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AAT appointments must be transparent and merit-based

The Law Council of Australia has raised serious concerns regarding the Federal Government's processes in appointing members to the Administrative Appeals Tribunal (AAT), describing it as secretive with the potential to undermine public confidence.

At least 14 former state and federal MPs and staffers were among 86 appointments to the AAT, announced Thursday.

Law Council President Arthur Moses SC said the legal profession is concerned and troubled by these developments.

"The lack of transparency compromises community confidence in the independence of the tribunal and the quality of its decision making," Mr Moses said.

"The independence and integrity of the AAT depends on an apolitical, open and merit-based appointment system.

"The Federal Government's announcement of 34 new appointments to the AAT made without community consultation and 52 reappointments for existing members is concerning, as a number of members have been re-appointed before the expiration of their current terms.

"There is a concern that reappointment of members well before the expiry of their current terms, in the context of an upcoming Federal election, may give rise to a reasonable apprehension that decisions are affected by political considerations and therefore compromises the reputation of the Tribunal.

"The appearance of a conflict of interest can be just as damaging to the AAT's integrity as an actual conflict.

"Appointments should be made transparently and in consultation with the community, including the legal profession, to safeguard their quality and improve their diversity.

"The AAT deals with a significant number of cases that directly impact on the lives of Australians. It is important those appointed have the necessary skills to discharge its functions according to law and community expectations.

"An AAT that reflects the community it serves better enhances public confidence in the administration of justice, including respect for the rule of law," Mr Moses said.

The Law Council calls on the Federal Government to implement a transparent appointment process based on merit, similar to that recently announced by the Federal Opposition.

Any lack of transparency impacts on the reputations of all members of the AAT, which is unfair.

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The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.