risks and develop required capabilities.

We will consider succession planning issues, particularly in the context that the terms of a substantial number of longstanding members end in the forward years.⁴ In light of current challenges in relation to attracting and retaining staff, we will continue to focus on employee engagement and retention in 2022–23, including the completion of a project to articulate and communicate the benefits of working at the AAT to both our current and future potential workforce. We will also continue to engage with members and staff about their experiences working at the AAT through surveys and workshops

In 2022–23, we will implement a revised learning and development strategy and framework for members and staff. We will also continue to coordinate learning and development activities that support strategic priorities, enhance our workforce capability and address identified training needs. This includes programs and activities that:

- develop our members' knowledge and skills in relation to the work they undertake, especially newly appointed members, through a robust member induction program, ongoing member development program and a customised member curriculum
- support staff to develop their expertise across the range of work we undertake and have fulfilling careers at the AAT, and
- support members and staff as technological changes and the implementation of organisational changes alter the type of work that is undertaken and how it is managed.

In 2022–23, we will continue to engage with Government in relation to establishing a clearer legislative framework with respect to the performance and conduct of members, including the handling of complaints. A framework similar to those that exist in other courts and tribunals would be a means of promoting public trust and confidence in the AAT. More broadly, the AAT will continue work over the 4 years of the plan to foster our desired culture and values through our shaping our culture program, including to support collegiality, collaboration and a high level of morale among our members and staff. We will also promote engagement and participation as well as physical and psychological wellbeing through our diversity and inclusion, and health and wellbeing programs which will contribute to the effectiveness of our operations.

⁴ The terms of 37 members are due to expire in 2022–23, 143 in 2023–24 and 62 in 2024–25.

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 an Enterprise Risk Register, risk awareness sessions and an independent risk review
- regular monitoring of risk issues by the AAT’s senior leaders, and elevation of the Chief Risk Officer and Risk Manager who will report directly to the Registrar
- a three-year internal audit plan and regular internal audit activity
- Accountable Authority Instructions issued by the Registrar
- a fraud control plan, fraud risk register and assessments
- security policies, procedures, focussed training sessions and reviews, and
- business continuity and disaster recovery plans.

The appropriateness of our system of risk management is kept under review by our Audit and Risk Committee.

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, finances, facilities, information, resource management and technology.

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

Risk	Key risk mitigation strategies
Funding and funding model are inadequate to manage workload and AAT operations	<ul style="list-style-type: none"> • Engage with Government, the Attorney-General’s Department and the Department of Finance in relation to a whole-of-tribunal funding model • Engage with key stakeholders, including the Department of Home Affairs and Department of Social Services on funding arrangements
Failure to progress implementation of a new case management solution, resulting in ongoing reliance on unsupported legacy systems, risk of significant service interruptions and delayed realisation of improvements to operational effectiveness and efficiency	<ul style="list-style-type: none"> • Engage with Government in relation to funding and staffing arrangements • Ensure case management program and projects are prioritised for maximum return on investment • Develop risk mitigation plans as required for legacy arrangements and systems
Failure to attract and retain skilled staff, resulting in high turnover, loss of corporate knowledge and low morale	<ul style="list-style-type: none"> • Develop staff retention and engagement strategies as part of workforce planning • Review position descriptions to ensure they match the expectations of candidates and supervisors

Risk	Key risk mitigation strategies
Failure to finalise as many applications as we are receiving results in a growing backlog, delay and user hardship and dissatisfaction	<ul style="list-style-type: none"> • Engage regularly with Government in relation to workload and make recommendations as to members, staffing and funding arrangements • Liaise with agencies in relation to, and plan for, future workload changes and related budget impacts • Monitor and review the efficient allocation of members and staff to different areas of work • Review our ways of working and the tools we use to improve effectiveness and efficiency
New jurisdiction is conferred on the AAT with unanticipated number of applications resulting in resourcing issues	<ul style="list-style-type: none"> • Liaise with the Attorney-General's Department and the administering department(s) in relation to proposals for new jurisdiction, including appropriate funding • Review and adjust operational requirements required to meet changes in workload
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"> • Engage with the Attorney-General in relation to member appointments and the assignment of members to multiple divisions • Increase focus on members' professional development to align with Tribunal needs
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"> • Undertake workforce planning in close alignment with the Enterprise Capability Model • Implement effective staff performance management frameworks and member and staff learning and development programs • Provide appropriate resources, tools and other supports for members and staff
Failure to have in place robust governance arrangements results in inability to meet statutory objectives and strategic priorities	<ul style="list-style-type: none"> • Keep the governance framework under review for consistency with better practice • Maintain sound strategic and operational planning processes and risk management processes, including internal audit and compliance monitoring
Failure to effectively manage change leads to program or project failure and change fatigue	<ul style="list-style-type: none"> • Establish internal change management capability focussed on timely communication of objectives and improved stakeholder engagement
Failure to engage with stakeholders and the community undermines trust and confidence in the AAT	<ul style="list-style-type: none"> • Review and refine our stakeholder engagement practices • Build internal stakeholder engagement capability • Maintain and improve complaint handling processes • Explain our role and operations to the community

Risk	Key risk mitigation strategies
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"> • Implement the digital strategy using an agile approach • Engage with users to understand their needs in designing solutions • Build capability and capacity to deliver successful projects
Failure to implement appropriate cyber security arrangements, resulting in cyber attacks and mistrust by users or, conversely, limited innovation and delivery of system improvements	<ul style="list-style-type: none"> • Implement a cyber security strategy and enhance related governance and risk management processes • Allocate adequate resources to the cyber security function • Design, implement and continually improve a robust cyber security culture

Our performance

This section describes what the AAT plans to do and how success will be measured. The AAT’s Annual Performance Statement for 2022–23, to be included in our 2022–23 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: Administrative Appeals Tribunal and Immigration Assessment Authority

Review decisions to provide administrative justice for individuals and organisations and, more broadly, contribute to improving the quality of government decision-making.

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

How will the AAT measure success?⁵

Performance measure 1: Number of applications and referrals finalised											
Description:	The number of AAT applications and IAA referrals finalised in a 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 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 the volume and complexity of the 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 and information relating to the resources that will be available.</p> <p>The IAA component of the 2022–23 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 2022–23.</p>										
Target:	<p>The estimated number of finalisations for the next four financial years is as follows:</p> <table border="1" data-bbox="539 1196 1439 1348"> <thead> <tr> <th></th> <th>2022–23</th> <th>2023–24</th> <th>2024–25</th> <th>2025–26</th> </tr> </thead> <tbody> <tr> <td>Number of finalisations⁶</td> <td>42,024</td> <td>41,224</td> <td>41,224</td> <td>41,224</td> </tr> </tbody> </table>		2022–23	2023–24	2024–25	2025–26	Number of finalisations ⁶	42,024	41,224	41,224	41,224
	2022–23	2023–24	2024–25	2025–26							
Number of finalisations ⁶	42,024	41,224	41,224	41,224							
Previous results:	2018–19: 44,413 (target of 45,600); 2019–20: 53,336 (target of 48,756); 2020–21: 45,353 (target of 52,040); 2021–22: 43,084 (target 47,944)										

Performance measure 2: Clearance ratio	
Description:	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.
When:	Measurement occurs annually after the end of the financial year in relation to that financial year.
Method:	Quantitative data measurement.

⁵ Since 2019–20, 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 2018–19 relate only to the AAT.

⁶ The targets for the number of cases to be finalised in 2023–24, 2024–25 and 2025–26 do not include any IAA finalisations as the IAA is not currently funded to operate in those years.

Performance measure 2: Clearance ratio	
Rationale:	<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>
Target:	The clearance ratio is at least 100% in each financial year.
Previous results:	2018–19: 73%; 2019–20: 95%; 2020–21: 118%; 2021–22: 95%

Performance measure 3: Proportion of applications and referrals finalised within a time standard	
Description:	The proportion of AAT applications and IAA referrals finalised within 12 months of lodgement or receipt in a financial year.
When:	Measurement occurs annually 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 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 benchmark for the AAT and IAA as a whole.</p>
Target:	In each financial year, 75% of applications are finalised within 12 months of lodgement.
Previous results:	2018–19: 66%; 2019–20: 60%; 2020–21: 54%; 2021–22: 60%

Performance measure 4: Number of decisions published	
Description:	The number of AAT and IAA decisions made during a financial year that are published.
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 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"> – all written decisions made in the Freedom of Information, General, National Disability Insurance Scheme, Security, Small Business Taxation, 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 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>
Target:	At least 5,000 decisions made in each financial year.
Previous results:	2018–19: 5,905; 2019–20: 6,265; 2020–21: 5,860; 2021–22: 5,357

Performance measure 5: AAT user experience rating	
Description:	The average positive ratings derived from the results of a survey of parties and representatives about their experience at the AAT.
When:	Measurement occurs annually after the completion of the survey conducted in relation to cases finalised in that financial year.
Method:	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

Performance measure 5: AAT user experience rating	
	the AAT's mechanism of review.
Rationale:	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.
Target:	The user experience rating is at least 70% in each financial year.
Previous results:	2018–19: 73%; 2019–20: 72%; 2020–21: 77%; 2021–22: 74%

Performance measure 6: Proportion of AAT and IAA decisions set aside by the courts on appeal	
Description:	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.
When:	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.
Method:	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.
Rationale:	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. The AAT and IAA must make the correct or preferable decision when reviewing a decision. Decisions may be appealed to the courts and an appeal may be allowed if the AAT or IAA has made an error of law in relation to how the review was conducted or in reaching the decision. 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 of successful appeals are finalised in the following year. 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.
Target:	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.
Previous results:	2018–19: 2.3%; 2019–20: 4.4%; 2020–21: 2.3%; 2021–22: 1.9%