



Australian Government
Department of Home Affairs



Department of Home Affairs submission to the review of the Courts and Tribunals Legislation Amendment (2021 Measures No. 1) Bill 2021

Legal and Constitutional Affairs Legislation Committee

15 July 2021

The Department of Home Affairs (the Department) thanks the Committee for its invitation to make a submission to its inquiry into the Courts and Tribunals Legislation Amendment (2021 Measures No. 1) Bill 2021.

The Department acknowledges the importance of the Bill and is supportive of the proposed measures.

The Department positively notes the proposed legislative amendments to the operation of the Administrative Appeals Tribunal (AAT) including administrative measures to enhance the operation of the AAT and provide harmonisation and clarity around various legislation. The Department also supports the proposed amendments to legislation relevant to federal courts.

In particular, the Department acknowledges amendments to the *Administrative Appeals Tribunal Act 1975* that will provide Immigration Assessment Authority (IAA) reviewers the same protection and immunity as a Justice of the High Court, thus enabling IAA reviewers access to the same level of immunity that AAT members and other officers of the AAT have in the performance of their duties.

The Department welcomes the reforms to the AAT to increase consistency across the AAT, including the harmonisation of procedural fairness requirements and updates to provisions relating to the appointment of members on an acting basis.

Finally, the Department commends the proposed amendments to the *Federal Court of Australia Act 1976* to enable the Federal Court of Australia to provide 'short form' reasons in its appellate jurisdiction in civil proceedings where a decision to dismiss an appeal does not raise any questions of general principle. As the explanatory memorandum to the Bill explains, these amendments will reduce delays in the Federal Court's hearing of matters without limiting the Court's ability to provide comprehensive reasons when required.

The Department reiterates its appreciation to the Committee for the opportunity to comment on this Bill.