



Australia and New Zealand Tribunal Excellence Framework

Third Edition - June 2025

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This edition was prepared by a committee of tribunal heads and nominees chaired by Ms Anne Britton, COAT Chair

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Introduction

The role of tribunals

Tribunals play a fundamental role in the day to day lives of citizens, businesses and government.

The structure, jurisdiction, workload and funding of tribunals vary widely. In Australia, there are the super tribunals such as the Administrative Review Tribunal (ART) at the federal level and Victorian Civil and Administrative Tribunal (VCAT), WA State Administrative Tribunal (SAT), Queensland Civil and Administrative Tribunal (QCAT), Tasmanian Civil and Administrative Tribunal (TASCAT), ACT Civil & Administrative Tribunal (ACAT), NSW Civil and Administrative Tribunal (NCAT), SA Civil and Administrative Tribunal (SACAT) and NT Civil and Administrative Tribunal (NTCAT) at the state and territory level. In addition, throughout Australia and New Zealand, there are smaller tribunals such as the Weathertight Homes Tribunal (New Zealand), the Veterans' Review Board (Cth) and the Workcover Conciliation and Arbitration Service (WA).

Tribunals are established as free-standing entities or within the overall governance of the Attorney General or Justice Departments. Other tribunals might be embedded within a government department such as health or finance. Some tribunals are co-located or share premises, staff, HR and IT resources with the agencies whose decisions they review.

The subject matter of the jurisdiction of tribunals is also varied. By means of alternative dispute resolution or adjudication, tribunals resolve a range of disputes, including:

- Civil disputes e.g. between consumers and traders, employee/unions and employers, tenants and landlords, injured persons and insurers (in workers compensation or accident claims);
- Human rights e.g. discrimination, mental health and guardianship; and
- Administrative law matters e.g. licensing and regulatory disputes, professional discipline, planning and the environment and freedom of information.

The workload of tribunals varies, from a few applications a year (such as the National Native Title Tribunal) to thousands of applications per year (such as the super tribunal VCAT which, in 2023 received 75,288 applications).

Whatever they look like, tribunals are an important part of the justice system in Australia and New Zealand. They provide a quick, cheap and relatively informal means of dispute resolution.

An excellent tribunal resolves disputes in a fair, accessible and efficient manner within a reasonable timeframe. When determining disputes and deciding cases, excellent tribunals interpret and apply the law consistently, impartially and independently – protecting the rights of the community the tribunal serves.

The importance of excellence

A tribunal, or perhaps more accurately the people that lead and administer it, aspires to excellence. This expectation is shared by the community at large.

An excellent tribunal resolves disputes in a fair, accessible and efficient manner within a reasonable timeframe. When determining disputes and deciding cases, excellent tribunals interpret and apply the law consistently, impartially and independently – protecting the rights of the community the tribunal serves.

About the Tribunal Excellence Framework

The first task for any organisation aspiring to be excellent is to define or describe the concept of 'excellence'. This Framework endeavours to do so for tribunals by defining or describing what excellence is, or what an excellent tribunal would look like.

The Framework is predicated on Core Tribunal Values set out at page 7 of this document. These shared values are embedded into the eight individual areas of measurement specified in the Framework.

The Framework provides a resource for tribunals to assess performance in eight areas. It provides a model methodology for continuous evaluation and improvement that is specifically designed for use by each tribunal.

The development of the Framework was inspired by and modelled upon the International Framework for Court Excellence (the Court Framework) which was developed by the International Consortium for Court Excellence.

The Framework takes a comprehensive approach to defining tribunal excellence, rather than relying on a limited range of performance measures which capture only selected aspects.

The Court Excellence Framework

The development of the Framework was inspired by and modelled upon the International Framework for Court Excellence (the Court Framework) which was developed by the International Consortium for Court Excellence.

It sets out ten universal core values linked to seven areas of court excellence. It includes measures and tools to enable each court to self-evaluate its own performance in each of the seven areas and use the results to plan for continuous improvement. The tools include a self-assessment survey and guidance for developing and reviewing an Improvement Plan.

The International Consortium provides online resources to assist courts in applying the Framework to their operations (www.courtexcellence.com).

The role of COAT

According to its constitution, the Council of Australasian Tribunals (COAT) is established to:

1. support the work of administrative and civil tribunals and promote excellence in administrative justice;
2. provide a forum and act as a catalyst for discussion, education, research, policy development and law reform in the field of administrative justice;
3. promote and encourage tribunals to develop best practice models and standards of behaviour for tribunal members and conduct; and
4. develop and provides training material to support tribunal members.

COAT's membership is open to

any Commonwealth, State, Territory or New Zealand body whose primary function involves the determination of disputes, including administrative review, party/party disputes and disciplinary applications but which in carrying out this function is not acting as a court.

As at January 2025, COAT's membership included 15 New Zealand tribunals and 77 Australian tribunals from the Commonwealth, states and territories, including all the super-tribunals.

In 2012, COAT reviewed the Court Framework and decided that a separate Tribunal Excellence Framework was needed to better reflect the values and work of tribunals in Australia and New Zealand. In particular, COAT considered that there were difficulties in applying the Court Framework in the absence of the important measure of 'Independence'—a value central to the operations of tribunals.

COAT launched its International Framework for Tribunal Excellence (first edition) in November 2012, with a second edition following in 2017. This third edition results from a review conducted in 2024 by a COAT committee chaired by Ms Anne Britton.

What has changed in this edition?

The Framework draws on the Court Framework, modified and developed to fit the circumstances of Australasian tribunals. This third edition of the Framework takes account of changes made by the International Consortium to the Court Framework in its third edition (2020).

Areas of excellence

The Framework retains the original ten core tribunal values, and the substance of the eight areas of excellence. The only change is that area Eight, which was formerly 'client needs and satisfaction', has been changed to 'user engagement'. The term 'client' was thought to be inconsistent with a tribunal's obligations to each party, the public and others. And 'engagement' was preferred to 'satisfaction' as it shifts the focus to the steps taken by the tribunal as specified in the measures. The change is in line with the Court Framework which in its third edition renamed this area of excellence 'court user engagement'.

Measures of excellence

The main changes made in this third edition of the Framework are to update, clarify and simplify the measures of excellence. The measures serve as items in the survey instrument which is provided to the evaluators for their responses. The purpose

It should never be forgotten that tribunals exist for users and not the other way round. No matter how good tribunals may be, they do not fulfil their function unless they are accessible by the people who want to use them, and unless the users receive the help they need to prepare and present their cases.

Sir Andrew Legatt¹

of the changes is to make the survey instrument easier for evaluators to complete, and to generate more useful data for the tribunal. Changes have also been made to the measures to update terminology and to recognise emerging or changing expectations of tribunals. For example, measures have been added that relate to the security of personal data, cultural competence, accessibility, ADR training and member well-being.

Format of items in the survey

The format of the items in the survey that require a response from evaluators have changed. Most items have been changed from the form of a question to a general statement in positive terms (representing a measure of excellence). For example, a question in the Framework's second edition: 'Does your tribunal have a litigant in person management plan?' has been changed to: 'Our tribunal has processes designed to assist parties who do not have legal representation'. Evaluators select from a closed menu of response options such as 'Yes', 'In some subject areas', and 'No'. Each of the eight areas of excellence in the survey ends with an 'overall effectiveness statement', in which the evaluator is asked to rate the tribunal's overall performance in the relevant area of excellence on a sliding scale from zero to five. Both forms of survey items are consistent with changes to the Court Framework in its third edition.

Quantitative analysis tools

Previous editions of the Tribunal Excellence Framework followed the Court Framework in providing instructions and tools for quantitative reporting on the survey results. A numeric value (score) was allocated to each response option to a question. The scores could then be weighted and summed, and the aggregate scores compared with 'bands' representing different levels of progress towards the attainment of excellence for the relevant measure.

A survey of member tribunals conducted by COAT in 2023 found that the quantitative instructions and tools were not widely used by tribunals. In addition, that survey found that tribunals heads were more interested in using the survey to assist the tribunal's leadership team in assessing the tribunal's performance and planning for improvement than in comparing themselves with other tribunals.

In response to the feedback from tribunals, the scores for response options to most items in the form of a general statement have been removed in this edition. Only the 'overall effectiveness' item at the end of each of the eight areas requires a score (in the range 0–5). A tribunal would expect to see higher scores for the 'overall effectiveness' items when it repeats the survey after implementing an Improvement Plan developed following the previous survey. The responses to the general statement for each item in the survey will assist the tribunal to identify the measures of excellence in which there is room to improve its performance.

Why apply the Tribunal Excellence Framework?

No tribunal is perfect. There will always be scope for improvement. By administering the survey and evaluating the results, the tribunal's leadership team will be better able to identify any areas in need of improvement. Other uses for the Framework are:

- to make a convincing case to government for increased funding to address shortcomings in the tribunal's performance identified by the survey data
- to structure the tribunal's annual report around the tribunal values and measures (as for example, NCAT has done since 2015).
- to address criticism of the tribunal by demonstrating that the tribunal is receptive and proactive in pursuing improvements
- to plan the establishment and resourcing of new tribunals.

Respect for the law and competence are important values that guide tribunal members to make decisions based solely on the application of the relevant law to the facts of the case.

Fundamentals of Tribunal Excellence

Core Values

COAT considers there are core values that tribunals should uphold and apply in carrying out their function of dispute resolution. The values are:

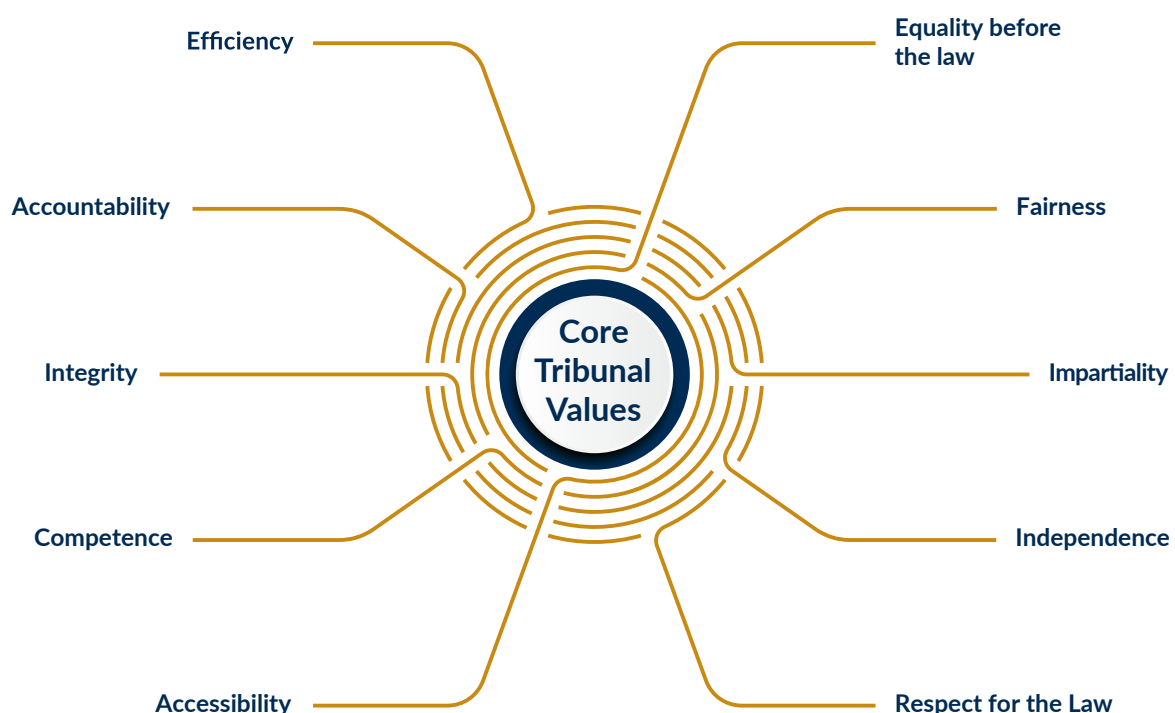
1. Equality before the law
2. Fairness
3. Impartiality
4. Independence
5. Respect for the Law
6. Accessibility
7. Competence
8. Integrity
9. Accountability
10. Efficiency

These core values provide a frame of reference for the assessment of tribunal excellence. They incorporate the core values of courts adopted by the International Consortium for Court Excellence.

Values such as *fairness* and *impartiality* reflect the principles of procedural fairness (natural justice) and set the standard for how the tribunal should hear and determine matters.

The value of *independence* was absent from the Court Framework and appears only as 'independence of decision-making'. Independence of the tribunal in a broad sense (not just in its decision-making) is perhaps the most important of all values for tribunals, particularly tribunals embedded within a host department or agency.

Respect for the law and *competence* are important values that guide tribunal members to make decisions based solely on the application of the relevant law to the facts of the case.



To a significant extent tribunals, like other justice institutions, depend upon community support for their legitimacy and so robust and fair tribunal processes that are seen to be fair are important.

Integrity includes the transparency and propriety of the tribunal's processes, the decisions it makes and its decision makers, and reflects the adage that justice must not only be done but be seen to be done.

Accessibility includes physical access to tribunal buildings, together with access to the tribunal (for example, reasonable filing fees and access to an interpreter), as well as access to accurate and comprehensive information about the tribunal's processes (recognising that not all parties appearing before tribunals are allowed or choose to have legal representation).

Efficiency incorporates timeliness and proportionality.

Timeliness reflects a balance between the time required to properly obtain, present and weigh the evidence, law and arguments, and the need to determine matters expeditiously.

Proportionality is about ensuring that legal and other costs incurred in connection with proceedings are reasonable and proportionate to the complexity and importance of the subject-matter and the issues in dispute.

An important task for tribunal leaders is the promotion of shared values within their tribunal. Those in leadership or management positions within tribunals must encourage an understanding of and adherence to the core tribunal values among staff and members. These shared values are expressed in the eight areas of measurement specified in the Tribunal Excellence Framework.

Dimension of Tribunal Excellence

Tribunal excellence has three broad dimensions:

- predictable, just decisions;
- procedural justice; and
- the delivery of a fair and efficient dispute resolution service.

1. Predictability

Predictability is about certainty. Different tribunal members faced with the same facts should, broadly speaking, reach the same outcome. Of course tribunal decisions often involve the exercise of a discretion, and on the same facts different tribunal members may legitimately reach different conclusions. But such discretions must be exercised judicially and within identified parameters.

A "just decision" is one based solely on the application of the relevant law to the facts of the case.

2. Procedural justice

Procedural justice includes, but is not limited to, the legal concept of natural justice or procedural fairness. It also embraces a judgment about whether a particular tribunal process is fair in a more abstract sense. In a review of the literature about the factors driving public and participant satisfaction with courts and tribunals, Moorhead, Sefton and Scanlan (2008) concluded:²

... the suggestion that satisfaction is simply dependent upon outcome, driven solely by the self-interest of each participant, and somehow an anathema to justice, is challenged by the evidence. Even losing parties may gain some satisfaction from a process which is palpably just.

In the study, 'participants' included witnesses, parties and their representatives. In this Framework document, the words 'participants' and 'users' are used interchangeably.

Satisfaction with the process of justice has been found to have a measurable effect on society as a whole. Such satisfaction contributes to the perceived legitimacy of the justice system and there is some evidence that it affects the behaviour of citizens,³ including their respect for the law.

Participant and public perceptions about the fairness of process (i.e. about procedural justice) depend on a complex mix of factors. Moorhead, Sefton and Scanlan found that five process-oriented factors contributed to the perception of fairness, and hence satisfaction:

- a. the expectations of, and information provided to, participants;
- b. the quality of participation granted to participants (i.e. the extent to which, and the process through which, participants are able to get their story out in a way they view as accurate and fair);
- c. the quality of treatment and, in particular, the respect shown to the participant during their time at the tribunal;
- d. issues of convenience and comfort including timeliness and efficiency; and
- e. judgments about tribunal members and staff – whether they were perceived as helpful and empathetic.

Delivering justice is not simply about consistent and just decisions; tribunal parties and the community have a legitimate interest in procedural justice.

3. The delivery of a fair and efficient dispute resolution service

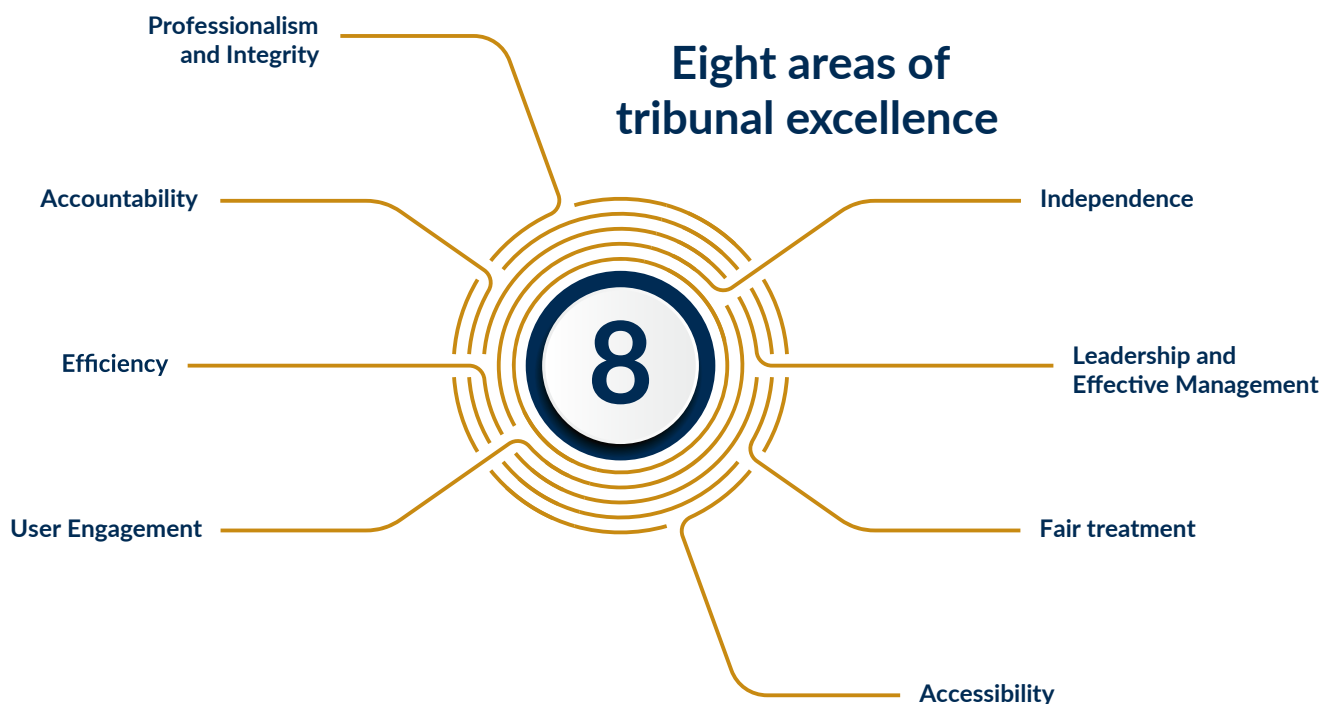
In addition to the delivery of predictable, just decisions and procedural justice, tribunals have an obligation to provide a fair and efficient dispute resolution service that includes access to a fair hearing.

The service should also be efficient in the sense that the tribunal is affordable and resolves disputes in an appropriate and timely way. The costs incurred by the parties and the tribunal resources allocated to a proceeding must be reasonable and proportionate to the complexity and importance of the issues and amount in dispute.

Eight areas of tribunal excellence

The values and the three dimensions of tribunal excellence are reflected in the eight measurable areas for tribunal excellence:

1. Independence
2. Leadership and Effective Management,
3. Fair treatment (includes fairness and impartiality)
4. Accessibility
5. Professionalism and Integrity (includes respect for the law and competence)
6. Accountability
7. Efficiency, and
8. User Engagement.



For each of the eight areas of tribunal excellence, there are a series of measures. These indicia are converted into items in the form of affirmative statements which are then put before those that are going to evaluate the tribunal.

Measuring excellence

For each of the eight areas of tribunal excellence, the Framework provides a set of measures expressed as an affirmative statement, for example, 'We have a functional and easy to access website'. Each measure describes concrete action that a tribunal can take to align with the relevant area of excellence.

The measures are then expressed as items in the survey which is completed by the persons asked to evaluate the tribunal (evaluators). For each item, a prompt is provided as to the response options

Survey items

Some items require a Yes or No answer with a Don't know option. For example, one of the survey items in the area of Fair Treatment is:

Fair treatment	Rating
Tribunal members are educated about conflicts and encouraged to proactively declare disqualifying associations	☐ Yes ☐ No ☐ Don't know

Other questions allow for an intermediate response indicating partial achievement, for example:

Accessibility measures	Rating
We publish user guides in all our main areas of jurisdiction.	☐ Yes ☐ Sometimes ☐ No ☐ Don't know

Overall perception items

The set of items for each of the eight areas concludes with an overall assessment item. Evaluators are asked to rate the tribunal's performance in an area of excellence on a scale of 0–5. The purpose is to prompt evaluators to reflect on their responses to the previous items and arrive at a global evaluation of the tribunal's progress towards excellence in the relevant area.

For example, in relation to Professionalism and Integrity, the following question is posed:

Professionalism and integrity measures	Rating
Our tribunal's overall professionalism and integrity is (specify value in range).	0 1 2 3 4 5 Very Poor → Excellent

The following table provides a generic guide for scoring the overall perception items.

0	None	There is no activity in this area or the results show no improvement trends and have not met targets.
1	Limited	Poor results; or poor performance and/or little improvement trends in items.
2	Fair	Good performance and/or improvement trends in some key items; or early stages.
3	Good	Performance levels are good to excellent in most key items and/or improvement trends are sustained in most areas.
4	Very good	Current performance levels are good to excellent in most key items and/or improvement trends are sustained in most areas.
5	Excellent	Performance levels are excellent in most items and/or there are exceptional improvement trends in most areas.

The pool of evaluators

Some of the items might be difficult for a large tribunal with several divisions to answer. For example, the consumer or small claims division of a super tribunal might have developed detailed guidelines for the progress of certain types of matters, but other divisions might have no or a different standard. In that case the evaluators need to respond with their subjective view, but when analysing the results, the tribunal leadership team may be able to explain any discrepancy in scores.

While the survey instrument is usually completed anonymously, there is an option to ask each evaluator to state a role such as member of the tribunal or administrative staff. If the evaluator is a member, the survey can be adjusted to ask them to identify the division they generally work in and whether they are full-time, part-time or sessional.

Implementing the Framework – a proposed method

Self-assessment and evaluation

The survey instrument has been designed to be administered using the free online Survey Monkey platform, which enables an individual tribunal to administer the survey to its evaluators online. The platform will also aggregate the survey data from the evaluators to generate a report on the distributions of responses among the options for each item in the survey. The report will assist the tribunal's leadership team to identify the areas and measures of excellence that require attention and develop an Improvement Plan. The report will also set a benchmark against which the tribunal can measure its future performance after implementing its Improvement Plan.

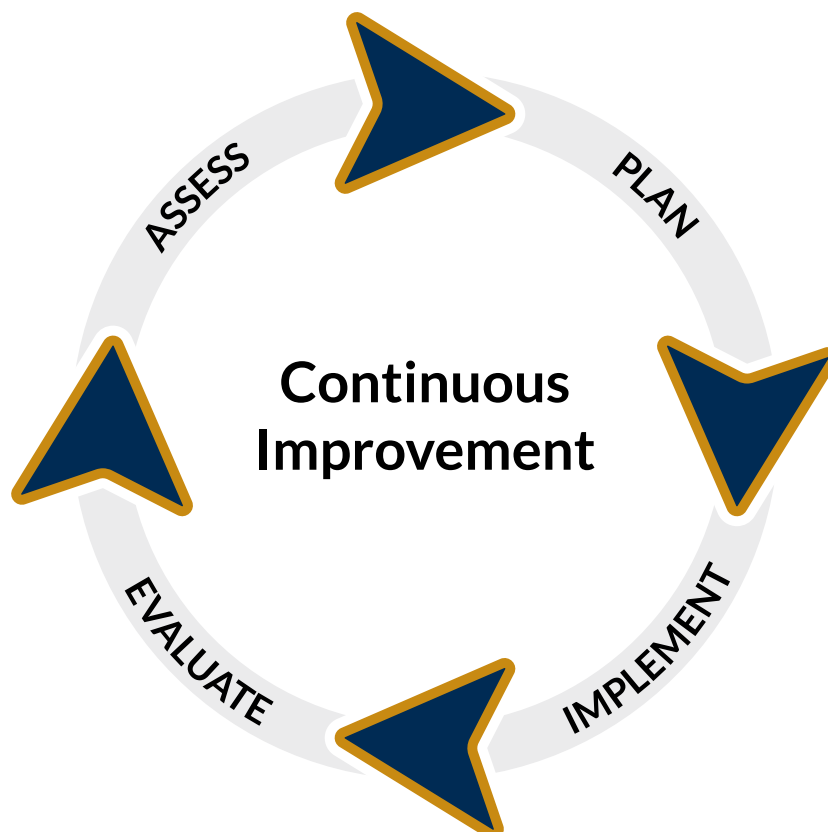
Planning and Implementation

The tribunal has options as to how it administers the survey instrument to the evaluators. The tribunal can

1. Print the survey instrument in the Appendix to this document, issue it to evaluators to complete by hand, key responses into an Excel spreadsheet and use the spreadsheet to aggregate the response distributions.
2. Use the tribunal's Survey Monkey account to administer the survey online and to automatically compile the results into a report. Survey Monkey does not allow account holders to create a new survey in their account by importing the form of survey in a file provided by COAT. To use its own Survey Monkey account, the tribunal would need to re-create the survey as a new survey in its account
3. Ask COAT to establish a person nominated by the tribunal to be added temporarily as a registered user for COAT's Survey Monkey account. The registered user can create, administer and analyse surveys, save and export the data, control who sees the surveys and the results, and delete the data from the COAT account. There will be no charge to the tribunal for using the COAT Survey Monkey account.

The following is a recommended methodology to implement the Framework:

1. Form a steering committee which may include the head of the tribunal, the registrar and key tribunal personnel (members and administrative staff).
2. Ensure all members of the committee:
 - are familiar with the Tribunal Excellence Framework and the Court Framework;



- review the applicability of each item in the survey to the tribunal and identify any items that might be difficult for evaluators to answer, or that require explanation;
 - determine the categories of person who will be asked to complete the survey (the evaluators); and
 - determine the form in which the survey is to be administered to the evaluators (print or online).
3. Consider how to brief the evaluators about the survey, for example by holding an information session or by providing a briefing note.
 4. Set a date to open the survey and a deadline for evaluators to complete and submit the survey.
 5. Compile the data responses to the survey. If Survey Monkey has been used, the administrator of the Survey Monkey account (the tribunal or COAT) can generate a report. If the COAT account is used, the report will go directly to the tribunal and not be seen by COAT's account administrator.
 6. Decide who will analyse the report on the results of the survey (the reviewers) and how the review will be undertaken, for example by a meeting of the leadership team.
 7. When reviewing the report on the results of the survey, the reviewers should pre-complete the Improvement Plan by noting the measures on which action is required, and allocate specified tasks to a person or committee with a deadline for implementation and a review date. A form for this purpose is provided below.
 8. Consider whether to share or publicise the results of the survey and/or the Improvement Plan.
 9. On the review date, the reviewers should assess the tribunal's progress in implementing the Improvement Plan.

Who should complete the survey?

The composition of the pool of evaluators will be decided by the tribunal's excellence project committee. Ideally the survey would be completed by a broad section of the tribunal including the leadership team, full time members, part time members, sessional members, registry and case management staff. The survey instrument asks participants to identify their

role in the tribunal without disclosing their name to preserve confidentiality.

The tribunal may consider whether it would assist the improvement planning if the report on the survey data distinguished by class of evaluator (e.g. members separately from registry staff).

Analysis of the survey results

It is suggested that the survey results should be analysed as follows:

- a. Identify the 'don't know' areas to determine whether the tribunal needs to improve the information it makes available about what it does and how it does it and/or to better communicate that information.
- b. Consider both the 'overall perception' score for each area, and the specific items for which evaluators were asked to select among a closed class of response options. As most items are expressed as a positive statement corresponding to the attainment of a measure, items with 'No' or 'Sometimes' responses may indicate where improvement is needed.
- c. Compare the results of the latest survey with any earlier surveys to see whether there has been an improvement
- d. Based on the results of the analysis, prepare a new Improvement Plan.

How often should the Framework be implemented?

When a tribunal has evaluated its performance by implementing the framework the first time, that is not the end of the journey to excellence as the Framework is designed to encourage ongoing evaluation and continuous improvement.

How often the Framework is implemented is a matter of resourcing and common sense. If a tribunal is required to submit a three-year business plan to its host department, then repeating the Framework every three years in advance of the submission would be useful in helping the tribunal to identify the areas to address and perhaps matters for which funding could be sought.

Post-survey Improvement Plan

TEF Item number	Action required	Responsibility	Date for completion	Date for review

Endnotes

1. Sir Anthony Leggatt, Report of the Review on Tribunals *Tribunals for Users One System, One Service* (Aug 2001), Ministry of Justice, UK [6].
2. Moorhead, RL; Sefton, M; Scanlan, L, (2008) *Just Satisfaction? What Drives Public and Participant Satisfaction with Courts and Tribunals* – a review of recent evidence Cardiff Law School Cardiff University, < www.researchgate.net/publication/237325005>, Citing TR Tyler, *Why People Obey the Law* (1990) Yale University Press; TR Tyler and Y J Huo, 'Trust in the Law: Encouraging Public Cooperation with the Police and Courts' (2002) Russell Sage Foundation, New York,, 132-33.
3. Ibid, citing TR Tyler (2001) *Public trust and confidence in legal authorities: What do majority and minority group members want from the law and legal institutions?* (2002) 19(2) 215–235; Tyler, T. R. and Huo, Y. J. (2002) *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russell Sage Foundation.

The Survey Instrument and Items

This Appendix comprises the survey to be administered to the evaluators selected by the tribunal.

The survey is organised around the eight areas of excellence, with most measures formulated as an affirmative general statement about the tribunal.

Evaluators are presented with a choice among defined response options. Each area concludes with an 'overall evaluation' item to be marked on a range from zero to five.

Commentary on the eight areas can be found in the Tribunal Excellence Framework (2nd ed, 2017) 11-26

<https://coat.asn.au/publications/tribunals-excellence-framework>

Please select one response to each item:

What is your role?

- ☐ Leadership team
- ☐ Member full-time
- ☐ Member part-time
- ☐ Member sessional
- ☐ Registrar
- ☐ Staff
- ☐ User
- ☐ Other

Area 1: The Independence items

1.1 Our tribunal is headed by a judicial or independent officer who cannot be removed from office except in exceptional or specified circumstances

- ☐ Yes
- ☐ No
- ☐ Don't Know

1.2 In its relationship to the executive branch of government (eg, a government department or agency and the responsible Minister), our tribunal has

- ☐ Full independence
- ☐ Some independence
- ☐ No independence
- ☐ Don't know

1.3 With respect to its control of buildings and facilities, budget, finance and governance, our tribunal has

- ☐ Full independence
- ☐ Some independence
- ☐ No independence
- ☐ Don't know

1.4 A tribunal enjoys decision-making independence to the extent that its decisions cannot be interfered with or overruled by the executive government. In this area our tribunal has

- ☐ Full independence
- ☐ Some independence
- ☐ No independence
- ☐ Don't know

1.5 The members of our tribunal enjoy decision making independence in that tribunal leaders cannot interfere with or direct what decision is made

Please specify a value in range from 0 to 5, where:

0 = no interference

3 = some decisions might be directed eg, procedural

5 = actual interference in substantive decision making

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

1.6 Our members cannot be sued in respect of the decisions they make

- ☐ Yes
- ☐ No
- ☐ Don't know

1.7 Our tribunal has an open and transparent merit-based system for:

(a) the appointment of members

- ☐ Yes
- ☐ Yes, for some but not all positions
- ☐ No
- ☐ Don't know

(b) the re-appointment of members

- ☐ Yes
- ☐ Yes, for some but not all positions
- ☐ No
- ☐ Don't know

1.8 A selection panel interviews or advises on:
(a) the appointment for member positions

- ☐ Yes
- ☐ Yes, for some but not all positions
- ☐ No
- ☐ Don't know

(b) the re-appointment for member positions

- ☐ Yes
- ☐ Yes, for some but not all positions
- ☐ No
- ☐ Don't know

1.9 Member positions are advertised

- ☐ Yes
- ☐ No
- ☐ Don't know

1.10 Our full-time members are appointed for

- ☐ <3 years
- ☐ 3-5 years
- ☐ >5 years
- ☐ Don't know

1.11 Our sessional members are appointed for

- ☐ (<3 years
- ☐ 3-5 years
- ☐ >5 years
- ☐ Don't know

1.12 Our members cannot be removed from office during their term of appointment except in exceptional or specified circumstances such as misconduct

- ☐ Yes
- ☐ No
- ☐ Don't know

1.13 Considering the structural, functional and administrative arrangements in our tribunal, the adjudicatory independence we enjoy and the appointment and reappointment process, our tribunal is

Please specify a value in range from 0 to 5, where:

0 = not independent → 5 = fully independent

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

Area 2: The tribunal leadership and management items

2.1 Our tribunal has a plan which identifies measurable objectives and priorities for its practices and procedures for the next 12 months or more

- ☐ Yes
- ☐ No
- ☐ Don't know

2.2 There is a defined leadership group within the tribunal which meets on a regular basis to review the implementation of the plan

- ☐ Yes
- ☐ No
- ☐ Don't know

2.3 Our leadership group promotes a culture that stimulates and inspires innovation and continuous improvement

- ☐ Always
- ☐ Sometimes
- ☐ Never
- ☐ Don't know

2.4 Members of the leadership group and emerging leaders within our tribunal are provided with training and/or mentoring

- ☐ Yes
- ☐ No
- ☐ Don't know

2.5 Our leadership group promotes a culture of respect and fair treatment of users

- ☐ Yes
- ☐ No
- ☐ Don't know

2.6 Our leadership group periodically evaluates the tribunal's performance, measured against the objectives and priorities in the plan or more generally

- ☐ Yes
- ☐ No
- ☐ Don't know

2.7 Overall perception of our tribunal's management and leadership is

Please specify a value in range from 0 to 5, where:

0 = very poor → 5 = excellent

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

Area 3: The fair treatment items

3.1 Tribunal members are educated about conflicts and encouraged to proactively declare disqualifying associations

- ☐ Yes
- ☐ No
- ☐ Don't know

3.2 Our tribunal requires members to consider whether they are likely to have a conflict of interest, eg, by making a regular declaration of interests

- ☐ Yes
- ☐ No
- ☐ Don't know

3.3 In a substantive hearing of a matter, a party has:

a) a right to attend in person

- ☐ Yes
- ☐ In some jurisdictions
- ☐ No
- ☐ Don't know

b) a right to participate by audio-visual link (or equivalent)

- ☐ Yes
- ☐ In some jurisdictions
- ☐ No
- ☐ Don't know

3.4 Our tribunal provides a free interpreter service to parties and/or their witnesses

- ☐ Yes
- ☐ No
- ☐ Don't know

3.5 Our tribunal provides to parties and/or their witnesses a free interpreter service for hearing-impaired persons

- ☐ Yes
- ☐ No
- ☐ Don't know

3.6 Our tribunal endeavours to implement the JCDI's Recommended National Standards for Working with Interpreters

- ☐ Yes
- ☐ No
- ☐ Don't know

3.7 Our tribunal provides members with training to enable them to work effectively with interpreters

- ☐ Yes
- ☐ No
- ☐ Don't know

3.8 Our tribunal promotes cultural competence and awareness to members and staff through ongoing training and practice

- ☐ Yes
- ☐ No
- ☐ Don't know

3.9 Our tribunal endeavours to address users by:

a) their preferred form of address (including gender pronouns)

- ☐ Yes
- ☐ In some jurisdictions
- ☐ No
- ☐ Don't know

b) their preferred pronunciation of their names

- ☐ Yes
- ☐ In some jurisdictions
- ☐ No
- ☐ Don't know

3.10 In matters where we are not required by legislation to conduct proceedings in camera, our hearings are open to the public

- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Not applicable

3.11 Where hearings are open to the public, our tribunal facilitates attendance by interested members of the public

- ☐ Yes
- ☐ In most types of matter
- ☐ In some types of matter
- ☐ No
- ☐ Don't know

3.12 Electronic sound recordings of hearings are available to the parties for no fee or a reasonable fee

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

3.13 Transcripts of hearings are available to the parties for no fee or a reasonable fee

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

3.14 Our tribunal's decisions can be appealed or reviewed:

(a) internally by our tribunal (eg an internal appeal panel)

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

(b) externally by a court.

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

3.15 Overall, our tribunal's capacity to deliver fair treatment to the parties is

Please specify a value in range from 0 to 5, where:

0 = very poor → 5 = excellent

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

Area 4: Accessibility items

4.1 Our tribunal has processes designed to assist parties who do not have legal representation

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.2 *(If YES to the previous item)*

The implementation and effectiveness of those processes is regularly reviewed by our tribunal's leadership team

- ☐ Yes
- ☐ No
- ☐ Don't know

4.3 Parties have access to pro-bono legal or other advice services

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.4 *(If YES to the previous item)*

Our tribunal informs users of those pro-bono legal services

- ☐ Always
- ☐ Sometimes
- ☐ Rarely
- ☐ Not applicable
- ☐ Don't know

4.5 Our staff have sufficient time and training to provide parties with information about our tribunal's practices and procedures

- ☐ Yes
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.6 Our members have sufficient time and training to provide parties with information about our tribunal's practices and procedures

- ☐ Yes
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.7 *(If the tribunal does NOT charge filing fees, skip this item and the next item)*

If our tribunal charges filing fees for applications, the fees are affordable and proportionate to the nature of the proceedings.

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

4.8 Our tribunal offers fee relief/waiver based on the party's financial circumstances

- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Not applicable

4.9 Parties can lodge applications (or other forms required to initiate a proceeding) with our tribunal by uploading them to our tribunal's web portal

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.10 Parties can file supporting documents by uploading them to our tribunal's web portal.

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.11 We have an alternative option available to a party who is unable to lodge an application (or other required form) and supporting documents electronically

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.12 We have a functional and easy to access website

- ☐ Yes
- ☐ No
- ☐ Don't know

4.13 We publish user guides in all our main areas of jurisdiction

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

4.14 We publish user guides in community languages regularly spoken by users

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.15 Our members are trained to enable them to communicate with parties in plain English

- ☐ Yes
- ☐ No
- ☐ Don't know

4.16 Our notices of hearings are written in plain English

- ☐ Yes
- ☐ No
- ☐ Don't know

4.17 Our directions are written in plain English

- ☐ Yes
- ☐ No
- ☐ Don't know

4.18 We have an information or reception desk, or a dedicated phone line, to provide information to parties and participants in proceedings

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.19 Our staff are trained to explain our tribunal's processes and provide other practical information to users, potential users and witnesses

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

4.20 Parties can attend proceedings remotely

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.21 Our premises and hearing rooms are accessible to people with physical disabilities which restrict their mobility

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.22 We provide facilities to enable users with hearing impairments to participate, eg, by providing hearing loops, captioning services

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.23 Our tribunal's website has options which promote participation by persons with vision impairment, eg screen reader, magnifier programs like ZoomText

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.24 Our waiting and hearing rooms are of a suitable size and standard and properly equipped, eg, with lighting, seating, heating/cooling

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.25 We have a dedicated space for interpreters

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.26 There are rooms available where lawyers and other representatives can meet with their clients

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.27 Appropriate measures are in place to protect the security of members, tribunal staff and members of the public attending our tribunal

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

4.28 The overall accessibility of our tribunal to users and the public is

Please specify a value in range from 0 to 5, where:

0 = very poor → 5 = excellent

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

Area 5: The Professionalism and Integrity items

5.1 We have a competency framework for members

- ☐ Yes
- ☐ No
- ☐ Don't know

5.2 We have documented selection criteria for member appointments

- ☐ Yes
- ☐ No
- ☐ Don't know

5.3 Our tribunal offers new members:

(a) an induction program

- ☐ Yes
- ☐ Sometimes
- ☐ Occasionally
- ☐ No
- ☐ Don't know

(b) the opportunity to participate in COAT's induction program

- ☐ Yes
- ☐ Sometimes
- ☐ Occasionally
- ☐ No
- ☐ Don't know

5.4 We have a member code of conduct

- ☐ Yes
- ☐ No
- ☐ Don't know

5.5 We offer members ongoing professional development covering:

(a) Tribunal 'craft' (eg decision-writing, hearing room 'craft')

- ☐ Yes
- ☐ No
- ☐ Don't know

(b) Substantive law and related matters

- ☐ Yes
- ☐ No
- ☐ Don't know

(c) Developments in internal and external case law

- ☐ Yes
- ☐ No
- ☐ Don't know

(d) Reflection on practice

- ☐ Yes
- ☐ No
- ☐ Don't know

5.6 Internal resources are available to assist members with interpretation and application of key legislation, such as a practice manual or annotated legislation

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

5.7 Our tribunal has a policy or guidelines about member's use of AI

- ☐ Yes
- ☐ No
- ☐ Don't know

5.8 Our tribunal's overall professionalism and integrity is

Please specify a value in range from 0 to 5, where:

0 = very poor → 5 = excellent

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

Area 6: The accountability items

6.1 We have a publicly available service charter or other statement(s) that sets out what users can expect

- ☐ Yes
- ☐ No
- ☐ Don't know

6.2 We have an effective process for dealing with complaints about our service delivery

- ☐ Yes
- ☐ Partially
- ☐ No
- ☐ Don't know

6.3 *(If YES to the previous item)*

Parties and other users are made aware of our complaints process

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

6.4 Written reasons for the decisions of our tribunal are publicly available

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

6.5 Our tribunal produces a publicly available annual report, in which it reports on its performance against targets or benchmarks, and which includes a report on its expenditure

- ☐ Yes
- ☐ No
- ☐ Don't know

6.6 The overall accountability of our tribunal is

Please specify a value in range from 0 to 5, where:

0 = very poor → 5 = excellent

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

Area 7: The efficiency items

7.1 Appropriate performance benchmarks have been established for case disposition

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.2 We have timeliness guidelines for writing decisions/judgments/statements of reasons

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.3 We have standard guidelines for how different types of matters are progressed

- ☐ Yes
- ☐ In most types of matter
- ☐ In some types of matter
- ☐ No
- ☐ Don't know

7.4 (If YES to the previous item)

The standard guidelines are monitored for compliance

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.5 Our tribunal provides timely and appropriate access to ADR in appropriate cases

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.6 In jurisdictions where ADR is used, our members are given ongoing professional development in ADR

- ☐ Yes
- ☐ No
- ☐ Don't know

7.7 Our tribunal has a system for prioritising urgent cases

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.8 Appropriate steps are taken to speed up delayed cases and reduce backlogs

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.9 Our tribunal has an efficient and user-friendly case management program

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.10 Our tribunal has in place security and data integrity measures to ensure that electronic tribunal records and case files are properly secured

- ☐ Yes
- ☐ No
- ☐ Don't know

7.11 Our tribunal has in place security and data integrity measures to ensure that hard copy tribunal records and case files are properly secured

- ☐ Yes
- ☐ No
- ☐ Don't know

7.12 Our members have access to the case management program and all relevant electronic files

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.13 Our tribunal has a system in place to manage the workload of:

(a) staff

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

(b) members

- ☐ Yes
- ☐ In most subject areas
- ☐ In some subject areas
- ☐ No
- ☐ Don't know

7.14 The overall efficiency of our tribunal is—

Please specify a value in range from 0 to 5, where:

0 = very poor → 5 = excellent

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

Area 8: The User Needs and Satisfaction items

8.1 We have identified stakeholder groups and take steps to engage with them to discuss issues relevant to our tribunal, its workload and processes and procedures

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

8.2 We have identified a need to engage with our community and take steps to do so

(Examples of engagement steps are open days, public speaking engagements)

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

8.3 We have established user groups in each jurisdictional area of our tribunal which meet regularly to discuss our procedures and processes

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

8.4 We regularly survey parties to measure their satisfaction with our procedures and processes

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

8.5 We have established advisory groups made up of staff and members which meet regularly to review processes and procedures

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

8.6 We regularly survey staff and members to measure how they are feeling about working in our tribunal and to identify areas of improvement for our tribunal

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

8.7 Our leadership team meets regularly to:

- review our engagement with stakeholders, users, staff, members and the wider community,
- discuss available survey responses and feedback, and
- respond to feedback

(Treat as one item)

- ☐ Yes
- ☐ Sometimes
- ☐ No
- ☐ Don't know

8.8 Based on the measures we have adopted, our tribunal's overall engagement with the community, stakeholders and users is

Please specify a value in range from 0 to 5, where:

0 = very poor → 5 = excellent

- ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ Don't know

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