



Chapter 1:
The year in review

PRESIDENT'S OVERVIEW



The Tribunal must provide a merits review process that is fair, just, economical, informal and quick. In pursuing this objective, the Tribunal makes extensive use of alternative dispute

resolution processes, assisting the parties to reach an agreed outcome where possible. It hears and decides those matters that do not settle. The overriding goal is to ensure that the correct or preferable decision is made in each application.

The Tribunal undertook a range of activities during 2007–08 that were focused on enhancing the effectiveness of the review process. Developments occurred in relation to aspects of practice and procedure and there was a continued commitment to the professional development of the Tribunal's members and staff.

The Tribunal provides services to people throughout Australia. Members and staff are located in Adelaide, Brisbane, Canberra, Hobart, Melbourne, Perth and Sydney. During my time as President, I have been keen to ensure that the Tribunal operates consistently across the country. One way of promoting this is to encourage communication between members and staff in different cities.

The Tribunal held its National Conference in October 2007. Held every two years, the conference allows members and senior staff to come together to discuss the way in which the Tribunal goes about its work and to undertake continuing education in specific areas of law and practice. It also provides an invaluable opportunity to build relationships and networks which facilitate improved communication on an ongoing basis.

The National Conference is but one aspect of the Tribunal's comprehensive professional development program for members. It also includes induction, mentoring and a peer review appraisal scheme. During 2007–08, the Tribunal undertook the first set of

appraisals. The process combines self-assessment with an appraisal by another Tribunal member against the framework of competencies for members that the Tribunal has developed. Appraisal offers members an opportunity to reflect on their current performance and identify areas for further training or development that would assist to improve their effectiveness. Informal feedback to date suggests that both appraisers and appraisees are finding the process a useful and positive experience.

As I noted in last year's Annual Report, the Tribunal is conducting a review over time of practice and procedure in each of its major areas of jurisdiction. Each review will culminate in the publication of a guide that explains how the Tribunal manages cases in that particular jurisdiction. The Tribunal completed its review of the social security jurisdiction during the reporting year with the release of the Guide to the Social Security Jurisdiction in April 2008. The guide will assist parties and their representatives to understand how the Tribunal operates and what is expected of them during the review process.

The release of the jurisdictional guides is one part of a wider review of the way in which the Tribunal communicates with its users. The Tribunal engaged a communications specialist in late 2007 to assist with the revision of its key information products and to ensure that Tribunal communications have a consistent and professional look. A considerable amount of work has been undertaken in the first half of 2008 which will result in a progressive rollout of revised products in the next reporting period. Users will benefit from clear and helpful information about the Tribunal and what it does.

The people and organisations who use the Tribunal's services are at the centre of its operations. The Tribunal values feedback from users about their experience of the review process. The Tribunal has recently engaged a consultant to undertake a user satisfaction

survey which replicates a survey conducted in 2005. Surveys have been sent to over 4,000 individuals and telephone surveys have been conducted with staff of government agencies and legal representatives who deal with the Tribunal on a regular basis. The results of the survey will be available shortly. They will provide a welcome opportunity to learn more about how the Tribunal's services are perceived and areas in which improvements may be needed.

The Tribunal has continued to work closely with the other Commonwealth merits review tribunals and the Council of Australasian Tribunals during the reporting year. The Tribunal has also strengthened its relationships with international administrative law bodies. In particular, I am pleased to report that the Hon Michael Black AC, Chief Justice of the Federal Court of Australia, and I became the Presidents of the International Association of Supreme Administrative Jurisdictions in November 2007. This body, established in the early 1980s, has as its purpose the strengthening of the rule of law through exchanges of ideas and experience between the members of organisations that adjudicate in the area of administrative law. The Federal Court and the Tribunal will co-host the next congress of the association which is to be held in March 2010. Planning for the congress is underway. It will provide a unique opportunity not only to showcase the sophisticated system of administrative law that exists in Australia but also to reflect on our system in light of what we learn about how other countries deal with similar issues and problems.

There have been a number of membership changes during 2007–08. The Tribunal welcomed the appointment of three distinguished lawyers. Dr Bruce McPherson CBE, formerly a judge of the Queensland Court of Appeal and Mr Robert Nicholson AO, a former judge of the Federal Court of Australia, were appointed as part-time Deputy Presidents. Mr Steve Karas AO, the former Principal Member of the Migration Review Tribunal and Refugee Review Tribunal, was appointed as a part-time Senior Member. I am also pleased to note that

Deputy President Graham McDonald has returned to the Tribunal after seven and a half years as Chairperson of the Superannuation Complaints Tribunal. His depth of knowledge and experience are of great benefit to the Tribunal.

The Tribunal farewelled a number of valued members during the reporting period. In particular, I would like to acknowledge the significant contributions made by Dr Rodney Purvis AM QC, Dr Ted Christie, Associate Professor Bruce Davis AM and Brigadier Ian Way (Rtd), each of whom was an active member of the Tribunal for over 15 years. I would also like to thank Mr Howard Olney AM QC, Emeritus Professor Ivan Shearer AM RFD and Mr Michael Griffin for the valuable work they undertook during their time with the Tribunal.

Sian Leathem, the Tribunal's Assistant Registrar since 2004, resigned during the year to take up an appointment as Registrar of the New South Wales Workers Compensation Commission. Ms Leathem brought skill, enthusiasm and warmth to her role and made a significant contribution to the quality of the Tribunal's administration. Our new Assistant Registrar, Megan Cassidy, was appointed in September 2007.

I am also pleased to record that the Tribunal's Registrar, Doug Humphreys, has been reappointed to that role for a further five-year term. His second term commences in August 2008. The Tribunal will continue to receive the benefit of his considerable skills and experience.

As I do each year, I would like to acknowledge the excellent work done by the Tribunal's members and staff. Their skill, professionalism and commitment to the Tribunal's mission are essential to ensuring the Tribunal provides a review process that is accessible for our users and of the highest quality.



Garry Downes

REGISTRAR'S REPORT



This past year has been a year of consolidation in many areas for the Tribunal.

The Tribunal undertook a member/staff survey. Members and staff were given the opportunity to

express their views on the Tribunal as an employer and organisation. The survey produced very positive results. On average, the level of satisfaction among Tribunal members and staff is higher than that recorded for small agencies generally in the annual Australian Public Service Commission's "State of the Service" survey. The results of the survey will help us to make improvements in our workplace.

We have also conducted a comprehensive user survey. The last user survey was conducted three years ago. The survey asks individual applicants, legal representatives and officers of decision-making agencies for feedback on their experience with the Tribunal. The results of the survey will be available in the next reporting period. They will help us identify areas in relation to which we are meeting or hopefully exceeding expectations and those areas where we need to improve our performance.

Work continues on developing the capabilities of our case management system, TRACS. We are looking forward to the introduction of further improvements for users as funds permit. I would like to acknowledge the work of the Tribunal's IT section which has strived to maintain and improve the complex IT and communications systems of the Tribunal.

In early 2008, the Tribunal was pleased to host two IT staff from the Administrative Court of Thailand. Tom and Lee spent three months with the Tribunal under an AusAID Fellowships program. They gained an in-depth understanding of the Tribunal as a whole and its IT systems in particular. This knowledge will assist the Thai Court to further develop its own systems to better suit its particular needs. The Tribunal is committed to further projects with the court as opportunities arise. The relationship between the Tribunal and the Thai Court is very strong and will continue to grow.

On the property front, we have completed a refurbishment in Melbourne that has added to the amenity of the facilities. Delays have been experienced with planning for a proposed refurbishment in Adelaide. These obstacles have now been overcome and I expect to see this project completed in 2008–09.

The Tribunal continues to work to extract maximum value for the taxpayer dollar from our property investment. This year, the Tribunal hosted in our New South Wales Registry the Equine Influenza Inquiry, headed by Commissioner Callinan. The HMAS Sydney II Commission of Inquiry opened its hearings in our New South Wales Registry and will use the Registry when public hearings are held later in 2008. We have also welcomed the Veterans' Review Board in our Australian Capital Territory and South Australian Registries. It is using Tribunal facilities to conduct hearings. Arrangements for hosting Migration Review Tribunal/Refugee Review Tribunal members and hearings in Adelaide, Brisbane and Perth continue as does the provision of office space to the National Native Title Tribunal in Adelaide. These arrangements provide considerable savings on a whole of government basis.

This year has seen the departure of our Queensland District Registrar, Heather Baldwin, who has returned to the Federal Court in Brisbane. Sadly, Sian Leathem, our Assistant Registrar, resigned to take up the position of Registrar of the New South Wales Workers Compensation Commission. We wish her well in this important position. In turn, we have welcomed the promotion of Megan Cassidy to the position of Assistant Registrar. Megan previously worked in the Tribunal's Policy and Research Section and brings a wealth of experience to her new role.

The members and staff of the Tribunal are its greatest asset. I thank them for their commitment and contribution to the work of the Tribunal in the last 12 months.

Doug Humphreys

Chart 1.1 Administrative Appeals Tribunal 2007–08 Organisational Plan and Statement of Achievements

Our Vision		Our Mission		Our Values	
To improve the quality of administrative decision-making through the provision of a review mechanism that is fair, just, economical, informal and quick.		To deliver high-quality independent merits review of administrative decisions in a timely fashion using alternative dispute resolution processes where appropriate.		Integrity Professionalism Efficiency Accessibility Independence	
Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR USERS	To provide a high-quality national merits review process that contributes to community confidence in a system of open and accountable government.	<ul style="list-style-type: none"> • Make full use of ADR powers. • Continue to review case management practices and procedures. • Review the way in which the AAT communicates with its users and the public. • Seek and respond appropriately to feedback from users. 	<ul style="list-style-type: none"> • Publish the Guide to the Social Security Jurisdiction. • Issue guidelines relating to expert evidence in the Tribunal. • Issue practice direction on taxation of costs. • Finalise communication strategy and commence implementation. • Complete review of standard correspondence. • Conduct user survey. • Conduct regular liaison meetings. 	<ul style="list-style-type: none"> • Australians have equitable access to fair, just, economical, informal and quick merits review. • Processes are monitored and improved. • Tribunal communicates effectively with its users and the public. • Tribunal decision-making informed by user feedback. 	<ul style="list-style-type: none"> • Guide to the Social Security Jurisdiction published in April 2008. • Draft expert evidence guidelines in development – to be released for comment in 2008–09. • Draft practice direction on taxation of costs to be released for comment in 2008–09. • Communications Project Officer employed. • Revision of Tribunal information products underway. • Review of standard correspondence completed. • User survey being undertaken. Results available in 2008–09. • Liaison meetings held in each Registry.

Chart 1.1 Administrative Appeals Tribunal 2007–08 Organisational Plan and Statement of Achievements (Continued)

Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR PEOPLE	To maintain professional standards and a positive, safe and productive workplace that values diversity.	<ul style="list-style-type: none"> Maintain occupational health and safety practices. Maintain and promote employment diversity strategies. Provide and support enhanced learning and development opportunities for members and staff. Seek, and respond appropriately to, feedback from members and staff. 	<ul style="list-style-type: none"> Maintain low level of workplace injuries. Continue and enhance Indigenous employment program. Complete revision of staff induction program. Maintain ongoing learning and development program. Hold biennial national conference. Undertake member/staff survey. 	<ul style="list-style-type: none"> Appropriate workplace policies in all areas. We have a healthy and safe working environment. Increase in Indigenous employee numbers. New staff participate in a high-quality induction. Members and staff have the skills, knowledge and commitment to deliver high-quality services. Obtain organisational feedback from staff/members. 	<ul style="list-style-type: none"> Low level of injuries being maintained. No major injuries reported for 2007–08. New ATSI trainee recruited for 12-month period. Diversity plan reviewed. Staff induction program revised. Training and development activities approved as funding allows. WebEx Online system introduced to enhance training on case management system. National conference held in October 2007. Member/staff survey completed. Results provided to members and staff.

Chart 1.1 Administrative Appeals Tribunal 2007–08 Organisational Plan and Statement of Achievements (Continued)

Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR ORGANISATION	To be an organisation with systems and processes that maximise effective and efficient use of Tribunal resources.	<ul style="list-style-type: none"> Improve accommodation in order to meet AAT current and future needs. Improve IT systems. Improve resources management. Minimise exposure to system or other risks, fire or natural disaster. 	<ul style="list-style-type: none"> Undertake refurbishment in Melbourne and Adelaide. Continue improvements to Tribunal's electronic case management system, TRACS. Identify and let tenders for IT replacement systems in Human Resources and Finance areas. Implement further ACSI-33 compliance measures. Implement agreed security review recommendations. 	<ul style="list-style-type: none"> Accommodation and facilities meet user needs. Planning and organisational decisions are based on timely and accurate information. IT and other systems and processes allow staff to work more efficiently and provide high-quality service. 	<ul style="list-style-type: none"> Melbourne refurbishment complete. Adelaide scope of works agreed and project proceeding. Completion expected in late 2008. Several enhancements to TRACS implemented. Historical data loaded in TRACS. TRACS Super Users formally appointed in all Registries. Tribunal joined with other agencies to request tenders for new Human Resources System. New IT Strategy presented and released internally for comment. New telecommunications tender placed – responses being evaluated. Scope of work for ACSI-33 compliance and security enhancements identified and being implemented as funding allows.

Chart 1.1 Administrative Appeals Tribunal 2007–08 Organisational Plan and Statement of Achievements (Continued)

Key Result Area	Goals	Strategies	Key Targets	Outcomes	Achievements
OUR PARTNERS	To cooperate with government, other tribunals, the legal profession and other interested groups.	<ul style="list-style-type: none"> Develop and enhance our links with government, other tribunals and our partners in administrative review. Develop links with universities and law education providers. 	<ul style="list-style-type: none"> Participate fully and provide expert advice to government and legal forums relevant to the work of the AAT. Continue resource sharing arrangements with courts and tribunals. Continue AAT moot competition. Participate in conferences and training relevant to the work of the AAT. Continue cooperative work with overseas bodies. 	<ul style="list-style-type: none"> Legislators and policy makers value the Tribunal's expertise on matters of administrative review. Better understanding of the AAT and its role in the administrative decision-making process. Government and other tribunals view the AAT as a centre of excellence in administrative review. Improved links with overseas bodies that have similar functions to the AAT. 	<ul style="list-style-type: none"> Submissions made and information provided on a range of matters relating to the Tribunal and its role. Tribunal hosted Equine Influenza Inquiry and pursued resource sharing arrangements with the Veterans' Review Board. Moot competition conducted. Tribunal members and staff arranged and participated in a range of conferences, seminars and training activities. Three-month placement undertaken by two officers from the Administrative Court of Thailand under AusAID Fellowships program. Work underway on hosting IASAJ 2010 congress.