



Administrative Appeals Tribunal

21 March 2022

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: legcon.sen@aph.gov.au

Dear Secretary

Clarifications to Hansard

I write to you concerning evidence provided to the Senate Standing Committee on Legal and Constitutional Affairs during the Additional Estimates hearing on 15 February 2022.

The Administrative Appeals Tribunal (AAT) has identified the following evidence that requires clarification.

Evidence of Mr Jamie Crew, acting Registrar, AAT

On page 66 of the transcript, in response to a question from Senator Steele-John about the number of applications finalised in the National Disability Insurance Scheme Division (NDIS Division) without a hearing, Mr Crew said:

Mr Crew: The number of matters that were finalised in the period 2020-21, I understand, was two per cent. I'll have to see if we can get the exact figure. I think that's consistent for the period; two per cent was consistent for the six months from July to December, but obviously there were more matters.

The AAT wishes to clarify that the figure of 2 per cent is the proportion of applications in the NDIS Division that were finalised in each of those periods by the Tribunal making a decision under section 43 of the *Administrative Appeals Tribunal Act 1975* to affirm, vary or set aside the decision under review, generally following a hearing but also by determining a review on the papers with the consent of the parties.

The number and proportion of applications finalised in which no substantive hearing was held is set out in the table below. The figures include applications finalised otherwise than by a decision of the Tribunal under section 43 of the AAT Act (e.g. applications ultimately withdrawn by the applicant, finalised in accordance with an agreement reached between the parties or dismissed by the Tribunal). They do not include applications in which the AAT held an alternative dispute resolution process, directions hearing or interlocutory hearing.

Period	No.	%
2020–21	1,415	98%
2021–22 to 31 December 2021	1,314	97%

On pages 66–67 of the transcript, the following exchange occurred between Senator Carr and Mr Crew:

Senator KIM CARR: There's nothing wrong with that. I just want to make clear that relationship. In early 2018, Mr Callinan was commissioned by the government to conduct a review of the Administrative Appeals Tribunal, which was completed in December 2019. That's correct, isn't it?

Mr Crew: Yes.

The AAT wishes to clarify that the Honourable Ian Callinan AC completed the report of the review of the *Tribunals Amalgamation Act 2015* on 19 December 2018.

On page 67 of the transcript, the following exchange occurred between Senator Carr and Mr Crew:

Senator KIM CARR: Ms Meagher was promoted again in December 2020, this time to a full Deputy President. The salary for that is about half a million dollars a year. That's correct, isn't it? Can one of the officers help me with that? Perhaps the minister won't know the detail of that.

Mr Crew: Yes.

The AAT wishes to clarify that the *Remuneration Tribunal (Judicial and Related Offices – Remuneration and Allowances) Determination 2021* provides for a total remuneration package for a full-time Deputy President of \$496,560. Total remuneration includes salary, allowances, lump sum payments, benefits and the employer superannuation contribution.

On page 70 of the transcript, Mr Crew gave the following evidence about the number of lodgements and finalisations in the AAT's Migration and Refugee Division:

Mr Crew: I can talk about lodgements in the period first and then finalisation, perhaps. If we go back to 2015-16, at amalgamation there were 18,534 lodgements and 16,111 finalisations. In 2016-17 there were 26,604 lodgements and 18,908 finalisations. In 2017-18 there were 37,933 lodgements and 17,960 finalisations. In 2018-19 there were 36,172 lodgements and 20,892 finalisations. In 2019-20 there were 29,981 lodgements and 26,398 finalisations. In 2020-21 there were 15,969 lodgement and 23,246 finalisations. In 2021-22, in the six months to 31 December, there were 11,504 lodgements and 10,349 finalisations.

The AAT wishes to clarify that in 2015–16 there were 18,929 applications lodged, and in 2019–20 there were 29,976 applications lodged and 26,402 applications finalised.

On pages 80–81 of the transcript, Mr Crew gave the following evidence about the transition from the pay system used for some AAT part-time members based on case finalisation to a time-related pay system:

Mr Crew: ... I think there may be only two outstanding members that have some outstanding matters. We've almost finalised implementation of the time related arrangements for payment.

...

Mr Crew: Members who work exclusively in the MRD transitioned to the timesheet system from the 29 November 2021. SSCSD part-time members and MRD part-time members who work across

divisions transitioned to the new timesheet system for all cases in relation to work which commenced from 13 December 2021. For the remaining divisions, the new system started from 10 January 2022.

The AAT wishes to clarify that, as at 15 February 2022, there were 12 part-time members with cases in relation to which some work had been undertaken prior to the transition date and for which payment will be made in accordance with the previous system. The AAT also wishes to clarify that it was only a particular cohort of part-time members in the Migration and Refugee Division who transitioned to the time-related system for work undertaken on cases from 29 November 2021. The majority of part-time members in that Division were already being paid in accordance with that system.

Yours sincerely

Jamie Crew
Acting Registrar