

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 22 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE17/300) - AAT appeal rate - Internal Product (DIBP)

Senator Pratt, Louise (L&CA 14) asked:

Senator PRATT: Has the department identified any gaps, issues or problems with the framework in which the AAT currently works?

Mr Pezzullo: That is getting a bit closer to home, so I am happy to answer that. As Ms De Veau made clear, and we provide the minister with advice on these matters, if we are of the view that a decision—and this is a matter of jurisprudence; it is not about whether the AAT is operating beyond its remit. I simply have no view on those matters. But if a decision in our mind or, indeed, if the minister wishes to ask for advice it should be appealed, or certainly at least there should be discussion about appeal. That goes to your question. Then that relates to matters of law. As Ms De Veau said, you go through a process of judicial review and there are matters that we appeal are there not? I do not have the stats in my head, but Ms De Veau might assist me. We suggest or act on the minister's instructions to appeal any number of decisions at any particular point in time. Perhaps Ms De Veau can—

Ms De Veau: I might take the appeal rate from the AAT on notice and come back to you. I have some lengthy statistics in relation to matters before the courts.

Answer:

See BE17/003.