



THE LAW SOCIETY OF THE AUSTRALIAN CAPITAL TERRITORY

FIRST FLOOR, 1 FARRELL PLACE
GPO BOX 1562
CANBERRA ACT 2601

DX 5623 CANBERRA

TEL: (02) 6247 5700

FAX: (02) 6247 3754

Email: debbie.sims@lawsocact.asn.au

Your ref

Our ref: 150 LK/DS

21 January 2005

Ms Kelly Paxman
Acting Secretary
Senate Legal and Constitutional
Legislation Committee
Parliament House
Canberra ACT 2600

Dear Ms Paxman,

Inquiry into the Administrative Appeals Tribunal Amendment Bill 2004

I refer to your letter dated 7 December 2004 addressed to the President, Mr Bill Redpath.

This matter has been considered by the Society's Civil Litigation Committee and we provide the following comments.

It appears that none of the proposed amendments will jeopardise in any way the rights of appeal in the Tribunal in relation to Comcare or other administrative decisions. The amendments appear to relate solely to the more efficient functioning of the Tribunal and include the removal of some unnecessary and restricted provisions which, for example, prevent a Member of the Tribunal, rather than a Senior Member, dealing with access to documents upon return of summons. The removal of these restrictions is a matter which should be supported and should allow for a more efficient and expeditious processing of matters. The amendments also allow more flexibility for the President in constituting the Tribunal in various matters.

The role of the Federal Court has been changed but not in a way that would appear to affect any existing appeal rights. The President is given a specific role in dealing with the referral of questions of law to the Federal Court for determination. Beyond that, the amendments only deal with allowing the Federal Court a role in making findings of fact in appeals from decisions of the Tribunal. This would seem to be very sensible and avoid, in some cases, the need for matters to be remitted back to the Tribunal.

The Society supports the amendments.

Yours sincerely,

L A King
Executive Director