

6 May 2024

Committee Secretary
Senate Legal and Constitutional Affairs Committee

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Thank you for the opportunity to provide a submission and to participate in the hearing on 26 April 2024.

During the hearing, Senator Scarr asked me the following questions, which I did not have instructions to answer: **Have these issues been raised with the Attorney-General's Department on behalf of AAT members? Have they been raised with the Attorney? If so, what response has been provided by the Attorney or the Attorney-General's Department?**

I have now taken instructions and in response to that question I advise that a number of questions were asked of the Attorney-General's Department, including whether the Remuneration Tribunal determination regarding reference salaries would remain the same and whether the offer of a role below a member's current level would be considered suitable alternative employment, so that the redundancy provisions would not apply.

To date these questions have not been fully answered. The Attorney-General's Department advised that the Remuneration Tribunal would issue a formal determination after the passage of the establishing legislation and that further advice would be provided to candidates before appointments were made.

As I advised during the hearing, setting aside the longstanding Remuneration Tribunal determination for loss of office, ranging from a minimum of 4 month's pay for all full-time members whose terms are cut short and up to 12 months for those with remaining terms of 3 years or more, sets an unhealthy precedent. The retrospective nature of the change and the uncertainty it creates about agreed terms and conditions will deter highly qualified applicants from seeking future statutory appointments.

Yours faithfully

Tony Vernier
Barrister