



Administrative
Appeals Tribunal

Firm but Fair – the Art of a Good Tribunal Hearing

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Overview

- **Introduction**
- **Setting the Scene**
- **What are the key ingredients**
- **Issues that may arise at the hearing**

Introduction

- Conducting a good hearing is an art, a skill that is developed over time
- Tribunal hearings are different to court hearings
- Tribunal proceedings must be conducted with as little formality as possible
- Proceedings must also be quick, cheap, accessible, fair, just, proportionate

AND

- Provide public trust and confidence

Setting the Scene

- Tribunals have a broad remit
- The hearing is critical – it serves two important functions
 - Gives the parties the opportunity to be heard
 - Gives the tribunal the opportunity to enquire

What are the key ingredients?

1. Preparation – “less haste, more speed”

- Identify critical issues
- Identify key documents
- Plan the hearing
- Be realistic
- Know the substantive & procedural law
- Consider preparing an outline

What are the key ingredients?

2. Conduct of the hearing – “Treat others how you would want to be treated”

- *Be inquisitive, curious, alert, courteous but establish, control and authority*
- *Three phases*
 - *Opening*
 - *Information gathering*
 - *Closing submission*

What are the key ingredients?

- *The tribunal member is responsible for the conduct of the hearing – this is your role*

What are the key ingredients?

3. *Explaining the outcome*

- Procedural decisions should be clearly explained in the reasons*
- For the parties and any appellate body*

Issues that may arise

- Recusal
- Difficult representations
- Adjournments
- Duty to enquire