

Tribunal Watch

AAT General Practice Direction

The AAT has completed its evaluation of the operation of the General Practice Direction issued on 26 April 1991. After consideration of the results of the evaluation and comments from interested persons, the President of the AAT, Justice O'Connor, decided to revoke that Direction and to issue a slightly revised general direction in its place, with effect from 1 June 1992. The new general direction differs from the previous one in that:

- it has effect from 1 June 1992 regardless of when an application was lodged;
- The Exchange of Documents section requirements have been altered so that documents 'should' rather than 'must' be sent or given to the other party as the case may be, and so that failure to comply with this may prevent some documents from being 'taken into account' rather than 'admitted into evidence';
- The Statements of Facts and Contentions section requires the addition to such statements of references to legislation and principal case law to be put in the hearing of the application; and
- there is a requirement that the Certificate of Readiness be served on the other party as well as on the Tribunal.

AAT Mediation Program

The AAT mediation program is to continue so as

to enable the Tribunal to offer a range of dispute resolution mechanisms to persons involved in cases before it. The President of the AAT took this decision following the completion of a pilot mediation program and its evaluation at the Tribunal's Members' Conference.

The definition of mediation developed by the Tribunal's consultant, Professor Jennifer David, and adopted by the Tribunal, is:

'a voluntary process in which a mediator independent of the parties facilitates the negotiation by the parties of their own solution to the application for review. The mediator must not attempt to coerce a party into agreement nor make any substantive decisions for them.'

AAT mediations are conducted by Tribunal personnel who are accredited mediators, and participation in a mediation is voluntary. The mediation program currently operates in the Melbourne, Brisbane and Sydney AAT Registries in social security and customs matters. As of 1 September 1992, the program will be extended to all Registries in social security and customs matters, and to the Melbourne and Brisbane Registries in veterans and compensation matters. The President will consider further extensions of the program in early 1993.

Flowing on from the pilot program, mediation is now to become part of the Tribunal's pre-hearing process, as illustrated in the flow chart on the preceding page.

[1992]

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