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Administrative review reform must address challenges of the past

The Law Council of Australia welcomes today's announcement that the Government will recommend appointment of the Hon Justice Emilios Kyrou AO as President of the Administrative Appeals Tribunal (AAT) and to help guide reform of Australia's system of administrative review.

As a judge of the Court of Appeal in the Supreme Court of Victoria and a 2023 appointee to the Officer of the Order of Australia "for distinguished service to the judiciary and to the law, to professional associations, and to the community", Justice Kyrou brings eminent credentials to this vital role.

"Work is underway to replace the AAT with a new administrative review body and Justice Kyrou is very well placed to play a leading role throughout this transition," Law Council of Australia President, Mr Luke Murphy said.

In its response to the Attorney-General's Department's comprehensive Administrative Review Reform Issues Paper, the Law Council called for establishment of the new body to build on lessons learned.

"The new body must be adequately funded and resourced, with an appropriate number of suitably skilled and qualified members, and charged with delivering accurate, fair and timely decisions," Mr Murphy said.

"The administrative law system is intended to provide a web of accountability which protects individuals against unfair and arbitrary use of public power; ensures public confidence in government; and enables informed participation in democratic processes. An effective review tribunal should improve the quality of future agency decision-making so as to benefit all Australians.

"Australia needs a robust administrative review body for Commonwealth decision-making, and the process being undertaken to replace the AAT is an opportunity to address some of the challenges that have arisen previously.

"Accessibility, independence and impartiality must underpin all aspects of the new body. The new body must also prioritise rigorous and accurate decision-making and, most importantly, fairness.

"The diversity of the new body's jurisdiction should be reflected in a diversity of skills, knowledge and lived experience of its members.

"Efforts are needed to improve efficiency and reduce backlogs. There is a need for greater consistency in how and when reasons for decisions are issued by the new body. We would like to see decisions made within a month after a hearing and no more than six months in exceptional circumstances."

In its response, the Law Council also advocated for re-establishment of an Administrative Review Council, or similar body, to facilitate an ongoing, objective and apolitical review of the performance and integrity of Australia's administrative review system.

A full copy of the Law Council's submission is available [here](#).

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