



Administrative  
Appeals Tribunal

# Corporate Plan 2023–27



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I, as the accountable authority of the Administrative Appeals Tribunal, present the 2023–27 Administrative Appeals Tribunal corporate plan, which covers the period of 1 July 2023 to 30 June 2027, 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**

21 August 2023

# Reform of the AAT

On 16 December 2022, the Australian Government announced that it will abolish the Administrative Appeals Tribunal (AAT) and replace it with a new federal administrative review body.

At the time of preparing this Corporate Plan, it is not known when the AAT will cease to operate and when the new federal administrative review body will commence.

Although section 16E(1) of the PGPA Act requires the corporate plan to cover at least 4 reporting periods for the entity, the uncertainty of abolition and reform necessitate that we focus on the AAT's immediate future leading up to the establishment of a new review body, which may occur during the period covered by this plan.

While still delivering on our legislated objectives in accordance with section 2A of the *Administrative Appeals Tribunal Act 1975* (AAT Act) our key priorities for 2023-24 and until such time as the AAT no longer exists are to:

- manage our large and diverse caseload, including ensuring the continued delivery of high-quality services to our users
- support our members and staff, during the period of developing and transitioning to a new merits review body, to continue to deliver high-quality services, and
- assist the Government in developing the new merits review body through the sharing of operational expertise and corporate knowledge.

Our current environment including the challenges outlined below are considered in the context of the Government's reform of the AAT.

## Our purpose

The 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.<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 made under more than 400 Commonwealth laws in accordance with the AAT Act and the

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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*.

*Migration Act 1958* (Migration Act) and, more broadly, contribute to improving the quality of government decision-making.

## Our key activities

The AAT is a single-outcome and single-program entity.

**Outcome 1<sup>3</sup>:** 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.

All activities undertaken by the AAT are directed at meeting our outcome, consistent with the objectives of section 2A of the AAT Act.

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 (46% of all lodgements in 2022–23), the Social Services & Child Support Division (31%), the National Disability Insurance Scheme Division (10%) and the General Division (10%). The other divisions accounted for the remaining 3% of applications lodged in 2022–23.

The IAA, 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 the procedural requirements set out in the AAT Act, Migration Act and social services legislation, as well as the case management approaches we adopt to deal with the broad range of review decisions. Our procedures are intended to give an applicant, and any other party to a review, a reasonable

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<sup>3</sup> Refer Administrative Appeals Tribunal Portfolio Budget Statements 2023-24

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 upon request. The Tribunal invites or directs parties to give us additional information that is 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, in an attempt 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 accept new information, including in writing or at an interview.

Unless an application or referral is withdrawn or otherwise resolved, the AAT or 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.

## 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 required to manage the increasing volume of cases lodged with the Tribunal, resulting in a significant on-hand caseload. 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. Our current inability to harmonise and automate our operational processes, due to the separate and often divergent pieces of legislation that govern different divisions as well as the absence of a fit for purpose case management system, continues to adversely affect our ability to achieve aspects of our purpose, most particularly to provide a quick mechanism of review

The abolition of the AAT and the introduction of a new federal administrative review body provides another layer of complexity in achieving our objectives. The AAT will be required to play a significant role in assisting the Attorney-General's Department to implement the Government's policy decisions into the new fully operational federal administrative review body. This will be in addition to the provision of business-as-usual services, without additional appropriation. However, it also provides a unique opportunity to address the impact of the above-mentioned challenges when the new review body becomes operational so that it is best placed to deliver on Government expectations.

## 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.

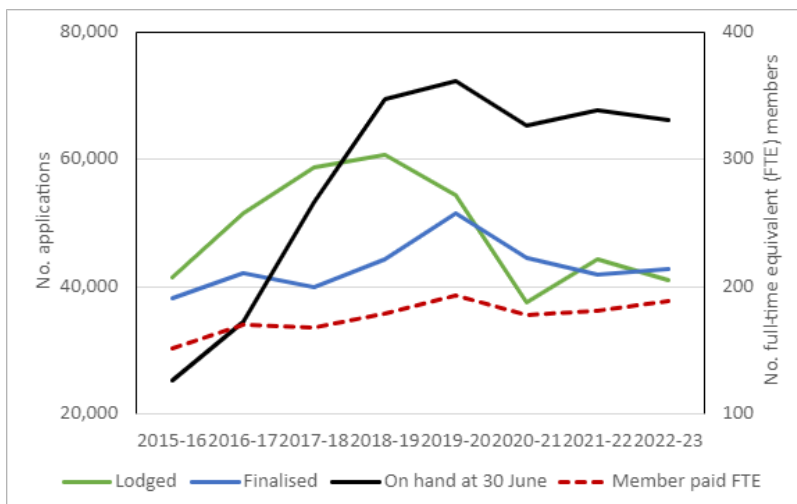


Chart 1 AAT workload and membership, 2015-16 to 2022-23

Lodgements to the AAT increased significantly from 2016-17, particularly applications for review of migration and refugee decisions, peaking in 2018-19 at 60,595 total applications lodged. However, the application rate is stabilising over recent years. There were between 40,000 – 45,000 applications lodged per annum over the last two years, after being lower during the peak of the COVID-19 virus. Over the last two years, the AAT is also finalising approximately the same number of applications it is receiving, and there has been a reduction in the total number of matters on hand over the last three years from a peak of 72,000 in 2019-20 to 66,131 at the end of 2022-23.

Our capacity to finalise matters is primarily governed by the number of members appointed by the Government of the day, and our annual appropriation. The Government is providing funding of \$63m over 2 years, commencing on 1 July 2023, to support the appointment of an additional 75 members to address the existing on-hand caseload and reduce wait times. The additional members are expected to make a significant contribution to reducing the on-hand caseload over the next 2 years. However, for the on-hand caseload to be actively managed and reduced into the future, a fit for purpose funding model and appropriate resourcing for finalising matters is required.

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.<sup>4</sup> 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

<sup>4</sup> 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.

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.

Referrals to the IAA have decreased significantly since late 2021. This is due to several factors, including the bulk of the primary caseload having been completed, the impact of COVID-19 on visa processing, and changes in Government policy affecting fast track temporary protection visa holders. The IAA is funded as a terminating measure based on the projected legacy caseload with funding approved to 30 June 2024.

The AAT and IAA seek to anticipate and plan for changes in the number of applications and referrals we receive, including through liaison with decision-making organisations. Challenges can arise in responding to increases in workload due to constraints on 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, who is a statutory appointment, and staff, primarily employed under the *Public Service Act 1999* (APS staff), assist in carrying out the functions of the AAT and IAA.

The Hon Justice Emilius Kyrou AO was appointed as the President of the AAT on 9 June 2023. The Government has announced that Justice Kyrou will lead the AAT until such time that it no longer exists, then becoming the inaugural President of the new review body.

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.

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.

The AAT is required to manage its staff in accordance with an average staffing level (ASL) cap. In previous years, the ASL cap limited the AAT's ability to efficiently recruit and place staff throughout the agency and meet the growing demands of the caseload. An increase in the ASL cap for 2023-24, from 638 to 806, will enable the AAT to better manage its staffing profile and move existing labour hire contracts to APS employee positions, resulting in more efficient employee expenditure.

As part of the reform, the Government has announced that APS staff, both ongoing and non-ongoing, will transition to the new review body. Members, not part of the 75 new appointments announced by the Government, will be invited to apply for positions within the new review body. A key challenge for the AAT will be to ensure that all members and staff remain focused on delivering high quality services to our clients and stakeholders in the context of the AAT being abolished.

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 the continuing support of our legacy case management systems while also prioritising the



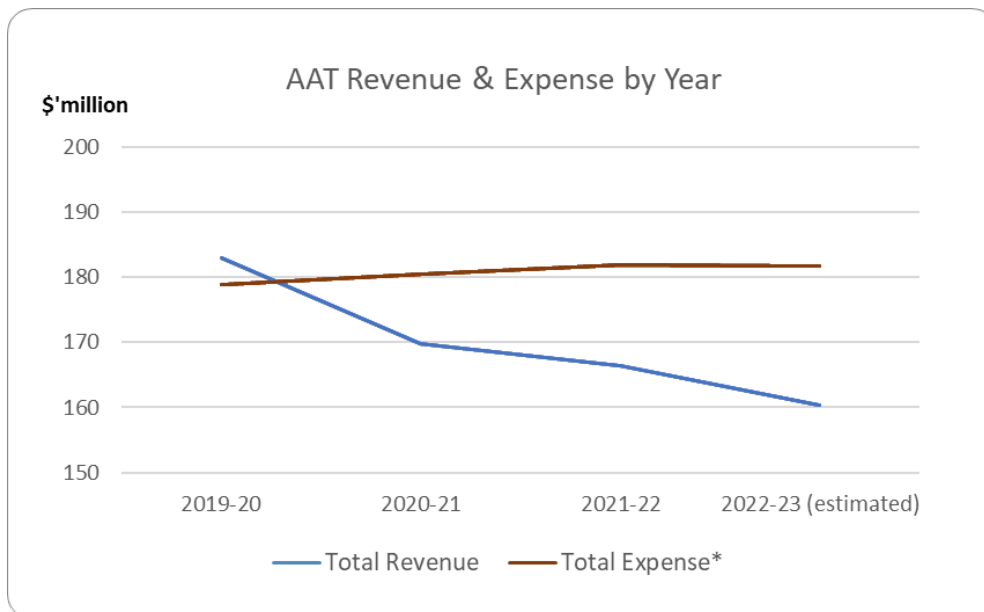
development of a new case management solution. We have experienced an increase in both specialist and non-specialist staff leaving the AAT for career-advancing roles elsewhere and have had difficulty recruiting suitable replacements, resulting in a loss of corporate knowledge and additional workload pressures. The potential for members and staff to resign from the AAT due to uncertainty regarding the reform is a further risk the AAT will need to manage.

## 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.

As demonstrated in Chart 2 below, total revenue for the AAT has continually decreased since 2019-20 while total expenses have remained relatively constant. This has resulted in operating losses over the last 3 years, with the AAT recording an estimated operating loss of \$20.8m for 2022-23 (excluding depreciation and amortisation). Past operating losses, including this year's, have been met with Government approval to utilise existing cash reserves.



\* Total Expense excludes depreciation and amortisation but includes principal repayments on leased assets.

Chart 2 – comparison of revenue and expense by year

The Government has committed \$63.4 million over two years for the appointment of an additional 75 members to provide additional capacity to enable the rapid resolution of existing backlogs and reduce wait times while the new body is being set up. The government has also committed to an additional \$11.7 million in funding over two years to develop and implement the case management system for the new review body. The AAT welcomes the additional appropriation but notes that this will not address underlying issues with the way we are funded with strong remedial action required to ensure the AAT is on a sustainable footing until it is abolished.

## Legislative framework for the conduct of reviews

The procedures that applied to the conduct of reviews in the AAT, MRT, RRT and SSAT prior to amalgamation remain 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.

There remain areas of difference, most notably in the Migration and Refugee Division, in the current legislative framework which the AAT believes would benefit from greater harmonisation. We will continue to work with the Attorney-General's Department as part of the reforms to address these legislative inconsistencies.

## 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 interested stakeholders. 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 the conduct of reviews and review decisions is by way of court appeals. 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, senate estimates, parliamentary scrutiny, and the general media.

We remain committed to engaging with our broad range of stakeholders in a purposeful and coordinated way in order to 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.

## 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 impacts of the COVID-19 pandemic catalysed new ways of working to enable members and staff to work remotely, and engage 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.

The AAT continues 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. A robust and fit for purpose case management system is a key tool to drive core business in an effective and more efficient manner. The legacy case management systems currently in use are no longer fit for purpose, having exceeded their end of life and are operating without external vendor

support. Developing a new consolidated case management system is a critical requirement for the AAT and the new reform body to ensure that services can be delivered to clients and stakeholders.

Utilising the AAT's system design framework and approach, we continue to deliver a number of programs and projects in 2023–24 to further advance our modernisation approach and secure the Tribunal's technology at a higher maturity level.

## Capability

While our legislative objectives remain the same, we are conscious of the fact that any commitment of resources and funds to new and existing capability development projects would need to be subject to further clarity on the structure, timing, legislative framework and resourcing model of the new body. We remain committed to continuing to identify opportunities to improve our services and deliver outcomes to our stakeholders. However, all decisions relating to the allocation of funding and resources must be taken through the lens of action which can be undertaken during the existing AAT entity, and what can be transferred to the new reform body.

We are conscious that the organisational design and structure of the new reform body remains the subject of Government consideration. The AAT will take a conservative approach towards investing in solutions to existing challenges, with our focus being guided by the following priorities:

- managing our large and diverse caseload, including ensuring the continued delivery of high-quality services to our users
- supporting our members and staff, during the period of developing and transitioning to a new merits review body, to continue to deliver high-quality services, and
- assist the Government in developing the new merits review body through the sharing of operational expertise and corporate knowledge.

We remain committed to ensuring high levels of service to our clients and stakeholders over the life of this Corporate Plan.

### **Manage our large and diverse caseload, including ensuring the continued delivery of high-quality services to our users**

At the strategic level we will invest in a comprehensive planning process to prioritise the work of the AAT, focusing on what needs to be done to see us through the next 12 months. This planning process will ensure that when operating in the existing challenging environment we are not expending time and resources unnecessarily.

We remain committed to improving our digital and in-person service delivery channels and the way we provide information and assistance to 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, people living in regional and remote locations and people who are representing themselves.

We will address the large on-hand caseload, primarily in the Migration and Refugee Division, with the additional 75 members committed by the Government in the 2023/24 Budget. We will be committed to inducting the additional members as quickly as possible once the appointments are made by Government. The introduction of 75 members seamlessly into the AAT environment is a significant challenge. The AAT has set up a taskforce to transition the new members into the operational

environment and ensure they are well supported to fulfill their roles through the provision of appropriate training and mentorship.

While we focus our efforts on ensuring new members are appropriately trained and ready to address our high number of cases on-hand, we remain committed to exploring opportunities for innovation and improvement in our 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, resolve cases at the earliest opportunity and ensure cases are well-prepared for hearing.

## **Support our members and staff, during the period of developing and transitioning to a new merits review body, to continue to deliver high-quality services**

The AAT remains committed to supporting members and staff perform their roles until such time that the AAT is abolished.

The AAT will continue to be open and transparent in informing members and staff of decisions affecting the agency through the reform period. This will be achieved through the continuation of a dedicated page on our intranet which serves as a central repository of information related to the reform, including media releases from the Attorney-General, updates from the Attorney-General's Department, and messages from the AAT Registrar and President. The intranet page also includes links to the Attorney-General's Department reform page, an anonymous feedback form and the AAT's Employee Assistance Program.

The AAT will continue to operate channels where member and staff feedback and questions can be directed to senior managers. Consultation forums and other opportunities to engage with senior managers in person will continue to be provided for members and staff as required.

Utilising the increase in ASL cap, the AAT will transition labour hire staff who wish to move to employment positions with the APS. The transition will provide additional certainty to AAT staff who wish to transition from the AAT to the new review body.

## **Assist the Government in developing the new merits review body through the sharing of operational expertise and corporate knowledge**

The reform process provides a timely opportunity for the resolution of longstanding issues the AAT has faced in its operating environment, including significant on-hand caseloads, a sustainable funding model, legislative amendments which facilitate the harmonisation of operational practices, and technical solutions to establish a consolidated case management system.

The AAT has contributed to the reform process through providing its operational expertise and corporate knowledge to help inform the reform discussion paper utilised for public consultation. The AAT will remain committed to sharing its knowledge in the development of policy and its operational experience to assist with the implementation of policy into the operation of the new reform body through membership of the implementation working groups. This includes the secondment of a number of AAT staff members to the Attorney-General's Department.

The AAT will continue to progress two key strategic initiatives; the development of a single case management system, and the establishment of a strong fit for purpose funding model which will transition to the new review body upon its commencement.

The AAT will undertake a range of digital and data initiatives in 2023–24 and the forward years to deliver a significantly improved digital operating environment for the Tribunal, the new reform body and our users. In this regard, we have

- finalised a proof of concept and selected a platform for the new case management solution
- commenced a pilot of the broader preferred solution, with a particular focus on replacing our online forms and portal capability
- progressed work on critical infrastructure design and uplift with particular focus on identity and access management, network security and efficiency, application security and design, and
- re-aligned resources to support delivery of the Case Management Solution program.

Following the pilot, we intend to roll the preferred solution out to support more areas of our work and enhance our users' experiences of our digital services through enhanced online portal capabilities.

The AAT will lead work to review its existing funding arrangements to identify key issues, develop a funding review proposal for Government's consideration with a view to providing long-term financial sustainability with the flexibility to respond to significant fluctuations in lodgements and caseload, and to making recommendations on the AAT's internal resource and budget allocation approaches, in line with the proposed funding model.

## Risk

The AAT is committed to managing risk effectively in accordance with section 16 of the *Public Governance, Performance and Accountability Act 2013*, 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 external independent risk consultant
- regular monitoring of risk issues by the AAT's senior leaders, and elevation of the Chief Risk Officer and Risk Manager who report directly to the Registrar
- a three-year internal audit plan and regular internal audit activity (linked to risks)
- 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 reviewed 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"> <li>• Engage with Government, the Attorney-General’s Department and the Department of Finance in relation to a whole-of-tribunal fit for purpose and sustainable funding model</li> <li>• Engage with key stakeholders, including the Department of Home Affairs and Department of Social Services on funding arrangements</li> </ul>
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"> <li>• Engage with Government in relation to funding and staffing arrangements</li> <li>• Ensure case management program and projects are prioritised for maximum return on investment</li> <li>• Develop risk mitigation plans as required for legacy arrangements and systems</li> </ul>
Failure to attract and retain skilled staff, resulting in high turnover, loss of corporate knowledge and low morale	<ul style="list-style-type: none"> <li>• Develop staff retention and engagement strategies as part of workforce planning</li> <li>• Review position descriptions to ensure they match the expectations of candidates and supervisors</li> </ul>
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"> <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 and related budget impacts</li> <li>• Monitor and review the efficient 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>• Review and adjust operational requirements required to meet changes in workload</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> <li>• Increase focus on members’ professional development to align with Tribunal needs</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 planning in close alignment with the Enterprise Capability Model</li> <li>• Implement effective staff performance management frameworks and member and staff 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>• Keep the governance framework under review for consistency with better practice</li> <li>• Maintain sound strategic and operational planning processes and risk management processes, including internal audit and compliance monitoring</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 focussed on timely communication of objectives and improved stakeholder engagement</li> </ul>
Failure to engage with stakeholders and the community undermines trust and confidence in the AAT	<ul style="list-style-type: none"> <li>• Review and refine our stakeholder engagement practices</li> <li>• Build internal stakeholder engagement capability</li> <li>• Maintain and improve complaint handling processes</li> <li>• Explain our role and operations to the community</li> <li>• Seek and encourage feedback to address service issues pending the new tribunal, and to inform the processes of the new tribunal</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>
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"> <li>• Implement a cyber security strategy and enhance related governance and risk management processes</li> <li>• Allocate adequate resources to the cyber security function</li> <li>• Design, implement and continually improve a robust cyber security culture</li> </ul>
Failure to effectively manage the transition to the new Administrative Review body	<ul style="list-style-type: none"> <li>• Liaise and coordinate closely with the Attorney-General's Department</li> </ul>

	<ul style="list-style-type: none"> <li>• Close coordination with Attorney-General’s Department in relation to resourcing and messaging on maintaining operational performance</li> <li>• Continue effective communication plan including regular updates, assurances to staff, offers of support and opportunities for change engagement</li> <li>• Continue the work of consultative committees, focus groups and surveys to manage change</li> <li>• Implementation of dedicated working group to coordinate the onboarding and induction of new members</li> </ul>
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## 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 its 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, and
- 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 significantly enhanced through cooperation.



## Our performance

This section describes what the AAT plans to do and how success will be measured. The AAT’s Annual Performance Statement for 2023–24, to be included in our 2023–24 Annual Report, will report on the achievement of these goals.

The below performance measures accord with the performance measures set out in the AAT’s Portfolio Budget Statements 2023–24<sup>5</sup>.

### How will the AAT measure success?<sup>6</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 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>										
<b>Target:</b>	<p>The estimated number of finalisations for the next four financial years is as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>2023–24</th> <th>2024–25</th> <th>2025–26</th> <th>2026–27</th> </tr> </thead> <tbody> <tr> <td>Number of finalisations<sup>7</sup></td> <td>50,637</td> <td>50,637</td> <td>40,637</td> <td>40,637</td> </tr> </tbody> </table>		2023–24	2024–25	2025–26	2026–27	Number of finalisations <sup>7</sup>	50,637	50,637	40,637	40,637
	2023–24	2024–25	2025–26	2026–27							
Number of finalisations <sup>7</sup>	50,637	50,637	40,637	40,637							
<b>Previous results:</b>	2019–20: 53,336 (target of 48,756); 2020–21: 45,353 (target of 52,040); 2021–22: 43,084 (target of 47,944); 2022–23: 42,862 (target of 42,024)										

<b>Performance measure 2: Clearance ratio</b>	
<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.

<sup>5</sup> [Portfolio and Agency Budget Statements | Administrative Appeals Tribunal \(aat.gov.au\)](#)

<sup>6</sup> 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.

<sup>7</sup> 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.

<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>	2019–20: 95%; 2020–21: 118%; 2021–22: 95%; 2022-23: 104%

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

<b>Description:</b>	The proportion of AAT applications and IAA 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.
<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 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>	2019–20: 60%; 2020–21: 54%; 2021–22: 60%; 2022-23: 61%

### **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 a proportion of written decisions made in:</p> <ul style="list-style-type: none"> <li>• the Freedom of Information, General, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation &amp; Commercial, and Veterans' Appeals Divisions</li> <li>• 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>• 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>
<b>Target:</b>	At least 5,000 decisions made in each financial year.
<b>Previous results:</b>	2019–20: 6,265; 2020–21: 5,860; 2021–22: 5,357; 2022-23: 5,032

<b>Performance measure 5: AAT user experience rating</b>	
<b>Description:</b>	The average positive ratings derived from the results of an independent 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>	<p>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.</p> <p>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.</p>
<b>Target:</b>	The user experience rating is at least 70% in each financial year.
<b>Previous results:</b>	2019–20: 72%; 2020–21: 77%; 2021–22: 74%; 2022-23: 72%

<b>Performance measure 6: Proportion of AAT and IAA decisions set aside by the courts on appeal</b>	
<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.
<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 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. 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.</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 of successful appeals are 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>
<b>Target:</b>	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.
<b>Previous results:</b>	2019–20: 4.4%; 2020–21: 2.3%; 2021–22: 1.9%; 2022-23: 2.1%