

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: When it comes to reappointments, do you know what, if any, information about members' performance is provided?

Mr Hawkins: During the current process, the tribunal provided a proforma performance data report to the Attorney-General's Department. They varied slightly between divisions, because we have three different case-management systems in the data being recovered from them. For our process, we prepared those performance reports and provided them to the members first for comment. After that, the reports were then provided directly by the tribunal to the department. In addition, I recall the department providing to division heads, deputy presidents or senior members, depending on who the supervising member was, a proforma reference form that could be provided in relation to those internal members seeking reappointment.

Senator SHOEBRIDGE: Were those references visible to the tribunal members?

Mr Hawkins: I understood—but you may want to clarify this with AGD—that the department provided them to the members upon receipt.

The response to the question is as follows:

Recruitment process for the Administrative Review Tribunal (ART)

The Guidelines for appointments to the Administrative Appeals Tribunal (AAT) (the Guidelines), which can be found at

<https://www.ag.gov.au/system/files/2022-12/aat-appointment-guidelines.PDF>, provide that:

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.

In accordance with the Guidelines, a referee report was sought from the AAT for all candidates in the recruitment processes for the Administrative Review Tribunal who were current members of the AAT. These were provided in the form of a written report from an appropriate referee and an available workload data report for the 2022-23 financial year. Upon receipt, 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.

Short-term reappointments

The Guidelines also provide:

Where short term (up to three month) extensions of appointments or short term reappointments are to be made to ensure continuity of AAT membership, the processes prescribed in the Cabinet handbook should be followed. The Attorney-General will consult with the President about short term extensions and reappointments.

The AAT President was consulted on the short-term reappointment of members in accordance with the Guidelines. Workload data was not sought for short-term reappointments.