

**Attachment to letter to Committee Secretary, 20 December 2021**

Additional contextual information provided by members named in the AAT's responses to questions on notice tabled on 8 October 2021

Member name	Date of email to member	Date of member's response	QoNs named in	Response
John Black	1/12/2021	1/12/2021	LCC-AE21-81 LCC-AE21-82 LCC-BE21-62	<p>I was never sworn in. I have never received any payment that I'm aware of. Initially, having finished a part time role on the board of ASADA, I indicated that I'd consider a part time AAT role, but was not able to commit to it for some time, as I had just started a new Education Profiling business, Education Geographics (EGS) and I knew that this would be more than a full time job, as an IT start up. This turned out to be the case.</p> <p>I attended a conference on the north coast to get a better appreciation of the work and demands involved and, considering the rapid expansion of EGS, and the demands of a young second family, I didn't feel able to provide the time required for the AAT role and I felt that it would not be fair to appellants to hold up the appointment of a replacement who could attend to appeals on a more regular basis. That was the deciding factor for me, so I advised the AAT as such.</p>
Brian Camilleri	5/11/2021	11/11/2021	LCC-AE21-81	<p>I have read and examined the all of the annexures from the Senate Estimates inquiries and responses of the Tribunal.</p> <p>My name is mentioned just once (1) on page 6 of the document LCC-AE21-81 Applications finalised by Part Time members in relation to the 2018-2019 year 2018-2019</p> <ul style="list-style-type: none"> <li>•As to that year I was notified I was appointed in about October 2018 by phone.</li> <li>•Sometime in about November 2018 I received formal notification</li> <li>•There was then an invitation to attend a training session in December 2018 (or alternatively January 2019) in Melbourne. I chose December.</li> <li>•I attended the December 2018 training session and it was then that I took my oath in respect of the Commission.</li> <li>•The training session was cut short by several days because of difficulties of the AAT and it was limited to just 3+ days.</li> <li>•There was another training session (for a second batch of part time members) in February 2019 - but not for those who had attended partial training in December 2018.</li> <li>•We were told that cases would be given to us by mid-January 2019 but there was a delay in constituting cases.</li> <li>•Cases were not constituted by January 2019 but were constituted about mid-February 2019.</li> </ul>

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				<ul style="list-style-type: none"> <li>•The first scheduled hearing days in my case were not listed for hearing until the second week of March of 2019.</li> <li>•I then took hearings of cancellation and student refusal cases and conducted about 40-50 hearings prior to 30 June 2019.</li> <li>•But because I was inexperienced and had taken on too much these were not finalised by me before 30 June 2019 but all were finalised during the 2019-2020 year. 2019-2020</li> <li>•During the 2019-2020 year I was overseas for part of the year and I was paid just on \$27,000 which indicates to me that I must have finalized about 54 cases or more during that year. 2020-2021</li> <li>•During the 2020-2021 year I was paid just on \$57,000 which suggests to me that I must have finalised about 134 cases or more.</li> </ul>
Paul Clauson	5/11/2021	12/11/2021	LCC-AE21-80	<p>I have been invited to provide any comments I may wish to make in relation to the completion of matters constituted to me during the relevant period.</p> <p>The period in question was somewhat tumultuous on a personal level because I became unwell in 2018 and ultimately, after much radiology and several biopsies it was ascertained that I was suffering from an aggressive form of Lymphoma. This required an intensive chemotherapy intervention, lumbar fluid sampling together with direct injection of a particular anti-cancer drug into the spinal canal. This process required several days of hospitalisation on each occasion. The chemotherapy intervention was continued for six months and then the recuperative period followed.</p> <p>My recuperative period was marked by several continuing side effects the most debilitating of which consisted of chronic and persistent exhaustion and a distressing and unpleasant respiratory complication from which I still suffer to a greater or lesser effect.</p> <p>The Tribunal was and has been very considerate during my illness, treatment and recuperation. I had attempted to resume normal duties contrary to my haematologist's advice after the conclusion of the hospitalisation period however, I was physically debilitated and unable to continue. It was necessary to take extended leave in order to rebuild my strength.</p> <p>The Tribunal was very supportive and allowed me the opportunity to have a graduated return to work program put in place.</p> <p>I would, by way of observation, state that I have always dealt with the matters as they have been constituted to me. The Committee should also be aware that it is not only matters requiring substantive hearings a member has to deal with as there are large</p>

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				<p>numbers of interlocutory hearings and telephone directions hearings of which many require lengthy preparation and on occasion written decisions. These matters are never shown as substantive, constituted hearings.</p> <p>I would also observe that my colleagues and I in the General Division often experience the circumstance where what may appear to be very simple matters initially have many unforeseen complications develop once the matters come to hearing. There are many reasons for this including but not limited to the state of the evidence as the matter unfolds or in some cases the physical or mental condition of the Applicant. Nothing can be certain.</p> <p>The Tribunal is a quasi-judicial body and as such the decisions from its members are subject to review by the courts. It is essential that when decisions are written that they are done so in such a considered way that they are soundly crafted and should a matter be taken on appeal the decision can be given every chance of being upheld. This is a process that cannot be taken lightly and requires the application of reason and time. Obviously, some matters may be more complex than others and thus, matters cannot be 'bundled' into one basket and treated as the same.</p> <p>The tribunal is not a widget factory and as such the decisions have to be crafted by the minds of the members and made individually for each matter. It is unrealistic to view this process in any other fashion. Until some hologrammatic programmed process is found to replace the role of the tribunal any criticism of the organization should be made with the above factors in mind.</p>
Robert Cumming	5/11/2021	5/11/2021	LCC-AE21-81	<p>Thank you for the opportunity to provide additional information in response to the mention of my name in the Tribunal's response to the Senate Legal and Constitutional Affairs Legislation Committee on 26 October 2021.</p> <p>My name was mentioned in your attachment styled LCC AE21-81 in the table relating to the 2018-2019 year of members who had finalised fewer than 25 cases in that year. That was because I was only appointed on 23 November 2018, only completed induction training in February 2019 and only began sitting to determine cases on my own in March 2019. If 25 cases in 12 months is seen as the minimum rate of effort with which the Committee sought to concern itself, that would represent a rate of effort of 2.08 cases per month. For the period I sat (4 months) that would equate to a minimum rate of effort of 8.3 cases determined. I determined 16 cases in that 4 month period. I have decided more than the minimum rate of effort in all ensuing years.</p>
Kathryn Edmonds	1/12/2021	2/12/2021	LCC-AE21-81	<p>I am named in question response LCC-AE21-81 as a Part-time Member finalising less than 25 applications for 2018-19.2. I resigned from the AAT in August 2018 (10 months</p>

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				prior to the 2019 expiration of my last appointment). The six applications finalised related to matters heard between 1 July 2018 and August 2018 resignation. Prior to resignation, I finalised an average of 90 applications per year between 2007 – 2018 (SSAT, AAT).
Colin Edwardes	1/12/2021	1/12/2021	LCC-BE21-146	I think the unpaid leave was taken to allow me to attend a pre-booked overseas holiday booked well before my appointment to the AAT.
Shane Evans	5/11/2021	10/11/2021	LCC-AE21-80 LCC-BE21-146	<p>Information provided by the AAT to the Committee on 8 October 2021 in response to questions on notice stated in relation to my performance that 3 applications were recorded as finalised and I was appointed in February 2019 with induction commencing in late March 2019.</p> <p>It was subsequently reported in The Australian newspaper (15/10/2021) that I had been paid 'between 329,930 to \$391,940' and 'concluded only four cases in three months'. As this reporting is in part factually incorrect and does not accurately reflect my contribution I wish provide further information which may assist the Committee.</p> <p>Start date: I was appointed to the Tribunal on 12 February 2019 and commenced at the Tribunal on 23 April 2019, from which time I was remunerated as a full-time member (Level 2). Following induction and training I was first listed for hearing on 13 May 2019.</p> <p>Matters heard: Between 13 May 2019 and 30 June 2019 I was the presiding member on nine applications. The table in the annexure lists the applications, the date they were heard and the date of finalisation.</p> <p>Finalisations: Of the nine applications heard before 30 June 2019, only matters finalised on or before 30 June 2019 were included in the 2019 data provided by the AAT on 8 October 2021. Written reasons were provided for seven of the decisions made following hearings prior to 30 June 2019. Where decisions and written reasons were provided after 30 June 2019, they were not included in the 2019 data.</p> <p>Overall performance: Mindful of variables in the nature of work performed in the General Division of the Tribunal, on the key indicators of substantive hearing days and substantive decisions finalised, the Member Workload Report provides the following data:</p> <ul style="list-style-type: none"> <li>• 2019/20 – 75 substantive hearing days and 53 substantive decisions finalised</li> <li>• 2020/21 – 68 substantive hearing days and 59 substantive decisions finalised</li> </ul> <p>I understand that these figures indicate I was one of the most heavily listed members of the General and Other Division during both 2020 and 2021. The number of substantive decisions finalised reflects this.</p> <p>These figures do not include directions hearings or matters finalised otherwise than by way of substantive decision.</p>

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				<p><b>Annexure: Matters listed before Member Evans prior to 30 June 2019</b></p> <table border="1"> <thead> <tr> <th data-bbox="1001 272 1261 336">Tribunal File Number</th> <th data-bbox="1272 272 1453 336">Hearing date</th> <th data-bbox="1464 272 1686 336">Type</th> <th data-bbox="1697 272 1912 336">Outcome</th> <th data-bbox="1924 272 2132 336">Date finalised</th> </tr> </thead> <tbody> <tr> <td data-bbox="1001 344 1261 440">(redacted)</td> <td data-bbox="1272 344 1453 440">13 May 2019</td> <td data-bbox="1464 344 1686 440">Application for review</td> <td data-bbox="1697 344 1912 440">Dismissed under s 42A</td> <td data-bbox="1924 344 2132 440">13 May 2019</td> </tr> <tr> <td data-bbox="1001 448 1261 544">(redacted)</td> <td data-bbox="1272 448 1453 544">27 May 2019</td> <td data-bbox="1464 448 1686 544">Application for review</td> <td data-bbox="1697 448 1912 544">Heard and finalised under s 43</td> <td data-bbox="1924 448 2132 544">1 July 2019</td> </tr> <tr> <td data-bbox="1001 552 1261 647">(redacted)</td> <td data-bbox="1272 552 1453 647">4 June 2019</td> <td data-bbox="1464 552 1686 647">Application for review</td> <td data-bbox="1697 552 1912 647">Heard and finalised under s 43</td> <td data-bbox="1924 552 2132 647">17 July 2019</td> </tr> <tr> <td data-bbox="1001 655 1261 751">(redacted)</td> <td data-bbox="1272 655 1453 751">7 June 2019</td> <td data-bbox="1464 655 1686 751">Application for review</td> <td data-bbox="1697 655 1912 751">Heard and finalised under s 43</td> <td data-bbox="1924 655 2132 751">1 August 2019</td> </tr> <tr> <td data-bbox="1001 759 1261 855">(redacted)</td> <td data-bbox="1272 759 1453 855">11 June 2019</td> <td data-bbox="1464 759 1686 855">Application for review</td> <td data-bbox="1697 759 1912 855">Heard and finalised under s 43</td> <td data-bbox="1924 759 2132 855">26 July 2019</td> </tr> <tr> <td data-bbox="1001 863 1261 959">(redacted)</td> <td data-bbox="1272 863 1453 959">13 June 2019</td> <td data-bbox="1464 863 1686 959">Application for extension of time</td> <td data-bbox="1697 863 1912 959">Heard and finalised under s 29</td> <td data-bbox="1924 863 2132 959">13 June 2019</td> </tr> <tr> <td data-bbox="1001 967 1261 1062">(redacted)</td> <td data-bbox="1272 967 1453 1062">14 June 2019</td> <td data-bbox="1464 967 1686 1062">Application for review</td> <td data-bbox="1697 967 1912 1062">Heard and finalised under s 43</td> <td data-bbox="1924 967 2132 1062">22 July 2019</td> </tr> <tr> <td data-bbox="1001 1070 1261 1166">(redacted)</td> <td data-bbox="1272 1070 1453 1166">20 June 2019</td> <td data-bbox="1464 1070 1686 1166">Application for review</td> <td data-bbox="1697 1070 1912 1166">Heard and finalised under s 43</td> <td data-bbox="1924 1070 2132 1166">23 August 2019</td> </tr> </tbody> </table>	Tribunal File Number	Hearing date	Type	Outcome	Date finalised	(redacted)	13 May 2019	Application for review	Dismissed under s 42A	13 May 2019	(redacted)	27 May 2019	Application for review	Heard and finalised under s 43	1 July 2019	(redacted)	4 June 2019	Application for review	Heard and finalised under s 43	17 July 2019	(redacted)	7 June 2019	Application for review	Heard and finalised under s 43	1 August 2019	(redacted)	11 June 2019	Application for review	Heard and finalised under s 43	26 July 2019	(redacted)	13 June 2019	Application for extension of time	Heard and finalised under s 29	13 June 2019	(redacted)	14 June 2019	Application for review	Heard and finalised under s 43	22 July 2019	(redacted)	20 June 2019	Application for review	Heard and finalised under s 43	23 August 2019
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George Hallwood	5/11/2021	12/11/2021	LCC-AE21-78 LCC-AE21-80 LCC-BE21-60	<p>I appreciate the opportunity afforded by the Senate Legal and Constitutional Affairs Legislation Committee to respond with additional information in relation to the member benchmark and performance statistics provided by the Administrative Appeals Tribunal (AAT) in the response to a question from Senator the Hon. Kim Carr from 8 April 2021. The purpose of this email is simply to clarify the material provided by the AAT so that information in relation to my benchmarks and performance is consistent with the information provided by the AAT in relation to relevant other members.</p> <p>I note the response to 'LCC-AE21-78 – Member benchmarks and performance' at pages 5 and 6 provides a table including benchmarks and progress for Migration and Refugee Division (MRD) cases. For nine of the members listed in the table, it is noted at "c" that they commenced work with MRD at least half way through the year. There is no such note against my name because the note attributed to others contains further details that does not fit my circumstance.</p> <p>In my case, while I was appointed to the Tribunal on 25 November 2018 as a full-time member, and appointed to MRD on 7 December 2018, both less than half way through the year. Normal lead times dictated that I did not commence work in MRD until well past half way through the year:</p> <ul style="list-style-type: none"> <li>•it was not until 10 January 2019 that I was assigned to MRD (as well as to Social Security and Child Support Division for which my roster commenced on 1 March 2019, and National Disability Insurance Scheme Division);</li> <li>•my MRD induction was from 4-6 February 2019;</li> <li>•MRD files were not constituted to me until 22 February 2019;</li> <li>•Departmental files were not delivered to me until March 2019 (we now receive electronic files allowing this step to be truncated); and,</li> <li>•having arranged hearings affording applicants an opportunity to provide the Tribunal with updated information and giving them reasonable notice to attend, I held my first MRD hearings in the first week in April 2019.</li> </ul> <p>As with the other members to which note "c" applies, I suggest the following subset of that note also applies to my work in 2018-2019:</p> <p>Where a member commences work in the Migration and Refugee Division at least half way through a financial year this is likely to impact their benchmark progress for the balance of the year. One of the purposes of benchmarks is to provide for the allocation</p>				

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				of cases in accordance with the strategy and therefore it is not expected that a new member appointed near the end of financial year will meet benchmarks... This had a significant impact because of the lead time involved in finalising cases.
George Hallwood	2/12/2021	3/12/2021	LCC-AE21-78 LCC-AE21-80 LCC-BE21-60	Having been appointed on a full-time basis in November 2018, and being inducted into MRD, receiving training in MRD and SSCSD matters, and with the impact of Christmas, and with subsequent constitution of matters, it was not until March that I was put onto the SSCSD roster and I heard my first MRD cases in the first week in April 2019. I had requested to be cross appointed because I was not receiving enough GD work. The LCC-AE21-80 response does not appear to adequately reflect this.
Hollie Hughes	1/12/2021	2/12/2021	LCC-AE21-83	Senator Hughes was only with the AAT for a few months in that period and it was a limited period of time.
Mireya Hyland	5/11/2021	12/11/2021	LCC-AE21-78 LCC-AE21-80 LCC-BE21-60 LCC-BE21-146	The table in answer to question 3(b) for 2020-21 should include the following in the 'comment' column in relation to Member Mireya Hyland: 'Division Head decided not to constitute any cases to the Member in 2020-21. Tribunal policy for remaining cases on hand is for in-person hearings which due to Covid were unsafe until May 2021.'
Michael Judd	18/11/2021	18/11/2021	LCC-AE21-78 LCC-BE21-60	<p>1. With respect to my meeting 'benchmarks' over previous years, it has always been my impression these are entirely aspirational, and not 'set in stone'. I have always, and will continue to, prioritise my statutory obligation to provide all review applicants with a review that is fair and just, and that I always make decisions not based on haste because of meeting aspirational 'benchmarks'. Arguably, this is demonstrated by the fact there have been very few successful appeals (or consent remittals) by appellants against my decisions over the past five years. From memory there are only three. This suggests that I place significant value and emphasis on quality of decisions over quantity. I shall continue to do so. That is why this Tribunal exists, so as to give ordinary people a 'fair go'.</p> <p>2. I did take one day off per week for a lengthy period during the 2018/19 year which resulted in me being in excess leave allocation. I did that because I was dealing with a significant health related issue. I was fully supported by the Tribunal. I am pleased to confirm to the committee this health issue resolved. So, whilst raw figures might, prima facie, suggest the taking of excessive leave, I am hoping that knowing the true circumstances may suggest to the committee otherwise.</p> <p>3. In relation to the 2020/21 year, My Aurion indicates that total days absent from the office on leave was twenty six (26) days. However, of these six days only three were at full pay and the remainder were taken at half pay. This was consistent with my accrued</p>



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				leave entitlements and approved through management. I have always, and continue to, take all leave strictly in accordance with my allocations.
Josephine Kelly	18/11/2021	24/11/2021	LCC-AE21-78 LCC-BE21-60	<p>Following are the facts in relation to the benchmark figure for 2018-2019, prepared to the best of my ability given the short time within which I have had to respond, to the best of my recollection and the limited material to which I have access.</p> <p>I had few cases in the Migration Review Division (MRD). Of the MRD cases I had, most were visa cancellation decisions which I was unable to finalise from the end of 2017 until the end of 2019 for the following reasons.</p> <p>Towards the end of 2017 the Tribunal became aware that there was a significant number of visa cancellation cases where the decision-maker did not have a delegation. That raised a question of the Tribunal's jurisdiction. I had held hearings in at least some of those cases allocated to me before that had become apparent.</p> <p>Deputy President Redfern decided to hear a case and make a guideline decision on the jurisdiction issue. Other such cases were not to proceed until that decision had been given.</p> <p>Deputy President Redfern and Senior Member Nicholls held a hearing on 29 March 2018. At the conclusion of the hearing, the Applicant's migration agent sought an adjournment of the hearing pending a decision by applicant on whether to commence judicial review proceedings on the issue of the jurisdiction of the Tribunal.</p> <p>On 21 June 2018 and 17 August 2018 respectively, proceedings were commenced in the Federal Circuit Court by the Applicant and the Minister. The decision was published on 16 November 2018.</p> <p>The applicant appealed to the Federal Court. The Full Court of the Federal Court published its decision on 28 May 2019 (CSH18 v MHA [2018] FCCA 3226).</p> <p>Consequently, on 28 August 2019 the Tribunal invited the Secretary of the Department of Home Affairs to make a submission to the Tribunal on whether the Tribunal had power to affirm a decision to cancel a visa made by a person without delegation.</p> <p>After receiving the response, in about November 2019 the Tribunal invited Applicants to comment on the Department's submission.</p> <p>In each of the cases where I had held a hearing, I arranged another hearing to ensure the information was up to date, or otherwise held a hearing. I then wrote decisions in each.</p>
Keith Kendall	1/12/2021	2/12/2021	LCC-AE21-78 LCC-AE21-80 LCC-BE21-61	The only additional thing that I can think of to note to explain my performance in 2018/19 is that at the time of my appointment to the MRD I had no background in migration law and, consequently, may have taken additional time to ensure that the decisions I was undertaking were in accordance with the law.



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				It may also be worth noting, but this is based on my recollection and would need to be confirmed if possible with reference to records that I no longer have access to, that I was assigned cases that had a significant financial element due to my financial background, which are usually more complex, which may have exacerbated the initial delay as I became familiar with the specific migration law requirements. I also believe that I finalised a significant number of decisions shortly after the year end, which is not reflected in the annual cutoff.															
James Lambie	5/11/2021	12/11/2021	LCC-AE21-78	<p>Senior Member Lambie, as is the case for other members in the Migration and Refugee Division, is cognisant of the benchmarks for finalisations. The members are also aware that the case days allocated to each matter are an estimate based on an assessment of the matter at the time it is constituted. It is often the case that, by the time the matter comes on for hearing, the matter will become significantly more time-consuming or complex than the initial assessment had indicated. In such cases, some members apply to their practice manager for reweighting while others ignore this option in the expectation that the additional time expended will be balanced by the constitution to them of more straightforward matters as part of the mix of their caseload. Senior Member Lambie, with the exception of one case, adopted the latter course, which he considered (perhaps naively) to have the advantage of minimising additional management time.</p> <p>The following matters were constituted to Senior Member Lambie, which resulted in time and work being expended on them considerably in excess of the benchmarked case days, described and assessed by him as follows:</p> <table border="1"> <thead> <tr> <th>Matter</th> <th>Description</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td>(redacted)</td> <td>Unrepresented applicant. Matter initially dismissed for non-appearance and reinstated at applicant's request. Very substantially new claims and evidence, most included at suggestion of the member. 2 hearing days.</td> <td>+ 4 days</td> </tr> <tr> <td>(redacted)</td> <td>Additional claims made at hearing. Summons issued for evidence of additional claims and further evidence requested and analysed in detail.</td> <td>+ 2 days</td> </tr> <tr> <td>(redacted)</td> <td>New domestic violence claims; referral to independent expert and assessment of report</td> <td>+ 2 days</td> </tr> <tr> <td>(redacted)</td> <td>DV claims first raised at hearing. 2 days of hearing.</td> <td>+ 2 days</td> </tr> </tbody> </table>	Matter	Description	Time	(redacted)	Unrepresented applicant. Matter initially dismissed for non-appearance and reinstated at applicant's request. Very substantially new claims and evidence, most included at suggestion of the member. 2 hearing days.	+ 4 days	(redacted)	Additional claims made at hearing. Summons issued for evidence of additional claims and further evidence requested and analysed in detail.	+ 2 days	(redacted)	New domestic violence claims; referral to independent expert and assessment of report	+ 2 days	(redacted)	DV claims first raised at hearing. 2 days of hearing.	+ 2 days
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				(redacted) DV claims first raised at hearing. Voluminous and complex financial material submitted and analysed. + 3 days
				(redacted) 2 hearing days. Voluminous and complex financial documents not submitted to the delegate. Complex evidence. False documents. + 4 days
				(redacted) Complex financial evidence not submitted to the delegate, requiring detailed analysis + 2 days
				(redacted) Cancellation matter (false information, false documents) of more complexity than initially assessed; substantial new evidence; significant new claims + 3 days
				(redacted) 2 hearing days. Complex new evidence. + 2 days
				(redacted) Very extensive post-hearing submissions, new evidence and claims not submitted to the delegate + 2 days
				(redacted) Very extensive new evidence not submitted to the delegate requiring careful analysis. + 2 days
				(redacted) 2 days hearing. Substantial new evidence not available to the delegate. + 2 days
				(redacted) Unrepresented applicant. Comprehensively new case at suggestion of the member. Complex analysis unaided by applicant's submissions. 3 days hearing. + 5 days
				(redacted) Unrepresented applicant. Extensive case management required of member. 2 days hearing. + 3 days
				(redacted) Unrepresented applicant. 2 days hearing. Comprehensively new case at suggestion of member. Extensive case management and document analysis required. + 4 days
				(redacted) Extensive additional evidence not submitted to the delegate. Extensive document analysis required. Extensive post-hearing submissions + 2 days
				(redacted) Unrepresented applicant. 3 days hearing. + 3 days
				(redacted) 2 days hearing + 2 days

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				(redacted) 2 days hearing. Substantial new evidence submitted at member's suggestion. Additional analysis. + 2 days
				(redacted) 3 days hearing. Substantial COVID delays. 6 secondary applicants, each with additional independent claims; 4 experts' reports + 10 days
				(redacted) 3 days hearing. Extensive additional evidence not submitted to the delegate. + 3 days
				(redacted) 3 volumes of evidence re criminal proceedings in country of reference; extensive analysis of claims against available evidence + 4 days
				(redacted) Ongoing. 1 hearing day so far with additional expected. Suspected false documents. Delaying tactics employed by representative. ?
				(redacted) Extensive new evidence not available to the delegate, requiring substantial analysis and consideration of new claims and potential new claims not raised by the applicant. + 2 days
				(redacted) Substantial new evidence. False documents not previously detected by the delegate. New discretionary factors not raised before the delegate. + 3 days
				(redacted) New evidence submitted, raising inquiries re bogus documents and false information. + 2 days
				(redacted) 2 days hearing. Complex new evidence, requiring extensive analysis; identification and analysis re false documents. Extensive post-hearing submissions. + 4 days
				(redacted) 2 days hearing. Complex new evidence. Analysis of evidence concerning complicity of former representatives in fraudulent claims. False documents. Consideration of dependent visa applicant obtaining PR before detection. Extensive post-hearing submissions. + 4 days
				(redacted) 2 days hearing + 1 day
				(redacted) 180 separate items of new evidence + 2 days

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				(redacted) Court remittal. Heard in person interstate, new claims + 2 days
				(redacted) 3 days hearing. COVID delays and 2 aborted rescheduled hearings. Change of representative resulting in very substantial reshaping of submissions. Over 300 separate items of new evidence. + 5 days
				(redacted) 3 days hearing. Very substantial additional evidence not available to the delegate. Substantial new claims. Detailed Schedule 3 analysis necessary. + 4 days
				(redacted) 2 days hearing. Submission of extensive new financial documents requiring additional analysis. + 3 days
				(redacted) Court remittal. Heard in person interstate. Multiple and cumulative claims. New claims. + 2 days
				(redacted) Ongoing. 1 hearing day so far. New claims. New witnesses. + 3 days likely
				(redacted) Court remittal. Hearing in person interstate. Multiple and cumulative claims. New country information. + 2 days
				(redacted) Document verification required on material not available to the delegate. Substantial post-hearing submission. + 1 day
				(redacted) Voluminous submissions additional to voluminous Department file. Complex new claims. Threats of self-harm requiring sensitive case management by member. + 2 days
				(redacted) 2 days hearing. Complex legal issue requiring extensive engagement with MRD legal team. + 2 days
				(redacted) Court remittal. Voluminous evidence not available to the delegate. + 2 days
				(redacted) Twice remitted by the Court. Very substantial new evidence requiring extensive analysis. + 3 days
				(redacted) Court remittal, 2 days hearing. Substantial case management required by member. Very substantial + 5 days

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				new claims. Complex and voluminous evidence. Expert evidence in relation to family member. Schedule 3 issues.
			(redacted)	Court remittal. Heard in person interstate, accommodating last minute change in venue by applicant. Interpretation issues, New claims. New country information. + 3 days
			(redacted)	Ongoing. Complex PV cancellation matter. Tripartite hearing. New claims. Possible bogus documents and false information not detected by delegate. New country information. Possible request to post for information and document verification. Likely further hearings. ?
			(redacted)	2 days hearing. 2 interpreters (different languages). Evidentiary and legal issues re marriage. Document verification. + 2 days
			(redacted)	Court remittal. 2 days hearing. 2 evidentiary inquiries re genuineness of documents submitted. + 3 days
			(redacted)	Ongoing. 1 day hearing so far, possible multiple hearing days anticipated. Serial non-compliance with requests for documents and evidence. Serial hearing postponements. Extensive expert evidence expected. Complex evidentiary issues expected. ?
			(redacted)	Court remittal. New claims. Document verification required. + 2 days
			(redacted)	Extensive case management required of member. New claims. Extensive post-hearing submissions. Complex evidence. + 2 days
			(redacted)	Court remittal. Very extensive additional claims requiring investigation and gathering of country information by member. New evidence of <i>sur place</i> political activity. Complex legal issues and submissions. Extensive post-hearing submissions and correspondence. + 3 days

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				(redacted)	Court remittal. 2 days hearing. New DV claims. 51 separate objections to IE report.	Rewighted + 3 days
				(redacted)	Court remittal. 3 days hearing. Multiple volumes of documents, including court and government agency documents spanning over 40 years. Complex claims. Complex evidentiary issues. Independent claims by secondary applicant. Extensive post-hearing submissions.	+15 days
				(redacted)	Unrepresented applicant. 4 days hearing. Entirely new evidence. Disorganised and haphazard submission of evidence requiring very extensive case management and analysis by member. Significant COVID delays and delays occasioned by applicant's approach to submissions.	+ 10 days
				(redacted)	Court remittal. 2 days hearing. Representative withdrew, requiring extensive case management by member. Multiple postponements. Extensive evidentiary analysis unaided by submissions,	+ 5 days
				(redacted)	Court remittal. 4 days hearing. Extensive additional material not provided to delegate or previous Tribunal. Evidentiary complexity. Representatives' approach was to place onus of satisfaction on the member.	+10 days
				(redacted)	Extensive expert evidence	+1 day
<p>These 57 matters (out of 214 constituted to SM Lambie since his appointment) have so far accounted for at least 170 additional case days not recorded in the benchmarking. The assessments are conservative. In only one case has reweighting been requested. This was done at the specific request of the Division Head. It will be seen that there remain matters for which no estimate can yet be made. It will also be seen that the additional case days arise from matters very significantly beyond the member's control. A significant number of the matters listed above also involve unrepresented applicants where the member himself has taken the responsibility for ensuring the applicants, whose cases as presented were very weak, were given the opportunity to present their best case to the Tribunal. The majority of such matters were subsequently remitted to the delegate for further consideration.</p>						

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				<p>Only some 60 matters in SM Lambie's caseload have involved pro-forma decisions such as dismissals for non-appearance, matters in which the Tribunal has no jurisdiction, or ineligibility for review. The benchmarking for such matters amounts to only a small percentage of the additional case days identified above.</p> <p>The list above does not include bridging visa cancellations and refusals for applicants in detention, for which statutory time limits for decisions apply. No analysis has been attempted of the benchmarking departures in these cases but it has been assumed that, on balance, they are unlikely to be significant.</p>
Katie Malyon	18/11/2021	18/11/2021	LCC-AE21-78	<p>The purpose of this email is to advise there is no error that requires correction in relation to my decision making progress (92%) again my benchmark for the year ended 30 June 2019.</p> <p>For context, I note that as a part-time Member I do not get sick leave. However, I was diagnosed in Sept 2018 with a medical issue that required management.</p> <p>You will no doubt be aware that I have 100% met my benchmarks for the years ended 30 June 2020 and 30 June 2021. During these last 2 years, in addition to my paid work for AAT, I have, in my own time, amongst other things prepared an article "Compliance with the AAT's MRD Practice Directions including the COVID-19 Special Measures Practice Direction" for publication in LexisNexis' Immigration Review as well as prepared and given a presentation to the migration advice profession facilitated by Legalwise on "Insights from the AAT: Assisting clients in the AAT's Migration and Refugee Division".</p>
Ronald McCallum	1/12/2021	2/12/2021	LCC-AE21-81 LCC-BE21-62	Professor Ron McCallum AO resigned his position as a member of the Administrative Appeals Tribunal on 8 July 2019.
Carmel Morfuni	5/11/2021	8/11/2021	LCC-AE21-78 LCC-AE21-81	Matters such as complexity, covid 19 impact, working from home challenges especially offshore with interpreters, witnesses etc. matters which you have already covered in correspondence.
Louise Nicholls	18/11/2021	19/11/2021	LCC-AE21-78 LCC-BE21-60	<p>With respect to performance against benchmarks in 2018-2019 I would like it noted that I had lengthy overseas leave that year which is not taken into account in calculating benchmarks.</p> <p>Further in that financial year I was the Practice Leader for Protection which is the largest and most complex cohort of visa classes in the MRD. Along with numerous other administrative tasks, I was responsible for protection induction training for new Members, protection cancellation training for all protection Members throughout Australia and organising the 2 day national protection visa workshop held in NSW for all protection members in Australia.</p>



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Ann O'Connell	5/11/2021	8/11/2021	LCC-AE21-81 LCC-BE21-62	I was appointed by the Attorney-General in April 2019, undertook 1 days induction (for which I was paid) in May 2019 and was not allocated any cases in that year.
Irene O'Connell	2/12/2021	5/12/2021	LCC-AE21-80 LCC-BE21-146	In respect to my caseload statistics for the year 2018-19 you might add into the comment column that I was on three months LSL. You might also add in Deputy Division Head into the dot point on page three -second last dot point about things to be noted. You reference Deputy Presidents, Division Heads and Senior Members but not Deputy Division Head. My role as Deputy entailed not merely caseload and member management but community liaison, interagency liaison with DFAT and Department of Home Affairs and agencies involved in country research. Additionally responsibility for running Member professional development programme and Member induction programs.
Robert O'Neill	5/11/2021	8/11/2021	LCC-BE21-62	I would like the committee to be advised that while I was appointed in the 2018-19 year, for personal reasons and reasons related to my commitments in my practice as a barrister, I was unable to take up the role at that time and was not sworn in until 21 July 2020.
Jason Pennell	17/12/2021	17/12/2021	LCC-AE21-78 LCC-BE21-60	The records on Aurion show that during the financial year 20/21 I took a total of 22 days leave. I have never taken leave beyond what I have been entitled according the records in Aurion. I don't know where the 6 weeks comes from. This needs to be adjusted in the response to the Senate.
Rodrigo Pintos-Lopez	11/11/2021	11/11/2021	LCC-AE21-81 LCC-AE21-83	I was concerned when reviewing the responses that you provided that they did not reflect that for approximately the last two years of my appointment I did not seek remuneration and worked pro bono at the Tribunal.
Naomi Schmitz	5/11/2021	8/11/2021	LCC-AE21-81	I confirm that your records are correct and that at the end of 30 June 2021, I had finalised 13 cases. I recommend the following footnote reflecting my situation in the first half of 2021 when I was working one day a week at the AAT whilst balancing work at the CDPP. Where a member commences work in the Migration and Refugee Division at least half way through a financial year, this is likely to impact their benchmark progress for the balance of the year. One of the purposes of benchmarks is to provide for the allocation of cases in accordance with the strategy and therefore it is not expected that a new member appointed near the end of financial year will meet benchmarks. <i>For instance, Naomi Schmitz was appointed on 22 February 2021 and constituted her first case on 25 February 2021. She had four months remaining in the financial year. At the time she</i>

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				<i>was working one day per week. This had a significant impact because of the lead time involved in hearing and finalising cases.</i>
Peter Smith	5/11/2021	11/11/2021	LCC-AE21-78 LCC-AE21-80 LCC-BE21-60	<p>I am a Tribunal Member.</p> <p>I was identified by name in the Australian on 15 October 2021 as finalizing three cases in the period 1 July 2018 to 30 June 2019.</p> <p>I was also identified by name by the Honourable Senator Kim Carr on 26 October 2021 at Senate Estimates as finalizing three cases in the period 1 July 2018 to 30 June 2019. Information provided to Senate Estimates by the Registrar of the Tribunal also refers to me finalizing three cases in the relevant period.</p> <p>However, the following further information is relevant to the issue raised at Senate Estimates:</p> <ol style="list-style-type: none"> <li>1. I do not disagree that I finalized three cases in the period 1 July 2018 to 30 June 2019, however, the following further information is provided because it is relevant to the issues reported on and raised at Senate Estimates.</li> <li>2. In addition to three cases I finalized in the relevant period, a further three cases allocated to me were withdrawn, and therefore did not require me to conduct a review. However, I had read all the papers for those cases and prepared to hear them.</li> <li>3. I was not a member of the AAT in the calendar year 2018.</li> <li>4. I was appointed to the AAT in February 2019 to commence a five year fulltime appointment on 24 February 2019.</li> <li>5. The writ signed by the Governor-General in February 2019 authorised and required me to commence work as a member of the AAT on a full-time basis on 24 February 2019.</li> <li>6. When I was contacted by telephone on 20 February 2019 by the Attorney-General's department, I was advised to contact the AAT by telephone and that I was required to commence work as a full time member of the AAT on 24 February 2019.</li> <li>7. I contacted the AAT after my telephone call with the Attorney-General's department. Upon speaking to the AAT, I was informed that I was not to start work at the AAT on 24 February 2019. Rather, I was told to start work in late March 2019.</li> <li>8. I was sworn in as a member on 25 March 2019 in Melbourne while attending a two day induction program.</li> <li>9. It is the statutory function of the Tribunal to allocate cases to its members. Cases were not allocated to me in late March 2019 as reported in the Australian. Cases were not allocated to me until 4 April 2019, despite my being authorized and required by the writ to commence work on 24 February 2019.</li> </ol>

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				10. Accordingly, the relevant period in which I was a sitting member of the Tribunal with work allocated was from 4 April 2019 to 30 June 2019, not 1 July 2018 to 30 June 2019.
Linda Symons	18/11/2021	22/11/2021	LCC-AE21-78 LCC-BE21-60 LCC-BE21-146	As an experienced full time Member, I provide ongoing mentoring and training of Members on an informal basis. I also participate in training staff. I do not receive any reduction in my caseload or benchmarks for performing this additional work.
Sandra Taglieri	2/12/2021	17/12/2021	LCC-AE21-81	Judge Taglieri has no way of verifying the information contained in the Response but does note one correction required. Her honour was never promoted to Senior Member. An additional reason that may be relevant to note as a reason for the volume of work undertaken by some part-time members, is the lack of a merits based process of promotion within the Tribunal. In Her honour's case, there was less incentive for her to make herself available to hear cases as her seniority, knowledge and skill was not recognised by promotion to Senior Member.