

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group: 2

Program: 1.3

Question: BE14/104

Senator Singh asked the following question at the hearing on 26-29 May 2014:

1. What is the full formal name of the steering committee dealing with the merger of the Migration Review Tribunal into a broader tribunal body?
 - a) When was it formally created?
 - b) Which Department is the lead agency?
 - c) Which Minister or Parliamentary Secretary does the committee report to?
2. Please provide the written terms of reference for the steering committee?
3. Please provide the written terms of reference for the sub-committees?
4. Which Departments were consulted by AGD on the formation of these committees?
5. Please provide a full written list of first names and surnames, dates of birth of each member of both the steering committee and sub-committees? Please include which departments and/or agencies each participant was from?
6. On what date was the one meeting held for the steering committee?
 - a) Please table the minutes of this meeting.
 - b) Please table the agenda of this meeting.
 - c) Were any reports or documents provided at this meeting? If so, please name them and provide the Senate Committee with a copy?
 - d) Was a brief provided to the Attorney-General prior to this meeting? If so, what topics did it cover?
 - e) When is the next meeting of the steering committee? Please provide a copy of the agenda for this meeting.
7. What documents outline the overarching principles upon which amalgamation takes place? Please provide the Senate Committee with a copy?
8. Please outline in full all consultation on this amalgamation.
9. Has the Attorney-General met with each of the independent Tribunal heads? If not, why not? If so, when were these meetings held? Where were they held? Who attended, including ministerial staff? Please provide copies of all agendas, minutes and meeting brief/s.
10. Have any ministerial staff met with each of the independent Tribunal heads? If not, why not? If so, when were these meeting/s held? Where were they held? Who attended? What was on the agenda? What minutes were produced?
11. What future consultation will take place with these tribunals?

12. What will be the overall financial saving in each of the forward estimates from the amalgamation?

The answer to the honourable senator's question is as follows:

1. The Tribunals Amalgamation Implementation Steering Committee.
 - a) The Implementation Steering Committee first met on 15 May 2014.
 - b) The Attorney-General's Department chairs the Implementation Steering Committee.
 - c) Members report to their Ministers.

2. The Implementation Steering Committee will:
 - provide a unified direction and effective decision-making for project implementation
 - provide resources and authorise spending necessary for successful completion of the project
 - ensure effective communication amongst affected agencies and with external stakeholders, and
 - delegate effectively to implementation working groups and the project management team.

3. Four Implementation Working Groups have been established in the areas of human resources, finance, information technology, and property/operations. The key functions of the Implementation Working Groups are to:
 - design and implement merged agency functions
 - prepare and maintain detailed project management documentation in their areas of operation, and
 - report to the Implementation Steering Committee on implementation planning, progress, and risks as they arise.

4. AGD consulted the following departments and tribunals on the formation of the Steering Committee and Working Groups: Administrative Appeals Tribunal (AAT), Migration Review Tribunal-Refugee Review Tribunal (MRT-RRT), Social Security Appeals Tribunal (SSAT), Classification Review Board (CRB), Department of Immigration and Border Protection (DIBP), Department of Social Services (DSS), Department of Finance (Finance) and Department of the Prime Minister and Cabinet (PM&C).

5. The Implementation Steering Committee is attended by representatives from: MRT-RRT, AAT, SSAT, DIBP, PM&C, DSS, Finance and AGD.

The Implementation Working Groups are attended by representatives from: MRT-RRT, AAT, SSAT, DIBP, DSS and AGD.

Providing all of the information sought would involve an unreasonable disclosure of personal information. It is standard practice for personal details to be kept confidential and disclosed only with the consent of the person concerned.

6. The first meeting of the Implementation Steering Committee took place on 15 May 2014.
 - a) The minutes of the meeting are an internal working document and cannot be released.
 - b) The agenda is an internal working document and cannot be released.
 - c) Yes. These are internal working documents and cannot be released.
 - d) No.
 - e) The Implementation Steering Committee has met on five occasions between June 2014 and October 2014. The minutes and agenda for these meetings are internal working documents and cannot be released.

7. Documents outlining the principles governing the amalgamation are internal working documents and cannot be released.

8. AGD consulted with DIBP, DSS, AAT, SSAT, MRT-RRT and CRB on the amalgamation proposal, and the tribunals and departments were given the opportunity to comment on the advice provided to inform the Government's decision on this matter.

AGD has also consulted with key stakeholders on the proposed design and implementation of the amalgamated tribunal. AGD has invited individuals and organisations to submit feedback on the proposed changes and to sign up to email updates about the reforms.

9. The Attorney-General has met the President of the AAT on several occasions:

- 2 October 2013, attended by the Attorney-General, James Lambie, Josh Faulks and Philip Kellow, Parliament House
- 16 October 2013, attended by the Attorney-General, Philip Kellow and Josh Faulks at the offices of the AAT in Sydney
- 3 February 2014, attended by the Attorney-General, James Lambie, Dr Susan Cochrane and Philip Kellow, Parliament House
- 23 May 2014, attended by the Attorney-General, Senator the Hon Mitch Fifield Assistant Minister for Social Services and Philip Kellow, Sydney Law Courts Building
- 30 July 2014, attended by the Attorney-General and Josh Faulks, Sydney Law Courts Building
- 29 August 2014, attended by the Attorney-General, Parliament House

Agenda, minutes and meeting briefs were not prepared for these discussions, insofar as they related to the proposed tribunal body.

10. See response to Q9.

In addition, Dr Cochrane attended, as an observer, a meeting between the Shadow Attorney-General, the Hon Mark Dreyfus QC MP, and the President of the AAT. The meeting was organised to enable the Shadow Attorney-General, to be briefed on the proposed tribunal body. The Attorney-General's Office did not prepare, or keep, an agenda or minutes.

11. AGD is working closely with officers of the affected tribunals through a range of governance processes:

- A Heads of Jurisdiction Workshop, comprising the Principal Members of the MRT-RRT and SSAT, the President of the AAT and senior executives from relevant Departments, provides high level policy advice.
- An Implementation Steering Committee which includes Registrars from the Tribunals and senior management from AGD, DIBP, DSS, PM&C and Finance, coordinates implementation of the reform.
- Four Implementation Working Groups, with representatives from each agency, plan and implement the amalgamation of agency functions in the areas of 1) Human Resources, 2) finance, 3) information technology and 4) property and report to the Steering Committee.
- A chairs' Working Group which includes chairs, secretariats and other interested working group representatives manages communications and interdependencies between the four working groups.

12. On 13 May 2014, the Government announced that the amalgamation of Commonwealth merits review tribunals and the transfer of merits review of Freedom of Information matters, currently undertaken by the Office of the Australian Information Commission, will save an estimated \$20.2 million over four years.