



GUIDELINES RELATING TO THE PAYMENT OF DAILY FEES TO PART-TIME MEMBERS OF THE GENERAL and OTHER DIVISIONS

REFERENCES: Remuneration Tribunal Determination 2017/09

In accordance with clause 2.5.4 of Remuneration Tribunal Determination 2015/10 these guidelines outline the rules relating to the remuneration of part-time members of the General Division, Freedom of Information Division, National Disability Insurance Scheme Division, Security Division, Veterans' Appeals Division and Taxation and Commercial Division of the Administrative Appeals Tribunal, other than the members receiving an annual fee in accordance with the provisions of clause 2.6. of the Determination. The guidelines also provide guidance on what the President generally considers to be reasonable for the purposes of certifying claims submitted by part-time members. The guidelines are designed to assist part-time members to complete claims for payment of daily fees.

Reference should also be made to the 'Guidelines on AAT Financial Support for Part-Time Members' Professional Development Activities'.

THE BASIC RULES

Part-time members are paid for undertaking official business which may include a hearing or other case event, preparation for a hearing or other case event, decision writing and travel time (other than for travel between the member's home and the AAT registry in which the member is based).

If the time taken by a member to perform Tribunal work is...*	they will be paid...
Less than 7 hours 'one day'***	Nil immediately, but the hours will be carried over to the next day the member works and aggregated and paid in blocks of one day.
More than 7 hours on any 'one day' on a single day **	For one day. Members (at all levels) will be paid one day's remuneration for work on any single day even if in excess of 7 hours.
<p>* Work is defined as being any approved activity under these guidelines including travel.</p> <p>** For members with a term of appointment commencing prior to 1 July 2015 'one day' comprises 5 hours. For members with a term of appointment commencing after 1 July 2015 'one day' comprises 7 hours.</p>	

SITTING TIME

ADR processes, directions hearings and interlocutory hearings

For an ADR process, a directions hearing or an interlocutory hearing, members may claim from the listed starting time through to the conclusion of the ADR process, directions hearing or interlocutory hearing less any amount of time taken for lunch.

Hearings

For any day on which there is a hearing or resumed hearing, members may claim from the listed starting time of the hearing/resumed hearing through to the conclusion of the hearing/resumed hearing on that day less any amount of time taken for lunch. The following periods of time will be paid:

- time spent waiting for a hearing to commence after the listed starting time has passed
- adjournments within a day during the course of the hearing, including for settlement negotiations or preparing for the delivery of an oral decision on that day
- the time spent travelling to, and attending, a place for the purposes of a viewing.

A minimum of 1 hour can be claimed as sitting time for a hearing if it is concluded within one hour of the listed starting time and no cancellation fee is payable.

[Please note that for **certification** and audit purposes sitting times are confirmed against times recorded in the Tribunal's case management system.]

OTHER BUSINESS

The actual time spent on the following activities may be claimed as Other Business:

- preparation for ADR processes, directions hearings, interlocutory hearings and hearings
- discussion with other members of a multi-member panel prior to the commencement or after the conclusion of a hearing
- decision writing
- other file-related business
- attending Tribunal meetings and activities that form part of the Members' Professional Development Program
- participating in working groups convened by the Tribunal
- considering applications for warrants or the exercise of other *persona designata* powers and conducting proceeds of crime examinations
- administration
- approved outreach or liaison activities (including reasonable preparation time), and
- travel time (except for travel from home to the local registry or travel to local professional development activities).

Please note: Time spent reading submissions is claimed either as preparation time or decision writing time (refer below).

Attending a members' conference may not attract full remuneration. Part-time members will be notified in advance if full remuneration is not to be paid. Attendance at Tribunal functions (such as Christmas parties, celebrations or farewells) will not attract any payment.

GUIDELINES FOR CLAIMING TIME AS 'OTHER BUSINESS'

Preparation for case events	The following table sets out the maximum amount of preparation considered reasonable for a particular type of case event without application to the President for an extended period:	
	Type of event	Time
	Conferences	Up to 30 minutes
	Conciliations and mediations	Up to 1 hour
	Case appraisals and neutral evaluations – whether in person	Up to 1 hour

	<table border="1"> <tr> <td>or on the papers</td> <td></td> </tr> <tr> <td>Directions hearings and interlocutory hearings</td> <td>Up to 1 hour</td> </tr> <tr> <td>Hearings – in person</td> <td>For a one-day hearing – Up to 1 hour For a two-day hearing – Up to 2 hours For a hearing listed for 3 days or more – 1 hour per listed hearing day up to a maximum one daily fee</td> </tr> <tr> <td>Hearings on the papers</td> <td>Up to 1 hour</td> </tr> </table> <p>The actual time spent preparing for a case event is payable for matters which are cancelled whether or not the 5 full working days' notice was given.</p>	or on the papers		Directions hearings and interlocutory hearings	Up to 1 hour	Hearings – in person	For a one-day hearing – Up to 1 hour For a two-day hearing – Up to 2 hours For a hearing listed for 3 days or more – 1 hour per listed hearing day up to a maximum one daily fee	Hearings on the papers	Up to 1 hour
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Reading submissions	No separate claims may be made for reading submissions. Time spent reading submissions is to be claimed either as preparation time or decision writing time.								
Discussion before or after a hearing	Members may claim up to a total of 30 minutes on each day on which a hearing or resumed hearing is held for discussions that are undertaken with the other members of a multi-member panel prior to the listed starting time of the hearing or following completion of the hearing.								
Decision writing	<p>The amount of decision writing time that a member may claim is linked to the length of the related hearing. Decision writing time includes time spent on reviewing or editing a draft decision.</p> <p>Where decision writing is shared between more than one part-time member, writing time will be apportioned between the members. The limits set out below apply to set the total amount of writing time that may be claimed by those members. Where decision writing is shared between a full-time member and a part-time member, the part-time member may claim up to 50% of the limits set out below.</p> <table border="1"> <thead> <tr> <th>Type of event</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td>Hearings – in person</td> <td> <ul style="list-style-type: none"> Where the total actual hearing time is <u>3 hours or less</u> – actual writing time of up to 3 hours may be claimed. Where the total actual hearing time is <u>more than 3 hours</u> – actual writing time of up to the equivalent number of hearing hours (rounded up to the nearest hour) may be claimed. <p>Examples:</p> <ul style="list-style-type: none"> If a hearing took 2 hours and 30 minutes on a single day, up to 3 hours of writing time may be claimed; If a hearing took 4 hours and 15 minutes on day 1, 5 hours on day 2 and 3 hours and 15 minutes on day 3, a total of 13 hours writing time may be claimed. </td> </tr> <tr> <td>Hearings – on the papers</td> <td>Up to 3 hours.</td> </tr> </tbody> </table>	Type of event	Time	Hearings – in person	<ul style="list-style-type: none"> Where the total actual hearing time is <u>3 hours or less</u> – actual writing time of up to 3 hours may be claimed. Where the total actual hearing time is <u>more than 3 hours</u> – actual writing time of up to the equivalent number of hearing hours (rounded up to the nearest hour) may be claimed. <p>Examples:</p> <ul style="list-style-type: none"> If a hearing took 2 hours and 30 minutes on a single day, up to 3 hours of writing time may be claimed; If a hearing took 4 hours and 15 minutes on day 1, 5 hours on day 2 and 3 hours and 15 minutes on day 3, a total of 13 hours writing time may be claimed. 	Hearings – on the papers	Up to 3 hours.		
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Hearings – on the papers	Up to 3 hours.								
Preparing written opinion	Up to 3 hours may be claimed for preparing a written opinion following a case appraisal or neutral evaluation, whether conducted in person or on the papers.								

<p>Other file-related business</p>	<p>The actual time spent undertaking other activities on files (e.g. preparing directions or dealing with requests for a consent decision) may be claimed. As noted below, where a member submits a claim for such work, details of each application worked on must be recorded on the claim form including the amount of time claimed and a description of the work completed.</p>												
<p>Professional Development</p>	<p>The time spent participating in activities that are part of the Members' Professional Development Program may be claimed as outlined below.</p> <p>Induction</p> <table border="1" data-bbox="434 524 1489 750"> <thead> <tr> <th>Type of event</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td>Induction program arranged by the Principal Registry</td> <td> <ul style="list-style-type: none"> Up to 3 days Reasonable travel time as applicable </td> </tr> <tr> <td>Induction – orientation in local registry</td> <td> <ul style="list-style-type: none"> Up to 1 day </td> </tr> </tbody> </table> <p>Mentoring Scheme)</p> <p>Members participating in the Mentoring Scheme may claim for the actual time spent on the activities outlined below.</p> <table border="1" data-bbox="418 936 1505 1619"> <thead> <tr> <th>Role in Mentoring Program</th> <th>Activity</th> </tr> </thead> <tbody> <tr> <td>Member being mentored</td> <td> <ul style="list-style-type: none"> Up to 15 meetings in the 12 month period Observation of two Tribunal hearings arranged by the Mentor with the assistance of the relevant Executive Deputy President and District Registrar Feedback session following a hearing that has been observed by the member's mentor or the mentor's delegate. </td> </tr> <tr> <td>Mentor <i>(for each mentoring relationship)</i></td> <td> <ul style="list-style-type: none"> Up to 15 meetings in the 12 month period Observation of two hearings conducted by the member being mentored and the provision of feedback at the end of the hearings in person or by telephone (The mentor may delegate this task to another member who may claim for the time spent observing the hearing and providing feedback.) </td> </tr> </tbody> </table> <div data-bbox="418 1644 1505 1688" style="border: 1px solid black; padding: 5px;"> <p>Approval must be sought from the President for additional meetings and time.</p> </div> <p>Other professional development activities such as conferences and seminars</p> <p>The '<i>Guidelines on AAT Financial Support for Part-Time Members' Professional Development Activities</i>' includes details relating to the payment of daily fees associated with professional development such as conferences and seminars.</p> <p>Members will be paid a daily fee for attending AAT National Conferences which are traditionally held every two years.</p> <p>The Tribunal will not pay a daily fee for preparing for or participating in externally organised activities or in respect of travelling time other than in special circumstances.</p>	Type of event	Time	Induction program arranged by the Principal Registry	<ul style="list-style-type: none"> Up to 3 days Reasonable travel time as applicable 	Induction – orientation in local registry	<ul style="list-style-type: none"> Up to 1 day 	Role in Mentoring Program	Activity	Member being mentored	<ul style="list-style-type: none"> Up to 15 meetings in the 12 month period Observation of two Tribunal hearings arranged by the Mentor with the assistance of the relevant Executive Deputy President and District Registrar Feedback session following a hearing that has been observed by the member's mentor or the mentor's delegate. 	Mentor <i>(for each mentoring relationship)</i>	<ul style="list-style-type: none"> Up to 15 meetings in the 12 month period Observation of two hearings conducted by the member being mentored and the provision of feedback at the end of the hearings in person or by telephone (The mentor may delegate this task to another member who may claim for the time spent observing the hearing and providing feedback.)
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Professional Development	Moreover, the President may decide to approve participation in an activity but on the basis that registration fees will be paid by the Tribunal but that all or part of other associated costs should be borne by the Member.
Approved outreach or liaison activities	Where a Member's participation in an outreach or liaison activity is approved by the Division Head, it may include financial support in the form of the payment of a daily fee, or part thereof, in respect of the Member's time for participating in the activity, including reasonable preparation time, and travelling to and from the venue for the activity. A maximum of one days fee is payable.
Warrants and other persona designata functions, including proceeds of crime examinations	<p>Members may claim the actual time spent dealing with applications for warrants or the exercise of other persona designata powers. However, if the member deals with an application during an adjournment in a hearing or is otherwise being paid for that period, the time may not be claimed.</p> <p>For proceeds of crime examinations, members may claim from the listed starting time through to the conclusion of the examination on that day less any amount of time taken for lunch.</p>
Administration	Where a part-time member is the Executive Deputy President for a registry, the actual time spent undertaking these responsibilities may be claimed. Claims for other administrative activities that are not related to particular applications such as arranging professional development activities may be made subject to the President's prior approval.

SEEKING ADDITIONAL TIME

If a member considers that the time required to prepare for, or write the decision for, a matter is likely to exceed the times specified in the guidelines as reasonable, the member should submit a minute to the Executive Deputy President through the relevant District Registrar, outlining the basis for the claim for additional time and seeking approval for additional time. Approval should be requested in advance where possible. However, if this is not possible or it is difficult to estimate in advance the amount of additional time that may be required, the minute should be submitted for consideration at the earliest opportunity following completion of the preparation or the decision.

A template minute ('General and Other Division part-time member request for additional preparation and/or writing time') is available on the intranet to be completed and submitted to the Executive Deputy President.

CANCELLATION FEES

<p>Where all work on a particular day is cancelled and a member has been given fewer than 5 working days' notice</p> <p>(A member must be given 5 full working days' notice or a cancellation fee will be paid)</p>	<p>50% of one day's fee is payable.</p> <p><i>With the exception of when the part-time member is on circuit (refer below)</i></p>						
<p>Where the hearing of each matter listed before a member on a particular day:</p> <ul style="list-style-type: none"> • does not proceed because, for example, a party fails to appear or the applicant withdraws the application prior to commencement; or • proceeds but is discontinued because, for example, the applicant withdraws the application, the parties hand up terms of agreement or the hearing cannot proceed on that day and is adjourned to a date to be fixed. 	<p>A minimum of 50% of one day's fee is payable.</p> <p>If the total sitting time or other time spent by the member on that day preparing for or undertaking other business relating to the hearing(s) or any other scheduled case event (e.g. a directions hearing) exceeds 2½ hours (or 3 1/2 hours for a member <i>with a term of appointment commencing</i> after 1 July 2015), the member will not be paid the cancellation fee but will be paid for the actual time spent on those activities.</p> <p>The maximum payment for the day will be one daily fee.</p> <p><i>With the exception of when the part-time member is on circuit (refer below)</i></p>						
<p>Unscheduled work conducted on Tribunal premises</p>	<p>Where a member is requested by the Registry to undertake unscheduled work on a day for which a cancellation fee is due to be paid, that unscheduled work will be paid in addition to the cancellation fee in accordance with these guidelines up to a maximum of 2½ hours (or 3 1/2 hours if the member's term of appointment commenced after 1 July 2015). This means the maximum payment for the day is one daily fee. Where a member works more than 2½ hours (or 3 1/2 hours if the member's term of appointment commenced after 1 July 2015) the additional time worked will not carry over.</p>						
<p>Where all work on a particular day is cancelled and a member has been given 5 or more working days' notice of the cancellation</p>	<p>Nil</p>						
<p>Cancellations due to ill health</p>	<table border="1"> <thead> <tr> <th data-bbox="571 1693 954 1738">Person who is ill</th> <th data-bbox="954 1693 1481 1738">Fee payable</th> </tr> </thead> <tbody> <tr> <td data-bbox="571 1738 954 1783">Member (self)</td> <td data-bbox="954 1738 1481 1783">Nil</td> </tr> <tr> <td data-bbox="571 1783 954 1827">Member (other than self)</td> <td data-bbox="954 1783 1481 1827">As per Cancellation Fees above</td> </tr> </tbody> </table>	Person who is ill	Fee payable	Member (self)	Nil	Member (other than self)	As per Cancellation Fees above
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[Please note: Where a member has prepared for a hearing which is cancelled prior to being notified of the cancellation, the member may claim for that preparation time.]

TRAVEL AWAY FROM HOME REGISTRY

<p>Travel time</p>	<p>Whilst on circuit:</p> <ul style="list-style-type: none"> On the day of a hearing: Reasonable travel time is included in the Minimum Payment provisions below. On the day before or after a hearing has taken place Reasonable travel time may be claimed but only where it is considered unreasonable for the member to travel on the day of the hearing. <p>Travel other than on circuit: As per above rules based on whether it is reasonable to expect the member to travel on the day of the planned activity.</p> <p>Reasonable travel time is defined as follows:</p> <table border="1" data-bbox="437 745 1469 1068"> <thead> <tr> <th>Means of Travel</th> <th>Travel Time</th> </tr> </thead> <tbody> <tr> <td>By air</td> <td>1. Up to 1 hour prior to flight time 2. Flight time 3. Up to 1 hour after flight time</td> </tr> <tr> <td>Other than by air</td> <td>Actual travel time Travel time will be calculated from the time that the member left the location (ie home or registry) from where the travel commenced.</td> </tr> </tbody> </table>	Means of Travel	Travel Time	By air	1. Up to 1 hour prior to flight time 2. Flight time 3. Up to 1 hour after flight time	Other than by air	Actual travel time Travel time will be calculated from the time that the member left the location (ie home or registry) from where the travel commenced.
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Other than by air	Actual travel time Travel time will be calculated from the time that the member left the location (ie home or registry) from where the travel commenced.						
<p>Minimum Payment whilst away from home office</p>	<p>Whilst on circuit a part-time member will be paid a full daily fee for each day or part day listed to work whether or not the part-time member works.</p>						

LODGING CLAIMS

Claims are to be submitted on a monthly basis for all work undertaken in the previous month. It is the responsibility of the member to submit claims on a monthly basis.

A completed Claim Form must be submitted to the relevant District Registrar **by close of business on the 7th day of the following month** to ensure payment is made in the next pay cycle. If a form is received after this date, payment is likely to be made in the following pay cycle. The monthly pay day is the final Thursday of the month.

A member may complete work for a different registry in a month or for more than one registry in the same month. The table below identifies to which District Registrar a claim form should be sent.

Work undertaken	Forward Claim Form to
Home registry only or home registry and another registry	Home District Registrar. Your home District Registrar will ensure that the interstate District Registrar assesses the work completed for the other registry.
Interstate registry only	Interstate District Registrar

Work will be costed to the registry for whom the work was undertaken.

RECORDING TIME AND PAYMENTS

1. Every item claimed must be accounted for as Sitting Time, Other Business or a Cancellation Fee.
2. Claims under Other Business must be accompanied by a specific description of the Other Business.
3. Work can be undertaken on any day – it is not restricted to Monday to Friday.
4. Members should record the actual number of hours worked. The guidelines will then be applied to determine the member's entitlement to be paid.
5. All work **must** be recorded:
 - in hours or minutes, ie not percentages or x/5ths/7ths of a day;
 - in minutes where work is of less than 1 hour;
 - on a daily basis, ie 3/5/10... and 4/5/10... not 3-4/5/10.
 - where travel time is claimed as Other Business, by reference to a specific date
6. A member can only be paid a maximum of the daily fee on any given day.
7. If a member has not completed five hours work (or seven hours work, if the member's term of appointment commenced after 1 July 2015) on a particular day (day 1) it will carry over to the next day. If on the next day of work (day 2):
 - the member works five hours (or seven hours, if the member's term of appointment commenced after 1 July 2015) or more then they are paid a daily fee and their carry-over from the previous day (day 1) is maintained; or
 - the member does not work five hours (or seven hours, if the member's term of appointment commenced after 1 July 2015) or more on that second day then the number of hours worked is added to the carry-over balance:
 - should the number of hours in the balance now total five hours (or seven hours, if the member's term of appointment commenced after 1 July 2015) or more then the member will be paid a daily fee and any remaining carry over will be carried over to the next day worked;
 - should the number of hours in the balance still total less than five hours (or seven hours, if the member's term of appointment commenced after 1 July 2015) then the balance will carry over to the next day worked.
8. Any carry-over balance at the end of a month is carried over to the next month.
9. A member will be paid out any carry over on a pro-rata basis at the end of their appointment.
10. Payment of any outstanding entitlement to the 10 day minimum annual payment (or 5 day minimum annual payment, if the member's term of appointment commenced after 1 July 2015) will be made in the final pay in the financial year based on work completed in the preceding 12 months.

AMENDMENT SCHEDULE

Amendment Date	Clauses (if applicable)	Amendment Details
June 2012	-	<p>Updating of Remuneration Tribunal Determination from 2011/10 to 2012/09.</p> <p>Updating of position title from Assistant Registrar to Executive Director, Operations.</p>
April 2013		<p>Updating in line with the '<i>Guidelines on AAT Financial Support for Part-Time Members' Professional Development Activities</i>' that were issued in March 2013.</p>
September 2015		<p>Updating of Remuneration Tribunal Determination from 2012/09 to 2015/10.</p> <p>Updating of position title from Executive Director, Operations to Division Registrar</p> <p>Insert provision for payment for participation in Approved Outreach or liaison activities</p> <p>Remove provisions relating to Appraisal Scheme</p>
March 2016		<p>Updating in line with the '<i>Guidelines on AAT Financial Support for Part-time Members Professional Development Activities</i>': Other professional development activities such as conferences and seminars.</p>
September 2017		<p>Updating of Remuneration Tribunal Determination from 2015/10 to 2017/09.</p> <p>Change for 'Seeking Additional Time' arrangements to be determined by Executive Deputy Presidents.</p>