

I am a Tribunal Member.

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.

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.

However, the following further information is relevant to the issue raised at Senate Estimates:

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.
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 In addition to three cases I finalized in the relevant period, a further three cases allocated to me were withdrawn, and therefore did not require me to conduct a review.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.
3. I was not a member of the AAT in the calendar year 2018.
4. I was appointed to the AAT in February 2019 to commence a five year fulltime appointment on 24 February 2019.
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.
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.
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.
8. I was sworn in as a member on 25 March 2019 in Melbourne while attending a two day induction program.
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.
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.

Peter Smith
Member of the AAT
15 November 2021