

THE ART—AN AUSTRALIAN DEMOCRAT VIEW

*Senator Brian Greig**

It is important that we acknowledge that, while the ART Bill is a government bill, we are dealing with Parliament in its entirety and of course the government does not and has not for some time enjoyed a majority in the Senate. That is where senators and Senate parties will come into play. I hope to make it clear where the Democrats stand and what that may mean for this legislation.

The government proposal to merge four tribunals into one is the biggest reform in this particular area for some 25 years. As the Attorney-General said this morning, this has resulted in part in the greatest number of consequential amendments ever. I was reminded of how that seems to reflect or echo what appears to be the government's philosophy in a number of areas. In particular, I am thinking of the government's proposal to make changes to the Human Rights and Equal Opportunity Commission of a slightly similar nature in terms of reducing specialist commissioners into one umbrella organisation. That is a debate we have yet to have in the Senate. It is a good thing, however, that the bill currently before us has been sent to a Senate committee for scrutiny, debate, discussion and input. There has been substantial input, which gives us the opportunity for considered focus on the issue.

The Attorney-General has argued that what the agenda really is is quicker, accessible and cheaper opportunities for appeal. As a party, the Democrats are not opposed to reform *per se* but we want to be reassured that the reform is warranted, justified and equitable. I am concerned in a range of areas. I am concerned that recourse by citizens affected by unfair or unlawful decisions by government, a scenario for which any responsible government must allow, could be reduced in quality. I am concerned also that the proposed President of the ART will need to make the arrangements for funding with each of the departments—whose very decisions will be under review—to ensure administrative control over the ART.

I agree with previous speakers, and Justice O'Connor in particular, that the current AAT system is a very good one, if not the envy of comparable international jurisdictions. In the same way that Medicare—while not perfect—is, I would argue, an excellent model internationally for a national health system, our current AAT system is an excellent model and one which I think is supported, along with Medicare, by the electorate.

It is entirely logical that the government would want to strive for efficiency and effectiveness in the delivery of its services. To this end, the move to reduce operating costs incurred through running the existing tribunals in multiple locations is supported.

However, we are concerned to ensure that in relation to merits review tribunal operation, efficiency and effectiveness are measured in terms of achieving the best possible outcomes rather than savings in dollars and cents. The Social Security Appeals Tribunal, Migration Review Tribunal, Refugee Review Tribunal and Veterans' Review Board deal with highly complex changing regulations and legislation. That requires members of the tribunals to possess high levels of experience. Retaining, strengthening and utilising this experience can and should be considered a measure of efficiency and must not be sacrificed for short-term gain in reduced costs. Should this expertise be diminished, the long-term increase in costs resulting from an increased number of second-tier appeals would more than outweigh any short-term reduction in costs. Additionally, the proposal that access to second-tier review be limited to cases where a matter of general significance can be identified will serve only to

* *Senator for Western Australia.*