

## Chapter 7

# The Administrative Review Council and Transformative Reform

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### Introduction

In the United Kingdom, the Administrative Justice and Tribunals Council (AJTC) and its Scottish and Welsh Committees were abolished on 19 August 2013, pursuant to an abolition order<sup>1</sup> under the *Public Bodies Act 2011* (UK). The AJTC was the equivalent in the United Kingdom of the Administrative Review Council (ARC) in Australia. The abolition of the AJTC was not only strongly contested by the AJTC itself but also within the Parliament, and by the Parliamentary and Health Service Ombudsman, lawyers, academics and user groups. Indeed, the majority of submissions received by the Ministry of Justice, as part of its public consultation on the future of public bodies within its remit, opposed the abolition of the AJTC.<sup>2</sup>

The fate of the AJTC illuminates to a degree the present position of the ARC. This article touches on the history of the AJTC, before examining the current position of the ARC, its history and the nature of the contribution it has made. The essay maintains that the ARC should be restored to its separate and independent status in order that it may discharge its statutory responsibility to oversee the Australian administrative law system.

### The history of the AJTC

The AJTC was created under the *Tribunals, Courts and Enforcement Act 2007* (UK),<sup>3</sup> to perform three principal functions. The first function was

- 1 *The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013* (UK) (SI 2013/2042) O 2(1).
- 2 House of Commons Public Administration Select Committee, *Future Oversight of Administrative Justice: The Proposed Abolition of the Administrative Justice and Tribunals Council* (House of Commons Paper No 1621, Session 2010-12 (2012)) (*Future Oversight of Administrative Justice*) 10 [22]; House of Commons Justice Committee, *Scrutiny of the Draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013* (House of Commons Paper No 965, Session 2012-13 (2013)) 12-15 [16]-[19].
- 3 Section 44(1).

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