



24 November 2021

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Via email: legcon.sen@aph.gov.au

Dear Committee Secretary

Submission to the Senate Legal and Constitutional Affairs inquiry on the performance and integrity of Australia's administrative review system

I refer to the Senate Legal and Constitutional Affairs inquiry on the performance and integrity of Australia's administrative review system.

The Council of Australasian Tribunals (COAT) is a body with membership open to all Commonwealth, State, Territory and New Zealand tribunals. Over 100 Australian and New Zealand tribunals are members of COAT.

The purpose of the COAT is set out in its constitution. COAT is established to:

1. support the work of administrative and civil tribunals and promotes excellence in administrative justice;
2. provide a forum and acts as a catalyst for discussion, education, research, policy development and law reform in the field of administrative justice;
3. promote and encourages tribunals to develop best practice models and standards of behaviour and conduct; and
4. develop and provides training material to support tribunal members.

Also set out in its constitution, COAT's objects are to:

1. enhance and expand contact among members of the administrative justice community by:
 - (a) improving communications and regional contacts among tribunals and members;
 - (b) acting as a national forum through conferences and its website.

2. promote awareness of the role and importance of administrative justice by:
 - (a) working with tribunals, organisations and governments to develop and promote administrative justice;
 - (b) working with regional bodies and chapters to raise awareness about the work of tribunals;
 - (c) proposing initiatives and making representations on matters having an impact on administrative justice, tribunals and tribunal members.
3. provide support and services of value to its membership by:
 - (a) promoting, encouraging and working in partnership with tribunals and chapters to ensure that adequate educational opportunities exist for tribunal members;
 - (b) developing training resources for Tribunal members.

COAT does not wish to make a submission on the substantive issues raised by the Senate's current inquiry. However, COAT wishes to draw to the Committee's attention two publications which may be relevant to those issues:

1. Framework for Tribunal Excellence

In 2012, COAT's Executive reviewed the International Framework for Court Excellence and determined that a separate Tribunal Excellence Framework was necessary to reflect the values and work of tribunals in Australia and New Zealand.

Now in its second edition, the *Tribunal Excellence Framework 2017* is an adaptation of the International Framework for Court Excellence. COAT decided that a separate Tribunal Excellence Framework was necessary to better reflect the values and work of tribunals in Australia and New Zealand.

The Tribunal Excellence Framework provides a resource for tribunals to assess their performance against ten "core tribunal values": equality before the law, fairness, impartiality, independence, respect for the law, accessibility, competence, integrity, accountability and efficiency

A copy of the Tribunal Excellence Framework is linked here: https://coat.asn.au/wp-content/uploads/2018/11/Tribunals_Excellence_Framework_Document_2017_V4.pdf

2. Tribunal Independence in Appointments - Best Practice Guide

Published in 2016 following research and consultation with stakeholders, the *Tribunal Independence in Appointments - Best Practice Guide* (Best Practice Guide) was designed to assist governments and tribunal Heads to develop processes for the appointment of tribunal members. The Guide proposes that the appointment of tribunal members be merit based and provides guidance for assessing merit.

A copy of Best Practice Guide is linked here: <https://coat.asn.au/publicationitems/best-practice-guide-to-tribunal-independence-in-appointments-discussion-paper/>

Thank you for the opportunity to contribute to this inquiry.

Yours faithfully

Anne Britton
Chair