



Australian Government

Office of the Australian Information Commissioner

Senator the Hon George Brandis QC  
Attorney-General  
Parliament House  
CANBERRA ACT 2600

Dear Attorney

I enclose a letter about meetings of the Administrative Review Council signed by the five ex officio members.

Yours sincerely

Prof John McMillan  
Australian Information Commissioner

06 March 2014

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Dear Attorney

We are writing to you as the five ex officio members of the Administrative Review Council to convey our concern that the Council last met in July 2012. As a result, the Council has not been in a position to discharge its statutory duty to present you with an annual report for 2012-13, as required by s 58 of the *Administrative Appeals Tribunal Act 1975* (AAT Act)

The Council is established by the AAT Act (s 48), and comprises five ex officio members and between three and ten other members appointed by the Governor-General. There are currently six appointed members (who are listed below as cc'd recipients of this letter).

The AAT Act s 49(2A) provides that the Governor-General shall appoint one of the appointed members to be the President of the Council. There is no currently no President of the Council, following the resignation of the former President, Mr Colin Neaves, after he was appointed Commonwealth Ombudsman in August 2012 and became an ex officio member of the Council. The Council last met during Mr Neave's term as President.

Meetings of the Council are convened by the President under s 56 of the Act. Our view is that it is open to the Council to meet, notwithstanding a vacancy in the position of President (though it would be desirable that this position is filled).

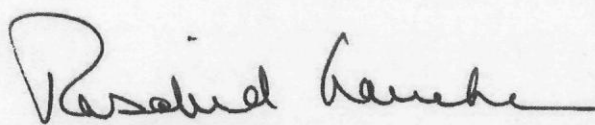
Although our immediate concern is that the Council has not discharged its statutory reporting duty, our broader concern is that the Council is not currently undertaking any work. We believe that the Council plays a valuable role in the administrative law system. When we last met there was lively discussion of important projects the Council could undertake. There was enthusiasm among members to embark on an active work program. Informal discussions that have occurred among some members since our last meeting indicates that this enthusiasm is unabated.

We would be happy to meet with you or your staff (personally or by telephone) to discuss the matters raised in this letter.

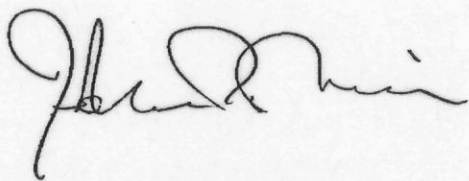
Yours sincerely



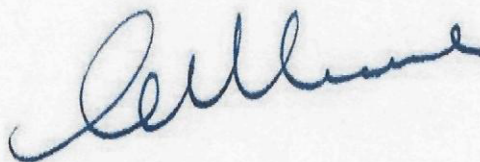
The Hon Justice Duncan Kerr Chev LH



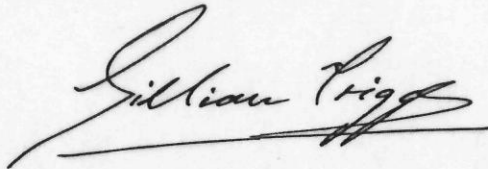
Professor Rosalind Croucher



Professor John McMillan AO



Mr Colin Neave



Professor Gillian Triggs

Cc

Ms Glenys Beauchamp PSM

Dr Matthew Groves

Ms Linda Pearson

The Hon Justice Melissa Perry

Ms Sue Tongue

Mr Roger Wilkins AO