

Proposed Practice Direction for the Expedited Review of Certain Decisions

Key Issues

- The AAT has issued a draft Practice Direction to facilitate the expedited review of decisions in appropriate cases

Practice Direction relating to the Use of Video Surveillance Material

The Practice Direction has been proposed to provide the Tribunal with a formal process by which it can deal with urgent matters quickly.

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 would ordinarily make a request to the Tribunal in writing. 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.
- Where an applicant has not made a request but the Conference Registrar considers the matter should be expedited, the Conference Registrar will discuss the issue with the parties at the first conference.
- 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 Member presiding over the directions hearing will consider whether the decision under review has significant implications for a party and whether the matter is actually urgent, whether considerable factual investigation is required. The Member will also give consideration as to whether expediting the matter would assist the Tribunal in achieving its statutory objectives.
- If the application to expedite is successful, the Tribunal will order that the time for lodging the t-document be shortened, that the parties attend a Conciliation Conference or that the matter be listed for hearing.

Interested parties have the opportunity to comment on the proposed Practice Direction by 31 January 2014. It will be interesting to see whether it will be subject to any amendments when it comes into effect.

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