

AAT: 40<sup>th</sup> Anniversary and 1<sup>st</sup> Anniversary of Amalgamation

Opening Address

Ms Jan Redfern PSM

- Good morning.
- On behalf of the President of the Administrative Appeals Tribunal, the Honourable Justice Duncan Kerr, I thank you all for gathering here today on the occasion of the 40<sup>th</sup> anniversary of the Tribunal's opening, and the first anniversary since its amalgamation with the former Migration Review Tribunal, Refugee Review Tribunal and Social Security Appeals Tribunal.
- I know how much the President would have wanted to be here today but I stand here in his stead.
- It is a great pleasure to be able to acknowledge and welcome so many familiar faces among our distinguished guests.
- It is particularly fitting on this occasion that we are joined by the Honourable Sir Gerard Brennan, the AAT's inaugural President, who went on to become the Chief Justice of the High Court in 1995, as well as Professor Leroy Certoma, inaugural Principal Member of the RRT and Ms Susan Tongue, inaugural Principal Member of the MRT. Ms Anne Coghlan, inaugural Convenor of the Social Security Appeals Tribunal, sends her apologies.
- Each of these foundational leaders played an invaluable role in the development of today's AAT.
- I would also like to acknowledge the presence here today of the many people who have played pivotal roles in the evolution of the AAT.
- Joining us today are three former Presidents of the AAT, the Honourable Deirdre O'Connor, the Honourable Jane Mathews and the Honourable Garry Downes, who between them served as Presidents of the AAT for 22 years with Garry Downes serving 10 of those years.

- I would also like to welcome three former long standing members of the AAT, former Deputy Presidents Phillip Hack and the Honourable Brian Tamberlin, and former Senior Member Gerri Ettinger, as well as Colin Plowman, who was the former Registrar of the MRT-RRT from 2011 to 2015.
- In celebrating this milestone it is fitting that we also have representatives from the departments and agencies whose decisions we regularly review - the Australian Tax Office, Comcare, the Department of Human Services, Department of Immigration and Border Protection, Department of Veterans' Affairs, National Disability Insurance Agency & the Office of the Australian Information Commissioner. On the other side we also pleased to see representation from a number of advocacy groups who have a keen interest in our work for applicants, such as the Law Society of NSW, the Refugee Council of Australia, the Refugee Advice and Casework Service, the Migration Alliance and the Immigration Advice and Rights Centre.
- I would also like to welcome the President of my other favourite Tribunal, the Honourable Justice Robertson Wright, the President of the NSW Civil and Administrative Tribunal and Deputy President Malcolm Schyvens.
- In his opening address of the AAT's Twentieth Anniversary Conference Sir Gerard reflected on how far the Tribunal, and the provision of administrative justice in Australia, had then come since its humble beginnings. Recalling the morning in Canberra on 1 July 1976 Sir Gerard said:
 

“The doors of the AAT were opened without ceremony. The bare space was interrupted by the occasional desk and power point. The AAT name was on the noticeboard downstairs but months would pass before anybody needed to find it.”
- Thanks in large part to the role Sir Gerard and the leaders that followed, the situation is rather different today. In its first year since

amalgamation the AAT received over 41,000 lodgements and finalised approximately 38,000 cases. There are now over 840 members and staff and probably a few more power points than in 1976. However, at the heart of the work of the Tribunal (as it is today in its amalgamated form and in the Tribunals before amalgamation) is the important objective to provide a just, accessible, informal and affordable means for citizens and non-citizens to obtain merits review of government decisions.

- The amalgamation of the AAT reflects a broader trend that is itself one of the biggest changes in the Australian administrative law landscape since the creation of the AAT, that is, the establishment of larger generalist civil and administrative tribunals which began in the states and territories.
- The amalgamation provides the AAT with an opportunity to enhance the effectiveness of merits review at the commonwealth level through the sharing of key functional capacities such as hearing facilities and libraries, induction, mentoring programmes, training and most importantly the development of tribunal members and staff.
- We have already made strong progress towards realising some of those benefits. In the past year, the AAT has:
  - co-located its registry premises in Canberra, Hobart and Sydney, with good progress with co-location in Adelaide, Brisbane, and Perth;
  - ensured that all of its registries can accept applications across all divisions;
  - launched an online lodgement system which allows applicants to apply online for a review of a decision in any division;
  - created a new case management tool, which allows users to search across all case management systems;
  - set up harmonisation working groups to drive the integration of functions in client and administrative services, member support, and listing and proceedings; and

- evolved a new series of ‘Whole of Tribunal’ reports that allow the AAT to more effectively monitor and manage its caseload across its Divisions.
- We have learned much about each other which I have no doubt will open up new opportunities and thinking about how and why we do things and how we can do better. This is indeed an exciting prospect.
- It is a huge credit to all AAT members and staff that we have achieved such an apparently seamless transition (albeit with much hard work behind the scenes) in such a short period of time. The establishment of this brand new collocated registry in which we are gathered is just one example of that.
- As Justice Kerr remarked earlier in the month at the National Conference of the Council of Australasian Tribunals:

“The AAT is on the cusp of becoming the integrated generalist Commonwealth merits review tribunal recommended by the Kerr Committee some forty-five years ago”.
- That being said, there is still a great deal of work to be done. Significant constraints, such as legacy differences in operating systems and statutory procedures, continue to limit the AAT’s capacity to utilise its resources most effectively. The task of harmonising procedures across the Tribunal’s divisions will be at the foremost of our priorities in the coming year. This harmonisation is not just a question of bringing together different legislation and internal practices, but also one of building a common culture among our members and staff.
- When Justice Kerr took office as President in 2012, he noted that:

“[t]he collective strength of the AAT resides with its extraordinary team of skilled and independent-minded decision-makers and with the experienced staff who support them. Any sensible person would first want to draw on that collective experience and I look forward to drawing on that experience”.

- Wise words. Now, one year into amalgamation, that collective experience is even greater.
- As we mark the 40<sup>th</sup> year of this long journey, we remain confident in the future of independent merits review, and in our ability to make a real difference to the lives of tens of thousands of people throughout Australia.