



THE HON MARK DREYFUS KC MP

**ATTORNEY-GENERAL
CABINET SECRETARY
MEMBER FOR ISAACS**

MEDIA RELEASE

Albanese Government to abolish Administrative Appeals Tribunal

The Albanese Government will abolish the Administrative Appeals Tribunal and replace it with an administrative review body that serves the interests of the Australian community.

The AAT's public standing has been irreversibly damaged as a result of the actions of the former government over the last nine years.

By appointing as many as 85 former Liberal MPs, failed Liberal candidates, former Liberal staffers and other close Liberal associates without any merit-based selection process – including some individuals with no relevant experience or expertise – the former government fatally compromised the AAT, undermined its independence and eroded the quality and efficiency of its decision-making.

The Albanese Government inherited an AAT that is not on a sustainable financial footing, that is beset by delays and an extraordinarily large and growing backlog of applications and that is operating multiple and ageing electronic case management systems – a legacy of the former government's mismanagement of the amalgamation of the AAT with the Social Security Appeals Tribunal and the Migration Review Tribunal and Refugee Review Tribunal.

This comes at a very real cost to the tens of thousands of people who rely on the AAT each year to independently review government decisions that have major and sometimes life-altering impacts on their lives – decisions such as whether an older Australian receives an age pension, whether a veteran is compensated for a service injury, or whether a participant of the NDIS receives funding for essential support.

The AAT once commanded universal respect. As Attorney-General in the Howard Government, Philip Ruddock declared the AAT led the world “*in administrative law*”

innovation and best practice". It is inconceivable that any Commonwealth Attorney-General, Liberal or Labor, would make remotely similar comments today.

The Albanese Government is committed to restoring trust and confidence in Australia's system of administrative review – beginning with the establishment of a new administrative review body that is user-focused, efficient, accessible, independent and fair.

Over the coming months, the Government will consult with stakeholders on the design of the new body. This work will be led by a dedicated taskforce within the Attorney-General's Department, and be informed by an Expert Advisory Group led by the Hon Patrick Keane AC KC, a former Justice of the High Court of Australia.

As part of this reform, the Government has committed:

- \$63.4 million over two years for an additional 75 members to address the current backlog of cases and reduce wait times while the new body is being set up, and
- \$11.7 million over two years for a single, streamlined case management system.

The Government will undertake further work as part of the reform process to ensure the financial sustainability of the new body.

A central feature of the new body will be a transparent and merit-based selection process for the appointment of non-judicial members. Existing non-judicial members of the AAT, many of whom continue to embody the best traditions of that once-celebrated institution, will be invited to apply for positions on the new body in accordance with that process.

In line with our commitment to merit-based appointments, the Government has developed a set of guidelines for appointments to the AAT prior to its abolition. Appointments of non-judicial members to the new body will be consistent with the principles set out in these guidelines.

Matters currently before the AAT will be unaffected – they will continue to be heard as the reform progresses and will transition to the new review body once it is established.

Current staff of the AAT will transition to the new body as part of the reform. The Government is committed to working closely with the Community and Public Sector Union and the AAT to ensure that hardworking staff of the AAT are supported through this process.

The Albanese Government will deliver an accessible, sustainable and trusted federal administrative review system that serves the Australian community.

The Hon Justice Susan Kenny AM has this morning been appointed as the Acting President of the AAT. The Government will conduct a transparent and merit-based selection process for the role of President in due course.

The Government thanks the Hon Justice Berna Collier for her service as Acting President over the last few weeks.

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Media contacts:

Stephen Spencer 0423 596 573 - Stephen.Spencer@ag.gov.au

Suze Metherell 0458 023 927 - Suze.Metherell@ag.gov.au