

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2012-13 Supplementary Estimates Hearings

Outcome Number: Cross

Question No: 253

Topic: Social Security Appeals Tribunal (SSAT)

Hansard Page: Written

Senator Siewert asked:

Has the SSAT ever undertaken any analysis outcomes for clients having legal assistance, compared to not having that assistance? If no, is this something that the SSAT could look in to?

Answer:

(1) No.

(2) No. Such analysis would necessitate research.

The role of the SSAT is to review those decisions which various Acts give the SSAT jurisdiction to review. In carrying out its functions under those Acts, “the SSAT must pursue the objective of providing a mechanism of review that is fair, just, economical, informal and quick”. The SSAT’s statutory role and functions do not include research and the SSAT does not have the resources to undertake research projects.

The analysis would not be simple. As explained in response to QoN 6 (2012-13 Budget Estimates), the SSAT records the outcome of an application for review but a decision by the SSAT to set aside the reviewable decision (and substitute a decision or make recommendations to the decision-maker or give directions to the decision-maker), or to vary the reviewable decision, is not necessarily a more favourable decision for the applicant.

The research would therefore have to consider in detail the outcome of each application for review in which an applicant was legally represented versus the outcome for applications in which the applicant is not represented.

If “having legal assistance” is intended to include applicants who consulted a lawyer in the course of preparation for a review by the SSAT but who were not legally represented, such data is not recorded by the SSAT.