

DLK ADVISORY

AAT TO BE REPLACED



The government has announced that it will abolish the Administrative Appeals Tribunal (AAT) and replace it with a new federal administrative review body. According to Attorney-General, the Hon Mark Dreyfus, the AAT's dysfunction has had a very real cost to the tens of thousands of people who rely on it each year to independently review government decisions. A dedicated taskforce within the Attorney-General's department has been formed to implement this reform, which will include a transparent, merit-based system of appointments. Stakeholder consultation will also be held on the design of the new body.

"The AAT's public standing has been irreversibly damaged as a result of the actions of the former government over 9 years, by appointing 85 former Liberal MPs, failed Liberal candidates, former Liberal staffers and other close Liberal associates without any merit based selection process, including some individuals with no relevant experience or expertise, the former government fatally compromised the AAT, undermined its independence, and eroded the quality and efficiency of its decision making." - The Hon Mark Dreyfus KC MP, Attorney-General

The government will implement a transparent and merit-based appointment process, in which the selection of non-judicial members will be made against a core set of selection criteria (and additional criteria as required), as well as a panel report endorsed by the chair of the assessment panel to be provided to the Attorney-General recommending candidates suitable for appointment and reappointment.

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Under the new process, appointment and reappointments of judicial members will be made following consultation by the Attorney-General with the AAT president and the relevant Chief Justice. To prevent a position from remaining vacant for too long, the Attorney-General will determine what position needs to be filled and at what level at least once a year, informed by the advice of the AAT present. Expressions of interest will also be sought at least every 6 months for vacant positions in relation to non-judicial members.

While the transparent, merit-based appointment process is a central pillar in this new body, the government has also committed to providing additional capacity to enable the rapid resolution of existing backlogs, and to implement consistent funding and remuneration arrangements to enable the new system to respond flexibly to fluctuating case numbers. Thus far, it has committed to appointing an additional 75 new members to the AAT to deal with existing backlogs.

To ensure the new body is user-focused, accessible, fair, and efficient, the government will also improve additional support services and emphasise early resolution where possible. A single, modern, reliable, and fit-for-purpose case management system will also be introduced in order to capitalise on procedural efficiencies and address critical business risks.

Current cases before the AAT will continue. Taxpayers that have already applied to the AAT for a review of a decision will not need to submit a new application. The government envisages that many current cases before the AAT will be decided or finalised before the establishment of the new federal administrative review body. Any undecided remaining cases will transition to the new review body when established.

CONTACT

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