

SENATE COMMUNITY AFFAIRS REFERENCES COMMITTEE

PUBLIC HEARING, 29 MARCH 2021

PARLIAMENT HOUSE, CANBERRA

Administrative Appeals Tribunal

Question 1

Senator Deborah O'Neill asked the following question on 6 May 2021:

Since 1 July 2016, how many decisions of the Social Services & Child Support Division of the Tribunal have used the word “Robodebt” or “Robo-debt” or “Robo Debt”? For each of those decisions, please provide (i) the name of the Member who made the decision, (ii) the date of the decision and (iii) the Review Number.

The response to the Honourable Senator’s question is as follows:

The Administrative Appeals Tribunal (AAT) has a search tool, ISYS, which enables written statements of reasons for decisions made by the AAT to be searched using words, phrases and Boolean search terms.

The AAT used the ISYS tool to search the text of written statements of reasons for decisions in the Social Services and Child Support Division decisions repository for the terms:

- “Robodebt”
- “Robo-debt”, and
- “Robo Debt”.

These terms, whether the words were lower case or upper case, appeared in 422 written decisions of the Social Services and Child Support Division made from 1 July 2016 to 6 May 2021.

The Social Services and Child Support Division decisions repository contains written statements of reasons for decision relating to the review of Centrelink decisions, child support decisions and paid parental leave decisions. To seek to exclude child support decisions, the phrase ‘chief executive centrelink’ was added to the search as the Chief Executive Centrelink is recorded as a party in first review of Centrelink and paid parental leave decisions. This reduced the number of decisions to 389.

The following table lists the number of decisions made in each financial year:

Period	No. of decisions found
1 July 2016 to 30 June 2017	6
1 July 2017 to 30 June 2018	17
1 July 2018 to 30 June 2019	31

Period	No. of decisions found
1 July 2019 to 30 June 2020	204
1 July 2020 to 6 May 2021	131
TOTAL	389

The ISYS search tool has limited functionality. In order to itemise for each decision the name(s) of the member(s) who made the decision, the date of the decision and the review number(s) the AAT must open each decision, copy each of the items of information and collate them in a separate document. The information cannot be compiled or extracted from the list of search results. Based on the AAT's experience undertaking this task for one of the related questions (relating to decisions containing the expression "Online Compliance Intervention"), the AAT estimates that undertaking this manual exercise for the 389 decisions would involve a staff member working on this task full time for approximately 4 days. The AAT considers this would involve an unreasonable diversion of resources from the AAT's core work.

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Question 2

Senator Deborah O'Neill asked the following question on 6 May 2021:

Since 1 July 2015, how many decisions of the Social Services & Child Support Division of the Tribunal have contained the words "PAYG Manual Compliance Intervention"? For each of those decisions, please provide (i) the name of the Member who made the decision, (ii) the date of the decision and (iii) the Review Number.

The response to the Honourable Senator's question is as follows:

The Administrative Appeals Tribunal (AAT) has a search tool, ISYS, which enables written statements of reasons for decisions made by the AAT to be searched using words, phrases and Boolean search terms.

The ISYS tool was used to search the text of written statements of reasons for decisions in the Social Services and Child Support Division decisions repository for the phrase "PAYG Manual Compliance Intervention". The phrase "PAYG Manual Compliance Intervention", whether the words were lower case or upper case, did not appear in any written decisions of the Social Services and Child Support Division made from 1 July 2015 to 6 May 2021.

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Question 3

Senator Deborah O'Neill asked the following question on 6 May 2021:

Since 1 July 2016, how many decisions of the Social Services & Child Support Division of the Tribunal have contained the expression "Online Compliance Intervention"? For each of those decisions, please provide (i) the name of the Member who made the decision, (ii) the date of the decision and (iii) the Review Number.

The response to the Honourable Senator's question is as follows:

The Administrative Appeals Tribunal (AAT) has a search tool, ISYS, which enables written statements of reasons for decisions made by the AAT to be searched using words, phrases and Boolean search terms.

The AAT used the ISYS tool to search the text of written statements of reasons for decisions in the Social Services and Child Support Division decisions repository for the phrase "Online Compliance Intervention". The phrase "Online Compliance Intervention", whether the words were lower case or upper case, appeared in 36 written decisions of the Social Services and Child Support Division made from 1 July 2016 to 6 May 2021.

The Social Services and Child Support Division decisions repository contains written statements of reasons for decision relating to the review of Centrelink decisions, child support decisions and paid parental leave decisions. To seek to exclude any child support decisions, the phrase 'chief executive centrelink' was added to the search as the Chief Executive Centrelink is recorded as a party in first review of Centrelink and paid parental leave decisions. This did not reduce the number of decisions.

The following table sets out for each of the 36 decisions the name(s) of the member(s) who made the decision, the date of the decision and the related review number(s).

Member(s)	Decision date	Review number(s)
Member Yvonne Webb	9/03/2017	2016/A103546
Member Sally Kinsley	6/04/2017	2017/S106148
Member Professor Terry Carney AO	20/04/2017	2016/S104394
Member Alison Smith	3/05/2017	2017/M105456
Member Alison Smith	26/05/2017	2016/M104661
Member Alison Smith	6/06/2017	2017/M107274
Member Christine Kannis	15/06/2017	2017/P107558

Member(s)	Decision date	Review number(s)
Member Alison Smith	18/07/2017	2017/M109929
Member Tamara Hamilton-Noy	21/07/2017	2017/M107426
Member Alison Smith	17/08/2017	2017/M110541
Member Alison Smith	22/08/2017	2017/S111844
Member Professor Terry Carney AO	25/08/2017	2017/M113469
Member Professor Terry Carney AO	7/09/2017	2017/M112147 2017/M112302
Member Professor Terry Carney AO	7/09/2017	2017/S112884
Member Alison Smith	12/09/2017	2017/M114237
Member William Budiselik	11/12/2017	2017/P115726
Member William Budiselik	9/01/2018	2017/P116289
Member William Budiselik	20/02/2018	2017/P118027
Member Julia Leonard	5/03/2018	2017/S117861
Member Alison Smith	28/03/2018	2017/M116410
Member William Budiselik	24/07/2018	2018/P122581
Member Alison Smith	27/07/2018	2018/M122588
Member Dr Christhilde Breheny	7/08/2018	2018/M123559
Member Dr Christhilde Breheny	21/08/2018	2018/M124186
Member William Budiselik	18/09/2018	2018/P124897
Member Dr Christhilde Breheny	30/10/2018	2018/M126965
Member William Budiselik	22/01/2019	2018/P129182
Member Alison Smith	8/04/2019	2018/M130161
Member Dr Christhilde Breheny and Member Lynette Rieper	30/04/2019	2019/M133149
Member William Budiselik	6/05/2019	2019/P132824
Member William Budiselik and Member Michael Sutherland	7/05/2019	2019/P131851
Member William Budiselik	27/08/2019	2019/P137881
Member William Budiselik	18/11/2019	2019/A140999
Member Dr Christhilde Breheny	19/11/2019	2019/H141517
Member Lynette Rieper	13/12/2019	2019/H143090
Member Dr Christhilde Breheny	12/05/2020	2020/M148284

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Question 4

Senator Deborah O'Neill asked the following question on 6 May 2021:

Since 11 February 2017, how many decisions of the Social Services & Child Support Division of the Tribunal have contained the expression "Employment Income Confirmation"? For each of those decisions, please provide (i) the name of the Member who made the decision, (ii) the date of the decision and (iii) the Review Number.

The response to the Honourable Senator's question is as follows:

The Administrative Appeals Tribunal (AAT) has a search tool, ISYS, which enables written statements of reasons for decisions made by the AAT to be searched using words, phrases and Boolean search terms.

The AAT used the ISYS tool to search the text of written statements of reasons for decisions in the Social Services and Child Support Division decisions repository for the phrase "Employment Income Confirmation". The expression "Employment Income Confirmation", whether the words were lower case or upper case, appeared in 2 written decisions of the Social Services and Child Support Division made from 11 February 2017 to 6 May 2021.

The Social Services and Child Support Division decisions repository contains written statements of reasons for decision relating to the review of Centrelink decisions, child support decisions and paid parental leave decisions. To seek to exclude any child support decisions, the phrase 'chief executive centrelink' was added to the search as the Chief Executive Centrelink is recorded as a party in first review of Centrelink and paid parental leave decisions. This did not reduce the number of decisions.

The following table sets out for each of the decisions the name of the member who made the decision, the date of the decision and the related review number(s).

Member	Decision date	Review number(s)
Member Alison Smith	17/01/2019	2018/M127871 2018/M130103
Member Simon Letch	14/05/2019	2019/M133365

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Question 5

Senator Deborah O'Neill asked the following question on 6 May 2021:

Since 30 September 2018, how many decisions of the Social Services & Child Support Division of the Tribunal have contained the expression “Check and Update Past Income”? For each of those decisions, please provide (i) the name of the Member who made the decision, (ii) the date of the decision and (iii) the Review Number.

The response to the Honourable Senator's question is as follows:

The Administrative Appeals Tribunal (AAT) has a search tool, ISYS, which enables written statements of reasons for decisions made by the AAT to be searched using words, phrases and Boolean search terms.

The ISYS tool was used to search the text of written statements of reasons for decisions in the Social Services and Child Support Division decisions repository for the phrase “Check and Update Past Income”. The phrase “Check and Update Past Income”, whether the words were lower case or upper case, did not appear in any written decisions of the Social Services and Child Support Division for the period 30 September 2018 to 6 May 2021.

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Question 7

Senator Deborah O'Neill asked the following question on 6 May 2021:

What are Deputy President Karen Synon's responsibilities as the head of the Social Services & Child Support Division?

The response to the Honourable Senator's question is as follows:

Deputy President Karen Synon and the other Deputy Presidents of the Administrative Appeals Tribunal (AAT) assigned by the Minister to be the head of one or more Divisions of the AAT are responsible for assisting the President in the performance of the President's functions by directing the business of the AAT in the Division(s): section 17K(6) of the *Administrative Appeals Tribunal Act 1975* (AAT Act). The President is responsible for ensuring the expeditious and efficient discharge of the business of the Tribunal and that the Tribunal pursues the objective in section 2A: section 18A of the AAT Act. Section 2A of the AAT Act provides that, in carrying out its functions, the Tribunal must pursue the objective of providing a mechanism of review that:

- (a) is accessible; and
- (b) is fair, just, economical, informal and quick; and
- (c) is proportionate to the importance and complexity of the matter; and
- (d) promotes public trust and confidence in the decision-making of the Tribunal.