



2019–20 At a glance

At the Administrative Appeals Tribunal (AAT), we give individuals and organisations the opportunity to have administrative decisions independently reviewed. We 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
- workers' compensation under Commonwealth laws.

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, professional regulation, security assessments by the Australian Security Intelligence Organisation and unpaid employment entitlements.

We can only review a decision if a law states that the decision can be reviewed by the AAT. We review decisions 'on the merits': we take a fresh look at the facts, law and any government policy relating to the decision and arrive at our own 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.

We manage our workload in 9 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
- Veterans' Appeals Division.

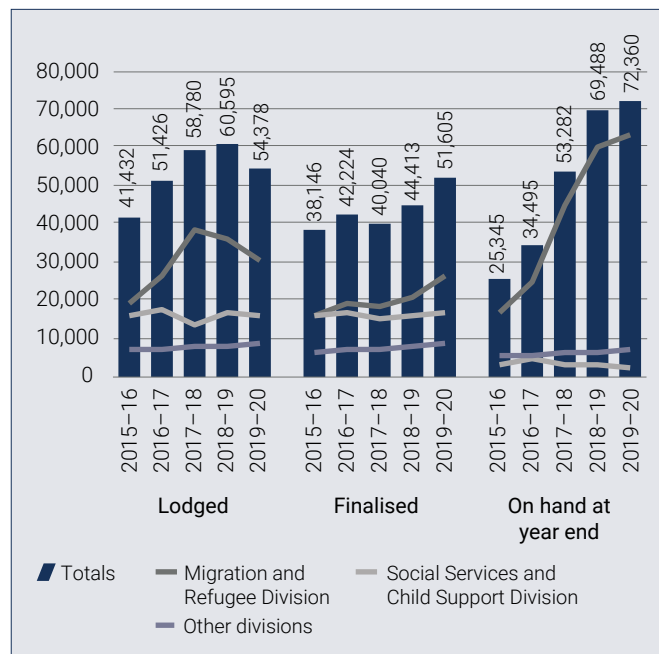
The AAT is led by President Justice David Thomas, a judge of the Federal Court of Australia and also consists of other members appointed as Deputy Presidents, Senior Members and Members. The President is responsible for the overall management of the AAT with the assistance of the Deputy Presidents appointed as Division Heads and the Registrar, Sian Leatham.

We also host 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.

Key caseload statistics

The AAT received 54,378 applications in 2019–20, 10% fewer than the number lodged in 2018–19. We finalised 51,605 applications, 16% more than in 2018–19. The number of applications on hand at 30 June 2020 was 72,360, 4% higher than the previous year.

AAT caseload overview, 2015–16 to 2019–20



The size of our caseload varies significantly between divisions. The Migration and Refugee Division still received the largest number, despite a drop in lodgements in the latter part of the year as a result of the coronavirus pandemic. Consistent with previous years, the Social Services and Child Support Division had the next highest volume of lodgements. The NDIS Division constituted a small but steadily increasing proportion of the overall caseload with a further increase in lodgements in 2019–20.

Applications lodged, finalised and on hand, 2019–20 – By division

DIVISION	LODGED		FINALISED		ON HAND AT YEAR END	
	No	% of total	No	% of total	No	% of total
Freedom of Information	55	<1%	62	<1%	62	<1%
General	5,584	10%	5,594	11%	3,956	5%
Migration and Refugee	29,976	55%	26,402	51%	63,305	87%
National Disability Insurance Scheme	1,780	3%	1,527	3%	922	1%
Security	5	<1%	5	<1%	8	<1%
Small Business Taxation	274	<1%	75	<1%	318	<1%
Social Services and Child Support	15,713	29%	16,749	32%	2,239	3%
Taxation and Commercial	797	1%	904	2%	1,320	2%
Veterans' Appeals	194	<1%	287	<1%	230	<1%
TOTAL	54,378	100%	51,605	100%	72,360	100%

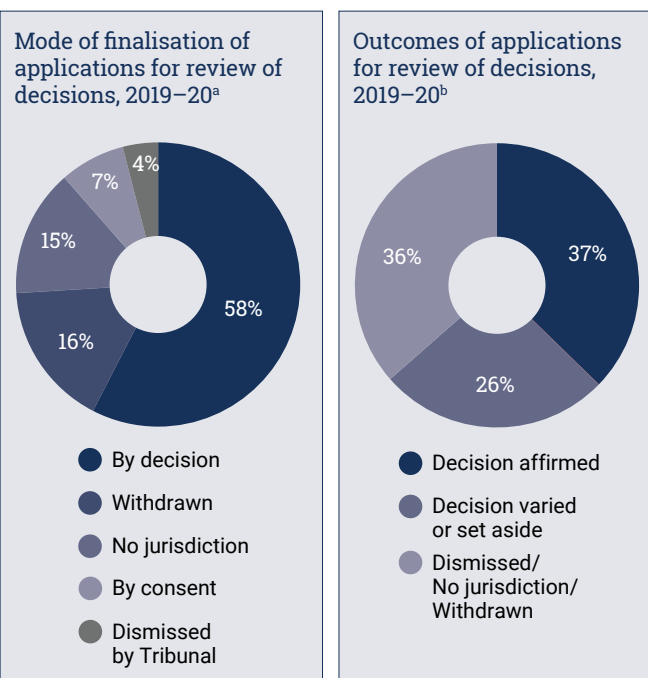
Our review processes vary according to the type of decision being reviewed, reflecting differences in legislative requirements as well as specific approaches we have developed to deal with the broad range of decisions we review. We give an applicant and any other party to a review a reasonable opportunity to present their case, including the opportunity to give us new information that was unavailable to the original decision-maker. We invite or direct a party to give us information relevant to the case at different stages of the review process.

In some types of cases, we hold conferences or directions hearings to talk to the parties about the issues and the further evidence that may be gathered, and give directions about what the parties must do, and by when, to progress the case. In cases involving more than one party, we use conferences and 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 2019–20, we conducted over 38,000 case events: 61% were hearings and 25% were conferences. The remaining 14% consisted of directions hearings, other ADR processes and other hearing types.

Limitations on our ability to hold case events in person arising from COVID-19 contributed to an increase in the proportion conducted by telephone or video.

Applications to the AAT may be finalised in different ways. This reporting year, we finalised the majority of applications by making a decision on the review, usually after conducting a hearing. The application was finalised 'by consent' in 7% of cases with the AAT making a decision in accordance with terms of agreement reached by the parties. The remaining 35% of applications were withdrawn, finalised on the basis that they did not meet the requirements for a valid application, or otherwise dismissed without the Tribunal reviewing the decision. The AAT changed the decision under review in 26% of all applications finalised in 2019–20, a similar rate to the previous year.



^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.

^b Percentages may not total 100% due to rounding

Number of alternative dispute resolution processes, directions hearings and hearings, 2019–20

DIVISION	CONFERENCES ^a	CONCILIATIONS ^a	OTHER ADR PROCESSES ^{ab}	DIRECTIONS HEARINGS ^c	INTERLOCUTORY HEARINGS ^d	HEARINGS
Freedom of Information	24	0	0	33	8	6
General	6,954	427	4	1,766	737	1,176
Migration and Refugee						11,000
National Disability Insurance Scheme	2,050	93	0	267	79	17
Security	2	0	0	11	0	2
Small Business Taxation	130	13	0	66	4	5
Social Services and Child Support				490		11,231
Taxation and Commercial	261	96	8	633	102	73
Veterans' Appeals	426	23	1	159	27	49
TOTAL	9,847	652	13	3,425	957	23,559

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

^b The other ADR processes are case appraisal, mediation and neutral evaluation.

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

^d 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.

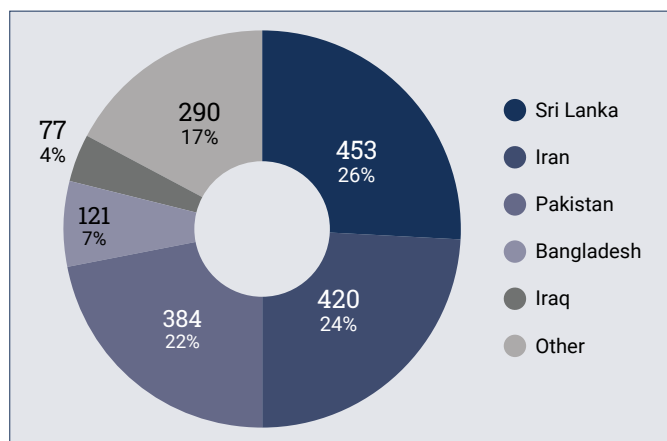
In 2019–20, the IAA received 1,745 cases, a 13% increase compared to the previous year, and finalised 1,731 cases. In most cases, the IAA reviews decisions on the papers. 6% of all cases finalised in the reporting period were remitted for reconsideration. By the end of 2019–20 the IAA had achieved a clearance rate of 99%. There were 106 cases remaining on hand as at 30 June 2020. During the reporting period, the IAA also significantly reduced the median number of weeks from referral to decision from 12 weeks in 2018–19 to 5 weeks in 2019–20.

IAA caseload overview

	REFERRALS	FINALISATIONS	ON HAND AT YEAR END	MEDIAN TIME TO FINALISE (WEEKS)
2018–19	1,538	2,382	92	12
2019–20	1,745	1,731	106	5

The top 5 countries of reference of referred applicants in 2019–20 were Sri Lanka, Iran, Pakistan, Bangladesh and Iraq. While Sri Lanka remained the largest single source country for referral overall, the number of referrals relating to nationals of Pakistan and Bangladesh increased significantly in the reporting period.

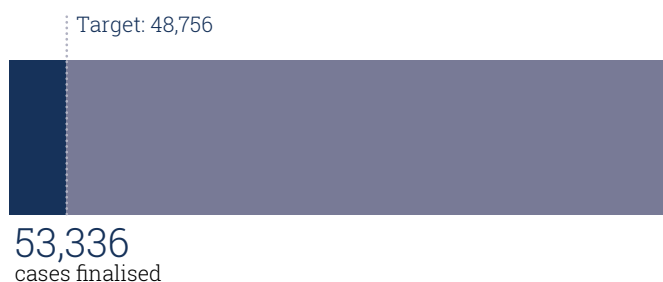
IAA referrals by country of reference, 2019–20



Our performance

Number of finalisations

The number of cases finalised is an indicator of the scale of activity undertaken by the AAT and IAA in carrying out our role of reviewing decisions that affect the interests of individual and organisations. In 2019–20, we finalised a substantial number of applications and referrals, exceeding the annual target for the first time since 1 July 2015 by 9%.



Timeliness

In 2019–20, we fell short of our overall target of finalising 75% of cases within 12 months of lodgement for a second consecutive year. While we met the benchmark in the AAT's General, NDIS, Small Business Taxation, and Social Services and Child Support Divisions as well as in the IAA, timeliness declined further in the Migration and Refugee Division which accounted for more than half of the AAT's finalisations in the reporting period. The volume of applications in that Division increased significantly over recent years without a corresponding increase in the number of members and staff to deal with the larger workload contributing to more than 70% of cases finalised in 2019–20 being more than 12 months old.



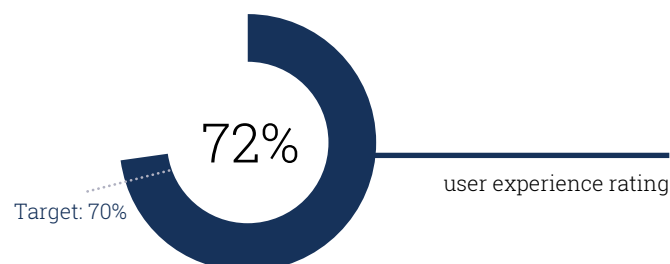
Publication of decisions

We publish statements of reasons for decisions we make in accordance with our Publication of Decisions Policy to promote public trust and confidence in our decision-making. We well exceeded our 2019–20 target to publish at least 5,000 decisions, breaking last year's record of publishing the largest ever number of decisions. Our decisions can be found on the Australasian Legal Information Institute website (www.austlii.edu.au).



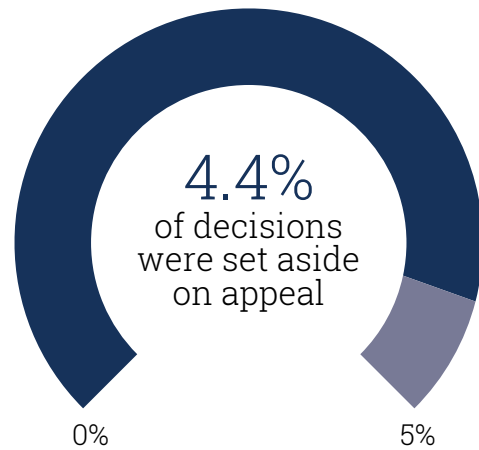
User experience rating

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 information products, dealings with staff, conferences and hearings as well as perceptions of the process overall. The result for the survey conducted in 2019–20 exceeded our target of a rating of at least 70%. Overall, both parties and representatives continued to rate our services positively.



Judicial review outcomes

We aim to have fewer than 5% of all appealable decisions overturned by the courts and the number of appeals allowed by the courts in 2019–20 amounted to 4.4% of all decisions made by the AAT in 2018–19. While we met the performance measure, the result was 2.1 percentage points higher than the previous reporting year which can be attributed to 2 main factors. A large proportion of appeals allowed this year flowed from 2 Federal Court decisions which held that applicants in the Migration and Refugee Division were not properly notified of the original departmental decision, a matter beyond the control of the AAT. The figures also took into account for the first time the outcomes of appeals against decisions of the IAA, a caseload with very high appeal rates, affected by rapidly changing case law and with a large number of appeals not yet finalised.



Key achievements in 2019–20

The AAT's incoming workload in 2019–20 remained at the higher levels we have experienced in recent years. The effective and efficient management of our caseload continued therefore to be a key area of focus. The onset of the COVID-19 pandemic and the decision to limit the provision of in-person services from our premises required us to rapidly take steps to ensure we could continue to progress cases and to support our members, staff and users adapt to a different way of working.

We accelerated our program to modernise our technology infrastructure and enhance our electronic systems that support the review process, including extending the functionality of our online document submission service as well as our capability to conduct alternative dispute resolution processes and hearings by telephone and video. Following consultation with stakeholders, the President issued special measures practice directions to assist parties and representatives understand how the AAT would operate during this time and to facilitate the conduct of reviews electronically where feasible. We employed a range of triage approaches to identify cases that could proceed without an in-person hearing and engaged with parties and representatives to determine how individual cases could progress, particularly those requiring urgent determination or involving vulnerable parties.

Despite the challenges, the sustained effort of our members and staff enabled the AAT and IAA to finalise the largest number of cases in any year since the AAT was established with the Migration and Refugee Division which finalised more than 26,000 applications in the reporting year. With the decrease in lodgements in the second half of the year, we began to make small inroads into the backlog in that Division.

Our efforts over time to manage our caseload in more innovative and efficient ways were recognised during the reporting year. The AAT received a special commendation in the Australasian Institute of Judicial Administrative Awards for Excellence for

the development of a smart form that gathered and structured required information in student refusal cases. We were also recognised as the Courts and Tribunals ADR Group of the Year at the Australian ADR Awards.

We made further progress in 2019–20 on ensuring our registries deliver consistent, timely and accessible services to our users, members and staff. We implemented a revised model for registry services in the Migration and Refugee Division that places a greater emphasis on early case assessment and resolution and more tailored administrative support to members. We also completed several initiatives to make our services more accessible to our diverse range of users including providing disability awareness training to members and staff, making accessibility improvements to our website and improving information products to help self-represented parties understand and find organisations who could assist them with their review.

We undertook a range of activities throughout the reporting year to engage with our users and other stakeholders. We continued to publish a large number of our decisions and sought feedback on our services through our annual user survey. We also pursued opportunities to liaise with departments, peak bodies and other organisations whose decisions we review and other regular Tribunal users. In particular, we conducted forums around Australia to discuss the latest developments and issues arising in the migration and refugee areas of work. We also increased engagement with stakeholders during the coronavirus pandemic to understand issues affecting users and facilitate the changes to the way we operate.

Recognising that our people are fundamental to the delivery of high-quality merits review, we maintained our focus on building the capabilities of members and staff during 2019–20. We offered a diverse range of internal and external professional development opportunities with expanded access to online learning options. With many more members and staff working from home during the pandemic, we also rolled out several initiatives to support the health and wellbeing of our people during this time.

More detailed information about the AAT and our operations can be found in our 2019–20 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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