

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE

Administrative Appeals Tribunal

Question D2:

Senator Hon Kim Carr asked the following question on 18 January 2021:

1. In relation to the Tribunal's response to Question 2(a) of Question D, of the 37 current members of the MRD who were appointed before 18 September 2013, how many have been reappointed since 18 September 2013?
2. Relatedly, how many current members of the MRD have not been either appointed or reappointed since 18 September 2013?

The response to the Honourable Senator's question is as follows:

1. Under section 8(3) of the *Administrative Appeals Tribunal Act 1975*, the maximum length of a single term of appointment is 7 years. All 37 members who were assigned to the Migration and Refugee Division of the Administrative Appeals Tribunal as at 30 October 2021 and who were first appointed before 18 September 2013 have been reappointed at least once since 18 September 2013.
2. All members currently assigned to the Migration and Refugee Division have been appointed or reappointed since 18 September 2013.

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Question J:

Senator Hon Kim Carr asked the following question on 18 January 2021:

In the additional contextual information the Tribunal has provided to the Committee in relation to the performance of members (attached), Member Louise Bygrave states that she was a member of the “Part-time Member’s Remuneration Group” between August 2019 and September 2020.

1. What role does that Group play?
2. Does that Group have a role in determining the remuneration policies of the Tribunal? If so, please explain how conflict of interests are managed (including by providing the Committee with copies of any relevant policies)
3. Please provide the names of every member of that Group (since 1 July 2019).
4. How long has that Group existed?
5. How often does the Group meet?
6. How much time would a member of that Group typically spend on discharging their responsibilities (as a member of the Group) each year?

The response to the Honourable Senator’s question is as follows:

Questions 1 and 2

Following the amalgamation of the Administrative Appeals Tribunal (AAT) with the Migration Review Tribunal, Refugee Review Tribunal and Social Security Appeals Tribunal on 1 July 2015, the AAT operated with different guidelines relating to the payment of part-time members for the Migration and Refugee Division, Social Services and Child Support Division, and all other divisions (collectively known as the General and other Divisions).

The Part-time Members’ Remuneration Working Group (the Group) was established to examine the different arrangements and develop for the President’s and Registrar’s consideration recommendations relating to part-time member remuneration. In particular, the Group was to develop a single set of draft guidelines to replace the 3 existing guidelines, including providing for a case weighting approach where appropriate. The Group was also asked to make any recommendations regarding any need for possible changes to existing Remuneration Tribunal determinations and any scope for improvements to the administration of part-time member pay claims.

The Group was a short-lived research and advisory group with the decision-making function resting with the President and Registrar.

Question 3

The Group initially comprised the following people:

- Senior Member Kate Millar
- Canberra District Registrar
- Adelaide Registry Manager
- Payroll Manager
- Senior Project Manager
- Executive Officer to the President

After the first meeting, then part-time Member Louise Bygrave replaced Senior Member Kate Millar due to Member Louise Bygrave's particular experience working on cases in both the General and other Divisions and the Social Services and Child Support Division.

Questions 4 and 5

The Group was established in August 2019. The Group first met on 27 August 2019 and met for a second time on 10 March 2020. While some work was undertaken by members of the Group in the months following the last meeting, the Group did not ultimately prepare a draft set of guidelines nor make any recommendations to the President and Registrar. The Group ceased to be active with no further meetings held.

Question 6

As the Group is not a standing committee, there is no typical amount of time that a member of the Group would spend discharging their responsibilities. The two meetings were each of 1 hour duration. Senior Member Kate Millar spent approximately 5 hours and Member Louise Bygrave spent approximately 10 hours on activities relating to the Group.