

ATTACHMENT R

From: Governance mailbox
To: Parliamentary
Cc: Alison [REDACTED] Governance mailbox; Samantha [REDACTED]
Subject: RE: Senate questions on Notice 4000 and 4001 [SEC=OFFICIAL]
Date: Thursday, 2 September 2021 12:53:45 PM
Attachments: SOn 4000 - Response.DOCX
 SOn 4001 - Response.docx

Hi Julia,
 Please find attached our responses to QoNs 4000 and 4001, which have been cleared by the Registrar.

Thanks for your patience as we finalised these this week.

Kind regards,

Mel.

Melanie [REDACTED]
 Assistant Director, Governance
 Administrative Appeals Tribunal
 Principal Registry, Melbourne
 Strategy, Communications & Governance

T: [REDACTED]
E: [melanie\[REDACTED\]@aat.gov.au](mailto:melanie[REDACTED]@aat.gov.au)

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From: Parliamentary <Parliamentary@ag.gov.au>
Sent: Thursday, 2 September 2021 9:04 AM
To: Melanie [REDACTED] <Melanie [REDACTED]@aat.gov.au>; Parliamentary <Parliamentary@ag.gov.au>; Governance mailbox <governance@aat.gov.au>; Samantha [REDACTED] <Samantha [REDACTED]@aat.gov.au>
Cc: Alison [REDACTED] <Alison [REDACTED]@aat.gov.au>
Subject: RE: Senate questions on Notice 4000 and 4001 [SEC=OFFICIAL]

EXTERNAL EMAIL

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OFFICIAL

Hi Mel,

Just following up on the below.

Kind regards,

Julia [REDACTED]

Parliamentary Officer
 Cabinet, Legislation and Estimates | Strategy and Governance
 Attorney-General's Department
t. [REDACTED] | **e.** [REDACTED]

OFFICIAL

From: Melanie [REDACTED] [[mailto:Melanie\[REDACTED\]@aat.gov.au](mailto:Melanie[REDACTED]@aat.gov.au)]
Sent: Friday, 27 August 2021 6:35 PM
To: Parliamentary <Parliamentary@ag.gov.au>; Governance mailbox <governance@aat.gov.au>; Samantha [REDACTED] <Samantha [REDACTED]@aat.gov.au>
Cc: Alison [REDACTED] <Alison [REDACTED]@aat.gov.au>
Subject: RE: Senate questions on Notice 4000 and 4001 [SEC=OFFICIAL]

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Hi Julia,
 Our apologies but our responses are still not ready – we'll have them to you as soon as

we can next week.

Kind regards,

Mel.

Melanie [REDACTED]

Assistant Director, Governance
Administrative Appeals Tribunal
Principal Registry, Melbourne
Strategy, Communications & Governance

T: [REDACTED]

E: [melanie\[REDACTED\]@aat.gov.au](mailto:melanie[REDACTED]@aat.gov.au)

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From: Parliamentary <Parliamentary@ag.gov.au>

Sent: Thursday, 26 August 2021 3:35 PM

To: Melanie [REDACTED] <[Melanie\[REDACTED\]@aat.gov.au](mailto:Melanie[REDACTED]@aat.gov.au)>; Governance mailbox

<governance@aat.gov.au>; Samantha [REDACTED] <[Samantha\[REDACTED\]@aat.gov.au](mailto:Samantha[REDACTED]@aat.gov.au)>

Cc: Alison [REDACTED] <[Alison\[REDACTED\]@aat.gov.au](mailto:Alison[REDACTED]@aat.gov.au)>; Parliamentary <Parliamentary@ag.gov.au>

Subject: RE: Senate questions on Notice 4000 and 4001 [SEC=OFFICIAL]

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Thanks for letting me know Mel – tomorrow should be fine.

Kind regards,

Julia [REDACTED]

Parliamentary Officer

Cabinet, Legislation and Estimates | Strategy and Governance

Attorney-General's Department

t. [REDACTED] | e. [julia\[REDACTED\]@aat.gov.au](mailto:julia[REDACTED]@aat.gov.au)

OFFICIAL

From: Melanie [REDACTED] [[mailto:Melanie\[REDACTED\]@aat.gov.au](mailto:Melanie[REDACTED]@aat.gov.au)]

Sent: Thursday, 26 August 2021 3:29 PM

To: Parliamentary <Parliamentary@ag.gov.au>; Governance mailbox <governance@aat.gov.au>;

Samantha [REDACTED] <[Samantha\[REDACTED\]@aat.gov.au](mailto:Samantha[REDACTED]@aat.gov.au)>

Cc: Alison [REDACTED] <[Alison\[REDACTED\]@aat.gov.au](mailto:Alison[REDACTED]@aat.gov.au)>

Subject: RE: Senate questions on Notice 4000 and 4001 [SEC=OFFICIAL]

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Good afternoon Julia,

I'm writing to let you know that unfortunately we won't have our responses to the 2 QoNs below ready by today's COB deadline – our apologies. They're currently at final clearance stage so we expect to be able to send them to you tomorrow.

Please don't hesitate to give me a call if you'd like to discuss this, otherwise we'll be in touch again soon with our responses.

Kind regards,

Mel.

Melanie [REDACTED]

Assistant Director, Governance
Administrative Appeals Tribunal
Principal Registry, Melbourne
Strategy, Communications & Governance

T: [REDACTED]

E: [melanie\[REDACTED\]@aat.gov.au](mailto:melanie[REDACTED]@aat.gov.au)
www.aat.gov.au

From: Parliamentary <Parliamentary@ag.gov.au>

Sent: Friday, 13 August 2021 11:02 AM

To: Governance mailbox <governance@aat.gov.au>; Samantha [REDACTED]
 <[Samantha\[REDACTED\]@aat.gov.au](mailto:Samantha[REDACTED]@aat.gov.au)>

Cc: Melanie [REDACTED] <[Melanie\[REDACTED\]@aat.gov.au](mailto:Melanie[REDACTED]@aat.gov.au)>

Subject: Senate questions on Notice 4000 and 4001 [SEC=OFFICIAL]

EXTERNAL EMAIL

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OFFICIAL

Good morning,

Senator Kim Carr placed questions 4000 and 4001 on notice today, 13 August 2021. Please find **attached** the response templates.

It would be great if agency head cleared responses could be returned to parliamentary@ag.gov.au by **COB 26 August 2021** to facilitate progression to the AGO.

Please let me know if you have any questions regarding the above.

Kind regards,

Julia [REDACTED]

Parliamentary Officer

Cabinet, Legislation and Estimates | Strategy and Governance

Attorney-General's Department

t. [REDACTED] | e. [REDACTED]

OFFICIAL

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The Administrative Appeals Tribunal acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and elders past and present.

IMPORTANT:

Please refer to the AAT website for information about temporary changes in place to respond to the impact of COVID-19 on services, including special measures practice directions: <http://www.aat.gov.au/impact-of-coronavirus-covid-19-on-our-services>

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SENATE QUESTION

QUESTION NUMBER: 4001

Kim Carr asked the following question, upon notice, on 13 August 2021.

With respect to the Administrative Appeals Tribunal and the processing of Freedom of Information requests:

1. Since July 2018, has the Tribunal at all times complied with its legal obligations under section 11C of the Freedom of Information Act; if not, how many times has it breached section 11C and why has it failed to comply with its legal obligations.
2. In 2018-19, did the Tribunal ever breach its legal obligation under section 11C of the Freedom of Information Act to publish a relevant document (being a document to which section 11C applies) on a website within 10 working days of a person being given access to that document; if so, how many times did the Tribunal breach its legal obligation under section 11C in 2018-19.
3. In 2019-20, did the Tribunal ever breach its legal obligation under section 11C of the Freedom of Information Act to publish a relevant document (being a document to which section 11C applies) on a website within 10 working days of a person being given access to that document; if so, how many times did the Tribunal breach its legal obligation under section 11C in 2019-20.
4. In 2020-21, did the Tribunal ever breach its legal obligation under section 11C of the Freedom of Information Act to publish a relevant document (being a document to which section 11C applies) on a website within 10 working days of a person being given access to that document; if so, how many times did the Tribunal breach its legal obligation under section 11C in 2020-21.
5. On the date that the Tribunal received this question, was the Tribunal in breach of its legal obligation under section 11C of the Freedom of Information Act to publish a relevant document (being a document to which section 11C applies) on a website within 10 working days of a person being given access to that document; if so, as at the date the Tribunal received this question, how many documents had the Tribunal failed to publish on a website in accordance with section 11C.

Senator the Hon Michaelia Cash has provided the following answer to the senator's question:

1. Section 11C of the *Freedom of Information Act 1982* (FOI Act) requires an agency to publish information to which that section applies on a website, including by making the information available for downloading from the website or by publishing on the website other details of how the information may be obtained. The Administrative Appeals Tribunal (AAT) does not administer the FOI Act. It is not a matter for the AAT to determine whether or not its own actions conform with the requirements of section 11C of that Act. The AAT has identified, however, that since July 2018 there have been 21 requests for access to documents in relation to which the AAT included information on the FOI disclosure log on its website more than 10 working days after giving a person access to documents. The AAT's processes for publishing

information within the timeframe were not implemented in a timely manner. The AAT has advised that it will review and improve its processes to ensure information is published within the timeframe.

2. In 2018–19, there were 8 requests for access to documents in relation to which the AAT included information on the FOI disclosure log more than 10 working days after giving a person access to the documents.
3. In 2019–20, there were 2 requests for access to documents in relation to which the AAT included information on the FOI disclosure log more than 10 working days after giving a person access to the documents.
4. In 2020–21, there were 10 requests for access to documents in relation to which the AAT included information on the FOI disclosure log more than 10 working days after giving a person access to the documents.
5. On 13 August 2021, the date the AAT received this question, there were 12 requests for access to documents in relation to which the AAT had not included information on the FOI disclosure log within 10 working days after giving a person access to the documents. Information in relation to those requests has subsequently been included on the AAT's FOI disclosure log.