

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET ESTIMATES 2017

Administrative Appeals Tribunal

Question No. BE17-085

Senator O'Sullivan asked the following question on 25 May 2017:

Senator O'SULLIVAN: Does that not speak volumes that the executive officer had in their mind that this would be removed?

Ms Leatham: I do not know what they had in their mind, I am sorry. I can only tell you what I understand.

Senator O'SULLIVAN: Let us do this.

Senator WONG: Let her finish her evidence before you start.

Senator O'SULLIVAN: Of course. Are you finished? Do you have something else to say on that?

Ms Leatham: I would like to concede that it was clearly an error. It was not consistent with our process. The decision has been restored to AustLII. We clearly need to tighten up procedure.

Senator O'SULLIVAN: Would you be kind enough to, on notice, provide this committee with all the correspondence that relates to this—that is, the upward mails and the downward mails—so that we can ourselves make a determination of what is in them? Can you take that on notice?

Ms Leatham: Yes.

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

The attached document contains copies of emails relating to the removal from AustLII of the following decision: 1605532 (Migration) [2016] AATA 4101 (13 July 2016). None of the emails were blind copied to any person. The name of the AAT's Database Administrator and the name of the AustLII employee to whom the email was sent requesting the removal of the decision have been redacted. The direct contact details of persons named in the emails have also been redacted.

Miriam Holmes

From: Miriam Holmes
Sent: Friday, 21 October 2016 8:20 AM
To: Irene O'Connell
Cc: Anna Piwonski
Subject: Austlii [DLM=Sensitive:Legal]

Security Classification:
Sensitive: Legal

Hi Irene

I was wondering how I can arrange for one of my decisions to be removed from Austlii. I would like to remove decision 1605532. This decision contains the wrong description of cl.3004, unfortunately I referred to this clause throughout the decision as PIC3004. I have noted that this has been the subject of adverse comment on a migration website and personal comment has been made about me and I would prefer that this decision is removed – as it is not desirable to keep it up on Austlii for the AAT's reputation or my reputation.

Can you advise how I can go about getting it taken down from Austlii?

Thanks

Miriam

Miriam Holmes
Senior Member

Administrative Appeals Tribunal
MR Division
Melbourne Members
T: [REDACTED]
E: [REDACTED]

www.aat.gov.au

Anna Piwonski

From: Anna Piwonski
Sent: Friday, 21 October 2016 1:50 PM
To: Publications Team Mailbox
Subject: RE: Austlii [DLM=Sensitive:Legal]

Hi Team

Please see below email from Miriam regarding a decision that is available on Austlii that contains an identified error (matter 1605532 — VIC — Neal Ciaran GILDEA refers). Is there feasibility / protocols around removing decisions from Austlii?

Any advice would be greatly appreciated.

Cheers
Anna

Anna Piwonski
Executive Officer

Administrative Appeals Tribunal
Principal Registry, Sydney
Executive
T: [REDACTED]
E: [REDACTED]

www.aat.gov.au

From: Miriam Holmes
Sent: Friday, 21 October 2016 8:20 AM
To: Irene O'Connell
Cc: Anna Piwonski
Subject: Austlii [DLM=Sensitive:Legal]

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Miriam Holmes
Senior Member

Administrative Appeals Tribunal
MR Division
Melbourne Members

T: [REDACTED]
E: [REDACTED]

www.aat.gov.au

Sunitha Paalpare

From: Sunitha Paalpare
Sent: Friday, 21 October 2016 2:03 PM
To: [REDACTED]
Cc: Data Management Team
Subject: Published Migration decision - 1605532 [SEC=UNCLASSIFIED]

Security Classification: UNCLASSIFIED

Hi [REDACTED],

Please refer to the link for the above mentioned Migration decision. The member has requested it to be removed as it is not desirable to keep it up on AustLII for the AAT's reputation or her reputation.

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/AATA/2016/4101.html?stem=0&synonyms=0&query=1605532>

Sunitha Paalpare
Publication Team Leader

Administrative Appeals Tribunal
Principal Registry, Sydney
Information Management
T: [REDACTED]
E: [REDACTED]

www.aat.gov.au

Tracking:

Recipient

[REDACTED]

Data Management Team

Delivery

Delivered: 21/10/2016 2:03 PM

Sunitha Paalpare

From: Sunitha Paalpare on behalf of Publications Team Mailbox
Sent: Friday, 21 October 2016 2:04 PM
To: Anna Piwonski
Subject: RE: Austlii [DLM=Sensitive:Legal]

Security Classification:
Sensitive: Legal

Hi Anna,

I have sent an email requesting it to be removed.

Regards

Sunitha Paalpare
Publication Team Leader

Administrative Appeals Tribunal
Principal Registry, Sydney
Information Management
T: [REDACTED]
E: [REDACTED]

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Miriam Holmes
Senior Member

Administrative Appeals Tribunal
MR Division
Melbourne Members

T: [REDACTED]
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www.aat.gov.au

Anna Piwonski

From: Anna Piwonski
Sent: Friday, 21 October 2016 2:16 PM
To: Publications Team Mailbox
Subject: RE: Austlii [DLM=Sensitive:Legal]

Excellent - you are tops. Many thanks!

From: Sunitha Paalpare **On Behalf Of** Publications Team Mailbox
Sent: Friday, 21 October 2016 2:04 PM
To: Anna Piwonski
Subject: RE: Austlii [DLM=Sensitive:Legal]

Hi Anna,

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Regards

Sunitha Paalpare
Publication Team Leader

Administrative Appeals Tribunal
Principal Registry, Sydney
Information Management

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Miriam

Miriam Holmes
Senior Member

Administrative Appeals Tribunal
MR Division
Melbourne Members
T: [REDACTED]
E: [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Friday, 21 October 2016 15:41
To: [REDACTED]
Cc: Sunitha Paalpare
Subject: Please remove 1605532 (Migration) [2016] AATA 4101 (13 July 2016)
[SEC=UNCLASSIFIED]

Security Classification: UNCLASSIFIED

Hi [REDACTED]

Could you please remove this file from AustLII as soon as possible. It contains errors.

<http://www.austlii.edu.au/au/cases/cth/AATA/2016/4101.html>
1605532 (Migration) [2016] AATA 4101 (13 July 2016)

[REDACTED]
Database Administrator (A/g)

Administrative Appeals Tribunal
Principal Registry, Melbourne
eServices

T: [REDACTED]
E: [REDACTED]

www.aat.gov.au

Anna Piwonski

From: Anna Piwonski
Sent: Friday, 21 October 2016 4:16 PM
To: Miriam Holmes
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Security Classification:
Sensitive: Legal

FYI!

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