

Senate Legal and Constitutional Affairs Legislation Committee
Attorney-General's Department

Hearing date: 26 April 2024

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Varun Ghosh asked the following question:

Senator GHOSH: One of the other witnesses—a Deputy President of the AAT—earlier today gave some evidence about the qualifications of deputy presidents under the bills we're considering. Are you able to advise how many current deputy presidents of the AAT are non-lawyers and how many non-lawyer deputy presidents and presidents the AAT has had since it was created?

Ms Samios: Currently, I believe the answer is one. I'm not sure that I would be able to recreate it for the entire history of the AAT back to 1976, but I can see if we could do maybe a handful of additional years. You'd appreciate that the further back we go the more we would be relying on complex records, probably extracted back from archives.

Senator GHOSH: In doing that, just use your judgement in terms of the time and the effort that's required. I don't want to create a task that's disproportionate to the information we're seeking.

The response to the question is as follows:

It has always been a requirement that the President of the Administrative Appeals Tribunal has a legal qualification. Since 1982, subsection 7(1) of the *Administrative Appeals Tribunals Act 1975* has required that the President of the Administrative Appeals Tribunal (AAT) must be a Judge of the Federal Court of Australia.

Prior to the amalgamation of tribunals in 2015, it was a requirement for all Deputy Presidents of the AAT to hold legal qualifications. Since the 2015 amalgamation, the department's records indicate that there has been one Deputy President who does not hold a legal qualification.