



Administrative  
Appeals Tribunal

# **Members' Professional Development Handbook**

**Second Edition, 2021**



## Administrative Appeals Tribunal

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## FOREWORD

The Administrative Appeals Tribunal's Member Professional Development Program, including the Member Appraisal Program, has made considerable progress since the publication of the First Edition of the AAT Members Professional Development Handbook in 2016.

In introducing this Second Edition of the Handbook, I would like to thank the many members and staff who have contributed to the successful implementation of member professional development and member appraisals. In particular I would like to mention the agility and versatility with which the Division Heads, the Member Professional Development Advisory Group, and the Performance and Development team, enabled professional development for Members to continue seamlessly during the pandemic of 2020, through the use of virtual platforms.

This Handbook outlines many newly introduced initiatives, such as revised Member Competencies, a Periodic Evaluation and Development Program, Leadership Development training, and a Member Curriculum. All of these initiatives have been designed to support ongoing professional development and build the capability of our members.

A key feature of all of these new initiatives is the development of leadership and mentoring skills for Senior Members and Deputy Presidents, to enable them to play a greater role in the appraisal of members seeking reappointment, as well as the periodic evaluation and development of new members in their early years of appointment. The development of inhouse expertise in coaching, mentoring, evaluating and appraising members is critical to the future success of our appraisal and evaluation programs, as it is our Senior Members and Deputy Presidents who have the deepest knowledge of caseload specific capability needs.

This is an evolving program. It will be continuously reviewed as post-implementation reviews are conducted on the evaluation and appraisal programs and, as we have learned this year, new and emerging ways of delivering training are explored.

Justice David Thomas

President

March 2021

## SECTION 1 OVERVIEW

The Members' Professional Development Program has, as its centrepiece, revised Member Competencies. The competencies describe the essential core attributes required by members to perform their functions competently. The revised Handbook details and emphasises the importance that evaluation and feedback play in any robust professional development scheme. To this end the revised handbook introduces a new scheme, Periodic Evaluation and Development (PED). This scheme is designed to provide all members with feedback early in their term with a focus on continuous improvement and identifying any areas where they might benefit from some support in further development.

All newly appointed members take part in the AAT's Induction Program which includes an orientation seminar, an induction course and practical training.

The AAT's Mentoring Scheme is a mainstay of the Professional Development Program, giving each newly appointed member a supportive mentoring relationship with an experienced member with whom the new member can develop skills, address issues, seek guidance and generally find their way through their first year as a member – and beyond.

The PED program recognises that to support members in their continual professional development, a detailed member curriculum is required. The curriculum has been aligned to the Member Competencies. Whilst the curriculum highlights core professional development focus areas, it is not intended to comprehensively address all caseload specific learning or development needs that may arise outside of the curriculum.

Collaborative learning and other professional development options allow members to continually develop their expertise and knowledge. We draw on external and internal expertise to hold training sessions in a range of areas of law and practice. We are developing internal communities of practice to provide opportunities to share knowledge and skills. We hold inhouse conferences and seminars to bring members up to date on new developments in the law and in our practice. Our National Conferences provide opportunities to meet colleagues and to exchange news and ideas about AAT practices, as well as featuring rewarding professional development sessions. We also include a range of e-learning opportunities through our Learning Management System.

Finally, we have in place a robust appraisal program for members approaching the end of their term and seeking reappointment to the AAT.

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The following sections of this Handbook provide more detail of each of these aspects of the AAT's Professional Development Program.

## SECTION 2 MEMBER COMPETENCIES

### Purpose

This section addresses the skills, competencies and attributes expected of a person appointed as a member of the Administrative Appeals Tribunal.

### Statement of Expectations

All appointees to the AAT are expected to exhibit a high standard of professionalism, judgement and integrity. Though the AAT is part of the executive arm of government, when undertaking merits review, its members act independently. The high standards applying across the Australian system of justice also apply to those who serve at the AAT.

The reference point for member competencies is anchored in s2A of the [AAT Act](#), namely, that:

In carrying out its functions, the [Tribunal](#) must pursue the objective of providing a mechanism of review that:

- (a) is accessible; and*
- (b) is fair, just, economical, informal and quick; and*
- (c) is proportionate to the importance and complexity of the matter; and*
- (d) promotes public trust and confidence in the decision-making of the [Tribunal](#).*

Member competencies fall into two parts: first, general principles that apply to all persons appointed to a membership role at any level and, secondly, specific competencies relevant to positions within particular divisions or at particular levels of membership.

### General competencies

#### 1. Decision Making and Reasoning

The AAT is a mechanism for improving public administration, and a member should be capable of making decisions that generally resolve a problem by identifying the correct or preferable answer to a question posed in a particular review.

A member should demonstrate:

- forensic skills required to make findings of fact, especially where factual disputes are complex;
- the ability to analyse evidence, and apply legislation, policy and AAT practice directions and guidelines while making objective decisions;
- the ability to formulate and deliver well-reasoned written and oral decisions;
- provide decisions that are 'fair, just, economical, informal and quick', as well as proportionate, and that 'promote public trust and confidence' (refer to s2A).

## 2. Writing and Communication Skills

AAT members make objective decisions according to law and should display strong verbal and written communication skills. Members are expected to possess and demonstrate:

- effective communication skills, with the capacity to deliver well-crafted and persuasive written decisions, oral decisions where required and other communications as needed;
- capacity for dealing effectively and sensitively with parties, including managing a hearing from commencement to completion and engendering confidence in the hearing process; and
- ability to communicate sensitively and appropriately with self-represented applicants, being mindful of cultural or language differences, literacy difficulties, disability (especially mental health issues) and other factors and to support the accessibility goals of the AAT.

## 3. Independence, Integrity and Collegiality

Members are independent statutory appointees with important responsibilities. They must inspire confidence in the quality, independence and integrity of AAT decision-making. Members have responsibility for understanding and adhering to their professional obligations, including:

- the need to be independent and objective;
- the rules against bias and conflict of interest;
- the [AAT Act](#) provisions relating to outside paid employment (s11) and disclosure of interests (s14);
- the [Conduct Guide for AAT Members](#); and
- the need to behave with honesty, integrity, courage, impartiality and professionalism in all aspects of their duties as a member.

Furthermore, members are expected to:

- demonstrate collegiality, personal resilience and a commitment to ongoing professional development;
- communicate and work collaboratively to create a better experience for AAT users; and
- Interact respectfully with others, including other members and staff.

## 4. Productivity, Diligence and Resilience

Members must be able to efficiently manage their allocated workload and discharge their responsibilities in a timely way without compromising quality. Members are expected to possess and demonstrate:

- capacity to manage a complex workload that can be stressful, as well as intellectually and emotionally challenging, and a willingness to seek support as required;
- capacity to engage with information technology effectively;
- willingness to work in partnership with staff to effectively manage their workload;
- ability to critically evaluate their own performance, including considering and reviewing relevant data or metrics concerning timeliness, appeals, complaints and other relevant feedback; and
- be available and reliable (this could include the time that part-time members make themselves available to undertake AAT work).

## **Competencies for specific roles**

### **Deputy President**

A Deputy President exercises a leadership role within the AAT. A Deputy President may exercise a designated executive leadership role, such as being an Executive Deputy President or practice leader. Deputy Presidents without executive roles demonstrate leadership through the highest standard of decision-making and through the mentoring and guidance of other members. Their decisions contribute significantly to the AAT's jurisprudence.

A Deputy President is expected to hear and decide more complex, challenging or sensitive reviews before the AAT, and they will often be required to deal with matters remitted from the courts. In addition, they will promote the professional development of members through example and mentoring. A Deputy President who is appointed on the basis that he or she is a legal practitioner should ordinarily have the qualities and standing one would expect of an appointee to a court; Deputy Presidents who are not legal practitioners should have an equivalent standing within their area of expertise. They should communicate complex information in a clear and concise manner.

In addition to fulfilling the above, Deputy Presidents with executive leadership responsibilities are expected to:

- Provide strategic leadership in accordance with the direction of the President or the relevant Division Head, promote innovation and help shape a shared vision of the AAT, whilst being visible and available;
- Communicate with influence, respond sensitively to, and consider, differing viewpoints, overcoming barriers and using communication as a tool to build a collaborative culture;
- Lead the AAT through periods of significant change, contributing constructively to change initiatives, displaying resilience and commitment to the goals of the AAT and building trust;
- Display a high degree of self-awareness, leading by example, engaging with others in a constructive manner and displaying emotional intelligence; and
- Support the culture and demonstrate the values as contained within the High-Level Operating Model (HLOM).

### **Senior Member**

A Senior Member is generally expected to hear and decide cases of greater complexity and challenge within one or more allocated caseloads and they will often be required to deal with matters remitted from the courts. Their decisions should make a significant contribution to the AAT's jurisprudence in that jurisdiction. A Senior Member is also expected to provide leadership and mentoring to members within their designated registry or area of practice through a high- standard of decision-making and mentoring. Some Senior Members may also be allocated executive responsibilities.

Senior Members with executive leadership responsibilities are expected to:

- Support the leadership of the relevant Division Head, promote innovation and support a shared vision of the AAT, whilst being visible and available;
- Communicate with influence, responding sensitively to and considering differing viewpoints, overcoming barriers and using communication as a tool to build collaborative working relationships; and
- Understand and respond positively to change, contributing constructively to change initiatives by helping others understand the benefits and challenges.



## SECTION 3 INDUCTION

The induction of new members (the Induction Program) is a crucial element of the Members Professional Development Program. It aims to give new members a comprehensive overview of the AAT, its functions and statutory objectives and to introduce them to their role, duties, responsibilities and the applicable requirements in relation to performance, including standards of behaviour and general conduct.

The Induction Program provides information, skills based training and practical orientation. The arrangements will assist new members to quickly develop knowledge of the relevant jurisdictions, AAT procedures, case management and working arrangements. This knowledge will provide a sound basis for developing knowledge and expertise through self-learning, case work, ongoing professional development programs and participation in the collegiate environment of the AAT.

The Induction Program consists of two parts: a formal induction program incorporating legislative frameworks, skills based training and practical orientation and an ongoing local induction program at the members home registry.

The content of the formal induction program includes, as appropriate:

- overview of the *Administrative Appeals Tribunal Act 1975*;
- the legislation, jurisdiction and powers of each division;
- introduction to procedural fairness;
- division specific processes;
- alternative dispute resolution;
- member framework of competencies;
- member terms and conditions;
- member appraisal and periodic development program;
- external and internal professional development opportunities in relevant areas applicable to members or specific to the work of jurisdictions or AAT divisions;
- peer support and mentoring arrangements;
- members relationship with APS staff;
- conduct guide for members.

The formal induction program also provides the opportunity for the development of networks between new and more experienced members and the opportunity to meet Division Heads and the AAT Executive.

By the end of the Induction Program, new members will have been introduced to:

- the history, structure, divisions and jurisdiction areas of the AAT;
- the *Administrative Appeals Tribunal Act 1975*, and other legislation governing the work of the AAT;
- the practice directions, policies or guidelines issued by the AAT in relation to various kinds of applications dealt with by the AAT;
- procedural issues including powers of members, delegations from the President, forms of orders and interlocutory proceedings;
- key aspects of member terms and conditions including remuneration, Conduct Guide for AAT Members, member responsibilities, peer support and mentoring arrangements, performance standards, member appraisal and periodic development program, complaints-handling processes, fraud control and Work Health and Safety;
- the role and function of Corporate and Enterprise Services, Registry procedures, the management of applications, and the role of Division Heads, District Registrars, Early Case Assessment Registrars and Conference Registrars;
- systems and support, including IT and case management software, information management, security support services;
- conducting hearings including questioning techniques, dealing with unrepresented applicants, dealing with witnesses and representatives, taking video and telephone evidence and controlling proceedings;
- assessing evidence;
- approaches to decision writing;
- giving oral reasons;
- role of experts and expert evidence;
- conduct of a hearing / hearing preparation; and - where applicable, ADR processes.

Experienced AAT members and staff from Registry, HR, IT and Review Support (Case Reporting) will be involved in the Induction Program to provide information, instruction and guidance to new members on substantive, procedural and practical issues.

While all new members are expected to take part in the Induction Program, the training and orientation of each individual member may be modified or varied in accordance with the Divisions or jurisdiction(s) they will work in, the particular type of work they will do, and their existing level of knowledge, experience and skill.

To complement the formal induction program, a local onboarding program will occur for each member in their home registry. This will include the allocation of a Registry Manager or Member Support Officer/Associate to new members to provide orientation and support.

## SECTION 4 PEER MENTORING

### Overview

The AAT offers a range of strategies to assist new members to adjust to their role effectively and quickly. In addition to a comprehensive Member Induction Program, (refer to Section 3), these strategies include hearing observations, members meetings, periodic evaluation and development (refer to Section 5), a full Member Professional Development Curriculum, performance appraisal and a Mentoring Program as well as other professional development opportunities.

New members will be allocated a mentor in the early stages of their term of appointment, to provide guidance, advice and assistance, in a formal or semi-formal manner, and can continue to consult their mentors when challenges present. Mentors play a critical role for members starting new caseloads.

Mentoring describes a confidential relationship which requires deliberate pairing of the mentor (a more experienced member), with the mentee (a less experienced member). In the AAT this pairing has the agreed goal of having the mentee learn and develop specific AAT-related competencies, receive advice and participate in problem solving. The mentor does not, however, make decisions for a new member. Mentoring gives people the opportunity to share their professional and personal skills and experiences and to grow and develop in the process.

It is based upon encouragement, constructive feedback, openness, mutual trust, respect and a willingness to learn. It should be noted that due to the confidential nature of the relationship, the mentor should not be involved in the performance appraisal of their mentee, and thus does not contribute feedback during that process. For the same reason of confidentiality, mentors should not be involved in, nor should they provide feedback during, their mentees' periodic evaluation and development.

Mentoring promotes a climate of enquiry and reflection for individuals to develop good analytical and self-assessment skills. Mentoring can also help a person, regardless of their stage of development, to change their practice for the better. Both new and experienced members find it beneficial to discuss difficult cases and decisions during their term of appointment.

The mentoring program's model of individual assigned mentoring includes the requirement that mentors, who volunteer in this role, are all experienced members who have good interpersonal skills and a willingness to share their experiences with the mentee. Mentoring information and training will be built into the member curriculum once finalised and approved.

The matching of mentor to mentee has an impact on the effectiveness of mentoring schemes. For this reason, the relevant Division Head/Deputy President or their delegate will make final decisions about the pairing of mentors and mentees.

It is expected that the mentor and mentee meet will meet regularly, particularly in the early stages following appointment.

An effective mentoring relationship will evolve over time, as Anthony Grant shows in this description of the five phases of a mentoring relationship:<sup>1</sup>

- 1 Prescriptive—the mentor directs the mentee
- 2 Educational—the mentor leads and guides the mentee
- 3 Collaborative—the mentor participates jointly
- 4 Confirmative—the mentee leads the process
- 5 Independent—the mentee achieves functional independence.

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<sup>1</sup> Grant, A., *Introduction to Mentoring and Appraisal Skills*, prepared for the AAT Mentors and Appraisers Workshop last held in 2013.

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New members are expected to actively participate in the mentoring relationship and to accept responsibility for their own development. As mentees, they are expected to respect their mentor's time and confidentiality, and not assume the mentor will solve their problems but rather help the mentee generate and give effect to their own solutions.

Mentors face the challenge of finding the time to participate in the mentoring relationship. They also face the challenge of not telling the new member what to do, but rather, to proffer advice and guidance that enables the new member to change and develop through the creation of opportunities for purposeful reflection and insights which should flow from experience.

## **The Mentoring Process**

Mentoring will assist new members to:

- familiarise themselves with the skills and procedures necessary for conducting hearings and preparing written decisions in the appropriate format;
- access the relevant resources for hearing preparation and decision-making;
- develop the skills and confidence to preside at hearings;
- increase their understanding of their role and the role of the AAT;
- transfer their skills to the AAT; and
- learn and develop new skills in a supportive environment.

The Performance and Development team (P&D) manage the day-to-day administration of the Scheme in the AAT's various Divisions. P&D ensures that mentoring is conducted in accordance with the scheme guidelines, which includes the training of mentors.

The relevant Division Head/Deputy President selects the mentor and provides them with their mentee's contact details. In suggesting a mentor to the new member, the following practical inclusions will be considered:

- location of the mentor and the new member;
- prior business or other working relationships; and
- professional interests of the mentor and the new member.

The mentor should contact the mentee within seven days of being advised of the assignment. The mentor will then introduce themselves to the mentee, giving details of their background and experience as well as of the mentoring scheme and the confidential nature of the mentoring relationship<sup>1</sup>.

The Performance and Development team will provide guidance to mentors on the intent and expectations of the Mentoring Program, as well as current best practice in mentoring. An overview of the Induction Program will also be provided, to ensure that there is no duplication between the two Programs.

If appropriate, the mentor will arrange for the mentee to observe at least two hearings. These may be hearings conducted by the mentor or, if appropriate, another member.

Before each of these hearings, the mentor will contact the mentee and explain each person's role on the day and the process to be observed, and discuss the jurisdiction, issues, relevant facts and law and the documents lodged.

Where the mentee is to observe a hearing not conducted by the mentor, the mentor will, if possible, accompany the mentee to the hearing and arrange to be available to discuss the matter, the law and other aspects of the process. Should the mentor not be available, they will arrange for the sitting member to be available.

Options for guiding and coaching the mentee may include suggestions for additional observation, training or professional development. The AAT's Member Competencies (Section 2) are a useful reference point for discussions with the mentee regarding their professional development.

Mentoring is not intended to replace the mandatory, formal Periodic Evaluation and Development (PED) component of the Member Appraisal Program. Rather, it is intended as a precursor to, and complementary to, the latter.

Given that the PED is intended to occur within the first year of a new member's appointment<sup>2</sup> and thereafter occurs regularly throughout the term of the appointment, and that the PED includes an Individual Development Plan which addresses learning and development needs, a formal mentoring action plan is to a large extent superseded by the PED.

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<sup>1</sup> This edition of the Member Professional Development Handbook does not include templated mentoring agreements; if a mentor and mentee wish to formalise their agreement, P&D can provide suitable guidelines and templates.

<sup>2</sup> As a transitional measure, the PED may be undertaken later in the appointment cycle, so that all members can be evaluated before their appraisal process where possible.

## Roles of Mentors and Mentees

The roles of mentors and mentees are summarised below.

### **Mentor Role**

facilitates the mentee's entry to the AAT

provides information, guidance and constructive comments

supports, encourages and highlights, when necessary, areas requiring further development

maintains confidentiality and impartiality

### **Mentor Attributes**

knowledgeable and experienced within the AAT

resourceful

ability to listen

openness

commitment

discretion

honest and able to give constructive advice

time management skills

### **Mentee Role**

sets out to achieve new skills and knowledge to apply to their work within the AAT

seeks guidance and advice in their development within the AAT

accepts responsibility for their own decisions and actions maintains confidentiality

### **Mentee Attributes**

openness commitment

ability to listen

time management and self-

management skills ability to

change/accept change respectfulness

For more information on mentoring guidelines and sample mentoring agreements please contact [performance.development@aat.gov.au](mailto:performance.development@aat.gov.au)

## SECTION 5 PERIODIC EVALUATION AND DEVELOPMENT

The AAT is committed to a professional development process that:

- Builds capacity to successfully discharge the AAT's objective in s2A of the AAT Act;
- Provides members with support and development opportunities that promote quality, productivity, resilience and collegiality;
- Promotes constructive engagement between individual members and members with leadership responsibilities and the opportunity to achieve continuous growth and improvement; and
- Establishes a process for providing relevant information about performance and development to the President in connection with reappointment processes.

The original proposal for a Member Appraisal Program (July 2019)<sup>3</sup> saw its most significant reform as involving the splitting of the previous member professional development and appraisal scheme into two separate but linked components:

### **Periodic Evaluation and Development (PED)**

PED occurs throughout the term of each member's appointment<sup>4</sup> and involves an AAT wide commitment to ongoing professional development and evaluation. establishes an expectation that all members will complete an annual process of training and development that involves the completion of a minimum number of approved activities (each with credit points attached) as part of an individual professional development plan.

### **Member Appraisal**

Member Appraisal occurs when members are seeking reappointment. The appraisal of each member is communicated to the President who will use the information and recommendations contained in the report to formulate his confidential recommendations to Government in accordance with the Protocol agreed with the Attorney-General. The President's recommendations may also consider:

- The operational needs of the AAT; and
- Expressions of interest received from individuals seeking appointment.

The PED component was intended to be deployed first. However, in the latter half of 2019, with due dates for reappointments being time-critical, the intended sequence of the two components of the Program was reversed, with Member Appraisals taking precedence.

The first PED cohort, which is proposed to be deployed in 2021, adopts a developmental model, and is designed to provide members with targeted, constructive and individualised feedback on their performance early in their appointment at the AAT.

The intent is that PED will identify the capacity of each member to discharge the AAT's objective in the member's work and provide feedback and support to develop that capacity over the lifetime of the member's term of appointment.

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<sup>3</sup> [Exposure Draft Proposal - Revised Member Appraisal July 2019](#); also outlined in the 1<sup>st</sup> edition of the Member Professional Development Handbook, published in 2016.

<sup>4</sup> It is proposed that participation in PED be mandatory for new members and this will be reflected in the revised Member Terms and Conditions. HR dashboard metrics will enable qualitative reporting on member participation rates for both PED and Appraisals, as well as reappointment rates following Appraisal.

## Objectives of Periodic Evaluation and Development

The objectives of the PED are that:

- Member learning needs will be identified and addressed in a timely manner, well in advance of the Member Appraisal process; and
- Members will become more familiar with benchmarking their own performance against the Member Competencies.

The PED will commence with an evaluation of members in the first year of their term of appointment (the first PED cohort, in early 2021, will comprise members who have been appointed in the previous two years).

The initial evaluation will be conducted by an independent consultant with relevant expertise. The independent consultant will meet with the member and the relevant principal member (i.e. the Senior Member or Deputy President who is responsible for providing leadership to that member) and the Division Head to determine the member's baseline capacity, make recommendations for further development, and formulate the first iteration of the individual professional development plan.

The individual professional development plan is expected to be reviewed annually, in consultation between the member and the principal member, over the remaining years of the member's term.

All members will be expected to complete an annual process of training and development that involves the completion of a minimum number of approved activities (each with a number of credit points attached), as part of an individual professional development plan.

Whilst external independent consultants will conduct the evaluations with the initial PED cohort in 2021, the intent is that Deputy Presidents and Senior Members will develop the capability to conduct PED exercises for subsequent cohorts. To that end, the Performance and Development team will assist with arranging Leadership Development and coaching for Deputy Presidents and Senior Members to equip them with the requisite skills to do this. Senior Members and Deputy Presidents with leadership responsibilities (or aspirations) will be given priority for participation in this training.

Division Heads and Senior Members will also actively participate in the PED process for the initial cohort, collaborating with the external independent consultants at each step of the exercise where relevant, from providing feedback on their members' performance data and statistics, advising the consultants on perceived capability gaps, attending, where possible, the evaluation discussions between members and consultants, and assisting with the completion of individual professional development plans.

It should be noted that there may be some exceptions to the requirement to participate in the full PED, for example, not all sessional members would necessarily be evaluated in this way, and a new member who is a current or former Judge is unlikely to need to participate in a full evaluation exercise.

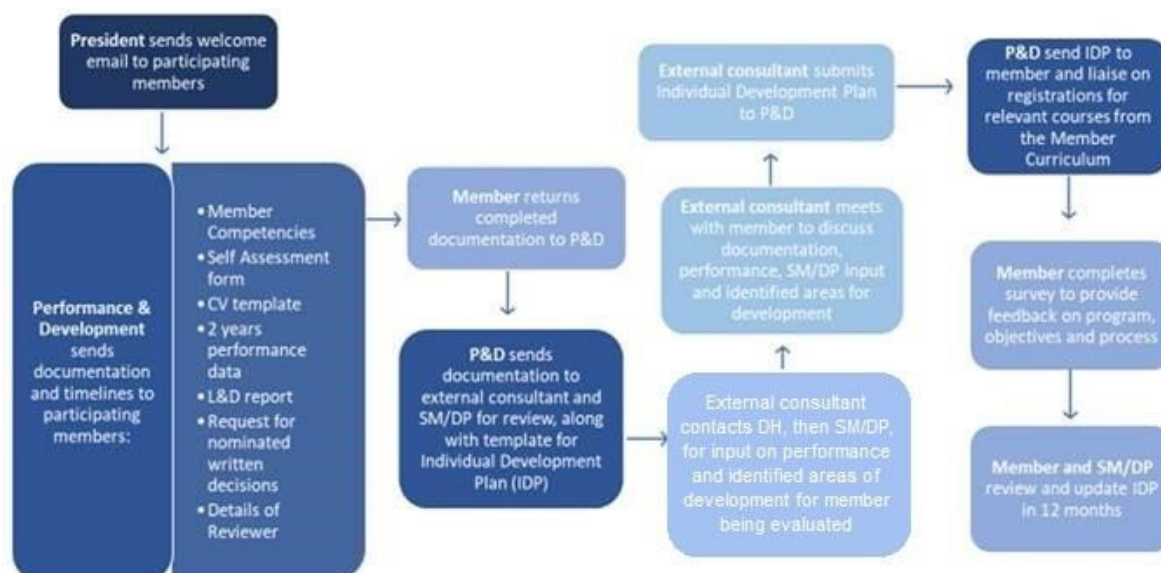


The members and those administering the program (i.e. expert consultants, Senior Members and Deputy Presidents) will be expected to have regard to the Member Competencies (refer Section 2).

Please refer to the comparative table in Section 8 for the full details of both the PED and Member Appraisal processes.

The below process flow captures the key steps of the Periodic Evaluation and Development program.

### Member Periodic Evaluation & Review - Process for initial cohort 2021



## SECTION 6 MEMBER CURRICULUM – ONGOING PROFESSIONAL DEVELOPMENT

### Overview

The member curriculum aims to provide a framework for AAT members to maintain and develop the skills necessary to discharge their duties as members of the AAT, and to maintain public confidence in the AAT's decision-making processes by providing a robust ongoing professional development program.

Professional development is the personal responsibility of every member, and an expectation of members by the President. It is expected that members will undertake activity commensurate with their developmental needs on an annual basis.

Members will be offered the opportunity to participate in a range of initiatives that will be provided or facilitated by the AAT. Professional development provided will reflect the Member Curriculum, which aligns with the Member Competencies. All members should familiarise themselves with the Member Competencies, and complete any professional development which they, their Practice Manager, Divisional Head or relevant Executive Deputy President, considers may assist in their learning and development.

Participation in professional development will be a factor considered as part of the member appraisal process that takes place prior to a member seeking reappointment or promotion.

The AAT will seek to introduce a point based professional development system in 2022.

### **Curriculum Committee (formerly the Member Professional Development Advisory Group (MPDAG))**

The AAT previously had an advisory group, known as the Member Professional Development Advisory Group (MPDAG), responsible for considering the professional development needs of members. The Group has been changed to the *Curriculum Committee*, with responsibility for maintaining the content and currency of the Member Curriculum as well as considering and recommending options for the delivery of professional development activities aligned with the new Member Curriculum. Each Division Head will hold a seat on the Committee.

In addition, there will be a number of member representatives from across various divisions. The terms of reference for this group have been updated and will be available from the Member Professional Development intranet page. Suggestions for changes to the Member Curriculum or options for professional development activities can be forwarded to the Committee by contacting [performance.development@aat.gov.au](mailto:performance.development@aat.gov.au).

### **E-Learning Programs**

The AAT maintains a Learning Management System, educAATe, accessible to all members and staff. Currently, a number of e-learning programs can be accessed including recordings of previous sessions such as 'Weighing up Different Forms of Evidence', 'Disability Confidence' and 'Role of a Member' and other eLearning courses including 'Family Violence' and 'Let's Talk Disability'.

## **In-House Conferences, Seminars and Workshops**

The AAT regularly organises national, local and jurisdiction specific conferences and seminars on areas of broad concern. In addition, the National Conference provides skills development opportunities in areas such as the delivery of oral decisions and instruction by external speakers on topics as diverse as resilience in the workplace to issues of legal capacity. The National Conference is also an opportunity for members from Registries around Australia to learn from each other's experiences and exchange ideas in areas such as case management and integrated dispute resolution.

## **Library**

The AAT's Librarians are a rich resource for members. In addition to maintaining our online and hardcopy collection, keeping the intranet up to date and publishing the Current Awareness Bulletin, our Librarians provide training and help to members in using our online and print information resources.

## **External Professional Development options**

Opportunities to participate in relevant external professional development activities are offered through expressions of interest sought by and approved by the Division Head and/or President.

## **Payment for attendance at professional development**

The AAT has a guide that details financial support for members attending professional development activities. The guide is accessible from the Members Professional Development intranet page and provides that:

- Approval for attendance at external professional development activities during work hours or where there is a cost associated should be made to the Manager Performance and Development who will liaise with the relevant Division Head and/or President as required.
- Part time members will be paid for their time where they are requested to undertake specific training. Please note that, in the case of MRD members, the allowance of case days for PD activities per financial year will generally cover this. The new part-time member pay guidelines will include a clause to the effect that participation in AAT-organised training will attract payment.
- Support for expressions of interest to attend external conferences will consider:
  - Cost and available budget;
  - Previous approvals and training/conferences attended; and
  - Support from the Division Head.

## **Request for Study Leave or Studies Assistance**

There is no provision for study leave or studies assistance within the member terms and conditions.

## Proposed Member Curriculum

The curriculum will focus on the following key areas linked to the Member Competencies:

- Decision Making and Reasoning
- Writing and Communication Skills
- Independence, Integrity and Collegiality
- Productivity, Diligence and Resilience

As stated in Section 2 (page 6) of this Handbook, the reference point for member competencies is anchored in s2A of the [AAT Act](#), namely, that:

In carrying out its functions, the [Tribunal](#) must pursue the objective of providing a mechanism of review that:

- (a) is accessible; and*
- (b) is fair, just, economical, informal and quick; and*
- (c) is proportionate to the importance and complexity of the matter; and*
- (d) promotes public trust and confidence in the decision-making of the [Tribunal](#).*

To this end, the curriculum has been structured to develop and enhance members' levels of capability against these competencies. Full details of the curriculum will be published when finalised in the member training calendar.

Please note that the Performance and Development team will also work with Division Heads to assist in developing and delivering training to address Division-specific professional development needs.

### Competency - Decision Making and Reasoning

- **Evidence-based objective decision-making**
- **Decision Writing and Reasoning**
- **Assessing evidence for reliability and credibility**
- **Testing Credible Medical Evidence**
- **Dealing with Accounting Evidence**
- **Fact Finding**
- **Statutory interpretation**
- **Exercising discretion**

A selection of Decision Writing courses will be offered, in both self-paced virtual learning and face-to-face formats, depending on learning preferences and government health and safety advice, to enable members to develop the ability to formulate and deliver well-reasoned decisions that are 'fair, just, economical, informal and quick', as well as proportionate, and that 'promote public trust and confidence'. The Decision Writing courses will be delivered by COAT and the NJCA.

### Competency - Writing and Communication Skills

- **Conducting a Hearing**
- **Dealing with self-represented applicants**
- **Disability & Accessibility Confidence**
- **Cultural Awareness**
- **Mental Health Awareness**
- **Working with Interpreters**
- **Oral Decisions**
- **Communication skills, including dealing with difficult situations**

The above list, by no means exhaustive, will be offered, using a range of providers (for example, Carfi, Professor Sandra Hale, the Disability Council of Australia (DCA) and others), to hone members' capacity to deliver well-crafted and persuasive written decisions, where required oral decisions, and their capacity for dealing effectively and sensitively with parties to review.

### Competency - Independence, Integrity and Collegiality

- **Procedural Fairness**
- **Member Conduct**
- **Conflict of Interest**
- **Ethics and Member Independence**

These courses will assist members in their understanding of, and capacity to adhere to, their professional obligations, addressing the rules against bias and conflict of interest, code of conduct and the need to behave with honesty, integrity, impartiality and professionalism.

### Competency - Productivity, Diligence and Resilience

- **Professional Wellbeing**

Member wellbeing and resilience will be supported by mentoring, courses in managing mental health, time management, building professional resilience, vicarious trauma management, and information on AAT sponsored health and wellbeing services and resources.

- **Workload Management**

Courses will be offered on managing workload effectively, how to best utilise available Member Support Services and facilitating the use of case resolution tools.

- **Information Technology**

This 4<sup>th</sup> member competency includes the requirement to demonstrate the capacity to engage with information technology effectively. To this end, courses will be offered on Member Technical Training, including, but not limited to, Adobe Acrobat DC, creating digital files, Division-specific case management systems, MS Teams, Surface Pros and legal research using library databases.

## SECTION 7 LEADERSHIP DEVELOPMENT

Certain members within the AAT have practice management or leadership responsibilities. Usually comprised of Deputy Presidents and Senior Members, this group provides divisional and caseload specific leadership.

To support the Deputy Presidents and Senior Members to effectively discharge their leadership functions, the AAT will provide a leadership program to support core leadership capabilities as noted in the Member Competency Framework to support continuous growth and improvement.

The core leadership competencies contained within the Member Competencies focus on:

- Strategy and Innovation;
- Influencing and building culture;
- Collaborative communication and partnerships;
- Leading change and adaptive leadership;
- Self-awareness and emotional intelligence; and
- Mentoring, guiding and giving feedback.

The successful delivery of the Member Appraisal Program and the planned implementation of the Periodic Evaluation and Development program in 2021 a core need was identified to support Deputy Presidents and Senior Members to upskill so that there is capability for these programs to be conducted internally as required in the future. As such the AAT has prioritised leadership development for members noting the significant refresh of AAT membership in recent years.

Members with leadership responsibilities will be expected to participate in the Periodic Evaluation and Development Program, which will establish a baseline for, and consideration against, leadership competencies (refer to the section on Member Competencies).

The AAT's leadership program may include:

- Skills based workshops;
- Upwards and peer feedback; and
- One on one support sessions with an external coach.

The outcomes from the PED and the leadership program will be captured in individualised development plans.

Building leadership capability aligns with the HLOM and considers the important role that members with leadership responsibilities hold in embedding the culture and values contained within the HLOM.

## SECTION 8: MEMBER APPRAISAL

The AAT's commitment to professional development is detailed in Section 5, which outlines the first of the two components of the Member Appraisal Program, namely Periodic Evaluation and Development (PED).

The second component of the Program is Member Appraisal, which occurs when members are seeking reappointment.

As mentioned in Section 5, it was always intended that the PED would be established first; however, a decision was taken to prioritise the launch of the Member Appraisal program in 2019 in the context impending reappointments.

By October 2020, two cohorts of Member Appraisals for members seeking reappointment (19 members seeking reappointment whose terms were due to expire by June 2020; and 17 members seeking reappointment whose terms are due to expire by June 2021) were successfully completed.

Both of these cohorts underwent a robust appraisal process that included members completing their own self-assessment, reflective exercise on their performance against the Member Competencies; external reviewers speaking with members' Division Head, Senior Member (or Deputy President if the member being appraised was a Senior Member) about members' performance; reviewers assessing written decisions, observing hearings, evaluating 5 years' performance data and statistics, and 5 years' Learning & Development records, as well as interviewing the members being appraised.

The external reviewers then prepared an Appraisal Report for each member, assessing them against the Member Competencies, and submitted this Report to an Independent Panel, comprising two current and former judges and the First Assistant Secretary of the Attorney General's Department, who interviewed each member and made recommendations on suitability for reappointment to the President of the AAT.

In 2021, the two components of the Member Appraisal Program are expected to revert to their originally intended sequence, that is, the Periodic Evaluation and Development component will be deployed first, and Member Appraisals will follow.

Going forward, Member Appraisals may be led by Division Heads, Deputy Presidents and Senior Members, as leadership and coaching capabilities are developed (refer to Section 7: LEADERSHIP DEVELOPMENT), enabling those with executive leadership responsibilities to conduct appraisals and periodic evaluation and development, reducing reliance on external consultants. The Panel will comprise, going forward, a Division Head and two independent panel members.

Once the Periodic Evaluation and Development component has been deployed and fully implemented, it may not be necessary for the Member Appraisal component to be as resource intensive as it has been to date. This is because there is significant overlap between the two components, for example both components involve self-assessment against the Member Competencies, evaluation of several years' performance data and statistics and Learning & Development records. Once a member has completed a PED exercise, and is continuing to meet the requirements of their Individual Development Plan, as well as demonstrating that they are meeting the Member Competencies, the need for participation in the full appraisal process may not be necessary. The full appraisal process would be reserved for members who need development in one or more of the Member Competencies.



The below comparative table provides details of how each of the components of the Program work in operation, noting that members may not be required to participate in the full appraisal process. Division Heads will be consulted to determine whether a member should participate in the Appraisal and will consider:

- The past performance of the member;
- If they have previously participated in the PED program;
- If they have met the development goals as noted in their development plan; and
- Adjustments that may be made to the formal appraisal process.

### Member Appraisal and Periodic Evaluation and Development Comparison Table

	Member Appraisal	Periodic Evaluation and Development (PED)
<b>Purpose</b>	To provide an objective appraisal of a member's performance to the President so the President can make evidence-based recommendations to government on the suitability of members for reappointment	To evaluate member capacity focusing on the member's ongoing professional development. Also providing the member with feedback on their performance for their ongoing development
<b>Source Document</b>	Member Competencies	Member Competencies
<b>Application</b>	Members within around 12 months of appointment expiry	Beginning with newly appointed members ideally within 9 months of commencement and periodically as agreed (although the process will, at launch, need to target <u>all</u> members, including longer serving members who have not to date had the opportunity for evaluation and assessment).
<b>Self-Assessment</b>	Member completes a self-assessment	Member completes a self-assessment
<b>Appraiser or Reviewer</b>	<p>Reviewer conducts the appraisal and provides an appraisal report which may be considered by an independent panel before being provided to the President.</p> <p>The appraisal report is prepared based on input from the Senior Member (or Deputy President if the person being appraised is a Senior Member), review of member performance data (see quantitative and qualitative data below) and a meeting with the member being appraised.</p>	<p>External consultant (from a panel of experienced consultants) with assistance of relevant Senior Member (or Deputy President if the person being evaluated is a Senior Member).</p> <p>Whilst external consultants will conduct evaluations for the initial cohort, it is expected that Deputy Presidents and Senior Members and will conduct evaluations going forward.</p>

<b>Qualitative and Quantitative Information</b>	<p>The external Reviewer will provide a report based on some, or all, of the following information:</p> <ul style="list-style-type: none"> <li>• Feedback from the Senior Member/Deputy President</li> <li>• Observing a hearing or listening to a hearing recording</li> <li>• Reviewing a minimum of 3 written decisions</li> <li>• Evaluating 5 years of available performance statistics on reviews and appeals</li> <li>• Reviewing 5 years of Learning and Development Reports</li> <li>• Reviewing the member's CV and self-assessment</li> <li>• Meeting with the member.</li> </ul>	<p>The external consultant will create an individual development plan after evaluating a range of data, which may include (depending on the individual member's experience, and guided by Division Head recommendations) some, or all, of the following:</p> <ul style="list-style-type: none"> <li>• Feedback from the Division Head</li> <li>• Feedback from the Senior Member/Deputy President</li> <li>• Observing a hearing or listening to a hearing recording (if required)</li> <li>• Reviewing a minimum of 2 written decisions</li> <li>• Evaluating 2 years of available performance statistics on reviews and appeals</li> <li>• Reviewing 2 years of Learning and Development Reports</li> <li>• Reviewing the member's CV and self-assessment</li> <li>• Meeting with the member</li> </ul>
<b>Format</b>	<p>Where the report indicates the member has been assessed as unsatisfactory in relation to one or more competencies, a panel will be convened to conduct a formal interview with the member. The report developed by the external consultant and the self-assessment will inform the basis of the interview. The member will be asked to consider and respond to the information presented in the report and will be questioned about any other matter relevant to assessing their performance against the Member Competencies.</p>	<p>The external consultant will meet with the member in an informal manner to discuss the qualitative and quantitative information. The discussion will focus on identifying the member's strengths and areas for development with regard to the Member Competencies. The discussion may involve information raised by the relevant Senior Member.</p>
<b>Output / Use</b>	<p>The panel, comprised of a Division Head and two independent panel members, will review the report, consider the information discussed in the interview and make recommendations to the President on suitability for reappointment.</p>	<p>The consultant will work with the member to draft development goals, linking with the Member Professional Development program for appropriate development opportunities. This will inform an Individual Development Plan.</p>

End of Document