

## OFFICIAL

**From:** Sian Leathem

**Sent:** Friday, 8 October 2021 12:32 PM

**Subject:** Response to questions on notice relating to members [SEC=OFFICIAL]

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Good Afternoon,

You may be aware that over the last year we have been asked a series of questions at or following our appearance at Senate Estimates relating to information about individual members. These questions have related to matters such as member performance against benchmarks (for members in the Migration and Refugee Division); finalisations; hours worked by part-time members; and remuneration.

The AAT made a Public Interest Immunity claim (PII claim) in July 2021 in relation to these questions. The grounds on which the AAT claimed PII included that the disclosure of the information sought which identifies individual members would be an unreasonable disclosure of personal information and have an adverse impact on the proper and efficient conduct of the operations of the Tribunal; and disclosure of information such as number of finalisations and benchmarks would not give a complete or accurate representation of a member's work. On 28 September 2021 the AAT received advice from the Senate that the committee rejected the AAT's PII claim and that the AAT must provide answers to the outstanding questions on notice by 8 October 2021. As such, we are preparing responses to the outstanding questions on notice. These include:

Question number	Question title
LCC-AE21-78	Member benchmarks and performance <i>(relates to specific full and part-time members in the Migration and Refugee Division)</i>
LCC-AE21-80	Applications finalised by full-time members <i>(relates to multiple divisions)</i>
LCC-AE21-81	Applications finalised by part-time members <i>(relates to multiple divisions)</i>
LCC-AE21-82	Part-time members – hours worked <i>(relates to multiple divisions)</i>
LCC-AE21-83	Applications finalised by specific part-time members <i>(relates to multiple divisions)</i>
LCC-BE21-62	Part-time members - Payment where no applications finalised <i>(relates to multiple divisions)</i>

I am writing to advise you that you are mentioned in one or more of the responses to these questions. Copies of the responses to be provided to the Committee for tabling today are attached for your information. Please note that we are providing these responses to the Committee with the following qualifiers: the AAT has compiled preliminary data for the purpose of preparing the response, but in the time available to prepare this response, it has not been possible to thoroughly review the data nor validate it for accuracy; and the data

provided in relation to finalisations does not provide a full and accurate representation of a member's workload and output. Should you identify any errors or issues that require correction, please email me those details and we will be able to consider and submit to the Committee at a later date.

I regret that in the time available it has not been possible to give you more notice or to contact each of you individually. If you have any concerns about the possibility of adverse comments being made about you in Parliament after the information is provided to the Committee, you should be aware that there is a process for making a reply should you wish to do so. This is discussed in section 5.7 of the [Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters](#).

Sincerely,

Sian Leathem

**Sian Leathem**

Registrar

**Administrative Appeals Tribunal**

**Principal Registry, Brisbane**

Executive

[www.aat.gov.au](http://www.aat.gov.au)

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**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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