

Administrative
Review Tribunal



Corporate Plan 2024–25

Covering reporting period 2024–25 to 2027–28

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Introduction

As the accountable authority of the Administrative Review Tribunal, I am pleased to present the Tribunal's Corporate Plan 2024–2025, which covers the four-year period to 2027–28, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

This four-year period will be particularly significant for the Tribunal, having commenced operation on 14 October 2024 and with our ongoing program of work to establish the new Tribunal. It is imperative we take the time to ensure the Tribunal is set up to succeed and best positioned to fully realise its statutory objective, providing our users with exceptional service and developing a reputation as a tribunal of excellence.

The *Administrative Review Tribunal Act 2024* provides unique opportunities for us to adopt practices, procedures, policies and programs that provide a positive environment for members and staff to take pride in their work, enjoy working together and collectively strive to advance the Tribunal's statutory objective.

In 2024–2025, we will continue establishing a solid foundation for the new Tribunal. To this end, within each of the Tribunal's three key activities, we have established foundational areas of focus for 2024–25, against which we will deliver a suite of aligned priority initiatives.

While this is an exciting time for the President, the Tribunal's members and staff, and me, we recognise there will be high expectations and scrutiny of the Tribunal. The President and I welcome this scrutiny and are committed to the Tribunal developing a reputation for excellence in everything it does. We are fully committed to establishing a unified and cohesive Tribunal that delivers on its legislated objective. We are confident that collectively, we will meet the high expectations of us and enhance the public's trust and confidence in the Tribunal.



Michael Hawkins AM

Chief Executive Officer and Principal Registrar

Our purpose and key activities

The purpose of the Administrative Review Tribunal is to provide an accessible, fair and efficient merits review process to afford administrative justice for individuals and organisations, improve government decision-making, and promote public trust in the Tribunal.

For the period covered by this Corporate Plan, the key activities we will undertake to achieve our purpose are to:

- undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act
- improve the transparency and quality of government decision-making
- promote public trust and confidence in the Tribunal.

These key activities remain fit for purpose for 2024–28. In developing them, we considered the Tribunal’s statutory objective and functions, and our Portfolio Budget Statement outcome and program.

Statutory objective: The Administrative Review Tribunal must pursue the objective of providing an independent mechanism of review that:

- is fair and just
- ensures that applications to the Tribunal are resolved as quickly, and with as little formality and expense, as a proper consideration of the matters before the Tribunal permits
- is accessible and responsive to the diverse needs of parties to proceedings
- improves the transparency and quality of government decision-making
- promotes public trust and confidence in the Tribunal.

Outcome: provide correct or preferable decisions through a mechanism of independent review of administrative decisions that is fair and just, quick, informal, accessible and responsive, contributes to improving the quality of government decision-making, and promotes public trust and confidence in the Tribunal.

Program: review decisions to provide administrative justice for individuals and organisations and, more broadly, contribute to improving the quality of government decision-making.

Key Activity 1: Undertaking merits review of administrative decisions

The Tribunal conducts independent merits review of administrative decisions made under Commonwealth laws. We review decisions made by Australian Government ministers, departments and agencies and, in limited circumstances, decisions made by state government and non-government bodies. We also review decisions made under Norfolk Island laws.

Merits review of an administrative decision involves a Tribunal member considering afresh the facts, law and policy relating to that decision. The member decides what the correct or preferable decision is based on the material before them and may affirm or vary the decision, set aside the decision and substitute a new decision, or remit the matter to the decision-maker for reconsideration.

In accordance with the Administrative Review Tribunal Act, we must provide an independent mechanism of review that, among other things:

- is fair and just
- ensures applications are resolved as quickly as a proper consideration of a matter permits
- is accessible and responsive to the diverse needs of parties to proceedings.

Elements two and three of our statutory objective set out above are particularly significant in the first 4-year period of our operation, given:

- The Tribunal commenced operation with a substantial on-hand caseload (of approximately 83,500 applications), transferred from the Administrative Appeals Tribunal (AAT), and continues to receive applications well exceeding previous levels.
- The strong emphasis on user-focused accessible design in the Act and the funding provided to assist us in delivering accessible and user-focused services.

Quick resolution of matters

Our substantial on-hand caseload and increased number of applications presents a considerable challenge for the Tribunal and impacts our ability to hear and determine applications quickly. Delays in resolving matters affecting community members' personal and business affairs cause anxiety and hardship and are contrary to the public interest. Justice delayed is justice denied. Delays also impact the reputation of the Tribunal.

The Administrative Review Tribunal Act aims to provide the Tribunal with powers and functions to support this element of our statutory objective. They include:

- a new structure that groups cases into jurisdictional areas and lists, which provides more harmonised procedures in the different jurisdictions of the Tribunal, and more flexible allocation of cases and resources
- powers that allow the President to allocate members to jurisdictional areas rather than requiring Ministerial decision
- powers to give directions about the Tribunal's procedures and consequences for failure to comply with them
- circumstances where a matter can be resolved without a hearing

- the ability for an agency party to elect not to participate in the proceeding, and powers for the Tribunal to order them to participate if necessary
- powers to refer matters to dispute resolution and to make decisions by agreement of the parties
- the ability for certain powers and functions to be performed by authorised persons within the Tribunal, with appropriate safeguards.

Accessible and responsive service

We engage with a broad range of users who may require additional, tailored support to participate meaningfully in our merit review processes. The Administrative Review Tribunal Act defines accessible to mean enabling people to apply for review and participate effectively in proceedings. This may involve appropriate adjustments to facilities, technology or access to information. The Act also contains powers and functions to support this element of our statutory objective, including:

- the obligation for the Tribunal to appoint an interpreter in certain circumstances
- the ability for the President to make practice directions to promote accessibility and responsiveness to parties to proceedings
- the ability for the Tribunal to appoint a litigation supporter for a party to a proceeding in appropriate circumstances.

In the 2024–25 Budget, \$9.6 million was provided over the forward estimates, and \$1.0 million per year ongoing from 2028–29, to assist us in improving access to our services. This funding includes:

- \$2.5 million over two years for a User Experience and Accessibility Team to improve accessibility for all users
- \$2.6 million over two years to pilot a First Nations Liaison Officer program.

2024–25 priority initiatives

The new powers and functions in the Administrative Review Tribunal Act will better position the Tribunal to work towards addressing our substantial on-hand caseload, and enhance our ability to deliver quick, accessible and user-focused services, supported by related funding. However, it will also require new strategies and approaches and innovative ways of working.

In 2024–25, we will focus on ensuring our merits review service resolves matters as quickly as possible and is more accessible and responsive to the diverse needs of our users, including through the priority initiatives set out in table 1 below. These initiatives relate to an Accessibility & Inclusion Strategy, a First Nations Liaison Officer pilot, a Caseload Strategy, and new registrar powers.

Table 1: Key activity 1 priority initiatives

Priority initiatives	Description
Developing an Accessibility & Inclusion Strategy	<ul style="list-style-type: none"> • Our <i>Commitment to Accessibility and Inclusion</i> sets the foundations for how the Tribunal will support applicants to effectively engage in Tribunal proceedings. It has been published on our website and is the first step in our Accessibility and Inclusion Framework. • The <i>Commitment to Accessibility and Inclusion</i> aligns with the Administrative Review Tribunal Act and the objectives of the Tribunal. It was informed by a program of engagement undertaken from May-July 2024 with a broad range of stakeholder groups to better understand how parties and participants can access and participate in proceedings. • The Tribunal's commitments in this area will guide the development of an Accessibility & Inclusion Strategy and a supporting program of work, which will be an area of focus during 2024–25 and beyond. • The development of the Strategy and related work will be led by a new Accessibility & User-centred Design Section, which the establishment and appropriate staffing of is a priority for the Tribunal in 2024–25.
Implementing a First Nations Liaison Officer pilot	<ul style="list-style-type: none"> • The pilot program will establish a team of First Nations Liaison Officers to develop partnerships with First Nations communities and their representatives with the intention of improving awareness of what the Tribunal does, as well as improving the Tribunal's service delivery to First Nations applicants. • During 2024–25, our focus is on preparing for the commencement of the pilot. Critical work includes establishing our new Accessibility & User-centred Design Section, recruiting First Nations Liaison Officers, developing new practices and procedures, training staff and members, and engaging with key stakeholders.
Implementing an Annual whole-of-Tribunal Caseload Strategy	<ul style="list-style-type: none"> • Our Annual Whole-of-Tribunal Caseload Strategy will provide clear goals and a shared understanding of priorities. It will be informed by data and caseload intelligence and developed using an agreed framework and process. • The Strategy will allow us to optimise the use of our resources by leveraging new powers enabling the President to manage the assignment of members to jurisdictional areas and lists. • The Strategy will be developed in the first half of 2025 with a view to commencement on or before 1 July 2025.
Implementing new registrar powers	<ul style="list-style-type: none"> • The Administrative Review Tribunal Act empowers the President to authorise registrars to perform a range of functions, some of which only members were able to perform until now. • The President has authorised registrars to perform a number of functions where an issue is uncontested, the parties have agreed on a course of action, or the matter is routine and would be more efficiently and appropriately dealt with by a registrar rather than a member. • During 2024–25, we will implement the President's authorisations by updating practices, procedures and templates, defining, designing and filling new registrar roles, and developing and delivering training.

Key Activity 2: Improving the transparency and quality of government decision-making

A significant reform in the Administrative Review Tribunal Act is the establishment of a Guidance and Appeals Panel (GAP) within the Tribunal. The GAP provides a mechanism for escalating significant issues and addressing material errors in Tribunal decisions. This aims to promote consistent decision making and rapid responses to identified emerging issues. The GAP is a key mechanism supporting the Tribunal to achieve its purpose to improve government decision-making.

The Act provides the Tribunal with powers and functions to support the promotion of transparent and high-quality government decision-making. This includes:

- the function of the President to inform relevant Ministers, relevant Commonwealth entities and the Administrative Review Council of identified systemic issues
- oversight by the Tribunal Advisory Committee (TAC), which is comprised of the President, the Chief Executive Officer (CEO) and Principal Registrar, jurisdictional area leads, the Chief Operating Officer and the General Counsel, of trends and patterns across, and systemic issues in, the jurisdictional areas
- scope to publish Tribunal decisions generally, and an obligation to publish GAP decisions and any other decision that involves a significant conclusion of law or has significant implications for Commonwealth policy or administration.

2024–25 priority initiatives

In 2024–25, the Tribunal will focus on establishing key foundational mechanisms to support our purpose to improve government decision-making, including through the priority initiatives set out in table 2 below. These initiatives focus on operationalising the GAP and implementing a framework for the identification and notification of systemic issues.

Table 2: Key activity 2 priority initiatives

Priority initiatives	Description
Operationalising the Guidance and Appeals Panel	<ul style="list-style-type: none"> • The GAP is an important part of the Tribunal. It provides a way for us to escalate issues and ensure the quality of Tribunal decisions. • The President signed the Administrative Review Tribunal (Guidance and Appeals Panel) Practice Direction 2024 on 14 October 2024, and it has been published on the Tribunal's website. The Practice Direction makes directions about the practices and procedures applicable to referral of matters to the GAP. • During 2024–25, we have established practices and procedures to implement the GAP and report on its operation. Additionally, the Tribunal is establishing a new GAP Section as a matter of priority, which is being led by the GAP Registrar. • For the remainder of 2024–25, we will conclude our recruitment processes for the GAP Section, roll-out formal education about the GAP for relevant operational Tribunal staff, review and refine our practices and procedures, and develop new training materials and information products, as required.

Priority initiatives	Description
Implementing a framework for the identification and notification of systemic issues	<ul style="list-style-type: none"> One of the President's statutory functions is to inform relevant Ministers, relevant Commonwealth entities and the Administrative Review Council of any systemic issues related to the making of reviewable decisions that have been identified in the Tribunal's caseload. The President is supported in performing this function by jurisdictional area leaders, who are to inform him of systemic issues identified in relation to their areas. During 2024–25, we have developed a new <i>Protocol – Notification of significant matters to the President</i>, which includes matters raising systemic issues related to the making of reviewable decisions by decision makers. The Protocol provides guidance on how significant matters may be identified and sets out processes for both their notification to the President and management, which is coordinated by the GAP Section. We have also implemented new processes and systems to implement the Protocol and established a register of significant matters which, among other things, will enable us to report on them. For the remainder of 2024–25, we will continue to settle implementation of the new Protocol and its associated processes and systems.

Key Activity 3: Promoting public trust and confidence in the Tribunal

The Administrative Review Tribunal Act recognises the importance of public trust and confidence in the Tribunal. It has a range of provisions supporting the Tribunal to achieve its purpose to promote public trust and confidence. Relevant provisions include:

- the requirement for the President to make and publish a Code of Conduct and a Performance Standard for non-judicial members
- the ability for the President to direct members, investigate conduct and temporarily restrict the duties of a member if there is concern about their conduct or performance
- the ability for the Governor-General to terminate a member's appointment for serious breaches of the Code of Conduct or Performance Standard, serious misconduct, or conviction for an indictable offence
- clear roles and qualification requirements for senior leadership of the Tribunal, including requirements to consider any stakeholder views in advising the President and the CEO and Principal Registrar on key decisions
- requirements for disclosing, avoiding and managing conflicts of interest
- the opportunity to refer Tribunal decisions to the GAP if there may have been a material error
- requirements for reporting on how the Tribunal is meeting its statutory objective.

The Act also enshrines a transparent and merit-based selection process for Tribunal members. The process for appointing members is administered by the Attorney-General's Department.

2024–25 priority initiatives

In 2024–25, we will focus on laying the foundations for building public trust and confidence in the Tribunal, including through the priority initiatives set out in table 3 below. These initiatives include developing a Stakeholder Engagement Framework and implementing the Code of Conduct for

Non-Judicial Members, the Performance Standard for Non-Judicial Members and the statutory reporting obligations of the President.

Table 3: Key activity 3 priority initiatives

Priority initiatives	Description
Developing a Stakeholder Engagement Framework	<ul style="list-style-type: none"> We will develop a Stakeholder Engagement Framework to strengthen our engagement with Tribunal users and their representatives, peak bodies, and other members of civil society. The Framework will provide a set of principles to inform engagement with external stakeholders. It will articulate why we engage, our key stakeholders, and how we should engage with them. It will support a consistent experience for external stakeholders when engaging with the Tribunal. As a first step, we have developed a Stakeholder Engagement Policy to guide how we approach, manage and report on our engagement. Building on this Policy, which we will continue to refine in 2024–25, we will develop the Framework.
Implementing the Code of Conduct for Non-Judicial Members	<ul style="list-style-type: none"> The Code of Conduct for Non-Judicial Members was signed by the President on 14 October 2024 and published on the Tribunal’s website. The Code sets out the normative standard of behaviour expected of members. It includes obligations relating to independence, impartiality, integrity, and respect for others. The Code also sets out the steps that may be taken in relation to members upholding it, including the process for dealing with possible breaches. If a member’s conduct constitutes a serious breach, the Governor-General may, on the recommendation of the Attorney-General, terminate their appointment. During 2024–25, we will establish the procedures and systems to support compliance with and enforcement of the Code.
Implementing the Performance Standard for Non-Judicial Members	<ul style="list-style-type: none"> The Performance Standard for Non-Judicial Members was signed by the President on 14 October 2024 and published on the Tribunal’s website. The Standard sets out the minimum standards of performance expected of a member as a decision-maker to ensure cases are dealt with expeditiously and in accordance with the Tribunal’s statutory objective. The Standard sets out expectations relating to the quality and timeliness of members’ work. Examples include a minimum number of days members must devote to case work annually, timeframes for delivery of decisions, a requirement that members undertake all allocated work, and mandatory participation in some training and education programs. The Standard includes measures to support members to meet it, such as additional training and mentoring, and makes provision for adjustments where appropriate. It also sets out a process for dealing with possible breaches. A serious breach may result in the Attorney-General recommending to the Governor-General that a member’s appointment be terminated. During 2024–25, we will establish procedures and systems, including data collection and reporting, to support compliance with and enforcement of the Standard.
Implementing the statutory reporting obligations of the President	<ul style="list-style-type: none"> The Administrative Review Tribunal Act requires the President to report annually on the management and administrative affairs of the Tribunal. The Act sets out the matters the President must include in the report. These matters include data relating to the Tribunal’s caseload and its members as well as descriptions and assessments of how the Tribunal has operated in various areas, such as GAP proceedings, engagement with those affected by reviewable decisions and civil society, and actions taken relating to the Code of Conduct and Performance Standard, member training, education and development, and identification of systemic issues. During 2024–25, we will establish mechanisms to support the President to acquit his reporting obligations under the Act.

Our operating context

Environment

Legislative and policy factors

To be fully prepared for the first day of operation of the Tribunal, we prioritised and implemented numerous critical projects, including new practice directions, processes and procedures, a new website, a new staff organisational structure, induction of new members as they were appointed, and modification of case management systems. However, our implementation activities did not stop on day one. Establishing the new Tribunal is an enormous undertaking, the benefits of which will take time and sustained effort to fully realise. Our ongoing program of implementation work adds additional complexity to our operating environment and impacts the Tribunal's ability to achieve our purpose.

A Transition and Executive Support Branch has been established to, among other things, provide ongoing coordination and prioritisation of work involving multiple sections, provide a focus for transition related work, and undertake residual transition work. The ongoing program of implementation work includes the induction of further new members, the recruitment of new staff to fill new roles and positions, the development of further new practices, procedures and templates and ongoing training of staff, the refinement and expansion of our website content, and the continuing implementation of the changes to our organisational structure.

The establishment of the Tribunal presents many opportunities, including simplifying and unifying practices and procedures, breaking down silos and operating as a unified national tribunal, and improving our accessibility and responsiveness to all our users. However, on day one of our operation the Tribunal had a substantial on-hand caseload of approximately 83,500 applications transferred from the AAT. We also continue to receive an unprecedented number of new applications. Both the substantial on-hand caseload and incoming applications presents an ongoing challenge and impacts our ability to achieve our purpose, through the timely delivery of merits review.

We acknowledge that the Administrative Review Tribunal Act provides us with new tools to deal with applications and manage our caseload and are committed to implementing these and other initiatives, such as the priority initiatives discussed under Key Activity 1. However, both these statutory and administrative measures will take time to fully realise their intended aims and their overall impact is unlikely to be achieved within the short term.

The Tribunal is a demand-driven organisation. A complex range of factors determines the types and volume of applications made to us. They include:

- government policy decisions setting the Tribunal's jurisdiction to review administrative decisions
- the volume of primary decision-making activity
- the availability of mechanisms of internal review or review by another body before an application can be made to the Tribunal
- the multifaceted set of considerations informing whether a person or organisation will apply for a review.

To the extent possible, we seek to anticipate and plan for changes in the number of applications we might receive, including through liaison with decision-making agencies and departments. Importantly, the Tribunal commenced operation with a demand-driven funding arrangement. This new arrangement aims to make the Tribunal financially sustainable and to give it greater flexibility to manage its resources and respond to fluctuating caseloads.

During 2024–25, we will work with relevant government departments, such as the Attorney-General’s Department and the Department of Finance, to operationalise the funding arrangement. We anticipate the arrangement will be put to the test, with our substantial on-hand caseload and the projected increase in applications in 2024–25 and beyond. Most notably, applications for review of decisions relating to student visas, protection visas and the National Disability Insurance Scheme (NDIS) increased exponentially in the second half of 2023–24 and have continued to do so in 2024–25.

Technological factors

The Tribunal continues to use the same case management systems as the AAT. The limitations and constraints of the legacy case management systems of the AAT are well known and documented, including in AAT corporate publications, APS Census results and evidence provided at Senate estimates to the Legal and Constitutional Affairs Legislation Committee. These case management systems are no longer fit for purpose, having exceeded their end of life and are operating without external vendor support. They impact our ability to achieve our purpose effectively and efficiently and in some instances the wellbeing of our staff. The multi-year Case Management Solution (CMS) Program, which is discussed below, aims to replace these legacy systems with a single, fit-for-purpose case management solution.

Social factors

In our first year of operation, we anticipate the Tribunal will operate under a high level of public scrutiny and increased expectation. Depending on the nature of this scrutiny, there is the potential for it to impact on the morale of our members and staff and our ability to attract new people and retain our existing workforce.

Consistent with the objective in the Administrative Review Tribunal Act, we will strive to provide an independent review mechanism that promotes public trust and confidence in the Tribunal and to establish a reputation as a tribunal of excellence and a good place to work.

We will strengthen engagement with our users and their representatives, peak bodies, and other members of civil society utilising our Stakeholder Engagement Policy to guide how we approach, manage and report on our engagement. The development of Stakeholder Engagement Framework is a priority initiative for 2024–25.

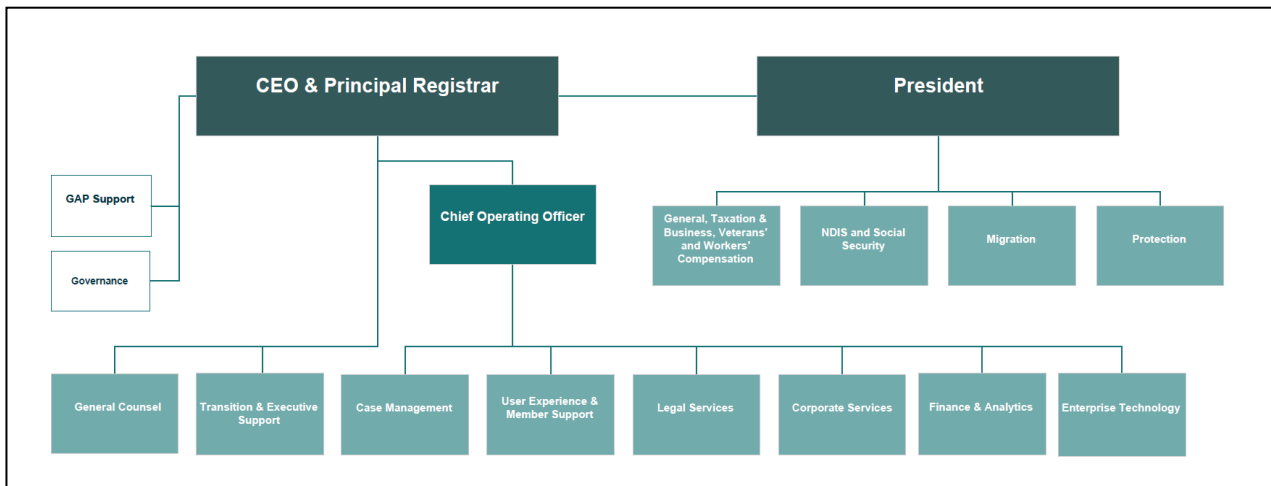
Capability

People

Our people, both members and APS staff, are critical to the Tribunal succeeding in performing its functions and achieving its purpose effectively and efficiently. We will work together to ensure the Tribunal develops a reputation for excellence and meets its purpose.

Our organisational structure, the granular detail of which we will continue to settle during 2024–25 in consultation with our workforce, is shown in figure 1 below. This function-based structure aims to put our users first, promote consistency and support national ways of working.

Figure 1: Administrative Review Tribunal high-level organisational structure



The Tribunal will continue to build its APS workforce in line with our staffing budget and to induct the members appointed by the Government. As decisions relating to these appointments are ultimately a matter for Government, they impact our ability to provide merits review services and achieve our purpose.

Our *Workforce Strategy* provides a strategic and integrated approach to attracting, developing and retaining staff and members. An area of focus in 2024–25 is building the data and business intelligence capability of our workforce. This is essential to strengthening the capacity of our Information and Data Management Section and Business Intelligence Section.

We are committed to prioritising APS employment, strengthening APS capacity and reducing outsourcing of our core work, in line with the APS Strategic Commissioning Framework. However, we still face challenges in recruiting for data and technology related positions due to a competitive market and skills shortages. We expect to continue to outsource some work, in particular work relating to supporting our legacy case management systems and prioritising the delivery of the CMS Program. Our target for 2024–25 is to outsource less than 2% of our core work across the Tribunal.

Consistent with its distinct legislative and organisational features, the Tribunal will have its own unique culture. An important step in building a positive culture is articulating and promoting a set of values that reflect the way our members and staff aspire to go about their work. Drawing on input from staff and members, the Tribunal has developed a set of four core values: Respect; Integrity; Collaboration; and Fairness. These values underpin our organisational culture moving forward. An important first step in embedding the values into the way the Tribunal works is the inclusion of reference to the values in new performance agreements for Tribunal staff.

The Administrative Review Tribunal Act places significant emphasis on the training, education and professional development of members to support them to make high-quality decisions. We have moved the Member Capability and Development Section into the President’s Chambers to ensure he is closely involved in shaping our work in this area, in conjunction with the Tribunal’s General Counsel and the TAC. Member learning will not end at the conclusion of their induction program. There is an ongoing program of training and professional development for our members.

Information and communication technology

Throughout most of the 4-year period of this plan, the Tribunal will continue to build a new CMS. The CMS is being delivered over a series of phases, taking an agile, iterative approach. The CMS Program is subject to central oversight by the Digital Transformation Agency under the *Digital and ICT Investment Oversight Framework* and the Department of Finance under the Gateway Review Process. Total funding for the CMS Program is \$29.64 million.

Once complete, the CMS will replace the Tribunal's existing multiple case management systems. It will support the Tribunal to achieve its purpose by providing secure and accessible services to external users and supporting efficient and consistent case management processes and decision making.

In 2024–25, our focus has been on developing a solution to support the operation of the new GAP and improving our external portal for users, both of which were ready for day one of the Tribunal's operation. This followed successful earlier delivery of other components, including a new smart form service (and payment gateway) for the online lodgement of applications. For the remainder of 2024–25, a key focus is on moving the caseload of the National Disability Insurance Scheme jurisdictional area off our legacy systems to the CMS.

Our corporate systems and applications also need to be reliable, secure and adaptable to meet our future business requirements and support us to achieve our purpose. In 2024–25, we will review the aging corporate systems and applications the Tribunal inherited from the AAT to identify technology gaps for future investment.

Risk

Risk oversight and management systems

The Tribunal manages risk in accordance with the *Commonwealth Risk Management Policy*, and our *Enterprise Risk Management Framework*, which is based on five key principles:

- All members and staff have a role in risk management.
- Risk management is integrated into business activities and systems.
- Risk should be the responsibility of those best able to control or manage them.
- Risk management will be applied at both strategic and operational levels throughout the Tribunal to ensure we operate within an environment of continuous improvement.
- Control activities are periodically tested and reviewed by staff and auditors to ensure the identification of significant weaknesses or deficiencies.

Our Chief Risk Officer plays a central role in advising on risk management matters, building organisational capability and administering the Framework, supported by dedicated APS staff. The Chief Risk Officer reports directly to the CEO and Principal Registrar.

The Senior Management Committee supports the CEO and Principal Registrar to meet his statutory function to manage the administrative affairs of the Tribunal and acquit his statutory duties, which include risk oversight and management.

Our Audit and Risk Committee provides independent advice to the CEO and Principal Registrar regarding the appropriateness of the Tribunal's risk oversight and management arrangements.

Key risks and management actions

Table 4 below sets out the key risks we identify in 2024–25 together with the key actions we are undertaking to manage them. They are drawn from the Tribunal’s enterprise risk register.

Table 4: Key risks and management actions

Key risk	Key management action
<p>Failure to progress implementation of the new case management solution – resulting in ongoing reliance on unsupported legacy systems and associated risk of significant service interruptions and delayed realisation of improvements to operational effectiveness and efficiency</p>	<ul style="list-style-type: none"> • Ensure the case management program and projects are prioritised for maximum return on investment • Develop risk mitigation plans as required
<p>Failure to finalise as many applications as are being received – resulting in a growing backlog of cases, hardship, dissatisfaction and frustration for users, increased pressure on and reduced morale of staff and members, and reputational damage</p>	<ul style="list-style-type: none"> • Engage regularly with the Attorney-General’s Department and the agencies whose decisions the Tribunal reviews • Review the Tribunal’s way of working and the tools used to improve the effectiveness and efficiency of operations • Health, wellbeing and skill-based training programs
<p>Insufficient funding to manage increasing applications – resulting in a growing backlog of cases, hardship, dissatisfaction and frustration for users, increased pressure on and reduced morale of staff and members, and reputational damage</p>	<ul style="list-style-type: none"> • Engage regularly with the Attorney-General’s Department and other key government agencies • Implement the Tribunal’s funding arrangement
<p>Failure to attract and retain skilled staff – resulting in high turnover, loss of corporate knowledge, and low morale</p>	<ul style="list-style-type: none"> • Implement the Workforce Plan and a new performance development system • Promote our values and <i>APS Employee Census Action Plan 2024</i> and related activities to drive the culture of the Tribunal • Review the Workplace Health and Safety Management System, with a focus on wellbeing and safety
<p>Failure to develop the knowledge and skills of members and staff in a changing environment – leading to diminution of consistency and quality of service</p>	<ul style="list-style-type: none"> • Maintain and amplify workforce development planning • Maintain effective performance management frameworks and learning and development programs • Provide appropriate resources, tools and other supports for members and staff
<p>Failure to have in place robust governance arrangements – resulting in an inability to meet our statutory objective and strategic priorities</p>	<ul style="list-style-type: none"> • Keep the governance framework under review to ensure consistency with better practice • Maintain sound strategic and operational planning processes and risk management processes, including internal audit and compliance monitoring

Key risk	Key management action
<p>Insufficient change management techniques for implementing the Administrative Review Tribunal – resulting in a failure to effectively manage internal and external expectations of the reform program and deliver business-as-usual services as well as diminished member and staff morale</p>	<ul style="list-style-type: none"> • Liaise and coordinate closely with the Attorney-General’s Department • Continue effective communication plan, including regular updates, assurances to staff and members, offers of support and opportunities for change engagement • Continue the work of the Transition Committee and Team, consultative committees, focus groups and surveys to manage change

Cooperation

To achieve our purpose, we engage with and rely on a diverse range of people and organisations. This engagement occurs in relation to both individual cases and more broadly the operation of our merits review service. It assists us to ensure our service meets the needs of our broad range of users and promote our aim to be a tribunal of excellence.

The actions of the following people and organisations play a key role in the efficiency and effectiveness of the review process for individual cases:

- the individuals, businesses and other organisations who seek review of decisions or are otherwise parties to a review
- the departments, agencies and other people whose decisions we review
- people and organisations who represent or assist parties involved in reviews, including legal practitioners, disability and veterans’ advocates, migration agents and tax agents.

Decision makers and their representatives as well as other parties and their representatives have an obligation under the Administrative Review Tribunal Act to use their best endeavours to assist the Tribunal to achieve its statutory objective.

We regularly engage with stakeholders about the operation of our merits review services, including to discuss issues and explore opportunities to improve service delivery. This engagement is particularly important in the early days of the Tribunal’s operation and in relation to our ongoing program of implementation work. These stakeholders include:

- peak bodies such as the Law Council of Australia, bar associations, law societies and migration agent professional bodies
- departments and agencies whose decisions we review, such as the Australian Taxation Office, Comcare, the Department of Home Affairs, the Department of Veterans’ Affairs, the National Disability Insurance Agency and Services Australia
- other national and local stakeholders who represent parties or are otherwise involved in relation to aspects of the review process such as legal aid commissions, community legal centres, and disability representative organisations.

To enhance and support our engagement, we are implementing a Stakeholder Engagement Policy, and will be developing our Stakeholder Engagement Framework in 2024–25. During 2024–25, we aim to foster a broader relationship with Tribunal users, and in particular people who apply for review of decisions. This will be informed by the Stakeholder Engagement Framework and our Accessibility & Inclusion Strategy, which is also being developed in 2024–25. Engaging with those who bring lived experiences will deepen our understanding and approach to the delivery of our services.

We also engage with the Attorney-General’s Department, including in relation to initiatives within the portfolio of the Attorney-General, legislative reforms affecting the operation of the federal system of administrative review, and statutory appointments.

Subsidiaries

The Tribunal does not have any subsidiaries.

Our performance

Performance Framework

As a new entity, the Performance Framework in figure 2 below represents a starting point for how we will measure and assess our performance in achieving the Tribunal’s purpose. The Tribunal will continue to evolve and enhance our performance framework, informed by the Public Governance, Performance and Accountability Act requirements and guidance.

Figure 2: Administrative Review Tribunal Performance Framework

<p>Purpose</p> <p>The Administrative Review Tribunal provides an accessible, fair and efficient merits review process to afford administrative justice for individuals and organisations, improves government decision-making, and promotes public trust in the Tribunal.</p>	<p style="text-align: center;">Portfolio Budget Statement: Outcome 1</p> <p>Provide correct or preferable decisions through a mechanism of independent review of administrative decisions that is fair and just, quick, informal, accessible and responsive, contributes to improving the quality of government decision-making, and promotes public trust and confidence in the Tribunal.</p> <p style="text-align: center;">Portfolio Budget Statement: Program 1.1</p> <p>Review decisions to provide administrative justice for individuals and organisations and, more broadly, contribute to improving the quality of government decision-making.</p>
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Performance Measure	Key Activity
Number of applications finalised	1. Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act
Proportion of applications finalised within a time standard	1. Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act
Proportion of decisions set aside by courts on appeal	1. Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act 3. Promote public trust and confidence in the Tribunal
Proportion of decisions set aside by the Guidance and Appeals Panel	1. Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act 3. Promote public trust and confidence in the Tribunal
Proportion of substantive decisions delivered within applicable decision delivery benchmark	1. Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act 2. Improve the transparency and quality of government decision-making 3. Promote public trust and confidence in the Tribunal
User experience rating	1. Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act 3. Promote public trust and confidence in the Tribunal

Performance measures and targets

Performance measure 1: number of applications finalised

Number of applications finalised	2024–25 target	2025–26 to 2027–28
Finalisation of 100% of applications for which the Tribunal has been funded to finalise in the financial year	At least 52,623 finalised	The target will be adjusted each year to reflect funding provided

Key activity: Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act

Rationale: This measure identifies the scale of activity undertaken by the Tribunal in the year and is related to the extent to which the Tribunal is providing a mechanism of review that is efficient. Under its funding arrangement, resourcing is set at projected demand and based on the most recent 12 months of lodgements. The Tribunal may also receive additional funding for specific measures (e.g. funding for members appointed for 2-year terms to deal with the backlog of migration and protection cases). The funding level will inform the target that is set for this performance measure each financial year.

Methodology: Data will be based on individual cases that have been finalised within the financial year.

Data source: The Tribunal's case management systems.

Performance measure 2: proportion of applications finalised within a time standard

Proportion of applications finalised within a time standard	2024–25 target	2025–26 to 2027–28
The proportion of applications finalised within a time standard in a financial year according to case type:		
Social services	75% within 12 months	90% within 6 months 99% within 12 months
National Disability Insurance Scheme	75% within 12 months	85% within 12 months
Migration and refugee	75% within 12 months	75% within 18 months
General and other cases	75% within 12 months	80% within 12 months

Key activity: Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act

Rationale: This measure is an indicator of the extent to which the Tribunal is providing a mechanism of review that is timely.

The Tribunal reviews a wide range of decisions. The time taken to finalise cases varies for different types of cases based on a range of factors, including the nature and complexity of the cases, differences in the procedures that apply to the review of decisions, the priority given to certain types of cases, and the overall level of resources available to deal with applications. The size and age of our on-hand caseload also has an impact on the time taken by the Tribunal to finalise applications.

The case type finalisation targets aim to take account of these factors. The targets for 2024–25 carry forward the single timeliness target of the former AAT.

Methodology: Data will be based on individual cases that have been finalised within the financial year.

Data source: The Tribunal's case management systems.

Performance measure 3: proportion of decisions set aside by courts on appeal

Proportion of decisions set aside by courts on appeal	2024–25 target	2025–26 to 2027–28
The number of appeals against decisions allowed by the courts as a proportion of all decisions that could have been appealed to the courts	Less than 5%	As per 2024–25

Key activity: Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act

Promote public trust and confidence in the Tribunal

Rationale: This measure is an indicator of the extent to which the Tribunal is providing a mechanism of review that is fair and promotes public trust and confidence in the Tribunal.

The Tribunal must make the correct or preferable decision when reviewing a decision. Decisions may be appealed to the courts and an appeal may be allowed if the Tribunal has made an error of law in relation to how the review was conducted or in reaching the decision.

This measure uses the total number of Tribunal decisions that could have been appealed to the courts as the base for the target as only a proportion of those decisions are appealed. The measure looks at the number of appeals that were allowed by the courts in the most recent financial year against the number of appealable decisions made by the Tribunal in the previous year. For appeals lodged in relation to decisions made in a year, the largest proportion of successful appeals are finalised in the following year.

A target of less than 5% has been adopted to reflect that the proportion of Tribunal decisions set aside for legal error should be low.

Methodology: The number of appeals allowed in the financial year is divided by the number of Tribunal decisions that could have been appealed to the courts made in the previous financial year.

Data source: The Tribunal’s case management systems.

Performance measure 4: proportion of decisions set aside by the Guidance and Appeals Panel

Proportion of decisions set aside by the Guidance and Appeals Panel	2024–25 target	2025–26 to 2027–28
The number of second review decisions allowed by the Guidance and Appeals Panel as a proportion of all decisions that have been made by the Panel	Less than 5%	As per 2024–25

Key activity: Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act
 Promote public trust and confidence in the Tribunal

Rationale: This measure is an indicator of the extent to which the Tribunal is providing a mechanism of review that is fair and promotes public trust and confidence in the Tribunal.

Certain decisions made by the Tribunal can be appealed to the Guidance and Appeals Panel if the President is satisfied that the original decision may contain an error of fact or law materially affecting the decision.

A target of less than 5% has been adopted to reflect that the proportion of Tribunal decisions set aside for legal error should be low and maintain consistency with performance measure 3.

Methodology: This measure will calculate the number of decisions allowed by the Guidance and Appeals Panel as a proportion of all second review decisions that have been made by the Panel.

Data source: Guidance and Appeals Panel database.

Performance measure 5: proportion of substantive decisions delivered within the benchmark

Number of decisions published	2024–25 target	2025–26 to 2027–28
Proportion of substantive decisions ¹ delivered in the financial year within the Applicable Decision Delivery Benchmark	At least 85%	As per 2024–25

Key activity: Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act

Improve the transparency and quality of government decision-making

Promote public trust and confidence in the Tribunal

Rationale: This measure is an indicator of the extent to which the Tribunal is providing a mechanism of review that is timely, improves the transparency and quality of government decision-making, and promotes public trust and confidence in the Tribunal.

A target of 85% has been set to reflect the Performance Standard for Non-Judicial Members, which provides that “a member must not exceed the Applicable Delivery Benchmark in more than 15% of cases finalised by the Member each financial year”, noting that cases for which there is an approved reason for not meeting the Applicable Delivery Benchmark are not counted for this purpose.

It is noted that the *Performance Standard Guideline* sets different Applicable Decision Delivery Benchmarks for substantive decisions for each list.

Methodology: This measure will consolidate the number of decisions made by members during the financial year and assess whether decisions have been handed down within the time standard required for each list.

Data source: The Tribunal’s case management systems.

¹ A substantive decision means a decision referred to in section 105 of the Administrative Review Tribunal Act.

Performance measure 6: user experience rating

User experience rating	2024–25 target	2025–26 to 2027–28
The average positive ratings derived from the results of an independent survey of parties and representatives about their experience at the Tribunal	At least 70%	As per 2024–25
<p>Key activity: Undertake merits review of administrative decisions in accordance with the Administrative Review Tribunal Act</p> <p>Promote public trust and confidence in the Tribunal</p>		
<p>Rationale: This measure is an indicator of the extent to which the Tribunal is providing a mechanism of review that is accessible, fair, informal and quick, and promotes public trust and confidence in the Tribunal.</p>		
<p>Methodology: Data is collected using independently administered online surveys, invitations for which are sent to all parties and representatives involved in a case finalised within a defined period for whom the Tribunal has an email address or mobile telephone number.</p>		
<p>Data source: User experience survey.</p>		