

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: Other agency

Question No. AE15/066

Senator Rhiannon asked the following written question from the 24 February and 27 March 2015 hearings:

1. I understand that Dr Popple is now a senior member of the Administrative Appeals Tribunal, having previously been the FOI commissioner.
 - a. Does this mean that Dr Popple could now be ruling on appeals that he originally oversaw in his role as commissioner?
 - b. Is there a mechanism or process in place to address potential conflicts such as these?

The answer to the honourable senator's question is as follows:

- a. Senior Member Dr Popple is not involved in the review of any decision at the Administrative Appeals Tribunal (AAT) that he dealt with when he held the position of Freedom of Information Commissioner.
- b. Where a member of the AAT has, in a different capacity, had an involvement with a reviewable decision which could give rise to a conflict of interest, the AAT's practice is that the member is not involved in the review of that decision. Applications where there may be a conflict of interest of this kind may be identified by members of staff of the AAT or by the member concerned.