



COVID-19 Special Measures Practice Direction – Social Services and Child Support Division

This Direction is given under section 18B of the *Administrative Appeals Tribunal Act 1975* (AAT Act).

1. About this Direction

Application

- 1.1 This Direction applies to the Social Services and Child Support Division of the Administrative Appeals Tribunal (AAT) during the COVID-19 pandemic.
- 1.2 The purpose of this Direction is to modify the operations and procedures of the AAT, where appropriate and necessary, to enable us to continue to review decisions during the pandemic. In implementing these changes:
 - (a) the health and wellbeing of members, staff, parties, representatives and other persons involved in AAT processes is our priority; and
 - (b) we are mindful that the pandemic may affect the capacity of the AAT and other persons to take steps to progress applications; and
 - (c) the AAT will take into account local conditions and the application of COVID-safe requirements in AAT Registries in determining the extent to which we can provide services in person.
- 1.3 This Direction takes effect on 8 March 2021. It applies to all applications, whether lodged before, on or after this date, and remains in effect until it is superseded or revoked. It supersedes the *COVID-19 Special Measures Practice Direction – Social Services and Child Support Division* dated 27 April 2020.
- 1.4 Other directions under section 18B of the AAT Act continue to apply to applications to which this Direction applies, including:
 - (a) the [Child Support Review Directions](#);
 - (b) the [General Practice Direction](#);
 - (c) the [Lodgement of Documents under Sections 37 and 38AA of the AAT Act Practice Direction](#) and the [Lodgement of Documents under Sections 37 and 38AA of the AAT Act in the Social Services & Child Support Division](#).

However, where the terms of this Direction are inconsistent with the terms of another direction on the same matter, the terms of this Direction apply.

- 1.5 The AAT may alter the procedures set out in this Direction to suit individual applications, including if an applicant or other party experiences difficulty interacting with the AAT electronically for any reason.

Interpretation

- 1.6 In this Direction:
- our, we** or **us** means the AAT;
 - party** means the applicant or any other person who is a party to an application;
 - presiding member** means the AAT member who will decide your review;
 - Registry** means any registry office of the AAT;
 - you** means the applicant or any other party who did not make the decision and any representative.

2. Registry operations, lodging applications and other documents, and signatures

Registries

- 2.1 We will provide registry services by telephone and electronically, including:
- (a) through our [online services](http://www.aat.gov.au) accessible via the AAT website (<http://www.aat.gov.au>); and
 - (b) by [email](#).
- Note:** Guidelines you should follow when sending an email to the AAT can be found on the AAT website.
- 2.2 Subject to paragraph 2.3, you or any other person may attend an AAT Registry if you are or the other person is:
- (a) attending a hearing and the AAT has notified you or another person that they may attend in person; or
 - (b) unable to access registry services by telephone or electronically.
- 2.3 You or any other person must not attend a Registry if:
- (a) the Registry is closed to visitors; or
 - (b) you are or the other person is:
 - (i) required to quarantine or self-isolate;
 - (ii) experiencing any COVID-19 symptoms; or
 - (iii) in another class of persons specified by the AAT who must not attend a Registry.
- Note:** Information about whether a Registry is closed due to the pandemic and about who may or must not attend a Registry can be found on the [AAT website](#).
- Note:** If you cannot attend a hearing in person because you or a close contact are unwell, please contact the AAT about this as soon as possible.

- 2.4 You or any other person who attends a Registry must:
- (a) comply with physical distancing requirements and limits on the number of people who can be in any area or room at the Registry notified by the AAT; and
 - (b) comply with any directions given by the AAT in relation to COVID-safe requirements.

Applications

- 2.5 You can make an oral application for review of a decision by telephoning us on 1800 228 333.
- 2.6 If you want to make a written application for a review of a decision, to the extent possible, you should lodge it using [an AAT online system](#) accessible via the AAT website.
- Note:** You cannot use the online application system to lodge an application about a reviewable employer decision within the meaning of the *Paid Parental Leave Act 2010*.
- 2.7 If you cannot lodge a written application using an AAT online system, you can send it or give it to the AAT:
- (a) by email to sscsdivision@aat.gov.au;
 - (b) by [post](#); or
 - (c) by delivering it to a Registry.

Note: Postal and street addresses for the AAT can be found on the AAT website.

Contact details

- 2.8 If you have not already given them to us, we will ask you to give us:
- (a) your email address to send you any documents relating to your review; and
 - (b) a mobile telephone number to send you SMS notifications.
- We will still process your application if you do not give us your email address or a mobile telephone number, but it may take us longer to do so.
- 2.9 You must tell us as soon as possible if you experience difficulty using email, the telephone or any other form of electronic or written communication.

Documents

How to send us documents

- 2.10 To the extent possible, you or any other person should give us any other document about a review by:
- (a) using the AAT online lodgement system accessible via the AAT website; or
 - (b) sending it to us by email.

If you send us or any other person sends us a document by email, the email subject line must include the AAT review number.

2.11 A document, CD, USB or other thing can also be:

- (a) sent to the AAT by post; or
- (b) delivered to a Registry.

It may take us longer to process an application when a document or other thing is sent by post.

2.12 If a Registry is closed to visitors and a document or thing can only be lodged with, or given to, the AAT by delivering it to that Registry, you or any other person must telephone us to discuss how it can be lodged.

When to send us documents

2.13 If your review is about a decision made by Centrelink, we must receive any documents you want to send us at least two (2) days before the scheduled hearing.

2.14 If your review is about a decision made by the Child Support Registrar, we must receive any documents you send us:

- (a) by the date specified in any direction we have given you; or
- (b) if we have not given you a direction:
 - (i) at least 14 days before the scheduled hearing where no party resides outside Australia; or
 - (ii) at least 28 days before the scheduled hearing where a party resides overseas.

2.15 You must tell us if you cannot send us the documents by the dates specified. If you want more time, you must tell us:

- (a) how long you need; and
- (b) explain why you need more time.

We will only give you more time where there is a good reason to do so.

2.16 If you do not comply with this Direction or another direction we have made in your review, we may:

- (a) make a decision on your review without giving you another opportunity to give us the information; or
- (b) if you are the applicant – dismiss your review.

Signatures

2.17 If you do not, or another person does not, have access to technology to scan a document that requires a signature, including by taking a photograph of it, the document may be signed electronically instead of physically signing the document. This may be done by:

- (a) applying a digital signature; or
- (b) typing the name in the appropriate place in the document.

2.18 During the hearing, the presiding member in your review may ask you or contact any other person who signed a document electronically to confirm the content of the document.

3. Hearings

3.1 The AAT will decide whether to hold a hearing:

- (a) by telephone;
- (b) by video;
- (c) in person; or
- (d) by a combination of in person, telephone and/or video.

Relevant considerations may include, but are not limited to:

- (a) the nature and complexity of the legal and factual issues in dispute;
- (b) the number, nature and availability of any witnesses;
- (c) the nature and volume of the documentary evidence;
- (d) the capacity of a party or other person to participate in a hearing by telephone, by video or in person;
- (e) COVID-19 conditions in the place(s) in which the participants are located; and
- (f) COVID-safe requirements in the AAT Registry in which the hearing would take place.

3.2 We will:

- (a) notify you of the date and time of your hearing:
 - (i) if you have given us your email address – by email; or
 - (ii) by post;
- (b) tell you how your hearing will be conducted; and
- (c) give you any information you will need to participate in the hearing if it is to be conducted by telephone or video.

3.3 If you think you will experience difficulty participating in the hearing by telephone, by video or in person, you must tell us as soon as possible.

3.4 If you have given us your mobile telephone number, we will send you a hearing reminder by SMS.

3.5 If you do not attend the AAT or we are unable to contact you for the scheduled hearing, we may:

- (a) make a decision on the review without giving you a further opportunity to make oral or written submissions; or
- (b) if you are the applicant – dismiss your review; or
- (c) if you are not the applicant – direct that you will cease to be a party.

3.6 If you are prevented from participating in the hearing at the scheduled time or at any time during the hearing, including due to issues with technology, you must contact us immediately.

Adjournments (postponements)

3.7 We will not postpone a scheduled hearing unless there are good reasons to justify the postponement.

- 3.8 If you want to ask us to postpone your scheduled hearing, you must make the request as soon as you become aware that you need a postponement. You must:
- (a) send us the request in writing by email or telephone us if you do not have access to email;
 - (b) explain why you need a postponement; and
 - (c) send us any supporting documents.
- 3.9 If you need a postponement for medical reasons, including medical reasons related to COVID-19, you must give us evidence from a medical practitioner that sets out:
- (a) when you had your appointment with the medical practitioner;
 - (b) why you are not fit to give oral evidence at the scheduled hearing; and
 - (c) when the medical practitioner thinks you will be fit to give oral evidence at a hearing.
- 3.10 If we agree to the postponement, you will be advised of the postponement by email, telephone or SMS.
- 3.11 If you have not been told that your hearing has been postponed, then you must be available for your hearing at the scheduled time.

Use of technology

- 3.12 When conducting hearings by telephone and/or video, the AAT will usually use:
- (a) telephone conferencing facilities;
 - (b) fixed videoconferencing facilities; and/or
 - (c) Microsoft Teams.
- 3.13 You must use your best endeavours to ensure that you and any other person, including any witnesses, are able to participate in a hearing using a chosen means of electronic communication. You and other persons are responsible for your own costs associated with using a particular technology, including data charges.
- 3.14 The AAT will, and you must, take appropriate steps to ensure that any hearing conducted in whole or in part by telephone and/or by video is in private. The only persons who may be present are the persons the presiding member has directed may be present.
- 3.15 We will record the hearing. By participating in a hearing by telephone or video, you and any other person consent to being recorded.
- 3.16 You or any other person must not use a communication or recording device for the purpose of recording or making a transcript of any hearing unless we give you permission to do so.

Justice D G Thomas
President

2 March 2021

For further information about the AAT, please call us on **1800 228 333** or go to www.aat.gov.au.

Administrative Appeals Tribunal / COVID-19 Special Measures Practice Direction / Social Services and Child Support Division