



The Hon Ian Macdonald
Chair
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Senator Macdonald,

Tribunals Amalgamation Bill 2014

The National Welfare Rights Network (NWRN) is the peak body for legal services specialising in social security and family assistance law. The Network includes 14 community legal centre members and two Aboriginal legal service associate members. There are member centres located in every State and Territory. Member Centres provide on the ground advice and casework services to vulnerable social security recipients.

For 30 years, our Member Centres have assisted clients affected by incorrect social security decisions. Depending on the matter, this may include telephone advice, assistance pursuing internal review and formal representation at the Social Security Appeals Tribunal (SSAT) and the Administrative Appeals Tribunal (AAT).

The NWRN is well placed to make submissions about the Bill and welcomes the opportunity to provide a submission to this Senate Inquiry.

The amalgamation proposed by the bill is effectively an annexation of the Social Security Appeals Tribunal in its current form. We are pleased to observe that this means that the features of the SSAT that we consider essential for our clients will be preserved in the first tier of the amalgamated tribunal. These include: the right to a second tier of review, availability of payment pending outcome of the review, filing fee and costs free jurisdiction, non-adversarial environment and timeliness. We have been verbally reassured by the Department for Social Services that restrictions on representation are not intended to limit representation for consumers in the social security division and that there will be no government representative at first tier hearings in the social security division (as is currently also the case at the SSAT).

NWRN therefore supports this Bill. In particular we support moves to make our tribunals more efficient by co-location and shared administrative arrangements.

However, as the Committee is aware, access to a fair and effective tribunal for our vulnerable clients requires more than legislated rights of appeal. It is critical that tribunals are adequately resourced, that members are equipped with the necessary mix of skills and expertise, that welfare rights services are well resourced and that there are appropriate

case management procedures in place. Efficiency driven changes within the SSAT over recent years have, in our opinion, undermined the accessibility, efficacy and fairness of the SSAT. There are a number of improvements that should be made on the existing SSAT procedures and case management model. We look forward to an opportunity to be involved in future planning processes for establishing case management and procedures for the first tier of the new tribunal and for any changes to existing AAT procedure in the second tier of the amalgamated tribunal.

We also look forward to an opportunity to comment on the question of when second tier matters can appropriately be decided on the papers in the social security division.

Yours sincerely,

Amie Meers
Executive Officer