

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

Group: 2

Program: 1.3

Question No. AE15/029

Senator Wright asked the following question at the hearing on 24 February 2015:

Senator WRIGHT: There is no requirement in the bill for consultation or appointment, consultation with the Minister for Social Security—or whatever the new phrase is for the SSAT—is that right?

Senator Brandis: I think there is.

Senator WRIGHT: Is it similar? That is what I am asking.

Senator Brandis: I will check. The scheme of this is where area-specific merits review tribunals have been brought into this new amalgamated structure. The Attorney-General, as the principal minister with responsibility for the AAT, has to consult with the minister with specialist responsibility for that particular area. That seems perfectly sensible to me, I must say.

Senator WRIGHT: What is the tenure of appointment?

Mr Manning: I am not sure if it is five or seven years, but it is the standard provision in relation to appointment.

Senator WRIGHT: Is that the minimum or is that the maximum? Is it between or up to?

Mr Manning: Up to.

Senator WRIGHT: So it could be one year or two years?

Mr Manning: Technically, yes.

Senator Brandis: Sometimes people are appointed for shorter than the usual period.

Senator WRIGHT: I am aware of that.

Senator Brandis: And, of course, sometimes people are renewed.

Senator WRIGHT: Yes, they are; indeed. But sometimes they are appointed for quite short periods and I am interested in that. It is up to five or seven years.

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

The Attorney-General must consult with the relevant portfolio Minister (in addition to the President) before assigning a member to the:

- Migration and Refugee Division
- National Disability Insurance Scheme Division
- Social Services and Child Support Division, or
- Taxation and Commercial Division.

In the case of the Social Services and Child Support Division, the relevant Minister is the Minister administering the *Social Security (Administration) Act 1999*.

Appointments to the Administrative Appeals Tribunal can be for up to seven years. The Bill as passed will not change this.