

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Administrative Appeals Tribunal

Question No. BE17-096

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

Ms Leathem: I just wanted to clarify that many of those decisions are straightforward decisions—for example, remitting a matter back to the department because there may have been information gathered. There is a question, with the sheer volume of numbers, as to how helpful it would be to publish all of those decisions when there are so many each year.

Senator O'SULLIVAN: That is very useful, but my surgical, precise question to you is this. A case file is finished. Barry O'Sullivan is a member of the tribunal. I have completed my case file. It is now going to archives. Who makes the decision whether it goes over to our team leader—who, it could be argued, has a somewhat liberal view of this? Who makes the decision as to whether it goes to archives or it goes over to the team leader in publications?

Ms Leathem: I could not answer that. I would have to take that on notice.

Senator O'SULLIVAN: I beg your pardon, ma'am?

Mr Matthies: We would need to take that on notice, Senator, to give you those kinds of—

Ms Leathem: Accurate information about the micromanagement.

Mr Matthies: And the level of detail.

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

The AAT's response to this question included the following statement regarding the publication of certain decisions made in the Migration & Refugee Division:

Decisions in relation to which the country of reference is Iran which the AAT has not been publishing as a result of advice from the Department of Foreign Affairs and Trade are excluded.

On 14 September 2017, the Department of Foreign Affairs Trade withdrew its request that the AAT refrain from publishing decisions relating to Iran. Decisions relating to Iran have been included among the decisions that may be selected for publication since that time.