

Administrative Appeals Tribunal demoted barrister for making decisions against the government, he claims

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Adelaide barrister Michael Manetta says he has stopped hearing AAT matters until his concerns are resolved. (ABC News: Eric Tlozek)

An Adelaide barrister has told the ABC he has been stopped from hearing welfare debt cases at the Administrative Appeals Tribunal (AAT) because he made too many decisions against the government.

Michael Manetta, a member of the AAT since 2016, was removed last September from hearing social security cases by the tribunal's new deputy president, Karen Synon.

"Because she was concerned, essentially, that I was deciding too many cases in favour of the citizen and against the government," he said.

Mr Manetta said he had found the Department of Social Services was not acting correctly applying the law when it calculated people's Centrelink debts.

"I had found areas of concern in the habitual practice of the department and the way it calculates social security debts and in other matters, which were recurring errors of law which I thought were not justified and not authorised by the act," he said.

Mr Manetta said the deputy president, a former Liberal senator, moved him to another area so he could no longer adjudicate welfare cases.

"I was given child support percentage work, which is effectively the latrine duty of the division," he said.

Key points:

- Barrister Michael Manetta says he was removed from hearing AAT social security cases last September
- He says it was because he was making too many decisions in favour of the citizen
- The AAT says the matters raised by Mr Manetta are being considered

Mr Manetta also alleged Ms Synon told him in February that a case he had previously decided was later discussed at a meeting between herself, the AAT's former president and the secretary of the Department of Social Services, Ray Griggs.

"I was staggered that a litigant before the tribunal had private access to the decision makers without the knowledge or consent of the other party," he said.

Both Ms Synon and the secretary of the department denied that occurred.

"Deputy president Synon confirms she and the former AAT president met with the secretary of the Department of Social Services as part of the tribunal's routine stakeholder engagement," the AAT said in a statement.

"Specific cases and individual members were not discussed at this meeting."

A spokesperson for the Department of Social Services said the secretary did not raise the case.

"The secretary has never discussed Mr Manetta or any member of the AAT or specific details of any individual AAT cases during meetings with senior members of the AAT," the spokesperson said.

"The secretary has regular meetings with senior members of the AAT as part of routine stakeholder engagement. The purpose of these meetings is to discuss strategic issues and changes in policy that may impact the AAT."

After a series of meetings with Ms Synon, Mr Manetta said he was told his high rate of findings against the department was inconsistent with other decision makers and was effectively removed as a result.

"It's not hard to see how corrosive that could be of the independence of the tribunal, its appearance of impartiality, it encourages members to monitor their track records and it squarely corrodes public confidence in the quality of administrative justice," he said.

The AAT did not answer a question about why Mr Manetta was removed, stating only that it knew of his concerns.

"The tribunal is aware of matters raised by member Michael Manetta and these are currently being considered in consultation with deputy president Synon."

Political interference claims

Independent candidate for the South Australian seat of Boothby Jo Dyer, who first raised Mr Manetta's case, said the problem was due to political interference in the appointment of AAT members.

"What you see with what he's saying is the real implications of the Coalition's persistent stacking of the AAT with their mates," she told the ABC.

"Australians think they can trust government institutions like the AAT to give them fairness; instead they've got a corrupted and compromised process which is driven by ideology."

"People are not getting justice. They are not being looked after by members who are supposed to be there to uphold and protect the rule of law.

"The government is either unaware of or doesn't care about the separation of powers.

"They are trying to interfere with the statutorily protected independence of the decision makers within the AAT."



The government says all appointments to the AAT are made on merit and meet the Administrative Appeals Tribunal Act 1975 requirements. *(ABC News: Matt Roberts)*

All appointments to AAT made 'on merit'

The Coalition gave the ABC a statement in response, which read:

"The government is committed to giving the AAT the resources it needs to provide high quality merits review with minimum delay.

"All appointments are made on merit. This means ensuring that the AAT is constituted by people who have a wide range of experiences and different records of service to our community.

"All appointments to the AAT meet the Administrative Appeals Tribunal Act 1975 requirements for their class of appointment."

Mr Manetta himself was connected to the Liberals, running for the party in the seat of Torrens at the 2014 state election.

He said his complaint was not about politics, but about the level of qualifications of appointees to the tribunal.

"I think there's a problem with non-legally qualified people being appointed to the higher levels of what is a quintessentially legal institution," he said.

Mr Manetta said he had stopped hearing AAT matters until his concerns are resolved.

In a statement, Deputy President Synon said she categorically denied she has acted in any manner that is not fair, impartial and just in the exercise of her statutory duties at the AAT.

EDITOR'S NOTE (16/05/2022): An earlier version of this story indicated that Mr Manetta had alleged that the secretary of the Department for Social Services had met Ms Synon and the AAT's former president to complain about a case he adjudicated. Whilst the original story included the AAT's response to this allegation, the ABC did not seek a response from the department. The story has been amended to more accurately describe Mr Manetta's allegation, and to include the department's response.