



Administrative Appeals Tribunal

Registrar's Opening Statement

Senate Legal and Constitutional Affairs Legislation Committee

Budget estimates hearing
October 2020

Thank you, Chair.

The Administrative Appeals Tribunal, or AAT, delivers an essential service. We provide people with access to an independent review of decisions made under more than 400 pieces of legislation – including matters relating to child support, family assistance and social security, migration and refugee visas, the National Disability Insurance Scheme, taxation and veterans' support.

Maintaining access to Tribunal services remains important in a time of crisis. The AAT's leadership responded quickly to the COVID-19 pandemic with a focus on ensuring a safe environment for members, staff and visitors to AAT registries. We made the difficult decision to close our registries to visitors and took urgent steps to enable our people to continue to conduct hearings and deliver other services remotely from March 2020. We redirected our people towards activities which would best support our response to the crisis.

The AAT's infrastructure was not well placed to support the needs of a remote workforce when the pandemic began so we accelerated elements of our digital transformation program. To ensure our people could work effectively from home, we modernised our operating environment and the devices we use, including setting up and distributing around 700 additional laptops and desktop computers.

As these enabling technologies were being deployed, we refined our processes for conducting more hearings and ADR processes without people physically attending our registries. We rolled out enhanced audio and video capabilities, more than doubling the proportion of hearings being held by phone or video to almost 90% for the 7 months from March to September.

We enabled and encouraged parties to lodge even more documents in digital form and moved to electronic files and materials for all our divisions. We also consulted with stakeholders and developed 5 special measures practice directions which set out how the AAT would operate while COVID-19 impacts our services.

The steps we took at this early stage meant we were in a strong position to continue to progress cases as far as possible. Importantly, we identified and triaged those matters that could be progressed most readily in the changed environment and engaged with parties about how individual reviews could progress, particularly those requiring urgent determination or involving vulnerable people, recognising the diverse circumstances of our users.

Our 2019–20 annual report was recently tabled in Parliament. It includes information about our response to COVID-19. In recent months, we have reflected on what was learnt during this period and have begun the process of deciding which changes we might retain or adapt to ensure the AAT is a tribunal fit for the future. Where possible, we aim to leverage developments which increase accessibility and informality of proceedings. We are also taking part in initiatives such as the recently established Australian Online Hearings Practice Group to share information with other courts and tribunals.

In terms of our performance in 2019–20, I am pleased to report that the AAT improved its pre-COVID-19 clearance levels and we exceeded our overall finalisation targets.

Despite the challenges of pivoting to remote hearings and other work, the AAT finalised more than 51,000 applications in the year — the largest ever number of finalisations. This result was due to the sustained effort of our members and staff, and I wish to thank them for their flexibility and willingness to adapt to new ways of working.

We continue to closely monitor the effects of the pandemic on our incoming workload. We have been receiving fewer applications overall, particularly for review of migration decisions, but this has not been the case in the protection caseload. While the reduction in lodgements has enabled us to start to make inroads into our backlog, our legacy caseload will present future challenges as these represent older and more complex matters that cannot be readily progressed during the pandemic.

In line with our COVID-safe plan, most of our people are now working partly in offices and partly from home, save for those based in Melbourne. Significantly, we are gradually resuming in-person hearings. Across all locations except Melbourne, we undertook more than 100 onsite hearings in each of the months of August and September, and this is projected to gradually increase over the coming months.

The AAT will continue to work with Government to address our workload and resourcing issues, including by providing information about our needs in terms of the appointment of members and recruitment of staff to support them in their work.

On a final note, I would like to take the opportunity to acknowledge that the AAT received many questions on notice around the time when the pandemic response began in earnest. Due to the volume and complexity of the work involved, and the urgent demands on our workforce at that time, we were unable to answer all questions put to us by the Committee. We are now in a position to consider previously unanswered questions and can discuss this in detail during the hearing.

Thank you, and I invite questions from the Committee.