

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: 1.4 Justice Services

Question No. SBE16/049

Senator Wong asked the following question at the hearing on 18 October 2016:

Senator WONG: This has been a matter of some controversy in the media on a number of occasions. Do you have matters associated with the May 2016 appointments here or not?

Mr Anderson: We have a range of information we can provide.

Senator WONG: So the president wrote—what was the date?

Mr Anderson: It was 11 December 2015.

Senator WONG: In that letter, what did the president indicate about the numbers of appointments required, workload, those sorts of issues?

Mr Anderson: I do not have the precise number of appointments that he recommended be made. The president writes about reappointments that he recommends, and of course there is information about them.

Senator WONG: I do not want to talk about it in the abstract; I want to know what was recommended. Is it not possible for someone to get the letter here?

CHAIR: Mr Anderson, is this in the nature of advice from the president to the Attorney?

Mr Anderson: Yes, it is.

Senator WONG: Let us be clear. It is expressing a view about the number of appointments that is sought. I just want the number. I do not need to know everything else; I want to know the number.

CHAIR: I am sure someone can tell you the number. Keep going.

Senator WONG: Just give me the number.

Mr Anderson: We will have to take that on notice. We do not have the document here.

REPEATED QUESTION:

Senator WONG: I refer you to the statement which was outlined at the outset. I am not asking you what went to cabinet. I am asking a very simple process question. I am even agreeing that it be de-identified. I am simply asking how many positions did the president of the tribunal recommend to the Attorney under the protocol for these very highly paid, taxpayer-funded positions. How many did he recommend ought be reappointed, and how many new positions did he recommend ought be created?

...

Mr Anderson: I have now seen a copy of the letter.

Senator WONG: Thank you—I am asking you to provide it.

Mr Anderson: I am saying that I would like to reserve that as a matter for the Attorney. I think that if you looked at the numbers in the letter, that might enable someone to then compare that to numbers of appointments made and to ascertain the advice that the President has given to the Attorney about appointments, which was a matter for cabinet.

Senator WONG: Let's leave aside the reappointment issue if you are worried about that. I just want to know how many he is saying should be created.

CHAIR: These are matters for the minister. While I have every regard for Senator Scullion, he is clearly not the Attorney-General. This is a bit unfortunate that these questions arise when, from the beginning of the day, the Attorney has let it be known he would not be here between six and 8.30 because of important matters of the nation. I do not want to go any further than that. He will be here at 8.30, and it might be appropriate if you saved your questions to Mr Anderson on this

aspect until the Attorney is here.

Senator WONG: As I understand, Mr Anderson, you want to refer to the minister?

Mr Anderson: That is correct.

Senator WONG: Notwithstanding that this is from the President to the Attorney-General under a protocol for appointments to a publicly funded tribunal—that the Chair has asked many questions about—and notwithstanding that I am not asking questions about names, you want to refer to a minister whether you can disclose the numbers recommended for reappointment, and/or the numbers of new positions created?

Mr Anderson: That is correct.

Senator WONG: You are entitled to do that, so I will wait till the Attorney comes for him to consider that.

The answer to the honourable senator's question is as follows:

Appointments to the Administrative Appeals Tribunal (AAT) are made in accordance with the Protocol agreed between the Attorney-General and the President of the AAT, a copy of which is attached.