

5 September 2025

Our ref: [HS:MC]

Dr James Popple
Chief Executive Officer
Law Council of Australia
Level 1, MODE 3
24 Lonsdale Street
Braddon ACT 2612

By email: [REDACTED]

Dear Dr Popple

Feedback on the performance of the Administrative Review Tribunal (ART)

Thank you for the opportunity to provide feedback on the performance of the ART. The Queensland Law Society (QLS) appreciates being consulted on this important initiative.

This response has been compiled by the QLS Health and Disability Committee and Migration Law Consulting Committee.

Members with experience in the ART in relation to NDIS appeals report the following.

- 1) **eCase search:** The switch to a new system and consequential change to the ART matter reference means that the e-case search is not available for new matters. This makes it difficult for parties/practitioners to determine the status of a matter and/or what documents have been filed. It is not uncommon for applicants to not know or understand what is happening in their matter and/or do not have copies of ART documents, including listings and/or directions.
- 2) **Improved communication between ART and stakeholders:** It is submitted that quarterly stakeholder meetings should be reintroduced. These meetings were very helpful as the ART would provide data regarding matters before the tribunal, upcoming changes (including system changes) and other updates. It may also be that additional forums for updates could be developed to improve communication between ART and all practitioners and advocates working in this space.
- 3) **Forms:** Accessibility of forms needs to be improved, including the ART application and hearing certificates. Members note challenges for applicants in navigating to the forms from the ART home page and that forms need to be fillable and available in Word format.

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4) Directions:

- a) Practitioners are experiencing delays in receiving directions and listing notices issued by the ART. On occasion, directions are received after the due date of a required action. Practitioners acting for applicants also state that respondent's lawyers are taking advantage of these delays and not complying with direction/s agreed during case conferences.
- b) Practitioners acting for applicants consider it unreasonable and inappropriate for the registrar to put a single direction in place requiring the parties to agree to directions for the progress of a matter on a date after the case conference, especially where the applicant is not represented.

Members acting in migration matters report the following:

- 5) **Pro bono referral:** There is a lack of clarity around pro bono support for unrepresented applicants. It would be beneficial if there was more guidance about how member discretion regarding pro bono referrals is exercised and how the referral process works.
- 6) **Decisions on the papers:** Unrepresented applicants are being asked to consent to decisions being made on the papers. There are concerns that vulnerable applicants may not understand what they are being asked to consent to or its significance in terms of the ability for an adverse finding to be made.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully



Genevieve Dee
President