

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

Program: 1.4 Justice Services

Question No. SBE16/068

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

Senator McKIM: I have just got one more question in this line of questioning, Chair, if I might. Attorney, from your use of the word 'vacancies', ought I to take that to mean that you are simply from now on going to appoint to fill vacancies—in other words, is the loss of the 16 FTE members in the transition, is that the new normal now? Are you ruling out making appointments in addition to filling vacancies—appointments that are intended to address what we have just heard is actually a very low finalisation rate after 12 months in the migration and refugee division?

Senator Brandis: Let me answer your question this way. People are appointed to this tribunal for a set number of years—three, five or seven years. The former Prime Minister Mr Abbott had a very strong view—not just about this tribunal but about government bodies generally—that people who had served a term should not be reappointed unless there was a strong case to do so, because his view was that there should be refreshment.

Senator McKIM: But he is not the Prime Minister anymore.

Senator Brandis: The current Prime Minister, Mr Turnbull, does not particularly have that view, and I do not mean any disrespect to Mr Abbott but, frankly, nor do I. So my disposition is to reappoint people unless they have served for a very long time and it is time that they moved on. I will check the statistics, but I am reasonably confident that certainly since the time the protocol came into operation, which was roughly the time that Mr Turnbull became Prime Minister, the vast majority of appointments have been reappointments. So, when I use the term 'vacancy', I mean a position, a member's tenure, expiring, and I use it in both the case where consideration may be given to their reappointment and in a case where a new person might be appointed.

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

This question was not taken on notice.