THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: PuLC:CBvk260423

26 April 2023

Dr James Popple
Chief Executive Officer
Law Council of Australia
DX 5719 Canberra

By email: natalie.cooper@lawcouncil.asn.au

Dear Dr Popple,

Administrative Review Reform: Issues Paper

Thank you for the opportunity to contribute to the Law Council's submission on the *Administrative Review Reform Issues Paper* (**Issues Paper**). The Law Society's submission is informed by its Public Law Committee and is directed at providing a practice-based perspective on difficulties experienced by legal practitioners in the current Administrative Appeals Tribunal (**AAT**), and suggestions on how these deficits may be avoided in the new federal administrative review body (**new review body**).

This submission does not propose to answer every question in the Issues Paper. Rather, we have provided responses to those issues identified as most pressing by our members.

General comments

We reiterate the views set out in the attached submission relevant to the AAT, which was intended to be the centrepiece of the Australian administrative law system. We note again that its independence (and public perception of its independence) is critical to the legitimacy of the merits review process.

Members of the new review body must have the necessary skills, discretion and flexibility to provide such reviews, where the discretion afforded is safeguarded by appointments made via an independent, transparent, merits-based selection process. Members should be required to adhere to a specific, clear and effective code of conduct and be provided with mandatory training. There must be effective oversight over the new review body, which should include the federal judicial commission. There must be a mechanism to track and evaluate the effect and implementation of the decisions of the new review body, including in the relevant Government department, and to this end, we reiterate our views in respect of the importance of the Administrative Review Council (**ARC**) and again call for its reinstatement.

Design

We note that the AAT's current objectives include to provide a mechanism for review that is "accessible, fair, just, economical, informal and quick". In our view, these objectives can only

THE LAW SOCIETY OF NEW SOUTH WALES
170 Phillip Street, Sydney NSW 2000, DX 362 Sydney
ACN 000 000 699 ABN 98 696 304 966
lawsociety.com.au
T +61 2 9926 0333 F +61 2 9231 5809
E lawsociety@lawsociety.com.au

be achieved if, built into the design of the new review body, is the imperative that substance should take precedence over form.

We understand that, in practice, there are currently significant barriers that impede the AAT's ability to provide a review process that is accessible, including financially accessible, as well as fair and quick, as a result of the rigid application of formalities.

Our members note that Parts 5 and 7 of the *Migration Act 1958* (Cth) overlay the AAT's jurisdiction in the Migration and Refugee Division (**MRD**). In the experience of our members, the interaction of the *Migration Act* and policy can create unjust outcomes. The effect of formalities in the process can result in significant consequences for applicants, many of whom experience serious vulnerabilities. For example, time limits are strict and members do not have discretion to extend them. Members also do not have the discretion to cure errors such as applicants having paid the wrong fee, submitted an incorrect form, or failed to correctly complete the correct form. *BXS20 v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FCAFC 20; and *Miller v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCAFC 183 highlight some of the technical and formal problems that can arise, which have resulted in applicants being denied a hearing. The powers and discretion available to members of the new review body must connect meaningfully to the principles, in order that a review process is, in fact, accessible, fair, just, economical, informal and quick.

In our view, the legislation governing the new review body should achieve greater harmony between subject areas. As far as practicable, a standard approach should be taken to fees, waivers and forms, and processes should apply across all divisions of the new review body. All procedural matters should be dealt with transparently, including applications for waivers.

In particular, the barriers set up by Parts 5 and 7 of the *Migration Act* (such as in relation to fees, strict time limits, transparency in respect of waiver applications, streamlining of forms) should be dispensed with. The application fee of $3000 in the MRD is disproportionate and may present an insurmountable barrier to access for many applicants. By way of comparison, the application fee[1] in the Administrative and Equal Opportunity division of the NSW Civil and Administrative Tribunal (**NCAT**) is $110 and a reduced fee of $28 is available to qualifying applicants. No fees apply at all for applications in the NCAT's Guardianship division. Similarly, NCAT members have the power to amend time limits, a discretion that is commonly exercised to ensure that the review process can proceed fairly. When a time limit is imposed, we consider that it is appropriate to provide for a dispensing power, and one that can be exercised in the case of an application of an extension itself made out of time. To the extent that there are concerns that the system can be 'gamed', an appropriately worded discretion can deal with this.

Structure, senior leadership, members, appointments and reappointments

In our view, it would be desirable for divisions to be less siloed and to follow a model more akin to practice lists. We support an approach that would allow for reallocation of matters to members according to their capacity. We suggest that each "list" ought to be headed by at least one Deputy President, who should be supported by senior members.

Our members suggest that the President should be a judge of the Federal Court (or another senior judicial officer with tenure). The President will have a critical role to play in safeguarding the independence of the new review body.

[1] NSW Civil and Administrative Tribunal, *Fees at NCAT*, online https://ncat.nsw.gov.au/forms-and-fees/fees-at-ncat.html#Administrative0.

We note that the Robodebt Royal Commission revealed inconsistencies in decision-making at the AAT, and we submit that the President and Deputy Presidents should have a role to play in laying down decisions on significant, complex or novel matters for less senior members to follow. This process would also allow for more clarity in evaluating whether the relevant government departments are observing the decisions of the new review body, a process in which we suggest a re-established ARC might play a part.

In the MRD, the set aside rate for cases reconsidered following court remittals so far this financial year is 54% for migration decisions and 45% for refugee decisions This high rate indicates a systemic issue with the quality of decision-making at the department stage.[2] If the President is to have a role on the ARC then it is important that they have judicial status. This will also assist a President's authority in statements made to the Attorney and in annual reports and other formal publications.

We are of the view that Deputy Presidents should also be senior judicial officers, for similar reasons, including if they will play a triage role in case management. We suggest that Deputy Presidents should play a key role in identifying issues that may be special or unusual or complex, and in referring these matters to the President for appropriate allocation.

We understand that currently there are three categories of members, with little transparency in respect of what differentiates the categories. We suggest that these tiers be clearly tied to responsibility (such as the ability to mentor) and subject matter expertise.

It would be preferable for the requirement for a transparent and merit-based selection process for members to be incorporated in legislation. In this regard, if it is proposed that the *Guidelines for appointments to the Administrative Appeals Tribunal (AAT)*[3] form the starting point for a similar document for the new review body, we suggest two key revisions. In the first instance, paragraph 1 of the *Guidelines* provides that appointments will be following consultation by the Attorney-General with the AAT President and the relevant Chief Justice. We suggest that in respect of the new review body, the role of the President in the appointment process should be given more prominence, as, among other reasons, the President will have a practical perspective of the needs of the new review body. We further suggest that experienced AAT members recommended by the President for reappointment ought to be reappointed. In the interests of ensuring the independence of the new review body, we also suggest that mechanisms for limiting Ministerial discretion in the appointments process be included. For example, if there is a conflict between the views of a Minister and of the President in respect of the appointment of a particular candidate, the recommendation of the President ought to be preferred.

In the second instance, in addition to those matters set out in the Guidelines, "relevant expertise and experience" should be included in the core selection criteria set out in paragraph 4.

Acknowledging that the Government's current review is taking up the work recommended by the *Report on the Statutory Review of the Tribunals Amalgamation Act 2015*, there is one matter where our view is inconsistent with the recommendations of that report. We note that there are some practice areas/divisions where it would assist to have non-legal experience and expertise. While we agree that legal qualifications continue to be relevant and, in some

[2] *Administrative Appeals Tribunal Migration and Refugee Division Caseload Report Financial Year to 2023*, p6 online https://www.aat.gov.au/AAT/media/AAT/Files/Statistics/MRD-Detailed-Caseload-Statistics-2022-23.pdf.

[3] Australian Government, *Guidelines for appointments to the Administrative Appeals Tribunal (AAT),* 15 December 2022 online https://www.ag.gov.au/system/files/2022-12/aat-appointment-guidelines.PDF.

cases, critical, we acknowledge the importance of non-legal expertise and therefore are not persuaded that members must all be legally qualified.

It is relevant that our members note that unlike some divisions in the NCAT (including Guardianship), it is less common in the AAT to see the constitution of multi-member panels. We suggest that the new review body should utilise multi-member panels more frequently, and that part of the role of Deputy Presidents should be to identify appropriate matters for a multi-member panel, and the appropriate members for a panel. The advantages of multi-member panels including the opportunity to combine legal expertise with expertise arising out of lived experience, and expertise relevant to effects of the lived experience (such as psychological and psychiatric expertise). There may also be use for a multi-member panel in respect of professional development for members (including in the disciplinary sphere). We appreciate that this may be seen as adding additional cost, but if AAT decisions have more weight due to the composition of the tribunal, that can lead to better decision-making within government and thus less reviews and a cost saving over time.

It is desirable for appointments to be five years, which is longer than a Parliamentary term, but short enough to facilitate renewal. In our view, members should be required to submit to a reapplication process at the end of their terms.

Finally, we reiterate comments that we made to the Law Council in respect of the composition of the governance and composition of a federal judicial commission,[4] but which has application in this context:

> Consideration should be given to how broad representation of the community can be achieved within appointed members and staff. Such consideration should include how to proactively appoint and employ people from significantly underrepresented groups, for example Aboriginal and Torres Strait Islander people or people with disability.

Performance management and removal of members

We understand that currently there are limited avenues for addressing unacceptable conduct or other performance issues exhibited by AAT members. We agree with the Law Council's principles that to the extent that members of the AAT, and in this case the new review body, are not covered by the new National Anti-Corruption Commission, they should fall within the remit of the new federal judicial commission.[5]

As noted above, we also submit that a specific tailored code of conduct should apply to members, incorporating the general APS Code of Conduct. This would assist members to meet suitable standards and provide a benchmark to assess their performance.

Making an application

As noted above, in order to maximise accessibility, a standard approach is required to application processes, including standard fees, form and timeframes as far as practicable. There should be a flexible approach to correcting application errors, including where processes between lists/divisions might diverge. For the new review body to be truly accessible, there should be no "wrong door".

---

[4] Law Society of NSW submission to the Law Council of Australia, "Revised draft principles underpinning a Federal Judicial Commission," 5 November 2020.
[5] Law Council of Australia, "Principles underpinning a new Federal Judicial Commission," https://www.lawcouncil.asn.au/publicassets/3c792bb0-44cf-ed11-947b-005056be13b5/2023%2003%2025%20-%20Principles%20underpinning%20a%20Federal%20Judicial%20Commission%20v2.pdf.

If the application processes are supported by sound case management processes that allow for errors to be cured, applicants ought to be able to make an oral application where there might be a genuine reason for having to do so. Registry staff (or an independent third party) should be resourced to assist applicants in this way. Effective access to the new review body can only be realised if its processes are sufficiently informal and flexible to accommodate the most vulnerable applicants.

Case management

Our members support providing the new review body with case conferencing powers, which will facilitate effective case management. Our members advise that it is common practice at the NCAT to hold pre-hearing conferences with a constituted member, which provided the member an opportunity to determine, among other matters, what evidence they require and to set timetables accordingly. More complex matters might require a Deputy President to manage those case conferences.

Supporting parties with their matter

We suggest that consideration be given to properly supporting vulnerable applicants to make valid applications, including assistance with filling out forms. This might include consideration of interpreter services. Given the wide remit of the merits review jurisdiction, applicants may be in places of detention, have physical or intellectual disabilities, be functionally illiterate, or may experience multiple vulnerabilities.

This is also an opportunity to consider other accommodations that might be necessary for, for example, applicants with disabilities, and for First Nations applicants to feel culturally safe and supported. Where it is considered that these accommodations are required in the interests of accessibility and justice, provision should be made in the legislation, and in respect of adequate resources.

In our view, applicants ought to have a right to legal representation at the new review body. We suggest that, among other advantages, this might assist with clearing the backlog of matters more expeditiously. If the view is taken that leave should be sought to appear with representation, an appropriate threshold for granting leave might be if it is in the interests of justice/fairness.

As noted by the High Court in *Thomas v Mowbray* (2007) 233 CLR 307 at [260], "the Commonwealth is the best-resourced litigant in the nation". Given this, and given the Robodebt experience, it is clear that the Model Litigant Obligations should be required, particularly in the context of the new review body:

> In the meantime many robo-debts were overturned by the Social Services and Child Support Division of the Administrative Appeals Tribunal. But these decisions (and hearings) remain private at that level. Centrelink did not once challenge the invalidation reasoning by appealing to the General Division of the AAT, where the ruling would have become public. Nor did it desist from raising debts on the basis of the invalidated reasoning, or advert to those over-rulings when pursuing debts in the AAT. A clear breach, surely, of the Commonwealth's 'model litigant' obligations.[6]

[6] Terry Carney, "Bringing robo-debts before the law: why it's time to right a legal wrong," *Law Society Journal* 1 August 2019, online https://lsj.com.au/articles/why-robo-debt-bringing-robo-debts-before-the-law-why-its-time-to-right-a-legal-wrong/. See also Terry Carney, "Robo-debt illegality: The seven veils of failed guarantees of the rule of law?" (2019) 44(1) *Alternative Law Journal* 4-10.

This ought to, for example, include the provision of material to the new review body and the other party (which extends to an obligation to provide material past the date of the decision if new evidence arises).

Other matters

We note that the legal assistance sector plays a significant role in assisting applicants and we submit that adequate resourcing must be provided to this sector in order that the new review body is able to function in a way that is accessible, fair, just, economical, informal and quick.

Thank you for the opportunity to provide comments. Questions at first instance may be directed to Vicky Kuek, Head of Social Justice and Public Law Reform, at 02 9926 0354 or victoria.kuek@lawsociety.com.au.

Yours sincerely,

Cassandra Banks
President

Encl.

THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: PuLC:JWvk171121

17 November 2021

Mr Michael Tidball
Chief Executive Officer
Law Council of Australia
DX 5719 Canberra

By email: nathan.macdonald@lawcouncil.asn.au

Dear Mr Tidball,

Inquiry into the performance and integrity of Australia's administrative review system

Thank you for the opportunity to contribute to the Law Council's submission to the inquiry into the performance and integrity of Australia's administrative review system. The Law Society's submission addresses each of the terms of reference, and is informed by its Public Law Committee.

We suggest that the current administrative law system is not functioning optimally, and this is primarily due to the lack of political commitment to the integrity of the system. For example, the recent failings in respect of the Government's Online Compliance Intervention scheme, popularly known as the "Robodebt" scheme, occurred despite the existence of the *Automated Decision-Making Better Practice Guide* prepared by the Office of the Australian Information Commissioner (**OAIC**), the Attorney-General's Department, and the Office of the Commonwealth Ombudsman. This example also illustrates, among other things, the lack of impact relevant Administrative Appeals Tribunal (**AAT**) decisions had on rectifying the issues identified in the administrative decision-making process,[1] and the clear need for the reinstatement of an effective mechanism for oversight and continuous improvement of the administrative law system, that is, the Administrative Review Council (**ARC**).

The Law Society commends to the Law Council the article prepared by a member of our Public Law Committee, J Boughey, 'A call for ongoing political commitment to the administrative law project' (2021) 28(4) *Australian Journal of Administrative Law* (forthcoming) ("**Boughey article**"). A copy of this article is attached and this submission draws from that article.

The administrative law system is intended to provide a web of accountability which:

- protects individuals against unfair and arbitrary use of public power;
- is needed to legitimise and ensure public confidence in government; and
- enables informed participation in democratic processes.

[1] T Carney, 'Robo-debt illegality: The seven veils of failed guarantees of the rule of law?' (2019) 44(1) *Alternative Law Journal*, 4-10 at 6-7.

THE LAW SOCIETY OF NEW SOUTH WALES
170 Phillip Street, Sydney NSW 2000, DX 362 Sydney
ACN 000 000 699 ABN 98 696 304 966
lawsociety.com.au
T +61 2 9926 0333 F +61 2 9231 5809
E lawsociety@lawsociety.com.au

The main pillars of the suite of reforms which took place in the late 1970s to early 1980s as a result of the Report of the Commonwealth Administrative Review Committee[2] chaired by Sir John Kerr, are the establishment of the AAT, the Commonwealth Ombudsman and the ARC, and the enactment of the *Administrative Decisions (Judicial Review) Act 1977* (Cth). The *Freedom of Information Act 1982* (Cth) (**FOI Act**) followed later, underpinned by the same goals of government transparency and accountability.

We note that these transformative reforms were only possible because they enjoyed high levels of bipartisan political support and commitment. In our view, political commitment to maintaining the performance and integrity of the administrative law system has declined significantly since that time. As Boughey notes[3] the need for a well-functioning administrative law system is just as crucial today. Modern legislation is longer and more complex; government relies extensively on "soft law"; automated administrative decision making is increasingly prevalent and government has increasingly used the private and community sectors to exercise administrative functions and deliver services. Taken together, the potential for significant accountability deficits is clear.

Administrative Appeals Tribunal

The AAT is a centrepiece of the administrative law system. In this regard, the Law Society notes that the Government has yet to respond to the *Report on the Statutory Review of the Tribunals Amalgamation Act 2015* ("Callinan Report"). This report was completed in December 2018 and tabled in July 2019, and recommends measures that continue to be pressing and relevant, including to this inquiry's terms of reference. We strongly urge the Law Council to continue to advocate that the Government provide a comprehensive response to the Callinan Report.[4]

For the AAT to effectively perform its functions, it must be independent and perceived to be independent. However, in our view, its independence has been seriously undermined via a combination of political appointments, lengthy delays/backlogs, and the Government ignoring its decisions.

The AAT needs a merit-based, transparent appointment process. The Law Society supports an appointment process that includes public advertisement, clear and relevant selection criteria, and an independent selection process.

Further, experienced members recommended by the President for reappointment should be reappointed. Merit-based appointments will assist with delays/quality of decisions and will also better allow members to exercise their statutory function without fear of jeopardising future appointments (that is, for making decisions adverse to government). Logan J's comments (then acting President) in *Singh (Migration)* [2017] AATA 850,[5] while made under different

[2] Commonwealth Administrative Review Committee, Report (Parliamentary Paper No 144/1971, August 1971).
[3] Boughey article, 13.
[4] The Law Society notes that while it generally supports all of the recommended measures in the Callinan Report, it reserves its position on measure 24, in respect of the retention and utilisation of the Immigration Assessment Authority (**IAA**). The Law Society would have concerns if the IAA model was applied to other divisions of the AAT as a means of responding to the backlog of cases.
[5] For example, see Logan J's comments at [18]:

> That does not mean that Tribunal decisions are immune from criticism. It does mean that, in respect of such individual decisions, Tribunal members speak via their reasons and otherwise not at all. It would be subversive of the very independence from the partisan or political that is a feature of the Tribunal were it otherwise. Further, any member who allowed himself or herself to be persuaded as to an outcome by partisan or political rhetoric by a Minister, any other administrator or the popular press would be unworthy of the trust and confidence placed in him or her by His Excellency the Governor-General and untrue to the

circumstances, highlights the vulnerability of non-judicial AAT members and, in our view, reinforces the importance of appointments/reappointments being made in a transparent and merit-based approach.

Additionally, the Callinan Report notes a number of submissions that raise the issue of fees, particularly those associated with seeking review of a migration decision. While no recommended measures were suggested in that context, given a central principle of the administrative law system is to protect individuals against unfair or arbitrary use of public power, we suggest that the Law Council raise again the need for review of the Migration & Refugee Division fees, and the reinstatement of a hardship waiver for applicants. Our members inform us that the fee associated with seeking review of a migration decision (other than a bridging visa that has resulted in the person being detained or a decision in relation to a protection visa) has increased to $3000 (from $1764). It is possible to have this fee reduced by 50% if the review applicant can demonstrate that payment is likely to cause 'severe financial hardship'. However, in the experience of our members, this increase (even with the fee reduction) has proven to be prohibitively expensive, with many no longer being able to seek review.

Administrative Review Council

Government powers and functions are not static and as noted previously, how Government exercises its administrative functions and delivers services constantly evolves. Ongoing monitoring and responses are needed so that the system can adapt to new challenges in administration. We note that among its other functions, this was a critical role that the ARC played before it was effectively abolished (in fact, but not in law) by removing its funding, and having its functions transferred to the Attorney-General's Department.

Part V of the *Administrative Appeals Tribunal Act 1975* (Cth) (**AAT Act**) confers upon the ARC a range of functions and connected powers. It mandates that the ARC "keep the Commonwealth administrative law system under review, monitor developments and recommend to the Attorney-General improvements that might be made to the system. This notion of continuous review and improvement reflects administrative law's normative goals to generally enhance government decision-making."[6]

Bedford's analysis of the ARC's legislative functions and powers under the AAT Act addresses the question of the importance of the ARC, and bears setting out in detail. She notes that section 51:

> … details another eight distinct functions for the ARC. Importantly, it is required to ascertain and keep under review the classes of administrative decisions which are not subject to review by a court, tribunal, or other body. This aspect of its functions is crucial as the ARC's oversight role encompasses the identification of gaps in Australia's government accountability framework. Likewise, under its legislation, the ARC has a rolling responsibility to facilitate the training of administrative decision-makers.
>
> Constant oversight of the review processes for government decisions by both courts and tribunals also features prominently in the ARC's functions, with a particular focus on improving the law and practice relating to judicial review. In respect of tribunals, the ARC is

---

oath or affirmation of office which must be taken before exercising the Tribunal's jurisdiction.[9] For those members who do not enjoy the same security of tenure as judges, that may call at times for singular moral courage and depth of character.

[6] Narelle Bedford, 'The Kerr Report's vision for the Administrative Review Council and the (sad) modern reality' on AUSPUBLAW (21 May 2021) https://auspublaw.org/2021/05/the-kerr-reports-vision-for-the-administrative-review-council/.

> tasked with advising government on the composition and jurisdiction of the Administrative Appeals Tribunal ('AAT').
>
> Other matters covered in Part V include obligations to table any reports in both Houses of Parliament within 15 days, produce an Annual Report every financial year, and promote knowledge about the Commonwealth administrative law system. The Attorney-General is given power to make directions and referrals of topics for inquiry and report by the ARC. Therefore, the purview of the ARC under the *AAT Act* is broad, proactive, and multi-faceted.[7]

These functions would be more effectively carried out by dedicated agency, and having them absorbed into the general functions of the Attorney General's Department leaves a gap in accountability and denies the administrative law system a mechanism for continuous improvement.

The Law Society strongly supports measure 26 in the Callinan Report, that "[t]he ARC should be reinstated and constituted in accordance with Part V of the AAT Act." At [1.27], the Callinan Report notes:

> The *AAT Act* clearly assumes the existence of the ARC. It is the duty of the Executive under s 61 of the Constitution to execute and maintain the laws of the Commonwealth. Whether a "transfer" of the functions and powers conferred on the ARC by s 51 of the AAT Act is legally possible or not, it is in my view contrary to the intention and spirit of that Act that any section of any department of government might have a role of overseeing or inquiring into the work of the AAT, that is the reviewer of decisions made by officials of many other departments of government.

We support Bedford's view that as governments and governing become more complex, and the nature of decision making evolves, the need for an over-arching body with a longer term view, and drawing from a cross-section of experts, is even more critical today.

Freedom of information

While the FOI Act was not a part of the original suite of reforms, the transparency afforded by the FOI scheme is critical to the effective operation of the administrative law system, and more broadly to the integrity of our democratic institutions.

We refer the Law Council to the attached article, in which Boughey sets out evidence of the deterioration of government transparency, under the FOI Act and more broadly. The agency data set out at page 10 "reveals a general trend over the past 20 years of requests to access non-personal information being refused more often and granted in full less often." Boughey argues that: "The fact the OAIC and AAT overturn more than 50% of refusal decisions lends support to the impression that agencies are over-using exemptions" citing the *Annual Report 2019-20* of the OAIC.[8]

The Abbott Government attempted to abolish the OAIC in 2014. The Freedom of Information (New Arrangements) Bill 2014 lapsed in the Senate in 2016, but the OAIC was instead stripped of most of its FOI funding, thereby severely limiting its ability to perform its strategic FOI functions.[9] This has resulted in a backlog of reviews and widespread delays at the first instance decision stage. Boughey notes that, "In some instances, delays have the same effect of refusing access; for example when a minister resigns before a decision has been made."[10] Our members inform us that the delay between an application and a decision by the Information Commissioner (if review steps are taken) can be well in excess of a year. In our

[7] Note 6.
[8] Office of the Australian Information Commissioner, *Annual Report 2019-20* (Report, 15 October 2020) 155, 158.
[9] Boughey article, 10-11.
[10] Boughey article, 11.

view, this is clearly an unacceptable situation for a system that is intended to ensure access to information.

The Law Society submits that funding must be restored to the OAIC. There is clearly a need for an effective, quick and independent umpire for information requests.

Thank you for the opportunity to provide comments. Questions at first instance may be directed to Vicky Kuek, Principal Policy Lawyer, at victoria.kuek@lawsociety.com.au or (02) 9926 0354.

Yours sincerely,

Juliana Warner
President