

Federal Government listens and designs an appeals body to restore trust in government decisions post Robodebt

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Economic Justice Australia and National Legal Aid welcome the Federal Government's new administrative review body, which passed the Parliament today. The new Administrative Review Tribunal (ART) aims to better help people appeal government decisions and enable effective independent review of social security decisions.

“Every year thousands of people rely on the tribunal to independently review life-altering government decisions such as whether somebody receives family tax benefit or disability pension,” EJA CEO Kate Allingham said.

“We are particularly pleased the Attorney General has decided to retain a two-tier system that provides an accessible, quick and informal approach to social security appeals after hearing the concerns of the community legal centres and legal aid lawyers around Australia who help people with Centrelink problems.

“Well done to the government for getting this reform right because the new ART will make life-altering decisions.”

National Legal Aid Chair Louise Glanville welcomed the retention of the two-tier structure.

“The loss of the two-tier structure would have made administrative review less accessible for social security and family assistance matters,” she said. “It would have deterred people from lodging applications, led to more people withdrawing appeals and made it harder for people without legal representation.

“The Robodebt Royal Commission report highlighted the importance of people having confidence in the social security system. This reform implements four Robodebt recommendations and aims to improve the transparency and quality of government decision-making and public trust and confidence.”

EJA and NLA have also called for the Administrative Review Council to independently evaluate the new model in its first two years. We need to guarantee access for people without legal representation, for people in difficult circumstances and people who historically don't appeal, including Aboriginal and Torres Strait Islander peoples, and people in rural, regional and remote areas.

In order for the model to run effectively, the Federal Government must also increase legal assistance funding to community legal centres and Legal Aid Commissions that specialise in social security law.

“We seek increased funding, and a designated funding stream for social security legal work to address the unmet need in the community for help,” Ms Allingham said. “Social security law is incredibly complicated and a nightmare for people to navigate without expert help. It is disappointing that this was not recognised by the Government in the recent budget.

Ms Glanville said saving the two-tier system was an example of how the sector helps the public.

“As recognised by the Robodebt Royal Commissioner, legal assistance plays an important role protecting the public interest and must be adequately funded,” she said.

“Legal assistance funding is currently being reviewed by the Federal Government and it must provide additional funding to increase our capacity to provide legal assistance within the new administrative review body.

“This will not only help ensure the effective function of the ART but most importantly, will assist Australians in navigating complex government systems and help ensure that they are accessing all that they are entitled to.”

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