

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

Program: 1.4

Question No. AE17/076

Senator Pratt asked the following question at the hearing on 28 February 2017:

- 1) Mr Anderson, I see that subsequent to our last hearing, you have made a number of corrections to your evidence to the committee on the subject of AAT appointments. You said for instance that of the 76 appointments and re-appointments to the Tribunal, made by the Attorney-General just before caretaker last year, that none had been through a selection process. Can you explain to the committee what your correction was and why there was a misunderstanding?
- 2) At the last estimates hearing, Labor senators asked a number of questions about the letter sent from the President of the AAT to the Attorney-General on 11 December 2015, which advised the Attorney of the number of appointments or re-appointments that were required to be made. The response received was that you could not disclose that matter or give us the letter because you would have to consult with the Attorney.
In answers to Questions which you took on notice, all that has been provided is a copy of the appointments protocol, which we already had a copy of. Why have you been unable to answer those questions about the content of the letter?

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

- 1) Mr Iain Anderson, Deputy Secretary, Civil Justice and Corporate Group, wrote to the Chair of the Senate Legal and Constitutional Affairs Legislation Committee on 20 October 2016 to correct and clarify evidence given in relation to Administrative Appeal Tribunal (AAT) appointments at the Senate Estimates hearing on 18 October 2016. The letter is attached and is also available on the Committee's website.

Page 1 of the letter states that an examination of departmental records took place following the Senate Estimates hearing on 18 October 2016, which revealed the need to correct and clarify some evidence given by departmental officers where that evidence was incorrect or inadvertently had the capacity to mislead.

- 2) At the Senate Estimates hearing on 18 October 2016, Mr Anderson indicated that he could not disclose the content of the President's letter because he would have to consult the Attorney-General. Following the hearing, the Attorney-General's Department consulted the Attorney-General. The letter should not be disclosed because of the sensitive and confidential nature of the letter, including the President's assessment of individual members' suitability for reappointment, which was the subject of Cabinet consideration.