

Follow up from JSCM 24 February 2010 – HP answersBY: MIG**Question 1: What percentage of people who have been refused and who have appealed to the tribunal have then been successful in having their application overturned?**

In 2008-09 Migration Review Tribunal (MRT) PIC 4005 decisions, 33 decisions were affirmed (43%) and 43 (57%) were remitted back to the Department (see Table below)

In 2008-09 MRT PIC 4006A decisions, 2 decisions were affirmed (33%) and 4 (66%) were remitted back to the Department.

In 2008-09 MRT PIC 4007 decisions, 2 were affirmed (13%) and 13 (87%) were remitted back to the Department.

MRT PIC 4005 Decisions	Affirms	Remits	Total
2007-08	24	27	51
2008-09	33	43	76
Total	57	70	127

MRT PIC 4006A Decisions	Affirms	Remits	Total
2007-08	NIL	2	2
2008-09	2	4	6
Total	2	6	8

MRT PIC 4007 Decisions	Affirms	Remits	Total
2007-08	9	12	21
2008-09	2	13	15
Total	11	25	36

In 2008-09 there were 24 MRT cases involving PIC 4005 that requested a Review Medical Officer of the Commonwealth (RMOC) opinion. Of these 24 cases, there were 13 cases where the RMOC opinion was different to the original Medical Officer of the Commonwealth (MOC) opinion (54%).

Question 2: Is Legend available publicly, do people get charged for access to it and if so how much?**Public access**

Current departmental policy instructions are publicly available via the department's on-line subscription service LEGENDcom, which is available:

- at the public libraries and institutions that participate in the LDS, the Commonwealth Library Deposit and Free Issue Schemes or
- by paid subscription.

Subscription

The following table outlines the subscription types available and their cost. All subscriptions are for twelve months, payable in advance.

Subscription Description		Cost in A\$
Type		
Full	This subscription is for customers who wish to access the legislation, policy, and fillable forms.	1,340 plus 580 per secondary licence
Non profit	Provides the same access as a Full subscription, but at a reduced cost. To be considered a non-profit organisation customers must show that they do not charge fees for providing migration assistance and that they assist those clients who would not otherwise have the option of accessing migration assistance.	700 plus 580 per secondary licence
Limited	This subscription is for customers who do not require the fillable forms. This version of the product contains legislation and policy only. Secondary licences cannot be purchased with this subscription.	1,230
Library	This subscription is limited to those libraries listed as a participating deposit library on the Australian Government Information Management Office (AGIMO) Website. This list includes State and Territory public libraries, the National Library and university libraries.	Free
DVD Version	Must be purchased in addition to one of the above subscription types.	280

Question 3: *Is the Committee able to get figures on situations where people have had a second MOC opinion that is different to the first?*

Unfortunately, the Department is unable to run a report on the percentage of cases where the MOC has received additional information and overturns the original Did Not Meet opinion.

Question 4: *How many cases where health was refused was the 'sick' person a dependent child with a disability?*

According to the Department's 2008-09 data, there were 44 people who were refused a visa because of some form of intellectual impairment. Of these, 26 were children. (the youngest 2 years, the oldest 15 years).