



## Administrative Appeals Tribunal

PRESIDENT'S CHAMBERS  
The Hon Justice D G Thomas

27 April 2020

Dear Presidents

### **Administrative Appeals Tribunal Practice Directions**

I am writing to you in relation to the arrangements the Administrative Appeals Tribunal (AAT) has been putting in place as a result of the restrictions associated with the COVID-19 pandemic.

The AAT has implemented a range of revised procedures to minimise the risk of harm to members and staff of the Tribunal and visitors to AAT registries, whilst enabling the continuation of reviews, where the nature of the review allows this.

On 23 March, with some limited exceptions, we closed our registries to visitors and have been providing services by email and telephone as well as through our online application and document lodgement services.

We ceased in-person hearings, conferences and other alternative dispute resolution processes and have been dealing with listed matters by telephone or video link where the nature of the matter allowed this. In a range of case types, directions hearings have taken place to ascertain the positions of parties in relation to the conduct of hearings.

We have implemented Microsoft Teams as our preferred platform for hearings conducted by telephone and/or video link as well as for some ADR processes. This platform has now been used successfully in a range of cases. The general aim, however, is to meet the needs of each matter so, in limited cases, we have also made use of the Skype for Business platform. We will engage with the parties about the hearing arrangements, particularly the preferred platform for hearings conducted by video link.

The format of the hearings varies according to division and type of review. In the Migration and Refugee Division, many reviews have been, and will continue to be, conducted as audio hearings although the division will be progressively moving towards video hearings. In the Social Services and Child Support Division, the focus is mainly on audio hearings. In our other divisions, the aim is to conduct hearings by video where possible. Conferences and conciliations will be conducted by telephone, while we investigate the use of video, particularly for conciliations. In all types of cases, we are mindful of the barriers that some self-represented parties can face in the use of technology and will ensure this is taken into account in deciding how we proceed.

I have now issued five [special measures practice directions](#) which formalise the arrangements that are in place. These set out how the AAT will operate whilst COVID-19 restrictions continue to impact the way in which we interact with parties and representatives and other aspects of the review process. These are in effect from 29 April 2020 and can be found on our [website](#). In compiling these practice directions, we have consulted members of the profession through relevant committees of the Law Council as well as other relevant stakeholders. I would like to thank those who have made their time available for this purpose.

During this time, we have also been consolidating our capability to receive all materials relating to a review electronically. For the documents that must be lodged by decision-makers, arrangements were in place, prior to COVID-19, in our highest volume divisions but this has now been extended to all other divisions, as set out within the relevant [practice direction](#). Documents to be produced under a summons may also now be given to the AAT electronically which is facilitating arrangements for the inspection of documents produced under summons to be undertaken electronically.

We are communicating these developments in a range of ways, including on the AAT website, and will continue to share updates to reflect further changes. I encourage you to email [LPExtFeedback@aat.gov.au](mailto:LPExtFeedback@aat.gov.au) if you identify any general issues arising in relation to the conduct of reviews at this time or if you would like to provide comment on the arrangements outlined above.

Sincerely,



Justice D G Thomas  
President

