



**THE HON. CHRISTIAN PORTER MP**  
**Attorney-General**

## **Media Release**

Friday, 27<sup>th</sup> July 2018

### **Statutory Review of the amalgamated Administrative Appeals Tribunal**

Former Justice of the High Court of Australia, the Hon Ian Callinan AC QC, will undertake a statutory review of the Administrative Appeals Tribunal.

Attorney-General, Christian Porter, announced the review today, saying it was required under section 4 of the *Tribunals Amalgamation Act 2015*.

“The Administrative Appeals Tribunal was amalgamated with the former Social Security Appeals Tribunal, the Migration Review Tribunal and the Refugee Review Tribunal in July 2015, following the commencement of the *Tribunals Amalgamation Act*,” the Attorney-General said.

“The amalgamation of the Commonwealth tribunals was a significant reform to Australia’s administrative law framework.

“This review, required under the legislation that provided for the amalgamation, is important to evaluate the success of the amalgamation now that three years has passed since its implementation.

“The review seeks to identify whether the operations of the Tribunal can be further improved to enhance the efficiency and effectiveness of the Commonwealth merits review jurisdiction and support high quality and consistent government decision making.

“It also a timely opportunity to ensure that the Tribunal is meeting its statutory objectives, in particular that it is promoting public trust and confidence through its decisions and that decisions reflect community expectations.”

The Attorney-General said Mr Callinan was ideally placed to undertake this review. As well as being a former Justice of the High Court, he also has extensive experience as a barrister and has previously undertaken reviews into Sydney’s lockout laws and Victoria’s Parole System.

Mr Callinan invites submissions addressing any of the terms of reference. Details about how to make a submission are on the Attorney-General’s Department’s website at <https://www.ag.gov.au/consultations>

Mr Callinan has been asked to provide a report addressing the Review’s terms of reference by 31 October 2018.

“I look forward to receiving the report and the Government will carefully consider any recommendations that are made,” the Attorney-General said.

The terms of reference for the Review are attached.

## Media Release Attachment

### Administrative Appeals Tribunal (the Tribunal) Statutory Review – Terms of Reference

A review is to be commenced, in accordance with section 4 of the *Tribunals Amalgamation Act 2015* (TA Act), to consider the operation of the amendments made by the TA Act to the Tribunal. The review shall consider:

- whether the objectives of the TA Act have been achieved;
- the extent to which the Tribunal operates as a truly amalgamated body, and whether any existing levels of separation are necessary and appropriate;
- whether the Tribunal is meeting the statutory objectives contained in section 2A of the *Administrative Appeals Tribunal Act 1975*, with particular regard to:
  - the objective to promote public trust and confidence in the decision-making of the Tribunal, including:
    - the extent to which decisions of the Tribunal meet community expectations; and
    - the effectiveness of the interaction and application of legislation, Practice directions, Ministerial Directions, guides, guidelines and policies of the Tribunal;
- the degree to which legislation, processes, grounds, scope, and levels of review in, and from, the Tribunal promote timely and final resolution of matters;
- whether the Tribunal's operations and efficiency can be improved through further legislative amendments or through non-legislative changes; and
- whether the arrangements for funding the operations of the Tribunal are appropriate, including ensuring consistent funding models across divisions.

The written report of the review is to be provided to the Attorney-General by 31 October 2018.