

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING : 22 May 2017**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(BE17/004) - AAT - decisions and location of registries cases originate from - Internal Product (DIBP)**

Senator Macdonald, Ian (L&CA 17) asked:

CHAIR: Are decisions of the AAT public documents?

Mr Pezzullo: I believe so, unless the presiding officer makes some sort of order to seal elements of the decision.

Ms de Veau: I am not sure. I will give some consideration to that but obviously the material that is before the decision maker often has to have consideration as to privacy as well as other matters.

Mr Pezzullo: But the actual decision itself?

Ms de Veau: The decision itself I will have to check.

CHAIR: It is public to you because as someone involved in the process you would at least have to be advised on why your decision—

Mr Pezzullo: I would say it is known to us. The AAT decision is communicated to us, particularly if it relates to an urgent reconsideration.

CHAIR: But the AAT must give you advice as to why your decision was, in their opinion, wrong.

Mr Pezzullo: Yes.

Ms de Veau: Again, it is not necessarily that they have overturned a decision. Sometimes a decision might be wrong but, simply, they make another decision that is different at a different point in time on potentially different material. We do get this statement of reasons, and where there is provision for oral decisions there is usually a written statement that comes thereafter.

CHAIR: Are the decisions in these recently highly publicised cases from AAT registries across Australia or are they principally from one particular registry?

Mr Pezzullo: We would have to take that on notice, and I am not even sure that it is within our competence to answer that. We will see what we can do. As a matter of fact, if it is on the public record the statement of reasons has been published. We will look at whether there is any kind of regional breakdown.

CHAIR: You would know the member of the AAT who has made the decision, surely?

Mr Pezzullo: If it is a public decision on the website, yes.

CHAIR: You would, whether it is a public decision or not, wouldn't you?

Mr Pezzullo: Yes, I think that is the case. We will take on notice—

CHAIR: I am inclined to ask the names of the AAT members who made these decisions, which on the face of it offend the sensitivities of most Australians. I am not going to ask that, but I am going to ask what registry they come from.

Mr Pezzullo: We will take all of these matters pertaining to the AAT and our interaction with the AAT on notice. We have got two days. We will come back to you. We will consult with colleagues in the Attorney-General's department who are responsible for the administration of justice, and if there are further and better particulars we can give you we will give them to you within these two days.

CHAIR: Again, I am simply asking in relation to these immigration matters for which you have a responsibility. The AAT does appear before this committee and I would assume, because of the high publicity around this, that the President of the AAT would probably make reference to that in an opening statement. If not, the AAT should come prepared not for individual cases but for an explanation of these things.

Mr Pezzullo: We will limit ourselves to matters that arise under the Migration Act and we will get you the best information we can in terms of further and better particulars through the course of the days.

*Answer:*

The Department is aware of which member makes a review decision, whether or not the decision is made publicly available. Any further questions about these matters should be directed to the Tribunal.