

s22



Australian Government

Services Australia

Administrative Appeals Tribunal (AAT) 109-03030000

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Background

s22

This document outlines the rules affecting the AAT review of a decision.

Administrative Appeals Tribunal

The AAT is an independent tribunal that reviews decisions made by Services Australia.

A customer applies to the AAT for a review of a decision made by an ARO or SME. This is the AAT first review.

If the customer disagrees with the first review decision, the AAT may conduct a second review.

Application for a review

An application to the AAT cannot be accepted by Services Australia. Customers must apply to the AAT for a review.

The customer may advise the AAT to withdraw their application for a review. The agency cannot accept a withdrawal.

Time limits

Advise a customer to lodge their application for review with the AAT immediately. Even if successful, the [date of effect rules](#) may prevent the person receiving full arrears. The [References](#) page contains links to the statutes that set the time limits.

AAT first review

There is no time limit on applying for an AAT first review of a decision under the social security law. However, the date of effect of the review decision may be limited if the application is not made within 13 weeks of being notified of the SME or ARO decision.

An application for AAT first review of some decisions made under the family assistance law must be made within 13 weeks of notification of the SME or ARO decision. If the person does not meet the time limit they can ask the AAT to extend it.

An application for AAT first review of a Paid Parental Leave claimant decision must be made within 28 days of notification of the SME or ARO decision. If the person does not meet the time limit they can ask the AAT to extend it.

An application for AAT first review of a Paid Parental Leave employer determination decision or funding amount decision must be made within 14 days after the day of the SME or ARO decision.

An application for AAT first review of decisions made under the Student Assistance Act 1973 (including decisions about the Student Financial Supplement Scheme and debt decisions under the ABSTUDY and Assistance for Isolated Children schemes) must be made within 3 months of the SME or ARO decision. If the person does not meet the time limit they can ask the AAT to extend it.

AAT second review

The time limit for applying for AAT second review is usually 28 days after the customer receives the AAT first review decision. If the customer does not meet the time limit, they may ask the AAT to extend it.

Fees and costs

A customer does not pay a fee when applying for a review of most Services Australia decisions. Fees are listed on the AAT website.

The AAT may be able to reimburse a person for the cost of reasonable travel and accommodation expenses, or for medical expenses where the medical service was arranged by the AAT.

For an AAT second review, the AAT is a no-costs jurisdiction in relation to the Services Australia matters. This means that the AAT cannot order anyone to pay the costs the other side has incurred in making their application or preparing their case. Each party will also be responsible for their own travel and accommodation costs.

All other expenses incurred by the person, including legal representation, must be borne by them. If a customer seeks legal representation, he or she will be liable for the cost of it, regardless of whether they are successful.

Legal assistance

Customers may choose to represent themselves at the AAT, or may be assisted or represented by someone who may or may not be a lawyer. The customer will have to pay all expenses they incur in having a decision reviewed, including the costs of being represented at the AAT, as the AAT cannot award costs in Services Australia matters.

Legal Aid may be available for some AAT reviews. Community Legal Centres (such as Legal Services Commissions or Welfare Rights Centres) may also be able to assist customers.

Continuing payments and recovering debts pending review

AAT first review

The agency may continue a customer's payment pending the outcome of the AAT first review. See [Continuing payments pending review \(PPR\)](#). Debt recovery can continue but the customer may ask for it to be paused. See [Recovery of debts pending a reassessment, explanation or review of decision](#).

AAT second review

A customer's payment can only continue if the AAT issues a [stay order](#). Debt recovery can also continue pending the review, unless the Tribunal orders otherwise.

Updating customer records during an AAT review

Customers may give the agency additional evidence to support their AAT review. The agency will accept this evidence and provide it to the AAT.

A customer may make a claim, or seek reassessment of an existing payment, before an AAT review is completed. If the customer makes a claim for the same payment that is being reviewed by the AAT, the claim process should be completed. A reassessment of an existing payment is also to be processed, unless it affects the decision being reviewed by the AAT.

If the evidence or reassessment may affect the decision being reviewed by the AAT, it must be discussed with the Authorised Review Officer (in respect of an AAT first review) or the Litigation Branch (in respect of an AAT second review) before any action is undertaken.

Scrutiny of AAT decision before implementation

The AAT sends a copy of its decision to the Litigation Branch. Advocacy officers and the policy department examine all set aside and varied decisions, to identify those where a further appeal to the AAT or Federal Court is warranted.

If instructions to lodge an appeal are received, this is lodged by the Litigation Branch on behalf of the policy department. Where no appeal is lodged, the Tribunal's decision must be implemented, subject to instructions from the Litigation Branch.

Implementing an AAT decision

The implementation of an AAT decision is delayed up to 28 days while the agency considers appealing the AAT's decision. The decision must not be implemented until the Litigation Branch provides clearance. That Branch will provide clearance in an **ACTDOC** work item.

If the customer requests the decision be implemented prior to clearance being recorded, the Litigation Branch must be contacted for advice.

For Compliance staff implementing AAT decision directly related to a Compliance Intervention Process only

All AAT1 and AAT2 implementations that are directly related to Compliance Intervention processes are undertaken by specific sites. See [Process](#) for more details.

Further appeal rights

A person who is dissatisfied with an AAT second review decision may appeal to the Federal Court. See Court Appeals.

Child care service provider decisions

Child care service providers can apply for an AAT single review of a decision. This is a different type of review to an AAT first or second review. An AAT single review can be appealed to a court

Decisions made by a child care service provider who is a delegate approving rate and/or hours for conditionally eligible children are not reviewable at any level.

Freedom of Information decisions

Applicants must seek review by the Office of the Australian Information Commissioner prior to seeking an AAT review.

Job Capacity Assessment (JCA) requests

JCA assessments may be requested by the Litigation Branch for an AAT second review. The Litigation Branch will advise whether the JCA report should be accepted. See Special processes apply for making the JCA referral.

History of the AAT

The Social Security Appeals Tribunal (SSAT) was originally established in 1975 with registries in each State and Territory to consider customer appeals against decisions of the Department of Social Security.

Until 1 November 1988, the SSAT only had the power to make recommendations to the Secretary. Since 1 November 1988, the Tribunal has had the power to make decisions.

Prior to 1 January 1993, a customer had the option of having their case reviewed by an Authorised Review Officer (ARO) and/or appealing direct to the SSAT. For decisions made on or after 1 January 1993, a customer could not appeal to the SSAT unless the decision had been reviewed by a review officer or the Secretary.

From 1 January 2007, the SSAT was given the power to review decisions made by Child Support. Services Australia was made an agent for accepting appeals lodged against those decisions.

From 1 July 2015, the SSAT, Migration Review Tribunal and Refugee Review Tribunal amalgamated with the Administrative Appeals Tribunal under the Tribunals Amalgamation Bill. The amalgamated Tribunals are known as the AAT and operate under the Administrative Appeals Tribunal Act 1975.

AAT powers and jurisdiction

The AAT exercises most of the powers available to the SMEs and AROs. The References page contains links to the statutes that restrict the AAT's powers.

The AAT is bound by the same legislation as the agency, but is not obliged to apply the relevant Australian Government department's policy. The AAT applies the policy unless there is a strong reason not to. If an AAT decision is contrary to the policy, it does not change the policy. The decision of the AAT applies only to the case under review and is not to be applied to other similar cases. The policy department will advise if the policy is to be changed and the relevant policy guide will be updated.

There are limits on the AAT's ability to review some decisions. In all cases, the customer should be advised to lodge their review application so the AAT can decide whether it has jurisdiction.

If it has jurisdiction, the AAT must:

- affirm a decision
- vary a decision
- set aside a decision and substitute a new decision, or
- set aside a decision and remit it to the Secretary for reconsideration in accordance with any directions or recommendations

AAT first review

A person can request an AAT first review if their interests are affected by the decision of an Authorised Review Officer (ARO) review or a Subject Matter Expert (SME).

The AAT has the power to review most decisions, and will advise the person if their application for review cannot be accepted.

A person who does not agree with the AAT first review decision may be able to apply for a second review from the AAT.

AAT first review - eligibility

Eligibility for a review is dependent on the legislation specific to the decision. A person who asks about their eligibility for an AAT review should be advised to contact the AAT.

AAT first review - providing information within 28 days

The agency must within 28 days provide the AAT with every document, or part thereof that:

- is in the possession/control of any officer
- relates to the customer, and
- is relevant to the review of the decision

A copy of the documents is also sent to the person applying for the review and any other party to the review. This applies unless an order of non-disclosure is granted by the AAT.

The Appeals and Reviews Branch Support (ARB Support) team is responsible for preparing the relevant documents for provision to the AAT and all parties to the review.

AAT second review

A person affected by an AAT first review may apply for an AAT second review. The agency may also seek an AAT second review on behalf of the policy department responsible for the original decision.

Do not provide a copy of the AAT decision statement to a person who was not a party to an AAT first review, even if the decision affected them. Advise the person to contact the AAT.

An AAT second review is not available for all decisions, for example, Parental Leave Pay employer decisions.

The [Resources](#) page contains intranet links, links to contact details and the AAT website.

Contents

[Actioning initial request for statement from Administrative Appeals Tribunal \(AAT\)](#)

[Preparation of hearing papers for the Administrative Appeals Tribunal \(AAT\)](#)

[Privacy checking and quality checking of documents for the Administrative Appeals Tribunal \(AAT\)](#)

[Actioning further information, hearing email requests and Orders to Make Submissions for the AAT hearing](#)

[Administration requirements for Administrative Appeals Tribunal \(AAT\) hearing](#)

[Requesting non-disclosure of information during an Administrative Appeals Tribunal first review \(AAT first review\)](#)

Related links

[Initial contact about a decision and the review of decision process](#)

[Court Appeals after an unfavourable decision by Administrative Appeals Tribunal \(AAT second review\)](#)

[Review and Appeals procedures for Agreement decisions](#)

[Reviews and appeals for Disability Support Pension \(DSP\) rejection or cancellation decisions](#)

[Continuing payments pending review \(PPR\)](#)

[Recovery of debts pending a reassessment, explanation or review of decision](#)

[Date of effect for review of decision outcomes](#)

Process

[AAT first review](#)

[AAT second review](#)

AAT first review

Table 1

Item	Description
1	<p>Customer requests an AAT first review of a Centrelink decision + Read more ...</p> <p>Check if a review has been completed by an Authorised Review Officer (ARO). In the s47E(d)</p> <p>Has a review been completed by an ARO?</p> <ul style="list-style-type: none"> • Yes, an application to the AAT cannot be accepted by the agency <ul style="list-style-type: none"> ○ Advise the customer they can submit an application to the AAT via the AAT website, by phone, or in person ○ The AAT website explains how to make an application for review by the AAT • No, <ul style="list-style-type: none"> ○ Advise the customer that an internal review must be completed by the agency before an AAT review

	<ul style="list-style-type: none"> ○ If the customer would like an internal review, run the s47E(d) to record the request
2	<p>Customer requests an AAT first review of a Child Support decision + Read more ...</p> <p>An application to the AAT cannot be accepted by the agency.</p> <p>Ask the customer to submit an application via:</p> <ul style="list-style-type: none"> • the AAT website • phone, or • in person
3	<p>AAT informs the agency of AAT first review application + Read more ...</p> <p>The Appeals and Reviews Branch Support (ARB Support) team actions emails received from the AAT about first review applications.</p> <p>See Actioning initial request for statement from AAT.</p>
4	<p>AAT requests Services Australia to provide information + Read more ...</p> <p>The AAT can ask the agency to exercise its power to request information or documents from a person, including a third party, if the AAT is satisfied that the person has information or has custody or control of a document that is relevant to the review of decision.</p> <p>See Actioning further information, hearing email requests and Orders to Make Submissions for the AAT hearing.</p>
5	<p>Customer provides additional evidence to support their AAT first review + Read more ...</p> <p>...</p> <p>If a customer lodges additional evidence with the agency to support their AAT review:</p> <ul style="list-style-type: none"> • scan it to their record • email the ARB Support team to advise additional evidence has been received. That team will provide the evidence to the AAT
6	<p>Action after AAT first review is completed + Read more ...</p> <p>After the AAT has made a decision, they send an electronic copy of the decision and any additional evidence lodged directly with them to the ARB Support team and the Litigation Branch.</p> <p>The ARB Support team will upload the decision and additional evidence to the customer record. See Administration requirements for Administrative Appeals Tribunal (AAT) hearing.</p>

	<p>The Litigation Branch will note the return of the decision documents by running the s47E(d) . This will record the AAT decision in the s47E(d)</p>
7	<p>Implementing the AAT first review decision + Read more ...</p> <p>Clearance from the Litigation Branch must be obtained before implementing an AAT decision. The policy department may decide to appeal the decision and seek a 'stay order' from the AAT (an order not to implement the decision until the AAT second review has been completed).</p> <p>For Litigation Branch use only</p> <ul style="list-style-type: none"> • run the s47E(d) and provide clearance to implement the decision • s47E(d) <p>If necessary, the decision documents will be forwarded to the most appropriate team for action.</p> <p>For implementing officer/team</p> <p>In all cases, implement decisions as soon as possible and within 30 calendar days:</p> <ul style="list-style-type: none"> • Implement the decision in accordance with the directions of the Litigation Branch • Once the decision has been implemented run the s47E(d) • Record details of the decision in the free text area of the s47E(d) • If the s47E(d) cannot be run s47E(d)

	<p style="color: red;">s47E(d)</p> <p>The date the decision was implemented Action taken to update the customer's record per the Litigation Branch instructions</p> <ul style="list-style-type: none"> Ensure the customer is notified of the implementation in writing. If no automatic advice issues, complete and send a Q999 letter to the customer confirming the AAT decision has now been implemented and explaining the effect of the implementation. For example, 'Debt number Xxxxxxx has been increased to \$xxx.xx <p>Note: there is no standard text for the Q999 letter as the text will depend on the decision being implemented.</p> <p>The Litigation Branch will retain the decision documents if an application for an AAT second review is to be lodged.</p> <p>Decisions related to Compliance Intervention Processes</p> <p>All AAT implementations for Compliance Intervention processes are allocated to specific sites by email from the Compliance Policy Engagement Team.</p> <p>If an AAT implementation that is related to a Compliance Intervention process (for example, earned or unearned income, qualification, relationship or study load) is:</p> <ul style="list-style-type: none"> received through s47E(d) , or contact is received from the customer, and the Compliance Officer (CO) has not received the implementation email from the Compliance Policy Engagement Team <ul style="list-style-type: none"> Do not take any action on the AAT implementation Email Compliance Policy Engagement Team. Include details of how the work item was received (for example, s47E(d) , manual allocation) and the CRN for the customer If the customer is on the phone, tell them their enquiry will be referred to the appropriate team, who will contact them <p>Note: this direction also applies to AAT implementations which may include multiple appeals, one of which may be related to a Compliance Intervention process.</p>
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AAT second review

Table 2

Item	Description
1	Customer requests an AAT second review + Read more ...

	<p>When the AAT makes the first review decision, they advise the customer of the outcome and how they can apply for an AAT second review.</p> <p>An application to the AAT cannot be accepted by the agency.</p> <p>Advise the customer to submit an application to the AAT via:</p> <ul style="list-style-type: none"> • the AAT website • phone, or • in person <p>The AAT website explains how to make an application for review by the AAT.</p> <p>If the agency receives an AAT second review application by mail:</p> <ul style="list-style-type: none"> • date stamp it • contact the Litigation Branch for advice on further action <p>The Resources page contains contact details for the AAT.</p>
2	<p>Litigation Branch action + Read more ...</p> <p>All AAT second review requests are allocated to a Litigation Branch lawyer. Direct enquiries about the review progress to the lawyer responsible for the case.</p> <p>To find the lawyer's logon details in the s47E(d)</p> <p>The Litigation Branch will request a new paper file be created for the AAT case by the Records Management Unit (RMU). Use the s47E(d)</p> <p>See the Resources page for a link to the webform.</p>
3	<p>Service centre or smart centre action during an AAT second review + Read more ...</p> <p>The Litigation Branch may contact the relevant service centre or smart centre to ask for assistance with an AAT second review.</p> <p>They may request:</p> <ul style="list-style-type: none"> • a stay order be implemented • a pause on debt recovery pending the AAT outcome • information about office procedures • a Service Officer who was involved in the case to give evidence at a hearing • a Job Capacity Assessment (JCA) appointment be arranged. See Reviews and appeals for Disability Support Pension (DSP) rejection or cancellation decisions <p>For Litigation Branch use only</p>

	<p>To request action by an implementing officer/team:</p> <ul style="list-style-type: none"> run the s47E(d) advise the most appropriate team to action the AAT2 action request add the following s47E(d) <p>For implementing officer/team</p> <p>In all cases, action the AAT2 request as soon as possible and within 7 working days. Code the action needed in accordance with the directions from the Litigation Branch.</p> <p>Once the required action has been coded, DOC the record with the outcome.</p>
4	<p>Implementing an AAT second review decision + Read more ...</p> <p>Note: clearance from the Litigation Branch must be obtained before implementing an AAT second review decision. The policy department may decide to appeal the decision and seek a Federal Court 'stay order' (to not implement the decision until the Federal Court has reviewed the matter).</p> <p>For Litigation Branch use only</p> <ul style="list-style-type: none"> run the s47E(d) to advise the most appropriate team of the outcome of the AAT second review and the action to be taken add the following s47E(d) <p>If necessary, the decision documents will be forwarded to the most appropriate team for action.</p> <p>For implementing officer/ team</p> <p>In all cases, implement decisions as soon as possible and within 30 calendar days:</p> <ul style="list-style-type: none"> Implement the decision in accordance with the directions of the Litigation Branch Once the decision has been implemented, run the s47E(d)

- Record details of the decision in the free text area of the s47E(d)
- If the s47E(d) cannot be run
s47E(d)

The date the decision was implemented
Action taken to update the customer's record per the Litigation Branch instructions

- Ensure the customer is notified of the implementation in writing. If no automatic advice issues, complete and send a [Q999 letter](#) to the customer confirming the AAT decision has now been implemented and explaining the effect of the implementation. For example, 'Debt number Xxxxxxx has been increased to \$xxx.xx

Note: there is no standard text for the Q999 letter as the text will depend on the decision being implemented.

Decisions related to Compliance Intervention Processes

All AAT implementations for Compliance Intervention processes are allocated to specific sites by email from the Compliance Policy Engagement Team.

If an AAT implementation that is related to a Compliance Intervention process (for example, earned or unearned income, qualification, relationship or study load) is:

- received through s47E(d) or
- contact is received from the customer, and
- the Compliance Officer (CO) has not received the implementation email from the Compliance Policy Engagement Team
 - Do **not** take any action on the AAT implementation
 - Email [Compliance Policy Engagement Team](#). Include details of how the work item was received (for example, s47E(d), manual allocation) and the CRN for the customer

	<ul style="list-style-type: none"> ○ If the customer is on the phone, tell them their enquiry will be referred to the appropriate team, who will contact them <p>Note: this direction also applies to AAT implementations which may include multiple appeals, one of which may be related to a Compliance Intervention process.</p>
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References

Policy

[Family Assistance Guide, 6.3 External Reviews](#)

[Paid Parental Leave Guide, 8.2, AAT First Review of Claimant & Employer Decisions](#)

[Paid Parental Leave Guide, 8.3 AAT second review of claimant decisions](#)

[Social Security Guide, 6.1.7 Steps in the Social Security Review & Appeals System](#)

Legislation

Links to the Federal Register of Legislation site point to a 'Series' page. Select the 'Latest' version.

Time limit on appeal

[Administrative Appeals Tribunal Act 1975, section 29, Manner of applying for review](#)

[A New Tax System \(Family Assistance\) \(Administration\) Act 1999, section 111A, Time limit for application for AAT first review](#)

[Paid Parental Leave Act 2010, section 224, AAT first review of employer decision - application for review](#)

[Student Assistance Act 1973, section 312, Time limit for application for AAT first review](#)

Decisions the AAT cannot review

[A New Tax System \(Family Assistance\) \(Administration\) Act 1999, section 111\(2\), Application for AAT1 first review](#)

[Paid Parental Leave Act 2010, section 233, Costs of AAT First Review](#)

[Social Security \(Administration\) Act 1999, section 144, Non-reviewable decisions](#)

[Student Assistance Act 1973, section 310\(2\), Application of division](#)

Limits to AAT powers

[Student Assistance Act 1973, section 316, Powers of AAT for purposes of AAT first review](#)

Costs of review

[A New Tax System \(Family Assistance\) \(Administration\) Act 1999, section 122, Costs of AAT first review](#)

[Paid Parental Leave Act 2010, section 215\(2\), Application of this Division](#)

[Social Security \(Administration\) Act 1999, section 176, Costs of review](#)

AAT requests to Centrelink for information

[Social Security \(Administration\) Act 1999](#)

- section 165, Provision of further information by Secretary
- section 166, Exercise by Secretary of powers under section 192
- section 192, General power to obtain information

[Family Assistance \(Administration\) Act 1999](#)

- section 1118, Provision of further information by Secretary for AAT first review
- section 120, AAT may require Secretary to obtain information for AAT first review
- section 154, General power to obtain information

Review rights

[A New Tax System \(Family Assistance\) \(Administration\) Act 1999](#)

- section 111, Application for AAT first review
- section 128, Application for AAT second review

[Paid Parental Leave Act, 2010](#)

- section 216, AAT first review of claimant decision - application for review
- section 224, AAT first review of employer decision - application for review
- section 237, Applications for AAT second review

[Social Security \(Administration\) Act 1999](#)

- section 142, Reviewable decisions
- section 179, Application for AAT second review

[Student Assistance Act 1973](#)

- section 311, Application for AAT first review
- section 320, Application for AAT second review

Resources

Intranet links

[Litigation Branch](#)

[CREATE, TRANSFER OR RETRIEVE A CORPORATE FILE](#)

Contact details

[Administrative Appeals Tribunal \(AAT\)](#)

[Appeals and Reviews Branch Support \(ARB Support\) team](#)

External links

[Administrative Appeals Tribunal](#)

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Australian Government

Services Australia

Requesting non-disclosure of information during an Administrative Appeals Tribunal (AAT) first review 109-21032647

Currently published version valid from 23/03/2023 6:24 AM

Background

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This document outlines information about non-disclosure orders by the AAT for first review.

Non-disclosure applications

Section 35 of the Administration Appeals Tribunal Act 1975 allows the AAT to order non-disclosure of information to some or all parties to a review.

Services Australia can request the AAT make an order for non-disclosure if:

- A person's safety or welfare might be compromised by the release of the information
- The author of a report or statement expresses concern about their safety or security if it is released. For example, a Social Worker or doctor, or
- The information would disclose a confidential source of information

The existence of personal or private information or information that may reflect adversely on the customer, other people, or the agency, is not sufficient reason alone to make a non-disclosure order. The AAT generally makes a non-disclosure order only to avoid injustice or if it is in the public interest.

The disclosure of certain information to customers is prohibited by privacy guidelines.

See [Information that is not to be disclosed](#).

Information that is not to be disclosed

When preparing documents for the AAT under section 37 of the Administration Appeals Tribunal Act 1975, do not include:

- the identity of informants who have supplied information
- information which was given and received in confidence

This information is exempt under the Freedom of Information Act 1982 and must be removed from documents given to the customer and any affected parties.

Submit an application for non-disclosure to the AAT if the nature of the evidence would disclose the identity of an informant, such as:

- the informant's relationship to the customer, or
- the source of confidential information

Appeals and Reviews Branch Support (ARB Support) team

The [ARB Support team](#):

- receives and registers requests for hearing papers from the AAT
- identifies and collects all relevant information, including documents, screens, and letters
- identifies sensitive or confidential documents for an application to the AAT for a non-disclosure order
- compiles evidence into hearing papers in the correct format and order
- marks and applies redactions to hearing documents in line with privacy guidelines
- undertakes privacy and quality checks of hearing papers
- sends hearing papers to the AAT and all parties to the review, and
- uploads the AAT decision statement and extra documents to the customer record

The ARB Support team manage all communication between the agency and the AAT regarding AAT1 reviews.

Email queries requiring contact with the AAT for a first review matter to the ARB Support team mailbox. The ARB Support liaise with and respond to the AAT if needed.

Authorised Review Officers (AROs) and ARB Support staff

AROs and ARB Support staff may be required to:

- identify any information that might warrant an application for non-disclosure
- determine if a non-disclosure application is required
- detail the information to be included in the non-disclosure application, providing clear reasons for the non-disclosure

Related links

[Administrative Appeals Tribunal \(AAT\)](#)

[Actioning initial request for statement from Administrative Appeals Tribunal \(AAT\)](#)

[Preparation of hearing papers for the Administrative Appeals Tribunal \(AAT\)](#)

[Privacy Checking and Quality Checking of hearing papers for the Administrative Appeals Tribunal \(AAT\)](#)

[Administration requirements for Administrative Appeals Tribunal \(AAT\) hearing](#)

[Actioning further information, hearing email requests and Orders to Make Submissions for the AAT hearing](#)

Process

[Prepare a non-disclosure application](#)

[Action the non-disclosure outcome](#)

[Liaison Officer actions](#)

Prepare a non-disclosure application

Table 1

Step	Action
1	<p>Determine if a non-disclosure application is required + Read more ...</p> <p>Has information that warrants a non-disclosure application been identified?</p> <ul style="list-style-type: none"> • Yes, <ul style="list-style-type: none"> ○ In a Job Capacity Assessment Report (JCAR), Disability Medical Assessment (DMA), or internal medical document not to be released to customer, go to Step 2 ○ In a Social Worker DOCs, case notes or reports, go to Step 3 ○ Where contact with an Authorised Review Officer (ARO) is required to discuss confidential material, go to Step 4 ○ Where no contact with other business areas is required, go to Step 5 ○ All other cases, where Subject Matter Expert (SME) assistance is required, use the s47E(d) to determine what action is required. See the Resources page for a link to the template • No, see Preparation of hearing papers for the AAT
2	<p>Contact Assessment Services + Read more ...</p> <p>If an internal medical document, including a JCAR, DMA or Medical Eligibility Assessment Recommendation (UNSSPOC/SA479), includes a warning that the report contains information that might be prejudicial to the customer’s physical or mental health, Assessment Services will determine if the report can be released.</p> <ul style="list-style-type: none"> • Send an email to the Assessor listed on the report <ul style="list-style-type: none"> ○ If the Assessor is unavailable, send the email to Assessment Services

	<ul style="list-style-type: none"> • Use the s47E(d) in Resources • CC in the Appeals and Reviews Branch Support (ARB Support) mailbox and Assessment Services • Wait for a response • Send a reminder if a response is not received in 48 hours Note: reply to the original email using the s47E(d) • Discuss with Team Leader if no response received within 48 hours <p>Has the Assessor advised that a non-disclosure application is required?</p> <ul style="list-style-type: none"> • Yes, <ul style="list-style-type: none"> ○ And they have provided sufficient reasoning, go to Step 5 ○ And they have not provided sufficient reasoning, respond to Assessment Services email and request sufficient reasoning • No, <ul style="list-style-type: none"> ○ Note on the EROD checklist ○ See Preparation of hearing papers for the AAT
<p>3</p>	<p>Contact Social Work Services Branch + Read more ...</p> <p>The Social Work Services Branch will consider Social Worker reports/case notes and any Social Worker DOCs containing sensitive information for non-disclosure.</p> <ul style="list-style-type: none"> • Send an email to Social Workers Referrals • Use the s47E(d) in Resources • CC in the Appeals and Reviews Branch Support (ARB Support) team • Wait for a response • Send a reminder if a response is not received in 48 hours Note: reply to the original email • Discuss with Team Leader If no response received within 48 hours <p>Have Social Work Services branch advised that non-disclosure is required?</p> <ul style="list-style-type: none"> • Yes, <ul style="list-style-type: none"> ○ And they have provided sufficient reasoning, go to Step 5 ○ And they have not provided sufficient reasoning, respond to the Social Worker Branch email and request sufficient reasoning • No,

	<ul style="list-style-type: none"> ○ Note this on the ERoD checklist ○ See Preparation of hearing papers for the AAT
<p>4</p>	<p>Contact the ARO + Read more ...</p> <p>Where unable to determine if a document listed in the ARO decision or Confidential material section of the ARO Notes may be sensitive or confidential, contact the ARO to determine if a non-disclosure application is required.</p> <ul style="list-style-type: none"> • Send the email to the ARO who reviewed the decision • Use the s47E(d) in Resources • CC Appeals and Reviews Branch Support (ARB Support) mailbox and the ARO's Operational team mailbox • Wait for a response • Send a reminder If a response is not received in 24 hours Note: Reply All to the original email • CC in the Assistant Director using the s47E(d) • Discuss with Team Leader if no response received within 48 hours <p>Has the ARO advised that non-disclosure is required?</p> <ul style="list-style-type: none"> • Yes, <ul style="list-style-type: none"> ○ And they have provided sufficient reasoning, go to Step 5 ○ And they have not provided sufficient reasoning, respond to ARO email and request sufficient reasoning • No, <ul style="list-style-type: none"> ○ Note this on the ERoD checklist ○ See Preparation of hearing papers for the AAT
<p>5</p>	<p>Redact sensitive documents + Read more ...</p> <p>Documents identified as requiring a non-disclosure order should be redacted in full.</p> <p>For example, if sensitive information is located on page 2 of the ARO Notes, the entire ARO notes document is to be redacted.</p> <ul style="list-style-type: none"> • Select redaction outline and overlay text, as per the Electronic File Creation Guide • Mark the entire page for redaction, ensuring that the pagination is still visible • Do not apply any standard redactions to the page

	<p>Prepare the hearing papers as per Preparation of hearing papers for the AAT.</p> <p>When the hearing papers are ready to be printed, go to Step 6</p>
6	<p>Prepare papers for the non-disclosure application + Read more ...</p> <p>Create a new folder titled s47E(d)</p> <p>Copy the ERoD checklist, redacted and unredacted files into this folder.</p> <p>Working from the unredacted version of the file:</p> <ul style="list-style-type: none"> • Extract all pages containing non-disclosure redactions • Save the extracted pages as s47E(d) • Remove the non-disclosure redactions • Privacy check the pages • Apply standard redactions to tax file numbers and passport numbers only • Note the paginated page numbers for the extracted pages
7	<p>Prepare non-disclosure application + Read more ...</p> <p>Create a Q400 letter to be sent to the AAT. See Creating an Online Advice (OLA), including within an existing activity.</p> <ul style="list-style-type: none"> • Key the review type in the s47E(d)

	<p style="text-align: center;">s47E(d)</p> <p>Insert the Q400 letter at the front of the non-disclosure application.</p>
8	<p>Complete the application and update the spreadsheet + Read more ...</p> <ul style="list-style-type: none"> Save the completed non-disclosure application to: s47E(d)

Action the non-disclosure outcome

Table 2

Step	Action
1	<p>Non-disclosure outcome received + Read more ...</p> <p>Non-disclosure outcomes are received in the AAT first review (AAT1) Appeals mailbox. These are forwarded to the Appeals and Reviews Branch Support (ARB Support) staff member who initially completed the non-disclosure application.</p> <p>If the staff member is not available, the outcome is forwarded to the Team leader to decide further action.</p> <p>When the outcome email is received:</p> <ul style="list-style-type: none"> Open the PDF attachment in the AAT outcome email Check the details of the AAT order Navigate to the relevant folder in: s47E(d) Check the details of the AAT response <p>Note: if the AAT instructs ARB Support to redact any information, the order is considered to be for partial non-disclosure. This is the case even if the information would be redacted under the standard redaction policy.</p>

	<p>Has the AAT ordered full non-disclosure?</p> <ul style="list-style-type: none"> • Yes, go to Step 3 • No, or partial disclosure was ordered, go to Step 2
2	<p>Prepare documents for the non-disclosure outcome + Read more ...</p> <p>Delete the non-disclosure application at the front of the file. Follow the AAT instructions:</p> <ul style="list-style-type: none"> • If any documents are not to be disclosed in full, delete them from the file • If the AAT has provided instructions for partial redactions to be applied, mark these with overlay text • Ensure that the words 'Under s35' are visible for each redaction mark Note: change the font size in redaction properties if necessary • Use standard redactions to redact any other content from the relevant pages to match the standard redactions made in the hearing papers sent to the customer • Save the file as s47E(d)
3	<p>Prepare non-disclosure outcome letter + Read more ...</p> <p>Create a Q403 letter to be sent to the customer. See Creating an Online Advice (OLA), including within an existing activity.</p> <ul style="list-style-type: none"> • Key the review type in the s47E(d)

	<p style="text-align: center;">s47E(d)</p> <p style="text-align: right;">to finalise the letter. It will be sent to the</p> <p style="text-align: center;">staff member's mailbox</p> <p>For multi-party reviews, create a Q403 letter for each affected party on each party's record. This only applies if the affected party has been formally added by the AAT and relevant evidence for the review has been issued.</p>
4	<p>Complete the non-disclosure outcome papers + Read more ...</p> <p>If the AAT ordered full or partial non-disclosure:</p> <ul style="list-style-type: none"> • Save the letter as s47E(d)
5	<p>Finalise the non-disclosure outcome + Read more ...</p> <p>Respond to the email sent from the AAT1 Mailbox and attach the Q403 letter and s35 Outcome (if there is one). The liaison officer will advise the AAT1 that the Order has been processed.</p> <p>If the AAT did not order non-disclosure, or ordered partial non-disclosure, upload the Q403 letter and completed outcome to the customer's record.</p>

	<p>Note: if the evidence is being released to the customer via their nominee, do not upload the Q403 letter and completed outcome.</p> <ul style="list-style-type: none"> Update the AAT1 appeal lodged DOC using the relevant text dependant on s35 outcome. See the Resources page for s35 outcome text. Move the folder s47E(d) <p>If the AAT Order involved Social Worker case notes, reports or DOCs, advise the Social Worker and Social Worker Branch of the outcome:</p> <ul style="list-style-type: none"> Send the email to Social Workers Referrals Use the s47E(d) in Resources CC Appeals and Reviews Branch Support (ARB Support) team
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Liaison Officer actions

Table 3

Step	Action
1	<p>Process the non-disclosure outcome + Read more ...</p> <p>A liaison officer is responsible for monitoring the s47E(d) for AAT Orders.</p> <p>When an email is received:</p> <ul style="list-style-type: none"> Find the application in: s47E(d) Open the checklist to determine the staff member responsible for the file Forward the email to the staff member, ensuring the AAT1 order is attached Use the s47E(d) in Resources CC in the AAT mailbox and the relevant staff member’s Team Leader Wait for a response Send a follow up email if no response is received in a week Discuss with Team Leader if no response received within 48 hours <p>When a response is received, go to Step 2.</p>

2	<p>Finalise the non-disclosure outcome + Read more ...</p> <p>When the non-disclosure outcome has been prepared, Appeals and Reviews Branch Support (ARB Support) staff will respond to the email with the Q403 and completed s35 outcome (if there is one) attached:</p> <ul style="list-style-type: none"> • Check the papers are for the correct customer • If the AAT ordered partial non-disclosure, check the redactions have been applied in line with the AAT directions • Reply to the AAT email using the s47E(d) in Resources • CC in the AAT mailbox • Move all emails relating to the AAT Order to: s47E(d)
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References

Legislation

Links to the Federal Register of Legislation site go to a 'Series' page. Select the 'Latest' version.

Lodging of documents with the AAT

[Administrative Appeals Tribunal Act 1975, section 37, Lodging of material documents with Tribunal](#)

Non-disclosure order

[Administrative Appeals Tribunal Act 1975, section 35, Public hearings and orders for private hearings, non-publication and non-disclosure](#)

Information exempt under Freedom of Information

[Freedom of Information Act 1982, Part IV, Exempt documents](#)

Resources

Emails and templates

[Assistance required for AAT1 review](#)

[Assistance required for AAT1 review reminder](#)

[Review Evidence Required](#)

[Social Worker request](#)

[Section 35 Response to AAT](#)

[Section 35 Outcome email to staff](#)

[SWO Section 35 AAT Outcome](#)

[Hearing Email Response to the AAT – s35](#)

Taskcards

[Guide to marking content for s35 redaction](#)

[Section 35 Application Taskcard](#)

[Section 35 Outcome Taskcard](#)

[EROD s35 Application Process Workflow v2.0](#)

Contact details

[Appeals and Reviews Branch Support \(ARB Support\) Team](#)

[Social workers - referrals](#)

[Assessment Services](#)

[Intelligence and Investigations Branch](#)

S35 outcome text

Table 1

Item	Description
1	<p>Granted applications:</p> <p>AAT1 advised s35 non-disclosure order granted in full.</p> <p>Q403 S35 outcome letter sent to AAT1 and customer DATE.</p> <p>NFA required.</p>
2	<p>Partially Granted applications</p> <p>AAT1 advised s35 non-disclosure order partially granted.</p> <p>Documents prepared as per AAT1 order.</p> <p>Sent to all parties to the review. Uploaded to customer record as s47E(d) DATE</p>
3	<p>Declined applications</p> <p>AAT1 advised s35 non-disclosure order not granted.</p> <p>Documents prepared as per AAT1 order.</p> <p>Sent to all parties to the review. Uploaded to customer record as s47E(d) DATE</p>
4	<p>Applications where AAT makes no order as documents are irrelevant</p>

	<p>AAT1 advised that they make no order regarding s35 non-disclosure.</p> <p>New set of papers sent to all parties to the review.</p> <p>Uploaded to customer record as s47E(d) DATE.</p>
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[AUSTRAC Instrument of Authorisation document link](#)



[AUSTRAC/DHS Memorandum of Understanding document link](#)



[Access and Disclosure of AUSTRAC data document link](#)

Guides

Do not share this attachment externally. See [Freedom of Information – Information Publication Scheme](#).



[Guidelines for preparation of documents for the AAT](#)

Intranet links

[Intelligence and Investigations Branch](#)

External websites

[Administrative Appeals Tribunal \(AAT\)](#)