



Senator The Hon. Kim Carr

Senator for Victoria



Ms Sian Leathem
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Administrative Appeals Tribunal
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SYDNEY
NSW 2000

By email to: sian.leathem@aat.gov.au

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12 April 2021

Dear Registrar,

RE: APPEARANCE AT SENATE ESTIMATES SPILL OVER

Ahead of the spillover Estimates hearing on 14 April 2021 by the Legal and Constitutional Affairs Committee, I write to inform you of some of the key areas that the Opposition is interested in and will be asking questions about.

First, in relation to payments made to part-time members, the Administrative Appeals Tribunal has told the Committee that “the AAT does not record in structured information systems details about the particular days on which members undertook work for the AAT given the way in which part-time members are entitled to be paid” (LCC-BE20-167 – LCC-BE20-240). The Opposition would like to understand the process around how part-time members are paid, including what information part-time members are required to provide to the Tribunal in order to receive a daily fee (e.g. time sheets).

To that end, I ask that the Tribunal come to Wednesday’s hearing with a copy of the blank timesheet that part-time members are required to complete (or, in the event there is no “timesheet”, a copy of the document or form that part-time members are required to complete in order to inform the Tribunal of the amount of time they have worked).

Please also attend Wednesday’s hearing with copies of all policy, instructional and other documents that:

- the Tribunal provides to part-time members to inform them of how to make a claim for daily fees or allowances; and

- outline the Tribunal's process for approving made by part-time members.

I also ask the Committee to come to Wednesday's hearing with details of:

- how many days, and what days, Member Anthony Barry worked between 1 July 2019 and 30 June 2020 (including copies of all documents that Member Barry provided to the Tribunal to substantiate how many days, and what days, he worked over that period);
- how many days, and what days, Member Vanessa Plain worked between 1 July 2019 and 30 June 2020 (including copies of all documents that Member Plain provided to the Tribunal to substantiate how many days, and what days, he worked over that period);
- how many days, and what days, Member Vanessa Plain worked between 1 July 2020 and 1 November 2020 (including copies of all documents that Member Plain provided to the Tribunal to substantiate how many days, and what days, he worked over that period);
- how many days, and what days, Member Jason Harkess worked between 1 July 2019 and 30 June 2020 (including copies of all documents that Member Harkess provided to the Tribunal to substantiate how many days, and what days, he worked over that period);
- how many days, and what days, Member Karen Synon worked between 1 July 2019 and 30 June 2020 (including copies of all documents that Member Synon provided to the Tribunal to substantiate how many days, and what days, he worked over that period); and
- how many days, and what days, Member Louise Bygrave worked between 1 July 2019 and 30 June 2020 (including copies of all documents that Member Bygrave provided to the Tribunal to substantiate how many days, and what days, he worked over that period).

While we do not think the Tribunal should have any trouble collecting this information in advance of Wednesday's hearing, if there is insufficient time between now and Wednesday to collect all of this documentation, please bring as much as you can – and, in particular, please ensure that you attend Wednesday's hearing with the information I have requested in relation to Member Vanessa Plain and Member Tony Barry.

If you are not going to bring all of the requested information with you, please also come to Wednesday's hearing fully prepared to explain – and justify – the Tribunal's failure to do so.

Second, please ensure that you are prepared to answer questions about the discussions that took place between Member Barry and the President of the Tribunal in relation to Member Barry's employment as a lobbyist while a member of the Tribunal. In particular, the Opposition would like to know:

- exactly when the President first spoke to Member Barry, including the details of that discussion and all subsequent discussions between the President and Member Barry; and
- exactly when Member Barry resigned as a lobbyist, and what evidence he provided to the Tribunal that he had – in fact – resigned.

Third, and relatedly, please ensure that you are prepared to answer questions in relation to the precise details of all communications between the Attorney-General or his office and the Tribunal in relation to Member Barry's employment as a lobbyist.

Fourth, please come to Wednesday's hearing with a copy of the Tribunal's policy in relation to Tribunal members undertaking study. Please also ensure that you are prepared to answer questions in relation to:

- any financial support that is available to members who wish to undertake study (including but not limited to tuition fees); and
- any leave entitlement in respect of study.

While this does not represent all subjects on which the Opposition will have questions, we provide this early indication of these matters in order for you to make the appropriate arrangements for the relevant officers to be prepared and present at the hearing in order to provide evidence. I trust this advice will minimise the need to take questions on notice on the day, and ensure the best use is made of the time of the committee and the department.

Yours sincerely,

Senator Kim Carr

Deputy Chair

Legal and Constitutional Affairs Legislation Committee

Labor Senator for Victoria