

Practice Direction for the Expedited Review of Certain Decisions

Key Points

- The AAT has issued a Practice Direction to facilitate the expedited review of decisions in appropriate cases. The Practice Direction is effective from 1 July 2014.

Practice Direction for the Expedited Review of Certain Decisions

The Practice Direction provides the Tribunal with a formal process by which it can deal with urgent matters quickly, if a party requests that the review be undertaken on an expedited basis and the Tribunal is satisfied that an urgent determination is required.

The Practice Direction does not specifically mention workers' compensation matters, however it is feasible that in a situation where a worker is without income, the Tribunal could take the view that the matter should be dealt with on an urgent basis.

The key points of the Practice Direction are as follows:

- In order for a matter to be expedited, the applicant must make a request to the Tribunal in writing, unless the Tribunal directs otherwise. The request must explain why the applicant disagrees with the decision and summarise the evidence which the applicant says supports his or her claim. The application must also give reasons why the matter should be dealt with on an expedited basis.
- Once an application has been made for a matter to be expedited, a directions hearing will be held to determine whether the application should be granted. The Tribunal will consider the following:
 - whether the decision under review has significant implications for a party
 - whether the matter is actually urgent
 - whether the matter turns on one or more discrete questions of law, or whether it requires factual findings which can be conveniently made having regard to the available evidence
 - whether expediting the matter would assist the Tribunal in achieving its statutory objectives

If the application to expedite is successful, the Tribunal may direct that any additional material be exchanged by email, that the parties attend a Conciliation Conference, or that the matter be listed for hearing.

Impact

There is an obligation on respondents in particular to assist the Tribunal to use their best endeavours to meet its statutory objectives in managing expedited claims.

Parties and their representative are expected to cooperate with each other to achieve a process that results in the hearing and determination at the earliest possible opportunity.

For more information on this article, please contact:

Claire Tota
Solicitor
Email: claire.tota@hbalegal.com
Direct Line: (08) 9265 6011

Brett Ablong
Partner
Email: brett.ablong@hbalegal.com
Direct Line: (08) 9265 6001

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