

Senate Legal and Constitutional Affairs Legislation Committee

Attorney-General's Department

Hearing date: 26 April 2024

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David Shoebridge asked the following question:

Senator SHOEBRIDGE: Could I ask you, then, about the references? I don't know quite how else to describe them—the opinions that were given by senior members or judicial members in their division. Did they include any evaluative kind of opinions?

Mr Hawkins: I must say I had no oversight of that, because they went directly to the supervising member and it was done online. They replied directly to the Attorney-General's Department online.

Senator SHOEBRIDGE: Were there a series of questions that they responded to, as far as you're aware?

Mr Hawkins: Yes, I believe there were proforma questions.

Senator SHOEBRIDGE: Could you provide those to the committee?

Mr Hawkins: I don't have a copy of them, so you may need to ask that of the department.

The response to the question is as follows:

In line with the Guidelines for appointments to the Administrative Appeals Tribunal (AAT) (the Guidelines), a referee report was sought for all existing AAT members seeking appointment to the Administrative Review Tribunal from a member of the AAT with appropriate seniority and knowledge of the member's work. In addition, the AAT provided workload data reports for each member.

Copies of the templates used to obtain the referee reports from the AAT are at **Attachment A** and **Attachment B** respectively.

Upon receipt of the references and workload data reports, the department provided the documents to the relevant member with a template form in which they could provide further information to the assessment panel in response to any written material or clarifying any aspect of the report they wished to. A copy of that template form is at **Attachment C**.

Internal AAT Referee Report

Advice to Referees

When you are completing the referee report, please ensure that your assessment is based on the candidate's work performance and that you assess the candidate using the ratings as provided below. Matters such as personal circumstances and health information should not be included.

Under common law, a referee has a duty of care to ensure their reports fairly reflect an individual's capabilities, are fair assessments of their skills, and are honest evaluations of the individual for the role.

* Required

1. Applicant Name *

2. Referee Name *

3. How well does the candidate meet the following selection criteria (please refer to detailed description of criteria above): *

	Does Not Meet	Meets in Part	Meets	Exceeds
Ability to conduct hearings and other Tribunal proceedings	☐	☐	☐	☐
Decision-Making and reasoning	☐	☐	☐	☐
Writing and Communication skills	☐	☐	☐	☐
Independence, integrity and collegiality	☐	☐	☐	☐
Productivity, diligence and resilience	☐	☐	☐	☐
An understanding of, and a commitment to, safe and respectful workplaces	☐	☐	☐	☐

4. In what area/s of the AAT’s jurisdiction are you familiar with the candidate’s performance (select all that apply)? *

- ☐ Administrative review generally
- ☐ Child Support
- ☐ Citizenship
- ☐ Customs
- ☐ Freedom of Information, Archives and Privacy
- ☐ Intelligence and Security
- ☐ Migration
- ☐ National Disability Insurance Scheme
- ☐ Protection/Refugee
- ☐ Regulatory and Disciplinary
- ☐ Social Services
- ☐ Taxation and Grants (Including Small Business Taxation)
- ☐ Veterans

5. Please provide:

- a brief comment about the member’s overall performance.
- where relevant, brief explanatory comments for any of the selection criteria where you have indicated that the candidate ‘does not meet’ or ‘meets in part’ those criteria.

If helpful, you may also provide clarification of the objective performance data for the member.

Please limit additional comments to no more than 200 words.

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Internal AAT Referee Report - Senior Member

Advice to Referees

When you are completing the referee report, please ensure that your assessment is based on the candidate's work performance and that you assess the candidate using the ratings as provided below. Matters such as personal circumstances and health information should not be included.

Under common law, a referee has a duty of care to ensure their reports fairly reflect an individual's capabilities, are fair assessments of their skills, and are honest evaluations of the individual for the role.

1. Applicant Name

2. Referee Name

3. How well does the candidate meet the following selection criteria (please refer to detailed description of criteria):

Ability to conduct hearings
and other Tribunal
proceedings

Please Select

Decision-Making and
reasoning

Please Select

Writing and Communication
skills

Please Select

Independence, integrity
and collegiality

Please Select

Productivity, diligence and
resilience

Please Select

Leadership

Please Select

An understanding of, and a
commitment to, safe and
respectful workplaces.

Please Select

4. In what area/s of the AAT's jurisdiction are you familiar with the candidate's performance
(Select all that apply)?

- | | |
|---|--|
| ☐ Administrative review generally | ☐ National Disability Insurance Scheme |
| ☐ Child Support | ☐ Protection/Refugee |
| ☐ Citizenship | ☐ Regulatory and Disciplinary |
| ☐ Customs | ☐ Social Services |
| ☐ Freedom of Information, Archives and Privacy | ☐ Taxation and Grants (Including Small Business Taxation) |
| ☐ Intelligence and Security | ☐ Veterans |
| ☐ Migration | |

5. Please provide:

- a brief comment about the member's overall performance.
- where relevant, brief explanatory comments for any of the selection criteria where you have indicated that the candidate 'does not meet' or 'meets in part' those criteria.

If helpful, you may provide clarification of the objective performance data for the member.

Internal AAT Applicant Response – AAT Referee Report and Member Data – ART Member

Information for applicants

The [Guidelines for Appointment to the AAT](#) are being applied to the recruitment of members to the ART. Paragraph 9 provides:

Assessment panels will determine the methodology to be used to assess the suitability of applicants who have provided expressions of interest to the register.

- a. For existing members seeking reappointment or promotion, a referee report will be sought from the President, a Division Head or another member of appropriate seniority with knowledge of the member's work.*

The referee report provided for under the Guidelines is additional to the referee report that may be sought from the referee/s nominated in your application.

You have been provided with a copy of the internal referee report and workload data report relevant to you. This form provides you with an opportunity to provide further information to the selection panel in reference to those documents.

- Responses are optional. If the referee report and data is positive, there is no reason for you to provide a response,
- Your response should only be used to respond to or clarify an aspect of the workload data report or referee report.
 - For example, you may wish to assist the assessment panel by explaining a data discrepancy or providing clarifying information about a referee comment.
 - Your response should be concise and targeted, identifying the aspect/s of the reports that you are clarifying.
 - Your response should not be used for the purpose of generally supplementing your written application.
- Your response should be no more than 500 words and must be provided on this template.

Internal AAT Applicant Response – AAT Referee Report and Member Data – ART Member

Applicant name:

Response:

Please limit comments to no more than 500 words.