



2018–19 At a glance

The Administrative Appeals Tribunal (AAT) provides independent review of decisions made under more than 400 Commonwealth laws. Individuals and organisations can apply to us to review decisions made by Australian Government ministers, departments and agencies and, in limited circumstances, decisions made by state and territory government and some non-government bodies.

The types of decisions the AAT most commonly reviews relate to:

- Australian citizenship
- child support
- family assistance and social security
- migration and refugee visas
- the National Disability Insurance Scheme
- taxation
- veterans' entitlements, and
- workers' compensation under Commonwealth laws.

However, we also review a wide range of other decisions, including decisions about aged care, bankruptcy, child care services, civil aviation, corporations and financial services regulation, customs, education regulation, freedom of information, paid parental leave, passports, and security assessments by the Australian Security Intelligence Organisation.

When we review a decision, we take a fresh look at the facts, law and any government policy relating to the decision. We consider all the material before us, including any new information given to us during the review, and decide what is the correct or preferable decision in each case. We aim to make our review processes accessible, fair, just, economical, informal, quick and proportionate.

Established in 1976, the AAT is led by President Justice David Thomas who is a judge of the Federal Court of Australia. The other members of the AAT, who may be appointed as Deputy Presidents, Senior Members or Members, conduct hearings and decide cases. The Registrar, Sian Leathem, and other staff assist the AAT to carry out our functions.

We manage our workload in nine divisions:

- Freedom of Information (FOI) Division
- General Division
- Migration and Refugee Division

- National Disability Insurance Scheme (NDIS) Division
- Security Division
- Small Business Taxation Division
- Social Services and Child Support Division
- Taxation and Commercial Division, and
- Veterans' Appeals Division.

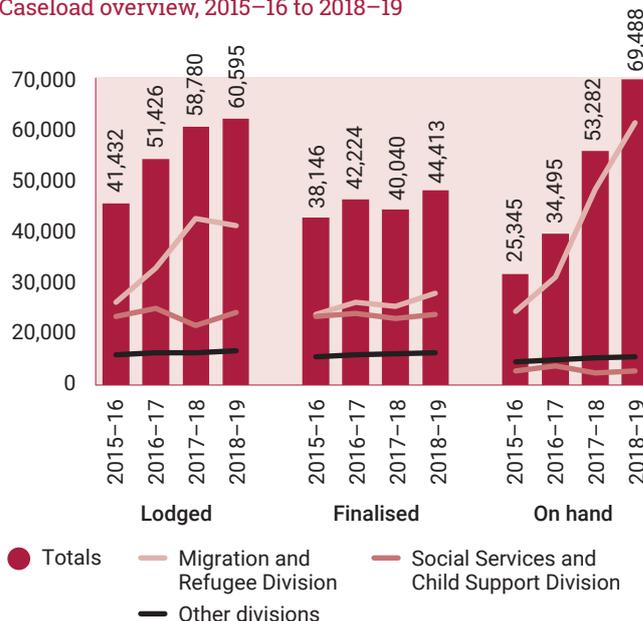
The AAT also hosts the Immigration Assessment Authority (IAA), a separate office within the Migration and Refugee Division, which provides a fast track review process in relation to certain decisions to refuse protection (refugee) visas. The IAA conducts the majority of reviews on the papers and can only consider new information in limited circumstances.

AAT key caseload statistics

The AAT received 60,595 applications and finalised 44,413 applications in 2018–19, the highest ever number of lodgements and finalisations in a single year. Lodgements were three per cent higher than in 2017–18 and finalisations were 11 per cent higher.

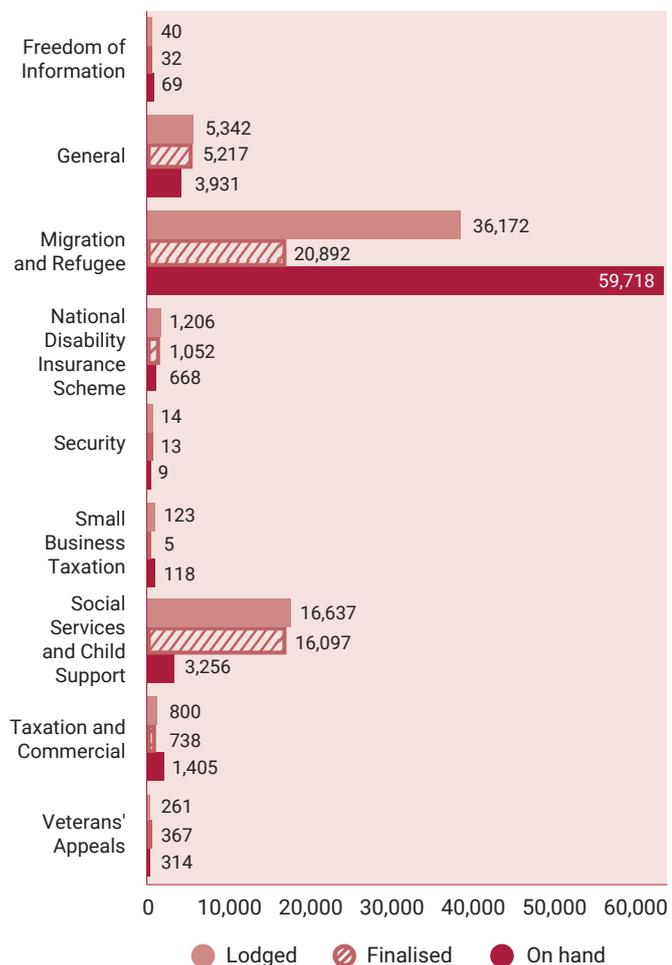
At 30 June 2019, there were 69,488 applications on hand, 30 per cent more than at 30 June 2018. This growing number of cases on hand is the result of significant increases in our workload over recent years, particularly in the Migration and Refugee Division. With the number of members and staff and the financial resources available to us, we have been unable to keep pace with the level of demand for our services.

Caseload overview, 2015–16 to 2018–19



The size of the AAT's caseload varies significantly between divisions as illustrated in the chart below: 60 per cent of applications lodged in 2018–19 were in the Migration and Refugee Division, 27 per cent in the Social Services and Child Support Division and nine per cent in the General Division. The remaining four per cent of applications were in the FOI, NDIS, Small Business Taxation, Taxation and Commercial, and Veterans' Appeals Divisions.

Applications lodged, finalised and on hand, 2018–19 – by division



Our review processes vary according to the type of decision being reviewed. These differences reflect legislative requirements as well as particular approaches we use to manage the broad range of decisions we can review. Our procedures are designed to give an applicant and any other party to a review a reasonable opportunity to present their case.

A key feature of merits review is the opportunity for the applicant and any other party to give us new information that was not available to the original decision-maker. At different stages of the review process, we may invite or direct a party to give us information that will be relevant to the case.

In some types of reviews, we hold conferences or directions hearings to talk to the parties about the issues and give directions about what the parties must do and by when to progress the case. When a review involves more than one party, we usually help them try to reach an agreed outcome without the need for a hearing while ensuring steps are taken to prepare for a hearing in the event it cannot be resolved by agreement. As well as conferences, we use other types of alternative dispute resolution processes to try to resolve cases by agreement. In some types of reviews, the case is listed directly for a hearing.

In 2018–19 we conducted over 35,000 case events: 62 per cent were hearings and 24 per cent were conferences. The remaining 14 per cent consisted of directions hearings, other ADR processes and other hearing types.

Number of alternative dispute resolution processes, directions hearings and hearings, 2017–18 to 2018–19

EVENT TYPE	2017–18	2018–19
Conferences ^a	8,460	8,413
Conciliations ^a	683	674
Other ADR processes (case appraisals, mediations and neutral evaluations) ^a	11	4
Directions hearings ^b	3,054	3,333
Interlocutory hearings ^c	917	940
Hearings	22,116	22,054

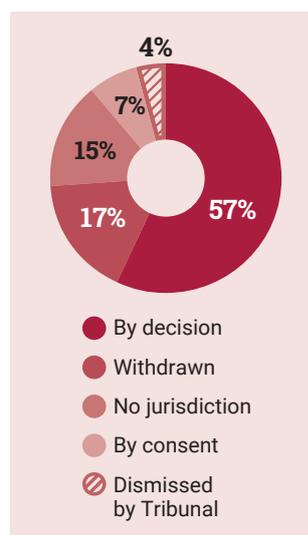
^a The AAT holds alternative dispute resolution processes in all divisions other than the Migration and Refugee, Security, and Social Services and Child Support Divisions.

^b The AAT holds directions hearings in all divisions other than the Migration and Refugee Division.

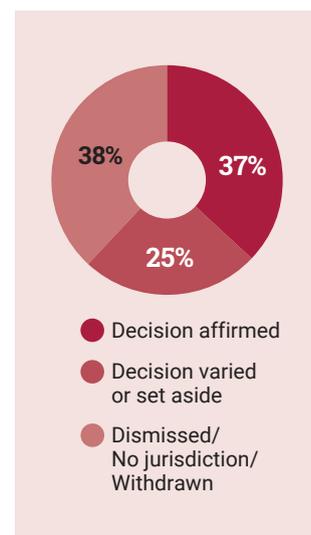
^c Interlocutory hearings are hearings listed in all divisions other than the Migration and Refugee Division and Social Services and Child Support Division in relation to the AAT's jurisdiction and applications for orders of the following kind: to extend the time to lodge an application for a review, to be joined as a party to a proceeding, to make a confidentiality order, to stay the operation or implementation of a decision under review, to dismiss an application or to reinstate an application.

Applications made to the AAT may be finalised in different ways as shown in the following chart. The majority of applications were finalised by the Tribunal making a decision on the review, generally after conducting a hearing. Seven per cent of applications were finalised 'by consent' with the AAT making a decision in accordance with terms of agreement reached by the parties. The AAT changed the decision under review in 25 per cent of all applications finalised in 2018–19 compared with 23 per cent in 2017–18, frequently because of the new information made available to the AAT.

Mode of finalisation of applications for review of decisions, 2018–19^a



Outcomes of applications for review of decisions, 2018–19



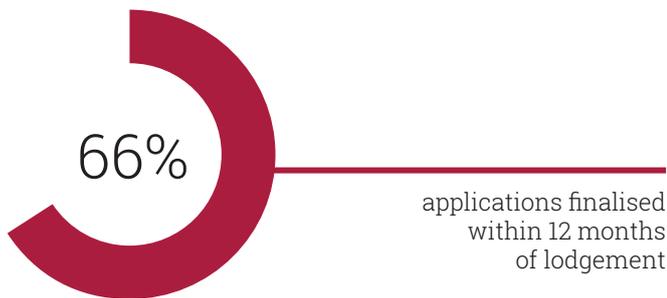
^a 'By decision' includes applications finalised by a decision of the AAT on the merits under section 43 of the Administrative Appeals Tribunal Act or section 349 or 415 of the Migration Act. 'No jurisdiction' includes applications in relation to which the AAT cannot review the decision. 'By consent' are applications finalised in accordance with terms of agreement reached by the parties.

AAT performance

Timeliness

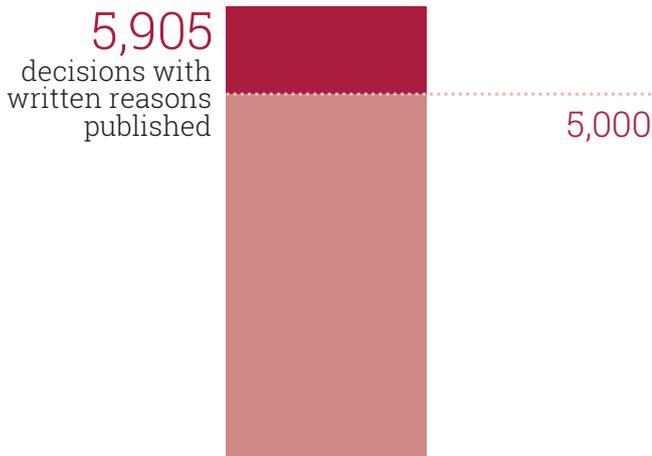
The time we take to finalise applications varies between the AAT's divisions and for different types of cases based on a diverse range of factors, including the nature and complexity of the cases, differences in the review procedures that apply, the priority given to certain types of cases and the overall level of resources available to the AAT to deal with applications.

In 2018–19, we fell short of our target of finalising 75 per cent of applications within 12 months of lodgement. While we met the benchmark in the General, NDIS, Security, and Social Services and Child Support Divisions, timeliness declined in the Migration and Refugee Division due to the workload pressures and caseload management strategies targeting older cases. This had a significant impact on our overall timeliness performance.



Publication of decisions

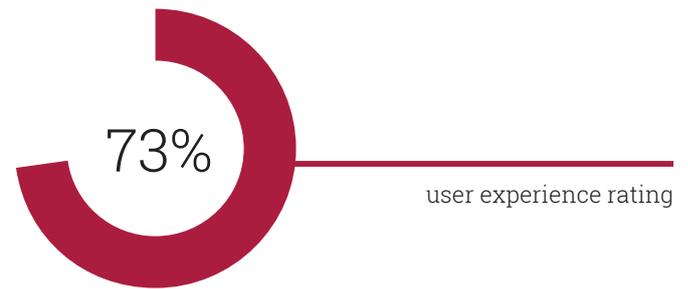
The AAT publishes statements of reasons for decisions we make in accordance with our Publication of Decisions Policy to promote public trust and confidence in the AAT's decision-making. We well exceeded our 2018–19 target to publish 5,000 decisions, publishing the largest ever number of decisions and significantly more than in recent years. Our decisions can be found on the Australasian Legal Information Institute website (www.austlii.edu.au).



User experience rating

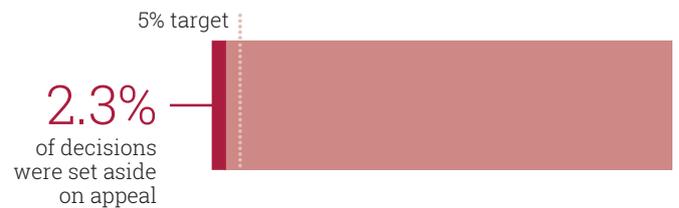
We seek feedback from parties and representatives about the quality of our services by conducting an online survey administered by an independent organisation. We ask our users for their views on a range of matters, including the process of applying for a review, our website and written communications, dealings with staff, conferences and hearings as well as perceptions of the process overall.

The result for the survey conducted in 2018–19 exceeded our target of a rating of at least 70 per cent. It was also three percentage points higher than the result from the survey conducted in 2017–18. Overall, both parties and representatives continued to rate our services positively.



Judicial review outcomes

The AAT aims to have fewer than five per cent of all appealable decisions overturned by the courts. In 2018–19, we performed well against this performance measure: the number of appeals allowed by the courts amounted to 2.3 per cent of all decisions made by the AAT in 2017–18, an improvement from the 3.1 per cent result last year.



IAA statistics and performance

The IAA received 1,538 referrals in 2018–19, a 31 per cent reduction compared with the previous year. A total of 2,382 referrals were finalised with the decision under review remitted to the department for reconsideration in eight per cent of cases. The average time from receipt to finalisation of referrals in 2018–19 was 12 weeks.

Key achievements in 2018–19

While we faced a challenging operating environment, members and staff continued to deliver high-quality merits review to many thousands of individuals and organisations in 2018–19. We remained focused on efforts to improve our operations, pursuing the strategic objectives set out in our Strategic Plan 2015–20 and our Corporate Plan.

The appointment of more members and our ongoing efforts to implement innovative case management strategies enabled us to increase the number of cases we finalised in 2018–19. In the Migration and Refugee Division and the Social Services and Child Support Division, we pursued further opportunities to triage cases to identify appropriate resolution pathways, to try to resolve suitable types of cases without the need for a hearing and to improve the preparation of cases for hearing. The development of a smart form for applicants in student visa cases to submit relevant information online demonstrates one of the ways in which technology can be used to better support our review processes. We also undertook significant work on a revised model for registry services in the Migration and Refugee Division which will be introduced in 2019–20. The model will provide a greater focus on early case assessment and resolution and more tailored administrative support for members. These various initiatives allow members to dedicate more of their time to hearing and deciding the many cases that require a formal determination.

The commencement of the Small Business Taxation Division on 1 March 2019 was another key development in 2018–19, one of a number of measures introduced by the Government to make it easier for small businesses to review decisions of the Australian Taxation Office. We developed a tailored case management model for the division with the aim of finalising cases in an economical, informal and timely manner. In addition to assigning a dedicated case manager for each case, we will use alternative dispute resolution processes to encourage the parties to reach an agreed resolution and avoid a hearing where possible. If cases do proceed to hearing, we will make a decision within 28 days. Our *Review of Small Business Taxation Decisions Practice Direction and Guide to the Small Business Taxation Division*, both available on our website, set out more information about the division.

Consistent with our strategic objectives to integrate and transform our operations, we established a centralised team to manage the development and maintenance of registry procedures as well as procedural information, and the design and

delivery of associated training to registry staff. One of the team's early achievements was the introduction of a national registry induction program comprising over 20 online training modules. The work of this team will play a critical role in supporting the changes we are making to how our registries are organised and also enhance the quality and consistency of the services we provide to our users.

In February 2019, we launched a revised website as part of our efforts to improve the accessibility of our services. The content of the website was rewritten in simpler and more consistent language and we made a number of design changes to make it easier for users to find the information they need, particularly first-time users of the AAT. We also piloted a new online service that enables any user to send us case-related information via our website at any stage of a review. It provides greater convenience for our users and improved efficiency for the AAT. The service is a foundation element of a comprehensive online case portal that is currently under development.

We undertook a range of activities during 2018–19 to further our strategic objective of engaging with our users and other stakeholders. In addition to publishing a large number of our decisions and seeking feedback on our services through the user survey, we pursued diverse opportunities to liaise with peak bodies, departments and other organisations whose decisions we review and other regular users. In particular, we conducted forums around Australia to discuss the latest developments and issues arising in the Migration and Refugee Division, Small Business Taxation Division and the Taxation and Commercial Division.

In relation to our strategic objective of making the best use of our human capital and other resources, we continued to focus during 2018–19 on building the capabilities of our members and staff. We launched a new online learning management system which offers members and staff a diverse set of online courses to assist with knowledge and skills development. We also finalised the development of a Leadership Capability Framework that provides a shared understanding of critical leadership capabilities across the organisation and supports their further development. We also made further improvements to our planning processes to ensure we are allocating resources in accordance with our strategic priorities and that we are better able to respond to changes in our environment.

More detailed information about the AAT and our operations can be found in our 2018–19 Annual Report, available on our website (www.aat.gov.au) and on the Australian Government Transparency Portal (www.transparency.gov.au).

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