



Accessibility and Inclusion Policy for Tribunal Users

DRAFT

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1. Purpose

The Administrative Review Tribunal (The Tribunal) provides independent, merit-based review of administrative decisions made by Australian Government agencies, departments, and ministers. A core function of the Tribunal is to ensure that people can apply for review and participate in proceedings in a way that is accessible, fair, and effective.

The Tribunal is committed to being accessible and inclusive, and to supporting all Tribunal users to participate meaningfully in merits review.

The purpose of this policy is to promote inclusive practices and improve access to the Tribunal for all users, including people who may experience barriers participating in Tribunal processes. The policy explains how the Tribunal will recognise and respond to the diverse needs of parties to proceedings, to support meaningful participation and engagement.

This policy applies to all Tribunal staff, members and Tribunal users, and supports the Tribunal's legislative obligations under the [Administrative Review Tribunal Act 2024](#) (Cth) (ART Act).

2. Policy statement

The Tribunal recognises that some Tribunal users may experience barriers or have individual circumstances that require additional supports or reasonable adjustments to enable fair access, meaningful participation, and effective engagement.

The Tribunal is committed to ensuring that all Tribunal users can access, participate in, and engage with Tribunal proceedings in a way that is fair, inclusive, and responsive to individual needs.

This policy sets out how the Tribunal will identify and respond to barriers to participation, and how it will provide accessible and inclusive merits review for parties to proceedings.

This policy aligns with and supports the Tribunal's obligations and objectives under Commonwealth law, including:

- section 9 of the ART Act, which establishes the Tribunal's objective to provide an independent review mechanism that is accessible and responsive to the diverse needs of parties to proceedings
- section 51 of the ART Act, which requires the Tribunal to conduct proceedings in a way that is accessible, taking into account the needs of the parties
- section 55 of the ART Act, which requires each party has a reasonable opportunity to present their case, access relevant information, and make submissions and give evidence, and
- the Tribunal's obligations under the *Disability Discrimination Act 1992 (Cth)*, including the duty to consider adjustments that remove or reduce barriers, unless doing so would cause unjustifiable hardship.

Where this policy is inconsistent with the requirements of any other Commonwealth law that applies to the Tribunal's conduct of reviews (for example, the *Migration Act 1958 (Cth)*), the requirements of that law prevail.

This policy also aligns with the Tribunal's broader Commitment to Accessibility and Inclusion, which sets the foundations for how the Tribunal will support applicants to effectively engage in Tribunal proceedings.

3. Our commitment

The Tribunal's commitment to accessibility and inclusion is reflected in the following principles, which guide how this policy is applied in practice.

1. Accessibility and inclusion

The Tribunal is committed to ensuring that all Tribunal users can access, participate in, and engage with Tribunal proceedings in a way that is fair, inclusive, and responsive to individual needs. The Tribunal aims to ensure that accessibility and inclusion considerations are embedded in the way the Tribunal plans, designs, and delivers review processes, and that these considerations are not treated as exceptional or optional.

2. Equitable access and participation

All Tribunal users are entitled to fair access and meaningful participation in Tribunal proceedings. The Tribunal recognises that people may experience different barriers and engage with Tribunal processes in different ways and may require additional supports or reasonable adjustments to participate effectively.

3. Person-centred, proportionate and reasonable responses

The Tribunal responds to the individual circumstances and needs of Tribunal users in a respectful, flexible, and proportionate way. Requests for supports or reasonable adjustments are considered on a case-by-case basis, having regard to the needs of the parties, the nature of the proceedings, the Tribunal's statutory obligation to resolve applications efficiently, and any requirements imposed by other applicable legislation.

4. Early consideration and timely support

The Tribunal encourages early consideration of accessibility needs and potential barriers to participation, and responds in a timely way. Early consideration of these needs and supports helps reduce delays and supports effective engagement. The Tribunal will generally indicate what adjustments or supports it can put in place at an early stage. Some requests may require consideration or determination by a member or other authorised officer, particularly where they relate to procedural aspects of a review.

5. Shared responsibility

Supporting accessibility and inclusion is a shared responsibility. Tribunal users play an important role in informing the Tribunal of their accessibility needs and any barriers to participation at the earliest opportunity. Tribunal staff and members are responsible for responding appropriately, recognising barriers and supporting inclusive Tribunal processes.

6. Transparency and consistency

The Tribunal applies this policy in a consistent and transparent way, while retaining the flexibility needed to respond to individual circumstances. Decisions about supports and adjustments are made having regard to legislative requirements, fairness to all parties, and the efficient conduct of proceedings.

4. How we provide accessible and inclusive services

The Tribunal engages with a diverse range of users, including people with disability, First Nations Australians, people from culturally and linguistically diverse backgrounds, and people with different personal circumstances, experiences, and needs.

This policy applies across all jurisdictional areas of the Tribunal and should be applied in a practical and flexible way, having regard to the circumstances of each case and the needs of the parties.

The Tribunal will monitor and review the effectiveness of this policy and associated practices to support continuous improvement in accessibility and inclusion.

4.1 Understanding accessibility and diverse needs

The Tribunal recognises that people may experience barriers when engaging with Tribunal processes, and that individuals may need to engage with those processes in different ways. These barriers may arise from a person's circumstances, without the need for that person to be labelled or identified in a particular way.

A person's ability to meaningfully participate in the review process may be affected by one or more factors, which may be temporary, situational, or ongoing. People may also experience multiple and intersecting needs.

The Tribunal may provide supports or make adjustments to facilitate participation in Tribunal proceedings where this is required to support fair and meaningful participation.

Factors that may affect a person's ability to participate in a review process, or that may require specific supports or considerations to enable safe and meaningful participation, include but are not limited to:

- disability or health conditions
- neurodiversity
- mental health
- trauma
- language or communication needs
- cultural, racial or religious considerations
- gender identity or sexual orientation
- socio-economic factors
- age
- digital literacy
- location (for example, homelessness, regional or remote areas, or custody or detention)
- experiences of family violence or gender-based violence
- modern slavery
- lack of representation or access to support services.

This is not an exhaustive list. Other factors, or a combination of factors, may also affect a person's ability to participate in the review process. The Tribunal recognises that needs and circumstances may change over time and will aim to respond in a flexible and person-centred way.

The Tribunal also recognises that its own processes and systems may create or contribute to barriers to participation and will seek to minimise the impact where possible.

4.2 Identifying and responding to diverse needs

The Tribunal is committed to creating a safe and respectful environment where users feel able to raise their needs.

Early and ongoing identification of barriers to participation is important to support meaningful engagement in Tribunal processes.

Users can raise their needs or request supports or adjustments at any stage of the review process.

The Tribunal will, where appropriate, take proactive steps to identify potential barriers to participation and may ask users about their needs at different stages of the process.

The Tribunal works proactively to reduce barriers in:

- communication with users
- the accessibility of information and digital systems
- how information about Tribunal processes is provided
- the environments in which services are delivered (in person, by phone, or online)

Where a user identifies that they need support or adjustments, the Tribunal will consider how to respond in a practical and flexible way.

4.3 Requesting supports and adjustments

Tribunal users can request supports or adjustments at any stage, including:

- when applying for a review
- after an application has been lodged
- at any stage during the review process.

Requests can be made in different ways, including:

- in writing (for example, forms or email)
- by phone
- in person
- through a representative or support person.

Users are encouraged to raise their needs as early as possible. However, requests can be made at any time.

When a request is made, the Tribunal may ask questions to understand the barrier the person is experiencing and what support would help them participate effectively. Relevant information will be recorded so that agreed supports can be arranged and applied consistently throughout the review process. In doing so, the Tribunal will handle information respectfully and in line with privacy and fairness requirements.

The Tribunal considers requests for supports and adjustments on a case-by-case basis, having regard to:

- the individual's needs
- fairness to all parties
- the nature of the proceedings
- relevant legislative requirements.

It is important to note that there is no automatic entitlement to a specific adjustment.

4.4 Decision-making for supports and adjustments

Decisions about requests for supports and adjustments are made on a case-by-case basis.

Members and registrars are responsible for determining requests in relation to the conduct of hearings and case events:

- Tribunal members are the decision makers of the Tribunal. They hear and decide cases in accordance with the law and evidence presented. Members consider requests for supports and adjustments having regard to the needs of the individual, fairness to all parties, and relevant legislative requirements.
- Registrars are Tribunal staff authorised to conduct some types of case events and exercise some powers of the Tribunal. Registrars may facilitate routine or administrative supports and escalate requests to members where appropriate.

When considering a request, the Tribunal will have regard to the requirements of the ART Act and any other legislation relevant to the conduct of the review.

In some circumstances, the Tribunal may not be able to accommodate a requested support or adjustment. Where this occurs, the Tribunal will, where appropriate, work with the person to identify alternative options to support their participation, having regard to fairness to all parties and relevant legislative requirements.

The Tribunal seeks to promote consistency in decision-making through guidance, training, and support, while recognising that decisions are made on a case-by-case basis.

The Tribunal applies a caseload priority framework to guide the prioritisation of matters. Priority may be given to cases with particular features, including where there are higher proportions of vulnerable applicants or where delay may have significant adverse impacts on the interests of a party. Further information is available in the [Caseload Priority Framework](#).

Providing supports or adjustments does not indicate that the Tribunal accepts the underlying facts of a matter or is predisposed to any particular outcome. The Tribunal will determine each case on its merits, based on an assessment of all available evidence.

4.5 Examples of supports and adjustments

The Tribunal may provide a range of supports or adjustments to facilitate participation in Tribunal proceedings. These may be provided before, during, or after a hearing or other case event.

The examples below are illustrative only. They are not exhaustive, and the Tribunal will consider any request for support or adjustment having regard to the circumstances of the matter.

| Stage of process | Examples of supports and adjustments |
|---|--|
| Before a hearing or case event | <ul style="list-style-type: none"> • Providing information in accessible formats (for example, large print or Braille) • Arranging for an interpreter, support person, or Tribunal registrar or member of a particular gender • Offering a choice of how to attend (in person, by video, or by telephone) • Scheduling hearings at a particular time of day, or over a full or half day, where appropriate • Providing clear, plain-English information about the Tribunal process and what to expect • Offering pre-hearing support, such as orientation or familiarisation with Tribunal spaces. |
| During a hearing or case event | <ul style="list-style-type: none"> • Allowing a support person to attend • Adjusting the structure of proceedings (for example, varying the order of questioning or allowing additional breaks) • Using accessible communication approaches (for example, speaking slowly, repeating questions, or explaining processes in plain language) • Providing interpreters or communication support • Using assistive technology or devices (for example, hearing loops) • Adjusting entry, exit or waiting arrangements to support a person's safety and wellbeing • Making sensory adjustments where possible (for example, using rooms with more natural light or reduced noise). |
| Physical and environmental supports (in person or ongoing) | <ul style="list-style-type: none"> • Wheelchair-accessible hearing rooms and facilities • Accessible bathrooms and parent's rooms • Prayer or reflection rooms • Quiet or separate waiting areas • Portable hearing loop technology at Tribunal sites • Assistance navigating Tribunal premises, including staff support where needed. |
| After a hearing or across the life of a matter | <ul style="list-style-type: none"> • Providing information or outcomes in accessible formats |

- Allowing flexibility in how parties engage with ongoing Tribunal processes
- Considering further supports or adjustments as needs change over time.

The Tribunal recognises that people may have multiple and intersecting needs. Requests for supports and adjustments are considered on a case-by-case basis, having regard to the individual's circumstances, fairness to all parties, and relevant legislative requirements.

4.6 Use of respectful and inclusive language

The Tribunal is committed to using respectful and inclusive language in all interactions with Tribunal users. This supports clear communication, builds trust, and enables meaningful participation.

This includes:

- using plain English wherever possible
- inviting Tribunal users, where appropriate, to share their preferred name, title, pronouns, and pronunciation to support respectful engagement
- respecting a person's preferred name, title and pronouns
- avoiding assumptions about a person's identity, circumstances, or needs
- communicating in a way that supports understanding and participation.

Names and respectful forms of address

The Tribunal recognises that a person's name is integral to their identity and may reflect their cultural, linguistic, religious and family background. Using a person's correct name pronunciation and preferred form of address is an important way of showing respect and supporting confidence in the Tribunal.

The Tribunal will provide opportunities for parties and representatives to indicate the correct pronunciation of their name and their preferred form of address. This may be done prior to, or at the commencement of, a hearing, dispute resolution process, or other case event.

Where appropriate, the Tribunal may seek clarification in advance of a case event to support respectful and accurate communication.

Using respectful and inclusive language does not indicate that the Tribunal accepts the underlying facts of a matter or is predisposed to any particular outcome. The Tribunal will determine each case on its merits, based on an assessment of all available evidence.

4.7 Handling sensitive information

The Tribunal recognises that information about a person's circumstances, needs, or experiences may be sensitive.

A member or staff member may form a view that a person may need additional supports or accessibility adjustments. This view may be based on a range of factors including, but not limited to:

- information contained on Tribunal or relevant Commonwealth Government Department (department) files or documents
- interaction with the person
- information received from healthcare professionals
- information provided by a person's representative or guardian
- information provided by an officer of the department.

Information provided by Tribunal users to support requests for adjustments or assistance will be handled in accordance with relevant legislation, including the *Privacy Act 1988 (Cth)* and procedural fairness requirements. This may include:

- recording relevant information in Tribunal systems where necessary to support participation
- sharing information with other parties where required to ensure fairness in proceedings
- limiting the collection and use of information to what is necessary and proportionate

The Tribunal will take a respectful and careful approach to managing sensitive information, having regard to the needs of the individual and the requirements of the law.

5. Roles and responsibilities

All Tribunal staff, Members, and Tribunal users share responsibility for supporting accessibility and inclusion in Tribunal processes. The roles and responsibilities across the Tribunal are outlined below.

| Official | Roles and Responsibilities |
|---|---|
| President | <ul style="list-style-type: none"> • Provides leadership and strategic direction to ensure the Tribunal meets its statutory obligations, including under the <i>Administrative Review Tribunal Act 2024 (Cth)</i>. • Promotes a culture of accessibility, inclusion, and procedural fairness across the Tribunal. |
| Jurisdictional Area Leaders / List Leaders | <ul style="list-style-type: none"> • Ensure accessibility and inclusion principles are applied consistently within their jurisdiction or list. • Support members and staff to identify and respond to barriers to participation in proceedings. • Monitor practice and promote continuous improvement in accessible merits review. |
| Members | <ul style="list-style-type: none"> • Conduct proceedings in a way that is accessible, fair and responsive to the needs of parties. • Decide whether a litigation supporter should be appointed to enable a party without decision-making ability to participate. • Ensure compliance with sections 51 and 55 of the ART Act in the exercise of their powers. • Consider and determine requests for supports and adjustments that affect the conduct of proceedings. • Approve, vary, or decline requests on a case-by-case basis, having regard to the individual's needs, fairness to all parties, the nature of proceedings, and legislative requirements. • Apply flexible, person-centred approaches to support meaningful participation. |
| Principal Registrar & CEO | <ul style="list-style-type: none"> • Oversees the effective implementation of this policy across Tribunal operations. • Ensures systems, processes, and resources support accessible and inclusive service delivery. |

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| | <ul style="list-style-type: none"> • Supports continuous improvement in accessibility practices across the Tribunal. |
| Senior Executive Staff (SES) | <ul style="list-style-type: none"> • Provide leadership to ensure this policy is understood and implemented across the Tribunal. • Ensure staff are supported and equipped to meet their responsibilities under this policy. • Integrate accessibility and inclusion into operational planning, service delivery, and continuous improvement initiatives. |
| Registrars | <ul style="list-style-type: none"> • Manage Tribunal processes in a way that supports accessibility and procedural fairness. • Identify potential barriers to participation and take appropriate steps to address them. • Work with members and staff to facilitate supports and adjustments for parties. • Facilitate and approve straightforward or administrative adjustments where appropriate. • Refer or escalate requests to members where the request impacts the conduct of hearings or case events, or raises competing considerations (for example, fairness or timing). |
| Staff | <ul style="list-style-type: none"> • Apply this policy in their daily work and interactions with Tribunal users. • Communicate in a clear, respectful, and inclusive way, supporting understanding and participation • Identify and respond to accessibility needs <ul style="list-style-type: none"> - recognise potential barriers to participation - identify and respond to accessibility needs at the earliest opportunity - seek guidance where required to support accessibility and inclusion • Facilitate supports and adjustments <ul style="list-style-type: none"> - receive and document requests for supports and adjustments - arrange routine or administrative supports (for example, interpreters or accessible formats) in line with established processes - assist in coordinating supports and adjustments where required |

| | |
|---|---|
| | <ul style="list-style-type: none"> - escalate requests to registrars or members where approval or direction is required • Support accessible processes and proceedings <ul style="list-style-type: none"> - facilitate accessible engagement for users throughout the lifecycle of a case - support members to implement accessible practices in hearings and other case events - ensure accessibility considerations are reflected in administrative processes. |
| Tribunal users (including parties) | <ul style="list-style-type: none"> • Engage with Tribunal processes and communicate any support needs relevant to their participation. • Provide information about their circumstances where they are seeking supports or adjustments. • Work constructively with the Tribunal to support fair and efficient conduct of proceedings. • Respect and comply with decisions made by the Tribunal in relation to requests for supports and reasonable adjustments, including where requests are approved, varied, or declined. |
| Representatives | <ul style="list-style-type: none"> • Act on behalf of a party in Tribunal proceedings, including taking procedural steps and communicating with the Tribunal • Support the party's understanding, engagement and meaningful participation in the process • Facilitate and communicate requests for supports and adjustments, and assist with their implementation • Work collaboratively with the Tribunal and other parties to support accessible and fair proceedings • Where a litigation supporter is appointed, act in the best interests of the supported party and generally on the instructions of the litigation supporter. |

6. Legislation

- [Administrative Review Tribunal Act 2024 \(Cth\)](#)
- [Disability Discrimination Act 1992 \(Cth\)](#)
- [Migration Act 1958 \(Cth\)](#)
- [Privacy Act 1988 \(Cth\)](#)
- [Public Service Act 1999 \(Cth\)](#)

7. Practice Directions

- [Common Procedures Practice Direction](#)

8. Supporting information

- [Advocacy and disability support](#)
- [Caseload Priority Framework](#)
- [Commitment to Accessibility and Inclusion](#)
- [Feedback and complaints process](#)
- First Nations Support - [First Nations liaison officers](#)
- Guidance for Managing Accessibility Adjustment Requests (Staff-only) – *currently in draft*
- [Livestreaming of public hearings.](#)

9. Definitions

Accessibility: Accessibility is defined in section 4 of the ART Act, refers to enabling persons to apply to the Tribunal and to participate in hearings and case events before the Tribunal.

Accessible: In relation to the Tribunal, refers to enabling persons to apply to the Tribunal and to participate effectively throughout the review process.

Note: Examples of areas where arrangements may be made in relation to accessibility include the following:

- (a) premises, facilities and technology;
- (b) ease of locating and understanding information about the Tribunal and documents relating to proceedings;
- (c) adjustments that can reasonably be made to accommodate a person's needs, such as interpreter services for hearings.

Adjustments – reasonable adjustments:

Adjustments (including reasonable adjustments) refer to necessary and appropriate changes made to processes, practices, environments or communications to support equitable access and participation for all individuals, including those with diverse needs or circumstances.

These adjustments reflect the Tribunal's obligations under the *Disability Discrimination Act 1992*, including the requirement to make reasonable adjustments unless this would cause unjustifiable hardship.

Case event: Case events are formal proceedings conducted by a Tribunal member or registrar to manage, progress or decide a case. They include case management events (such as directions and interlocutory hearings), dispute resolution events (such as conferences and conciliations), and hearings.

Disability: For the purposes of this policy, and with reference to the Disability Discrimination Act 1992 (Cth), disability is defined broadly to include physical, intellectual, psychiatric, sensory, neurological or medical conditions that affect a person's bodily or mental functions, learning, behaviour or perception. This includes disabilities that are present, have previously existed, may arise in the future, or are attributed to a person.

Equitable access: Equitable access refers to ensuring that all individuals are able to access and participate in services on a fair basis, recognising that different individuals may require different supports to achieve comparable outcomes.

Hearing: Hearings are the substantive stage of a Tribunal proceeding where a Tribunal member hears and considers the case. At a hearing, the parties present evidence and arguments, and the Tribunal assesses the material before making a decision in accordance with the law. Hearings are generally conducted in public, unless otherwise directed.

Inclusion: Inclusion refers to ensuring that all individuals, including those with diverse needs and circumstances, are able to access and participate equitably in Tribunal processes through the removal of barriers and the provision of appropriate supports and adjustments.

Litigation supporter: A person appointed by the Tribunal to support a party who does not have decision-making ability to participate effectively in a proceeding. This includes assisting the party to understand and engage in the process, and, where required, making decisions and taking actions in relation to the proceeding on their behalf.

Merits review: An independent reconsideration of a decision, where the Tribunal examines the facts, law and policy afresh to determine and make the correct or preferable decision.

Representative: A person chosen by a party to act on their behalf in relation to a proceeding before the Tribunal. This may include communicating with the Tribunal, providing submissions or evidence, accessing documents, and supporting or attending hearings as part of managing the case.

Tribunal user: People or organisations who use or interact with the Tribunal in relation to its functions and services. This includes parties to a proceeding, as well as other individuals who engage with, support, or participate in Tribunal processes.

Unjustifiable hardship: A legal concept under the *Disability Discrimination Act 1992* (Cth). In simple terms, it means there are limits on what may be required if providing an adjustment would impose an unjustifiable burden in the circumstances.