



Chapter 1:

The year in review

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President's overview



This year has been one of hard work and consolidation as the Tribunal worked towards its goal of being a leader in administrative review, providing 'informal, fast and fair merits review, unfettered by costly and legalistic procedures' to use the words of the Attorney-General.

During the year work has continued on proposed amendments to the *Administrative Appeals Tribunal Act 1975*. An exposure draft was released in June. The Bill is designed to provide changes in five key areas:

- reforms to Tribunal procedures
- removal of restrictive constitution provisions
- better use of ordinary members
- reform of the role of the Federal Court
- changes to the qualifications required for appointment as President.

The Tribunal looks forward to a speedy consideration of the proposed amendments by Parliament in the next reporting period.

This year has seen considerable change at senior levels within the Tribunal, with the appointment of Mr Doug Humphreys as Registrar from 25 August 2003 for a period of five years. I would like to record my thanks to Ms Jill Toohey, who acted as Registrar until that date. Ms Toohey served the Tribunal well during a period of considerable uncertainty and I wish her well for the future.

Following the unfortunate and untimely death of Ms Janet Cooper, our long term Assistant Registrar, Ms Sian Leathem was appointed Assistant Registrar in January 2004. She has been joined by Mr Chris Matthies, who returned to the Tribunal, following a period at the Australian Broadcasting Authority, as Manager of Policy and Research.

The Principal Registry team has been focusing on a large range of projects, many of which will continue into the coming year.

An area of considerable progress has been the introduction of pilot duty lawyer schemes in our New South Wales, Queensland and Victoria Registries. These pilots have only been possible through the assistance and cooperation of the Legal Aid Commissions in these states. The provision of advice and assistance to self-represented litigants by experienced legal aid solicitors has assisted the Tribunal in the efficient disposition of these matters in a just manner. I note that the recent inquiry by the Senate Legal and Constitutional References Committee into legal aid in Australia recommended that a duty solicitor scheme should be introduced for the Tribunal.

The Tribunal spent considerable time during the year contributing to the Tribunal Efficiencies Working Group. This group was made up of the presiding members and other representatives of the Administrative Appeals Tribunal, Migration Review Tribunal, Refugee Review Tribunal, Social Security Appeals Tribunal and the Veterans' Review Board, together with representatives of the departments with which each tribunal is associated. The Group was asked to look at opportunities for resource sharing and other efficiencies between tribunals. I note that there is already cooperation and resource sharing between the relevant tribunals. For example, the AAT provides registry and videoconferencing services to the MRT in its Queensland, South Australia and Western Australia registries.

Given the differing needs and roles of the various tribunals, opportunities to cooperate further may be limited in the absence of legislative change and additional funding.

This year I have been active as Chair of the Council of Australasian Tribunals (COAT). The Council is a peak body for Commonwealth, State, Territory and New Zealand tribunals which aims to share information, knowledge and resources across areas of common interest. Local chapters of COAT are now active in most States and Territories and in New Zealand. These local chapters contribute considerably to the exchange of information and professional development of tribunal members, including AAT members.

A major project to be pursued in the next 12 months is the production of a tribunals' model practice manual. The manual will be similar to bench books that have been provided for the judiciary in a number of jurisdictions in Australia and will build on a number of existing practice manuals in tribunals. The aim of the manual will be to provide material that is relevant to tribunals generally on such matters of common concern as procedural fairness. It will also provide a template for the inclusion of material that is specific to individual tribunals. There is considerable support for the production of this manual among tribunals across Australia and New Zealand.

During the next 12 months the Tribunal will face a number of challenges. These include securing affordable accommodation as long-term leases in Sydney and Melbourne come to an end. The Tribunal is also required to develop a new case management system to replace the AATCAMS system which has reached the end of its useful and supportable life.

One of the matters that has occupied a considerable amount of my time during the year has been work associated with reappointments and appointments to the Tribunal. The terms of appointment of more than thirty members ended during the reporting period. I wish those who have left the Tribunal every success for the future and record my appreciation of their commitment and hard work for the Tribunal during their time with us.

I record with sadness the passing of Member Catherine Prime in February 2004.

As always, I remain impressed by the quality of the members and staff of the Tribunal. The result of this year's work, as set out in this report, is a very clear indication of their commitment and hard work to both the Administrative Appeals Tribunal and the Australian public whom it serves.

Finally, at the time of my last report, I noted that I had been appointed for a further term of one year to expire on 7 April 2004. On 13 April 2004, I was appointed for a further term of one year.



Garry Downes

Registrar's report



This report marks my first as Registrar of the AAT. The past 10 months have been very busy as I have settled into the position, developing a better understanding of the Tribunal's role, jurisdiction, practices and procedures, staff and users.

An important step has been the rewrite and issue of an updated organisational plan. A copy of this plan, together with a statement of the Tribunal's achievements, is set out below. As is clear from a perusal of this annual report, the Tribunal has not only achieved almost all of the goals that we set ourselves for the 12 months, but in some cases exceeded them. Most pleasing has been the high number of matters finalised this year (9,909) and the resultant reduction of matters on hand by 2,648 or 26 per cent. Improvement in the timeliness of the finalisation of matters will be a major goal in the next 12 months.

The Tribunal has taken a number of steps to enhance its accessibility to users, increase the knowledge and skills of members and staff, and cultivate a productive and positive place in which to work.

Accessibility has been improved via the introduction of legal aid advice clinics, with the cooperation of relevant legal aid organisations in New South Wales, Queensland and Victoria. Our website has been upgraded to make it more user friendly and easier to navigate. Our brochures and charter have been revised and will be reprinted in the next reporting year. The Tribunal is currently developing a new Aboriginal and Torres Strait Islander employment program, which I look forward to implementing in the next 12 months.

The Tribunal has focused on reducing delays in the finalisation of matters during the 2003–04 year. A national management scheme was put in place to promote the finalisation of applications relating to mass-marketed taxation schemes. This national management scheme, together with improved liaison with regular users, will ensure that delays will continue to be reduced. In a small number of cases, where there has been regular and persistent non-compliance with timetables or a failure to progress matters, directions hearings have been held before the President. The Tribunal will continue to use these and other methods to ensure that the time taken for matters to be finalised is reduced and that the Tribunal meets its published time standards.

In the training area, one of my first tasks on joining the Tribunal was to complete the organisation for, and participate in, our biennial National Members' Conference. This was held in Launceston in October 2003. The conference provided a much-needed opportunity to meet as a large group, hone skills and reaffirm common values and ideals. This year has also seen the appointment of a dedicated Learning and Development Officer. This new position will allow us to better manage and provide more learning and development opportunities to both members and staff. We also hope to share resources with other tribunals and similar organisations in areas of common interest.

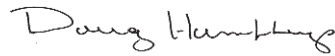
During 2003–04, the Tribunal has taken a number of other steps to ensure that we have a positive workplace. This has included the establishment of a staff benevolent fund, and the provision of free flu injections and health checks to staff and members. Staff teams have participated in a number of sporting competitions, with some considerable success.

This year I have assumed the position of Secretary of the Council of Australasian Tribunals (COAT). This has involved the provision of administrative support to the Council and, in particular, adding to and improving the COAT website which is hosted by the AAT. The major COAT event has been the annual general meeting held in Brisbane in June this year in conjunction with the Australian Institute of Judicial Administration's Tribunals' Conference. The conference and COAT meetings were a great success. As outlined in the President's overview, next year, COAT will be aiming to produce a practice manual for tribunal members.

I would like to thank the staff and members of the Tribunal for their welcome to me and the hard work they have put in throughout the year. The Principal Registry team has almost completely changed over the last 12 months. Sian Leathem (Assistant Registrar) and Chris Matthies (Manager, Policy and Research) have been welcome additions to the team. Paul Hoffmans joined as Manager, Information Services and Technology, late in the previous financial year.

He and the Information Technology team have worked very hard delivering new operating systems and hardware to the Tribunal on time and within budgeted cost. Chris Shead, Manager, Corporate Support, has provided a welcome degree of continuity and corporate knowledge. Steve Wise, our Financial Manager, has been of great support to a new Registrar. Finally, to the Principal Registry Executive Assistant, Jill Patterson, my great thanks for keeping the place turning over.

I look forward to being able to report further on the achievements of the Administrative Appeals Tribunal in 12 months time.



Doug Humphreys

Chart 1.1 Organisational plan and statement of achievements

Administrative Appeals Tribunal (AAT) 2003-4 organisational plan and statement of achievements					
Our vision		Our mission		Our values	
We will be a leader in administrative review, providing informal, fast and fair merits review, unfettered by costly and legalistic procedures.		To deliver high-quality independent merits review of administrative decisions in a timely fashion using alternative dispute resolution processes where appropriate.		User focus Integrity Professionalism Efficiency Equity and accessibility	
Key result area	Goals	Strategies 2003–04	Key targets 2003–04	Outcomes	Achievements
OUR USERS	We will provide a national high-quality merits review process that contributes to community confidence in a system of open and accountable government.	<ul style="list-style-type: none"> Pilot a plan with legal aid bodies to provide duty lawyer services to self-represented users. Review the General Practice Direction and procedures. 	<ul style="list-style-type: none"> Duty lawyer services provided in two registries. Uniform framework for dealing with matters in all registries. 	Australian people have equitable access to a fast and efficient system of merits review delivering high-quality decisions.	<ul style="list-style-type: none"> Duty lawyer service trials underway in New South Wales, Queensland and Victoria. Commenced review of Practice Directions. Implementation of a system for addressing regular non-compliance. Implementation of a strategy for managing applications concerning mass-marketed taxation schemes. Client Service Charter and information brochures revised (awaiting printing). Continued concurrent evidence study. Decrease in current matters.

Chart 1.1 Organisational plan and statement of achievements (continued)

Key result area	Goals	Strategies 2003–04	Key targets 2003–04	Outcomes	Achievements
OUR PARTNERS	We will work cooperatively 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 input into government and legal forums relevant to the work of the AAT. Hold regular user forums in each registry at least twice yearly. Increase AAT participation in community and continuing legal education. AAT involved in training in administrative law. 	<ul style="list-style-type: none"> The Tribunals expertise in providing policy input in the area of administrative review is sought and valued by policy makers and legislators. We monitor and review our processes in the light of user feedback. Better understanding of the AAT and its part in the administrative decision-making process. 	<ul style="list-style-type: none"> Participated in Tribunal Efficiencies Working Group. Engaged and consulted on proposed amendments to the AAT Act. Submissions made to reviews and inquiries on issues relating to the AAT. Provided Council of Australasian Tribunals (COAT) secretariat services including administration and updating of COAT website. Liaised with and pursued cooperative arrangements with a number of Commonwealth tribunals and courts. Established and strengthened links with relevant international bodies. Held user forums and meetings with regular users. Presentations given at conferences, seminars and community information sessions. Participated in training programs for advocates and legal practitioners. Sponsored work placement students.

Chart 1.1 Organisational plan and statement of achievements (continued)

Key result area	Goals	Strategies 2003–04	Key targets 2003–04	Outcomes	Achievements
OUR PEOPLE	We will have a professional culture and a positive and productive workplace that values diversity.	<ul style="list-style-type: none"> Initiate a training and development strategy for members and staff. Review and reissue Members' Handbook. Develop and implement an Aboriginal and Torres Strait Islander (ATSI) employment strategy. Commence development of an AAT bench book. 	<ul style="list-style-type: none"> Training and development officer employed. Training plan developed in consultation with staff and members. Updated Members' Handbook issued. Increase ATSI employees. Project plan developed and work commenced on bench book. 	Our members and staff have the skills, knowledge and commitment to deliver high-quality services.	<ul style="list-style-type: none"> Learning and Development Officer appointed. Members' Handbook issued. ATSI employment plan in development. Preliminary development and scoping work undertaken in relation to AAT practice manual. Revised induction program for new members designed. Members' conference held including significant session on decision writing. Conference Registrars' and District Registrars' conferences held. Taxation of costs training undertaken. Submissions made to Remuneration Tribunal regarding members salaries/terms and conditions. Revised and reissued workplace diversity and disability action plan. Issued AAT harassment policy. Established AAT staff benevolent fund. Increased emphasis on performance agreements/monitoring. Queensland District Registry implemented a registry work reorganisation to adopt a case office system.

Chart 1.1 Organisational plan and statement of achievements *(continued)*

Key result area	Goals	Strategies 2003–04	Key targets 2003–04	Outcomes	Achievements
<p>OUR ORGANISATION</p>	<p>We will be an organisation with modern systems and processes that maximise the efficient and effective use of Tribunal resources.</p>	<ul style="list-style-type: none"> • Upgraded information technology (IT) systems. • New case management system. • Develop an improved website. • Minimise our exposure to system or other risks, fire or natural disaster. 	<ul style="list-style-type: none"> • Upgraded computer operating systems in place. • New case management system identified. • New website in place. • Revised and improved disaster recovery plan issued. 	<ul style="list-style-type: none"> • Organisational decisions and planning based on accurate and timely information. • Tribunal's systems and processes allow staff to work more efficiently and allow users and perhaps partners to access information easily on administrative law. 	<ul style="list-style-type: none"> • Introduced new desktop operating system and Office 2003 suite and installed new printers. • Formed IT Steering Committee. • User requirements specification project for case management system commenced. • Website upgraded. • Disaster recovery planning commenced in IT and physical areas. • Remote access risk assessment and technical design project commenced. • Issued new fraud control plan. • Renewed Canberra lease. • Commenced property search for Sydney/Melbourne premises. • Conducted user survey for library. • Improved statistical reporting on workload.

