

Cc: Sian Leathem (AAT); Jan Redfern

Subject: Senate Estimates - MRD decision 1605532 [SEC=UNCLASSIFIED]

Importance: High

Hi Chris

At 8.20 am on 21 October 2016, SM Miriam Holmes wrote to DDH Irene O'Connell (cc to Anna Piwonski) requesting as follows:

Hi Irene

I was wondering how I can arrange for one of my decisions to be removed from Austlii. I would like to remove decision 1605532. This decision contains the wrong description of cl.3004, unfortunately I referred to this clause throughout the decision as PIC3004. I have noted that this has been the subject of adverse comment on a migration website and personal comment has been made about me and I would prefer that this decision is removed – as it is not desirable to keep it up on Austlii for the AAT's reputation or my reputation.

Can you advise how I can go about getting it taken down from Austlii?

Thanks

Miriam

At 1.50 pm on 21 October 2016, EO Anna Piwonski emailed the Publications Team Mailbox requesting as follows:

Hi Team

Please see below email from Miriam regarding a decision that is available on Austlii that contains an identified error (matter 1605532 — VIC — Neal Ciaran GILDEA refers). Is there feasibility / protocols around removing decisions from Austlii?

Any advice would be greatly appreciated.

Cheers

Anna

At 2.04 pm on 21 October 2016, the Publications Team Leader, Sunitha Paalpare, emailed Anna Piwonski as follow.

Hi Anna,

I have sent an email requesting it to be removed.

Regards

Sunitha Paalpare

Publication Team Leader

At 2.16 pm on 21 October 2016, Anna Piwonski emailed the Publications Team Mailbox as follows:

Excellent - you are tops. Many thanks!

A copy of the email trail is attached.

I have also attached a copy of the MRD Publication Procedures dated November 2016. The relevant part of the procedures is as follows:

Amending or removing a published decision

- There may be circumstances where a published decision needs to be removed from the AustLII website. Removing a decision from AusLII does not necessarily indicate any error by the tribunals.
- A decision must be removed if it is determined that the publication was contrary to a direction issued under ss 378 or 440 of the Act.
- A decision may also be removed where management considers it is no longer of any significant value. A decision is no longer of value when it is considered that some degree of harm, distress or prejudice to the applicant or another person involved in the case may result from continued publication on the AustLII website. Examples may include, but are not limited to, cases involving children at risk, family violence, mental health issues and sensitive medical conditions.
- If a request is received from an applicant or any interested party to remove a published decision from the AustLII website, the request should be referred to knowledgemanagement@aat.gov.au. The request is actioned by the senior publications officer who considers the reasons, makes the initial assessment after reading the decision and discusses it with the team leader for approval.
- If the request has been approved, the senior publications officer emails Data_Management_Team@aat.gov.au in Technology Services requesting the removal of the decision from AustLII and indicates the reason using the following list:
 - Remove - corrigendum issued
 - Remove - decision reversal
 - Remove - Finalised in error
 - Remove - identifiers
 - Remove - Other
 - Remove - sensitive details
- If the request has not been approved, the senior publications officer emails the applicant with an appropriate response. Officers must ensure any requests and responses are recorded in CaseMate, Case Notes for future reference.

If the applicant has a legitimate reason to request the removal of the decision but is fine for its publication on the condition that identifiers are removed, liaise with the member's case officer to see if the member will issue a s.378 to facilitate this^[1]. If the member declines to issue a s.378, request the removal of the decision.

Please let me know if there is anything else you require.

Regards, Jonathan

Jonathan Willoughby-Thomas
Director, Information Management

Administrative Appeals Tribunal

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^[1] Unable to tell if members will agree