

NO 2

THE ACCESSIBILITY OF ADMINISTRATIVE JUSTICE

In relation to four areas of reform implemented in other jurisdictions, the committee invites views as to whether, in each case, similar reform should be introduced in Queensland, either in whole or in part.

The submissions received by the committee, together with those received by the committee of the 51st Parliament, will be tabled in the Parliament and considered by the committee in its report to the Parliament on *The Accessibility of Administrative Justice*.

1. Appeals from administrative decisions

Background

An administrative tribunal is an independent, statutory body that reviews administrative decisions made by government agencies. The tribunal has the power to give fresh consideration to whether an administrative decision was the correct or preferable one in all the circumstances. It considers all available information, even if the information is new and was not known to the original decision-maker. A tribunal which reviews 'on the merits' aims to ensure:

- justice to individual applicants by determining whether an administrative decision was:
 - correct in law;
 - preferable – that is, if there are several decisions that could be right in law, the best one in the particular circumstances is the 'preferable' decision; and
- improve future decision-making by agencies in similar circumstances.

An administrative tribunal is established by statute to play a role the Parliament perceives to be important and appropriate for performance by a tribunal.

In some Australian jurisdictions, a generalist merits review tribunal has been established to replace many of the administrative tribunals earlier established by individual statutes.

Current law in Queensland

There is no generalist tribunal in Queensland and the right to appeal against an administrative decision 'on the merits' is conferred by individual statutes. The statute also sets out the nature of the appeal right. There are hundreds of these appeal rights in Queensland legislation. Under some statutes, the right to appeal may lie to a specialist tribunal such as the Land and Resources Tribunal.

I believe the enclosed document offers some insight to the problems faced by the general public of Queensland, please accept it as a submission to the committee.

David Cotterill

