

# Federal Administrative Law and Accessibility

*Claire Harris*

The Hon Justice Melissa Perry of the Federal Court of Australia introduced this session of four speakers: Melinda Richards SC; the Hon Justice Jagot of the Federal Court; Robert Orr PSM QC, Australian Government Solicitor, Office of General Counsel; and Senior Member Jill Toohey of the Commonwealth Administrative Appeals Tribunal (AAT).

Justice Perry opened the session with the observation that access to justice does not simply mean access to the courts, but *effective* access to substantive justice. Her Honour noted the varied nature of the potential barriers to access to justice, beyond the obvious barriers of costs of litigation to factors such as cultural or linguistic barriers, the effects of which her Honour had seen powerfully in her own Court.

Her Honour observed that access to justice is also affected by issues of transparency, including the quality of reasons and the real identity of decision-makers, and automated processes of decision-making, which, despite the observations of the Administrative Review Council Report in 2004,<sup>1</sup> continues to fly under the administrative law radar. Her Honour also recalled the issues of access to justice affecting respondents, in particular in the area of vexatious litigants.

## **Melinda Richards SC of the Victorian Bar**

Ms Richards gave a presentation on ‘Accessibility, Merits Review and Self-Represented Litigants’.<sup>2</sup> She discussed practical accessibility to merits review and, in particular, the experience of the self-represented litigant, focusing in particular on four areas:

### *(1) Practical measures to improve accessibility*

Reference was made to a paper by Deputy Chief Justice Faulks of the Family Court, ‘Self-represented litigants: tackling the challenge’,<sup>3</sup> which

<sup>1</sup> *Automated Assistance in Administrative Decision Making* (No 46, 2004).

<sup>2</sup> This essay is reproduced at pp 116-127 of this volume.

<sup>3</sup> Presented to the Managing People in Court Conference, National Judicial College of Australia and the Australian National University, February 2013.

This is a preview. Not all pages are shown.