



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: PuLC/LLP:BMsb300724

30 July 2024

Dr James Popple
Chief Executive Officer
Law Council of Australia
PO Box 5350
Braddon ACT 2612

By email: Nathan.MacDonald@lawcouncil.au

Dear Dr Popple,

Administrative Review Tribunal Rules 2024

Thank you for the opportunity to contribute to the Law Council's response to the consultation being conducted by the Attorney-General's Department on the draft *Administrative Review Tribunal Rules 2024 (Draft Rules)*. The Law Society's Public Law and Litigation Law and Practice Committees have reviewed the Draft Rules.

We make the following brief comment for your consideration:

Election Notices

Section 10 of the Draft Rules requires the Tribunal to publish validly given election notices. The Discussion Paper notes that:

Publication is mandated to ensure that there is clarity and transparency for users of the Tribunal and the general public as to the kinds of matter for which a decision-maker has elected not to participate.¹

The Law Society supports publication of election notices, and further suggests that s 10 should prescribe the mode of publication (e.g., on the Tribunal website), and set a timeframe for publication. We note that s 64(2)(b) of the *Administrative Review Tribunal Act 2024 (Act)* expressly provides the power to make rules about the publication of election notices.

While we appreciate that decision-makers may choose to communicate their intention not to participate through their website and/or communication with individual applicants, this may not always occur.

The amendments above would enhance transparency, by guaranteeing prompt notification by the Tribunal, to both the parties to the proceedings, and the general public, of an election notice provided in accordance with s 60 of the Act.

¹ Australian Government, Attorney General's Department, [Administrative Review Tribunal Rules 2024](#) (Consultation Paper), July 2024, 4.

Thank you for the opportunity to contribute. Questions at first instance may be directed to Sophie Bathurst, Policy Lawyer, at (02) 9926 0285 or Sophie.Bathurst@lawsociety.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brett McGrath', written in a cursive style.

pp.
Brett McGrath
President