

19 December 2024

Support for ART improving administrative decision making

The Law Council of Australia welcomes the first action taken utilising the Administrative Review Tribunal's power to address systemic issues in administrative decision making.

"Yesterday, the Administrative Review Tribunal (ART) published online its first 'notice of systemic issue'," Law Council of Australia President, Mr Greg McIntyre SC said.

"A key design feature of the newly constituted ART is the ability for its President to identify, escalate and report on systemic issues in administrative decision-making.

"This was a feature the Law Council strongly supported throughout its engagement with the Government on the establishment of the ART.

"We are pleased to see that the ART President is making use of important powers that have been provided to him under the *Administrative Review Tribunal Act 2024* (Cth).

"The ability to raise systemic issues relating to agency decision-making is a critical aspect of the ART, and responds to concerns raised in the Robodebt Royal Commission Report regarding the absence of a mechanism for ensuring that Tribunal decisions are reviewed in a systemic way.

"The release of this notice indicates the President has identified a particular systemic issue and has proposed that the newly re-instated Administrative Review Council (ARC) inquire and report on the matter.

"This measure reinforces the value of the ARC as an independent body that can facilitate ongoing, objective and apolitical review of the performance and integrity of Australia's administrative review system.

"As governments, and governing, become increasingly complex, and the nature of decision-making evolves, there remains a critical need for an overarching body such as the ARC, which draws upon a cross-section of experts and leaders, to monitor the operation of the Commonwealth administrative law system.

"We welcome publication of the 'notice of systemic issue' as a positive step towards greater identification and transparency about systemic issues in administrative decision-making."

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