

RECOMMENDATIONS

Recommendation 1

2.28 The Committee recommends that the Bill be amended to retain the requirement that the President of the Administrative Appeals Tribunal must be a judge of the Federal Court of Australia. That is, subsection 7(1) should not be repealed.

Recommendation 2

2.48 The Committee recommends that the Bill be amended to specify a minimum term of appointment of three years. Subsection 8(3) of the Act should be amended to read: 'subject to this Part, a member holds office for a term of at least 3 years and not more than 7 years as is specified in the instrument of appointment, but is eligible for re-appointment.'

Recommendation 3

2.63 The Committee recommends that proposed subsection 23(9)(a) be amended, in order to provide guidance as to the circumstances under which the President should exercise the power to remove a member, and reconstitute a tribunal, 'in the interests of justice'.

Recommendation 4

2.64 The Committee recommends that new sections 23 and 23A should proceed, subject to the retention in the Act of the mandatory requirement that the President be a Federal Court judge (Recommendation 1).

Recommendation 5

2.78 The Committee recommends that item 36 of the Bill be amended to include the requirement that the Minister must first consult with the President before making or altering assignments of members to a Division of Divisions of the Tribunal.

Recommendation 6

2.90 Subject to the preceding recommendations, the Committee recommends that the Bill proceed.

