

AAT GUIDELINES RELATING TO THE PAYMENT OF FEES TO PART-TIME MEMBERS OF THE SOCIAL SERVICES & CHILD SUPPORT DIVISION (SSCSD)

REFERENCES: Remuneration Tribunal Determinations 2015/20 and 2015/18

In accordance with Clause B3.6 of Remuneration Tribunal Determination 2015/20 and Clause 2.5.4 (ii) of Remuneration Tribunal Determination 2015/18, these guidelines outline the rules relating to the remuneration of part-time members of the SSCSD of the Administrative Appeals Tribunal. The guidelines also provide direction 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 fees.

Questions relating to pay claims, especially non-case related claims, should be directed to the District Registrar.

THE BASIC RULES

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

The SSCSD is a high-volume jurisdiction. Part-time members usually only attend the AAT premises to conduct a hearing. Preparation and decision writing is ordinarily undertaken off-site and often on a date other than the hearing.

Standard durations of time have been set for reviews heard by members in the SSCSD. One daily fee is certified as reasonable to cover the preparation, hearing and decision-writing for most reviews irrespective of the dates on which the work is carried out. The duration of time allowed for activities has been set by reference to the statutory objectives to which the Tribunal is subject and to best performance. It would be inequitable to pay more to part-time members who take longer than an efficient part-time member.

To ensure compliance with the Determinations, a part-time member can only be paid a maximum of 14 days in a fortnight.

If the time taken by a member to perform Tribunal work is ...*	They will be paid...
Less than 'one day' **	Nil immediately, but the hours will be carried over and aggregated and paid in blocks of one day.
More than 'one day' on any single day	For one day. Members will be paid one day's remuneration for work on any single day even if in excess of the equivalent total hours.
*work is defined as being any approved activity under these guidelines including travel **for members appointed prior to 1 July 2015 one day comprises 5 hours. For members appointed or reappointed after 1 July 2015 one day comprises 7 hours.	

HEARING-RELATED FEES (Part A claims)

Application	FEE
Standard Centrelink matter (includes preparation, hearing and decision-writing/oral reasons)	1 daily fee
Child Support – non-departure hearing (includes	1 daily fee

preparation, hearing and decision-writing/oral reasons)	
Child Support – departure hearing (includes preparation, hearing and decision-writing/oral reasons)	2 daily fees
<p>‘Linked’ matters involving an FTB care dispute with both a care and debt decision where there are two or more application numbers:</p> <ul style="list-style-type: none"> • a part A claim for one daily fee will be submitted for the first matter • a part A claim of one hour will be submitted for the second matter. • a part B claim for particular circumstances that warrant claiming of additional decision-writing or preparation time 	<ul style="list-style-type: none"> • 1 daily fee for main matter. • One hour for the linked matter (for additional decision). • (+ Part B claim for additional time on linked matter if required).
Child Support –departure directions hearing (includes preparation, directions hearing and drafting directions)	65% of a daily fee
Child Support directions issued (without conducting an actual directions hearing)	50% of a daily fee
<p>Child Support departure dismissal for</p> <ul style="list-style-type: none"> • non-attendance • failure to comply with directions (Part B claims may be also be made if appropriate). • failure to appear at directions hearing 	50% of a daily fee
Dismissal – applicant non-attendance (includes preparation, attendance for hearing, short decision)	50% of a daily fee
Dismissal - withdrawal at hearing (includes preparation, hearing, and where applicable short decision)	50% of a daily fee
Dismissal - for other reasons	50% of a daily fee
Sitting as second member no decision-writing (includes preparation, hearing, decision-checking)	50% of a daily fee
Child Support departure sitting as second member no decision-writing (includes preparation, hearing, decision-checking)	1 daily fee

OTHER BUSINESS (Part B claims)

There should be no expectation that a part-time member will be paid for all time engaged on official business of the SSCSD. As noted above, the duration of time allowed for activities has been set by reference to the statutory objectives to which the Tribunal is subject and to best performance. It would be inequitable to pay more to part-time members who take longer than an efficient part-time member.

However, the time spent on the following activities may be claimed as Other Business (Part B) in accordance with the guidelines set out in the table below.

The President has authorised the Division Head to certify, on his behalf, claims made on Part B. Such claims will not be considered by the Division Head unless recommended by the relevant Deputy Division Head. Part B claims might be made for:

- *Significant* additional time (of not less than 1 hour above the standard allocation) for preparation, hearing or decision-writing
- Mentoring new members at the request and with the approval of the Division Head
- Attending approved Tribunal meetings and activities that form part of the Members' Professional Development Program
- Participating in outreach or liaison activities at the request and with the approval of the Division Head
- Travel time (except for travel from home to the local registry – which includes from Newcastle or Wollongong to Sydney for those members who frequently sit in Sydney – or travel to local professional development activities).
- Other activities conducted at the express direction or request of the Division Head.

Members' conferences 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 payment.

From time to time the Division Head may request or direct members to participate in activities that are in addition to regular case-related work. These activities will be specifically identified by the Division Head and do not include activities related to the general responsibility of members to remain knowledgeable of and participate in the operations of the Division and AAT. For example, members requested to participate in working groups convened for the testing of new software applications will be able to submit Part B claims.

GUIDELINES FOR CLAIMING TIME AS 'OTHER BUSINESS'

Activity	Comments	Fee payable	
Additional preparation time	Such claims are expected to be rare given that, historically, few Part B payments had been made for additional preparation.	Approved in hourly increments (claims for less than 1 hour will not be considered).	
Additional hearing time (including where a hearing is adjourned and reconvened following receipt of additional information).	If a hearing is reconvened or goes for longer than the specified time a member can submit a Part B claim for additional hearing time over an hour, calculated in hourly blocks.	Additional hearing time:	Fee payable
		1 – 59 minutes	0
		60 minutes – 119 minutes	One hour
		120 minutes – 179 minutes	Two hours
Additional decision-writing time	Such claims are expected to be confined to complex Centrelink matters and Child Support change of assessment cases and to be infrequent, particularly in light of the Division's objective that statements of reasons be succinct. Analysis of any material provided after the hearing is part of decision-writing.	Approved in hourly increments.	

Activity	Comments	Fee payable
Deferrals	<p>Where more than one member constitutes the Tribunal and a decision is deferred until receipt of further documents, a part-time member(s) who does not write the decision may claim for the time taken to read and discuss the documents.</p> <p>Where one part-time member constitutes the Tribunal and <i>defers</i> making a decision until receipt of further documents, the time to consider those documents is regarded as part of the decision-writing time.</p>	<p>Approved in hourly increments.</p> <p>No fee payable; however, if necessary, the member can lodge a claim for additional decision-writing time.</p>
Professional Development	<p>Induction – formal program</p> <p>Induction – orientation in local registry</p> <p>Mentoring scheme (mentee)</p> <p>Mentoring scheme (mentor)</p>	<p>Up to 3 days for an induction program arranged by the Division Executive and Principal Registry. Includes reasonable travel time as applicable.</p> <p>Up to 1 day.</p> <p>To be determined once mentoring scheme is developed.</p> <p>To be determined once mentoring scheme is developed.</p>
	<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' (March 2013)</i> includes details relating to the payment of daily fees associated with professional development such as conferences and seminars.</p> <p>Where a Member's participation in professional development activities is supported by the Division Head and approved by the President, 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 and, where relevant, travelling to and from the venue for the activity.</p> <p>Members may only claim for activities offered by external providers if a member's participation is supported by the Division Head and prior approval has been given by the President to attend the activity. Where the Tribunal organises professional development activities for its Members, all costs associated with the activities, whether or not conducted on the Tribunal premises, will be paid together with a daily fee or part thereof and, where relevant, travelling time.</p>	
Approved 'outreach' activities	The time spent in undertaking the activity (including reasonable	Hourly fee approved to a maximum of one daily fee.

Activity	Comments	Fee payable						
	preparation and travelling time) may be claimed.							
Cancellation fees	Where all work on a particular day is cancelled and a member has been given fewer than 5 working days' notice Cancellations due to ill health	50% of a daily fee <table border="1"> <thead> <tr> <th>Person who is ill</th> <th>Fee Payable</th> </tr> </thead> <tbody> <tr> <td>Member (self)</td> <td>Nil</td> </tr> <tr> <td>Member (other than self)</td> <td>As per cancellation fees above (unless matters proceeds with available member only)</td> </tr> </tbody> </table>	Person who is ill	Fee Payable	Member (self)	Nil	Member (other than self)	As per cancellation fees above (unless matters proceeds with available member only)
Person who is ill	Fee Payable							
Member (self)	Nil							
Member (other than self)	As per cancellation fees above (unless matters proceeds with available member only)							
Travel time	On the day of a planned activity – Reasonable travel time On the day before or after the planned activity – reasonable travel time may be claimed but only where it is considered unreasonable for the member to travel on the day of the planned activity	Reasonable travel time is defined as follows: <table border="1"> <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 scheduled flight time 2. Scheduled flight time 3. Up to 1 hour after scheduled 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> <p>Note: A member can only claim up to 'one day' on any single day for travel or a combination of travel and participation in the planned activity that necessitated travel.</p>	Means of Travel	Travel Time	By air	1. Up to 1 hour prior to scheduled flight time 2. Scheduled flight time 3. Up to 1 hour after scheduled 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	Activities conducted at the express direction or request of the Division Head.	As advised by Division Head.						

LODGING CLAIMS

Part-time members are to lodge pay claims in the relevant system as directed by the Division Head.

It is the responsibility of the member to submit Part B claims on a fortnightly basis. These claims ought to be lodged promptly after finalisation of the relevant case.

Pay claims for periods less than a daily fee will be carried over until accumulated hours reach the daily fee amount. A member will be paid out any carry over on a pro-rata basis at the end of their appointment.