

AAT GUIDELINE FOR THE PAYMENT OF ANNUAL AND DAILY FEES TO PART-TIME MEMBERS OF THE MIGRATION AND REFUGEE DIVISION (MRD Part-Time Member Guideline)

REFERENCES:

Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2018 (the Determination)

AAT Guideline on Members' Terms and Conditions (AAT Guideline)

Purpose

1. In accordance with s.33(3) of the Determination, the AAT may establish arrangements about the nature, reasonableness and duration of official business being claimed prior to payment of any daily fee.
2. This MRD Part-Time Member Guideline complements the AAT Guideline and outlines the rules relating to payment of a fee to a part time Member in the MRD, including arrangements established by the President about the nature, reasonableness and duration of official business to be reviewed prior to the payment of any daily fee.

Part-time Members

3. Part-time Members may be engaged under the following remuneration structures:
 - a. Annual fee part-time Member; or
 - b. Sessional part-time Member.
4. Remuneration of all part-time Members in the MRD is dealt with in Part 4 of the Determination.

Annual Fee Part-Time Member

5. The President may direct, under s.18B of the *Administrative Appeals Tribunal Act 1975*, that a part-time Member work a specified number of days each week.
6. The remuneration of annual fee part-time Members is determined according to the statutory office they hold, the number of days per week they are directed to work and the relevant employment conditions applicable to them. The annual fee is paid by fortnightly instalments and covers all activities undertaken by the annual fee part-time Member in performing the duties of their office.

Sessional Part-Time Members

7. Sessional part-time Members are not subject to a President's direction specifying the number of days each week they are required to work.
8. A sessional part-time Member will only be paid for official business. Official business includes, but is not limited to, hearings, preparation for hearings, reading submissions, decision writing and travel time other than for travel between the person's home and principal place of work. The nature, reasonableness and duration of official business

being claimed will be reviewed prior to payment of any daily fee according to the matters set out in this MRD Part-Time Member Guideline.

9. The maximum amount payable to a sessional part-time Member per day is one daily fee. Daily fees will be paid on a fortnightly basis and will not be paid pro-rata.
10. Standard durations of time for particular matters, or categories of matters, may be set by the Migration and Refugee Division Head, reviewed, and adjusted from time to time. In setting a standard duration of time, relevant considerations may include, but are not limited to, the AAT's statutory objectives and the reasonable expectations for the completion of matters, as informed by indicative benchmarks for caseload categories, by a Member who meets the competency framework.
11. Where a standard duration of time applies, that time will only count towards payment of a daily fee upon that case being finalised. Standard durations of time will not be counted pro-rata.
12. For example, the standard duration of time for a case may be 0.5 case days, with that time only being credited upon the finalisation of that case. The finalisation of two 0.5 case day cases is necessary for payment of one daily fee (2 x 0.5 case days = 1 case day = 1 daily fee). Finalisation of a third 0.5 case day would not attract a second daily fee until another full case day is reached. In contrast, finalisation of a 2 case day case would attract payment of two daily fees (1 x 2 case days = 2 case days = 2 daily fees).
13. Schedule A to this MRD Part-Time Member Guideline sets out the matters, or categories of matters, where a standard duration of time applies. It is set by the Migration and Refugee Division Head and is subject to review and adjustment from time to time.
14. Any claim for payment of a daily fee based on, or including, an aggregate of hours that exceeds a standard duration of time must be made as an Additional Time (Part B) claim to the Division Head and will only be approved in exceptional circumstances.

Additional Time (Part B claims)

15. Requests to claim Additional Time (of not less than 1 hour above the standard allocation) for hearing related activities or decision writing must be made in writing and submitted to the Division Head for approval prior to a claim for fee being made. Requests to claim additional time will only be approved where exceptional circumstances are shown to apply.
16. Time spent on certain activities may also be claimed as Additional Time. The following matters are generally considered to be acceptable forms of Additional Time for the purposes of a Part B claim:
 - a. Mentoring new Members at the request and with the approval of the Division Head
 - b. Attending approved Tribunal meetings, training and activities that form part of the Members' Professional Development Program

- c. Other activities conducted at the express direction or request of the Division Head (for example, requests by the Division Head to participate in a working group convened to test a new software application)

17. Attendance at Tribunal functions (such as Christmas parties, celebrations or farewells) does not count as official business hours and will not attract payment.

Lodgement and Payment of Claims

18. Annual fee part-time Members must submit a timesheet in the Aurion system. District Registrars' are responsible for processing and approving timesheets, having regard to the AAT Guideline, this MRD Part-Time Member Guideline and any other direction or guideline that may apply.

19. Sessional part-time Members are not required to lodge a claim for payment of their daily fee. Fortnightly payment will be processed based upon reports generated by the MRD's case management system and referred to District Registrars for approval.

20. Fees will not be paid on a pro-rata basis unless it is the part-time Member's final claim for payment following the end of their appointment. In all other cases, a claim for less than 7 official business hours will be carried over until an aggregate of 7 official business hours is reached.

21. Except for Additional Time (Part B) claims that must be directed to the Division Head, all other questions about part-time Member fees should be directed to the District Registrar in the first instance.