

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

Program: 1.4 Justice Services

Question No. SBE16/064

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

Senator REYNOLDS: I just have two questions, just as follow-up to the last questions from my colleagues. Can you tell me if there were any protocols under the previous government, the Labor government, for appointments to the AAT?

Ms Leatham: I was appointed in April 2015, so I could not comment in relation to that.

Senator REYNOLDS: Do you mind taking that on notice or just seeing whether someone else here has the corporate memory to hand to advise what the previous protocols were and also, obviously, how the appointments were made? I think that would help clarify some of the line of questioning here if we could get that information.

CHAIR: Mr Anderson, how long have you been in this role?

Mr Anderson: Since 1 March this year. We can take it on notice.

CHAIR: Are any of your senior staff aware if there was a protocol under which existing members of the tribunal, to make it current, were appointed—

Senator REYNOLDS: For new appointments in particular.

CHAIR: before Senator Brandis became the Attorney?

Mr Anderson: Not aware, Senator. We can take that on notice.

CHAIR: Can you tell me when this protocol that has been tabled came into being?

Dr Smrdel: We do not have a precise date. The information I have before me says that it was settled on 6 November 2015 but I am not sure whether the protocol was ultimately approved by the Prime Minister. I am not sure whether 6 November actually captures the Prime Minister's approval date or just when it was settled between the Attorney and the president.

CHAIR: That is fair enough.

Dr Smrdel: I will take that on notice.

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

The Protocol was settled by the Attorney-General on 6 November 2015 following agreement by the Prime Minister and consultation with the President of the AAT. A copy of the Protocol is attached.