

**Submission  
No 22**

**INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE  
TRIBUNALS IN NSW**

**Organisation:** NSW Chapter of the Australian Institute of Administrative Law  
**Date received:** 22/11/2011

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# AUSTRALIAN INSTITUTE OF ADMINISTRATIVE LAW

## NEW SOUTH WALES CHAPTER

A division of the Australian Institute of Administrative Law Inc.

ABN 43 854 246 010

21 November 2011

By email: [lawandjustice@parliament.nsw.gov.au](mailto:lawandjustice@parliament.nsw.gov.au)

The Director  
Standing Committee on Law and Justice  
Parliament House  
Macquarie Street  
Sydney NSW 2000

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LEGISLATIVE  
COUNCIL

Dear Sir,

### **The AIAL NSW Chapter short submission in respect of the consolidation of the Tribunal system in NSW**

The AIAL NSW Chapter makes the following short submission in respect of the consolidation of the Tribunal system in NSW.

The AIAL supports the existence of a Tribunal system which is streamlined, efficient and inexpensive for the purposes of providing citizens with an independent merits review of government decisions.

The present Tribunal system in NSW is a piecemeal system of merits review characterised by a proliferation of Tribunals.

Significant adverse consequences flow from this proliferation. The most obvious are:

- The right of merit review is conferred through a large number of statutes;
  - there are differing time limits in which to challenge decision making;
  - there are a wide variety of initiating processes;
  - appeal structures vary widely;
  - decision making is not consistent and is of a variable standard;
  - the entitlement to request reasons for an administrative decision varies depending on what review mechanism is available: eg s49 Administrative Decisions Tribunal Act for reviewable decisions;
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- there are poorly developed information systems to inform citizens of their rights to merits review;
- there are numerous registries with differing requirements, differing levels of expertise, and differing capacities to provide assistance to persons who wish to access merit review;
- the maintenance of numerous registries is cost ineffective and thus diminishes resources that could be more effectively applied to support a streamlined Tribunal system.

It is the AIAL NSW Chapter's position that accountable decision making is of fundamental importance to the good governance and proper administration of the State. The inadequacies identified provide significant barriers to persons seeking to access merit review. It is the Chapter's view that accountable decision making is significantly compromised.

The AIAL NSW Chapter submits that a properly resourced Tribunal system that unifies and consolidates the present fragmented position should be considered a priority. The Chapter supports the creation of internal Divisions within any Tribunal system so as to provide necessary expertise and to accommodate the varying workloads in different decision making areas.

Yours faithfully,  
**AIAL NSW CHAPTER**

**Andrew Chalk**  
Secretary