

11 December 2025

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Secretary

I write to clarify evidence provided at the 2025-26 Supplementary Budget estimates hearing of the Senate Legal and Constitutional Affairs Legislation Committee on 1 December 2025.

On page 109 of the Proof Committee Hansard, in response to a question from Senator Shoebridge about the high remittance rate for student visa matters, I said:

Mr Hawkins: It's extraordinarily high and probably comparable only to the partner and family visa cohort.

I wish to clarify my evidence to confirm that, for the period 1 July to 31 October 2025, the case types in which the Administrative Review Tribunal (ART) changed the decision under review at around the same rate as student visas (44%) included: the National Disability Insurance Scheme (57%); family and partner visas (52%); and working, skilled and investment visas (45%).

On page 110, in response to a question from Senator Shoebridge about whether Professionals Australia had raised concerns about the ART not recognising the notional personal leave balances of members of the former Administrative Appeals Tribunal (AAT) being a breach of the National Employment Standard (NES), I said:

Mr Hawkins: Yes, they probably did. I think they also referred to it not being in accord with community standards as well.

I wish to clarify my evidence to confirm that Professionals Australia did not allege the ART had breached the NES by not transferring the notional personal leave balances of former AAT members to the ART. Professionals Australia stated that the ART's position did not align with the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* or community expectations.

Senator Shoebridge asked further questions, on page 110, on the topic of personal leave. One of his questions related to whether I had received advice addressing the concern that not crediting the personal leave balances of former AAT members was a breach of the NES, and I said:

Mr Hawkins: I can't say that I specifically had advice on that point. I just had advice on the interpretation of the transitionals.

Another of Senator Shoebridge's questions on the topic of personal leave related to whether I had advice on the NES, and I said:

Mr Hawkins: We took advice on that letter, which we did, but it addressed the issue of the transitionals. But I think it also referred to the fact that members are not employees. They're statutory appointees; they're not employees.

A final question from Senator Shoebridge on the personal leave topic related to whether I had advice that personal leave entitlements are not covered by the NES, and I said:

Mr Hawkins: I have not specifically got advice about the NES.

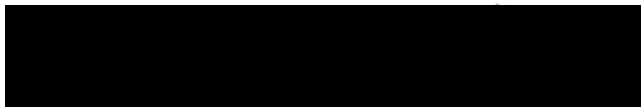
I wish to clarify my evidence on these questions about personal leave to confirm that the ART received advice related to a range of matters arising from the issues raised in the Professionals Australia letter. This included the interpretation of the transitional provisions, the accrual from year to year of unused notional personal leave by ART members, a relevant ART direction and guideline, and the application of the *Fair Work Act 2009* (which whilst encapsulating the National Employment Standards, did not specifically mention the National Employment Standard).

On page 111, in response to a question from Senator O'Neill about the ambition for the number of matters to be cleared by the ART by 31 December 2025, I said:

Mr Hawkins: Our target is 71,045.

I wish to clarify my evidence to confirm that the target of 71,045 is for financial year 2025-26.

Yours sincerely



Michael Hawkins AM

Chief Executive Officer and Principal Registrar